



# **City of Grand Island**

**Tuesday, June 23, 2015**

**Council Session**

## **Item E-1**

**Public Hearing on Request from Ornelas, Inc. dba La Cocina  
Mexican Restaurant, 2418 North Webb Road, Suite A for Class “I”  
Liquor License**

**Staff Contact: RaNae Edwards**

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 23, 2015

**Subject:** Public Hearing on Request from Ornelas, Inc. dba La Cocina Mexican Restaurant, 2418 North Webb Road for a Class "I" 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

Ornelas, Inc. dba La Cocina Mexican Restaurant, 2418 North Webb Road has submitted an application for a Class "I" Liquor License. A Class "I" Liquor License allows for the sale of alcohol on 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 Javier Erives, 504 N. Walnut Street, Apt. 3 for a Liquor Manager Designation.

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 53-132 (a), (b), and (c) and under Nebraska Liquor Control Commission 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 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 **deny** this application.

### **Sample Motion**

Move to deny the application for Ornelas, Inc. dba La Cocina Mexican Restaurant, 2418 North Webb Road for a Class "I" Liquor License and Manager Designation for Javier Erives, 504 N. Walnut Street, Apt. 3 based on not qualifying under Nebraska State Statute 53-132 (a), (b), and (c) and under Nebraska Liquor Control Commission Rules and Regulations, Chapter 2 010.01, Falsification of Application.

06/18/15  
10:16

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
1

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City : Grand Island
Occurred after : 08:00:00 06/15/2015
Occurred before : 08:00:00 06/15/2015
When reported : 08:00:00 06/15/2015
Date disposition declared : 06/18/2015
Incident number : L15061327
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 2814 Webb Rd N
State abbreviation : NE
ZIP Code : 68803
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 : ACT Active
Misc. number :
Geobase address ID : 46329
Long-term call ID :
Clearance Code : O O Open Case
Judicial Status : OPEN Active-Open investigation
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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L14120145	06/15/15	Liquor Lic Inv	Related
NM	201621	06/17/15	Hager, Andrew D	Contacted
NM	100996	06/15/15	Erives, Javier	Manager
NM	197111	06/15/15	Gutierrez, Estanislao	Owner
NM	197112	06/15/15	La Cocina Mexican Restaurant,	Business Involved
NM	197113	06/15/15	Valdez, Maria de la luz	Estanislao's Spouse

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT21  LT21 Restaurant

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IMAGE CODES FOR INCIDENT:

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Seq Imag Image code for a users description field
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1  DOC  DOCUMENT      mobile report

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LAW INCIDENT NARRATIVE:

Informational/Liquor Lic Investigation

I received a copy of a liquor license application from Ornelas Inc. doing business as La Cocina Mexican Restaurant. I also received a copy of a liquor manager application from Javier Erives.

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	13:08:07 06/15/2015

Grand Island Police Department  
Supplemental Report

Date, Time: Mon Jun 15 13:08:19 CDT 2015  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a Class I (beer, wine, distilled spirits on sale only) corporate liquor license application from Estanislao Gutierrez for La Cocina Mexican Restaurant. I also received a copy of a liquor manager application from Javier Erives. La Cocina Mexican Restaurant is located at 2814 N. Webb Road and is currently open for business.

Estanislao Gutierrez applied for a Class I LLC liquor license in Grand Island in December 2014. The GIPD recommended a denial (see prior report), and his application was denied by the Council based upon it being a false application with hidden ownership and character and reputation issues with some of the people involved. The application was withdrawn before it went in front of the Nebraska Liquor Control Commission (NLCC).

In Estanislao's prior application, his daughter (Gabriela Gutierrez) was the applicant for the liquor manager. Gabriela's husband (Gemelo M. Leon Garcia) lent money to the business, was on the business checking account, signed the lease agreement as a witness, and filled out the application for the liquor license. Neither Gabriela or Estanislao knew how much money Gemelo had lent the business. In fact, Gabriela was surprised that Gemelo had even lent money to the business.

