



# City of Grand Island

Tuesday, April 27, 2021

Council Session

## Item E-1

**Public Hearing on Request from The Gallery Bar, LLC dba The Gallery Bar, 322 North Pine Street Suite 101 for a Class “IK” Liquor License**

*Council action will take place under Consent Agenda item G-3.*

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** April 27, 2021

**Subject:** Public Hearing on Request from The Gallery Bar, LLC dba The Gallery Bar, 322 North Pine Street Suite 101, for a Class “IK 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

The Gallery Bar, LLC dba The Gallery Bar, 322 North Pine Street Suite 101 has submitted an application for a Class “IK” Liquor License. A Class “I” Liquor License allows for the sale of alcohol on sale only inside the corporate limits of the city. The Class “K” allows for catering one day events.

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 Brenda Corral, 3111 College Street Apt. 18, Grand Island, Nebraska. Ms. Corral 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 Brenda Corral, 3111 College Street Apt. 18, 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.

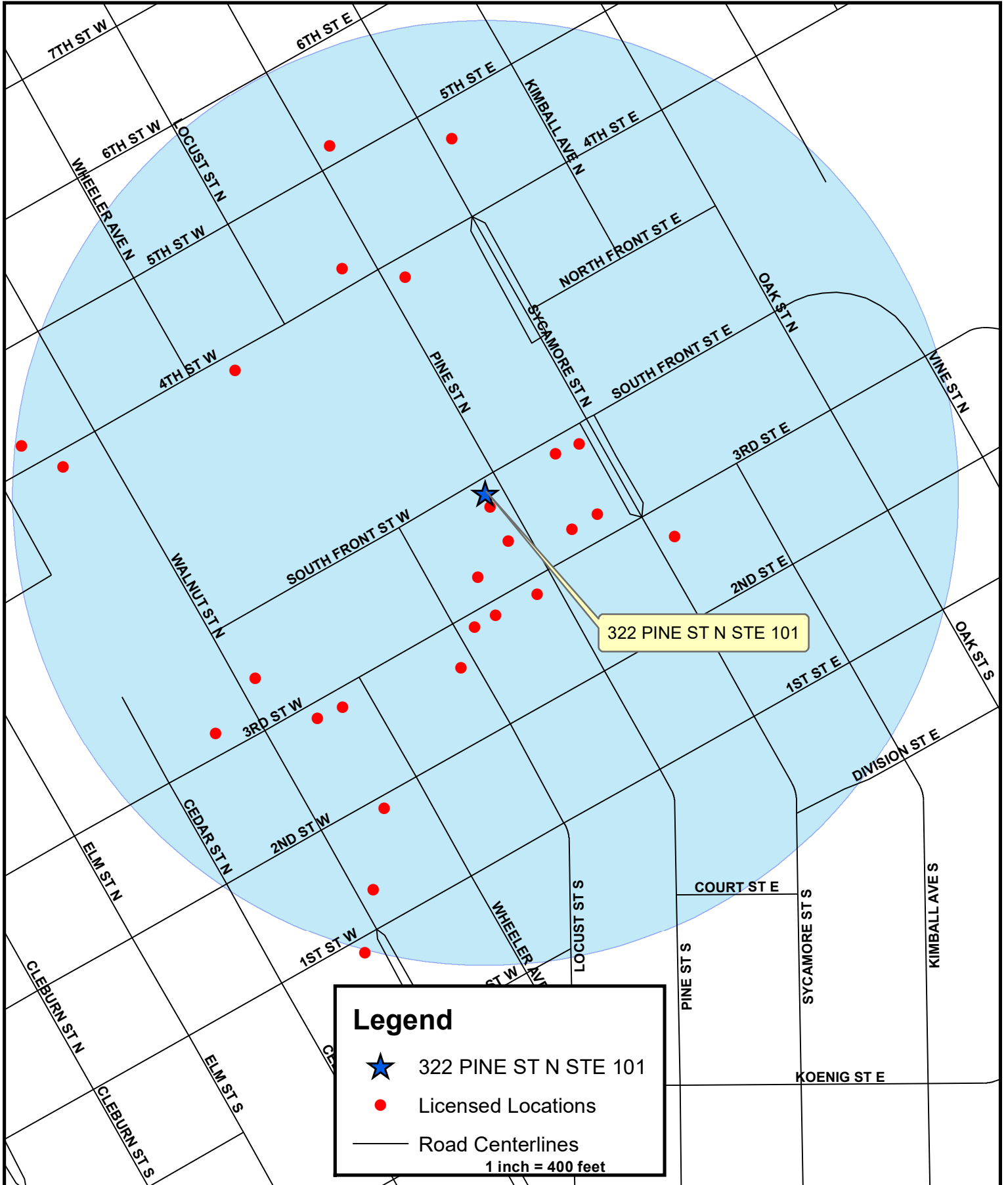
### **Recommendation**

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 The Gallery Bar, LLC dba The Gallery Bar, 322 North Pine Street Suite 101 for a Class "IK" Liquor License contingent upon final inspections and Liquor Manager designation for Brenda Corral, 3111 College Street Apt. 18, Grand Island, Nebraska.

# Liquor License Application: Class "IK": The Gallery Bar





# Grand Island Police Department

Officer Report for Incident L21020939

Nature: Liquor Lic Inv  
Location: PCID

Address: 322 PINE ST N STE 101; Suite 101  
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 02/17/21  
When Reported: 09:45:37 02/12/21      Occurred Between: 09:45:37 02/12/21 and 09:45:37 02/12/21

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: 09:45:37 02/12/21                      Disposition: CLO Date: 02/17/21  
Judicial Status:                      Occurred between: 09:45:37 02/12/21  
Misc Entry:                      and: 09:45:37 02/12/21

Modus Operandi:                      Description :                      Method :

**Involvements**

Date	Type	Description	Applicant
02/12/21	Name	Corral, Brenda	Applicant

04/05/21

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02/12/21	Name	Gamboa Parra, Ivan	Applicant
