



City of Grand Island

Tuesday, January 08, 2008

Council Session

Item E4

**Public Hearing on Request from Pablo Zuniga Lucero dba Copas
D'Oro, 413 West 4th Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 8, 2008

Subject: Public Hearing on Request from Pablo Zuniga Lucero dba Copas D'Oro, 413 West 4th Street for a Class "C" Liquor License

Item #'s: E-4 & 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

Pablo Zuniga Lucero dba Copas D'Oro, 413 West 4th Street 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.

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 Pablo Zuniga Lucero dba Copas D'Oro, 413 West 4th Street for a Class "C" Liquor License contingent upon final inspections and Mr. Lucero completing a state approved alcohol server/seller training program.



INTEROFFICE
MEMORANDUM
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: December 21, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application – Class “C” Liquor License for Pablo Zuniga Lucero dba Copas D’Oro
“Change of Ownership”, 413 W 4th Street

The Grand Island Police Department received an application from Pablo Zuniga-Lucero and his wife, Elizabeth Lucero, for a Class “C” Liquor License for Copas D’Oro, 413 W 4th Street.

The application asks for the applicants to disclose violations of the law; and a “criminal history” from the Grand Island Police Department was attached for Pablo and his wife. No other violations were disclosed. It should be noted that a criminal history from the Grand Island Police Department doesn’t include any violations outside the city limits.

According to NCJIS, Pablo has a conviction for speeding in Cass County. He also has a speed conviction in Hall County. Pablo shows a Games and Parks citation/conviction for unlawful entry without a permit.

Elizabeth has an undisclosed violation in Hall County for no operator’s license, no insurance, and a seat belt violation. She also has an undisclosed speeding violation in Sarpy County.

Pablo and Elizabeth’s undisclosed violations technically make 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 undisclosed violations would fall under state law or local ordinance. However, none of their undisclosed violations rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude Pablo from getting a liquor license.

Pablo and Elizabeth were checked for warrants and their driving status. Neither of them has a warrant. However, Pablo is suspended and has a “license pick-up order.” On December 19, 2007 Pablo was contacted at his place of employment (Skagway South). Pablo acknowledged that his brother-in-law has some questionable friends, but he pledged to cooperate with the Police Department and to run a respectable business. Pablo also relinquished his driver’s license to me and said that his wife gives him rides to and from work.

The Police Department has no objection to the issuance of a Class C Liquor License to Pablo Zuniga Lucero for Copas D’Oro.

DV/rk *Dave Vitera*

12/20/07
13:41

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 00:00:00 12/10/2007
Occurred before : 00:00:00 12/14/2007
When reported : 09:00:00 12/14/2007
Date disposition declared : 12/20/2007
Incident number : L07122252
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 413 4th St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
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 : 18196
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	8738	12/20/07	Garcia, Pedro Damian	Mentioned
NM	15501	12/18/07	Zuniga-Lucero, Pablo	Owner
NM	43028	12/18/07	Lucero, Elizabeth G	Owner's Spouse
NM	107609	12/18/07	Copas de Oro,	Business

LAW INCIDENT NARRATIVE:

Liquor License Investigation- Change of Ownership for Copas D'Oro

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	09:33:30 12/18/2007

12/20/07
13:41

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

Grand Island Police Department
Supplemental Report

On 12/14/07, I received a copy of a liquor license application for Copas D'Oro. They are changing ownership. Pablo Zuniga Lucero will be the new owner pending this investigation. His wife is Elizabeth Garcia Lucero. James Wagoner from the Wagoner Law Office assisted in filling out the application.

On the part of the application where it asks the applicants to disclose violations of the law, a "criminal history" from the Grand Island Police Department (GIPD) was attached for Pablo and his wife. No other violations were disclosed. The problem with just attaching a criminal history from the GIPD is that it doesn't include any violations outside the city limits.

According to NCJIS, Pablo has a conviction for speeding in Cass County on 8/20/03. He also has a speeding conviction in Hall County on 7/18/98. Pablo shows a Games and Parks citation/conviction for unlawful entry without a permit.

Elizabeth has an undisclosed violation through the Hall County Sheriff's Department for no operator's license, no insurance, and a seat belt violation on 3/4/01. She also has an undisclosed speeding violation in Sarpy County on 3/27/03.

Pablo and Elizabeth's undisclosed violations technically make 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 undisclosed violations would fall under state law or local ordinance. However, none of their undisclosed violations rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically exclude Pablo from getting a liquor license.

I checked Pablo and Elizabeth for warrants and their driving status. Neither one of them has a warrant. However, Pablo is suspended and has a "license pick up order."

On 12/19/07, I contacted Pablo at his place of employment (Skagway South). Pablo acknowledged that his brother-in-law has some questionable friends, but he pledged to cooperate with the Police Department and run a respectable business. Pablo also relinquished his driver's license to me and said that his wife gives him rides to and from work.

The Police Department has no objection to the issuance of a liquor license to Pablo Zuniga Lucero for Copas D'Oro.

12/20/07
13:41

Grand Island Police Dept.
LAW INCIDENT TABLE

Page: 450
3

Date, Time: Thu Dec 20 09:15:20 CST 2007
Reporting Officer: Vitera
Unit #: 865