



# City of Grand Island

Tuesday, April 12, 2016

Council Session

## Item E-2

**Public Hearing on Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class “D” Liquor License**

*Council action will take place under Resolutions item I-2.*

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** April 12, 2016

**Subject:** Public Hearing on Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class “D” 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**

La Mexican, Inc. dba La Mexicana Market, 385 North Pine Street has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of beer off sale only 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 Veronica Alvarez, 609 S. Stuhr Road for a Liquor Manager Designation.

After reviewing the Police Department report and attached information regarding the previous application for Rafa's Tacos, it is recommended that the Council deny this request based upon: 010.01 – Falsification of Application, 53-132 (2 a, b, & c) – Retail, craft brewery, or microdistillery license, contents; criminal history record check, verification, false statement; penalty.

### **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 **deny** this application.

### **Sample Motion**

Move to **deny** the application for La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class "D" Liquor License due to the Police Departments report based upon: 010.01 – Falsification of Application, 53-132 (2 a, b, & c) – Retail, craft brewery, or microdistillery license, contents; criminal history record check, verification, false statement; penalty.

04/07/16  
14:50

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : 08:24:00 03/16/2016  
Occurred before : 08:24:00 03/16/2016  
When reported : 08:24:00 03/16/2016  
Date disposition declared : 03/23/2016  
Incident number : L16031851  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor Lic Inv  
Incident address : 385 Pine St N  
State abbreviation : NE  
ZIP Code : 68801  
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 : 11245  
Long-term call ID :  
Clearance Code : CL CL Case Closed  
Judicial Status :  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L11053069	03/21/16	Liquor Lic Inv	Related
NM	166733	03/29/16	Ocegueda, Maria	Alias for
Veronica				
NM	61104	03/18/16	La Mexicana Market,	Business
Involved				
NM	62723	03/18/16	Flores, Adolfo	
Applicant/Owner				
NM	181116	03/18/16	Alvarez, Veronica A	Manager

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT12	LT12 Grocery/Supermarket	

IMAGE CODES FOR INCIDENT:

Seq	Imag	Image code for a users description field
1	DOC	DOCUMENT mobile report

LAW INCIDENT NARRATIVE:

La Mexicana Market is applying for a Class D (beer,wine, distilled spirits, off sale only) Corporate Retail Liquor License. Veronica Alvarez is applying to be the liquor manager.

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	12:48:24 03/21/2016

Grand Island Police Department  
Supplemental Report

Date, Time: Mon Mar 21 12:48:37 CDT 2016  
Reporting Officer: Vitera  
Unit- CID

La Mexicana Market is applying for a Class D (beer, wine, distilled spirits, off sale only) Corporate Retail Liquor license. Adolfo Flores is the sole owner of the corporation. Veronica Alvarez is applying to be the liquor manager. While perusing the application, I noticed that Adolfo and Veronica did not disclose any criminal convictions, Monica Flores is listed as someone who can write checks and make withdrawals on the business account, and Adolfo has had a liquor license in the past at Rafa's Tacos, and La Mexicana. The application also states that Adolfo has lived in Grand Island since at least 2005. Veronica has lived in Grand Island since 2010. No information is listed under spousal information for either applicant. Veronica stated that she worked for Adolfo at Rafa's Tacos from 2011 through 2013. Since 2013, she has worked for Adolfo at La Mexicana.

One of the first things I discovered while creating a report to document this investigation, is that Veronica Alvarez has an alias listed in Spillman as Maria Ocegueda. When I looked at Maria Ocegueda's Involvements in Spillman, I found that she is listed as the liquor manager for Rafa's Taco's in an investigation I had done in 2011. I compared the identifying information for Maria Ocegueda and Veronica

Alvarez and found that they each have the same date of birth, Social Security number, and driver's license number. I did some more digging and found some documents in NCJIS showing that Maria Ocegueda was granted a name change to Veronica Alvarez by a Hall County District Court judge in September 2012.

I recall that during the Rafa's investigation, Adolfo told me that he was engaged to be married to "Maria." At the time of the Rafa's investigation, I would imagine that Adolfo knew that "Maria" was really Veronica. If for some reason he didn't know in 2011, he had to have known in 2012 when the name change occurred; and she was still working for him at Rafa's Tacos. I didn't find that there was any effort on Adolfo's part to rectify the situation by explaining it to the NLCC and filling out paperwork for a new liquor manager. Adolfo never contacted me either. The Nebraska Liquor Control Commission's Rules and Regulations under 009.01 says that a corporation has sixty days to notify the NLCC of a manager change.

