



City of Grand Island

Tuesday, August 12, 2014

Council Session

Item E-2

**Public Hearing on Request from Luisa M. Lovato dba Ritmos
Nightclub, 611 East 4th Street for a Class “I” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: August 12, 2014

Subject: Public Hearing on Request from Luisa M. Lovato dba Ritmos Nightclub, 611 East 4th Street for a Class “I” Liquor License

Item #’s: E-2 & I-2

Presenter(s): RaNae Edwards, City Clerk

Background

Luisa M. Lovato dba Ritmos Nightclub, 611 East 4th Street has submitted an application for a Class “I” Liquor License. A Class “I” Liquor License allows for the sale of alcohol only inside the corporate limits of the city.

Discussion

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, and Health Departments.

Inspections have been made by the Building and Fire Departments, but there is no adequate water service at this time as required in Grand Island City Code Section 4-7H “Applications for Liquor Licenses” which reads as follows:

(H) No license for the retail sale of alcoholic liquor for consumption on the premises shall be recommended for approval until the Building Department, Fire Department and Police Department have completed inspections and have certified that the premises meets all Building and Life Safety Codes. If a license is recommended for approval pending final inspections, the City Clerk shall not issue the license until such time as all inspections have been complete for full compliance.

The Police Department report (see attached) has some issues with this application also but will remain neutral in their recommendation.

Alternatives

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

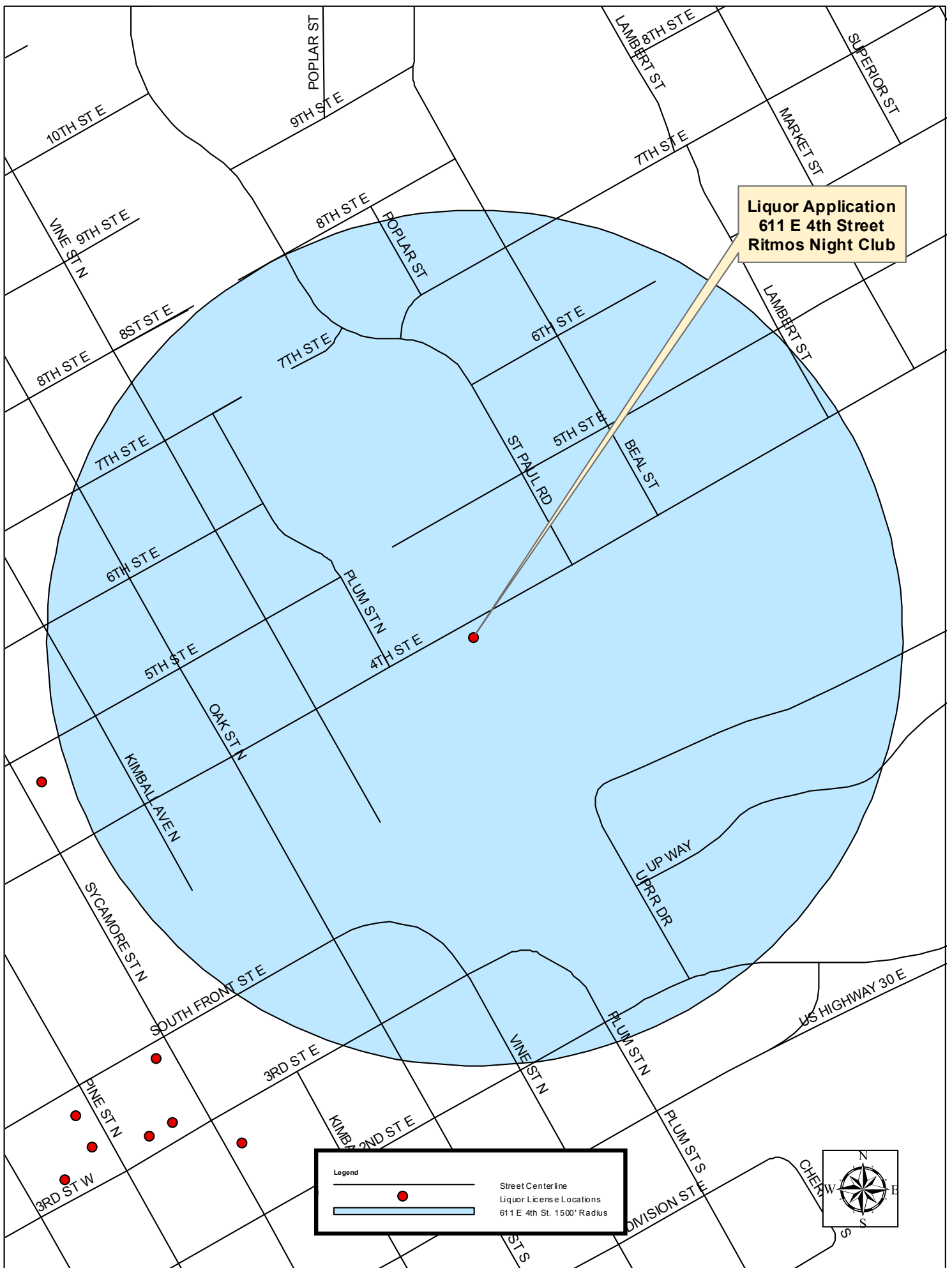
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council **deny** the application based on the Grand Island City Code Section 4-7H.

