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

COMPLAINANT'S RESPONSE ARGUMENT

INTRODUCTION

Shakers Saloon, LLC ("Shakers") squandered the second chance the City of Stoughton provided. Shakers held parties during a global pandemic in contravention of Dane County public health orders; a shooting occurred on its premises; it refused to cooperate with police officers; and it over-served patrons. These egregious acts can lead to only one result: revocation of Shakers' liquor license.

ARGUMENT

I. The Public Safety Committee Made the Correct Decision.

The Public Safety Committee correctly determined revocation was appropriate. The thorough report stands on its own and does not require further support. Complainant fully agrees with the report's findings and conclusions, and the City Council should adopt the recommendation.

II. There is no Due Process Violation.

Shakers did not provide any written argument, but did make a baseless assertion that it would be denied Due Process. In reality, Shakers has had every opportunity to present its case, and was provided Due Process in these proceedings.

Constitutional Due Process requires "notice and opportunity for hearing appropriate to the nature of the case." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985). Shakers received notice of the hearing, and had an opportunity to present its side of the story at the revocation hearing. It had an opportunity to cross-examine witnesses, and call its own witnesses. All statutory procedures and ordinance requirements were followed in this case.

Contrary to Shakers' claims, it had more than enough time to prepare for the hearing and written argument. Shakers was provided a copy of the Complaint in late October. The initial revocation hearing was scheduled for November 5, 2020. Shakers then requested to postpone the hearing, which was granted. The rescheduled revocation hearing took place on December 3. Since November 4th, Shakers has had contact information for the complainant's counsel. The complainant's attorney emailed Shakers' representative Bradley Dillman on November 30, but did not receive a response. Shakers never even attempted to contact the complainant to request evidence. Had Shakers made any requests prior to the hearing, it could have received evidence. Indeed, the initial revocation hearing was supposed to occur within ten days of the summons being issued. Wis. Stat. § 125.12(2)(ar). However, Shakers was given substantially more time to prepare. Yet, they waited until the day of the December 3 revocation hearing to contact an attorney.

Revocation Hearing Transcript at 14:5-7. Shakers is responsible for the position it is in through its inaction, and it has no basis for any Due Process claim.

Arguing the process was unfair or violated any rights is disingenuous and completely ignores Shakers' complete lack of effort prior to the hearing. Therefore, the Common Council should adopt the recommendation of the Public Safety Committee and revoke Shakers' liquor license.

Respectfully submitted this 8th day of January, 2021.

STAFFORD ROSENBAUM LLP

By *Electronically signed by Rick Manthe*
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