

In The Matter Of:
City of Madison vs
T.C. Visions, Inc. d/b/a Visions Nightclub

Transcript of Proceedings
October 29, 2019

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STATE OF WISCONSIN CITY OF MADISON DANE COUNTY

ALCOHOL LICENSE REVIEW COMMITTEE

=====

CITY OF MADISON,

Complainant,

vs.

T.C. VISIONS, INC.,
d/b/a VISIONS NIGHTCLUB,

Respondent.

=====

Transcript of Proceedings:

Madison, Wisconsin
October 29th, 2019

Reported by: Paula Wondra

1 TRANSCRIPT OF PROCEEDINGS, taken before Paula
2 Wondra, a Notary Public in and for the State of
3 Wisconsin, at the City-County Building, 210 Martin
4 Luther King Jr. Boulevard, City of Madison, County of
5 Dane, and State of Wisconsin, on the 29th day of
6 October, 2019, commencing at 5:33 p.m.

7
8 A P P E A R A N C E S

9 Committee Members: Deputy City Clerk,
10 Michael Donnelly, ALD. Skidmore, Attorney Roger
11 Allen, and Amy Westra

12
13 JENNIFER ZILAVY, Attorney,
14 MADISON CITY ATTORNEYS OFFICE
15 210 Martin Luther King Jr Boulevard, Room 401,
16 Madison, Wisconsin 53703-3345, appearing on behalf
17 of the Complainant.

 Jzilavy@cityofmadison.com 608-266-4511

18 JEFF SCOTT OLSON, Attorney,
19 THE JEFF SCOTT OLSON LAW FIRM, SC
20 131 West Wilson Street, Suite 1200, Madison,
21 Wisconsin 53703-3225, appearing on behalf of the
22 Respondent.

 Jsolson@scofflaw.com 608-283-6001

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1 MR. DONNELLY: I call this hearing
2 of the Alcohol License Review Committee to
3 order at 5:33 p.m. Mr. Clerk, will you
4 please take the roll?

5 DEPUTY CITY CLERK: Donnelly?

6 MR. DONNELLY: Present.

7 DEPUTY CITY CLERK: Skidmore?

8 MR. SKIDMORE: Here.

9 DEPUTY CITY CLERK: Westra?

10 MS. WESTRA: Here.

11 DEPUTY CITY CLERK: Chair, we have
12 a quorum.

13 MR. DONNELLY: Members of the body
14 should make any required disclosures or
15 recusals under the City's Ethics Code. Are
16 there any? Okay. Hearing none, possible
17 closed session. Please take notice that when
18 considering the following item, the ALRC may
19 go into closed session from time to time
20 pursuant to Sections 19.85(1)(a), (1)(b), and
21 1(g) of the Wisconsin State Statutes, which
22 read in relevant parts:

23 (A), deliberating concerning a case
24 which was the subject of any judicial or
25 quasi-judicial trial or hearing before the

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1 government body;

2 (B), considering licensing or discipline
3 of any person licensed by the ALRC or the
4 investigation of charges against such person
5 and the taking of formal action on such
6 matter;

7 (G), conferring with legal counsel for
8 the ALRC who is rendering oral or written
9 advice concerning strategy to be adopted by
10 the body with respect to litigation in which
11 it is or likely to become involved.

12 Further, take notice that, if the ALRC
13 goes into closed session, it may return to
14 open session immediately, without giving the
15 12 hours' notice under Section 19.85(2) of
16 Wisconsin Statutes.

17 All right. Disciplinary matter item
18 one, revocation action against Visions.
19 Assistant City Attorney Zilavy?

20 MS. ZILAVY: Do we want to call the
21 case again or --

22 MR. ALLEN: You have to call the
23 case.

24 MR. DONNELLY: Okay. How do I do
25 that? Can I delegate that to you?

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1 MR. ALLEN: The court reporter is
2 writing -- simply, this is the case of City
3 of Madison versus Visions Nightclub. May we
4 have the appearances, please?

5 MS. ZILAVY: The City appears by
6 Assistant City Attorney Jennifer Zilavy.

7 MR. OLSON: Visions Nightclub
8 appears by counsel, Jeff Scott Olson.

9 MS. ZILAVY: And obviously you
10 don't see any witnesses here to testify. The
11 parties have reached a settlement agreement.
12 I have a signed copy of the agreement that I
13 will give to the clerk, and then I've got a
14 copy for each of you to -- that's the signed
15 copy -- to view.

