



City of Grand Island

Tuesday, July 25, 2006

Council Session

Item G9

**Approving Request of Daniel Albert, 509 Grant Street, Holdrege,
Nebraska for Liquor Manager Designation for Sunmart #768,
3420 West State Street**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 25, 2006

Subject: Request of Daniel Albert, 509 Grant Street, Holdrege, Nebraska for Liquor Manager Designation for Sunmart #768, 3420 West State Street

Item #'s: G-9

Presenter(s): RaNae Edwards, City Clerk

Background

Daniel Albert, 509 Grant Street, Holdrege, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "D-30046" Liquor License for Sunmart #768, 3420 West State Street. This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received.

Alternatives

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

1. Approve the request.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve this request for a Liquor Manager Designation.

Sample Motion

Move to approve the request of Daniel Albert, 409 Grant Street, Holdrege, Nebraska for Liquor Manager Designation in conjunction with the Class "D-30046" Liquor License for Sunmart #768, 3420 West State Street with the stipulation that Mr. Albert complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: July 10, 2006
TO: RaNae Edwards, City Clerk
FROM: Bradley Brush, Lieutenant, Police Department
RE: Manager Application for Daniel Albert – Sunmart , 3420 W State St.

The Liquor Manager Designation Applicant's name is Daniel Albert, business is Sunmart, 3420 W State Street, Grand Island, NE 68803.

The application for the Liquor Manager is technically inaccurate, thus a false application, however, even if the convictions had been declared, they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the Name of Daniel Shawn Albert for Sunmart, 3420 W State, Grand Island, NE 68803

BB/rk

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

07/07/06
16:19

Grand Island Police Dept.
LAW INCIDENT TABLE

City : Grand Island
 Occurred after : 13:55:26 07/06/2006
 Occurred before : 13:55:26 07/06/2006
 When reported : 13:55:26 07/06/2006
 Date disposition declared : 07/06/2006
 Incident number : L06070872
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License Investigation
 Incident address : 3420 W State
 State abbreviation : NE
 ZIP Code : 68803
 Contact or caller : RaNae Edwards
 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	59975		Sunmart (DUP #52874),	mentioned
NM	104622		Albert, Daniel Shawn	liq mgr designee

LAW INCIDENT NARRATIVE:

Request for assessment & recommendation-Liquor Manager Designation Application.

The Liquor Manager Designation Applicant's name is Daniel S Albert, Business-Sunmart, 3420 W State, GI, NE 68803

A check of the Nebraska Criminal Justice Information System (NCJIS) found the following convictions not declared by Albert;

- *Speeding 16-20 MPH County/State, Kearney county;
Infraction date is 08/03/1998, Plea is Guilty/Admit
- *Speeding 11-15 MPH Municipal; Red Willow county,
Infraction date is 01/30/2000, Plea is Guilty/Admit
- *Speeding 6-10 MPH County/State; Phelps county,
Infraction date is 03/28/2002, Plea is Guilty/Admit
- *Speeding 6-10 MPH County/State, Kearney county;
Infraction date 04/24/2001, Plea is Guilty/Admit
- *No valid registration ; Class 3 Misdemeanor, Phelps county,

07/07/06
16:19

Grand Island Police Dept.
LAW INCIDENT TABLE

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Offense Date is 09/03/2003, Plea is Guilty/Admit

Failure to declare the above convictions causes the application to be false.

A National Crime Intelligence Center (NCIC) search reflected a conviction in the state of Missouri for misdemeanor passing a bad check, fined \$250.00 and placed on probation for 1 year. In attempting to determine if this conviction would meet the threshold of the level of seriousness of a class I misdemeanor in Nebraska, I conferred w/ Missouri Highway Patrol and was advised that the applicant had been convicted of a Class A Misdemeanor, which is the most serious of misdemeanors in Missouri and is punishable up 1 year in the County Jail. This is applicable to Nebraska's Class I Misdemeanor.

The Nebraska Liquor Control Act prohibits people from having involvement if;
* (5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state. Passing a bad check is referred to in Article 6 in Nebraska Statutes.

In summation;
The application for the Liquor manager is technically inaccurate, thus a false application. However, even if the convictions had been declared they would not have risen to the level of a Class I Misdemeanor, thus disqualifying the applicant.

It is the police department's recommendation to accept this Liquor Manager Designation Application in the name of Daniel Shawn Albert for Sunmart, 3420 W State, GI, NE 68803.