Before doing a lot of checks on Adolfo and Veronica, I read my investigation into Rafa's Tacos from 2011. I noted in that report that Adolfo didn't disclose any convictions, and I found twelve traffic convictions and a conviction for selling alcohol to a minor. I told Adolfo at the time that he needed to include everything including his traffic convictions. I also found where Adolfo didn't disclose on the 2011 application that he had past liquor licenses at La Mexicana Market in Grand Island and La Mexicana restaurants in Gibbon and Lexington. Adolfo said he had problems with selling to minors at the market, that's why he didn't renew the license or seek anymore until Rafa's. My 2011 Rafa's investigation also said that I called ICE and was told that Adolfo and "Maria" were each Naturalized U.S. Citizens.

I called the NLCC on 3/22/16 and left a message for Randy Seybert in Licensing. I asked Randy to call me back, so I can ask him to find information on Adolfo Flores' past liquor licenses. Later that afternoon, I received an e-mail from Randy saying that their deleted history files only go back ten years, and he was unable to find anything. I also asked Randy if they would have hard copies of the records. He advised that they used to keep those records on microfilm, but they don't have that anymore either.

I contacted the Buffalo County Sheriff's Office and the Lexington Police Department to see if either agency had any record of the La Mexicana restaurant or any of the applicants. Lexington has a new computer system, and I was told that their records probably wouldn't go back the fifteen plus years I wanted them to search. They went ahead and searched all the names and didn't come up with anything. Buffalo County later faxed me a report which included Adolfo being warned by a deputy twice in the same day in 1995 for selling food out of his vehicle. They also sent a report from 2012 where Adolfo was cited for allowing an unlicensed driver to drive.

For the current investigation into La Mexicana market, I checked Adolfo and Veronica through Spillman and NCJIS. I just looked at potential violations/convictions since May of 2011 which is when I did the last

investigation (Rafa's Tacos) with them. The Rafa's investigation should be attached. Spillman shows that Adolfo was issued a citation for careless driving as a result of a motor vehicle accident in 2012, had a protection order served against a female in 2013, and had code enforcement issues in 2014 and 2015 for high weeds and trash. He mowed the weeds and cleaned up the trash.

After May of 2011, NCJIS shows that Adolfo was convicted of the careless driving that was listed in Spillman from 2012, convicted of the charge in the citation issued by the Buffalo County Sheriff's Office for allowing an unlicensed driver to drive in 2012, and Adolfo was convicted of unlawful acts license/drive in Merrick County in 2014. I'll ask Adolfo about that one. Maria/Veronica doesn't show any potential violations in Spillman. NCJIS just shows an entry for her driver's license and the name change.

I checked Adolfo and Veronica for outstanding arrest warrants and the status of their driver's license. Neither one of them have any outstanding arrest warrants, and they each have a valid Nebraska driver's license. I also checked them through a paid law enforcement-only database which tends to provide more civil information and personal identifying information. Adolfo didn't have anything out of the ordinary listed. I found an entry for Maria Ocegueda. Veronica Alvarez was also listed with an alias of Maria Ocegueda. Nothing out of the ordinary was associated with either name.

I set up a meeting with Adolfo and Veronica for 1300 hours on 3/31/16. Nebraska State Patrol Investigator Joe Hansen also attended the meeting. I went over the application with Adolfo and Veronica. I asked Adolfo if his attorney filled out the application. Adolfo said his attorney did fill out the application, and Adolfo and Veronica were present. I reminded Adolfo that I spoke to him in 2011 when he applied for a liquor license for Rafa's Tacos. At that time, Adolfo didn't disclose any convictions on his application. I told him back then that he needed to disclose even the most insignificant traffic conviction all the way up to the most serious crime he has been convicted of.

Adolfo said he didn't remember talking to me in 2011, and he didn't have an explanation for failing to disclose his convictions on this application. He added that he wasn't trying to hide anything because he knew we would find it anyway. Adolfo said he couldn't remember a lot of things. He couldn't remember how many times he was held responsible for selling to minors on his prior La Mexicana Market license, but he guessed it was just one time. He also claimed not to remember if he even had a liquor license at his Lexington and Gibbon restaurants. Adolfo did acknowledge being cited for allowing unlicensed drivers to drive on two separate occasions, once in Buffalo county and once in Merrick County. Each time he said that he let a friend borrow his pickup.

I asked Adolfo who Monica Flores is since she is listed as someone who has access to the business bank account. Adolfo said that Monica is his daughter. She has access to the business account, so she can pay bills while Adolfo and Veronica are out of town on vacation.

