



# **City of Grand Island**

**Tuesday, May 28, 2013**

**Council Session**

## **Item E-1**

**Public Hearing on Request from Besi and Zeki, LLC dba Napoli's Italian Restaurant, 3421 Conestoga Drive for a Class "I" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** May 28, 2013

**Subject:** Public Hearing on Request from Besi and Zeki, LLC dba Napoli's Italian Restaurant, 3421 Conestoga Drive for a Class "I" Liquor License

**Item #'s:** E-1 & I-1

**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**

Besi and Zeki, LLC dba Napoli's Italian Restaurant, 3421 Conestoga Drive 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.

Also submitted with the application was a request from Florim Ramadani, 5011 Starling Drive, Lincoln, NE for a Liquor Manager Designation.

### **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 Besi and Zeki, LLC dba Napoli's Italian Restaurant, 3421 Conetoga Drive for a Class "T" Liquor License contingent upon final inspections and Manager Designation for Florim Ramadani, 5011 Starling Drive, Lincoln, NE contingent upon completion of a state approved alcohol server/seller training program.

05/14/13  
15:19

Grand Island Police Department  
LAW INCIDENT TABLE

450  
Page: 1

City : Grand Island  
Occurred after : \*\*:\*\*:\*\* \*\*/\*\*/\*\*\*\*  
Occurred before : \*\*:\*\*:\*\* \*\*/\*\*/\*\*\*\*  
When reported : 08:30:00 05/01/2013  
Date disposition declared : 05/02/2013  
Incident number : L13050187  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License  
Investigation  
Incident address : 3421 Conestoga Dr  
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 : 18361  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident  
=====

INVOLVEMENTS:

| Px                 | Record # | Date     | Description      | Relationship   |
|--------------------|----------|----------|------------------|----------------|
| NM                 | 184643   | 05/13/13 | Petro, Zee       |                |
| Employee/Translate |          |          |                  |                |
| NM                 | 184540   | 05/08/13 | Shala, Zejnepe   | Besim's Wife   |
| NM                 | 164546   | 05/07/13 | Ramadani, Florim | Liquor Manager |
| NM                 | 184526   | 05/07/13 | Shala, Besim     | Owner          |
| NM                 | 167890   | 05/02/13 | Napoli's,        | Business       |

Involved

LAW INCIDENT CIRCUMSTANCES:

| Se | Circu | Circumstance code | Miscellaneous |
|----|-------|-------------------|---------------|
| 1  | LT21  | Restaurant        |               |

LAW INCIDENT NARRATIVE:

Napoli's is Changing Ownership and Florim Ramadani is Applying for the Liquor Manager Position.

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 |
|-----|------|------|
| 318 |      |      |

Grand Island Police Department  
Supplemental Report

Date, Time: Tue May 07 14:57:06 CDT 2013  
Reporting Officer: Vitera  
Unit- CID

Napoli's is changing ownership. Besim Shala is buying the business and applying for a new Class I (beer, wine, distilled spirits, on sale only) LLC retail liquor license. He also applied for a Temporary Operating Permit (TOP). Besim and his wife (Zejnepe Shala) are the only two listed on the application. Florim Ramadani is applying to be the liquor manager. Florim's wife (Syzane Mehmeti) is also on the application. Zejnepe and Syzane each signed a Spousal Affidavit of Non-Participation.

While reviewing the liquor license application, I noticed that Besim and Zejnepe didn't disclose any criminal convictions, and the prior owner of Napoli's (George Plaku) is financing Besim. Part of the application asks the applicant to list his residences for the last ten years. Besim stated the he lived in Kosovo from 1974-2006; Enid, OK from 2006-2012; Yukon, OK from 2012-2013; and Grand Island from 2013 until the present. Another question on the application asks if the applicant has been a part of any other liquor license in Nebraska or any other state. Besim listed a restaurant in Kansas and a restaurant in Oklahoma.

