



City of Grand Island

Tuesday, March 28, 2006

Council Session

Item E1

Public Hearing on Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 28, 2006

Subject: Public Hearing on Request of Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class “C” Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

William A. Francis representing Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road 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.

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, Health, and Police Departments. Attached is the Police Department’s background investigation and recommendation. Not all inspections have been completed.

Along with this license is the application for a Liquor Manager designation by Tonia Reeser, 2412 West 6th Street. This application has been reviewed by the Police Department and City Clerk’s Office. Approval is recommended contingent upon the issuance of the liquor license and a state approved alcohol server/seller training program.

Alternatives

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

1. Approve the application and liquor manager designation
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 the application of Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License contingent upon final inspections.

Approve the application for a Liquor Manager designation for Tonia Reese, 2412 West 6th Street contingent upon issuance of the liquor license for Copa Cabana with the stipulation that Ms. Reese complete a state approved alcohol server/seller training program.

Sample Motion

Move to approve the application of Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License for failure to complete inspections contingent upon final inspections and approve the application for a Liquor Manager designation for Tonia Reese, 2412 West 6th Street contingent upon issuance of the liquor license for Copa Cabana with the stipulation that Ms. Reese complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: February 23, 2006

TO: RaNae Edwards, City Clerk

FROM: Brad Brush, Lt., Grand Island Police Department

RE: Liquor Manager Designation Application and Retail Corporation
Liquor License for Copa Cabana, 2850 Old Fair Rd and Tonia Reeser

The Grand Island Police Department is in receipt of an application from Tonia Reeser for a Liquor Manager Designation for Copa Cabana and an application for Retail Corporation Liquor License for Copa Cabana, 2850 Old Fair Road.

The application for the Liquor Manager and the application for the liquor license itself are technically false applications, due to failure to report all convictions. However the convictions, if duly reported, would not disqualify either applicant(s).

The Grand Island Police Department has concerns about Guillermo Calderon's unlawful activities both in California and Central Nebraska, however all of the incidents found occurred over 14 years ago.

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Tonia Reeser, as well as the Liquor License application for the business, Copa Cabana, 2850 Old Fair Rd., Grand Island, NE 68803.

BB/rkk

A handwritten signature in black ink that reads "Lt. Brad Brush". The signature is written in a cursive, flowing style.

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Grand Island Police Dept.
LAW INCIDENT TABLE

City : Grand Island
 Occurred after : 14:13:42 03/08/2006
 Occurred before : 14:13:42 03/08/2006
 When reported : 14:13:42 03/08/2006
 Date disposition declared : 03/21/2006
 Incident number : L06031000
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 2850 Old Fair Rd
 State abbreviation : NE
 ZIP Code : 68803
 Contact or caller : capt Falldorf
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Brush B
 How received : T Telephone
 Agency code : GIPD Grand Island Police Department
 Responsible officer : Brush B
 Offense as Taken :
 Offense as Observed :
 Disposition : CLO Closed Case
 Misc. number :
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status :

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	C34		Francis, William A	reg agent
NM	8526		OConnor, Raymond	owner/shareholder
NM	13439		OConnor, Jennifer S	owner/shareholder
NM	66633		Calderon, Eliseo	owner/shareholder
NM	69803		Calderon, Guillermo Manuel	owner/shareholder
NM	71619		Quezada, Lorena	proposed mgr
NM	81274		Reeser, Tonia A A	liq mgr appl
NM	108249		Calderon, Jessica	wife of Eliseo
NM	111279		Copa Cabana,	business mentioned

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application and Retail Corporation Liquor License.

The Liquor Manager Designation Applicant's name is Tonia Reeser Business-Copa Cabana, 2850 Old Fair Rd, GI, NE 68803.

Applicant answered "NO" to the question in reference to violations. In NCJIS database I found the applicant had three (3) infraction convictions.

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LAW INCIDENT TABLE

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TONIA REESER: three (3) infraction convictions;
Guilty by admit-Buffalo County-no vehicle ins., 08-06-96
Guilty by admit-Custer County-possession of marijuana 1 oz or less, 07-20-03
Guilty by admit-Adams County-speeding, 07-01-04

The applicant had filed a false application. I checked Tonia Reeser's criminal history through NCIC, but found no other convictions.

