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October 28, 2024

Via Hand Delivery

Licensing, Hearings and Public Safety
Committee
c/o Meredith DeBruin
Sheboygan City Hall
828 Center Avenue, Rm 106
Sheboygan, WI 53081

Via Hand Delivery

City of Sheboygan
c/o Meredith DeBruin
828 Center Avenue
Suite 103
Sheboygan, WI 53081

RE: Dave's Who's Inn, Inc. – 835 Indiana Avenue
Notice of Claim Pursuant to Wis. Stat. § 893.80(1d)(a) and (b)
Our File No. 21952

Dear Ms. DeBruin:

As you may recall, our office represents Dave's Who's Inn, Inc. ("Who's Inn") and David Repinski ("Mr. Repinski") in connection with all matters relating to the tavern at 835 Indiana Avenue owned by Who's Inn. Mr. Repinski is the agent and owner of Who's Inn. The address of Mr. Repinski is adjacent to the tavern and is 829 Indiana Avenue, Sheboygan, Wisconsin 53081. This letter serves as the Notice of Circumstances and Notice of Claim to the Licensing, Hearings and Public Safety Committee (the "Committee") and City of Sheboygan pursuant to Wisconsin Statutes Section 893.80(1d)(a) and (b).

I. NOTICE OF CIRCUMSTANCES OF CLAIM

The circumstances surrounding the claim of Who's Inn and Mr. Repinski commenced in 2022. At a meeting of the Committee on May 25, 2022, the Committee met to discuss the Class B Liquor License of Who's Inn, and based upon the recommendation of City Attorney Charles Adams ("Attorney Adams"), it attached conditions to the issuance of the Class B Liquor License to Who's Inn to include, but not be limited to, the use of a metal detector and scanner on all patrons entering the premises, as well as the prohibition of minor on the premises. These conditions were unprecedented and had no basis in fact or law, but nevertheless, were adopted by the City of Sheboygan Common Council ("Common Council") upon recommendation of the Committee. These conditions were made part of the Class B Liquor License issued to Who's Inn commencing June 30, 2022 and ending June 30, 2023. These conditions were imposed even though the Committee had no rules in place, or were

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empowered to impose a year-long license containing conditions such as the requirement of metal detectors, scanners and prohibition of minors at the tavern.

It is believed that the issue of conditions attached to the license of Who's Inn was addressed again by the Committee on May 24, 2023. At that time, and without any discussion or any opportunity to be heard, the Committee renewed the license of Who's Inn subject to the same conditions that had been imposed the year before, and further, without factual or legal basis to impose those conditions. Those conditions were then adopted by the Common Council. Who's Inn was required to operate another year subject to those illegal conditions.

During 2022 through August, 2024, Sheboygan law enforcement made numerous, regular, and unnecessary visits to the tavern with the purported intention of enforcing the illegal conditions that had been imposed by the Committee and approved by the Council. Patrons and employees of the tavern were the subject of harassment, which was unlike any other tavern in the City of Sheboygan.

On June 30, 2024, Mr. Repinski attempted to renew the Class B Liquor License of Who's Inn. In an unprecedented condition, the license was refused to him unless he signed a statement acknowledging the illegal conditions that had been imposed by the Committee and adopted by the Common Council. This signed acknowledgement was never required of Who's Inn, nor has it been required of any other licensed establishment in the City of Sheboygan. On behalf of Who's Inn, Mr. Repinski refused to execute the signed acknowledgement required of him, and the City Clerk refused to issue a Class B Liquor License, essentially shutting down Who's Inn indefinitely.

The Committee met again on July 25, 2024 to consider the request by Mr. Repinski as the agent for Who's Inn to modify the conditions imposed upon the license since 2022. The Committee recommended that the conditions be modified and that the prohibition of underaged persons on the premises be eliminated and the requirement of metal detectors be confined to the periods between 10:00 p.m. and closing time on Fridays, Saturdays, and Sundays. The tavern remained closed as the illegal conditions had not yet been eliminated.

The Common Council considered recommendations of the Committee on August 5, 2024, at which time, the City of Sheboygan agreed to rescind all of the previously imposed conditions on the license of Who's Inn. It was only at that time that the license was issued and Who's Inn resumed operations.

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II. LEGAL ACTION AND NOTICE OF CLAIM

Who's Inn and/or Mr. Repinski intend to pursue legal action against the Committee and City of Sheboygan for money damages arising out of the illegal conditions that had originally been imposed on the Class B Liquor License from the time of the original adoption of those conditions in 2022 through to the illegal renewal of those conditions, and then the final requirement that Who's Inn accept those conditions in writing and admit that they were somehow voluntarily agreed to by Who's Inn and Mr. Repinski, when in fact they were not.

Who's Inn has suffered damages arising out of not having a liquor license and being closed for business from July 1, 2024 through August 5, 2024. Who's Inn's net profit for the year ending June 30, 2024 was One Hundred Thirty-Four Thousand Nine Hundred Two Dollars and 42/100 Cent (\$134,902.42). Based on the closure of the business for thirty-five (35) days from July 1, 2024 through August 5, 2024, Who's Inn has been deprived of Twelve Thousand Nine Hundred Thirty-Five Dollars and 85/100 Cents (\$12,935.85) of profit. Who's Inn has further suffered damages relating to loss of business and other monetary damages arising out of the illegal imposition of conditions by the Committee and the adoption of those conditions by the Common Council up to and through August 5, 2024.

We are serving this notice on Ms. DeBruin as we understand that she is the only person who would be considered a clerk of the Committee, as well as the City of Sheboygan. If this is incorrect, or if there is a separate individual who fills this role, please let us know immediately.

Sincerely,



Richard Hahn

RH/jl

cc: City Attorney Charles Adams (Via Email)
David Repinski (Via Email)