The bottom line was that while Estanislao was the person applying for the liquor license on paper, everything pointed towards the application belonging to Gemelo, and Gemelo wasn't eligible to receive a liquor license. The main issue with Gemelo is that at the time of the investigation, he was an illegal alien who gained Deferred Action Childhood Arrival (DACA) status from President Obama. All evidence indicated that Gemelo had stolen a California man's Social Security number and used it for employment purposes before he obtained a legitimate Social Security number after being granted DACA status.

Estanislao has a restaurant in McCook and York. During the prior investigation, I learned that Mary Badel was listed on the NLCC's web site as the liquor manager for the restaurant in McCook. However, according to the Nebraska Criminal Justice Information System (NCJIS), Mary lives in Gering, Nebraska which is 238 miles from McCook. The McCook Police Department also had information showing that Mary lives in Gering. They hadn't had contact with Mary since 20011. A paid law enforcement-only database shows that Mary has lived in Gering since 4/30/2011.

I checked the NLCC's site on 6/15/15 and found that Mary Badel is still listed as the liquor manager for the McCook restaurant. I am waiting to hear back from the Gering Police Department about contact information for Mary. I would like to ask her how long it's been since she was the liquor manager for the La Cocina restaurant in McCook. Back in December, Andrew Hager was listed as the liquor manager for the La Cocina in York. As of 6/15/15, he is still listed as the liquor manager. I contacted the York Police Department and asked for help locating Andrew, so I can ask him about his employment.

Later in the day on 6/15/15, I received a call from an investigator with the Gering Police Department who advised that he checked their city utility records and found that Mary Badel has been paying utilities in Gering since 4/8/11. I was given a phone number for Mary and left her a message on 6/16/15 asking her to call me. The phone number is the same number I tried calling back in December of last year during the first La Cocina investigation. Mary didn't return my call at that time.

On 6/16/15, the York Police Department was able to get a message to Andrew Hager and have him call me. Andrew said he is currently living in Trinidad, California. He was able to give me some personal identifying information, so I knew I was speaking with the correct person. Andrew said he worked for the La Cocina in McCook for about eight months and the La Cocina in York for about four months. He advised that he hasn't worked for La Cocina in about a year and a half. While Andrew said the people associated with La Cocina are good people, he said they never paid him the entire time he worked for them. He worked for tip money. Andrew said that La Cocina never gave him a W-2 or I-9 form. Andrew went on to say that as far as he knew, La Cocina didn't pay any of their employees (outside of family) with the exception of one person who was persistent enough to get a W-2. Andrew said that Gemelo "Mario" Leon Garcia was heavily involved in running all the La Cocina restaurants.

On 6/16/15, I also spoke with a Nebraska State Patrol (NSP) Investigator out of North Platte who received the information I sent from the first La Cocina investigation and worked a criminal complaint against Mario. The investigator told me that he cited Mario for criminal impersonation. He said that Mario plead guilty to the charge. I received a journal entry from the Red Willow

County Court confirming that Gemelo Mario Leon Garcia plead guilty and was found guilty of criminal impersonation. The investigator also informed me that he served on search warrant on the corporate headquarters in McCook looking for I-9 forms but was unable to find any. Mario was also unable to provide any of the forms. The investigator told me that Mario represented himself as the person who is taking care of all of the La Cocina restaurant business which matches up with my first investigation and also to what Andrew Hager said. The investigator also said that Mario's twin brother is managing the day-to-day business at the McCook restaurant.

