



City of Grand Island

Tuesday, July 25, 2006

Council Session

Item E4

**Public Hearing Pursuant to the Nebraska Liquor Control
Commission Rules and Regulations 53-134.04 Regarding
Complaints Filed Against OK Liquor, 305 West Koenig Street,
Liquor License "D-15914"**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 25, 2006

Subject: Public Hearing Pursuant to the Nebraska Liquor Control Commission Rules and Regulations §53-134.04 Regarding Complains Filed Against OK Liquor, 305 West Koenig Street Liquor License “D-15914”

Item #'s: E-4 & I-2

Presenter(s): RaNae Edwards, City Clerk

Background

Nebraska Liquor Control Commission Rules and Regulations §53-134.04 states that:
Any five residents of the city or village shall have the right to file a complaint with the local governing body of such city or village stating that any retail licensee subject to the jurisdiction of such local governing body has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the local governing body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the local governing body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the local governing body within thirty days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the commission as provided in section 53-1,115.

Discussion

The City Clerk's Office received five (5) written, signed, and sworn complaints on June 27, 2006 relating to OK Liquor located at 305 West Koenig Street. On July 3, 2006 the City Clerk notified OK Liquor of the hearing date set for July 25, 2006.

The five complaints list the sale of alcohol to a minor on several occasions by OK Liquor as the violation and basis for the Public Hearing.

Nebraska Liquor Control Commission Rules and Regulations §53-180 – Sale to minors and incompetents; prohibited states:

No person shall sell, give away, dispose of, exchange, or deliver, or permit the sale, gift, or procuring of any alcoholic liquors, to or for any minor or to any person who is mentally incompetent.

The Public Hearing will be held to allow for the testimony regarding these complaints. City Council will need to take action on one of the following options:

1. Take no action – means to continue all rights and privileges of this license
2. Cancel – means to discontinue all rights and privileges of this license
3. Revoke – means to permanently void and recall all rights and privileges of this license

Alternatives

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

1. Take no action
2. Cancel Liquor License “D-15914” held by OK Liquor
3. Revoke Liquor License “D-15914” held by OK Liquor

Recommendation

City Administration recommends that the Council hear all testimony offered based on the Nebraska Liquor Control Commission Rules and Regulation criteria for revocation of a Liquor License and render a decision after all testimony has been received.

May 26, 2006

President Margaret Hornady
Grand Island City Council
Grand Island City Hall
100 East First Street
Grand Island, NE 68801



Dear President Hornady and Council Members:

I am writing to you regarding the liquor license of OK Liquor.

OK Liquor, 305 West Koenig, Grand Island, has been cited for the sale of alcohol to a minor on five occasions. Even after modifications of Nebraska driver's license and identification cards in 2003, OK Liquor has been cited on three separate occasions.

Furthermore, Harold Carmichael has expressed (in the enclosed copy of an article in the Grand Island Independent) an attitude of disregard - even defiance - of the law.

Aside from citing documented facts and violations, I have a personal interest in this issue. I have lost a young family member as a direct result of a retail sale to a minor and can tell you what **can** happen when a retailer decides to sell to kids. My nephew, Todd Becker, was killed in an automobile accident in Kearney on Feb. 6, 2005, after purchasing alcohol at a Kearney liquor store. Todd, barely 18, was looking forward to graduating from Kearney High School in May and anticipating beginning college. He was an outstanding athlete and an involved and opinionated student. He was a nephew, cousin, brother, a son ---invincible as many teenagers view themselves. We continue to deal with the devastation and pain this has created in his family. Things will never be the same.

The only positive thing that can come from this tragedy is a commitment to **change** things for other youngsters and **stop** what could have and **should have** been prevented that February night. Youngsters do not always make wise decisions and/or fully understand or weigh the consequences of their actions. Youngsters across Nebraska - and the United States - continue to make poor choices regarding the consumption of alcohol - just as Todd did. It is the responsibility of the people we give the power to **enforce** the laws we have in place to protect minors - even when they make choices which are not in their own best interest. Todd's parents had every right to believe that the clerk at the liquor establishment would, and should have, not only asked for but **required** identification for the purchase of alcohol. That one small act - required by law - could have prevented this tragedy. Two young lives have been

forever changed. Todd is dead. The driver of the car has served a jail sentence after pleading guilty to motor vehicle homicide and will forever live with his conscience knowing the part he played in the death of his friend.

