



City of Grand Island

Tuesday, May 13, 2014

Council Session

Item E-7

Public Hearing Request from Elsa Vasquez dba La Zona Rosa Night Club, 611 East 4th Street for a Class “I” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: May 13, 2014

Subject: Public Hearing on Request from Elsa Vasquez dba La Zona Rosa Night Club, 611 East 4th Street for a Class “T” Liquor License

Item #'s: E-7 & 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

Elsa Vasquez dba La Zona Rosa Night Club, 611 East 4th Street has submitted an application for a Class “T” Liquor License. A Class “T” 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.

After a background investigation by the Grand Island Police Department and the Nebraska State Patrol it is recommended that the City Council deny the request according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) based on a false application.

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 Elsa Vasquez dba La Zona Rosa Night Club, 611 East 4th Street for a Class "I" Liquor License based on a false application according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01).

04/11/14
15:59

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 14:56:48 04/01/2014
Occurred before : 14:56:48 04/01/2014
When reported : 14:56:48 04/01/2014
Date disposition declared : 04/01/2014
Incident number : L14040070
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 611 4th 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 GIPD Grand Island Police Dept
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 10513
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	72588	04/11/14	Rodriguez, Delmi Aracely	Building Owner
NM	144179	04/11/14	Ortega, Lucia	Translator
NM	45661	04/01/14	Ortega, Elsa	Owner
NM	141536	04/01/14	La Zona Rosa Night Club,	Business

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT03  LT03 Bar/Night Club

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LAW INCIDENT NARRATIVE:

Elsa Vasquez is Applying for a New Liquor License for Lazona Rosa Nightclub.

LAW INCIDENT OFFENSES DETAIL:

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Se Offe Offense code      Arson Dama
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1 AOFF 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 10:10:58 04/03/2014

Grand Island Police Department
Supplemental Report

Date, Time: Thu Apr 03 10:11:12 CDT 2014
Reporting Officer: Vitera
Unit- CID

Elsa Vasquez is applying for a Class I Individual liquor license for the La Zona Rosa Nightclub. According to Elsa's application, she has lived in Grand Island since at least 1998, and she has no criminal convictions. Elsa is not borrowing any money from any source to establish and/or operate the business, no one else will be sharing in the profits, and none of the furniture, fixtures, or equipment for the nightclub will be owned by anyone else. Elsa provided documentation with her application indicating that she is a Naturalized U.S. Citizen. Elsa is leasing the building from Delmi Rodriguez, and Elsa plans on opening the business on May 1st.

I checked Elsa through Spillman and NCJIS and did not locate any convictions. I also checked Elsa through a law enforcement-only database and found that she has had four judgments against her (not verified). I did a general Internet search on Elsa but could not pinpoint anything. On 4/7/14, I contacted Elsa by telephone. We agreed to meet at La Zona Rosa on 4/8/14 at 1500 hours. Investigator Fiala with NSP and I met with Elsa at the agreed upon time and location. Elsa brought her daughter (Lucia Ortega) to translate. Elsa also invited Delmi Rodriguez who was present for some of the meeting.

Investigator Fiala had some standard questions he asked Elsa, and then I asked some questions about her application. Delmi was asked to leave while we spoke to Elsa. One of the first things I noticed on Elsa's application is that she listed her contact e-mail address as "Delmi41@hotmail.com." I asked Elsa if she has her own e-mail address. She advised that she does, however, she just got it a couple of weeks ago. I had a hard time determining if she had her own e-mail address prior to filling out the application.

I also asked Elsa about the fact that she had marked on her application that she isn't borrowing any money to run the business, and none of the

furniture, fixture or equipment will be owned by someone else. Elsa advised that she is attempting to borrow \$22,000 from Wells Fargo. She didn't apply for the loan until after the application was filled out, however, she knew prior to the submission of the application that she would need a loan. Elsa anticipates about \$5,000 of the total amount of the loan will be used for the bar business. The rest of the money will be used to pay other bills. Elsa also acknowledged that Delmi owns the furniture, fixtures, and equipment inside the building.

I asked Elsa to explain why the application was filled out incorrectly. She advised that she and Delmi met with Thomas Wagoner (attorney listed on application) who helped with the application. Elsa said Thomas went over the application with them line-by-line, but Delmi answered the questions. The answers make perfect sense considering that Delmi owns the building and the contents. Elsa also advised that Delmi paid Thomas Wagoner for helping with the application. Elsa didn't know if Delmi paid by cash, check, or credit card.

