



# City of Grand Island

Tuesday, April 24, 2007

Council Session

## Item G5

**Approving Request of Susan McAfee, 1863 7th Avenue,  
Dannebrog, Nebraska for Liquor Manager Designation for Pump  
& Pantry #6, 3355 Stolley Park Road and Pump & Pantry #8, 2028  
North Broadwell Avenue**

Staff Contact: RaNae Edwards

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** April 24, 2007

**Subject:** Request of Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska for Liquor Manager Designation for Pump & Pantry #6 and Pump & Pantry #8

**Item #'s:** G-5

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

## **Background**

Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "B-13152" Liquor License for Pump & Pantry #6, 3355 Stolley Park Road and Class "B-13153" Liquor License for Pump & Pantry #8, 2028 North Broadwell Avenue. These applications have 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. See attached Police Department report.

## **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 Liquor Manager Designation.

## **Sample Motion**

Move to approve the request of Susan McAfee, 1863 7<sup>th</sup> Avenue, Dannebrog, Nebraska for Liquor Manager Designation in conjunction with the Class “B-13152” Liquor License for Pump & Pantry #6, 3355 Stolley Park Road and Class “B-13153” Liquor License for Pump & Pantry #8, 2028 North Broadwell Avenue with the stipulation that Ms. McAfee complete a state approved alcohol server/seller training program.



INTEROFFICE  
MEMORANDUM  
*Police Department*

*Working Together for a  
Better Tomorrow. Today.*

DATE: April 19, 2007

TO: RaNae Edwards, City Clerk

FROM: David Vitera, Sergeant, Police Department

RE: Liquor Manager Designation – Pump and Pantry #6,  
3355 Stolley Park Road and Pump and Pantry #8,  
2028 North Broadwell, Grand Island, Ne. 68801  
“Susan McAfee”

The Grand Island Police Department has received an application for Liquor Manager Designation for Pump and Pantry #6, 3355 Stolley Park Road and Pump and Pantry #8, 2028 North Broadwell, Grand Island, Nebraska in the name of Susan McAfee.

Susan McAfee has 4 speeding convictions which were undisclosed on her application. According to Nebraska Liquor Control Act, McAfee should have reported the violations. However, since McAfee's violations didn't rise to the level of a Class I Misdemeanor, they would not cause her application to be automatically excluded.

Therefore, it is the Police Department's recommendation to approve the Liquor Manager Designation for Susan McAfee.

DV/rk *David Vitera*

04/18/07  
14:56

Grand Island Police Dept.  
LAW INCIDENT TABLE

Page: 450  
1

City : Grand Island  
 Occurred after : 10:49:31 04/18/2007  
 Occurred before : 10:49:31 04/18/2007  
 When reported : 10:49:31 04/18/2007  
 Date disposition declared : 04/18/2007  
 Incident number : L07042413  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License Investigation  
 Incident address : 3535 Stolley Park Rd W  
 State abbreviation : NE  
 ZIP Code : 68803  
 Contact or caller :  
 Complainant name number :  
 Area location code : PCID Police - CID  
 Received by : Vitera D  
 How received : P In Person  
 Agency code : GIPD Grand Island Police Department  
 Responsible officer : Vitera D  
 Offense as Taken :  
 Offense as Observed :  
 Disposition : CLO Closed Case  
 Misc. number : printed  
 Geobase address ID :  
 Long-term call ID :  
 Clearance Code :  
 Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	54422	04/18/07	Pump & Pantry, #8	Store
NM	60231	04/18/07	Pump & Pantry #6,	Store
NM	94953	04/18/07	McAfee, Susan R	Liquor Manager Inve

LAW INCIDENT NARRATIVE:

Liquor Manager Designation for Pump & Pantry Store # 6 and # 8.

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:46:36 04/18/2007

Grand Island Police Department  
Supplemental Report

I received a copy of a request for Susan R. McAfee to be the Liquor Manager at the Pump and Pantry #6 and Pump and Pantry #8. I checked McAfee through Spillman, and she doesn't have any violations. I also checked her through

04/18/07  
14:56

Grand Island Police Dept.  
LAW INCIDENT TABLE

450  
Page: 2

NCJIS which shows her to have four convictions for speeding.

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 "No" box was checked.

McAfee's four undisclosed speeding convictions technically makes the application false according to the Nebraska Liquor Control Act Part II Rules and Regulations, Chapter 2 Requirements for Licensees, .010.01 Falsification of Application. It states:

"No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license."

According to the Nebraska Liquor Control Act (Part I, Article I, [D] Licenses, Issuance and Revocation- 53-125 "Classes of persons to whom no license issued"

"No license of any kind shall be issued to...(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..." Since McAfee's violations didn't rise to the level of a Class I Misdemeanor, they would not cause her application to be automatically excluded.

It's the Police Department's recommendation to approve the Liquor Manager Designation for Susan McAfee.

Date, Time: Wed Apr 18 14:54:56 CDT 2007  
Reporting Officer: Vitera  
Unit #: 835