03-22-06 NSP Liquor License Enforcement Investigator, Lorri Rogers and I interviewed Tonia Reeser and later also Guillermo Calderon, both at the Copa Cabana.

Reeser did admit that she had been convicted of the three above charges. She advised that she had talked to someone, who she could not name, with NSP, who had advised her that she did not have to worry about anything that was not at least a class I misdemeanor or more serious charge.

Reeser described Guillermo Calderon's activities at the bar, when open, as;
"Watches the front door"
"Helps at the bar"
"Hires & Fires the security personnel"

Reeser described Eliseo Calderson's activities at the bar, when open, as
"Filing in for "Memo" (Guillermo's nickname), when Memo was not there.

Just as we were finishing the interview with Reeser, Guillermo Calderon arrived. During the subsequent interview, Guillermo Calderson described his activities at the bar, when open, as helping out when needed, arranging for the bands for entertainment and included serving drinks at the bar to customers.

Guillermo admitted to being being arrested for the following;
2 seperate incidents in California involving 2 different women of Domestic Violence. These would be the arrests found out of California in his criminal history through NCIC;

01-03-87, 273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB
11-10-91, 273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB

1 incident near Phillips, NE, Hamilton County. He and his brother were involved in shooting a gun in the air. This would be the aiding & abetting a 3rd Degree Assault, a Class I misdemeanor.

It was Guillermo Calderon's belief that because he only has 24 of the total 100 shares, it was not necessary to report his convictions. He indicated he had not intended to hide anything. He admitted that he had a bad temper when he was younger, but has matured and wants to do what is right and proper.

NSP Lorri Rogers advised both Reeser & Guillermo Calderon that due to the False Application, this would require a "Show Cause Hearing" with the State of Nebraska. Rogers went on to state that due to him only having 24 of the total 100 shares, it is Rogers understanding that all that effects is; He does not have to submit his finger prints or have back ground check, but all convictions need to be reported.

In summation, the application for the Liquor manager and the application for the liquor license itself are technically false applications, due to failure to report all convictions. However the convictions, if duly reported, would not

disqualify either applicant(s).

The Grand Island Police Department has concerns about Guillermo Calderon's unlawful activities both in California and Central Nebraska, however all of the incidents found occurred over 14 years ago.

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Tonia Reeser, as well as the Liquor License application for the business, Copa Cabana, 2850 Old Fair Rd, GI, NE 68803.

LAW INCIDENT RESPONDERS DETAIL:

Seq	Responding offi	Unit n	Unit number
1	Brush B	208	Brush B

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Brush B	15:25:36 03/08/2006

TONIA REESER-done
208, 030806 Liquor Manager Designation-Reeser
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

Liquor Manager Designation Applicant's name is Tonia Reeser.
The Business-Copa Cabana, 2850 Old Fair Road, Grand Island, NE 68803

Applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found the applicant had three (3) infraction convictions.

TONIA REESER
Guilty by admit-Buffalo County-no vehicle ins., 08-06-96
Guilty by admit-Custer County-possession of marijuana 1 oz or less, 07-20-03
Guilty by admit-Adams County-speeding, 07-01-04

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Tonia Reeser, for the business, Copa Cabana, 2850 Old Fair Road, Grand Island, NE 68803.

2	Brush B	14:00:03	03/10/2006
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LAW INCIDENT TABLE

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RAYMOND O'CONNOR-done
208, 031006 Liquor License-RAYMOND O'CONNOR
Grand Island Police Department
Supplemental Report

Date, Time: 031006
Reporting Officer: Lieutenant Brush
Unit #: CID

Applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found the applicant had two (2) infraction convictions.

Guilty of violate traffic light, Infraction, Lancaster County, 3/07/1998
Guilty of violate occupant protection system, infraction, 03/07/1998

3 Brush B 14:07:12 03/10/2006

JENNIFER O'CONNOR-done
208, 030806 Liquor License-JENNIFER O'CONNOR
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

No record of any convictions found.

