



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item E2

**Public Hearing on Request of De Luna Corporation dba Tabares
Bar & Grill, 106 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 11, 2006

Subject: Public Hearing on Request of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class “C” Liquor License

Item #'s: E-2 & I-2

Presenter(s): RaNae Edwards, City Clerk

Background

De Luna Corporation dba Tabares Bar & Grill, 106 West 4th 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.

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.

Along with this liquor license application was a request from Octavio De Luna-Rodriquez, 908 East Bismark Road for a Liquor Manager designation. This has been reviewed by the City Clerk and Police Department.

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 the application of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor License and the request of Octavio De Luna-Rodriquez, 908 East Bismark Road for Liquor Manager designation with the stipulation that a state approved server/seller training program be completed.

Sample Motion

Move to approve the application of De Luna Corporation dba Tabares Bar & Grill, 106 West 4th Street for a Class "C" Liquor License and the request of Octavio De Luna-Rodriquez, 908 East Bismark Road for Liquor Manager designation with the stipulation that a state approved server/seller training program be completed.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: April 3, 2006

TO: RaNae Edwards, City Clerk

FROM: Bradley Brush, Lieutenant, Grand Island Police Department

RE: Applications for a Liquor License for Tabares Bar and Grill, 106 West 4th Street and a Liquor Manager Designation for Octavio De Luna-Rodriguez for Tabares Bar and Grill

The application for the Liquor Manager and the application for the liquor license are not accurate. The applicant submitted an inaccurate social security number causing technical false applications, but it appears to be a typographical error, which was corrected later in the application.

The Police Department's recommendation is to accept this Liquor Manager Designation Application in the name of Octavio De Luna-Rodriguez, as well as the Liquor License Application for the business, Tabares Bar and Grill, 106 West 4th, Grand Island, NE. 68801

BB/rk

A handwritten signature in black ink, appearing to read "B. Brush", is written over the typed name "BB/rk".

04/03/06
09:47

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
 Occurred after : 16:27:04 03/16/2006
 Occurred before : 16:27:04 03/16/2006
 When reported : 16:27:04 03/16/2006
 Date disposition declared : 04/03/2006
 Incident number : L06032096
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 106 w 4th
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller : Captain 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 :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	65585		El Palenque Bar,	bar mentioned
NM	67679		De Luna-Rodriguez, Octavio	Liq Lic Applicant
NM	111574		Tabares Bar & Grill,	bar's new name
NM	111575		Garcia, Alice Berenice	wife of Octavio

LAW INCIDENT NARRATIVE:

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

The Liquor Manager Designation Applicant's name is Octavio De Luna-Rodriguez Business-Tabares Bar & Grill, 106 W 4th St, GI, NE 68801

In summation, the application for the Liquor manager and the application for the liquor license itself is not accurate. Applicant submitted an inaccurate social security number, causing a technical false applications, but it appears to be a typographical error which was corrected later in the application.

The police department's recommendation is to accept this Liquor Manager Designation Application in the name of Octavio De Luna-Rodriguez, as well as the Liquor License application for the business, Tabares Bar & Grill, 106 W

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Grand Island Police Dept.
LAW INCIDENT TABLE

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4th,GI, NE 68801.

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Brush B	09:41:21 03/15/2006

208, 031506 potential questions

Grand Island Police Department
Supplemental Report

Date, Time: 031506
Reporting Officer: Lieutenant Brush
Unit #: CID

While initially looking into this matter, I determined applicant has had no contact w/ the Bureau of Immigration and Customs Enforcement (ICE), from Agent Dale Kramer. ICE also advised the Social Security Number 355-98-5182 is a good number and was issued to the named applicant in the state of Illinois, during a window of time from 2002 through 2004.

On the Application For Liquor License Corporation/LLC Insert-Form 3a, applicant submitted SSN 335-98-5182 on 2 separate locations on the application. It appears applicant provided false information on this document.

On the Application For Liquor License Corporation Manager-Form 3b, applicant submitted 355-98-5182 which is the SSN that ICE advised was to the named applicant.

Applicant claimed no resident in Illinois in the last ten years. Grand Island Social Security Office advised their offices are allowed to issue numbers to out of state residents.

I determined from Grand Island Utilities that 908 E Bismark, applicant's address was purchased by applicant and Alice Garcia, from Joseph Landstrom on 083104.

I determined that 106 W 4th is owned by El Palenque Inc. through the Hall County "Mapsifter" website.

2	Brush B	11:53:16 03/29/2006
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208&NSP #405, 032806, Octavio inter.

04/03/06
09:47

Grand Island Police Dept.
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

Date, Time: 032806
Reporting Officer: Lieutenant Brush
Unit #: CID

Inv Rogers & I met Octavio at the bar. Octavio showed us around the bar. The bar appeared to be acceptable except for 2 problems, which were pointed out to Octavio, who agreed to correct both items;
#1 Temporary Agency Agreement was not exhibited prominently behind the bar
#2 A picture of a nude woman was exhibited behind the bar

There were 3 items I specifically wanted to clarify w/ Octavio;
#1 Octavio's citizenship in US. Octavio advised he initially came to US from Mexico at age 14, illegally. Octavio married Alice Garcia, a US citizen, filled out all of the appropriate paperwork and now has a Permanent Resident Card #A 048-137-777, which Octavio showed this officer.

#2 SSN issued out of Illinois, but no claim to residence in Illinois in last 10 years on application. Octavio advised he visited a friend in Chicago, IL and while there filed for a SSN. He did not develop a residence or work while there. He was just visiting and was there about 1, no more than 2 months. He couldn't recall his friend's address, but thought it was on 21st street, but was not sure.

#3 Because the purchase price was \$1.00, I questioned Octavio's answer of no, to question five, about anyone else getting a share of the profit. Octavio reassured us that no one else was going to receive a share in the profit, other than the payment of rent of "\$2,000 a month" to El Palenque Inc. Octavio also stated, "Plus the utilities." Later in the day, I looked at the lease contract attached to the application which stated that the rent would be "\$1,500 per month". The lease went on to state Octavio was to "...pay all utilities..." I called Octavio and questioned him about this. He immediately apologized and stated, "Initially we had agreed to \$2,000 a month rent, including utilities, however later we changed it to \$1,500 a month rent, plus I pay all the utilities."

I sent for any citations/arrests/contacts in reference to Octavio;
El Paso, TX
Tyler, TX
Grand Canyon, AZ

On 03-29-06 I received notification from all 3 agencies of no record on Octavio De Luna-Rodriguez.