We, as responsible citizens, must do what we can to stop underage drinking and prevent another tragedy from occurring. It is time to hold those adults involved accountable for providing alcohol to minors. We must trust and depend on the people in power to make wise decisions and take action against parties who fail to follow the laws and provide alcohol to minors. All parties involved must be held accountable and prosecuted to the fullest extent. Penalties need to be severe enough to send the message that providing alcohol to minors is not acceptable and will not be tolerated.

We can't change the fact that a promising life ended on that awful morning last February, but we can and must change the attitudes that allow tragedies, like Todd's and others, to happen. Businesses that do not operate responsibly and fail to comply with the laws should not be allowed to continue to operate.

The Nebraska Liquor Control Act gives local municipalities the ability to revoke a liquor license in their community when it seems warranted. **There is no excuse for a retailer to access alcohol to minors.** The history of OK Liquor shows they have made that decision. Harold and Kathy Carmichael have repeatedly sold to minors and continue to do so. **It is now time for Grand Island to decide what our community will do about this.** I urge you to revoke the license of OK Liquor.

I am proud to say that the community of Grand Island has taken a leadership role in the education and prevention of underage drinking. Law enforcement agencies, the City Council, Project Extra Mile, and the schools have been instrumental in creating an awareness and demonstrating the importance of prevention efforts of underage alcohol consumption.

Thank you for valuing the health and safety of our youth and all citizens of our community. You can make a difference!

Sincerely,

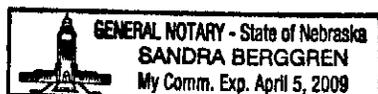
Connie Conner

Connie Conner

STATE OF NEBRASKA
COUNTY OF HALL

Before me, a Notary Public, qualified for said state and county, personally came Connie Conner, known to me to be the identical person who signed the above letter and acknowledged the execution thereof to be her voluntary act and deed.

Witneww my hand and notary seal on May 26, 2006.



Sandra Berggren
NOTARY PUBLIC

'You have to look out for yourself'

Liquor store owner who shot at shoplifters says he'd do it again

Last modified at 6:20 a.m. on Wednesday, July 26, 2000

By **Kris Epley**

The Independent

More than a year after he fired two pistol rounds at a pair of teen-age shoplifters, liquor store owner Harold Carmichael is more convinced than ever that he took clear, decisive and prudent action that night.

He's equally convinced that vigilante justice could be the wave of the future as the judicial system continues to turn a blind eye to the growing number of crimes and the light sentences handed down.

"The justice system lets us down, so people are deciding that they have to take care of themselves and their property and not depend on the legal system to help them," said Carmichael, 47, who was fined for firing two shots at fleeing shoplifters on Feb. 12, 1999.

"If the justice system isn't going to help you, and if it's there to protect the criminals, then you have to look out for yourself," he said. "That's what I was doing, and I think that's what a lot more people will be doing."

Carmichael has owned OK Liquor on West Koenig Street for about 11 years. He said the decline in shoplifting at his shop since the incident shows that his actions produced a more substantive deterrent to an ongoing problem than the legal system has offered.

"Before that (night), I had three or so shopliftings a month, but since then, in all this time, I've had just one," Carmichael said. "I was never able to get results like that with the judicial system.

"Criminals aren't afraid of the courts, but they'll think twice before messing with someone who is willing to take care of themselves and their property," he said. "This sent the message that, if you mess with the bull, you get the horns."

Others argue that Carmichael overstepped societal and legal bounds.