4 Brush B 14:13:19 03/10/2006

ELISEO CALDERON-done
208, 030806 Liquor License-ELISEO CALDERON
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

This subject mentioned in the application as having 24 of 100 shares in the

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corporation. The applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found this subject had five (5) infraction convictions.

No license on person, Hall County, Offense Date is 10/10/1999
Plea is Guilty/Admit

Speeding 11-15 MPH Municipal, Grand Island; Infraction
Offense Date is 11/03/1999
Plea is Guilty/Admit

Speeding 21+ MPH Hamilton County, Infraction
Offense Date is 03/13/2000
Plea is Guilty/Admit

Speeding 16-20 MPH Municipal, Grand Island; Infraction
Offense Date is 05/10/2000
Plea is Guilty/Admit

Speeding 11-15 MPH Buffalo County, Infraction
Offense Date is 09/11/2000
Plea is Guilty/Admit

Traffic Sign/Signal Municipal, Grand Island; Infraction
Offense Date is 10/06/2000
Plea is Guilty/Admit

I found no additional convictions.

5 Brush B 14:15:13 03/10/2006

GUILLERMO CALDERON-done
208, 030806 Liquor License-GUILLERMO CALDERON
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

This subject mentioned in the application as having 24 of 100 shares in the corporation. The applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found this subject had three (3) misdemeanor convictions.

ARREST 01* * * *11/14/1985* * * * DCN 26153
11-19-85 Plead Guilty, \$200 fine, 1 year prob., 1987 released unsatisfactory
AGENCY-HAMILTON CO SO (NB0410000)
CASE NUMBER-02886 NAME USED-CALDERON, GUILLERMO MANUEL
CHARGE 01-1399 (AID/ABET) ASSAULT 3RD(1) -MISDMNR

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ARREST 02* * * *06/11/1989* * * * DCN 706905
AGENCY-HALL CO SO (NB0400000)
CASE NUMBER- NAME USED-CALDERON, GUILLERMO M
CHARGE 01-5707 TRESPASSING 2ND DEGREE(1) -MISDMNR

ARREST 03* * * *07/21/1989* * * * DCN 706906
AGENCY-HALL CO SO (NB0400000)
CASE NUMBER- NAME USED-CALDERON, GUILLERMO M
CHARGE 01-5015 FAILURE TO APPEAR/WRNT-TRESPASSING(1) -MISDMNR

Because of the class I misdemeanor conviction of AID/ABET) ASSAULT 3RD(1) -MISDMNR, I checked this subject's criminal history through NCIC and found this subject had been charged in California w/
01:273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB

032206, I determined that the 273.5 had been dismissed and a 242 (Battery) was filed. He plead to this charge, sentenced to 5 days in jail & 2 years probation. I was advised that a 242 is a minor misdemeanor in California.

6 Brush B 15:29:47 03/10/2006

JESSICA CALDERON aka QUEZADA-done
208, 030806 Liquor License-JESSICA CALDERON aka QUEZADA
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

Applicant answered "NO" to the question in reference to violations. I checked the Nebraska Criminal Justice Information System (NCJIS) database and found the applicant had three (3) misdemeanor convictions. The Applicant supplied false information in the application.

Driving Under the Influence, reduced to DDS, Hall County, 12/23/1995
Guilty-Speeding, Adams County, Infraction, 12/31/1999
Guilty-Speeding, Hall County, Infraction, 04/05/2000
Guilty-Traffic Sign/Signal, Hall County, Infraction, 03/12/2003

Due to applicant giving false information on the application, I checked his criminal history through National Crime Information Computer (NCIC). I found no additional convictions.

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7 Brush B 15:47:38 03/10/2006

LORENA QUEZADA, DOB 11-18-81-done
208, 030806 Liquor License-LORENA QUEZADA
Grand Island Police Department
Supplemental Report

Date, Time: 030806
Reporting Officer: Lieutenant Brush
Unit #: CID

Assignee (person who paid bond) for Humberto Quezada, Dawson County, IV FO
Criminal Mischief 01-12-02

No record of any convictions.