



City of Grand Island

Tuesday, April 12, 2016

Council Session

Item E-1

Public Hearing on Request from Burtibang, LLC dba Royal Indian Cuisine, 3337 West State Street for a Class “C” Liquor License

Council action will take place under Consent Agenda item G-2.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 12, 2016

Subject: Public Hearing on Request from Burtibang, LLC dba Royal Indian Cuisine, 3337 West State Street for a Class “C” Liquor License

Presenter(s): RaNae Edwards, City Clerk

Background

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

Declared Legislative Intent

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
 - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
 - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

Discussion

Burtibang, LLC dba Royal Indian Cuisine, 3337 West State Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments.

Also submitted with the application was a request from Lok Chhantyal, 1113 College Street for a Liquor Manager Designation.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

Sample Motion

Move to approve the application for Burtibang, LLC dba Royal Indian Cuisine, 3337 West State Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Lok Chhantyal, 1113 College Street contingent upon completion of a state approved alcohol server/seller training program.

03/16/16
11:18

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

City : Grand Island
 Occurred after : 08:00:00 03/08/2016
 Occurred before : 08:00:00 03/08/2016
 When reported : 08:00:00 03/08/2016
 Date disposition declared : 03/11/2016
 Incident number : L16030919
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 3337 State St W
 State abbreviation : NE
 ZIP Code : 68803
 Contact or caller :
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Vitera D
 How received :
 Agency code : GIPD GIPD Grand Island Police Dept
 Responsible officer : Vitera D
 Offense as Taken :
 Offense as Observed :
 Disposition : ACT Active
 Misc. number : RaNae
 Geobase address ID : 4944
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	196698	03/11/16	Birthi, Pravardhan R	Owner
NM	202775	03/11/16	Gauchan, Dron	Owner
NM	208166	03/11/16	Royal Indian Cuisine,	Restaurant
NM	208168	03/11/16	Chhantyal, Lok P	Owner/Manager
NM	208172	03/11/16	Bhattachan, Anima	Owner
NM	208173	03/11/16	Katyal, Vandana	Owner

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

 1 LT21 LT21 Restaurant

IMAGE CODES FOR INCIDENT:

Seq Imag Image code for a users description field

 1 DOC DOCUMENT mobile report

LAW INCIDENT NARRATIVE:

Liquor License Investigation
Grand Island Police Department

Royal Indian Cuisine is applying for a Class C LLC Retail Liquor License,
and
Lok Chhantyal is applying to be the liquor manager.

~~~~~ (lwmain15001903092016)~~~

LAW INCIDENT OFFENSES DETAIL:

| Se | Offe | Offense code         | Arson | Dama |
|----|------|----------------------|-------|------|
| 1  | AOFF | AOFF Alcohol Offense |       | 0.00 |

LAW INCIDENT RESPONDERS DETAIL:

| Se | Responding offi | Unit n | Unit number |
|----|-----------------|--------|-------------|
| 1  | Vitera D        | 318    | Vitera D    |

LAW SUPPLEMENTAL NARRATIVE:

| Seq | Name     | Date                |
|-----|----------|---------------------|
| 1   | Vitera D | 13:58:00 03/10/2016 |

Grand Island Police Department  
Supplemental Report

Date, Time: Thu Mar 10 14:07:29 CST 2016  
Reporting Officer: Vitera  
Unit- CID

Royal Indian Cuisine is applying for a Class C (beer, wine, distilled spirits on and off sale) LLC Retail Liquor license. Lok Chhantyal is applying to be the liquor manager. The restaurant is located at 3337 W. State Street. While researching and coordinating the investigation into this application, I was told by NSP Investigator Joe Hansen that a Royal Indian Cuisine is open in Kearney as well.

Under the LLC information of the application, it lists Lok Chhantyal as the "managing/contact member." He owns 40% of the company. Man Chhantyal is Lok's spouse (Spousal Affidavit of Non-Participation form). Anima Bhattachan and her spouse (Dron Gauchan) are listed as 40% owners. Pravardhan Birthi and his spouse (Vandana Katyal) are listed as 20% owners. Vandana does not have a Social Security number listed.

According to the application, Lok moved to Grand Island in 2015. It appears that his wife still lives in Harrisburg, PA. Anima and her husband Dron moved to Grand Island from New Jersey in 2014. No prior or current addresses are listed for Pravardhan and Vandana.

I checked Spillman and NCJIS for all of the applicants. Lok was not in Spillman, but he has a Nebraska driver's license which shows up in NCJIS. Man is not listed in Spillman or NCJIS. Anima was not listed in Spillman, but she has a driver's license entry in NCJIS. Dron is listed in Spillman with no violations. He is listed in NCJIS with a Nebraska driver's license and a speeding conviction. Pravardhan is listed in Spillman with no violations and has an NCJIS entry for a Nebraska driver's license. Vandana was not listed in Spillman. She has a driver's license entry in NCJIS along with two convictions for speeding.

I ran all of the applicants through NCIC checking for outstanding arrest warrants and didn't find any for any of the applicants. I checked all of the applicants through a paid, law enforcement-only database. Other than an apparent bankruptcy for Lok in 2003, none of the other applicants had any bankruptcies, liens, or judgments against them. I found very little information on Vandana. She is not listed in the database using the date of birth provided, however, she is listed in the database with a matching month and day of her date of birth. The database couldn't verify the year of her birth, and like the application, there is no Social Security number listed.

I did a general Internet search starting with Lok. I found a Facebook page for him. Under Professional Skills, Lok listed "cooking, poker player, pool billiards." One of his cover photographs was of him sitting at a poker table with a lot of chips in front of him while holding up a small sign that reads "Borgata 1." I also found information about Lok on a site called "Card Player." Card Player says that Lok won a tournament at Borgata in 2011 and was paid \$53,472. A quick Internet search lists Borgata as a hotel and casino in Atlantic City, NJ.

I also forwarded the applicants' information to ICE. I was told that Lok is a United States Citizen which is a requirement for the manager position. Man is a Lawful Permanent Resident. Dron has recently been approved to be a Lawful Permanent Resident. Anima has Temporary Protected Status (TPS) from Nepal. Pravardhan and Vandana have "J1 Visa's" which is a visitor exchange program. Vandana has applied for an extension of her J1 Visa while Pravardhan has applied for a waiver. The ICE agent I communicated with isn't sure if the extension and waiver have been approved yet, or if Pravardhan and Vandana are out of status (technically in the country illegally).

On 3/14/16, NSP Investigator Joe Hansen and I met with Dron (Dr. Gauchan) and Anima at their restaurant. First of all, I tried to figure out how the applicants know each other. Dron said that he and Lok have known each other since they were children. They grew up in the same town in Nepal. Dron stayed with Lok when Dron first came to the United States. Pravardhan is a "doctor friend" of Dron's. When Dron moved to Grand Island, he noticed that there were no Indian restaurants in town. Since Dron is such good friends with Lok and knows Lok owns restaurants, Dron asked Lok if he would be interested in opening an Indian restaurant in Grand Island. Lok visited Grand Island and thought it would be a good fit.

After figuring out some of the relationships, I went over some minor discrepancies in the application. I pointed out to Dron that Lok's address on his Nebraska Driver's license is listed as 3337 W. State Suite 4 which is the address of their restaurant. I also showed him where Lok's address on the application is listed as 1113 College Street which I know is not a valid address. Dron didn't explain why the business address is on Lok's driver's license. He said that Lok's address is 3111 W. College #56. Dron thought the attorneys must have just made a mistake.

While speaking with Dron further, I confirmed that Lok's wife (Man) is still living in Pennsylvania. Dron said that Lok "hasn't decided to permanently live" in Nebraska. According to Dron, Lok has opened up a new restaurant in Hershey, Pennsylvania called Khana Bistro. Lok does not have a liquor license for that restaurant. Dron said that liquor licenses are very expensive in Pennsylvania, and customers are allowed to "BYOB" to restaurants there. When asked how Lok has been splitting his time between Nebraska and Pennsylvania, Dron said that Lok spent two weeks out of the last four months in Pennsylvania. Otherwise, he has been in Nebraska. Dron added that Lok has business partners at Khana Bistro, and Lok isn't needed there full time.

I also asked Dron about financing the Royal Indian Cuisine restaurant and why they applied for a Class C liquor license. Dron said that the ownership breakdown of 40% for Lok, 40% for Dron and Anima, and 20% for Pravardhan and Vandana is also the breakdown of the percentage of money each person/couple contributed to the start-up and operation of the business. They did not borrow any money. He also said that they want the Class C license because they may have some beer from India and Nepal. If their customers find that they like that beer, Dron wants to be able to have the customers buy a six pack of it and take it home since it may be hard to find anywhere else in town.

I shared a Facebook photo with Dron of Lok with a bunch of poker chips in front of him. Dron acknowledged that Lok is a very good poker player. I asked Lok if they planned on playing poker at the restaurant after hours. Dron said that he also likes to play poker and was wondering if it would be okay for he and some of his friends to do just that. I told him that he could not do that.

I told Dron that the only issue I see with this application is the residency requirement for the liquor manager. Lok (proposed liquor manager) has a residence in Pennsylvania with his wife, a new restaurant in Pennsylvania and an apartment in Grand Island along with this new restaurant. Even though Dron said that Lok is spending more time in Grand Island than Pennsylvania, it appears that Lok has a stronger tie to Pennsylvania and may be more of a resident there than here. Investigator Hansen and I told Dron that we would like to speak to Lok the next time he is in town.

We suggested to Dron that the restaurant could have a different liquor manager who isn't someone involved with this application. That person could fill the position if he or she is a citizen of the U.S. and a resident of Nebraska. He or she doesn't have to have any ownership in the restaurant. Dron thought that having a different liquor manager is a

possibility but could also foresee having to change liquor managers frequently and was initially a little apprehensive due to not knowing much about the process. Dron said he would let Investigator Hansen and me know when Lok is back in town.

All in all, on paper, Lok is qualified to be the liquor manager. He is a citizen of the United States, has a residence in Nebraska, and is registered to vote in Hall County. In the future if Lok decides to not be a resident of Nebraska, the Royal Indian Cuisine restaurant can find a new liquor manager. As far as the questionable immigration status of Anima, Pravardhan, and Vandana, it doesn't automatically disqualify the applicants from receiving a license. Therefore, the Grand Island Police Department has no objection to the Royal Indian Cuisine restaurant receiving a liquor license or to Lok Chhantyal becoming the liquor manager.