Back in May of this year, Hall County Sheriff's Deputy Dave Waskowiak's wife told me that she and her husband had eaten at La Cocina in Grand Island and observed someone bring some beer onto the premises. On 6/16/15, I spoke to Deputy Waskowiak. He advised that he and his wife ate at the La Cocina in Grand Island on 5/8/15 around 1700 or 1800 hours. When they were about finished eating, Deputy Waskowiak said he observed an Hispanic male enter the restaurant through the main customer entrance while carrying a couple of twelve packs of beer. The male wasn't wearing a restaurant uniform, but he went straight back to the kitchen area with the beer. Deputy Waskowiak and his wife each thought the beer was Bud Light, but Deputy Waskowiak couldn't remember for sure. However, he said that he was positive it was beer.

While looking at the current application, I noticed that the "no" box was checked on the question asking the applicant if he has borrowed money from any source including family and friends to establish and/or operate the business. Towards the end of the application, a business plan is attached. Under the section "Financial Management," it says, "Estanislao Gutierrez received private loans from family and friends for remodeling costs." It doesn't name the family and/or friends who lent him money or the amounts he received. I know from my prior investigation, Gemelo Mario Leon Garcia lent the Grand Island La Cocina \$20,000.

Question eleven on the application asks the applicant to list all past and present liquor licenses held. The question was answered by listing the York and McCook licenses. It also says the York license belongs to Andrew Hager, and the McCook license belongs to Mary Badel. Each license actually belongs to Estanislao Gutierrez. Andrew Hager and Mary Badel were supposed to be the liquor managers. Even though the answer to the question is inaccurate, I find it interesting that Estanislao is saying that Andrew Hager and Mary Badel either own the license or are the liquor manager when they are neither the license holder or the liquor manager.

Chapter 2 of the Rules and Regulations of the Nebraska Liquor Control Commission under Manager Application (009.01) says, "Upon departure, death or termination of a manager, a licensed corporation shall file an application with the Liquor Control Commission for a new manager within sixty (60) days. Should the corporation be unable to establish a manager within sixty (60) days, the corporation may apply for a hardship

The main difference between the prior application and the current application is the liquor manager. At this point, I don't think it's necessary to do a background investigation on Javier Erives (proposed liquor manager). I've clearly shown that the liquor manager position is rather pointless with the La Cocina restaurants. Mary Badel is listed as the liquor manager at the McCook La

Cocina, yet she has been living in Gering for four years. Andrew Hager is listed as the liquor manager at the York La Cocina and hasn't worked there in a year and a half.

My prior investigation lead to Gemelo Mario Leon Garcia being cited and found guilty of criminal impersonation. According to information obtained during this investigation, it appears that Mario is the main player in all three La Cocina restaurants. Not only is Mario not eligible to get a liquor license or be a liquor manager based upon his immigration status, I would submit that he is not able to conform to the Nebraska Liquor Control Act since he was convicted of criminal impersonation and couldn't produce I-9 forms which were requested by the NSP investigator. All in all, I would say that this application is no better and not inherently different than the previous one which was denied by the council. The Grand Island Police Department recommends that the council deny this one as well.



06/18/15  
10:10

Grand Island Police Department  
LAW INCIDENT TABLE

Page: 450  
1

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City : Grand Island
Occurred after : 08:00:00 11/14/2014
Occurred before : 08:00:00 11/14/2014
When reported : 08:00:00 11/14/2014
Date disposition declared : 06/18/2015
Incident number : L14120145
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 2418 Webb Rd N
State abbreviation : NE
ZIP Code : 68803
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 : CLO Closed Case
Misc. number : RaNae
Geobase address ID : 4481
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status : NCI Non-criminal Incident
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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
LW	L15061327	06/15/15	Liquor Lic Inv	Related
NM	197109	12/02/14	Gutierrez, Gabriella	Manager
NM	197111	12/02/14	Gutierrez, Estanislao	Owner
NM	197112	12/02/14	La Cocina Mexican Restaurant,	Business
NM	197113	12/02/14	Valdez, Maria de la luz	Estanislao's Wife
NM	197115	12/02/14	Leon-Garcia, Gemelo M	Gabriella's Spouse

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
-----
1  LT21  LT21 Restaurant

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IMAGE CODES FOR INCIDENT:

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Seq Imag Image code for a users description field
-----
1  DOC  DOCUMENT      Mobile Report
2  DOC  DOCUMENT      Hayward PD Report

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LAW INCIDENT NARRATIVE:

Liquor License Investigation  
Grand Island Police Department

I Received a Copy of a Class I (Beer, Wine, Distilled Spirits, On Sale Only) LLC Retail Liquor License for "La Cocina Mexican Restaurant" from Estanislao Gutierrez. I also Received a Copy of a Liquor Manager Application from Gabriella Gutierrez for La Cocina.  
~----- (lwmain10303312022014)~~

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	13:29:25 12/02/2014

Grand Island Police Department  
Supplemental Report

Date, Time: Tue Dec 02 13:29:37 CST 2014  
Reporting Officer: Vitera  
Unit- CID

I Received a Copy of a Class I (Beer, Wine, Distilled Spirits, On Sale Only) LLC Retail Liquor License for "La Cocina Mexican Restaurant" from Estanislao Gutierrez. I also Received a Copy of a Liquor Manager Application from Gabriela Gutierrez for La Cocina. According to the applications, Estanislao is married to Maria de la luz Valdez. Maria signed a Spousal Affidavit of Non Participation form. Gabriela is married to Gemelo Mario Leon-Garcia. Gemelo did not sign a Spousal Affidavit of Non Participation form. According to ICE, Gemelo is an illegal alien who falls under an executive order by President Obama called DACA, which stands for Deferred Action Childhood Arrival. Under President Obama's order, Gemelo's status hasn't changed. He is still an illegal alien, he is just shielded from deportation while President Obama is in office. A new president could rescind the order.

While perusing the applications, I made the following observations. None of the four people listed on the applications disclosed any convictions. Gemelo lent

money to Estanislao to establish and/or operate the business. Gemelo is listed as having access to the business account. The lease agreement for the restaurant was also witnessed by "Gemelo M Leon G." There is a discrepancy in the spelling of Gabriela's name. In most places on the applications, it's spelled "Gabriella." In other places, her name is spelled, "Gabriela." I found that it's spelled with one "l" on all the accompanying legal identifying documents and in front of a notary where a signature was required. Estanislao moved to McCook, NE in 2010. He bought the La Cocina there and eventually opened a La Cocina in Beatrice and York. The Beatrice store closed. Prior to living in Nebraska, he and the other applicants have lived in Tennessee and Kansas.

I checked all of the people on the applications through Spillman (GIPD database) and the Nebraska Criminal Justice Information System (NCJIS). None of the people were listed in Spillman which isn't surprising since they are relatively new to Nebraska and don't live in Grand Island. According to NCJIS, Gabriela has two convictions for speeding in Nebraska in 2013. Gemelo has an incident where he was convicted of speeding and no operator's license in April of 2014, a conviction for not having insurance, and a second incident of being convicted for not having a driver's license and speeding in 2012. Estanislao just has an entry in NCJIS for having a driver's license. I can't find Maria in NCJIS. I also checked NCJIS for wages earned by running each person's Social Security number. Gabriela is the only person reporting wages earned in Nebraska. None of the applicants have any outstanding arrest warrants that I can find, and it appears that Gabriela and Estanislao are the only applicants with a valid driver's license.

Besides the Spillman and NCJIS checks, I checked on the applicants by using a paid law enforcement-only database. I found all of the applicants, but there was very little information on any of them. I called the McCook Police Department and sent a request for information to the Franklin, Tennessee Police Department. Results of those contacts will be discussed later in this report.

