



# City of Grand Island

Tuesday, August 08, 2006

Council Session

## Item E4

**Public Hearing on Request of Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 East 2nd Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** August 8, 2006

**Subject:** Public Hearing on Request of Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 East 2nd Street for a Class “C” Liquor License

**Item #'s:** E-4 & I-1

**Presenter(s):** RaNae Edwards, City Clerk

## **Background**

Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 East 2nd 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.

## **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 Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 East 2nd Street for a Class "C" Liquor License with the stipulation that a state approved alcohol server/seller training program be completed by Mr. Vargas-Bernal.

## **Sample Motion**

Move to approve the application of Delfino Vargas-Bernal dba Las Vegas Bar and Grill, 316 East 2nd Street for a Class "C" Liquor License with the stipulation that a state approved alcohol server/seller training program be completed by Mr. Vargas-Bernal.



**INTEROFFICE  
MEMORANDUM**  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

**DATE:** August 1, 2006

**TO:** RaNae Edwards, City Clerk

**FROM:** Brad Brush, Lieutenant, Police Department

**RE:** Application for Liquor License/Liquor Manager Designation in the name of  
of Delfino Vargas Bernal and the business name of Las Vegas  
Bar and Grill, 316 E 2<sup>nd</sup>, Grand Island, NE 68801

The Grand Island Police Department has received the application for Liquor License/Liquor Manager Designation in the name of Delfino Vargas Bernal and the business name of Las Vegas Bar and Grill to be located at 316 E 2<sup>nd</sup>, Grand Island, NE 68801

The application for the Liquor Manager and for the Retail Corporation Liquor License is technically inaccurate, thus a false application. However, even if the conviction had been declared it would not have risen to the level of a Class I Misdemeanor, thus disqualifying the Applicant.

Therefore, it is the Police Department's recommendation to accept this Liquor Manager Designation application as well as the Liquor license application for the Business, Delfino Vargas Bernal, dba Las Vegas Bar and Grill, 316 E 2<sup>nd</sup>, Grand Island, NE 68801.

BB/rk

08/01/06  
07:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

City : Grand Island  
 Occurred after : 10:01:15 07/26/2006  
 Occurred before : 10:01:15 07/26/2006  
 When reported : 10:01:15 07/26/2006  
 Date disposition declared : 07/31/2006  
 Incident number : L06074022  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License Investigation  
 Incident address : 316 E 2nd  
 State abbreviation : NE  
 ZIP Code : 68801  
 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	97633		Vargas-Bernal, Delfino	lig lic applicant
NM	115826		Vargas, Carmen	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 Delfino Vargas Bernal Business-Las Vegas Bar and Grill, 316 E 2nd, GI, NE 68801

A check of the Nebraska Criminal Justice Information System (NCJIS) found the following conviction not declared by Delfino Vargas-Bernal;

\*Speeding 11-15 MPH County/State; Dawson County Infraction  
Offense Date is 11/20/2002, Plea is Guilty/Admit

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

A National Crime Intelligence Center (NCIC) search reflected no other convictions.

08/01/06  
07:54

Grand Island Police Dept.  
LAW INCIDENT TABLE

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Delfino B Vargas, date of birth 08-24-68 is a registered voter in Dawson County, Nebraska.

A check of the Nebraska Criminal Justice Information System (NCJIS) found no convictions on Carmen Vargas. However I did find that on three separate occasions she was the assignee on criminal cases. I determined that assignee indicates person is named as having posted bond. I was able to determine she had posted bond for;

- Luis A Carlos-Delgado, dob 04-12-75, Dawson County, 12-22-97
- Omar C Delgado, dob 04-11-79, Lincoln County, on 12-23-97
- Omar C Delgado, dob 04-11-79, Lincoln County, on 03-11-98

I received a phone call from Atty Jerry Janulewicz, who indicated he is representing Delfino Vargas Barnal and offered to assist if I had any questions for Vargas-Barnal, due to Vargas Barnal not speaking English. At the time of the call, I did not have any questions.

I did call Janulewicz on 07-28-06 to see if Vargas Barnal had a local address. I did ask if possibly Delfino Vargas-Barnal would live in the apartment/house attached to the proposed bar. I also asked if Omar A Carlos-Delgado & Luis A Carlos-Delgado were Carmen Vargas, his wife's children. Janulewicz advised that Vargas Barnal did not presently have a local address, indicating he would move to the Grand Island area if and when he obtained a liquor license. Janulewicz indicated he would try and get the other information and get back to me.

In summation;  
The application for the Liquor manager and for the Retail Corporation Liquor License is technically inaccurate, thus a false application. However, even if the conviction had been declared it 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 Delfino Vargas Barnal, as well as the Liquor License application for the business, Delfino Vargas Barnal dba Las Vegas Bar and Grill, 316 E 2nd, GI, NE 68801.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	NSP1	NSP Monitor	