



City of Grand Island

Tuesday, June 25, 2013

Council Session

Item E-1

**Public Hearing on Request from Claudia Vidana dba Mermaids,
123 E. South Front Street for a Class “C” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 25, 2013

Subject: Public Hearing on Request from Claudia Vidana dba Mermaids, 123 E. South Front Street for a Class “C” 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

Claudia Vidana dba Mermaids, 123 E. South Front Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale 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.

In reviewing the Police Department report (see attached) several issues have risen with regards to a false application and Ms. Vidana's connection to The Edge and Maria Davidson, and the appearance that Ms. Vidana is trying to get her mother back into the bar business, it is recommended City Council deny this request.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

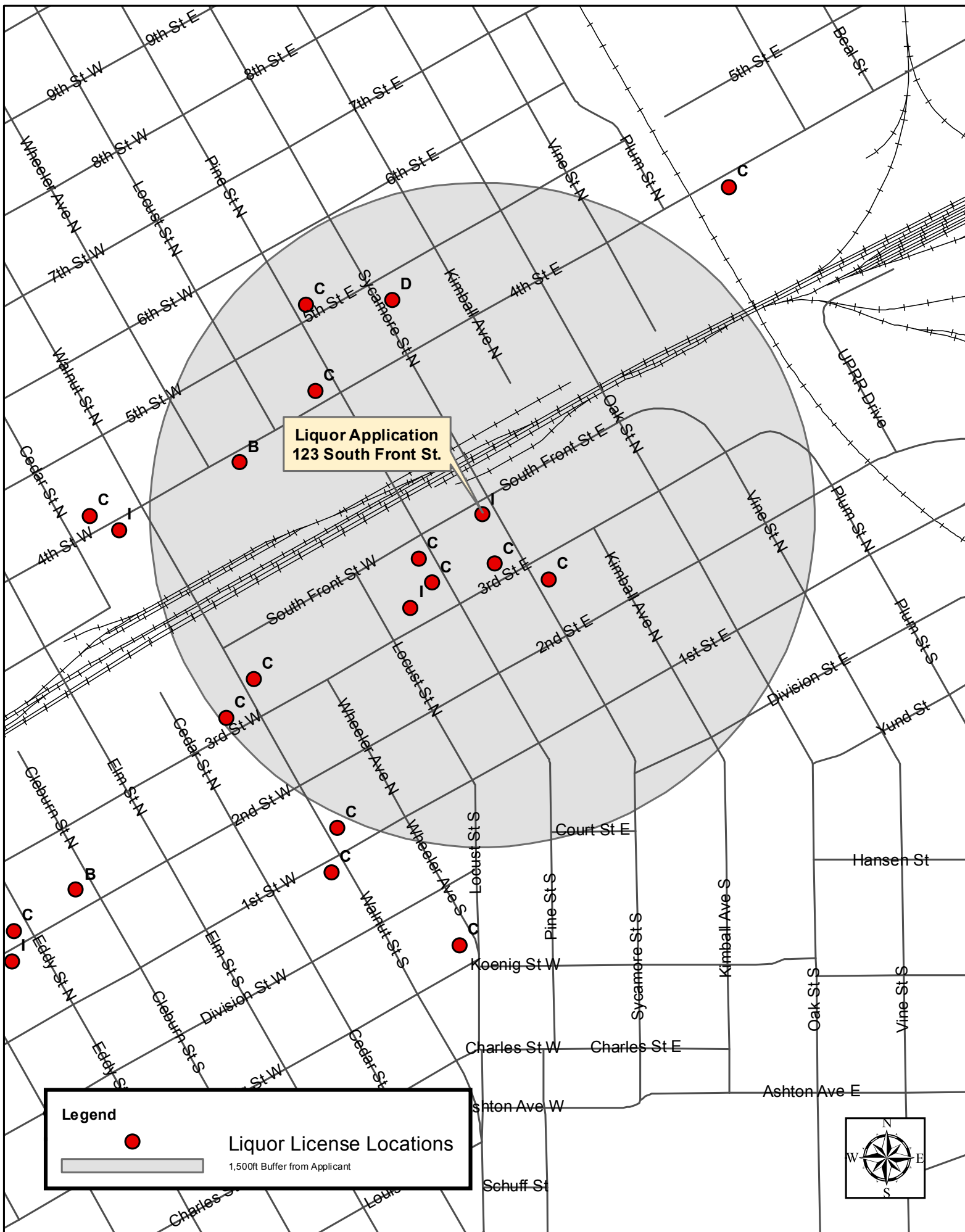
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council **deny** this application.

Sample Motion

Move to **deny** the application for Claudia Vidana dba Mermaids, 123 E. South Front Street for a Class "C" Liquor License base on the Police Department report of a false application, Ms. Vidana's connection to The Edge and Maria Davidson, and the appearance that Ms. Vidana is trying to get her mother back into the bar business.



06/18/13
10:52

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 13:00:37 05/21/2013
Occurred before : 13:00:37 05/21/2013
When reported : 13:00:37 05/21/2013
Date disposition declared : 05/21/2013
Incident number : L13052705
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 123 South Front St E
State abbreviation : NE
ZIP Code : 68801
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 :
Geobase address ID : 11235
Long-term call ID :
Clearance Code : O Open Case
Judicial Status : NCI Non-criminal Incident
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	73830	06/17/13	Edge Bar,	Related
NM	87899	06/17/13	Davidson, Maria Elena	Mentioned
NM	106168	06/17/13	Zorrero, Victor Ricardo	Mentioned
NM	135429	06/17/13	Zorrero, Dydra	Mentioned
NM	185241	06/17/13	Vidana, Claudia	Applicant

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Claudia Vidana is Applying for a Class C Individual Liquor License for a Club called Mermaids.