Nebraska State Patrol Investigator Dan Fiala and I met with Gabriela and Estanislao at the property for the restaurant on 12/1/14 at 1000 hours. Gabriela said that her husband, Gemelo, is living in York and managing the restaurant there while she has been living in McCook. She said Gemelo does a lot of driving back and forth. It's worth noting again that Gemelo does not have a valid driver's license. Gabriela also said that Gemelo has a twin brother named Ismael. Ismael is supposed to manage the McCook restaurant when Gabriela moves to Grand Island to manage the restaurant here. It was pointed out to Gabriela that none of the people listed on the application disclosed any convictions. She said that they didn't think traffic convictions were supposed to be included. Investigator Fiala went over the application with her and read the question which specifically says, "Include traffic violations." Gabriela advised that her husband (Gemelo) filled out the application.

Gabriela was asked how much money Gemelo lent the business for the Grand Island store. Gabriela looked surprised and asked Estanislao (her father). Neither one of them knew. It seemed odd to me that Gabriela's husband would loan her father money and neither one knew how much. In fact, it appeared that Gabriela didn't know that she and Gemelo were loaning money to the business. In our presence, Estanislao called Gemelo on the phone and asked how much money he lent the business. Estanislao said Gemelo told him that Gemelo lent the business

\$20,000. Once again, I found it extremely perplexing that Gabriela (proposed liquor manager) didn't know that her husband lent her father \$20,000, and her father (owner of the business) didn't know how much money Gemelo contributed. It's also a little odd that Gemelo does not know how to spell his wife's first name.

I asked Gabriela more about her husband and his responsibilities as the manager of the La Cocina in York. She said he does a little bit of everything. However, she added that Andrew Hager is the liquor manager and takes care of everything involving alcoholic beverages. Investigator Fiala and I were also told that "they" had spent \$50,000 buying equipment from the owner of San Pedro (prior business located in the building where La Cocina will be located in G.I.).

Gabriela went on to say that Mary Badel, who is listed as the liquor manager of the McCook La Cocina, lent a total of \$40,000 to the York La Cocina. Money from the York restaurant was used to pay for the equipment in the Grand Island restaurant. Gabriela said that Mary Badel started the La Cocina in McCook and eventually sold it to Estanislao. Investigator Fiala located the York La Cocina application and confirmed that Mary Badel was listed as someone who lent the business money. Investigator Fiala also said that it was obvious by the handwriting that the person who filled out the York application is the same person who filled out the Grand Island application.

I spoke to a detective with the McCook Police Department and asked him about the applicants. I was told that they don't have any documented contacts with Estanislao Gutierrez or Maria de la luz Valdez. They have a record of citing Gabriela for speeding, and they had contact with her and Gemelo during a child abuse investigation in 2012. I also asked about Mary Badel. The detective told me that Mary started the La Cocina in McCook. He also said that they haven't had any documented contacts with her since 2011. In fact, they showed Mary as living in Gering, Nebraska.

According to the Nebraska Liquor Control Commission (NLCC) web site, Mary is currently listed as the liquor manager for the La Cocina in McCook. I looked up Mary Badel in NCJIS and only found one. The address in NCJIS matched the address that the McCook Police Department had. I tried to call Mary using information obtained from the McCook PD. I was only able to leave a voicemail and am not sure if the number I called actually belongs to her. I have not received a return call. I seriously doubt that Mary is a liquor manager for the McCook restaurant if she is still living in Gering.

In addition to the information I got from the McCook PD, I received some information from the Franklin Police Department in Franklin, Tennessee. A records clerk advised that they had no documented contacts with Maria de la luz Valdez or Gabriela Gutierrez. They had traffic contacts with Estanislao and Gemelo. Estanislao was cited for not having proof of a valid registration certificate and driving without headlights. I don't know whether he was convicted of either offense. Gemelo was cited for an improper turn and "squealing tires/excessive noise." Once again, I don't know whether he was convicted of either charge. However, Franklin PD had Gemelo's middle name listed as "Ismael" instead of Mario. I ran the Tennessee driver's license number associated with the citation issued by the Franklin PD. It comes back to Gemelo I. Leon Garcia. I ran the Tennessee driver's license number provided by

Gemelo Mario Leon Garcia, and it comes back as Gemelo M. Leon Garcia. It appears the citations issued by Franklin PD were issued to Ismael, not Mario. I didn't get a chance to ask Gabriela if her husband and her brother-in-law have the same first and last name but different middle names.