"In my opinion, it is never right to engage in vigilantism. That's why we have laws, police and courts," said former Hall County Attorney Ellen Totzke, who made the



Independent/Scott Kingsley

Harold Carmichael, owner of OK Liquor, defended his property from shoplifters last year.

decision to prosecute Carmichael. "In his mind, I'm sure there's a direct correlation to his actions and what he thinks are the results. But is it right to point a gun at someone, to shoot at someone?"

Actions such as Carmichael's, Totzke said, are not acceptable in today's society.

"We can't revert to the days in the later 1800s when vigilante justice was acceptable," she said. "It is no more acceptable to chase people with a gun than it is to lynch someone on the courthouse steps. We're more civilized than that now."

Carmichael's doubts about the legal system were cemented after he was charged for shooting at the shoplifters, who were fleeing in a car after stealing two bottles of Hennessy, an expensive cognac.

Within about seven seconds of entering the store, the teens had grabbed the bottles and were out the door, Carmichael said. He followed them outside, carrying a .380-caliber handgun.

The teens got into a waiting vehicle. As they drove away, Carmichael said, the car swerved toward him. Carmichael jumped out of the way and fired two shots at the car, hitting the right rear tire.

Carmichael insists that he feared for his life and fired in self-defense.

"The car was headed straight for me," he said. "I was trying to protect my property, and I was trying to protect myself. It was self-defense."

He said he first tried to shoot out the car's radiator but found he had not taken the gun off safety. He said he then tried to shoot out a rear tire to stop the car.

Carmichael had fired weapons, including the .380 pistol, on firing ranges and does not consider himself a firearms novice. But the shooting that night was a new experience for him.

"That was the first time I ever fired at someone," he said.

David J. Riehle and Billy J. Claudio, both 18 at the time, were located a short time later at a local party, and each admitted to police that they had gone to Carmichael's store to steal alcohol.

Both were subsequently charged with theft by shoplifting, a misdemeanor.

Riehle pleaded guilty and paid a \$200 fine.

But Claudio -- who had compiled a litany of past crimes including disturbing the peace,

theft by receiving stolen property, possessing drug paraphernalia and contributing to the delinquency of a minor -- failed to enter a plea by the designated date.

An arrest warrant was issued, and Claudio subsequently pleaded guilty to misdemeanor minor in possession of alcohol for a Sept. 4, 1999, incident in exchange for dismissing the shoplifting charge.

Claudio was fined \$150.

Carmichael, on the other hand, did not escape so cheaply. He initially was charged with unlawful discharge of a gun and using a handgun to commit a felony.

He later pleaded no contest to two misdemeanors and was fined \$1,000. Also, the Nebraska Liquor Control Commission ordered him to pay a \$1,000 fine or close his store for 10 days.

He chose to close up rather than pay a fine.

"I'm not going to go to work every day just to pay an unfair fine," Carmichael said. "So I closed the doors."

Carmichael said his attorney fees cost him about \$10,000.

"So the criminals get away with it, with just a slap on the wrist, and I'm the one who pays the price," Carmichael said. "Nobody seems to care what the criminals are doing."

Totzke argued that, when he followed the teens outside, Carmichael was no longer protecting his property but willingly placed himself in a dangerous situation he could have easily avoided.

"He left his building, he went outside and went after those people, and that certainly takes it beyond the scope of protecting your property," Totzke said. "He should have stayed inside and immediately called the police."

That sounds good in theory, Carmichael said. But in the past, police response time has frequently been slow, even though his liquor store is just two blocks from the Police Department.

"When they get there, they're (shoplifters) gone," Carmichael said. "And if they do catch them, nothing comes of it."

Carmichael said he does not fault the Police Department, which does its best to arrest criminals only to see the courts "turn them loose."

"I have a positive view of the Police Department," Carmichael said. "They're between a

rock and a hard place."

In the days after the shooting, Carmichael's business fell off slightly. After his 10-day shutdown, however, it was a different story.

"Business picked up quite a bit," he said. "People would come in to express concern and support. They let me know they understood and supported what I did."

Supporters included Gwen Bonczynski, who works at Ski's Pawn and Gun in Columbus. Bonczynski contacted Carmichael after the shooting to lend a sympathetic ear and to offer encouragement on behalf of several Columbus business owners.

