



# **City of Grand Island**

**Tuesday, June 23, 2015**

**Council Session**

## **Item H-2**

**Consideration of Approving Request for Liquor Manager  
Designation for Leela Castillo, 2323 Bellwood Drive #212 with  
Fiesta Latina/Klub Lavish, 2815 South Locust Street**

**Staff Contact: RaNae Edwards, City Clerk**

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 23, 2015

**Subject:** Request from Leela Castillo, 2323 Bellwood Drive #212 for Liquor Manager Designation with Fiesta Latina/Klub Lavish, 2815 South Locust Street

**Item #'s:** H-2

**Presenter(s):** RaNae Edwards, City Clerk

## Background

Leela Castillo, 2323 Bellwood Drive #212 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Fiesta Latina/Klub Lavish, 2815 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.) Ms. Castillo has completed a state approved alcohol server/seller training program.

After reviewing the Police Department report (see attached) it is recommended that the City Council deny this request based on not qualifying under Nebraska State Statute 53-125 Parts (5), (10), and (11) and Nebraska Liquor Control Commission Nebraska Rules and Regulations, Chapter 2 010.01, Falsification of Application.

## Alternatives

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

1. Approve the requests.

2. Forward the requests with no recommendation.
3. Take no action on the requests.

### **Recommendation**

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor License Manager, City Administration recommends that the Council **deny** this application.

### **Sample Motion**

Move to **deny** the request from Leela Castillo, 2323 Bellwood Drive #212 for Liquor Manager Designation in conjunction with the Class "C-34765" Liquor License for Fiesta Latina/Klub Lavish, 2815 South Locust Street based upon the Police Department report.

06/18/15  
12:38

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
1

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 11:00:00 06/17/2015
Date disposition declared : **/**/****
Incident number : L15061571
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 2815 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 :
Agency code : GIPD GIPD Grand Island Police Dept
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition :
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
LW	L15041533	06/17/15	Information	Related
NM	11781	06/18/15	Harwell, Leela Ann	Prior Name
NM	91325	06/18/15	Castillo-Harwell, Leela A	Additional Name
NM	91326	06/17/15	Castillo, Leela	Proposed Manager
NM	200291	06/17/15	Klub Lavish,	Business

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT03  LT03 Bar/Night Club

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LAW INCIDENT NARRATIVE:

I received a copy of a liquor manager application from Leela Castillo for Fiesta Latina/The Club/Klub Lavish.

LAW INCIDENT OFFENSES DETAIL:

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Se Offe Offense code      Arson Dama

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1 AOFF AOFF Alcohol Offense 0.00

LAW INCIDENT RESPONDERS DETAIL:

Seq Responding offi Unit n Unit number  
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1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date  
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1 Vitera D 13:20:55 06/17/2015

Grand Island Police Department  
Supplemental Report

Date, Time: Wed Jun 17 13:21:05 CDT 2015  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor manager application from Leela Castillo for Fiesta Latina/The Club/Klub Lavish. According to the application, Leela has lived in either Grand Island or Omaha since at least 1990. Leela stated that she is married to a man named Jose Castillo who doesn't have a driver's license, no Social Security number, was born in Mexico, and currently lives in Omaha. Jose signed a Spousal Affidavit of Non-Participation form, but he didn't sign the Personal Oath and Consent of Investigation form.

On the part of the application which asks for convictions, Leela disclosed a traffic-related conviction in November of 2002 for speeding, no proof of ownership, no proof of insurance, and a child restraint violation. She also disclosed a 3rd degree assault conviction in July of 2004 and a 3rd degree assault conviction in August of 2004. Leela attached a Nebraska State Patrol (NSP) criminal history record, but one page was missing. The NSP report (minus the missing page) only includes the traffic convictions from November 2002 that she disclosed. Jose didn't disclose any convictions, but I was unable to do any kind of accurate check on him since he doesn't have a driver's license or Social Security number.

A check of Spillman reveals that Leela has contacts under three different names. Under Leela Harwell, Leela has been contacted on a gunshots call, theft calls, disturbing the peace, assaults, child abuse, criminal mischief, threats, and traffic. I didn't see where she was a victim on any of these calls. She was either referred, cited, arrested, or contacted as being present or a witness. Under Leela Castillo, she only has contacts regarding Klub Lavish. Under Leela Castillo Harwell, she was contacted as a victim of a theft, mentioned in a vehicle theft and a child abuse report.