16 Visions has agreed to a 90-day
17 suspension of their liquor license and to be
18 closed during that period. The suspension
19 would begin at 5:00 p.m. on January 1st,
20 2020.

21 In addition to the suspension, Visions
22 agrees to several basically security-related
23 conditions to be placed on their license, and
24 I can read through them if you like.

25 MR. DONNELLY: Does anybody feel

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1 that's necessary? That's not necessary.

2 MS. ZILAVY: Okay.

3 MR. ALLEN: If I may, Mr. Chair?

4 MR. DONNELLY: Please do.

5 MR. ALLEN: Attorney Zilavy and
6 Attorney Olson, what is the remedy, if any,
7 if these conditions are breached? Is it
8 rescission of the plea agreement, or is it
9 simply enforcement of the conditions and a
10 regular licensing discipline action?

11 MR. OLSON: Well, we didn't
12 discuss that; and there's nothing in the
13 agreement about that. So it would be
14 whatever remedies are available in the case
15 of any other licensee that violates
16 conditions on its license.

17 MR. ALLEN: So your position would
18 be that it would be a regular licensing
19 revocation or disciplinary action?

20 MR. OLSON: Correct.

21 MR. ALLEN: Ms. Zilavy, you're in
22 agreement?

23 MS. ZILAVY: Yes.

24 MR. ALLEN: Thank you. Nothing
25 more, Mr. Chair.

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1 MR. DONNELLY: Thank you very much.
2 All right, Committee, what is your pleasure?

3 MR. SKIDMORE: Is an option to go
4 into closed session to discuss this with
5 counsel?

6 MR. ALLEN: It certainly is, but
7 you would need a motion and a second to do
8 so; and you would have to re-read the reasons
9 that the Chair originally read.

10 MR. SKIDMORE: I would prefer to do
11 that, but I don't have my language.

12 MR. ALLEN: If I may, I think a
13 short-hand way of doing that would be to just
14 move to go into closed session for the
15 reasons stated in the agenda.

16 MR. SKIDMORE: Move to go into
17 closed session for purposes -- or for the
18 reasons stated in the agenda.

19 MS. WESTRA: Second.

20 MR. DONNELLY: Any discussion?
21 Hearing none, all those -- or do we need a
22 roll call for this one?

23 MR. ALLEN: Yes, you do.

24 MR. DONNELLY: Please take your
25 roll, Mr. Clerk.

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1 DEPUTY CITY CLERK: Donnelly?

2 MR. DONNELLY: Abstain.

3 DEPUTY CITY CLERK: Skidmore?

4 MR. SKIDMORE: Aye.

5 DEPUTY CITY CLERK: Westra?

6 MS. WESTRA: Aye.

7 MR. DONNELLY: The ayes have it.

8 All right. Will you please clear the room?

9 (Recess.)

10 MR. DONNELLY: Mr. Clerk, will you
11 please call the roll?

12 DEPUTY CITY CLERK: Donnelly?

13 MR. DONNELLY: Present.

14 DEPUTY CITY CLERK: Skidmore?

15 MR. SKIDMORE: Here.

16 MR. DONNELLY: Westra?

17 MS. WESTRA: Here.

18 DEPUTY CITY CLERK: Chair, we have
19 a quorum.

20 MR. DONNELLY: Thank you very much.
21 So we have called you back in to ask both of
22 you some questions. First, we'd like to
23 confirm the conditions in this agreement.
24 Should we accept it, will it become
25 conditions of the license?

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1 MS. ZILAVY: Yes.

2 MR. OLSON: That's our
3 understanding.

4 MR. DONNELLY: Okay. And then
5 let's see. Section C, Condition 5 is that,
6 "The establishment will develop and implement
7 a written weapon screening policy for all
8 patrons and employees." So how will weapon
9 screening of employees be accomplished?

10 MR. OLSON: Excuse me?

11 MR. DONNELLY: How will weapon
12 screening of employees be accomplished?

13 MR. ALLEN: Well, we haven't
14 written the policy yet; and I want to
15 investigate some policies at some other
16 establishments before formulating this
17 policy.