"I talked to some business owners around here, and everybody thought it was unfair," Bonczynski said. "They feel very strongly about protecting their property and about the criminals getting away with more and more with maybe just a slap on the wrist."

Bonczynski proposed taking up a collection from Columbus business owners to help defray Carmichael's legal expenses.

So far, that financial support has not materialized. People were first waiting to see the outcome of the case and then waiting for more information before deciding how they wanted to respond to Carmichael's plight, Bonczynski said.

"We didn't get too much information in the papers here about it, so it was kind of hard to keep up with what was going on," she said. "So they wanted to find out more first."

In the meantime, Carmichael has moved on. He's taking care of his business and family, working hard to pay off the legal bills and trying to forget the mental anguish he said the whole episode caused him.

He still plans to vigorously protect his business, and he still keeps his pistol handy, just in case. If faced with a similar scenario in the future, Carmichael said, he wouldn't hesitate to repeat his actions.

Ditto for Tatzke.

"If he did the same thing and I were the county attorney, I'd do the same thing again, too," Tatzke said. "I would prosecute him."

May 23, 2006

President Margaret Hornady
Grand Island City Council
Grand Island City Hall
100 East First Street
Grand Island, NE 68801



RE: Liquor license, OK Liquor of 305 West Koenig, Grand Island,

Dear President Hornady and Council Members:

OK Liquor of 305 West Koenig, Grand Island, has been cited for the sale of alcohol to a minor on five occasions.

According to the Nebraska Liquor Control Commission and the Hall County court, OK Liquor and its representatives have been cited for the sale of alcohol to a minor on the following dates:

- 8/30/1994
- 8/6/1997
- 5/9/2003
- 9/30/2005
- 1/14/2006

Despite the penalties levied by the Nebraska Liquor Control Commission and the fines sentenced by the Hall County court, Harold and Kathy Carmichael have continued to sell alcohol to minors.

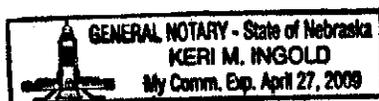
Harold and Kathy Carmichael demonstrate a lack of willingness to comply with the Nebraska Liquor Control Act and do not operate their business in such a way to protect the health and safety of this community.

Grand Island is one of the most progressive communities in the state of Nebraska regarding the regulation of the legal sale of alcohol. The community of Grand Island has placed an appropriate expectation on all alcohol retailers to conduct business legally and responsibly; therefore I believe OK Liquor's disrespect for the law continues to endanger the youth and citizens of Grand Island and I urge the City Council to move to revoke their license.

Sincerely, *Robert Bonk*

Robert Bonk
Concerned Citizen

I certify that Robert Bonk appeared before me on the 23rd day of May, 2006.
This is his signature.



Keri M. Ingold

Project Extra Mile

Underage Drinking Prevention Project

MISSION STATEMENT

To create a
community
consensus that
clearly states
that underage
alcohol use
is illegal,
unhealthy, and
unacceptable.

June 21, 2006

President Margaret Hornady
Grand Island City Council
Grand Island City Hall
100 East First Street
Grand Island, NE 68801



Dear President Hornady and Council Members:

OK Liquor of 305 West Koenig, Grand Island, liquor license D-15914, has been cited for the sale of alcohol to a minor on five occasions. The majority of these citations were due to the actions of the business owners, Harold and Kathy Carmichael.

According to the Nebraska Liquor Control Commission and the Hall County court, OK Liquor and its representatives have been cited for the sale of alcohol to a minor on the following dates:

- 8/30/1994
- 8/6/1997 – for this citation Harold Carmichael was fined in Hall County court \$500
- 5/9/2003 – for this citation Harold Carmichael was fined in Hall County court \$100
- 9/30/2005 – for this citation Harold Carmichael was fined in Hall County court \$300 (the Nebraska Liquor Control Commission penalized the business with two days no sale of alcohol and 34 additional days of either no sale or a \$3400 fine)
- June 22, 2006 – OK Liquor is scheduled to appear before the Nebraska Liquor Control Commission regarding another sale to a minor.

