



City of Grand Island

Tuesday, September 22, 2009

Council Session

Item G3

**Approving Request from Bobby L. Washington, 214 North Custer
for Liquor Manager Designation for Pizza Hut, 1608 South Locust
Street**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 22, 2009

Subject: Request from Bobby L. Washington, 214 North Custer Street for Liquor Manager Designation for Pizza Hut, 1608 South Locust Street

Item #'s: G-3

Presenter(s): RaNae Edwards, City Clerk

Background

Bobby L. Washington, 214 North Custer Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-31060" Liquor License for Pizza Hut, 1608 South Locust Street.

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 Bobby L. Washington, 214 North Custer Street for Liquor Manager Designation in conjunction with the Class "C-31060" Liquor License for Pizza Hut, 1608 South Locust Street with the stipulation that Mr. Washington complete a state approved alcohol server/seller training program.

09/09/09
14:25

Grand Island Police Dept.
LAW INCIDENT TABLE

Page: 450
1

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City : Grand Island
Occurred after : 12:26:55 09/02/2009
Occurred before : 12:26:55 09/02/2009
When reported : 12:26:55 09/02/2009
Date disposition declared : 09/02/2009
Incident number : L09090208
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 1608 Locust St S
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 :
Geobase address ID : 13856
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 |
|----|----------|----------|---------------------|-------------------|
| NM | 88843 | 09/09/09 | Washington, Bobby L | Liquor Manager |
| NM | 98211 | 09/09/09 | Pizza Hut, | Business Involved |

LAW INCIDENT NARRATIVE:

I received a copy of a liquor manager application for Bobby Washington for Pizza Hut.

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 | 14:06:38 09/09/2009 |

09/09/09
14:25

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 2

Grand Island Police Department
Supplemental Report

I checked Bobby through Spillman and located the DUI incident that he disclosed on his application. No other violations were found in Spillman. I also checked Bobby through NCJIS. I found the DUI incident from 2005 which also included information that Bobby was guilty of an open container violation and MIP. Bobby also had an undisclosed open container violation from 2004.

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 undisclosed open container violation would fall under state law as would the other two convictions that he failed to mention with his DUI arrest.

Bobby's failure to disclose his MIP and open container convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed conviction 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.

Since Bobby has very little criminal history in the State of Nebraska, the Grand Island Police Department has no objection to him becoming the liquor manager at the Pizza Hut on South Locust.

Date, Time: Wed Sep 09 14:22:22 CDT 2009
Reporting Officer: Vitera
Unit #: 865