02/12/21	Name	The Gallery Bar,	Business

04/05/21

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**Narrative**

Liquor License Investigation

Grand Island Police Department

Brenda Corral and Ivan Gamboa Parra, who are husband and wife, have plans to open a new bar at 322 N Pine, suite 101, which is currently a boutique clothing store. The proposed establishment will be named The Gallery Bar.

They have applied for a class I (beer, wine and liquor on sale only) and a class K (catering) license issue.

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Responsible LEO:

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Approved by:

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Date

04/05/21

**Supplement**

309 Liquor License Application

Grand Island Police Department  
Supplemental Report

Date, Time: 2-15-21  
Reporting Officer: Sgt Dvorak #309  
Unit #: CID

Brenda Corral and Ivan Gamboa Parra, who are husband and wife, have plans to open a new bar at 322 N Pine, suite 101, which is currently a boutique clothing store. The application is made for a class I (beer, wine and liquor on sale only) and class K (catering) licensure. Brenda and Ivan will operate under an LLC, as "The Gallery Bar Inc".

I checked both Ivan and Brenda through local Spillman records, and through the State of Nebraska via NCJIS. I found that both subjects have valid Driver's On the application, Ivan disclosed no convictions, while Brenda listed a 2013 conviction for Procuring/Selling/Dispensing Alcohol to a Minor. I found no criminal history listed for Ivan. However, I noted that Brenda has three convictions for moving violations, all of which occurred in 2017. Neither had criminal warrants for their arrest.

I also checked Brenda and Ivan through a paid Law Enforcement Only database, which tends to provide mostly identification information, and any pertinent involvement in civil issues. Brenda had one collections issue in 2020, but it appears that the collection was up to date, and no longer in force. I located nothing of interest for Ivan. However, since Ivan lists his place of birth as Bogota Columbia, I contacted an ICE representative of Homeland Security, to check Ivan's immigration status. I received a response that Ivan's immigration status is valid, as a conditional permanent resident.