Despite the penalties levied by the Nebraska Liquor Control Commission and the fines sentenced by the Hall County court, Harold and Kathy Carmichael have continued to sell alcohol to minors.

As of April 1, 2003, the Nebraska Department of Motor Vehicles began issuing digitally produced driver's license and identification cards in Hall County. As a result of this innovation, state issued driver's license and identification cards have different formats depending on whether or not individuals were over the age of 21:



This format denotes over the age of 21.



This format denotes under the age of 21.

President Margaret Hornady
Grand Island City Council

Page 2
June 20, 2006

Since the date of April 1, 2003, and the reformatting of the Nebraska driver's license and identification cards, OK Liquor has been cited on three separate occasions.

Further, on February 18, 1999, Harold Carmichael was cited by the Nebraska Liquor Control Commission for "illegal acts" and fined in Hall County court \$500 for those acts.

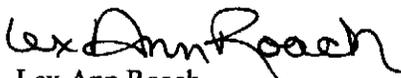
Harold and Kathy Carmichael demonstrate a lack of willingness to comply with the Nebraska Liquor Control Act and do not operate their business in such a way to protect the health and safety of this community.

Under Nebraska Liquor Control Act statute 53-116.02, local municipalities have the ability to revoke a liquor license in their community when it seems warranted.

Grand Island stands as one of the most progressive communities in the state of Nebraska regarding the regulation of the legal sale of alcohol. From 2001 through 2005, the three law enforcement agencies of Hall County have collaborated to conduct 10 alcohol retail compliance checks. On February 7, 2006, the Grand Island City Council hosted the Central Nebraska Liquor Summit. The community of Grand Island has placed an appropriate expectation on all alcohol retailers to conduct business legally and responsibly; therefore we believe OK Liquor's lack of adherence to the law continues to endanger the citizens of Grand Island and we urge the City Council to move to revoke their license.

On behalf of our local community coalition we thank you for your leadership on this issue.

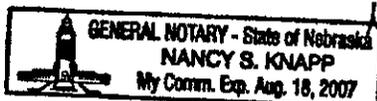
Sincerely,



Lex Ann Roach
Project Coordinator

Enclosure: Grand Island Independent

Signature witnessed
This 21st day of
June, 2006.

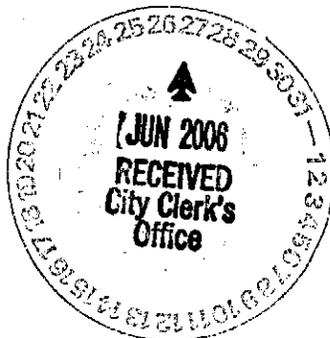


Nancy S. Knapp
Notary Public



BIG BROTHER BIG SISTERS of Grand Island

502 West 2nd Street
Grand Island, NE 68801
(308) 384-3456 Phone
(888) 656-3637
(308) 385-5517 Fax
bbbsofgicd@qwcst.net
www.bbbsgi.org



June 21, 2006

President Margaret Hornady
Grand Island City Council
Grand Island City Hall
100 East First Street
Grand Island, NE 68801

Dear President Hornady and Council Members:

Harold and Kathy Carmichael own and operate OK Liquor of 305 West Koenig, Grand Island. This business has been cited for the sale of alcohol to a minor on several occasions as well as other involvements with local law enforcement.

According to the Nebraska Liquor Control Commission and the Hall County court, OK Liquor and its representatives have been cited for the sale of alcohol to a minor on the following dates:

- 8/30/1994
- 8/6/1997 – for this citation Harold Carmichael was fined in Hall County court \$500
- 5/9/2003 – for this citation Harold Carmichael was fined in Hall County court \$100
- 9/30/2005 – for this citation Harold Carmichael was fined in Hall County court \$300 (the Nebraska Liquor Control Commission penalized the business with two days no sale of alcohol and 34 additional days of either no sale or a \$3400 fine)

On June 22, 2006, OK Liquor and Harold Carmichael is scheduled to appear before the Nebraska Liquor Control Commission regarding another sale to a minor; this will be OK Liquor's third such citation in the last three years.

