

**CITY OF APPLETON
COMMON COUNCIL
SAFETY AND LICENSING COMMITTEE**

IN RE THE ALCOHOL LICENSES OF BT AND DAVE, LLC

AGENT: THEODORE SUESS
d/b/a SPEAKEASY ULTRA LOUNGE
413 W. COLLEGE AVE.
APPLETON, WI 54911

STIPULATION

The City of Appleton, by Assistant City Attorney Zak Buruin and BT and Dave, LLC by its agent Theodore Suess, hereby stipulate and agree as follows:

1. BT and Dave, LLC and agent Theodore Suess are the licensees of "Class B" and Class "B" licenses issued pursuant to Chapter 125, Wisconsin Statutes, and Appleton City Ordinances ("ACO") in conformity therewith, for the licensed Premises known as Speakeasy Ultra Lounge, located at 425 W. College Ave, in the City of Appleton, Outagamie County, Wisconsin.
2. A violation of ACO was committed at the licensed establishment on October 1, 2022; to wit, a violation of ACO 9-82 prohibiting Improper Exhibitions in Outagamie County case 23FO422. The date of conviction for this offense is June 30, 2023. As part of the stipulated resolution of this citation, the parties agreed that the violation involved a "Nude or semi-nude entertainer / employee on premises," contrary to ACO 9-54. One hundred fifty (150) demerit points are associated with this violation.
3. The parties agreed as part of the negotiated settlement of the citation that this violation subjects the establishment to suspension of its alcoholic beverage license(s) per ACO as adopted pursuant to Wisconsin Statutes §125.10.
4. The above conviction is substantially related to the licensed activities.
5. A Complaint Seeking Suspension of Alcohol Licenses of BT and Dave, LLC was filed with the City of Appleton Clerk's Office on August 9, 2023.

6. The Summons and a copy of said Complaint was served on Theodore Suess as agent of BT and Dave LLC, requiring their appearance at the Safety and Licensing Committee on August 9, 2023, to show cause as to why their licenses should not be suspended or revoked.

7. Theodore Suess understands and acknowledges the right to a hearing prior to the City of Appleton Suspending or revoking any licenses issued and freely and voluntarily waives the right to a hearing as consideration for this agreement.

ZB K.S.

8. ^{BT}~~DB~~ and Dave, LLC does not contest the allegations in the Complaint and therefore agrees that the Safety and Licensing Committee shall find the complaint to be true.

ZB K.S.

9. ^{BT}~~DB~~ and Dave, LLC does not contest the points assessment set forth in this Agreement.

10. The City of Appleton and DB and Dave LLC agree to the imposition of 150 points assessed against the licensed establishment, Speakeasy Ultra Lounge. Based upon that assessment, the parties agree that the licensed establishment, Speakeasy Ultra Lounge, shall have its license suspended for a period of ten (10) days, pursuant to ACO 9-54.

11. The suspension shall commence on August 14, 2023, and end on August 23, 2023 (inclusive). The commencement of this suspension shall, upon the approval of the Appleton Common Council, be retroactive to the date of August 14, 2023 so that the effect will be 10 calendar days during which the licensed establishment is ceasing from engaging in licensed activity.

12. The licensee and its employees and agents will comply with all applicable Appleton City Ordinances, laws of the State of Wisconsin, including but not limited to Department of Revenue Requirements.

13. This Agreement, including any contingencies placed on the subject licenses shall remain binding on BT and Dave, LLC, its agents, and any successors, assigns, transferees, and the like unless expressly waived by the City of Appleton Common Council.

14. This agreement satisfies the statutory requirements of: Notice of suspension of license, and the Safety and licensing Committee's Report to the Common Council, including Findings of Fact, Conclusions of law, and its recommendation for suspension.

15. BT and Dave, LLC, and Theodore Suess as agent have had the opportunity to review and discuss this Agreement with counsel and enter into this Agreement freely, voluntarily, and intelligently.

Zak Buruin
Zak Buruin, Assistant City Attorney
City of Appleton

Date: 8/9/23

Theodore Suess
Theodore Suess
Agent for BT and Dave LLC

Date: 8/8/2023

Approved by the Appleton Common Council on: _____