



City of Grand Island

Tuesday, September 10, 2013

Council Session

Item E-1

Public Hearing on Request from JamesJ Hotels LLC, dba JamesJ Catering, 3234 W Schimmer Drive for a Class “CK” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 10, 2013

Subject: Public Hearing on Request from JamesJ Hotels, LLC dba JamesJ Catering, 3234 W Schimmer Drive for a Class “CK” 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

JamesJ Hotels, LLC dba JamesJ Catering, 3234 W Schimmer Drive has submitted an application for a Class “CK” Liquor License. A Class “CK” Liquor License allows for the sale of alcohol on and off sale and a catering designation for one day events 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 James Duff, 2411 Cochin Street for a Liquor Manager Designation.

Alternatives

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

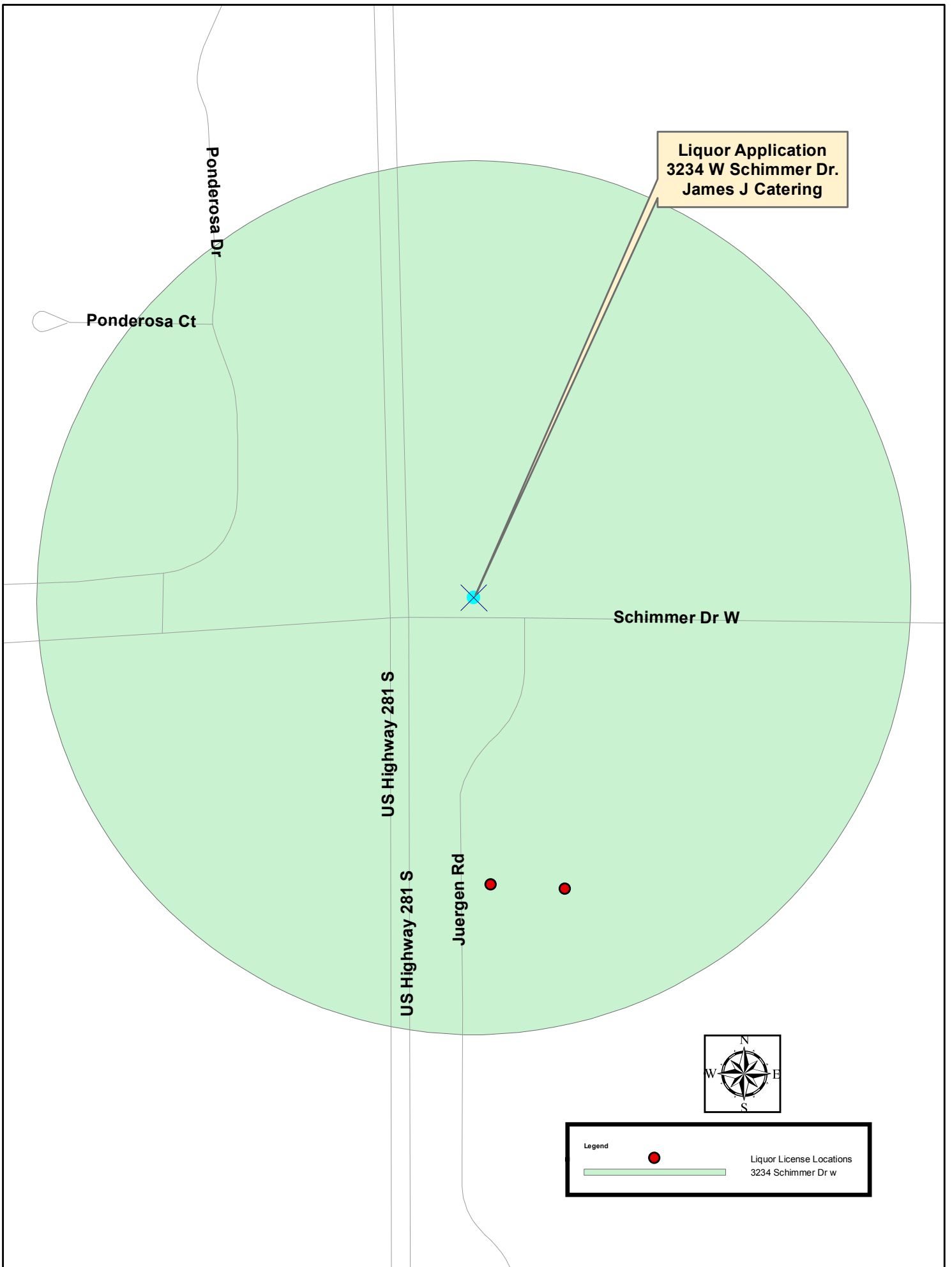
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

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 JamesJ Hotels, LLC dba JamesJ Catering, 3234 W Schimmer Drive for a Class "CK" Liquor License contingent upon final inspections and Manager Designation for James Duff, 2411 Cochin Street contingent upon completion of a state approved alcohol server/seller training program.



