



City of Grand Island

Tuesday, November 10, 2015

Council Session

Item G-3

Approving Liquor Manager Designation for Scott Kemery, 4156 Vermont Avenue for Godfather's Pizza, 1916 South Locust Street

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: November 10, 2015

Subject: Request from Scott Kemery, 4156 Vermont Avenue for Liquor Manager Designation with Godfather's Pizza, 1916 South Locust Street

Presenter(s): RaNae Edwards, City Clerk

Background

Scott Kemery, 4156 Vermont Avenue has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with Godfather's Pizza, 1916 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 requests.
2. Forward the requests with no recommendation.
3. Take no action on the requests.

Recommendation

City Administration recommends that the Council approve the request for Liquor Manager Designation.

Sample Motion

Move to approve the request from Scott Kemery, 4156 Vermont Avenue for Liquor Manager Designation in conjunction with the Class "A-12626" Liquor License for Godfather's Pizza, 1916 South Locust Street with the stipulation that Mr. Kemery complete a state approved alcohol server/seller training program.

10/29/15
13:44

Grand Island Police Department
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 13:11:00 10/21/2015
Date disposition declared : **/**/****
Incident number : L15102284
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 1916 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
NM	53418	10/23/15	Godfathers Pizza,	Business
Involved				
NM	170426	10/23/15	Kemery, Scott B	Proposed
Manager				
NM	171728	10/23/15	Kemery, Rhonda K	Scott'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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LAW INCIDENT NARRATIVE:

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**----- (lwmain14184710232015)**
Scott Kemery is applying to be the liquor manager at Godfather's.
~~----- (lwmain14184710232015)~~

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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	10:19:23 10/29/2015

Grand Island Police Department
Supplemental Report

Date, Time: Thu Oct 29 10:19:34 CDT 2015
Reporting Officer: Vitera
Unit- CID

I received a liquor manager application from Scott Kemery for Godfather's Pizza. According to the application, Scott and his wife Rhonda have lived in Nebraska since at least 1998 and have lived in Grand Island since 2012. Rhonda signed a Spousal Affidavit of Non-Participation form. Scott listed Pizza Hut as a past employer between 2010 and 2014 and said that he has been approved for a "liquor license" in Grand Island, Minden, and McCook. He has worked for Godfather's since 2014.

On the liquor manager application where it asks the applicant to disclose criminal convictions, Scott disclosed a "serving a minor" conviction from 1995. I checked Scott and Rhonda through Spillman and NCJIS. Scott has a few entries in Spillman, but nothing that would indicate anything criminal. One of his Spillman entries involves him applying to be the liquor manager for Pizza Hut in 2011. Rhonda's only entries in Spillman are due to the liquor license applications of her husband. Scott has a couple of undisclosed traffic convictions in NCJIS, and Rhonda has one undisclosed traffic conviction.

Scott and Rhonda each have a valid license and no outstanding warrants for their arrest. I also checked Scott and Rhonda through a paid law enforcement-only database and didn't find anything detrimental to the application.

From a law enforcement perspective, the only potential issue with the application that I can find is that Scott has been convicted of serving a minor alcohol. Nebraska State statute 53-131.01 reads in part...

(1) The application for a new license shall be submitted upon such forms as the commission may prescribe. Such forms shall contain, (d) a

statement that the applicant is a citizen of the United States, that the applicant and the spouse of the applicant are not less than twenty-one years of age, and that such applicant has never been convicted of or pleaded guilty to a felony or been adjudged guilty of violating the laws governing the sale of alcoholic liquor or the law for the prevention of gambling in the State of Nebraska, except that a manager for a corporation applying for a license shall qualify with all provisions of this subdivision as though the manager were the applicant, except that the provisions of this subdivision shall not apply to the spouse of a manager-applicant.

Scott's conviction for serving/selling alcohol to a minor seems to violate this statute. I consulted with NSP Liquor Investigator Dan Fiala about this matter. He eventually was able to speak to Hobert Rupe who is the Executive Director of the Nebraska Liquor Control Commission (NLCC). Rupe told Fiala that it's his opinion that as long as Scott Kemery disclosed his conviction for selling alcohol to a minor, it shouldn't preclude him from being a liquor manager because that's not the intent of the law.

Based upon Rupe's opinion, Kemery having been a liquor manager before, and no other serious or recent convictions, the Grand Island Police Department has no objection to Scott Kemery becoming the liquor manager at Godfather's Pizza.