I noted that the City Building Department and GIFD Fire Inspector had questions regarding the application. Since A List, the boutique clothiers, is still in the space proposed by Ivan and Brenda, there are concerns regarding the plans to convert to a liquor establishment; i.e. regarding occupancy and egress points. Since Gallery Bar does not take possession of the space until March first, I determined that I would complete my investigation regardless of the findings by the other inspectors.

On February 11th, at 1430, I met with NSP Investigator Jeromy McCoy at the location. Brenda was at the meeting, but Ivan was working out of town. We did go in the building, but it was still operational as a clothing store, with lots of merchandise throughout, so we had to visualize the plans Brenda told us they would implement.

Corral said she and Ivan envision a "high end" establishment. They will display, market and sell art along with selling alcohol. Brenda said Ivan was a full time manager of "high end" bars in Columbia for about ten years. Brenda said they expect a capacity of about 50 people, plan for only one bar, and want to focus on the artwork rather than the alcohol. They plan 4-5 tables on each level, with each table seating four. There will also be limited seating at the bar.

McCoy covered Commission concerns and questions. He asked Brenda about her failure to disclose the traffic violations I referenced above. Corral said 2017 was a "terrible" year for her, as we went through a divorce and money issues.

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Brenda admitted she had been ticketed for three moving violations, and said she did not equate those with convictions on the application. She said it was simply an oversight on her part. She also explained the conviction for procuring, and advised she was working at the Wine Bar at the time.

Corral said she and Ivan will invest about \$5,000 from savings, and have financing from 5 Points Bank. Brenda also advised that her father gave her \$20,000 from his retirement, that they will use, but he did not expect any financial returns on his investment.

Brenda said the Gallery Bar will be open Wednesday through Saturday. Wed/Thurs hours will be 4-11pm, while Fri/Sat hours will be 4pm-1am. Ivan plans to work at the bar full time. Brenda said she will keep her full time job, but work at the bar on weekends. They plan to employ one or two part-time employees as well.

Corral advised that neither she nor Ivan have any current judgements or collections against them. Brenda said the civil matter last year was for medical bills, and it has been taken care of. I discussed security concerns, and surveillance equipment. Brenda said they definitely plan to install a security camera system when they get access to the building. She also advised that they do not want, and will not allow, a "party crowd" in their establishment.

I asked about the class K license request. Brenda said she and Ivan would like to host outdoor art appreciation gatherings at different venues, and she would like to be able to provide wine and food at those events as well.

I advised that I would like to meet Ivan in person, and see the renovations after March first.

When reviewing my report, Lt Vitera made me aware of two stipulations that make both Brenda and Ivan ineligible to receive a liquor license as this time.

Gamboa Parra cannot be the manager, because he is not a U.S. citizen, as stipulated in NE State Statute 53-125. Corral cannot be issued a license, because she has a prior conviction (2013) for an alcohol related violation of procuring/selling/dispensing alcohol to a minor. Lt Vitera pointed out that State Statute 53-131.01 precludes Brenda from being issued a liquor license. She disclosed, and admitted, that she pleaded guilty to Procuring Alcohol to a Minor in 2013. She would have to get her procuring conviction set aside.

At this time, GIPD cannot recommend this application be granted, and will recommend a denial. I contacted City Hall and notified them of our findings. I also contacted Brenda Corral, by phone, to advise them of the denial and offered suggestions for what needed to be changed.

In addition, should the Fire Inspector or Building Department have concerns regarding the physical location and configuration, we would defer to their findings for any future amended application.

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### Supplement

I received a new application from Brenda Corral on 4-1-21. Ivan Gamboa is no longer listed as the proposed manager of the business, and the application is no longer a Limited Liability Corporation, and Brenda Corral has applied individually.

In addition, I observed that Corral has provided evidence from the court that her alcohol related conviction in 2013 has been set aside/nullified.

Copies of both alterations have been added to this report.

Therefore, the Grand Island Police Department has no further objections to the issuance of this I/K license, to Brenda Corral, DBA the Gallery Bar.

04/05/21