



# City of Grand Island

Tuesday, November 24, 2020

Council Session

## Item E-1

**Public Hearing on Request from Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue, Suite #4 for a Class “D” 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:** November 24, 2020

**Subject:** Public Hearing on Request from Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue for a Class “D” 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

Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue has submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off 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.

Also submitted was a request for Liquor Manager Designation for Yasser Toruno Garcia, 1522 West 1<sup>st</sup> Street, Grand Island, Nebraska. Mr. Garcia has completed a state approved alcohol server/seller training program. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Yasser Toruno Garcia, 1522 West 1<sup>st</sup> Street, Grand Island, Nebraska.

### **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.

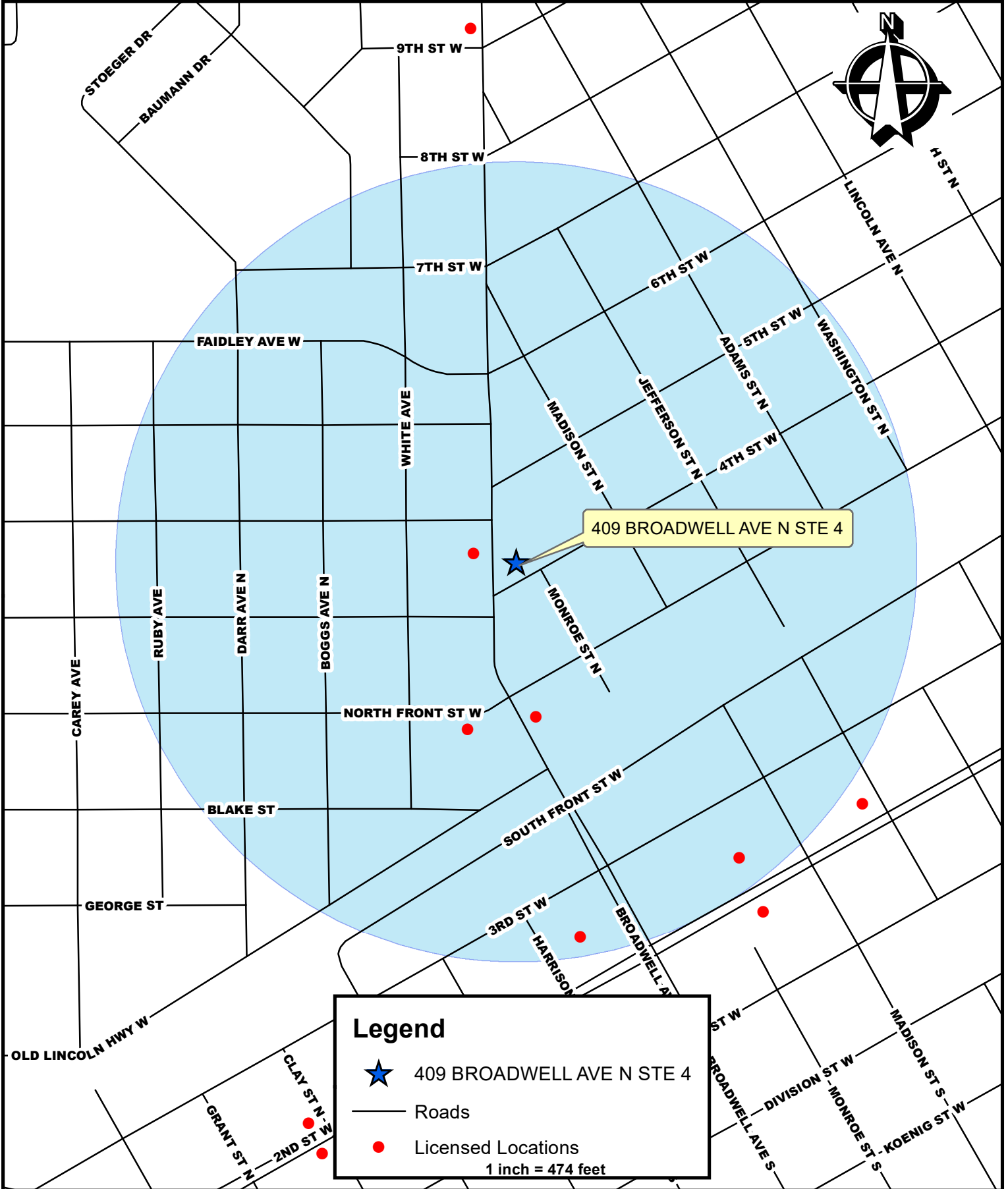
### **Recommendation**

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 Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue, Suite #4 for a Class "D" Liquor License contingent upon final inspections and Liquor Manager designation for Yasser Toruno Garcia, 1522 West 1<sup>st</sup> Street, Grand Island, Nebraska.