Sample Motion

Move to **deny** the application for Luisa M. Lovato dba Ritmos Nightclub, 611 East 4th Street for a Class "I" Liquor License application based on the Grand Island City Code Section 4-7H.



08/07/14
15:19

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 08:00:00 07/24/2014
Date disposition declared : 07/25/2014
Incident number : L14072631
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 :
Agency code : GIPD GIPD Grand Island Police Dept
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number :
Geobase address ID : 10513
Long-term call ID :
Clearance Code : O O Open Case
Judicial Status : NCI Non-criminal Incident
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L14040070	08/07/14	Liquor Lic Inv	Related
NM	160547	08/07/14	Rojas, Erich J	Contacted
NM	35963	07/24/14	Lovato, Luisa Maria	Applicant
NM	72588	07/24/14	Rodriguez, Delmi Aracely	Involved

LAW INCIDENT CIRCUMSTANCES:

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

LAW INCIDENT NARRATIVE:

Liquor License Investigation

I Received a Copy of a Liquor License Application from Luisa Lovato who wants to Open a Nightclub called Ritmos.
~~~~~ (lwmain10064007242014)~~

LAW INCIDENT OFFENSES DETAIL:

| Se | Offe | Offense code         | Arson Dama |
|----|------|----------------------|------------|
| 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 | 13:44:43 07/30/2014 |

318

Grand Island Police Department  
Supplemental Report

Date, Time: Wed Jul 30 13:44:55 CDT 2014  
Reporting Officer: Vitera  
Unit- CID

I received a copy of an Individual liquor license application from Luisa Lovato for a nightclub called "Ritmos." Ritmos will be located at 611 E. 4th which is where La Zona Rosa used to be located. Delmi Rodriguez owns the building and was part of the liquor license for La Zona Rosa until it wasn't renewed. Delmi is not a legal citizen of the United States and can't get a liquor license on her own. I contacted ICE and was told that Delmi has exhausted all of her deportation appeals with the exception of appealing to the Eight Circuit. I was told that it is highly unlikely they will hear her case. In April of this year, Elsa Ortega applied for a liquor license at Delmi's building. Elsa's application looked like it was filled out by Delmi ("straw" application).

While going over Luisa's application, I noticed that Luisa used the same attorney that Elsa used. According to Elsa, Delmi was present when the application was filled out, and Delmi paid the attorney. I also saw that Luisa didn't disclose any convictions and isn't borrowing any money to establish and/or operate the business.

Like Elsa, Luisa has no criminal history and is a U.S. Citizen. I checked Luisa through Spillman and NCJIS and found nothing but a driver's license entry. ICE also verified that Luisa is a Naturalized citizen. I ran Luisa through a paid law enforcement-only database and didn't find anything detrimental to her application. I also did a general Internet search and found a few Luisa Lovato's, but none of them were the Luisa from this application.

On 7/29/14, NSP Investigator Fiala and I met with Luisa at her home. Among other things, we spoke to Luisa about her relationship with Delmi Rodriguez and about how she found out about the opportunity to lease Delmi's building. Luisa said she has worked at JBS for seventeen years and has known of Delmi through work for many years. Luisa said she has no personal relationship with Delmi, and they are not friends. Luisa said that Delmi had an advertisement on a bulletin board at JBS indicating that her building could be leased. Luisa advised that Delmi originally wanted \$1,700 per month, but they eventually agreed upon \$1,500 per month.