According to Adolfo's application, he let the Rafa's Tacos liquor license lapse because he didn't wish to risk further violation. An NLCC attachment to the application shows that Rafa's liquor license was issued on 8/18/2011. On 9/28/2012, they were in trouble with the NLCC for selling to a minor and having a minor dispensing/serving alcohol. They plead guilty and had their license suspended. On 2/1/2013, there is another charge of selling to a minor with an eventual guilty plea. The attachment also acknowledges that the La Mexicana Market had a liquor license before, but it was also allowed to lapse over ten years ago.

I asked Adolfo about his relationship with Veronica. In 2011, he told me that they were engaged. He said they are still currently engaged to be married. Veronica said they sold the house they used to live in on WN Front Street and now live together at 609 S. Stuhr Road.

I asked Veronica about her name change. Veronica thought she was about two years old when her parents illegally brought her to the United States. Veronica said her birth name was Veronica Ocegueda. When she was applying for amnesty, her mother sent for her Mexican birth certificate. When they received it, it showed her birth name as Maria Ocegueda. Veronica's mother tried to get it corrected but was unsuccessful. Therefore, Veronica received her amnesty and eventually her Naturalized U.S. Citizenship under the name of Maria Ocegueda.

Veronica said that her father's last name was Ocegueda. Veronica said she can't remember meeting her father. When she legally changed her name, she wanted to go back to her birth name of Veronica and also go by her mother's last name of Alvarez. After speaking with Adolfo and Veronica, Investigator Hansen and I toured the market before the meeting was over.

In summary, Adolfo Flores applied for a liquor license in Grand Island at Rafa's Tacos in 2011. He was granted a license which he had for less than two years. During that time, the NLCC's records show that the business had two separate incidents where the business plead guilty to selling to minors. One of the incidents also had a minor selling/dispensing alcohol. Adolfo's current application has those records attached to it.

During my investigation into the Rafa's application, Adolfo failed to disclose any of his twelve traffic convictions or his conviction for selling to a minor. He also failed to list on his application that he had held prior liquor licenses at the La Mexicana market in Grand Island or the La Mexicana restaurants he owned in Gibbon and Lexington. When Adolfo was applying for the liquor license for Rafa's, I asked him why he didn't already have one for his La Mexicana restaurant in Grand Island. He said that he had problems in the past with selling alcohol to minors at the La Mexicana Market.

Fast forward to Adolfo's current application for La Mexicana market, Adolfo still didn't disclose any of his criminal convictions, and he still didn't list his prior liquor licenses at the La Mexicana restaurants in Gibbon and Lexington. In fact, when I asked him about the history of the restaurant licenses, Adolfo said he couldn't remember if he even had a liquor license at the restaurants. During the 2011 Rafa's investigation, Adolfo acknowledged that he had prior liquor licenses at



the Gibbon and Lexington restaurant and failed to list that on the application. As far as I can tell, Adolfo also failed to notify the NLCC in 2012 when the name of his liquor manager at Rafa's Tacos changed from Maria Ocegueda to Veronica Alvarez.

With Adolfo's admission of having prior issues with selling alcohol to minors (which are partially documented), his inability or refusal to fully disclose his criminal convictions (including a sale to a minor which I believe automatically precludes him from receiving a license based upon 53-131.01) and past liquor licenses on the Rafa's application and this application, and his lack of adhering to the Rules and Regulations of the Nebraska Liquor Control Act as evidenced by the examples above, the Grand Island Police Department does not believe that Adolfo Flores should have a liquor license and recommends that the Council not give local approval.

The denial is based upon: 010.01- Falsification of Application, 53-132 (2 a, b,& c)- Retail, craft brewery, or microdistillery license; commission; duties, and 53-131.01 (1 d)- License; application; form; contents; criminal history record check; verification; false statement; penalty.

Full copies of 010.01, 53-132, and 53-131.01 are attached to this report along with Adolfo's past application for Rafa's Tacos, the police report for Rafa's Tacos, and the NLCC's records for Rafa's Tacos.

**FALSIFICATION OF APPLICATION**

**010.01** No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license.

# Nebraska Revised Statute 53-132

Revised Statutes » Chapter 53 » 53-132

53-131.01

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53-133

Print Friendly

## **53-132. Retail, craft brewery, or microdistillery license; commission; duties.**

(1) If no hearing is required pursuant to subdivision (1)(a) or (b) of section 53-133 and the commission has no objections pursuant to subdivision (1)(c) of such section, the commission may waive the forty-five-day objection period and, if not otherwise prohibited by law, cause a retail license, craft brewery license, or microdistillery license to be signed by its chairperson, attested by its executive director over the seal of the commission, and issued in the manner provided in subsection (4) of this section as a matter of course.

