



City of Grand Island

Tuesday, April 26, 2016

Council Session

Item E-1

Public Hearing on Request from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class “I” Liquor License

Council action will take place under Consent Agenda item G-5.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 26, 2016

Subject: Public Hearing on Request from Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class “I” 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

Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 has submitted an application for a Class “I” Liquor License. A Class “I” Liquor License allows for the sale of alcohol on 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. (See attached Police Report).

Also submitted with the application was a request from Xin K. Lin, 1205 Cedar Ridge Court, Apt. B16 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 Fuji Steakhouse, Inc. dba Fuji Japanese Steakhouse, 1004 N Diers Avenue, Suite 200 for a Class "I" Liquor License contingent upon final inspections and Liquor Manager Designation for Zin K. Lin, 1205 Cedar Ridge Court, Apt. B16 contingent upon completion of a state approved alcohol server/seller training program.

04/19/16
10:49

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 13:53:00 03/29/2016
Date disposition declared : 04/19/2016
Incident number : L16033179
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 1004 Diers Ave N
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 :
Misc. number : RaNae
Geobase address ID : 19381
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	209222	04/14/16	Lin, Xin K	Owner/Manager
NM	165488	03/30/16	Fuji Steak House,	Business

Involved

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT21  LT21 Restaurant

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LAW INCIDENT NARRATIVE:

Liquor License Investigation

Fuji Japanese Steakhouse is changing ownership and applying for a new Class I (beer, wine, distilled spirits, on sale only) Retail Corporate liquor license. Xin K Lin is applying to be the liquor manager.

LAW INCIDENT RESPONDERS DETAIL:

Seq	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:16:52 04/14/2016

Grand Island Police Department
Supplemental Report

Date, Time: Thu Apr 14 15:17:04 CDT 2016
Reporting Officer: Vitera
Unit- CID

Fuji Japanese Steakhouse is applying for a new Class I (beer,wine,distilled spirits on sale only) Corporate Retail Liquor License due to a change of ownership. Fuji has had a liquor license since it opened. Xin Lin is applying to be the liquor manager. No one else is listed on the application. Xin is the President and CEO and owns 100% of the shares of the corporation.

According to the application, Xin applied for a Temporary Operating Permit (TOP), he isn't borrowing any money, and no one else will share in the profits of the business. Xin is the only person listed on the business bank account. Xin has or had a liquor license at a Fuji Japanese Steakhouse in Middletown, NY. Xin lived in New York from 2006 to 2014. He lived in China from 2014 until 2015 when he moved to Grand Island.

I checked the NLCC's web site and found that Xin was issued a TOP on 3/28/16. I also checked Xin through Spillman and NCJIS. He didn't have an entry in Spillman, and he just has a driver's license entry in NCJIS. Xin's driver's license is valid, and he doesn't have any outstanding warrants for his arrest. I searched the Internet and found a site for the New York State Liquor Authority. I searched for a liquor license for the Fuji Japanese Steakhouse in Middletown, NY since Xin disclosed on the application that he had one there. I wanted to check the history of the license, but I was unable to find the license. I did a general Internet search on Xin but couldn't pinpoint anything on him. I also checked a paid law enforcement-only database which tends to provide personal identifying information and information on civil issues. I found Xin, but there was relatively little information about him. Immigration and Customs Enforcement (ICE) verified that Xin is a Naturalized United States Citizen.

Nebraska State Patrol (NSP) Investigator Joe Hansen and I met with Xin at the Fuji Japanese Steakhouse on 4/18/16 at 1430 hours. I went over the application with Xin. We clarified that he purchased the business for

\$127,000 and did not take out a loan to do it. Xin said his monthly lease payment is \$7,588. Xin said the prior owner is not a relative of his. The prior owner sold the business and moved to Idaho. He no longer wanted to own the Fuji in Grand Island because he didn't like how the business is really busy during certain times of the year and not so busy at other times. He wanted something more steady. Xin said he doesn't own any other restaurants. He managed a Fuji in Middletown, NY and had a liquor license there, but he confirmed that the Middletown Fuji doesn't currently have a liquor license. I didn't understand the reason for not renewing the liquor license when Xin left, but Xin said there were no problems with the license.

I also asked Xin why he was living in China between 2014 and 2015. Xin said that he is a Citizen of the United States, but he went back to China for awhile to take care of a sick family member. On Xin's manager application, he listed an e-mail address of davidlin...@gmail.com. Xin said "David" is his American name. The last thing I asked Xin about is the business plan he submitted with his application. Under the Mission, one line says, "We offer fair profits for the owners and investors..." Xin said the business plan is a generic plan for all Fuji restaurants that should be tweaked for each individual restaurant. Xin assured us that he is the only owner/investor who is receiving profits from the business.

All in all, I was unable to find any criminal history on Xin due to him living in China and the East Coast (I am unable to run out-of-state criminal history checks on liquor license applicants). We will have to rely on the criminal history obtained by the State through Xin's fingerprint submission. Since Fuji Japanese Steakhouse has had a liquor license in Grand Island at the same location since January of 2012, and the Grand Island Police Department (GIPD) has no documented problems there, the GIPD has no objection to a new license under Xin Lin's name or to Xin becoming the liquor manager.

