



# **City of Grand Island**

**Tuesday, April 11, 2017**

**Council Session**

## **Item G-3**

**Approving Liquor Manager Designation for Jay Gates, 6220  
Thompson Creek Boulevard, Lincoln, Nebraska for Applebee's  
Neighborhood Grill & Bar, 721 Diers Avenue**

**Staff Contact: RaNae Edwards**

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** April 11, 2017

**Subject:** Request from Jay Gates, 6220 Thompson Creek Boulevard, Lincoln, Nebraska for Liquor Manager Designation with Applebee's Neighborhood Grill & Bar, 721 Diers Avenue

**Presenter(s):** RaNae Edwards, City Clerk

## Background

Jay Gates, 6220 Thompson Creek Boulevard, Lincoln, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Applebee's Neighborhood Grill & Gar, 721 Diers Avenue.

This application has been reviewed by the Police Department and City Clerk's Office. See Police Department report attached.

## Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received as required by City Code. Mr. Gates has completed a state approved alcohol server/seller training program. Staff recommends approval.

## Alternatives

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

1. Approve the requests.
2. Forward the requests with no recommendation.
3. Take no action on the requests.

## **Recommendation**

City Administration recommends that the Council approve the request for Liquor Manager Designation.

## **Sample Motion**

Move to approve the request from Jay Gates, 6220 Thompson Creek Boulevard, Lincoln, Nebraska for Liquor Manager Designation in conjunction with the Class "I-101516" Liquor License for Applebee's Neighborhood Grill & Bar, 721 Diers Avenue.

Grand Island Police Department  
Supplemental Report

Date, Time: Thu Apr 06 13:46:55 CDT 2017  
Reporting Officer: Vitera  
Unit- CID

Jay Gates is applying to become the liquor manager at Applebee's. According to his application, he currently lives in Lincoln and has lived in Nebraska since 2014. Before that, he lived in Urbandale, Iowa. His spouse is listed as Kindra Gates, and she signed a Spousal Affidavit of Non-Participation form. Jay disclosed that he has been convicted of disturbing the peace three times, trespassing, and assault. All of these convictions are between 1995 and 1999.

I checked Jay through Spillman and NCJIS. Jay did not have an entry in Spillman. NCJIS shows that Jay has five undisclosed speeding convictions ranging from 2013 through 2016, three no valid registration convictions between 2003 and 2005, and a driving during suspension conviction in 1996. Jay has a valid Nebraska driver's license and doesn't have any outstanding warrants for his arrest.

I called Jay on 4/6/17 and spoke to him about some of his undisclosed convictions. Jay said he got his "criminal history" report from Lincoln Police Department, and he did not get a printout from the DMV. He acknowledged that the convictions he disclosed were all from when he was in college in Lincoln or shortly thereafter.

I also checked Jay through a paid online law enforcement-only database which tends to provide mostly personal identifying information and civil information. I found that Jay has two old and open civil judgments against him. One was filed in Douglas County in 2005 by the Bank of America. At that time, the judgment amount was \$13,664. I called the Douglas County courthouse and was told that the amount owed now is \$25,794.97 due to interest and fees. The other judgment was also filed in Douglas County in 2006 by Asset Acceptance. The initial judgment amount was \$8,814. After speaking with someone at the Douglas County courthouse, I was told that the amount is now \$13,453.61.

The person I spoke to at the courthouse gave me telephone numbers for the attorneys handling the cases. I called each one of them and left messages. At this time, I have not heard back from either of them.

I also called Jay again and asked him about the judgments. He said he thought he had settled them. He specifically recalled the Bank of America judgment. He thinks he has settlement paperwork in a safe deposit box. He also told me that he hasn't seen any damage to his credit report that would indicate these judgments are active. I gave Jay the court case numbers, so he can check with Douglas County. I also told him that this didn't affect our recommendation to the council on him being the liquor manager for Applebee's.

In summary, none of Jay's undisclosed convictions will preclude him from being the liquor manager at Applebee's, and the convictions he disclosed are about twenty years old. The civil judgments against Jay could go against his character and reputation. However, it's possible the civil cases have been settled, the plaintiffs just quit trying to collect, or in some way Jay is no longer responsible for them. In addition, the Grand Island Police Department has had very few liquor-related issues at Applebee's, and a liquor manager change probably won't change that.



The GIPD has no objection to Jay Gates becoming the liquor manager at Applebee's.