(2) A retail license, craft brewery license, or microdistillery license may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city, village, or county where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:

- (a) The recommendation of the local governing body;
- (b) The existence of a citizens' protest made in accordance with section 53-133;
- (c) The existing population of the city, village, or county and its projected growth;
- (d) The nature of the neighborhood or community of the location of the proposed licensed premises;
- (e) The existence or absence of other retail licenses, craft brewery licenses, or microdistillery licenses with similar privileges within the neighborhood or community of the location of the proposed licensed premises and whether, as evidenced by substantive, corroborative documentation, the issuance of such license would result in or add to an undue concentration of licenses with similar privileges and, as a result, require the use of additional law enforcement resources;



(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;

(g) The adequacy of existing law enforcement;

(h) Zoning restrictions;

(i) The sanitation or sanitary conditions on or about the proposed licensed premises; and

(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

(4) Retail licenses, craft brewery licenses, or microdistillery licenses issued or renewed by the commission shall be mailed or delivered to the clerk of the city, village, or county who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of subsection (6) of section 53-124 the fee is payable to the treasurer of such city, village, or county, (b) any fee for publication of notice of hearing before the local governing body upon the application for the license, (c) the fee for publication of notice of renewal as provided in section 53-135.01, and (d) occupation taxes, if any, imposed by such city, village, or county. Notwithstanding any ordinance or charter power to the contrary, no city, village, or county shall impose an occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits of such city or village or within the boundaries of such county in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

(5) Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued.



# Nebraska Revised Statute 53-131.01

Revised Statutes » Chapter 53 » 53-131.01

53-131

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53-132

Print Friendly

## **53-131.01. License; application; form; contents; criminal history record check; verification; false statement; penalty.**

(1) The application for a new license shall be submitted upon such forms as the commission may prescribe. Such forms shall contain (a) the name and residence of the applicant and how long he or she has resided within the State of Nebraska, (b) the particular premises for which a license is desired designating the same by street and number if practicable or, if not, by such other description as definitely locates the premises, (c) the name of the owner of the premises upon which the business licensed is to be carried on, (d) a statement that the applicant is a citizen of the United States, that the applicant and the spouse of the applicant are not less than twenty-one years of age, and that such applicant has never been convicted of or pleaded guilty to a felony or been adjudged guilty of violating the laws governing the sale of alcoholic liquor or the law for the prevention of gambling in the State of Nebraska, except that a manager for a corporation applying for a license shall qualify with all provisions of this subdivision as though the manager were the applicant, except that the provisions of this subdivision shall not apply to the spouse of a manager-applicant, (e) a statement that the applicant intends to carry on the business authorized by the license for himself or herself and not as the agent of any other persons and that if licensed he or she will carry on such business for himself or herself and not as the agent for any other person, (f) a statement that the applicant intends to superintend in person the management of the business licensed and that if so licensed he or she will superintend in person the management of the business, and (g) such other information as the commission may from time to time direct. The applicant shall also submit two legible sets of fingerprints to be furnished to the Federal Bureau of Investigation through the Nebraska State Patrol for a national criminal history record check and the fee for such record check payable to the patrol.

(2) The application shall be verified by the affidavit of the petitioner made before a notary public or other person duly authorized by law to administer oaths. If any false statement is made in any part of such application, the applicant or applicants shall be deemed guilty of perjury, and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

06/06/11  
450  
14:09  
1

Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island  
Occurred after : 15:10:11 05/23/2011  
Occurred before : 15:10:11 05/23/2011  
When reported : 15:10:11 05/23/2011  
Date disposition declared : 05/23/2011  
Incident number : L11053069  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License  
Investigation  
Incident address : 811 2nd St W  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Vitera D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Vitera D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number :  
Geobase address ID : 13162  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident  
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	87129	06/06/11	Rafa's Tacos,	Business
Involved				
NM	166733	06/06/11	Ocegueda, Maria	Liquor Manager
NM	62723	05/24/11	Flores, Adolfo	Owner

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous  
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1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

LAW INCIDENT RESPONDERS DETAIL:

1	Vitera D	318	Vitera D
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LAW INCIDENT TABLE

Page:

Seq	Name	Date
1	Vitera D	09:55:13 05/24/2011

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Grand Island Police Department  
LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

Date, Time: Tue May 24 09:55:24 CDT 2011  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor license application from Adolfo Flores for Rafa's Tacos and a copy of a liquor manager application from Maria Ocegueda. Adolfo Flores is the owner of La Mexicana and is leasing the Rafa's Tacos building from Rafael Orozco. Adolfo is seeking a Class I License which is for beer, wine, and distilled spirits on sale only. The main nature of the business is a restaurant which will not have a bar separate from the dining area. The business plan states that it is the intent of the applicant to "serve alcoholic beverages at the request of patrons." "It is anticipated that all alcoholic beverages will be consumed within the dinning area."