# Liquor License Application: Class "D" : Y & N Liquor



**Legend**

- ★ 409 BROADWELL AVE N STE 4
- Roads
- Licensed Locations

1 inch = 474 feet



# Grand Island Police Department

Officer Report for Incident L20110694

**Nature:** Liquor Lic Inv  
**Location:** PAON

**Address:** 409 BROADWELL AVE N STE 4  
Grand Island NE 68801

**Offense Codes:**

**Received By:** Dvorak T                      **How Received:** T                      **Agency:** GIPD  
**Responding Officers:** Dvorak T  
**Responsible Officer:** Dvorak T                      **Disposition:** CLO 11/18/20  
**When Reported:** 12:49:45 11/10/20      **Occurred Between:** 12:49:45 11/10/20 and 12:49:45 11/10/20

**Assigned To:**                      **Detail:**                      **Date Assigned:** \*\*/\*\*/\*\*  
**Status:**                      **Status Date:** \*\*/\*\*/\*\*                      **Due Date:** \*\*/\*\*/\*\*

**Complainant:**

**Last:**                      **First:**                      **Mid:**  
**DOB:** \*\*/\*\*/\*\*                      **Dr Lic:**                      **Address:**  
**Race:**                      **Sex:**                      **Phone:**                      **City:** ,

**Offense Codes**

**Reported:**                      **Observed:**

**Circumstances**

LT03 LT03 Bar/Night Club

**Responding Officers:**                      **Unit :**  
Dvorak T                      309

**Responsible Officer:** Dvorak T                      **Agency:** GIPD  
**Received By:** Dvorak T                      **Last Radio Log:** \*\*.\*\*.\*\* \*\*/\*\*/\*\*  
**How Received:** T Telephone                      **Clearance:** CL CL Case Closed  
**When Reported:** 12:49:45 11/10/20                      **Disposition:** CLO **Date:** 11/18/20  
**Judicial Status:**                      **Occurred between:** 12:49:45 11/10/20  
**Misc Entry:**                      **and:** 12:49:45 11/10/20

**Modus Operandi:**                      **Description :**                      **Method :**

**Involvements**

Date	Type	Description
11/13/20	Name	J&N Liquor, business

11/10/20	Name	Segura, Nancy R	owner/applicant
11/10/20	Name	Toruno Garcia, Yasser T	owner/applicant

11/19/20

**Narrative**

Liquor License Investigation

Grand Island Police Department

A newly formed business Y&N Liquor LLC, has applied for a Class D, Beer Wine Distilled Spirits Off Sale Only liquor license.

The business will be located at 409 N Broadwell, suite 4.

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Responsible LEO:

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Approved by:

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Date

11/19/20

**Supplement**

309

Y&amp;N Liquor

Grand Island Police Department  
Supplemental Report

Date, Time: 11-12-20

Reporting Officer: Sgt Dvorak 309

Unit #: CID

Yasser Toruno Garcia and Nancy Segura, husband and wife, are planning to open a new liquor store at 409 N Broadwell, Suite 4. This is the corner unit of the small strip mall style building on the northeast corner of 4th and Broadwell. The space was most recently inhabited by a restaurant. The proposed business name is Y&N Liquor. The application is for a Class D Liquor License; beer, wine and distilled spirits, offsale only.

I noted on the application forms that Yasser disclosed a couple moving violations, all traffic infractions. Nancy disclosed one motor vehicle accident, and indicated no moving violations associated.

I checked Yasser and Nancy through both Spillman and NCJIS. I found nothing noteworthy in Spillman (local) records, and found that both subjects have valid Nebraska drivers licenses. I found that neither of them have any outstanding criminal warrants for their arrest. I also checked Yasser and Nancy through a paid Law Enforcement Only database, which tends to provide mostly identifying information and details of any involved civil issues. I noticed that Nancy had several civil judgements in the past (6), but the last one was listed in 2012 and there were no current judgements or bankruptcies.

No other concerns were located, however Since Yasser was born in Cuba, I contacted an ICE representative of Homeland Security, who verified Yasser's immigration status.

On 11-12-20, at 1300, I met with NSP Investigator Jeromy McCoy at the business. Nancy and Yasser were accommodating and prepared. Yasser advised that while he understands English, he does not speak the language very well, so Nancy acted as translator.

The couple advised that they formed an LLC to open the business, with each of them owning 50%. They said they have already invested over \$5,000 of their own money, and that was before purchasing inventory. They entered into a lease agreement for \$900 per month, and are using 5 Points Bank for any additional funding requirements. Yasser said they will purchase 3 cooler units, the entire inventory, and a security system prior to opening the business to the public.

McCoy covered Commission concerns and questions. Both subjects advised they have no prior liquor sales experience, but are taking the training classes online. Nancy said she plans to keep working her permanent job, while Yasser will work full time at the business. At first, the couple advised, they do not plan to hire any additional employees. Nancy said she will keep the books and pay the bills, as well as assist in working hours at the store.

Yasser said their plan is to be open seven days a week. He said the business hours will be Monday-Thursday 1000am to 1100pm. Friday and Saturday 1000am to 0100am, and Sunday noon to 1100pm.

11/19/20



The couple advised they have no current outstanding civil actions against them, and do not have any undisclosed violations or convictions. I discussed security system issues they should consider, and McCoy explained the various violations that could arise without proper management. Both Yasser and Nancy advised they understood.

The Grand Island Police Department has no objections to Yasser Toruno Garcia and Nancy Segura, as owners of Y&N Liquor, receiving a Class D liquor license to serve beer, wine and distilled spirits as off sale only.

11/19/20