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
OCT 22 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. The City of Stoughton granted Shakers Saloon, LLC ("Shakers"), a Class B reserve liquor license for the 2020-2021 liquor licensing year. A copy of the liquor license is attached as Exhibit A.

5. Chata Huffman is identified as Shakers' registered agent.

Count 1: Shakers Maintains a Riotous, Disorderly, Indecent, or Otherwise Improper House.

Shooting at Shakers.

6. On information and belief, on the night of October 9, 2020, Shakers held a "hip-hop" style event that involved a large crowd at Shakers' licensed premises. It is estimated that over 100 people were at the event.

7. On information and belief, on October 10, 2020, at approximately 2:00am, a report of shots fired on Shakers' premises was reported to the Stoughton Police Department.

8. Stoughton officers arrived at Shakers to investigate. Upon arrival, many people were fleeing the scene.

9. On scene, officers observed numerous bullet casings, indicating that firearms had been discharged. Blood was on the ground of Shakers parking lot.

10. On information and belief, officers interviewed residents living in the motel next to Shakers. Residents told police that they had heard chaos at Shakers at approximately 2:00am, and heard numerous gunshots fired in Shakers parking lot.

11. On information and belief, one person was shot in Shakers' parking lot. The victim of the shooting, Charad Temple, was attending a party at Shakers. At approximately 2:00am on October 10, 2020, Charad Temple was intoxicated and got into an argument with another person also attending the party at Shakers. The argument led to a shootout in Shakers' parking lot, and Mr. Temple was shot six times.

12. On information and belief, Mr. Temple was transported to Edgerton hospital and later transported to a Madison hospital via helicopter for medical

treatment of his gunshot wounds. At the hospital Mr. Temple was also diagnosed with COVID-19, an infectious disease that has been declared a global pandemic by the World Health Organization.

13. Officers recovered 9mm and .45 caliber shell casings in the parking lot of Shakers. In total, approximately 15 shots were fired in the parking lot of Shakers.

Shakers' Former Agent Possessed Cocaine with the Intent to Deliver on the Licensed Premises.

14. 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.

15. 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.

16. Upon information and belief, after arresting Mr. Kittleson, officers searched Shakers Saloon pursuant to a duly executed search warrant 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 methamphetamine.

17. 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.

18. 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.

19. At the time of Mr. Kittleson's arrest, he was the registered agent for Shakers.

20. On April 14, 2020, the Stoughton City Council found that Dale Kittleson possessed cocaine with the intent to deliver on Shakers' licensed premises in violation Wis. Stat. 125.12(2)(ag)6. and Stoughton Municipal Code § 14-31(1)g., and suspended Shakers' combination Class B liquor license for 48 days.

Shakers' Miscellaneous Illegal Conduct.

21. On information and belief, on February 22, 2020, Stoughton officers observed that Shakers' "open" sign was lit at approximately 2:40am.

22. Officers conducted a bar check after seeing the lit sign. Inside the bar they witnessed two people sitting at the bar consuming beer.

23. Wisconsin Statute 125.32(3) mandates that bars close and cease alcohol sales prior to 2:30am on weekends.

24. Based on the patrons drinking beer at the customer side of the bar, officers determined that Shakers was allowing alcohol consumption after closing hours.

25. Officers issued Shakers a citation for violating closing hours.

26. On information and belief, at approximately 12:00am on October 10, 2020, Stoughton police officers conducted a bar check at Shakers.

27. Shakers' staff initially denied the officers entry into the bar. Eventually Bradley Dillman, a Shakers manager, permitted the officers to enter the bar. Officers estimated that 100-150 people were inside. Officers observed that people were standing in close proximity and only an estimated 10 percent of occupants were wearing facemasks.

28. On that date, Dane County Emergency Order 9 was in place, prohibiting taverns from allowing consumption of alcoholic beverages indoors and on premises. Additionally, Emergency Order 9 limits indoor gatherings to 10 people or less and requires people to wear facemasks while indoors.

29. On that date, Wisconsin Department of Health Services Emergency Order 3 was in effect. This order limited public gatherings to no more than 25 percent of

occupancy limits. Under this order, Shakers could have no more than 37 people on its premises.

30. Officers believed that the amount of people in the bar consuming alcohol constituted a violation of Dane County Emergency Order 9 and the Department of Health Services Order 3.

31. On information and belief, on October 11, 2020, Sergeant Frisch of the Stoughton Police Department attempted to perform an inspection of Shakers' premises with Shakers' registered agent, Chata Huffman.

32. When Sergeant Frisch arrived at Shakers with Chata Huffman, Bradley Dillman was on the premises. Mr. Dillman prohibited Sergeant Frisch from entering the premises.

33. Section 14-40(g) of the Stoughton Municipal Code states the holder of a liquor license "shall be deemed to have given consent to entry and inspection at any time by any police officer or alderperson without warrant. Refusal by the licensee or holder of a manager's or operator's license to permit such inspection shall be deemed a violation of this article."

34. Shakers violated Section 14-40(g) by prohibiting police to inspect the licensed premises on October 11, 2020.

35. 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.

36. Based on the above incidents, Shakers has maintained a riotous, disorderly, indecent, or otherwise improper house and revocation of its combination Class B liquor license is appropriate.

Gregory Lock
Chief of Police
City of Stoughton

Subscribed and sworn to before me
this 22 day of October, 2020.

Print name: Holly Licht
Notary Public, State of Wisconsin
My commission expires: ~~10/2~~ 4-11-23
HL