I checked Spillman and NCJIS for Besim and Zejnepe. Neither one of them were in Spillman. Zejnepe was not in NCJIS. Besim had one entry in NCJIS. It looks like he was stopped by NSP on 3/13/13 for a headlight violation. It shows a Texas driver's license number which is odd since Besim listed his past residences in Oklahoma and a restaurant in Kansas.

I also checked Besim and Zejnepe for warrants and driver's license status through Texas, Oklahoma, and Kansas. I found that neither one of them have any outstanding arrest warrants. Besim has a Texas driver's license which shows one speeding conviction in Texas. Zejnepe has a valid Oklahoma driver's license.

I checked them both through ICE and was advised that Besim is a Legal Permanent Resident, and Zejnepe is a Naturalized Citizen. I checked them through an online law enforcement database and didn't come up with anything out of the ordinary other than it showed a past residence for the Shala's in Dallas, Texas. I did a general search for Besim Shala on the Internet, but there were too many to narrow down.

I also called law enforcement in the three Oklahoma cities listed on the application. I went through the records department in each city. Yukon didn't have any record of the Shala's. Enid advised that Besim had been stopped three times for traffic violations. He was cited once for speeding and no insurance, cited another time for speeding, and cited for a seatbelt violation. Enid didn't have any record of Zejnepe. I'm still waiting to hear back from Oklahoma City.

I contacted the Alcoholic Beverage Laws Enforcement Commission (ABLE) in Oklahoma and was told that Besim Shala operated the Bella Italia Restaurant in Bethany, OK for one year and didn't have any liquor law violations. I also called the Kansas Department of Revenue Alcoholic Beverage Control (ABC) and learned that Besim only had a liquor license for two months in Salina, KS at a restaurant called Venezia. There were no violations there either.

After reviewing the liquor license application, I looked over the liquor manager application for Florim Ramadani. I did an investigation on Napoli's when it first opened. Florim was the liquor manager at that time in 2011 and then again when it changed ownership in 2012. I did not find anything on the prior two investigations that would have precluded Florim from being the liquor manager. At this time, I don't see any additional local or state criminal history that would contradict my prior investigations. The only thing that concerns me a little bit is the fact that Florim moved to Lincoln and is managing a restaurant there called Florio's. Also, Napoli's in Grand Island had two separate sales to minors in 2012.

On 5/10/13, I met with Besim at Napoli's. Besim speaks English, but he had an employee (Zee Petro) sit in just in case we needed translation. I went over the application with Besim and asked him about being convicted of charges. Besim advised that he has received two or three tickets in his lifetime but nothing more serious than that. He also said that he doesn't have any criminal history in Europe either. Besim didn't think that Zejnepe had ever been cited for anything.

Besim received his TOP. He advised that he is also buying the Napoli's in Hastings. Besim is not related to George Plaku. They became friends when they each lived in Kansas. I also asked Besim to explain why he had a

Texas driver's license but never listed anywhere in Texas as a residence. Besim said when he arrived in the United States from Kosovo, Dallas, Texas is where he entered. Besim obtained a driver's license and temporary living arrangements, but he only stayed in Texas for a few weeks.

Besim operated a restaurant in Kansas with a liquor license for a couple of months, but it was not successful. He also had a restaurant in Oklahoma with a liquor license for about one year. During that time, he was negotiating with George Plaku to buy his restaurants in Grand Island and Hastings.

The last thing we discussed is why he has Florim as his liquor manager when Florim runs a restaurant in Lincoln and is the liquor manager there. Besim said he can't be the manager because he is not a citizen of the United States. After school lets out for the Summer, Zejnepe and the rest of the family will move to Grand Island from Oklahoma. Besim anticipates Zejnepe being the liquor manager. If that's the case, Zejnepe will have to contact the NLCC and rescind her Spousal Affidavit of Non-Participation agreement.

All in all, the Grand Island Police Department does not have any objection to Besim Shala receiving a liquor license for Napoli's or to Florim Ramadani being the liquor manager.