



City of Grand Island

Tuesday, October 28, 2008

Council Session

Item G6

Approving Request from Dominic Montavon, 2830 Forth Worth Avenue for Liquor Manager Designation for Whiskey Creek Wood Fire Grill, 1016 Diers Avenue

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 28, 2008

Subject: Request from Dominic Montavon, 2830 Fort Worth Avenue for Liquor Manager Designation for Whiskey Creek Wood Fire Grill, 1016 Diers Avenue

Item #'s: G-6

Presenter(s): RaNae Edwards, City Clerk

Background

Dominic Montavon, 2830 Fort Worth Avenue has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "IK-39333" Liquor License for Whiskey Creek Wood Fire Grill, 1016 Diers Avenue.

This application has 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 the request for Liquor Manager Designation.

Sample Motion

Move to approve the request from Dominic Montavon, 2830 Fort Worth Avenue for Liquor Manager Designation in conjunction with the Class "IK-39333" Liquor License for Whiskey Creek Wood Fire Grill, 1016 Diers Avenue with the stipulation that Mr. Montavon complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: October 15, 2008

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Liquor Manager Designation Application, Whiskey Creek,
1016 Diers Avenue North

An application for Liquor Manager Designation for Whiskey Creek Wood Fire Grill, 1016 Diers Avenue, Grand Island, Nebraska in the name of Dominic Montavon was received.

While reviewing Dominic Montavon's application, I noticed that he has lived in Ohio, Indiana, Illinois, Michigan, and Florida within the last ten years. In the spot on the application where it asks if the applicant has ever been convicted or plead guilty to any charge, Dominic listed a DUI in Illinois in 2005. Dominic does not have a Spillman entry, doesn't have any convictions listed through NCJIS and doesn't have any warrants through NCIC.

Since I am unable to run criminal histories for liquor license investigations, I called the Police Department in each city (Columbus, Ohio; Fort Wayne, Indiana; Lansing, Michigan; Peoria, Illinois; Rock Island, Illinois; Port Charlotte, Florida; and Lady Lake, Florida) and asked them for information on Dominic. If the city police department didn't share the same computer system as the county, I spoke to the sheriff's department as well. I learned that besides the DUI that Dominic disclosed, he was also arrested for DUI in Peoria in 1998. Each DUI arrest also had a no insurance charge as well.

Dominic's failure to disclose his other DUI conviction and no insurance charges 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 DUI and no insurance arrests (if convicted) would fall under state law. However, the equivalent charges in Nebraska are misdemeanors that don't 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 being a liquor manager.

Since I had to call numerous agencies in different states to get the information on the undisclosed charges, I decided to call Dominic and ask him to explain his failure to disclose the additional charges. Dominic confirmed that he was also convicted of DUI in Illinois in 1998. He said the no insurance charges were dropped. He added that he has received two speeding tickets in his life, both of which occurred in Illinois.

Dominic didn't think that the DUI and speeding tickets were recent enough for him to list. I cautioned him to read the application closely and fill it out completely if he ever has to do it again.

I also noticed on the application, Dominic listed that he has worked for Wild West Inc. for the last two years. He listed a local telephone number. However, in the section that asked for residences in the last ten years, he listed that he was living in Florida from 2006 until 2008. Dominic said that ~~he stated that~~ Wild West Inc. is the parent company for Whiskey Creek. Dominic worked for two different Whiskey Creek's in Florida. He also advised that the reason he has lived in so many different places over the last ten years is because he is a "franchise opener" who goes around and trains managers.

After getting some clarifications on Dominic's application, the Police Department has no objection to Dominic Montavon being the Liquor Manager for Whiskey Creek.

DV/rk

Dan Vitur