



**City of Grand Island**  
**Tuesday, May 14, 2019**  
**Council Session/Budget Work Session**

**Item E-1**

**Public Hearing on Request from Kenia Munoz dba Ritmas Night Club, 611 East 4th Street for a Class “I” Liquor License**

*Council action will take place under Consent Agenda item G-20.*

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** May 14, 2019

**Subject:** Public Hearing on Request from Kenia Munoz dba Ritmas Night Club, 611 East 4<sup>th</sup> Street 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

Kenia Munoz dba Ritmas Night Club, 611 East 4<sup>th</sup> Street 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 Department report.

## **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 Kenia Munoz dba Ritmas Night Club, 611 East 4<sup>th</sup> Street for a Class "T" Liquor License contingent upon final inspections and completion of a state approved alcohol server/seller training program.

05/08/19  
15:17

Grand Island Police Department  
LAW SUPPLEMENTAL NARRATIVE

Page: 450  
1

318

Grand Island Police Department  
Supplemental Report

Date, Time: Mon May 06 13:57:24 DT 2019  
Reporting Officer: Vitera  
Unit- CID

Kenia Munoz is applying for a Class I (beer, wine, distilled spirits, on sale only) Individual Retail Liquor License for a business called Ritmas Night club which is located at 611 E. 4th Street. Ritmos Night Club used to be at this location under the ownership of Luisa Lovato. Ritmos moved to 316 E. 2nd Street which used to be El Centenario. El Centenario no longer exists.

In looking at Kenia's application, I noticed that she is not borrowing any money to establish and/or operate the business, no one else will share the profits, Kenia has lived in Grand Island for at least the last ten years, and she disclosed a conviction for shoplifting in 2014.

Kenia's business plan says she's going to be open on Friday, Saturday, and Sunday until 0100 hours. She's not planning on selling any food at this point. She also wants to have live music or a DJ. Kenia also says, "There will be security guards as required during all evenings the business is open."

I checked on Kenia through Spillman and NCJIS. Spillman shows that Kenia has gone by several names to include Jhosaline Rivera, Kenya J. Rivera, and Jhosalin Munoz. Kenia had multiple shoplifting involvements and a theft under the names listed above. With the exception of the shoplifting that Kenia disclosed, it appears that the other incidents occurred when she was a juvenile, and she wouldn't have had a State issued I.D. card during some of the convictions. Kenia later told me that her full name is Kenia J. Munoz-Rivera-Rodriguez, and she often uses her middle name as her first name.

While the application asks "Have you EVER been convicted" of a crime, Kenia (or her attorney) ran Kenia's criminal record through a database called "Justice." I've heard of Justice, but I don't have access to it and am not familiar with it. The Justice sheet attached to the application says it includes "Traffic/Criminal/Juvenile-Dispositions," but it also has "Hall County Court" listed beside it. It doesn't appear that this particular request for information through Justice would display records from anywhere other than Hall County, or the applicant inadvertently didn't ask for records outside of Hall County.

NCJIS shows that Kenia has been convicted of: No operator's license twice on the same day (3/5/11), driving during suspension (11/27/11), theft (2/17/12), and the theft by shoplifting that she disclosed (10/12/14).

Kenia has a valid Nebraska driver's license and no outstanding warrants for her arrest. I also checked Kenia through a paid online law enforcement-only database and didn't find anything out of the ordinary.

Nebraska State Patrol Investigator Joe Hansen and I met with Kenia at 611 E. 4th on 4/30/19 at 1100 hours. I wasn't able to do much research on Kenia or her application prior to our meeting, so I didn't have a lot of questions for her initially. I called Kenia on 5/8/19 and asked some follow-up questions.



Between the initial meeting and the phone call, Kenia did confirm that she plans on hiring security and upgrading the video surveillance system. Kenia also advised that she owned a boutique in Louisville, Kentucky for a couple of years before moving back to Grand Island in September of '18. The application asks where she's lived for the last ten years, she failed to include the time she lived in Kentucky. She said she got a job at JBS until about March of this year. She is currently unemployed.

Kenia also confirmed that she was stopped by law enforcement twice in the same day, but she didn't remember if she got cited or not. When asked about the other undisclosed convictions, Kenia said she didn't remember some of them and couldn't offer any details about any of them. She also commented that she thought she only had to list convictions that occurred after she was an adult.

I read the question to her on the application verbatim. It asked if she's EVER been convicted of any charge. I told her that ever was in all capital letters and underlined. There was also a warning before the question telling her to read the question carefully. She then blamed her attorney for not having the convictions listed on her application.

I told Kenia that I'm worried about her being able to read, interpret, and apply the rules and regulations of the Nebraska Liquor Control Act if she can't understand a very clear and simple question on the liquor license application that she also wouldn't take responsibility for. I also asked Kenia about the Land Rover she was driving when we first met. I asked her some financial questions about it and why doesn't have it registered in Nebraska yet.

Kenia got defensive and asked me what this had to do with the application. I told her it has a lot to do with the investigation and asked if she remembered signing a sheet consenting to law enforcement looking into her background and for her to "...release present and future records of every kind..." Once I told her that, she backed down and gave some information. She also acknowledged that she should have registered her vehicle in Nebraska by now. She was told to do so.

I told Kenia that her reluctance to share information and once again not read, understand, or recollect that she had signed an agreement within the application giving law enforcement access to those records concerns me as to whether she can follow the liquor laws. Kenia assured me that she is trying and learning as she goes.

All in all, Kenia's undisclosed convictions do not automatically preclude her from receiving a liquor license. While I definitely have some reservations about Kenia's ability to comply with the Nebraska Liquor Control Act, the Grand Island Police Department will give her the benefit of the doubt and not object at this time to her receiving a liquor license.

= = = = =

# Liquor License Application: Class "I": Ritmas Night Club

