STATE OF WISCONSIN CITY OF STOUGHTON DANE COUNTY

In the Matter of the Consideration
Of the Revocation of the Class B
Reserve Combination License Held by
Shakers Saloon, LLC

RECEIVED
JAN 28 2020
CITY OF STOUGHTON

SWORN COMPLAINT

Complainant, Gregory Leck, alleges as follows:

1. I am an adult resident of the City of Stoughton, Dane County, Wisconsin.

2. I am the Chief of Police for the City of Stoughton Police Department, and have been for over 9 years. I also served as the Chief of Police of the McFarland Police Department for 12 years, and have been a police officer for over 41 years.

3. As Chief of Police, my duties include managing the City of Stoughton Police Department, supervising patrol officers, and monitoring various investigations.

4. On June 13, 2019 the City of Stoughton granted Shakers Saloon, LLC ("Shakers"), a Class B reserve liquor license for the 2019-2020 liquor licensing year. The liquor license is issued for the following premises; 111 Chalet Drive, Stoughton, Wisconsin 53589, the downstairs bar building and banquet room inside the building. A copy of the liquor license is attached as Exhibit A.

5. Dale Kittleson is identified as the Agent and President of Shakers on the liquor license application. A copy of the liquor license application is attached as Exhibit B.

Count 1: Shakers is in violation of Wis. Stat. § 125.12(2)(ag)6. and Stoughton Municipal Code § 14-31(1)g.

6. Upon information and belief, on December 18, 2019 officers from the Drug Enforcement Agency and Wisconsin Division of Criminal Investigations arrested Dale Kittleson on suspicion of selling cocaine. The arrest took place at Shakers Saloon, located at 111 Chalet Drive, Stoughton, Wisconsin 53589.

7. Upon information and belief, on December 18, 2019 officers searched Mr. Kittleson, and found approximately 1 ounce of a white powdery substance. Based on the officers' training and experience, they believed the white powdery substance to be cocaine. Based upon my training and experience, this amount of cocaine is for selling and distributing, not personal use.

8. Upon information and belief, after arresting Mr. Kittleson, officers searched Shakers Saloon pursuant to a duly executed search warrant. This search also occurred on December 18, 2019. In the office area of the bar, officers located approximately an additional 1.5 ounces of a white powdery substance. Field tests indicated the white powdery substance was cocaine. Based on my training and experience, possessing approximately 2.5 ounces of cocaine would be for selling and distributing, not for personal consumption. Also located within the office was a small container of what officers believed to be methamphetamine.

9. Upon information and belief, on December 18, 2019 an officer also searched, pursuant to a duly executed search warrant, Mr. Kittleson's truck that was

parked at Shakers Saloon. In the truck, an officer located a pocket notebook that contained numerous names, dollar amounts, and weights and fractions, such as quarter, eighth, etc. Based on my training and experience, I believe this was a ledger for tracking drug sales.

10. Pursuant to Wis. Stat. § 125.12(2)(ag)6. and Stoughton Municipal Code § 14-31(1)g. the City of Stoughton may revoke a liquor license if the licensee knowingly allowed another person, who is on the premises for which the license is issued, to possess, with intent to manufacture, distribute, or deliver, a controlled substance or controlled substance analog.

11. Based on my training and experience, Dale Kittleson did possess cocaine, a controlled substance, with the intent to distribute or deliver said cocaine, while on the Shakers Saloon premises.

Count 2: Shakers is in Violation of Wis. Stat. § 125.12(2)(ag)2. and Stoughton Municipal Code § 14-31(1)b.

12. Complainant re-alleges paragraphs 1 through 11.

13. Pursuant to Wis. Stat. § 125.12(2)(ag)2. and Stoughton Municipal Code § 14-31(1)b. the City of Stoughton may revoke a liquor license if the licensee maintains a disorderly or riotous, indecent or improper house.

14. Shakers maintained a disorderly or riotous, indecent or improper house when it allowed Dale Kittleson to possess, with the intent to deliver, cocaine on the licensed premises.

Gregory Leck

Subscribed and sworn to before me
this 28th day of January, 2020.

Debra R Blaney

Print name: Debra R Blaney
Notary Public, State of Wisconsin
My commission expires: 1/22/2021

License no:
BRESERVE 3
Fee:
$10,600.00

City of Stoughton
Combination Form
"Class B" Reserve Liquor & Beer License

For the sale of FERMENTED MALT BEVERAGES and INTOXICATING LIQUORS

WHEREAS, the local governing body of the City of Stoughton, County of Dane, Wisconsin, has, upon application duly made, granted and authorized the issuance of a Retail "Class B" License to:

SHAKERS SALOON, LLC
111 CHALET DRIVE
STOUGHTON, WI 53589

DALE KITTLESON, Agent

to sell Fermented Malt Beverages as drafted by and pursuant to Section 125.26 of the Statutes of the State of Wisconsin and Local Ordinances and the said applicant has paid to the treasurer the sum of $100.00 for such Class "B" Retailers Fermented Malt Beverage License as required by Local ordinances,

AND WHEREAS, the local governing body has granted and authorized the issuance of a "Class B" Intoxicating Liquor License to said applicant to sell intoxicating liquor as defined in and pursuant to Chapter 125 of the Statutes of the State of Wisconsin and local ordinances and the said applicant has paid to the Treasurer the sum of$10,500.00 for such "Class B" Intoxicating Liquor License as provided by local ordinances and has complied with all the requirements necessary for obtaining such licenses,

LICENSES ARE HEREBY ISSUED to said applicant to sell, deal and traffic in, at retail, Fermented Malt Beverages and Intoxicating Liquors at the following described premises:

SHAKERS SALOON
111 CHALET DRIVE
STOUGHTON, WI 53589

DOWNSTAIRS BAR AND BANQUET ROOM
INSIDE BUILDING

for the period from 7/01/2019 to 6/30/2020.

