



City of Grand Island

Tuesday, July 28, 2015

Council Session

Item E-1

**Public Hearing on Request from McKenney's Pub, LLC dba,
McKinney's Irish Pub, 123 West 3rd Street for a Class "I" Liquor
License**

Council action will take place under Resolutions item I-1.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 28, 2015

Subject: Public Hearing on Request from McKenney's Pub, LLC
dba McKinney's Irish Pub, 123 West 3rd Street for a
Class "I" Liquor License

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

McKenney's Pub, LLC dba McKinney's Irish Pub, 123 West 3rd Street 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 Joel Schossow, 5970 Gunnison Court, Lincoln, NE 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 McKenney's Pub, LLC dba McKinney's Irish Pub, 123 West 3rd Street for a Class "I" Liquor License contingent upon final inspections and Manager Designation for Joel Schossow, 5970 Gunnison Court, Lincoln, NE contingent upon completion of a state approved alcohol server/seller training program.

07/20/15
15:16

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 14:30:00 06/26/2015
Date disposition declared : 06/29/2015
Incident number : L15062501
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 123 3rd St W
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 : ACT Active
Misc. number : RaNae
Geobase address ID : 11223
Long-term call ID :
Clearance Code : CL CL Case Closed
Judicial Status :

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	202199	07/15/15	Schossow, Joel W	Owner/Manager
NM	202200	07/15/15	Schossow, Heather R	Joel's Spouse
NM	202208	07/15/15	McKinney's Irish Pub,	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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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:

Liquor License Investigation
Grand Island Police Department

McKenney's Irish Pub is applying for a Class I (beer, wine, distilled spirits, on sale only) LLC Retail Liquor License, and Joel Schossow is applying to be the liquor manager.

Grand Island Police Department
Supplemental Report

Date, Time: Wed Jul 15 09:15:17 CDT 2015

Reporting Officer: Vitera

Unit- CID

Joel Schossow is applying for a Class I (beer, wine, distilled spirits, on sale only) LLC Retail Liquor License for McKinney's Irish Pub located at 123 W. 3rd Street. He is also applying to be the liquor manager. While perusing the application, I found that Joel disclosed a driving during suspension charge from 1994, and he attached a sheet with traffic violations which included five convictions for speeding, a seatbelt violation, and a negligent driving conviction. Joel is not borrowing any money to establish and/or operate the business, and he has a McKinney's Irish Pub in Lincoln along with a couple of banquet halls. He has lived in Lincoln since at least 2005 and is married to Heather Schossow. Heather signed a Spousal Affidavit of Non-Participation form.

Due to the number of liquor license investigations I have had to investigate recently, I didn't have a chance to review Joel's application and do a background investigation prior to meeting with him on 7/13/15. Nebraska State Patrol Investigator Dan Fiala and I met with Joel at the proposed location at 0900. Joel said he plans on being open seven days a week and serving lunch and dinner. He said he's not currently planning on any entertainment because the building isn't big enough. At least in the early stages of the business, Joel guessed he will be at the pub five or six days a week even though he will continue to live in Lincoln. When asked why he chose to open a business in Grand Island, Joel said he grew up in Grand Island and graduated from Northwest High School. When asked about the name of the business, Joel said it comes from his wife's side of the family. At the end of the meeting, I gave Joel a business card and told him I would be in touch if I had any concerns.

Back at the office, I checked Joel and Heather through Spillman and NCJIS. Neither one of them had an entry in Spillman. I didn't find any undisclosed convictions for Joel in NCJIS, and Heather only had one undisclosed speeding conviction.

I checked Joel and Heather through a paid law enforcement-only database. Joel shows a couple of state tax liens in Kansas which were each paid with the exception of \$41.50 in court costs. The person I spoke with in Kansas said that they had some issues with the notification process on their end,

and they didn't expect Joel to know that he still owes some court costs. Joel also has a state tax lien in Nebraska. According to an individual I spoke with at the Nebraska Department of Revenue, Joel owes the State \$26,274 for failing to pay sales and lodging taxes from his hotel that went bankrupt.

I called Joel on 7/16/15 and told him about the court costs. I provided him with a telephone number to help him clear this matter up. I also asked Joel about the Nebraska tax lien. Joel confirmed that issue was from the bankrupt hotel and said he had negotiated a settlement with the case officer from the Nebraska Department of Revenue. I was able to confirm that the name of the case officer that Joel provided does indeed work for the Nebraska Department of Revenue. I called him and am waiting for return call. Joel also had a civil suit against him in 2010 and 2014. The suit in 2010 was cleared by the bankruptcy. The suit in 2014 shows active, however, Joel said that it has been taken care of. It was an automobile accident where he was not at fault. Heather had a judgment against her in 2010 which has been satisfied.

Joel and Heather don't have any outstanding arrest warrants, and they each have a valid Nebraska driver's license. I did a general Internet search and found that Heather has a couple of social media accounts with numerous photographs of what appear to be family and friends. I didn't find anything on Joel or Heather that would be damaging to the application.

Later in the day on 7/16/15, I heard back from the case officer with the Nebraska Department of Revenue. He advised that he has been trying to reach an agreement with Joel for about four years. He said there is no settlement in place. He went on to say that if Joel gets a liquor license for McKinney's Irish Pub in Grand Island, the Nebraska Department of Revenue has the ability to not issue him a sales tax permit which would basically nullify the liquor license and shut the business down.

I called Joel back on 7/17/15 and told him what the revenue agent had told me. Joel said that he initially had offered to pay his share at a reduced rate. When that wasn't acceptable to the revenue agent, he offered to pay \$1,000 per month until his half of the debt is paid off. Joel had a business partner in the hotel business who is responsible for paying the other half. According to Joel, as far as he's concerned, the ball is in the State's court.

I spoke to the revenue agent again on 7/20/15 and was told that he and Joel have been playing phone tag. They still don't have an agreement in place. The agent said he would keep me informed but didn't expect to have an agreement in place prior to my deadline for this report.

In conclusion, other than Joel's debt issue with the State of Nebraska, the rest of his application appears to be in order. If the council doesn't consider Joel's current financial issue with the State of Nebraska reason to deny the liquor license, the Grand Island Police Department has no objection to McKinney's Irish Pub receiving a liquor license or to Joel Schossow being the liquor manager.

