



City of Grand Island

Tuesday, March 27, 2007

Council Session

Item E4

**Public Hearing on Request of Bradley Shearer dba Bogey's, 2848
South Locust Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 27, 2007

Subject: Public Hearing on Request of Bradley Shearer dba Bogey's, 2848 South Locust Street for a Class "C" Liquor License

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

Presenter(s): RaNae Edwards, City Clerk

Background

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

Declared Legislative Intent

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
- (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
- (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

Discussion

Bradley Shearer dba Bogey's, 2848 South Locust 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.

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.

Sample Motion

Move to approve the application of Bradley Shearer dba Bogey's, 2848 South Locust Street for a Class "C" Liquor License contingent upon final inspections and with the stipulation that Mr. Shearer complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: March 15, 2007
TO: RaNae Edwards, City Clerk
FROM: Dave Vitera, Sergeant, Police Department
RE: Liquor License Application for Bogey's, 2848 South Locust Street
Grand Island, Nebraska

The Grand Island Police Department has received an application from Bradley Shearer and Christina Shearer for a Liquor License for Bogey's located at 2848 South Locust Street, Grand Island, Nebraska.

A check of records indicated that Christina Shearer had no record of violations. A check of records indicated that Bradley had two DUI and one speeding conviction. The DUI convictions were listed on the application, however, he did not disclose the speeding conviction.

Bradley's failure to disclose his speeding conviction technically makes the application false according to the Nebraska Liquor Control Act. The speeding conviction is an infraction and does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute. With no other discrepancies in the application and the investigation and no criminal history for either application that would exclude either of the applicants, it is the Police Department's recommendation to approve the liquor license.

DV/rk

Dave Vitera

03/14/07
10:35

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 09:47:33 03/14/2007
Occurred before : 09:47:33 03/14/2007
When reported : 09:47:33 03/14/2007
Date disposition declared : 03/14/2007
Incident number : L07031839
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 2848 Locust St S
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Viterra D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Viterra D
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : printed
Geobase address ID : 14154
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	36725	03/14/07	Shearer, Bradley W	Owner-Bogey's
NM	36725	03/14/07	Shearer, Bradley W	Criminal History
NM	88658	03/14/07	Shearer, Christina L	Owner-Bogey's
NM	88658	03/14/07	Shearer, Christina L	Criminal History

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Bogey's

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Viterra D	10:03:44 03/14/2007

Grand Island Police Department
Supplemental Report

I received information that Bradley and Christina Shearer are applying for a liquor license dba "Bogey's" which will be located at 2848 S Locust. I checked

03/14/07
10:35

Grand Island Police Dept.
LAW INCIDENT TABLE

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Spillman on each one of them, and they don't have any violations. I also checked NCJIS. Christina didn't have any violations listed. Bradley had two DUI's and one speeding conviction. He listed the DUI's on the disclosure portion of the application. However, he did not list the speeding conviction. I also ran criminal histories through NCIC on both of them. The results were negative.

Bradley's failure to disclose his speeding conviction (charge was 7/14/94) technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge." It further states that a charge includes federal, state, "local law, ordinance, or resolution." The speeding would fall under state law or local ordinance. However, the speeding conviction is an infraction, and it does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude him from getting a liquor license.

With no other discrepancies in the application and the investigation and no criminal history that would exclude either of the applicants, it's the Police Department's recommendation to approve the liquor license.

Date, Time: Wed Mar 14 10:19:25 CDT 2007
Reporting Officer: Vitera
Unit #: 835