



City of Grand Island

Tuesday, April 14, 2015

Council Session

Item E-1

**Public Hearing on Request from Jarhead, Inc. dba Texas T-Bone,
1201 South Locust Street for a Class “C” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 14, 2015

Subject: Public Hearing on Request from Jarhead, Inc. dba Texas T-Bone, 1201 South Locust 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

Jarhead, Inc. dba Texas T-Bone, 1201 South Locust 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 with the application was a request from Jesus Lopez-Ramirez, 328 South Plum Street for a Liquor Manager Designation.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

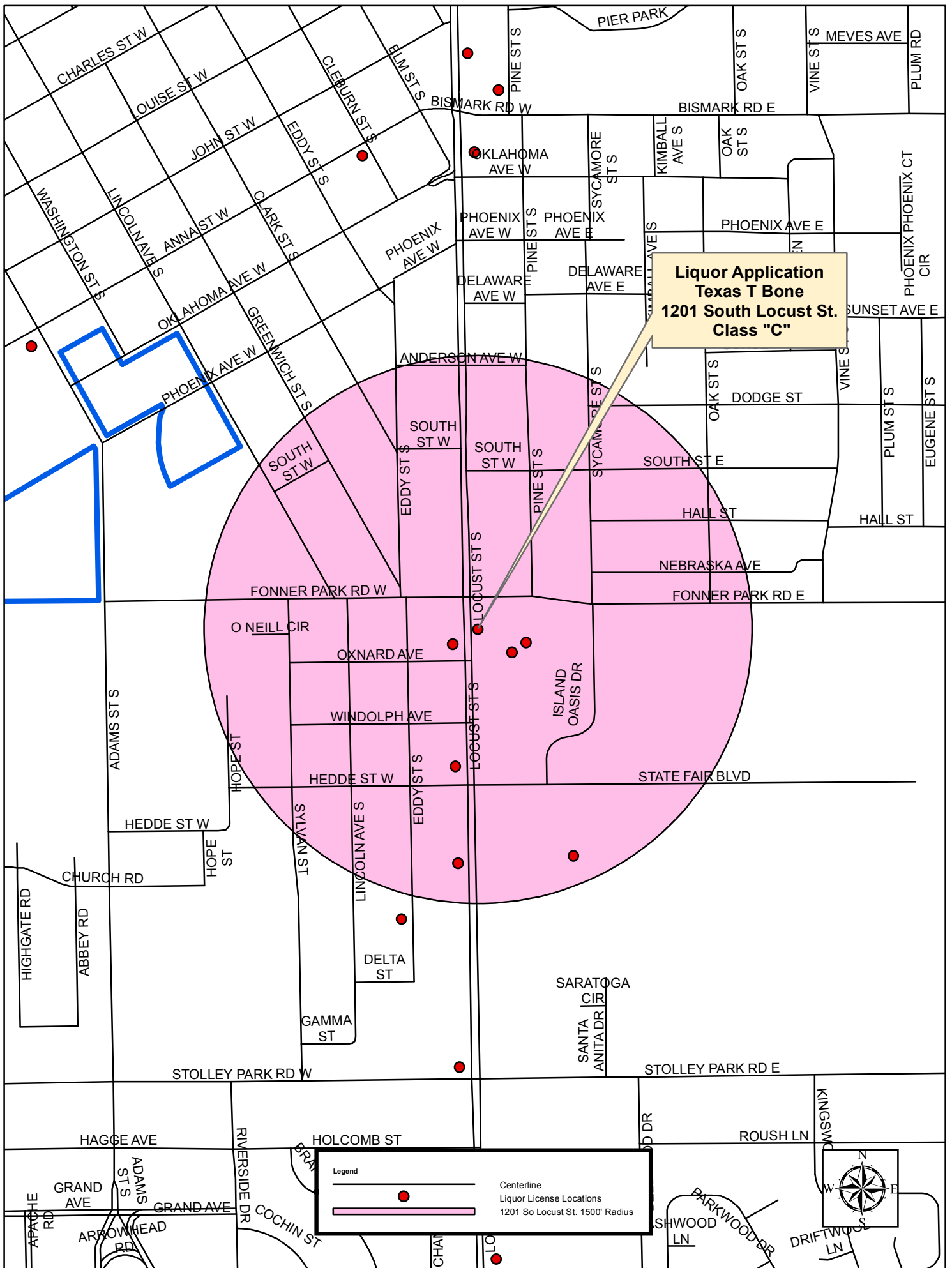
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

