



City of Grand Island

Tuesday, May 28, 2013

Council Session

Item H-1

**Consideration of Liquor Manager Designation for Candace Rivera,
2815 West Capital Avenue for Red Lobster Restaurant #0734, 3430
West 13th Street**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: May 28, 2013

Subject: Request from Candace Rivera, 2815 West Capital Avenue for Liquor Manager Designation for Red Lobster Restaurant #0734, 3430 West 13th Street

Item #'s: H-1

Presenter(s): RaNae Edwards, City Clerk

Background

Candace Rivera, 2815 West Capital Avenue has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Red Lobster Restaurant #0734, 3430 West 13th Street.

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

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

During the Police investigation, several issues came forth with regards to the potential character of Candy Rivera (See attached). Also the application filled out by Ms. Rivera did not provide all the information, thereby making this a false application as required by the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01).

Recommendation

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

Sample Motion

Move to **deny** the request from Candace Rivera, 2815 West Capital Avenue for Liquor Manager Designation in conjunction with the Class "I-32486" Liquor License for Red Lobster Restaurant #0734, 3430 West 14th Street.

05/14/13
15:11

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 10:55:21 05/07/2013
Date disposition declared : 05/07/2013
Incident number : L13050756
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 3430 13th 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 Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 4962
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident
= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	717	05/07/13	Rivera, Joseph M Jr	Candace's
Spouse				
NM	33933	05/07/13	Rivera, Candace Marie	Liquor Manager
NM	84240	05/07/13	Red Lobster Restaurant,	Business
Involved				

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

Candace Rivera is Applying to be the Liquor Manager at Red Lobster.

LAW INCIDENT OFFENSES DETAIL:

Se Offe Offense code : Arson Dama

1 AOFF Alcohol Offense 0.00

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

1 Vitera D 09:57:20 05/14/2013

Grand Island Police Department
Supplemental Report

Date, Time: Tue May 14 09:57:33 CDT 2013
Reporting Officer: Vitera
Unit- CID

Candace "Candy" Rivera is applying to be the liquor manager at Red Lobster. According to the application, Candy is married to Joe Rivera and she has lived in Grand Island since 1991. Joe signed a Spousal Affidavit of Non-Participation.

On the part of the application that asks for convictions, Candy stated that she was convicted of a fight by mutual consent in March of this year. No other convictions were listed.

I ran a warrants and driver's license check on Candy. She doesn't currently have any warrants for her arrest, and her driver's license is valid. I used an online law enforcement-only database to find out more about Candy. Using her name, date of birth and Social Security number, I found an entry for her which indicates a bankruptcy in 2005 and seventeen judgments leveled against her with the latest being in 2012. No further information was given about the judgments.

I also checked Candy through Spillman and NCJIS. She has several entries in Spillman for assaults. According to the information in NCJIS, Candy was convicted of the following crimes: Reckless Driving in '94, Attempt of a Class IIIA or IV Felony in 2001 (original charge was "Fraud to Obtain Assistance"), No Insurance and No Valid Registration in '04, DDS in '04, and Obstructing a Police Officer in '08 (original charge was 3rd Degree Assault on an Officer, CL IIIA Fel).

I looked a little closer at some of the reports in Spillman to get a better understanding of her character. I found a few incidents that speak to that. On 9/1/08, Candy called officers to her house and asked them to remove her husband. They were not able to remove Candy's husband, but they described her as being "intoxicated and uncooperative." On 4/16/12, Candy was arrested for Failing to Appear on a Debtor's Exam. On 11/18/12, Candy was involved in a disturbance at the Conestoga Mall. Her son was

going to fight another boy. A girl who was with the boy that Candy's son was going to fight, told police that Candy was encouraging the boys to fight. This same sixteen year old girl accused Candy of grabbing her by the throat. A security guard was interviewed who said that he didn't see Candy (didn't know her name but described her) grab the girl by the throat, but he saw her punch at the girl. He also said that after he had separated and calmed the boys down, Candy instigated the fight again.

All in all, the Grand Island Police Department recommends that the council not give local approval to Candace Rivera's liquor manager application for Red Lobster because of a false application and potential character issues.

On the liquor manager application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." It further asks that the applicant, "List the nature of the charge, where the charge occurred and the year and the month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name."

Candy's failure to disclose all of her convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) which states:

"No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license." 011.01 goes on to say:

No licensee or partner, principal, agent or employee of any licensee shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director or employees. Any violation of this provision may result in suspension, cancellation or revocation of such license. 53-125 states in part that, "No license of any kind shall be issued to a person who is not of good character and reputation in the community in which he or she resides."