On 12/2/14, I received an e-mail from City Clerk RaNae Edwards which included a faxed document from Gabriela documenting traffic convictions in Nebraska for she and Gemelo. She still didn't include any convictions from other states, but I don't know if Estanislao was convicted of the charges in Franklin, Tennessee.

Also on 12/2/14, I called Mary Messman who works in the licensing division at the NLCC. I explained the situation with Gemelo being an illegal alien and lending money to the business, being on the business account, signing the lease agreement as a witness, and filling out the application. Mary said those actions would constitute hidden ownership and make this a false application.

I would also argue that there are character and reputation issues with Gemelo being an illegal alien and not having a license to drive, and not reporting wages in Nebraska while managing a restaurant in York. Through his wife's testimony, his driving record, and his lack of wages associated with his Social Security number, he is flaunting his wanton disregard of the law.

All in all, the Grand Island Police Department recommends that the council not give local approval to this application due to the issues with Gemelo. Gemelo is an illegal alien who can't get a liquor license. However, all of the information stated in this report make Estanislao Gutierrez's application look more like Gemelo Mario Leon Garcia's application.

Grand Island Police Department  
Supplemental Report

Date, Time: Thu Jan 08 12:56:33 CST 2015  
Reporting Officer: Vitera  
Unit- CID

During the city council meeting on 12/9/14, Gemelo addressed the council. He verbally refuted part of my report by saying that he is reporting wages in Nebraska. He waived some paperwork in the air as he made this statement. The council did not request to view the paperwork, nor did I. The council did not give local approval to the application.

I received notice that this application is going in front of the NLCC on 1/14/15. Wondering what paperwork Gemelo may have had, I called the Nebraska Department of Revenue on 1/7/15 and spoke to Jerry Fiala. After e-mailing him the Personal Oath and Consent of Investigation form, Jerry was able to tell me that he found two Social Security numbers under the name Mario Leon. One number (.....7485) is the number I had that Gemelo provided on the application. The other number that Jerry found is ....3821.

I ran each number through the DOL area of NCJIS. This time, the ....7485 popped up with Mario Leon working for Estanislao LLC and reporting \$4,400 worth of wages for the 3rd quarter of 2014. When I ran ....3821, it showed Mario Leon

working for Estanislao LLC and reporting wages from the second quarter of 2012 through the second quarter of 2014.

Knowing that Gemelo is an illegal alien, I tried to figure out why he has two Social Security numbers and if someone might be a victim of identity theft. I ran the numbers through a paid law enforcement-only database and got two responses for the ....7485 number. The two responses appear to be the same person with the names transposed. The first response came back to Leon G. Mario Gemelo out of McCook, NE and Franklin, TN. The second response came back to Gemelo M. Garcia out of McCook, NE.

The ....3821 number came back to Melvin Wong in Hayward, CA. There was a telephone number associated with Melvin's entry. I called the number and a person answered the phone and identified himself as Melvin Wong. Not wanting Melvin to think he was being deceived into giving out his personal identifying information, I told Melvin the Social Security number, date of birth and address I had for him. He confirmed that it was all accurate. He said that he has had the same Social Security number his entire life. Prior to my call, Melvin didn't know that someone was using his Social Security number. I asked him to make a report with his local police department, provide my contact information to them, and ask them to send me a copy of the report. I also encouraged him to contact Experian, Trans Union, and Equifax.

On 1/8/15, I received a call from a woman identifying herself as Lisa Wong. Lisa advised she is Melvin's wife. I heard and recognized Melvin's voice in the background. Lisa said Melvin had a lot of information to take in from my phone call yesterday and wanted to clarify a few things. During our conversation, Lisa said they contacted the IRS and are making a report with them. She also said they would go to their local police department and Social Security Administration office and make reports with them as well.