Back on 2/7/11, I spoke to Adolfo at his La Mexicana Restaurant about his lease agreement with Rafael Orozco and Rafa's Taco's. He started operating Rafa's on 2/1/11. At that time, Adolfo advised that he knew he would have to file with the NLCC for a Temporary Operating Permit (TOP) to sell alcohol off of Orozco's license and then eventually get his own. Adolfo assured me that he wouldn't sell alcohol until he had the TOP or his own license. After speaking with Adolfo, I went to Rafa's and spoke to Adolfo's finance who was managing the restaurant. She gave the same explanation about alcohol sales. I looked around the restaurant and found no evidence of alcohol sales.

After looking through Adolfo's application, I had some questions. The first thing I noticed is that on the spot on the application where it asks if anyone who is a party to the application has ever been convicted or plead guilty to any charge, Adolfo checked the "No" box. I also saw that Adolfo listed his home address as 385 N. Pine which I believe is the La Mexicana Market and tortilla factory. The last thing that grabbed my attention is that Adolfo stated he has never had a liquor license before which made me wonder why he was now seeking one for Rafa's and not La Mexicana.

On 5/24/11, I called Adolfo. I asked him about ever being convicted of anything. He said that he thought the question was intended to address serious crimes and being in jail. I told Adolfo that the question was clearly stated, and he had an attorney helping him fill out the application who should have been able to explain it to him. Adolfo had no other response other than to say he answered based on his interpretation of the question. He admitted that he plead guilty to selling alcohol to a minor and has some traffic convictions. He said the sale to a minor happened during a "sting" when he was working the Paddock at Fonner during racing season. He just said that he was so busy, he didn't ask for identification.

I also asked Adolfo why he is seeking a liquor license for Rafa's and not for La Mexicana. Adolfo said that the Rafa's customers are used to having the option to have an alcoholic beverage with their meal, so he wants to continue to offer that same level of service. He also said the he plans on eventually applying for a liquor license for La Mexicana Restaurant and Market. Adolfo advised that he has been leasing the market to his sister, but the lease agreement is almost up, and he plans on resuming the operation of it. Even though Adolfo stated on his application that he has never had a liquor license before, he said

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Grand Island Police Department

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LAW INCIDENT TABLE

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that he had a liquor license for his La Mexicana restaurants in Lexington and Gibbon and the market in Grand Island. He had no explanation as to why he didn't answer the question on the application correctly other than to say it was a mistake. Adolfo also clarified his home address as being 504 N. Elm # 104. He receives mail at the 385 N. Pine address.

Adolfo said he owned the all of the restaurants at the same time, but he got a good offer from someone to buy the Lexington and Gibbon restaurant, so he sold them. He also acknowledged that one of the reasons he hasn't had a liquor license at La Mexicana Restaurant in Grand Island is because he used to have one at that Market and had some problems with selling to minors. I checked Spillman and found records for the restaurant and market. The records go back to 2002 on the market and 2009 on the restaurant. I found no indication of alcohol issues anywhere. I also checked the NLCC website to see if I could verify the extent of Adolfo's issues with selling to minors. I was able to pull up three separate entries for La Mexicana, but they were all in Omaha and Lincoln. On 5/24/11, I called the NLCC and asked for some history on La Mexicana Restaurant and Market.

I was told by the NLCC that it would be extremely difficult and time consuming for them to locate records for Adolfo and his history of having a liquor license approximately ten years ago for his La Mexicana Market. I was told that Adolfo is NOT on their "Hot List" which they keep indefinitely and would indicate that the NLCC had problems with him before.

I looked Adolfo and Maria up in Spillman and NCJIS. Adolfo has some traffic contacts along with a selling alcohol to a minor listed in Spillman. Maria is not listed in Spillman. However, she has only lived in Grand Island since 2010. The majority of her life was spent in California, according to the application. Adolfo has twelve separate traffic convictions listed in NCJIS and the selling to a minor conviction that was also listed in Spillman. The application states that Adolfo has lived in Grand Island since 2007. He lived in Lexington before that, and according to our phone conversation, he lived in California before that. On the application, Maria stated that she was born in Mexico. The application doesn't say where Adolfo was born. However, ICE advised me that Adolfo and Maria are each Naturalized U.S. Citizens.

