



City of Grand Island

Tuesday, June 26, 2007

Council Session

Item E1

**Public Hearing on Request from Mongolian Vietnamese
Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816
North Webb Road for Class "A" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 26, 2007

Subject: Public Hearing on Request of Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for a Class “A” Liquor License

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

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

Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road has submitted an application for a Class “A” Liquor License. A Class “A” Liquor License allows for the sale of beer on sale only inside the corporate limits of the city.

Also included with the application was a request from Dua Tran Nguyen, 303 East 18th Street for a Liquor Manager Application.

Due to several violations as reported by the Police Department from the background search on the applicant's (see attached Police report) it is recommended that Council deny the Class "A" Liquor License and the Liquor Manager request.

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.

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 deny the application.

Sample Motion

Move to deny the application of Mongolian Vietnamese Restaurant, LLC dba Mongolian Vietnamese Restaurant, 1816 North Webb Road for a Class "A" Liquor License and the Liquor Manager request from Dua Tran Nguyen, 303 East 18th Street.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: June 8, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class A Liquor License and
Liquor License Management Designation
Mongolian Vietnamese Restaurant, 1816 N Webb Road,
Grand Island, Nebraska 68803/Dua Tran Nguyen

The Grand Island Police Department has received applications from the Mongolian Vietnamese Restaurant and Dua Tran Nguyen for Class A Liquor License/Liquor License Management Designation respectively.

On the application Dua Tran Nguyen is listed to be the liquor manager and is also listed as the President of the corporation. Dzung Nguyen is listed on the application as the Vice President/Treasurer/Secretary. Quang Nghiem is listed as the manager.

Dzung Nguyen does not have any violations listed in our sources. However, Dua has a conviction for speeding. Quang Nghiem has a DUI arrest/conviction and a False Reporting arrest/conviction. The failure to Dua Nguyen and Quang Nghiem to disclose their violations and offense makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01. Because of circumstances involved in the False Reporting incident (see Law Incident Report) it is the Police Department's recommendation to deny the liquor license application for the Mongolian Vietnamese Restaurant.

DV/rk *Dave Vitera*

06/08/07
08:31

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 11:20:53 06/04/2007
Occurred before : 11:20:53 06/04/2007
When reported : 11:20:53 06/04/2007
Date disposition declared : 06/08/2007
Incident number : L07060606
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1816 Webb Rd N
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 : 4734
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	63074	06/04/07	Nguyen, Dzung	VP/Treasurer
NM	104032	06/04/07	Nghiem, Quang Chi	Proposed Manager
NM	124792	06/04/07	Nguyen, Dua Tran	Owner

LAW INCIDENT NARRATIVE:

Liquor License Investigation for Mongolian Vietnamese Restaurant

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:35:28 06/04/2007

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08:31

Grand Island Police Dept.
LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

I received an application from the Mongolian Vietnamese Restaurant for a liquor license. I also received a request for Dua Tran Nguyen to be the liquor manager. Dua is listed on the application as the President of the corporation. Dzung Nguyen is listed on the application as the Vice President/Treasurer/Secretary. Quang Nghiem is listed as the manager.

Dzung Nguyen does not have any violations listed in Spillman or NCJIS. Dua Nguyen was not listed in Spillman. However, NCJIS shows that Dua has a conviction for speeding on 11/2/05. Quang Nghiem has a DUI arrest in Spillman. Spillman also shows that Quang was arrested by NSP for False Reporting on 9/16/06. NCJIS confirms that Quang plead guilty to a DUI charge on 6/7/06. NCJIS also confirms that Quang plead guilty to False Reporting on 11/27/06.

Quang's False Reporting arrest is a Class I Misdemeanor. However, this type of Class I Misdemeanor conviction doesn't fall under Chapter 28 Article 3, 4, 7, 8, 10, 11, or 12 which would automatically cause the application to be denied.

The failure of Dua Nguyen and Quang Nghiem to disclose their violations and offense makes the application false under the Nebraska Liquor Control Act Part II Chapter 2 "Falsification of Application" 010.01.

On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." The "No" box was checked.

I checked with the Nebraska State Patrol and received information about Nghiem's arrest for False Reporting. It appears that Nghiem gave the Trooper a false date of birth (DOB) and then denied driving a vehicle that was stuck. Nghiem later gave his correct DOB and admitted to driving. He lied because his license was suspended.

The Nebraska Liquor Control Act under Part I, Article I, Section D, 53-125 says that "No license of any kind shall be issued to a person who is not of good character and reputation in the community in which he or she resides." First of all, Nghiem's DUI and False Reporting and Dua's speeding conviction were not disclosed on the application which makes it a false application. In addition, I don't believe that a person who lies to law enforcement necessarily fits the definition of having a good reputation and character. It's the Police Department's recommendation to deny the liquor license application for the Mongolian Vietnamese Restaurant.

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Grand Island Police Dept.
LAW INCIDENT TABLE

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Date, Time: Fri Jun 08 08:30:23 CDT 2007
Reporting Officer: Vitera
Unit #: 835