On February 18, 1999, Harold Carmichael was cited by the Nebraska Liquor Control Commission for "illegal acts" and fined in Hall County court \$500 for those acts. As reported by the Grand Island Independent, this incident also involved minors.

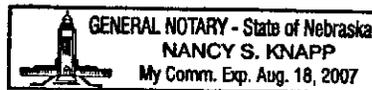
Despite citations, penalties, and the re-design of Nebraska driver's licenses and identification cards to clarify age verification; OK Liquor continues unsafe business practices.

The Nebraska Liquor Control Act allows local municipalities to revoke a liquor license in order to protect the health and safety of their community. Your attention to this matter is needed and appreciated.

Sincerely,

Heather Sikyta
Partnership Development Coordinator

Signature witnessed
this 21st day of
June, 2006



An Affiliate of Big Brothers Big Sisters of America
"Little Moments...Big Magic"

President Margaret Hornady
Grand Island City Council

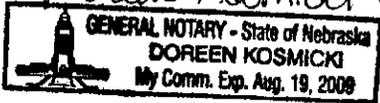
As a Prevention Educator, I contact law enforcement immediately with this information, however, it's after the fact and is not admissible in court. It is very frustrating to me that not only my time, but also that of several other people in the community is spent on the subject of preventing the accessibility of alcohol to minors only to have a business establishment freely provide alcohol.

I am asking that the Grand Island City Council please make a critical review of the facts pertaining to OK Liquor's license and that a recommendation of revocation be submitted to the Grand Island City Clerk's Office and the Nebraska Liquor Commission on behalf our community. We need your help. Your efforts on this matter would be a step in the right direction and would significantly improve the prevention of underage drinking in our community.

Sincerely,

Heather Tjaden

Heather Tjaden
Prevention Educator
Central Nebraska Council on Alcoholism
308-385-5520
htjaden@kdsi.net

Doreen Kosmicki 5/23/08


*Police Department
To Protect and Serve Since 1872*

*Working Together for a
Better Tomorrow. Today.*

Criminal Division



Captain Kerry Mehlin **Lt. Brad Brush**
Inv. Jim Duering **Inv. Dean Kottwitz**
Inv. Mike Nelson **Inv. Sara Mann**
Inv. Craig Dvorak **Inv. Mark Wiegert**
Inv. Ben Arrants
Evidence Officer Mike Vasey

Contacts with OK Liquor and owners Harold & Kathy Carmichael

11-15-86 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$200+costs.

08-25-89 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$200+costs.

11-26-94 Harold Carmichael charged w/ Selling cigarettes to Minor. Fined \$100+costs.

08-06-97 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$500+costs.

02-16-99 Harold Carmichael charged w/;
Discharging of Firearm at Occupied Vehicle. Fined \$500+costs.
Use of Firearm to Commit Felony. Fined \$500+costs.

05-09-03 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$100+costs.

12-30-03 Harold Carmichael charged w/ Selling cigarettes to Minor. Fined \$25+costs.

05-21-04 Harold reported minor attempting to purchase alcohol. Minor cited.
County Attorney dismissed the charge 07-02-04

10-30-04 Harold Carmichael reported minors attempting to purchase alcohol.
County Attorney dismissed the charge 10/04.

03-19-05 Kathy Carmichael charged w/ Selling cigarettes to Minor. Fined \$50+costs.

09-30-05 Harold Carmichael charged w/ Selling alcohol to Minor. Fined \$300+costs.

*Police Department
To Protect and Serve Since 1872*

*Working Together for a
Better Tomorrow. Today.*

Criminal Division

Captain Kerry Mehlin	Lt. Brad Brush
Inv. Jim Duering	Inv. Dean Kottwitz
Inv. Mike Nelson	Inv. Sara Mann
Inv. Craig Dvorak	Inv. Mark Wiegert
Inv. Ben Arrants	
Evidence Officer Mike Vasey	

01-23-06 Kathy Carmichael charged w/ Selling alcohol to Minor, who was arrested for DUI at W. South Front & Eddy, on 01-14-06. Pending.