While Adolfo didn't fill out the application correctly by disclosing his traffic and selling to a minor conviction or disclosing that he has had liquor licenses in the past, his "criminal" history (at least in Nebraska) doesn't automatically exclude him from getting a liquor license. In addition, even though the police department has had some issues with Rafael Orozco and his liquor license at El Diamante, we have not had any issues with Rafael's liquor license at Rafa's Tacos. From my meeting with Adolfo in February and speaking to him over the phone, I don't see any reason why we would start having liquor problems at Rafa's under his control. The GIPD has no objection to Adolfo Flores receiving a liquor license for Rafa's Tacos.

Since Maria Ocegueda has only lived in Nebraska for a short time, it would be

expected that she has little to no criminal history. From speaking with her back in February, she seems like she would be qualified to be a liquor manager. If the State doesn't uncover any problems with her criminal history through her fingerprint submission, the GIPD does not object to her becoming the liquor manager for Rafa's Tacos.

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450  
14:09  
5

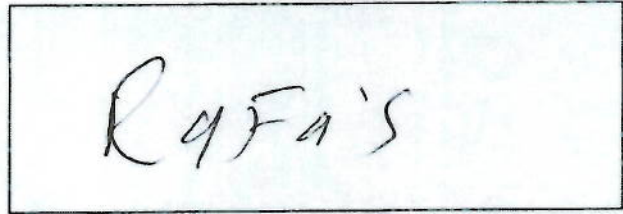
Grand Island Police Department

LAW INCIDENT TABLE

Page:

**APPLICATION FOR LIQUOR LICENSE  
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES  
CHECK DESIRED CLASS**

**RETAIL LICENSE(S)**

Application Fee \$400 (non refundable)

- ☐ A BEER, ON SALE ONLY
- ☐ B BEER, OFF SALE ONLY
- ☐ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- ☐ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- ☒ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- ☐ AB BEER, ON AND OFF SALE
- ☐ AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- ☐ IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ☐ ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

- ☐ Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31  
All other licenses run from May 1 – April 30  
Catering license (K) expires same as underlying retail license

**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING**

- ☐ Individual License (requires insert form 1)
- ☐ Partnership License (requires insert form 2)
- ☒ Corporate License (requires insert form 3a & 3c)
- ☐ Limited Liability Company (LLC) (requires form 3b & 3c)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)**

Commission will call this person with any questions we may have on this application

Name Mark Porto Phone number: 308-384-1635

Firm Name Shambarg, Wolf, McDermott & Depue

FORM 100  
REV 11/2010  
PAGE 3



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**PREMISE INFORMATION**

MAY 11 2011

Trade Name (doing business as) Rafa's Tacos

**NEBRASKA LIQUOR**

Street Address #1 811 West 2nd Street

**CONTROL COMMISSION**

Street Address #2 \_\_\_\_\_

City Grand Island

County Hall 8

Zip Code 68801

Premise Telephone number 308-384-6266

Is this location inside the city/village corporate limits:



YES



NO

Mailing address (where you want to receive mail from the Commission)

Name LaMexicana, Inc.

Street Address #1 111 East 4th Street

Street Address #2 \_\_\_\_\_

City Grand Island

State NE

Zip Code 68801

**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED**

**READ CAREFULLY**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**\*\*For on-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms**

Length \_\_\_\_\_ feet

Width \_\_\_\_\_ feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

See attached.

40' x 58'

