

Mike Frisch,

Complainant,

V.

**BT AND DAVE, LLC
AGENT: THEODORE SUESS
d/b/a SPEAKEASY ULTRA
LOUNGE
425 W. COLLEGE AVE.
APPLETON, WI 54911.**

Respondent.

**COMPLAINT SEEKING SUSPENSION OF ALCOHOL LICENSES OF BT AND
DAVE, LLC**

Complainant seeks that the Safety and Licensing Committee of the Common Council of the City of Appleton meet as soon as practicable and as allowed by law, at which time the Complainant, Appleton Police Department Captain Mike Frisch, a resident of the City of Appleton, will ask the Committee to find this complaint to be true and recommend to the common Council that it SUSPEND the alcohol beverage licenses of BT and Dave, LLC.

BT and Dave, LLC has registered agent of Theodore Suess and was issued Class "B" (beer) and "Class B" (liquor) licenses of the premises located at 425 W. College Avenue, Appleton, Wisconsin 54911, known as Speakeasy Ultra Lounge.

This complaint by Mike Frisch is being made based upon information and belief regarding the incident described herein:

On December 24, 2022, Appleton Police Officer Schuman reports being assigned to investigate reports of exotic dancers dancing for money at Speakeasy Ultra Lounge at 425 W.

College Ave. Accompanying the tip for this activity, police were provided with videos depicting the activity in question taking place on two separate dates.

Of note for this complaint is the video of an event that took place on October 1, 2022. Officers were provided with or able to obtain the poster for the event, a "Jordans and Jersey Party," depicting two women wearing very little clothing and advertising the event or party occurring on October 1st, 2022. The poster named the event's promoter as "Huncho." The accompanying video, filmed during the early morning hours of October 2nd, 2022, shows two semi-nude women dancing in the bar as people tucking money into what little clothes they are wearing. Officer Shuman recognized the location of the video as being inside Speakeasy Ultra Lounge based on his familiarity with that location.

Officer Shuman contacted the Theodore Suess, the owner of the business and agent of the licensee, BT and Dave, LLC. Mr. Suess about having exotic dancers at his bar. He indicated he was aware of the situation and indicated that they were "go-go dancers" and that they remained clothed in at least bikinis the entire time they were there. He indicated that they were not his employees and that they were brought in by either the promotor, "Huncho," or the performer(s) that "Huncho" had brought in. Mr. Suess indicated that "Huncho" does most of his promotion for Saturday nights. When asked, Mr. Suess agreed that the activity depicted in the videos, with which he was familiar, was not appropriate for his bar or the community in general.

BT and Dave was subsequently issued a citation for "Improper Exhibitions," contrary to Municipal Code of the City of Appleton section 9-82 as adopted under Chapter 125 of the Wisconsin statutes, and subsequently entered into a negotiated "no contest" plea in Outagamie

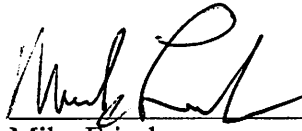
County case 23FO422 on or about June 30, 2023. Pursuant to the City of Appleton Code Sec. 9-54, the aforementioned violations require the assessment of eighty 150 demerit points for "Nude or semi-nude entertainer / employee on premises," as there exists a substantial relationship between the convictions and the licensed activity.

Pursuant to Chapter 125 of the Wisconsin Statutes and interpretations thereof, the licensee, BT and Dave, LLC, is answerable for these acts and therefore 150 demerit points should be attributed to its license due to the aforementioned conviction arising from the events described above.

Recommendation and Conclusion

The above information indicates that state and / or local laws were violated by the licensee, or by its agents or employees working at the licensed premises. Complainant requests that the Safety and Licensing Committee impose 150 demerit points for the above violation. Based upon this accumulation of demerit points, and based upon the Municipal Code of the City of Appleton Sec. 9-54(d)(2), a suspension of license of not less than ten (10) days nor more than ninety (90) days based upon an accumulation of between 150 and 199 demerit points within a 24-month period. Upon an assessment of the demerit points, and in light of the substantial relationship between the violations and the licensed activity, this complaint is requesting that the Safety and Licensing Committee recommend to the Common Council that it SUSPEND the licenses issued to BT and Dave, LLC, (agent: Theodore Suess) for the licensed premises known as Speakeasy Ultra Lounge, located at 425 W. Wisconsin Avenue, Appleton, Wisconsin.

Dated this 4th day of August 2023



Mike Frisch
Resident of the City of Appleton
Captain, Appleton Police Department

OUTAGAMIE COUNTY, WISCONSIN

Subscribed and sworn to before me

this 4th day of August 2023

Patricia A

Notary Public, State of Wisconsin

My commission is permanent, expires 7/20/24.