06-18-06 Harold Carmichael contacted by GIPD Officer reference 26 year old male who made the alcohol just purchased by the 26 year old male at OK Liquor available to a Minor while still on OK Liquor property. 26 year old male who made the alcohol available to the Minor was arrested for;

Possession of Controlled Substance (meth) [28-416] Class IV FO
Procuring Alcohol to a Minor [53-180] Class III MO
Driving During Suspension [60-4,108] Class II MO

The 26 year old male was ultimately charged w/ Possession of Controlled Substance (meth) [28-416] Class IV FO

Respectfully submitted by

Lieutenant Brad Brush

NSP Contacts with OK Liquor

Harold and Kathy Carmichael are the partners for the Class D liquor license, #15914, DBA OK Liquor, 305 West Koenig. The license was issued on September 8, 1988. Upon reviewing case files, Inv. Rogers compiled this summary of the contacts that NSP officers have had with the Carmichaels at the establishment.

Prior to the NLCC issuing the license for the Carmichaels, Inv. Hruza conducted a background investigation for the NLCC. The interview report indicates that Harold is a High School graduate, who attended Kearney State College for 2 years. Included in his report is information that Harold Carmichael had been employed as a night sales clerk for Fine Liquor, from November 1979 to September 1986. From May 1986 to August of 1988, Harold was employed as a night sales clerk at OK Liquor, for the previous owner. Harold was convicted of a procuring (selling) alcohol for a minor charge while working at the store, on November 15, 1986. He plead guilty to the charge, and was fined \$200.00 and court costs. Carmichael then began to lease the store in 1988, with a purchase agreement worked out.

On August 30, 1994, Harold sold alcohol to a minor CI during an alcohol compliance check that was conducted by Inv. Jones. Harold was found guilty, and was fined \$100.00 and court costs by the Hall County Court. The NLCC suspended his liquor license for 5 days.

On May 20, 1995, Harold sold Tobacco to a minor CI during a tobacco compliance check that was conducted by Inv. Barnason. Harold pleads guilty, and was fined \$50.00 and court costs by the Hall County Court.

On August 6, 1997, Harold sold alcohol to a minor, and was cited by the Grand Island PD. (It is unknown if this was a compliance check.) Harold pleads guilty, and was fined \$500.00 and court costs by the Hall County court. The NLCC suspended his liquor license for both selling alcohol to a minor, and failure to use the ID book.

On February 12, 1999, the Grand Island PD and Inv. Adams investigated an incident where Harold was involved with a discharge of a firearm. Harold was originally charged with Firing a Weapon, a felony, and Use of a Weapon to Commit a Felony. The Hall County court amended the charges, and Harold was convicted of Attempt of a Class I misdemeanor, and Criminal Mischief in excess of \$100. Harold was fined \$500.00 for each count. The NLCC suspended his liquor license.

On May 9, 2003, Harold sold alcohol to a minor CI during an alcohol compliance check that was conducted by Inv. Zeleski and GIPD. He was fined \$100.00 and court costs, and the NLCC suspended his liquor license.

On March 19, 2005, Kathy Carmichael sold tobacco to a 15 year old minor CI during a tobacco compliance check, which was conducted by Inv. Rogers, GIPD, and Hall County SO. Kathy checked the minors new Nebraska Learners Permit, entered information into a calculator, and sold the tobacco to the minor. Kathy was cited by the SO.

On September 30, 2005, Harold sold alcohol to a 17 year old minor CI during an alcohol compliance check conducted by Inv. Rogers, GIPD, and the Hall County SO. The CI was extremely young looking, and Harold did not check her identification. The liquor license was suspended by the NLCC for 36 days.

Inv. Lorri J. Rogers
Alcohol Tobacco Enforcement
Nebraska State Patrol