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	08:54:30 06/17/2013

Grand Island Police Department
Supplemental Report

Date, Time: Mon Jun 17 08:54:42 CDT 2013
Reporting Officer: Vitera
Unit- CID

Claudia Vidana is applying for a Class C (Beer, wine, distilled spirits on and off sale) Individual liquor license for a bar and nightclub called "Mermaids." While reviewing Claudia's application, I noted the following information: Claudia is the only person listed on the application, she didn't disclose any convictions other than "traffic," she is not borrowing any money to establish and/or operate the business, no one is entitled to a share of the profits of the business, no one was listed on the application as being able to write checks or make withdrawals on the business account, she has never had a liquor license before, and Claudia just moved to Nebraska sometime in 2013. She had resided in San Jancinto, CA between '04 & '07, Jacksonville, NC between '07 & '10, and Oceanside, CA between '10 & '13.

I checked Claudia through Spillman and NCJIS. Since she is new to Nebraska, Claudia did not have an entry in Spillman, and her only entry in NCJIS is for a driver's license. She does not have any outstanding arrest warrants, and she has a valid California and Nebraska driver's license. I checked with local law enforcement where Claudia lived the last ten years. They all responded and advised that they didn't have any records for Claudia.

The address listed on Claudia's driver's license is 5074 W. Hwy. 30 which is the Edge Bar & Grill. Claudia listed her address on the liquor license application as 104 Front Street in Alda.

I did some Internet checks on Claudia and found some dated information on a site called "Manta" which is a web site dedicated to connecting small

businesses to one another. Manta lists Claudia Vidana as the owner of the Edge Bar & Grill. The email address for the business is "ilovemermaids75@gmail.com" Claudia's email address for this application (Mermaids) is listed as "ilovemermaids75@yahoo.com." Claudia made a statement on Manta saying "We lost our liquor license about two years ago." It goes on to talk about her vision for the new Edge Bar & Grill and closes with, "We are crossing our fingers for the liquor license."

According to the NLCC's web site, Adriana Horta is the last person to apply for a liquor license at The Edge in December of 2012. It shows a local denial in January of 2013 and a denial by the NLCC in May of 2013. I believe most people are familiar with The Edge. It was a small bar located in Alda that employed topless dancers. The bar had problems with underage dancers and prostitution.

I met with Claudia on 6/14/13 along with NSP Investigator Dan Fiala. I asked Claudia why her driver's license showed her home address as The Edge. Claudia advised when she applied for her driver's license, DMV wouldn't accept a PO Box, so she used her mother's address. She identified her mother as Maria Davidson. Maria used to own and operate The Edge. Claudia went on to say that Maria's husband left all his money to his daughter when he died. Claudia came back to Nebraska to help her mother. She said that profits from Mermaids would be given to her mother to pay bills and help her with living expenses.

I told Claudia that she should have listed her mother on the application as a person who was going to share in the profits of the business. Claudia didn't see her mother as a business partner, so she didn't think it mattered. Claudia also said a brother and sister would work for her and share some of the business profits because they wouldn't be hourly employees. She identified them as Victor and Dydra Zorrero. I searched Dydra and Victor in Spillman and found that Dydra was cited for selling alcohol to a minor in The Edge on 6/6/08. Victor was present on 2/26/12 when a deputy cited Maria for allowing alcohol consumption at The Edge when they didn't have a license. Other than that, Dydra and Victor don't have any criminal history in Nebraska.

The application also asks the applicant what bank or financial institution she will utilize for the business and who will be able to write checks and make withdrawals on the account. Claudia listed Wells Fargo, but she didn't have anyone listed as having access to the account. When I spoke to Claudia, she said that Dydra would be able to make withdrawals but not write checks.

Claudia had done some online research about the bar business prior to moving to Grand Island. She polled people in Grand Island and asked them what Grand Island needed. She was told that a lot of people drive to Lincoln and Omaha to go to nightclubs. Claudia wants Mermaids to be a nightclub with a different theme each night. She will have a dress code and five security personnel working at peak times.

I asked Claudia how she came up with the name of her Club. She advised that her daughter died in a house fire a couple of years ago. Claudia's daughter liked mermaids. The business logo will have two mermaids facing

each other. One of them will have a gray patch of hair on the side like Claudia.

Since Claudia failed to mention on her application that her mother, brother, and sister would receive some of the profits from the business, and she didn't include Dydra on the application as having access to the business account; this application is technically 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."

Not only is this a false application, there is a tie between Claudia and Maria that seems to be more than just mother and daughter that is hard to overlook. Claudia used The Edge as her home address on her driver's license. Claudia returned to Nebraska when The Edge was trying to get a liquor license for the last time. Information on the Internet indicates that Claudia had an active role in trying to obtain a liquor license for The Edge. She said, "WE lost our liquor license about two years ago." "WE are crossing our fingers for the liquor license." Claudia failed to list her mother on the application as a person who will share the business profits. Claudia has no experience running a bar, but she has a clean record. All of this points towards Claudia attempting to get a license for her mother since her mother can't.

All in all, based upon the false application, Claudia's connection to The Edge and Maria Davidson, and the appearance that Claudia is trying to get her mother back into the bar business; the Grand Island Police Department recommends that the Council deny this application.