The Nebraska Criminal Justice Information System (NCJIS) shows the following convictions under the name of Leela Harwell (date used is the date the case was

closed): 1) 3rd degree assault on 11-6-98 2) 3rd degree assault 12-18-98 3) Disturbing the peace which was pled down from 3rd degree assault on 1-21-99 4) Driving during suspension (DDS) on 1-21-99 5) DDS on 7-29-99 6) No license on person on 9-3-99 7) License a vehicle without liability insurance on 9-7-00 8) Obstruction of the administration of law, no operator's license, speeding on 9-7-00 (disorderly conduct, resisting arrest, false information, no seat belt, and no proof of insurance were dropped or dismissed) 9) No operator's license on 12-11-00 10) No proof of insurance on 3-22-01 11) No valid registration and child restraint violation on 4-14-03 12) 3rd degree assault on 8-19-04 13) Negligent minor care on 5-24-07. NCJIS shows additional convictions under the name of Leela Castillo: 14) Speeding, no proof of ownership, licensing a vehicle without liability insurance, and a child restraint violation on 11-21-02 15) speeding on 6-11-03 16) speeding 8-7-07 17) speeding on 10-26-11. NCJIS shows one more conviction under the name of Leela Castillo Harwell: 18) 3rd degree assault on 1-20-05.

Even with the failure to disclose all of her convictions (false application), it doesn't appear that Leela should be eligible to be a liquor manager. According to Nebraska State Statute 53-125 (Classes of persons to whom no license issued), "No license of any kind shall be issued to ... (5) "a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state..." It goes on to say, "(10) a corporation..., if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason... (11) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee..."

Leela's 3rd degree assault convictions are under Nebraska State Statute 28-310 which is included in part (5) of 53-125. If Klub Lavish were getting a new liquor license, they would be ineligible because of part (10) and part (11) from 53-125. I realize that Klub Lavish already has a liquor license and this statute isn't necessarily retroactive, however, I would think the same rationale on the approval of the manager should apply. A complete copy of Nebraska State Statute has been attached to this report.

Based upon Leela's failure to disclose all of her convictions, (false application/false information according to the Nebraska Liquor Control Commission Nebraska Rules and Regulations, Chapter 2 010.01 and 011.01), her 3<sup>rd</sup> degree assault convictions and how they relate to Nebraska State Statute 53-125 part 5, 10, and 11, the Grand Island Police Department recommends that the council denies this application.

# Nebraska Revised Statute 53-125

[Revised Statutes](#) » [Chapter 53](#) » 53-125

[53-124.15](#)

|  
[53-126](#)

[Print Friendly](#)

## **53-125. Classes of persons to whom no license issued.**

No license of any kind shall be issued to (1) a person who is not a resident of Nebraska, except in case of railroad, airline, or boat licenses, (2) a person who is not of good character and reputation in the community in which he or she resides, (3) a person who is not a citizen of the United States, (4) a person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States, (5) a person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this subdivision on May 18, 1983, shall not prevent any person holding a license on such date from retaining or renewing such license if the conviction or plea occurred prior to May 18, 1983, (6) a person whose license issued under the Nebraska Liquor Control Act has been revoked for cause, (7) a person who at the time of application for renewal of any license issued under the act would not be eligible for such license upon initial application, (8) a partnership, unless one of the partners is a resident of Nebraska and unless all the members of such partnership are otherwise qualified to obtain a license, (9) a limited liability company, if any officer or director of the limited liability company or any member having an ownership interest in the aggregate of more than twenty-five percent of such company would be ineligible to receive a license under this section for any reason other than the reasons stated in subdivisions (1) and (3) of this section, or if a manager of a limited liability company licensee would be ineligible to receive a license under this section for any reason, (10) a corporation, if any officer or director of the corporation or any stockholder owning in the aggregate more than twenty-five percent of the stock of such corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in subdivisions (1) and (3) of this section, or if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason. This subdivision shall not apply to railroad licenses, (11) a person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee, (12) a person who does not own the premises for which a license is sought or does not have a lease or combination of leases on such premises for the full period for which the license is to be issued, (13) except as provided in this subdivision, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such applicant shall become eligible for a liquor license only if the commission finds from the evidence that the public interest will not be infringed upon if such license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license the applicant is also ineligible to receive a liquor license. Such prima facie evidence shall be overcome if it is shown to the satisfaction of the commission (a) that the licensed business will be the sole property of the applicant and (b) that such licensed premises will be properly operated, (14) a person seeking a license for premises which do not meet standards for fire safety as established

by the State Fire Marshal, (15) a law enforcement officer, except that this subdivision shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization, or (16) a person less than twenty-one years of age.

When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent.



**FALSIFICATION OF APPLICATION**

**010.01** No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license.

**FALSIFICATION OF INFORMATION**

**011.01** No licensee or partner, principal, agent or employee of any licensee shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director or employees. Any violation of this provision may result in suspension, cancellation or revocation of such license.