18 MR. DONNELLY: Okay. That makes
19 sense. It's not due for a couple of weeks.
20 Question about Condition 6, "Develop and
21 implement a written policy for physically
22 inspecting all purses." Is there a reason
23 that's purses rather than bags or something
24 broader than that?

25 MR. OLSON: It was -- these

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1 conditions were written quickly during a
2 meeting at my office. And when we write the
3 policy, we do intend to make the policy
4 include not only purses but carrying cases
5 and other similar things that might be used
6 to conceal a weapon.

7 MR. DONNELLY: Is that your
8 understanding as well?

9 MS. ZILAVY: Well, I -- to be
10 honest, I only thought purses because I
11 didn't think of people bringing, like,
12 backpacks and things into the club. And I
13 knew that -- and I singled out purses because
14 I knew that wanding doesn't always reveal if
15 a weapon's in a purse; so it has to be, like,
16 a visual inspection.

17 MR. DONNELLY: But you certainly
18 wouldn't be concerned about a policy that is
19 broader that also includes purses?

20 MS. ZILAVY: Oh, no, no, no. No,
21 not at all.

22 MR. ALLEN: Mr. Chair, if I may,
23 how about we eliminate the word "purses" and
24 insert "objects in which alcohol or firearms
25 may be concealed"?

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1 MR. DONNELLY: How do both parties
2 feel about that?

3 MR. OLSON: That seems harmless to
4 me.

5 MS. ZILAVY: I'm fine with that.

6 MR. DONNELLY: Okay. If
7 everybody's comfortable. Next question,
8 Section E, Condition No. 12, "Update video
9 surveillance system so that all public areas
10 of Visions Nightclub are covered by
11 operational cameras." What is the -- what is
12 a nonpublic area of Visions?

13 MR. OLSON: Well, there's liquor
14 storage areas in the basement, there are
15 dressing rooms in the lower level, manager's
16 office.

17 MR. DONNELLY: So are -- is the
18 overlap between public areas and areas where
19 patrons are allowed to be a 100 percent
20 overlap?

21 MR. OLSON: Yes. By public areas,
22 we're talking about any area to which members
23 of the public are admitted.

24 MR. DONNELLY: Okay. And so if a
25 patron were to stray from a public area, they

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1 are already breaking Visions' rules about
2 where they're allowed to be?

3 MR. OLSON: Correct.

4 MR. DONNELLY: Cool. Those are the
5 questions that I had. Committee members?

6 MR. SKIDMORE: Just a
7 clarification, under C5 and 6, it says,
8 "Development and implement a written policy
9 and provide the weapon screening policy and
10 such to the clerk." I don't see anything in
11 there as to who's going to review and approve
12 the policy.

13 Does the police department or does
14 somebody review this, or is it just given to
15 Jim and that's it? Roger, is that a fair
16 question in terms of who's going to -- I
17 mean, you're developing a policy. Is
18 somebody going to review it and say, yes,
19 this is accurate?

20 MR. ALLEN: If I may, Mr. Chair.
21 To address that, maybe the parties would be
22 willing to stipulate that on 5 and 6 after
23 the word "policy" in the first sentence
24 insert the phrase, "Acceptable to the City
25 Attorney's Office"? And then Ms. Zilavy can

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1 confer with whoever she deems appropriate in
2 deciding whether to approve that policy. Is
3 that acceptable to the parties?

4 MR. OLSON: I think it -- we might
5 be more comfortable with acceptable to the
6 captain of the North Police District.

7 MR. ALLEN: Is that acceptable to
8 you?

9 MS. ZILAVY: It is.

10 MR. DONNELLY: Okay.

11 MR. SKIDMORE: If I could just
12 comment on that. There's nothing hidden
13 about that. I own and operate a private
14 security company, and we have policies that
15 have to be reviewed and approved by the State
16 Department of Safety and Professional
17 Services, so we just can't write something.
18 They review it, they vet it. My insurance
19 carrier vets it. So I mean, that's the
20 intent.

21 MR. OLSON: I understand. If
22 you've got some policies laying around, you
23 might be my new best friend.

24 MR. SKIDMORE: That's all.

25 MR. DONNELLY: Any further

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1 questions?