09/05/13
15:42

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
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City : Grand Island
 Occurred after : 15:06:20 08/22/2013
 Occurred before : 15:06:20 08/22/2013
 When reported : 15:06:20 08/22/2013
 Date disposition declared : 08/22/2013
 Incident number : L13083316
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License
 Investigation
 Incident address : 3234 Schimmer Dr W
 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 : RaNae
 Geobase address ID : 7822
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	186897	08/28/13	Eller, Rachel L	James' Spouse
NM	173316	08/23/13	Duff, James J	Owner/Manager

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	Restaurant	

LAW INCIDENT NARRATIVE:

JamesJ Catering is Applying for a Class CK Liquor License.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson Dama
1	AOFF	Alcohol Offense	0.00

LAW INCIDENT RESPONDERS DETAIL:

Seq	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:22:12 08/23/2013

Grand Island Police Department
Supplemental Report

Date, Time: Fri Aug 23 13:22:24 CDT 2013
Reporting Officer: 318
Unit- CID

I received a copy of a liquor license application where JamesJ Catering is Requesting a Class CK (beer, wine, distilled spirits on and off sale combined with catering) LLC retail liquor license. The owner and manager of the company is James Duff. According to the application, James lived in Omaha from 2004 to 2009. After a year in Laramie, Wyoming and a year in Phoenix, Arizona, James has lived in Grand Island for almost three years where he manages the Hampton Inn. James has a kitchen and a lease agreement in the old "Sundowner" building. It appears that James is currently married to Rachel Eller.

Some parts of the application are a little confusing and will need some clarification. For instance, In James' business plan, he stated that a divorce brought him back to Nebraska, but he stated that he is married and listed Rachel Eller as his spouse. It looks like he may have remarried in Nebraska, and his current wife kept her last name. Also, he checked a box that says the property where his catering business will be has not been a licensed liquor establishment within the last two years. However, the very next question asks for the name of the business and the license number if it had been licensed within the last two years. He listed Scooter's BBQ and a license number. At the end of the application, there is a copy of Scooter's liquor license from 2003-2004. I believe James just made a mistake.

James also checked a box on the application stating the he is not borrowing any money to establish and/or operate the business. However, in his business plan, he stated that he is "...looking for a small amount of operating capital to finalize my kitchen, perform some more aggressive sales and marketing and purchase equipment."

On the part of the application that asks for convictions, James listed a reckless driving conviction in Omaha in 2008. Nothing is listed for Rachel Eller. I checked Spillman and NCJIS for James and Rachel. Rachel is not in Spillman and doesn't have any convictions listed in NCJIS. James has an entry in Spillman from 2012 for being a firearms permit

holder. He also had a DUI conviction in 2008. It looks like the reckless driving conviction he disclosed is actually a DUI. I also noticed that James' Social Security number begins with a 507 which would have been issued in Nebraska, but he was born in Iowa.

I checked an online law enforcement-only database for James and Rachel. It appears that James has filed for bankruptcy twice. I didn't find anything out of the ordinary on Rachel. I found a Facebook for James. He has a photograph of himself with two boys in front of a Christmas tree and another photograph of him cooking. There are too many Rachel Eller's or Rachel Duff's to figure out what information can be attributed to which person. Neither James or Rachel have any warrants for their arrest, and they each have a valid Nebraska driver's license.

I met with James on 8/30/13 at his kitchen in the old Sundowner. I went through the application with James. I asked him about the "C" portion of his license. He said the NLCC told him he had to get the C with the "K." James only plans on catering. He doesn't have any immediate plans to have a restaurant/bar or carryout facility. James acknowledged that his ex-wife ran up some credit card bills while they were separated and in the process of divorce. He filed for bankruptcy in 1998 or 1999. He denied filing for bankruptcy more than once. He also said he remarried when he came back to Nebraska, and his current wife kept her own name.

I asked about his reckless driving conviction he disclosed on the application. I showed him where he was actually convicted of a DUI. James said he was under the impression that his attorney got the charged reduced to reckless driving. The spot on the application where he listed Scooter's BBQ as an establishment with a liquor license within the last two years was just a mistake. He filled out the application by himself, and he thought he should list Scooter's because his license would have the same number as the last license at this location.

I pointed out the discrepancy in his Social Security number and his place of birth. James said shortly after his was born in Iowa, his parents moved to Nebraska. James started catering in Grand Island in September of 2011 while he was managing the Hampton Inn. He made up his business plan quite awhile before applying for a liquor license. At that time, he asked a couple of people he knew through working in the hotel industry if they would loan him money. Each person told him that they didn't want to get into the food and beverage industry. James also went to some banks looking to borrow some money to expand his catering business. However, since he has a bankruptcy on file, they would only loan him money at a very high interest rate.

James was able to use some of the money he made from his job at the Hampton Inn and some of his wife's money to buy equipment and secure a lease agreement for his kitchen without borrowing money. James said his catering business has gotten big enough that he had to quit his job at Hampton Inn. He didn't feel like he was devoting enough time to Hampton Inn and needed more time for catering.

All in all, James was able to clear up some confusion and discrepancies on his application. The Grand Island Police Department has no objection

to James Duff receiving a Class CK liquor license for his catering license. On 9/5/13, I received information that James served alcohol at YAP auction on 8/29/13 without an SDL or a TOP. I contacted James who confirmed he catered the event and served some beer and wine. James had contacted the NLCC and asked about getting a TOP even though he didn't request one on his original application. James said he was told to download the form from the NLCC's web site. James got the form, had it notarized, and sent in to the NLCC. The form had a number on it. He thought he had a TOP. After he was informed about someone complaining that he sold without a license, he did more research and found out that all he did was fill out an application for a TOP. He didn't actually have one.

James didn't have any assistance filling out his original application. His conversation with the NLCC resulted in a misunderstanding and an honest mistake. The GIPD's recommendation has not changed.