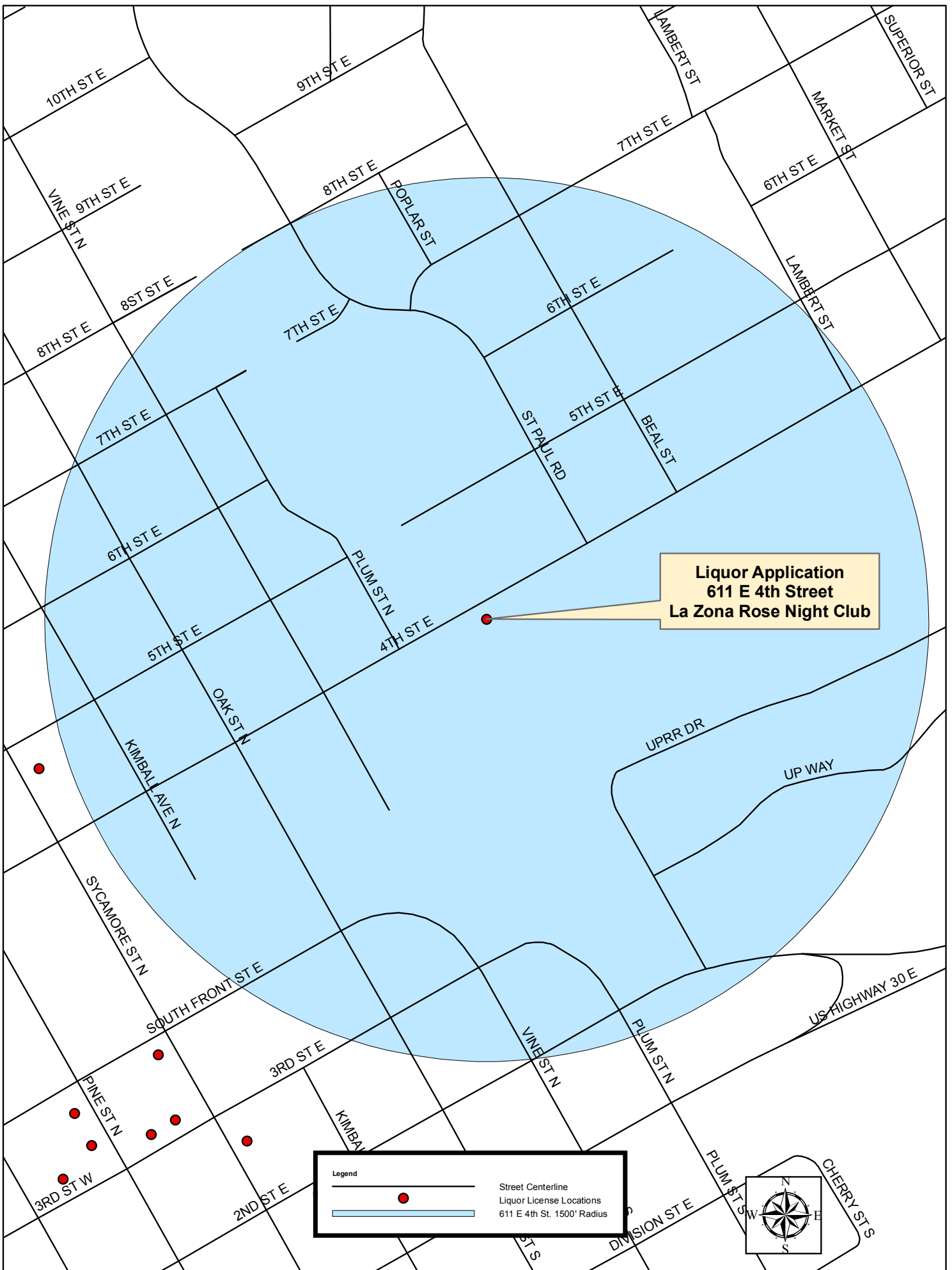
Investigator Fiala and I asked Elsa more about her experience and ideas about the bar business. Elsa said she has never worked in a bar or had anything to do with the serving or selling of alcohol. Elsa said she had never been inside La Zona Rosa when Delmi was running it. Elsa said she plans on continuing to work at JBS and be present all the time at the nightclub which she said will be open Friday, Saturday, and Sunday night from approximately 9 PM until 1 AM. She plans on having about seven employees who will be comprised of some family members. She also plans to have security but hasn't checked into hiring anyone. Elsa said that Delmi is going to "orientate" her about the bar business. When asked what that means, Elsa said Delmi will help her understand how to treat the customers and handle problems. Elsa also advised that when Delmi asked her about leasing the building and opening up the La Zona Rosa, Delmi asked her if she is a U.S. Citizen and has a clean record. Delmi also told Elsa that she would help her out anyway she could.

Investigator Fiala and I told Elsa about some of the problems that were encountered at La Zona Rosa while Delmi was part of the business. We also informed her about all the liquor laws she will need to be familiar with along with the possibility of being held accountable administratively, civilly, and criminally for violations of the laws. Elsa was astounded. She said she had no idea regarding the problems at the old La Zona Rosa, all the laws she is going to have to know, or the liability issues surrounding the business. Elsa said she was going to withdraw her application.




Prior to meeting with Elsa, I had done some research on Delmi Rodriguez. Through communication with ICE, I learned that Delmi is not individually eligible to receive a liquor license due to her immigration status.

All in all, it seems to be fairly clear to me that Delmi is using Elsa to get a liquor license at La Zona Rosa since she can't. Delmi's e-mail address is listed as contact information for the applicant. According to Elsa, Delmi was present with the attorney when the application was filled out, and Delmi answered the questions and paid the attorney. Delmi also made sure that Elsa is a U.S. Citizen and has a clean record. With the

way some of the questions on the application were answered (loan & items in the building), this looks like Delmi's application with Elsa's name on it. The application is false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01), and the Grand Island Police Department recommends that the city council not give local approval to this license.



**Liquor Application
611 E 4th Street
La Zona Rose Night Club**

Legend	
	Street Centerline
	Liquor License Locations
	611 E 4th St. 1500' Radius