After speaking with Lisa and typing this report, I faxed this report and accompanying information to SA Brian Dostal with the Office of the Inspector General, Office of Investigations, SSA. At this time, I am waiting to see what information SA Dostal provides.

3 Vitera D 13:34:04 01/09/2015

SS Admin Info

Grand Island Police Department  
Supplemental Report

Date, Time: Fri Jan 09 13:34:23 CST 2015  
Reporting Officer: Vitera  
Unit- CID

On 1/9/15, I received a phone call from SA Brian Dostal with the Office of the Inspector General Social Security Administration Investigations. Special Agent Dostal confirmed that the ....7485 comes back to Mario Leon. He also confirmed that the ....3821 belongs to Melvin Wong.

4 Vitera D 10:19:13 02/18/2015

318- Transfer Criminal Case to NSP

Grand Island Police Department  
Supplemental Report

Date, Time: Wed Feb 18 10:19:38 CST 2015  
Reporting Officer: Vitera  
Unit- CID

I was supposed to testify in front of the NLCC on 2/18/15 regarding La Cocina's liquor license application. I held on to this case waiting for the hearing because I thought I might be able to get some information out of Gemelo about him having two Social Security numbers. On 2/17/15, I received notification that La Cocina withdrew their application, and there wouldn't be a hearing. At that time, I forwarded this report along with several attachments to Sgt. Smith with the NSP in McCook and ask him to have someone in his office investigate the identity theft involving Gemelo M. Leon-Garcia using Melvin Wong's Social Security number. I discussed the case with him over the phone on 2/18/15. I will call Melvin Wong and update him on the case.

# Nebraska Revised Statute 53-132

[Revised Statutes](#) » [Chapter 53](#) » 53-132

[53-131.01](#)

|  
[53-133](#)

[Print Friendly](#)

## **53-132. Retail, craft brewery, or microdistillery license; commission; duties.**

(1) If no hearing is required pursuant to subdivision (1)(a) or (b) of section [53-133](#) and the commission has no objections pursuant to subdivision (1)(c) of such section, the commission may waive the forty-five-day objection period and, if not otherwise prohibited by law, cause a retail license, craft brewery license, or microdistillery license to be signed by its chairperson, attested by its executive director over the seal of the commission, and issued in the manner provided in subsection (4) of this section as a matter of course.

(2) A retail license, craft brewery license, or microdistillery license may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city, village, or county where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:

- (a) The recommendation of the local governing body;
- (b) The existence of a citizens' protest made in accordance with section [53-133](#);
- (c) The existing population of the city, village, or county and its projected growth;
- (d) The nature of the neighborhood or community of the location of the proposed licensed premises;
- (e) The existence or absence of other retail licenses, craft brewery licenses, or microdistillery licenses with similar privileges within the neighborhood or community of the location of the proposed licensed premises and whether, as evidenced by substantive, corroborative documentation, the issuance of such license would result in or add to an undue concentration of licenses with similar privileges and, as a result, require the use of additional law enforcement resources;



(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;

(g) The adequacy of existing law enforcement;

(h) Zoning restrictions;

(i) The sanitation or sanitary conditions on or about the proposed licensed premises; and

(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

(4) Retail licenses, craft brewery licenses, or microdistillery licenses issued or renewed by the commission shall be mailed or delivered to the clerk of the city, village, or county who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of subsection (6) of section [53-124](#) the fee is payable to the treasurer of such city, village, or county, (b) any fee for publication of notice of hearing before the local governing body upon the application for the license, (c) the fee for publication of notice of renewal as provided in section [53-135.01](#), and (d) occupation taxes, if any, imposed by such city, village, or county. Notwithstanding any ordinance or charter power to the contrary, no city, village, or county shall impose an occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits of such city or village or within the boundaries of such county in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

(5) Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued.

**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.