Sample Motion

Move to approve the application for Jarhead, Inc. dba Texas T-Bone, 1201 South Locust Street for a Class "C" Liquor License contingent upon final inspections and Manager Designation for Jesus Lopez-Ramirez, 328 South Plum Street contingent upon completion of a state approved alcohol server/seller training program.



04/09/15
10:56

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
 Occurred after : 09:00:00 03/23/2015
 Occurred before : 09:00:00 03/23/2015
 When reported : 09:00:00 03/23/2015
 Date disposition declared : 03/24/2015
 Incident number : L15032221
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 1201 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 : O Officer Report
 Agency code : GIPD GIPD Grand Island Police Dept
 Responsible officer : Vitera D
 Offense as Taken :
 Offense as Observed : AOFF AOFF Alcohol Offense
 Disposition : ACT Active
 Misc. number : RaNae
 Geobase address ID :
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	24877	03/23/15	Chamness, Peggy I	Mentioned
NM	39716	03/23/15	Lopez-Ramirez, Jesus A	Owner/Manager
NM	67875	03/23/15	Chamness, Anthony Bennett	Mentioned
NM	69972	03/23/15	Texas T-Bone,	Business
Involved				
NM	185161	03/23/15	Lopez, Abbigal L	Jesus' Wife

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

 1 LT21 LT21 Restaurant

IMAGE CODES FOR INCIDENT:

Seq Imag Image code for a users description field

 1 DOC DOCUMENT Mobile Report

LAW INCIDENT NARRATIVE:

Liquor License Investigation

Grand Island Police Department

I Received a Copy of a New Class C (beer, wine, distilled spirits, on and off sale) Retail Corporate Liquor License and Manager Application from Jesus Lopez-Ramirez for Texas T-Bone.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson	Dama
1	AOFF	AOFF Alcohol Offense		0.00

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	13:26:36 03/24/2015

Grand Island Police Department
Supplemental Report

Date, Time: Tue Mar 24 13:26:49 CDT 2015
Reporting Officer: Vitera
Unit- CID

I received a copy of a new Class C Retail Corporate Liquor License for Texas T-Bone from Jesus Lopez-Ramirez. Texas T-Bone already had a liquor license. It appears that Antheny "Bennett" Chamness has reached a deal with Jesus Lopez-Ramirez to buy into the corporation and manage the restaurant. According to the application, Bennett and his wife Peggy own 80% of the corporation, and Jesus and his wife Abigail own 20%. From searching liquor licenses on the Nebraska Liquor Control Commission's (NLCC) Web site, it also appears that Bennett Chamness is opening and managing a Texas T-Bone in Lincoln.

I searched up Jesus in Spillman and found that he had a few miscellaneous contacts where he was listed as a victim, witness, or reporting party. I also found where he was arrested for DUI in 2003. He then had quite a few contacts in 2009 while he was "managing" a bar on 3rd Street called Senor Lucky's. His girlfriend (now his wife-Abbigal Meyer) owned the bar. My investigation into that liquor license is dated 6/5/09. On the original application, Abbigal was listed as the manager. The liquor license was issued on 7/16/09, and it was cancelled on 5/9/10 for not operating

continuously for thirty days or not operating for sixty total days during the license year. According to City Clerk RaNae Edwards, the bar ceased to operate sometime in January 2010 which means the bar was only open for about six months.