FORM 100  
REV 11/2010  
PAGE 4

South

Kotas 1405 West  
811 W 2th St

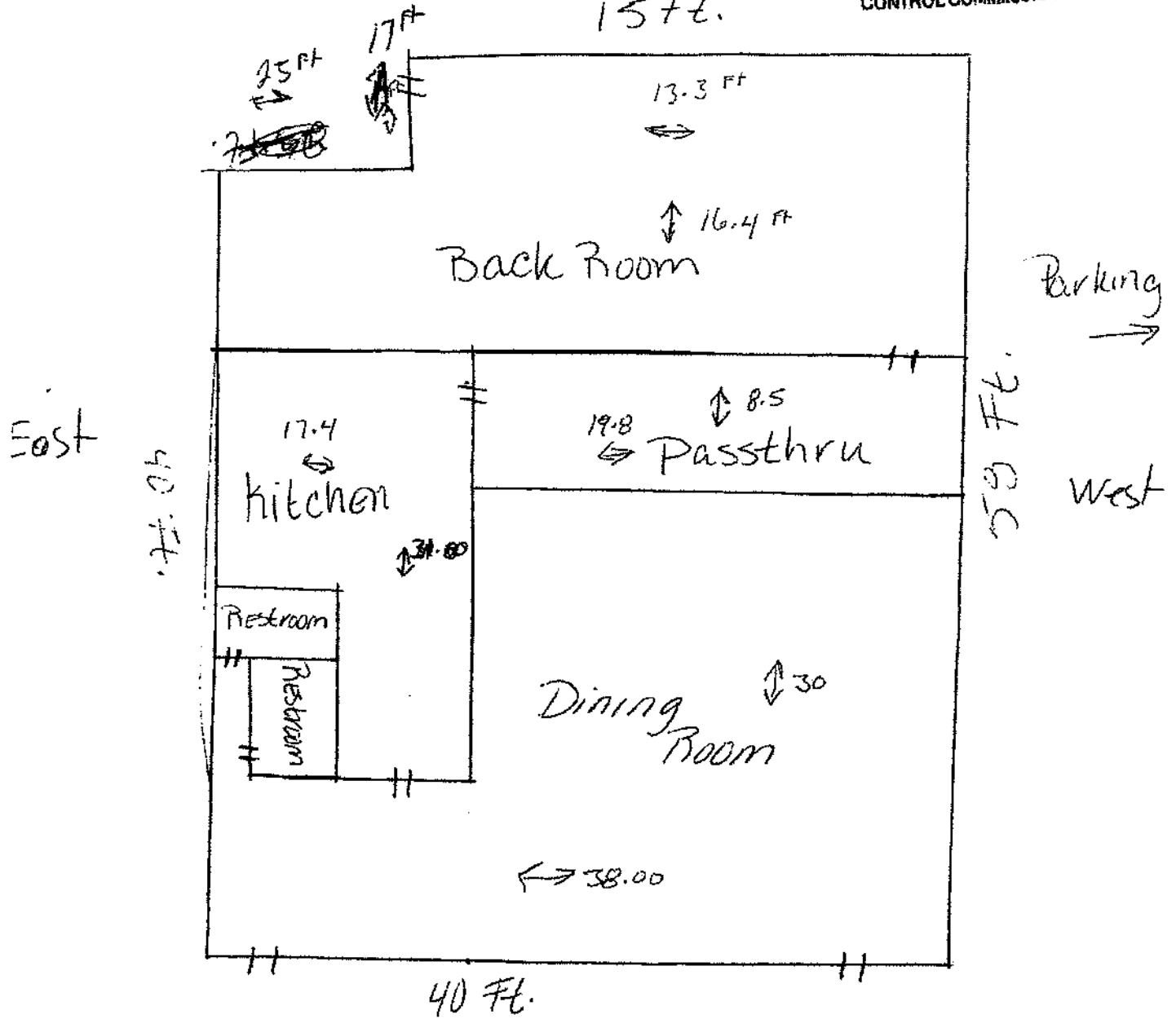
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MAY 11 2011

NEBRASKA LIQUOR  
CONTROL COMMISSION

Parking

15 Ft.



Front of Restaurant

North



## APPLICANT INFORMATION

### 1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☐ YES ☒ NO

If yes, please explain below or attach a separate page.

MAY 11 2011

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

NEBRASKA LIQUOR  
CONTROL COMMISSION

### 2. Are you buying the business of a current retail liquor license?

☐ YES ☒ NO

If yes, give name of business and liquor license number \_\_\_\_\_

a) Submit a copy of the sales agreement

b) Include a list of alcohol being purchased, list the name brand, container size and how many

c) Submit a list of the furniture, fixtures and equipment

### 3. Was this premise licensed as liquor licensed business within the last two (2) years?

☒ YES ☐ NO

If yes, give name and license number Papa's Tacos, Inc. j 64352

### 4. Are you filing a temporary operating permit to operate during the application process?

☐ YES ☒ NO

If yes:

a) Attach temporary operating permit (T.O.P.) (form 125)

b) T.O.P. will only be accepted at a location that currently holds a valid liquor license.

### 5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

☐ YES ☒ NO

If yes, list the lender(s) \_\_\_\_\_

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PAGE 5



6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

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☐ YES ☒ NO

If yes, explain. (All involved persons must be disclosed on application)

MAY 11 2011

NEBRASKA LIQUOR  
CONTROL COMMISSION

No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

☒ YES ☐ NO

If yes, list such item(s) and the owner.

