



City of Grand Island

Tuesday, June 28, 2016

Council Session

Item E-1

Public Hearing on Request from B & R Stores, Inc. dba Super Saver 28, 710 West State Street for a Class “C” Liquor License

Council action will take place under Consent Agenda item G-7.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 28, 2016

Subject: Public Hearing on Request from B & R Stores, Inc. dba Super Saver 28, 710 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

B & R Stores, Inc. dba Super Saver 28, 710 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. See attached Police Department report.

Also submitted with the application was a request from James Goodman, 2716 Apache Road for a Liquor Manager Designation.

Staff recommends approval of the application contingent upon final inspections and Liquor Manager Designation for James Goodman contingent upon completing a state approved alcohol server/seller training program.

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 B & R Stores, Inc. dba Super Saver 28, 710 West State Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for James Goodman, 2716 Apache Road contingent upon completion of a state approved alcohol server/seller training program.

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15:11

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : 10:54:57 06/10/2016
 Occurred before : 10:54:57 06/10/2016
 When reported : 10:54:57 06/10/2016
 Date disposition declared : 06/10/2016
 Incident number : L16061169
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 710 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 : T Telephone
 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 : 47471
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status :

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	80707	06/10/16	Goodman, Tracy D	James' Wife
NM	98360	06/10/16	Goodman, James D	Liquor Manager
NM	112538	06/10/16	Raybould, Jane M	Vice President
NM	117863	06/10/16	Raybould, Patrick R	President
NM	117864	06/10/16	Chung, Janet C	Patrick's Wife
NM	117871	06/10/16	Raybould, Michael W	Vice President
NM	117872	06/10/16	Raybould, Willa M	Michael's Wife
NM	117875	06/10/16	Herrero, Jose M	Jane's Husband
NM	210755	06/10/16	Super Saver,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT12	LT12 Grocery/Supermarket	

LAW INCIDENT NARRATIVE:

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LAW INCIDENT TABLE

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The new Super Saver located at 710 W. State Street is seeking a Class C (beer, wine, distilled spirits, on and off sale) Corporate Retail Liquor License. James Goodman 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	11:05:56 06/10/2016

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Grand Island Police Department
Supplemental Report

Date, Time: Fri Jun 10 11:06:08 CDT 2016
Reporting Officer: Vitera
Unit- CID

The new Super Saver located at 710 W. State Street is seeking a Class C (beer, wine, distilled spirits, on and off sale) Corporate Retail Liquor License. The on sale portion of the license states that it is for "promotional tastings only." James Goodman is applying to be the liquor manager.

The corporation is called B & R Stores and is comprised of the following members: Patrick Raybould and his wife Janet Chung, Jane Raybould and her husband Jose Herrero, Michael and Willa Raybould, Clara Herrero and her husband Micah Kevin Goldman, Gabriel Herrero and his wife Marie Casciari, Ryan and Brooke Raybould, Jullien Raybould and her husband Michael S. Staples, Jordan Raybould, Alison Raybould, Bret Raybould, B & R Stores Inc. Trustee (employee trust), and Raybould Family "IDGT" Trust. According to the application, B & R Stores Inc. has liquor licenses at thirteen stores which are either Super Saver or Russ's Market located in Omaha, Lincoln, Grand Island, Hastings, and Columbus.

Since B & R Stores Inc. currently has thirteen other stores in Nebraska with a liquor license, and there are seventeen members of the corporation living at unknown locations; I am not going to run all of the members through NCJIS and compare those convictions with what the applicants disclosed on the application. I did, however, run all of the applicants through Spillman to see if there has been any local contact with any of them. I found some of the applicants in Spillman, but their only involvement was in 2006 from an investigation into the liquor license application for the Super Saver on 2nd Street.

Since none of the applicants have any involvements in Spillman other than the other Super Saver liquor license investigation, and no NCJIS checks were run, we will have to rely upon the applicants' fingerprint submissions to the State to see if there are any criminal issues that would preclude Super Saver from receiving a liquor license. Once again, with thirteen other stores in Nebraska that have liquor licenses, I doubt anything will show up.

On the manager application, James Goodman stated that he and Tracy have lived in Grand Island since at least 2002. James worked for Skagway from 1997 until 2015 when he started working for Super Saver. James disclosed one speeding ticket approximately twenty years ago. Tracy didn't disclose any convictions, and she also signed a Spousal Affidavit of Non-Participation form.

I checked James and Tracy through Spillman and NCJIS. Spillman has an entry for James and Tracy, but none of their involvements appear to be any kind of criminal conviction. I found two reports where they were mentioned when James was applying to be the liquor manager for Skagway stores. No convictions were found in NCJIS for James or Tracy. Neither James or Tracy have any outstanding warrants for their arrest, and they each have a valid Nebraska driver's license.

All in all, it doesn't appear that any of the corporate owners live in Grand Island. They have thirteen other stores in Nebraska with liquor licenses

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including one in Grand Island. The location of their new store in Grand Island is on property where Skagway used to have a liquor license. The liquor manager (James Goodman) for the store has plenty of experience from working at Skagway and being their liquor manager, and he has no criminal history in the State of Nebraska after living here for many years.