According to Luisa's business plan, she plans on having Ritmos open from 1:00 PM until 1:00 AM on Friday, Saturday, and Sunday. She will have either live music or a "DJ." Luisa will continue to work at JBS. Her current hours are about 1:30 PM until 10:00 PM Monday through Friday. She plans on being at Ritmos when it is open, and she is not working at JBS. Luisa said she thinks she'll have five employees including herself. She also will hire security. She was thinking that she'll only need two security guards. Investigator Fiala and I suggested four or five. As of the time of the interview, she had not attempted to contact anyone yet.

I asked Luisa who the attorney is who filled out her application. She couldn't think of his name but said his office is by the White Horse. She said she used to use Jim Wagoner, but he was really busy; so she used someone else in the same office. Luisa advised that no one else was present while the application was being filled out, and the attorney went over it with her line-by-line.

I asked Luisa if she has or is planning on borrowing any money from any source to establish and/or operate the business. Luisa said that she has some money in savings that she thinks will cover her startup costs. Investigator Fiala and I told Luisa that there is a lot of civil, criminal, and administrative (through NLCC) liability involved with owning an establishment with a liquor license. Luisa knew nothing about the Liquor Control Act and had no idea that she would have to be familiar with the rules and regulations within the Act. Even though Luisa said she would rather run a restaurant and knew nothing of the Liquor Control Act, she seemed undeterred about her plans to open a nightclub.

With the similarities between this application and Elsa Ortega's application back in April of this year, this sure seems like a "straw" application where Luisa is applying for a license because Delmi can't get one. The Grand Island Police Department does not favor a nightclub located at a building owned by an illegal alien who will soon be deported. A situation where the owner will profit from the business in her building but have no oversight, can restrict the available options of the police department to address problems with the liquor license holder if the applicant is unable or unwilling to correct them. The availability and oversight issues with the owner could be mitigated if Delmi has appointed someone and given him or her legal authority to handle issues with her property in her absence.

I contacted Delmi on 8/6/14. Delmi said that she recently got married, and her husband will take care of the building for her. I met her husband

who identified himself as Erich Rojas. Erich and Delmi said they have been married for about four months. I asked to see their marriage license. Erich showed me a copy from Hall County which showed they were married on 6/21/14. I found it a little odd that they had only been married for about six weeks but thought it was four months. I also asked why Erich wouldn't follow his new bride to El Salvador when she gets deported.

Erich said he doesn't think Delmi will be deported. If she is, he said he'll bring her back because he is in the Country legally from Cuba. I didn't argue with them about Delmi's immigration status or whether she'll be deported, I just wanted to know who would be responsible for the building in her absence. If Erich would happen to go to El Salvador with Delmi, Delmi said she has other family members who can be responsible for the building. I asked Delmi how she got in touch with Luisa to lease the building. Delmi confirmed what Luisa told me about responding to an advertisement on a bulletin board at JBS.

All in all, this application has some similarities to the application filled out by Elsa Ortega in April of this year which appeared to be a "straw" application. Luisa Lovato didn't know anything about the Nebraska Liquor Control Act and the fact that she will have to be familiar with the rules and regulations contained within it, and the building is owned by an illegal alien who has been ordered deported. Under these circumstances, the Grand Island Police Department will remain neutral in its recommendation to the Council.