



City of Grand Island

Tuesday, May 10, 2016

Council Session

Item E-2

Public Hearing on Request from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class “C” Liquor License

Council action will take place under Consent Agenda item G-4.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: May 10, 2016

Subject: Public Hearing on Request from La Fonda Jalisco, LLC.
dba La Fonda Jalisco, 613 East 4th 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

La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th 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 Blanca Ascencion, 2223 Bellwood #175 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 La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Blanca Ascencion, 2223 Bellwood #175 contingent upon completion of a state approved alcohol server/seller training program.

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13:44

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 11:30:00 04/22/2016
Occurred before : 11:30:00 04/22/2016
When reported : 11:30:00 04/22/2016
Date disposition declared : 04/25/2016
Incident number : L16042153
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 613 4th St E
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 : 10512
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	209465	04/25/16	La Fonda Jalisco,	Business Involved
NM	53721	04/22/16	Ascencion, Blanca E	Owner/Manager
NM	61215	04/22/16	Ascencion, Alfredo Sr	Owner
NM	101488	04/22/16	Ascencion, Eduardo	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:

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LAW INCIDENT TABLE

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Liquor License Investigation
Grand Island Police Department

La Fonda Jalisco is applying for a Class C (beer,wine,distilled spirits, on and off sale) LLC Retail Liquor License. Blanca Ascencion is applying to be the liquor manager.

ap
~~----- (lwmain11272804222016)~~

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	11:06:23 04/25/2016

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Grand Island Police Department
Supplemental Report

Date, Time: Mon Apr 25 11:06:33 CDT 2016
Reporting Officer: Vitera
Unit- CID

La Fonda Jalisco is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail Liquor License. Blanca Ascencion is applying to be the liquor manager. The company is comprised of Alfredo, Blanca, and Eduardo Ascencion who each own a third of the company. Alfredo and Blanca are husband and wife, and Eduardo is their son.

While perusing the application, I noticed that none of the applicants disclosed any convictions, they aren't borrowing any money to establish and/or operate the business, and Alfredo and Blanca have lived in Grand Island for the last twenty-one years with the exception of a couple of years in Arizona, California, and Texas. The application states that Eduardo has lived with his mother between 2006 & 2016. Alfredo and Eduardo bought the building from Edwin and Angela Bolanos for \$300,000 and are now leasing the building to La Fonda Jalisco for \$1 a month.

I checked all of the applicants through Spillman and NCJIS. Alfredo has quite a few entries in Spillman between 2002 and 2008. He doesn't have any entries between June of 2008 and the present time. I didn't see anything in Spillman which would automatically preclude him from receiving a liquor license. I did find what appears to be a citation for "Operator's License; prohibited acts" in 2003, and I also found where I had done a liquor manager investigation on Alfredo in August of 2007 for Fiesta Latina.

I don't know how long Alfredo was the manager at Fiesta Latina, but less than two weeks after my investigation, he was referred by a GIPD patrol officer to the city attorney for violating the city ordinance of allowing unaccompanied minors into Fiesta Latina after 9:00 PM. On that same night, Officers also discovered two vehicles in the parking lot of Fiesta Latina had punctured tires, and security personnel said they had been breaking up fights all night inside the club.

Alfredo only has one undisclosed conviction in NCJIS for allowing an unlicensed driver to drive which matches the 2003 entry in Spillman for operator's license; prohibited acts.

Blanca has one undisclosed conviction for speeding in Spillman. That conviction was confirmed in NCJIS.

Eduardo has entries in Spillman dating back to 2005 but no apparent violations. He has an undisclosed speeding conviction in NCJIS from 2009.

I also checked all of the applicants through NCIC for outstanding arrest warrants, and a check was done through the State of Nebraska DMV to see if they each have a valid driver's license. No outstanding arrest warrants were found for any of the applicants. Alfredo and Blanca each have a valid Nebraska driver's license. Eduardo's Nebraska driver's license expired on 4/4/12.

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I searched all of the applicants through a paid law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I found that Alfredo and Blanca filed and were discharged from a Chapter 7 bankruptcy in 2008. I didn't find anything out of the ordinary on Eduardo.

Nebraska State Patrol Investigator Joe Hansen and I met with Blanca and Eduardo at La Fonda Jalisco on 4/28/16 at 10:30 AM. We were told that Alfredo is working in Columbus and comes back to Grand Island on weekends. Like the application says in the business plan, Alfredo will have no day-to-day involvement in the business. However, Blanca and Eduardo said that Alfredo is the one who met with the attorney to fill out the application.

I went over the application with Blanca and Eduardo and asked them what La Fonda Jalisco means. I was told that it translates to "little restaurant in a place in Mexico." I asked why they applied for a Class C license. They didn't know what all a Class C license includes. They are planning for on sale beer only. Eduardo was adamant that he didn't want alcohol leaving the building even if it's allowed by the license they applied for. Since they didn't know what kind of license they applied for and what it allows them to do, I asked what they know about the Nebraska Liquor Control Act. Neither one of them knew about it, but Eduardo said he is anxious to take some online training and study up on the Act.

While continuing to go through the application with Blanca and Eduardo, I pointed out that none of them disclosed any criminal convictions. I showed them the part on the application which instructs them to include traffic violations. It is even highlighted. However, I told them that since they each only have one undisclosed traffic conviction, it shouldn't have too much of a negative impact on their application. I also tried to clarify the section which asks for the residences of the applicant and spouse for the last ten years. I was told that the cities are correct, but the timeframe is off. Blanca said her family has lived in Grand Island for an approximate total of fifteen years.

Eduardo explained that he and his father paid Edwin and Angela Bolanos a down payment on the building and agreed to pay the rest in monthly installments. They did not take out a loan for the down payment. I also asked Eduardo about his expired Nebraska driver's license. He said that he had a valid California driver's license. I checked and verified that Eduardo does have a valid California driver's license.

Investigator Hansen asked if anyone has filed for bankruptcy within the last seven years. Blanca paused for awhile and looked like she was thinking about her answer. I interjected that she and Alfredo had a bankruptcy in 2008. Blanca nodded in agreement and appeared to be counting on her fingers.

After Investigator Hansen and I asked questions, we took a quick tour of the place. The east half of the building has a couple of pool tables, a few chairs, and quite a bit of open space. I asked Blanca if they plan on having live bands or DJ's in the open space. She said they do not. I warned Eduardo about the combination of drinking, competing, and having access to large sticks. He understood and said they will keep a close eye on the billiards area and the alcohol consumption. After the brief tour, Investigator Hansen and I left the business.

All in all, the applicants' failure to each not disclose one traffic conviction is relatively inconsequential. The applicants also have very little business

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experience and little to no knowledge about the Nebraska Liquor Control Act, but they appear ready and willing to learn and follow the rules. The Grand Island Police Department has no objection to La Fonda Jalisco receiving a liquor license or to Blanca Ascencion becoming the liquor manager.

