



# City of Grand Island

Tuesday, August 25, 2009

Council Session

## Item E1

**Public Hearing on Request from Tycoon Ltd., LLC dba Empire,  
123 East South Front Street for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** August 25, 2009

**Subject:** Public Hearing on Request from Tycoon Ltd., LLC dba Empire, 123 East South Front Street for a Class “C” 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

Tycoon Ltd., LLC dba Empire, 123 East South Front 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.

Also submitted was a Liquor Manager Designation for David Karmazin, 2981 Highway 4, Lawrence, Nebraska.

### **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 Tycoon Ltd., LLC dba Empire, 123 East South Front Street for a Class "C" Liquor License contingent upon final inspections and the request from David Karmazin, 2981 Highway 4, Lawrence, Nebraska for a Liquor Manager Designation contingent upon Mr. Karmazin completing a state approved alcohol server/seller training program.

08/20/09  
16:15

Grand Island Police Dept.  
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 10:20:03 08/20/2009
Occurred before : 10:20:03 08/20/2009
When reported : 10:20:03 08/20/2009
Date disposition declared : 08/20/2009
Incident number : L09083101
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 123 South Front St E
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 : ACT Active
Misc. number : e-mail
Geobase address ID : 11235
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
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LAW INCIDENT NARRATIVE:

Liquor License Investigation for Empire and Liquor Manager Designation for Mark Karmazin

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	15:15:49 08/20/2009

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16:15

Grand Island Police Dept.  
LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

I received a copy of a liquor license application for a bar called the Empire and a liquor manager application for David Karmazin. David Karmazin is listed as the sole owner. David has lived in Nebraska most of his life but also lived in Florida for a couple of years.

David does not have any outstanding warrants, and his license is valid. He does not have any criminal history outside the State of Nebraska. I checked David through Spillman and could not find an entry for him. I checked him through NCJIS and found the following convictions: Speeding (11/7/99), Driving During Suspension (1/27/01), Speeding & No seat belt (10/10/01), Speeding (11/19/01), and Speeding (7/16/04).

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." David disclosed a conviction for MIP in October of 2000.

David's failure to disclose his traffic convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed convictions would fall under state law or local ordinance. Either way, the convictions are either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

On 8/20/09, I met with David at the Empire. He told me that the bar is going to be a dance club Thursday through Saturday night. He said he would have DJ's most of the time with a live band maybe once a month. He also said it would be kind of a sports bar with college football games on Saturday, and NFL football on Sunday and Monday night. He also plans on having pool and dart leagues, and some theme nights mixed in once or twice a month. The Empire will serve lunch Monday-Friday 11-2 and have happy hour 4-7 (weekdays). With all of that variety, he said the establishment will have a Mid-Evil theme.

I shared with David some of the more common violations that can have an adverse affect on his liquor license. I also stressed the importance of cooperating with law enforcement. David assured me that he is a no nonsense kind of guy who wants to own a bar where people feel safe. He said that if anyone ever starts a fight in his bar, they will never be allowed back in his bar. He has a one strike and you're out policy. No hats, sunglasses, or jerseys can be worn on "Club nights [Thursday-Saturday]." On those same nights, he plans on having two doormen and five or six bouncers circulating through the crowd.

While I spoke with David, two other people were cleaning and doing maintenance in the bar. He kept referring to them as Jared and Kristina. He called them owners. He then clarified and said that they don't have any monetary ownership in the bar at this time, but he wants them to take ownership in the work they do at the Empire. Before leaving, I spoke to Jared Peirce. Jared said that Kristina Svendsen is his fiance and neither one of them have any monetary ownership in the bar at this time. He said they would like to be part owners when they can afford it.

In summary, the Grand Island Police Department does not object to the Empire

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Grand Island Police Dept.  
LAW INCIDENT TABLE

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receiving a liquor license and David Karmazin being the liquor manager.

Date, Time: Thu Aug 20 15:50:07 CDT 2009  
Reporting Officer: Vitera  
Unit #: 865