Given under my hand and the Great Seal of the City of Stoughton, County of Dane, this 13th day of June, 2019.

CORPORATE SEAL WI STOUGHTON, CITY OF

Holly Licht

This license must be FRAMED and POSTED IN A CONSPICUOUS PLACE in the room where Fermented Malt Beverages and Intoxicating Liquors are sold or served.

EXHIBIT
A

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning July 1 20 19 ;
ending June 30 20 20

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of } Stoughton

County of Dane Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's WI Seller's Permit No.:	FEIN Number:
456-1030976239-02	83-4474260

LICENSE REQUESTED ▶	
TYPE	FEE
☐ Class A beer	$
☒ Class B beer	$ 100
☐ Class C wine	$
☐ Class A liquor	$
☐ Class A liquor (cider only)	$ N/A
☐ Class B liquor	$
☒ Reserve Class B liquor	$ [redacted] 10,500
☐ Class B (wine only) winery	$
Publication fee	$ 20.00
TOTAL FEE	$ 10,620

1. The named ☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation / Nonprofit Organization hereby makes application for the alcohol beverage license(s) checked above.
2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ Kittleson Dale T. LLC Shakers Saloon LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	Kittleson Dale T	702 Odana Lane	Madison WI 53711
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶	Dale Kittleson		
Directors/Managers			

3. Trade Name ▶ Shakers Saloon LLC Business Phone Number [redacted]
4. Address of Premises ▶ 111 Chalet Drive Post Office & Zip Code ▶ 53589
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No

   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Dave's Steak Bar in building and Banquet room
10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
    (b) If yes, under what name was license issued? The Brickhouse
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
4-22-19	6-11-19	6-11-19	Candace J. Christ
Date license granted	**Date license issued**	**License number issued**	
BReserve 3	6-13-19	BReserve3	

AT-106 (R. 7-18)

6-11-19

EXHIBIT B

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☒ City of Stoughton County of Dane

The undersigned duly authorized officer/member/manager of ~~Shakers~~ Shakers Saloon LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Shakers Saloon LLC
(Trade Name)

located at 111 Chalet Drive, Stoughton WI 53589

appoints Dale Kittleson
(Name of Appointed Agent)

[redacted]
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☒ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 45 years

Place of residence last year [redacted]

For: Shakers Saloon LLC
(Name of Corporation / Organization / Limited Liability Company)

By: [signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than $1,000.

ACCEPTANCE BY AGENT

I, Dale Kittleson, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[signature] 4-22-2019 Agent's age 45

[redacted] Date of birth [redacted]
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ (Date) by _____ (Signature of Proper Local Official) Title _____ (Town Chair, Village President, Police Chief)

Auxiliary Questionnaire
Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*		
Kittleson	Dale	T		
Home Address *(street/route)*	Post Office	City	State	Zip Code
[redacted]	53711	MADISON	WI	53711
Home Phone Number	Age	Date of Birth	Place of Birth	
[redacted]	45	[redacted]	[redacted]	

The above named individual provides the following information as a person who is *(check one)*:

☐ Applying for an alcohol beverage license as an individual.

☒ A member of a partnership which is making application for an alcohol beverage license.

☐ Dale Kittleson *(Officer / Director / Member / Manager / Agent)* of Shakers Saloon LLC *(Name of Corporation, Limited Liability Company or Nonprofit Organization)* which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. (a) How long have you continuously resided in Wisconsin prior to this date? 45 years
   (b) Have you resided in the City of Milwaukee continuously for one year immediately prior to this date? ..... ☐ Yes ☒ No
2. (a) Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, or laws of any other states? ..... ☐ Yes ☒ No
   (b) Have you ever been convicted of any violations of any county or municipal ordinances? ..... ☐ Yes ☒ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... ☐ Yes ☒ No
   If yes, identify.
   (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ..... ☐ Yes ☒ No
   (If yes, identify.)

(Name of Wholesale Licensee or Permittee) *(Address by City and County)*

READ CAREFULLY BEFORE SIGNING: I, The undersigned, shall not willfully refuse to provide those services offered under this license, or refuse to employ or discharge any person otherwise qualified because of race, color, creed, sex, national origin or ancestry; I shall not seek information as a condition of employment, or penalize any employe or discriminate in the selection of personnel for training or promotion solely on the basis of such information. I also shall not discriminate against any member of the military service dressed in uniform by willfully refusing services offered under this license.

Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named on the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than $1,000.

(Signature of Named Individual)