While Jesus was "managing" the bar, the police department responded to some fairly serious incidents. On 9/20/09, an assault victim received a disfiguring cut to the face after being hit with a beer bottle. On 11/23/09, Jesus was cited at Senor Lucky's for selling alcohol to a minor who was listed in Spillman as a gang member. Law enforcement then had contact with Jesus at Senor Lucky's on the night of 12/11 and the morning of 12/12/09 for two separate incidents. A third incident on 12/12/09 originated in Senor Lucky's and spilled out onto the street where two gang members were arrested for obstruction and resisting arrest. One of the other incidents consisted of Jesus reporting that a customer held a gun to his face while he was telling the customer to leave. While investigating that, officers observed several minors leaving the bar after 9:00 PM who were not accompanied by a parent. Jesus was referred for prosecution on that charge.

I checked Jesus through NCJIS and found that he was convicted in Nebraska of the following charges: DDS on 1/11/96, speeding on 2/4/98, expired in-transit on 5/29/98, hunting or fishing without a license on 8/21/00, stop sign violation on 9/18/00, DUI on 8/25/03, allowing an unlicensed driver to drive on 1/6/05, and speeding on 2/8/09. Jesus only disclosed on the application that he was convicted of DUI.

I also checked on Bennett and Peggy Chamness through Spillman and NCJIS. Bennett has some entries in Spillman but nothing to indicate any criminal activity on his part. Bennett has no convictions listed in NCJIS. Peggy has a citation listed in Spillman. The speeding incident in Spillman was located as a conviction in NCJIS. She also has one additional speeding conviction listed in NCJIS. Abbigal Lopez has no information in Spillman indicating any criminal activity on her part and no convictions listed in NCJIS.

I checked all the applicants through a paid law enforcement-only data base and didn't find anything on Bennett, Peggy, and Abbigal that would be considered detrimental to the application. However, I found that Jesus had five civil judgments against him in Hall County: 1) 6/16/00- General Collections was seeking \$42. 2) 4/12/11- Capital One was seeking \$993. 3) 11/4/11- Credit Management was seeking \$751. 4) 1/4/12- Credit Management was seeking \$4,082. 5) 2/4/12- Portfolio Recovery Associates was seeking \$1,050. I called the Hall County Court and found that all judgments have been paid in full.

On 4/3/15, NSP Investigator Dan Fiala and I met with Bennett and Peggy Chamness and Jesus "Ray" Lopez-Ramirez. Investigator Fiala went over a checklist of questions, and then I asked Ray about his management experience at Senor Lucky's and his failure to disclose all of his criminal convictions. As far as Senor Lucky's is concerned, Ray said he hired security, and the problems slowed way down after that. I pointed out to him that some of the contacts the police department had with his customers turned out the customers were documented gang members. Ray said

he grew up on the east side of town and a lot of his friends and acquaintances were gang members, but he didn't do some of the negative things associated with gang members. Bennett then vouched for Ray and said that Ray has been working for him off and on since he was sixteen years old. Bennett said that Ray has a good work ethic. I told Ray that he must have been able to somewhat separate himself from the gangs since his criminal record is fairly clean.

Ray plead ignorance on not disclosing all of his criminal convictions. I read the question on the application to him where it asked for his criminal convictions. It is very clear and unambiguous. When specifically asked about his DDS conviction, Ray's response was that he didn't know how his license could be suspended when he never had a license in the first place. He said he was in the Country illegally at the time and couldn't get a driver's license.

Bennett went on to say that he runs a respectable business, and he has wording in his agreement with Ray buying into the corporation that allows Bennett to sever his financial relationship with Ray if Ray isn't conducting business accordingly. Bennett also pointed out some information on his food and drink menu that says they have a four drink maximum per person per visit.

All in all, Jesus "Ray" Lopez-Ramirez has been working and/or managing at Texas T-Bone for several years, and there have been very few problems which required assistance from law enforcement personnel. Anthony "Bennett" Chamness and Peggy Chamness have also been involved with Texas T-Bone since its inception and seem to run a very good business. With continued involvement and oversight by the Chamness', the Grand Island Police Department has no objection to the new liquor license or to Ray Lopez-Ramirez becoming the liquor manager.