2 MS. WESTRA: No.

3 MR. DONNELLY: What's your
4 pleasure?

5 MS. WESTRA: Motion to go into
6 closed session based on the conditions listed
7 in the agenda.

8 MR. DONNELLY: I hear a motion. Is
9 there a second?

10 MR. SKIDMORE: Second.

11 MR. DONNELLY: Mr. Clerk, please
12 call the roll.

13 DEPUTY CITY CLERK: Westra?

14 MS. WESTRA: Yes.

15 DEPUTY CITY CLERK: Skidmore?

16 MR. SKIDMORE: Yes.

17 MR. DONNELLY: Please clear the
18 room.

19 (Recess.)

20 MR. DONNELLY: All right.

21 Mr. Clerk, will you please call the roll?

22 DEPUTY CITY CLERK: Donnelly?

23 MR. DONNELLY: Present.

24 DEPUTY CITY CLERK: Skidmore?

25 MR. SKIDMORE: Here.

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1 DEPUTY CITY CLERK: Westra?

2 MS. WESTRA: Here.

3 DEPUTY CITY CLERK: Chair, we have
4 a quorum.

5 MR. DONNELLY: Thank you. So we
6 have a motion before us that has been
7 seconded to accept the stipulated agreement
8 as amended with the condition that these and
9 all other licensed conditions are posted and
10 visible in the establishment. Mr. Clerk,
11 will you please call the roll?

12 DEPUTY CITY CLERK: Westra?

13 MS. WESTRA: Aye.

14 DEPUTY CITY CLERK: Skidmore?

15 MR. SKIDMORE: Aye.

16 DEPUTY CITY CLERK: Donnelly?

17 MR. DONNELLY: Chair abstains.

18 DEPUTY CITY CLERK: It passes.

19 MR. DONNELLY: Do we have any
20 further business before us?

21 DEPUTY CITY CLERK: No.

22 MR. DONNELLY: I would like to
23 entertain a motion to adjourn.

24 MR. ALLEN: Mr. Chair, if I may.
25 Do you want to ask parties if they have any

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1 other business?

2 MR. DONNELLY: Of course. Do
3 either parties have any other business?

4 MS. ZILAVY: The City does not.

5 MR. OLSON: No, I don't. But I'm
6 going to be having to ask you for a list of
7 those conditions that we have to post. I
8 want to make sure I have all the historical
9 ones as well.

10 DEPUTY CITY CLERK: Okay.

11 MR. DONNELLY: He'd be happy to
12 provide it. And Committee members, do you
13 have any other questions?

14 MS. WESTRA: No.

15 MR. ALLEN: One last thing. You
16 have to rule the hearing closed.

17 MR. DONNELLY: I rule that -- as
18 the Chair, I rule this hearing closed.

19 MR. ALLEN: No objections?

20 MS. ZILAVY: No.

21 MR. OLSON: No.

22 MR. DONNELLY: Excellent. Then I
23 will now entertain a motion to adjourn.

24 MS. WESTRA: Move adjournment.

25 MR. SKIDMORE: Second.

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MR. DONNELLY: All of those in favor, indicate by saying aye.

MS. WESTRA: Aye.

MR. SKIDMORE: Aye.

MR. DONNELLY: The ayes have it.
We are adjourned at 6:31 p.m.

(Adjourned at 6:31 p.m.)

1 STATE OF WISCONSIN)
2 COUNTY OF DANE) SS
3)

4 I, Paula Wondra, a Notary Public in and for the
5 State of Wisconsin, do hereby certify that the
6 foregoing proceeding was taken before me at the
7 City-County Building, 210 Martin Luther King Jr.
8 Boulevard, City of Madison, County of Dane, and State
9 of Wisconsin, on the 29th day of October, 2019; that
10 it was taken in shorthand by me, a competent court
11 reporter and disinterested person, approved by all
12 parties in interest and thereafter converted to
13 typewriting using computer-aided transcription; that
14 said proceeding is a true record.

15 PAULA WONDRA
16 Notary Public
17 State of Wisconsin

Dated November 8th, 2019

Paula Wondra

18 Notary Public
19 In and for the State of Wisconsin
20
21
22
23
24
25

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