Rafael and Rita Orozco own the building and fixtures as the applicant has entered into a lease agreement. A copy of the lease agreement is attached hereto.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

☐ YES ☒ NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

☐ YES ☒ NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

Home Federal, Grand Island, NE Adolfo Flores

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

None

FORM 100  
REV 11/2010  
PAGE 6



STATE OF NEBRASKA  
LIQUOR CONTROL COMMISSION

LICENSE NUMBER 094216  
CATEGORY R

MORE

DELETED HISTORY

ACTION CODE	ACTION	ACTION DATE	DATE ENTERED	DOCUMENT NUMBER	FILM ROLL	PAGE
0000	NEW APPLICATION	05112011	05172011	0094216	11000	09241
0145	STATUTORY TIME	05192011	05242011	0000000	11000	09709
0135	INV. REV. FINAL	06172011	06172011	0000000	11000	11292
0125	LOCAL APPROVE	06162011	06172011	0000000	11000	11300
0115	FIRE APPROVE	08052011	08082011	0000000	11000	13392
0050	ISSUE LICENSE	08182011	08182011	0000000	11000	14267
0061	LEASE EXTENDED	04202012	04202012	0000000	12000	07630
0001	RENEW APP.	04202012	04202012	0000000	12000	07630
0800	SELL ALC/MINORS	09282012	12112012	0121203	12000	22868
0821	MINOR DISP/SELL	09282012	01112013	0011310	12000	22868
0835	CITE	02062013	01142013	0121203	13000	01368
0835	CITE	02062013	01142013	0011310	13000	01368
0843	SUBPOENA	01302013	01292013	0121203	13000	02469
0843	SUBPOENA	01302013	01292013	0011310	13000	02469
0837	PLEA OF GUILTY	02042013	02052013	0121203	13000	02507
0837	PLEA OF GUILTY	02042013	02052013	0011310	13000	02500
0889	HEARING COSTS	02062013	02132013	0121203	13000	03217
0889	HEARING COSTS	02062013	02132013	0011310	13000	03217
0002	SUSPEND LICENSE	02202013	02202013	0121203	13000	03536
0002	SUSPEND LICENSE	02202013	02202013	0011310	13000	03536
0856	AMENDED ORDER	02222013	02222013	0121203	13000	03521
0800	SELL ALC/MINORS	02012013	02252013	0021327	13000	03561
0167	TRAINING REQ	02222013	02272013	0121203	13000	03521
0610	TR COMM ORDER	02272013	02272013	0121203	13000	00638
0610	TR COMM ORDER	03272013	03272013	0121203	13000	01107

DEPRESS: ENTER RETURN PF8 - BACKWARD PF9 - FORWARD PA1 - RETURN TO MENU

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FEB 28 2013

NEBRASKA LIQUOR  
CONTROL COMMISSION

R4Fa's



S T A T E   O F   N E B R A S K A  
L I Q U O R   C O N T R O L   C O M M I S S I O N

L I C E N S E   N U M B E R   094216  
C A T E G O R Y   R

#11

D E L E T E D   H I S T O R Y

ACTION CODE	ACTION	ACTION DATE	DATE ENTERED	DOCUMENT NUMBER	FILM ROLL	PAGE
0003	MISC. DOCUMENT	04172013	04182013	0121203	13000	09099
0003	MISC. DOCUMENT	04172013	04182013	0011310	13000	09099
0835	CITE	05082013	04192013	0021327	13000	03746
0843	SUBPOENA	04292013	04292013	0021327	13000	12051
0837	PLEA OF GUILTY	05062013	05062013	0021327	13000	03798
0854	RETURNED MAIL	04252013	05072013	0121203	13000	09272
0854	RETURNED MAIL	04252013	05072013	0011310	13000	09272
0047	NEED INFO	05072013	05072013	0000000	13000	09276
0003	MISC. DOCUMENT	05102013	05102013	0121203	13000	09304
0003	MISC. DOCUMENT	05102013	05102013	0011310	13000	09304
0020	TO LEGAL	05102013	05102013	0121203	13000	09304
0020	TO LEGAL	05102013	05102013	0011310	13000	09304
0890	HRG COSTS PAID	05132013	05132013	0121203	13000	12656
0890	HRG COSTS PAID	05132013	05132013	0011310	13000	12656

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NEBRASKA LIQUOR  
CONTROL COMMISSION

DEPRESS: ENTER RETURN      PF8 - BACKWARD    PF9 - FORWARD    PA1 - RETURN TO MENU

**MANAGER APPLICATION**

**009.01** Upon departure, death or termination of a manager, a licensed corporation shall file an application with the Liquor Control Commission for a new manager within sixty (60) days. Should the corporation be unable to establish a manager within sixty (60) days, the corporation may apply for a hardship.

