



# **City of Grand Island**

**Tuesday, December 15, 2009**

**Council Session**

## **Item E1**

**Public Hearing on Request from Club 69, Inc. dba Club 69, 106  
East 3rd Street for a Class "C" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** December 15, 2009

**Subject:** Public Hearing on Request from Club 69, Inc. dba Club 69, 106 East 3rd 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**

Club 69, Inc. dba Club 69, 106 East 3<sup>rd</sup> 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.

The Police Department report (see attached) recommends Council deny this application based on the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) for a false application and Section 53-125 (2) a person who is not of good character and reputation in the community in which he or she resides based on the following:

1. The owner, Mr. Kallos, has not demonstrated that he is fit, willing and able to properly provide the service proposed within the City.
2. The owner, Mr. Kallos has not demonstrated the type of management and control in owning the licensed premise to be sufficient to insure that the licensed business conforms to the provisions and requirements of the license.
3. There are multiple on sale liquor establishments in Grand Island of which none demand the level of law enforcement services that Club 69 requires. Club 69 requires the use of additional law enforcement resources because of high calls for service and crimes generated from the liquor license.
4. The Grand Island Police Department frequently lacks adequate resources to police Club 69 and respond to the calls for service and crimes generated by the liquor license.
5. The Club 69 liquor license is not consistent with the public interest.

### **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 the application.

### **Sample Motion**

Move to deny the application of Club 69, Inc. dba Club 69, 106 East 3rd Street for a Class "C" Liquor License based on the following:

1. False application – Nebraska Liquor Control Act (Part II Chapter 2, Section 010.01)
2. Not of good character and reputation in the community – Nebraska Liquor Control Rules and Regulations Section 53-125 (2) based on the following:
  - The owner, Mr. Kallos, has not demonstrated that he is fit, willing and able to properly provide the service proposed within the City.

- The owner, Mr. Kallos has not demonstrated the type of management and control in owning the licensed premise to be sufficient to insure that the licensed business conforms to the provisions and requirements of the license.
- There are multiple on sale liquor establishments in Grand Island of which none demand the level of law enforcement services that Club 69 requires. Club 69 requires the use of additional law enforcement resources because of high calls for service and crimes generated from the liquor license.
- The Grand Island Police Department frequently lacks adequate resources to police Club 69 and respond to the calls for service and crimes generated by the liquor license.
- The Club 69 liquor license is not consistent with the public interest.

12/02/09  
11:58

Grand Island Police Department  
LAW INCIDENT TABLE

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City : Grand Island  
Occurred after : 15:54:33 11/10/2009  
Occurred before : 15:54:33 11/10/2009  
When reported : 15:54:33 11/10/2009  
Date disposition declared : 11/10/2009  
Incident number : L09111275  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 106 3rd St E  
State abbreviation : NE  
ZIP Code : 68801  
Contact or caller :  
Complainant name number :  
Area location code : PCID Police - CID  
Received by : Viterra D  
How received : T Telephone  
Agency code : GIPD Grand Island Police Department  
Responsible officer : Viterra D  
Offense as Taken :  
Offense as Observed :  
Disposition : ACT Active  
Misc. number :  
Geobase address ID : 17961  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	44790	11/10/09	Kallos, Nickie J Jr	Owner/Manager
NM	108650	11/10/09	Club 69,	Bar

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for Club 69 and a Liquor Manger Designation for Nickie Kallos.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Viterra D	318	Viterra D



12/02/09  
11:58

Grand Island Police Department  
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:56:07 11/20/2009

Grand Island Police Department  
Supplemental Report

I received a copy of a liquor license application for Club 69 and a liquor manager designation for Nickie Kallos at Club 69. On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." Nickie checked the "No" box.

The same question about convictions is asked on the liquor manager application. Nickie checked the "Yes" box and wrote out that he plead guilty to possession of marijuana. I checked Nickie through NCJIS and found that he has not only been convicted of possession of marijuana (less than an ounce- infraction), but he has also been convicted of an open burning violation in 2004, no operator's license in 2006, and disturbing the peace by noise in 2008.

I noticed in the original liquor license investigation for Club 69, Officer E. Olson spoke to Nickie. Nickie advised him that he had been convicted of an open burning violation. So, over the years and on different applications, Nickie has disclosed two out of his four convictions.

Nickie's failure to disclose his convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed convictions would fall under state law or local ordinance. Either way, the convictions are either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license.

Club 69 has a lot of history with the Grand Island Police Department. I have documented that history and sent it to the City Council in the past when the City asked the Council to consider petitioning the NLCC to have Club 69 fill out a new application instead of receiving an automatic renewal. The Council agreed and recommended to the NLCC that a new application be submitted. The NLCC had a hearing and ordered Club 69 to submit a new application.

At this point, I'm going to attach my previous report on Club 69 and add recent law enforcement contacts centered around Club 69 to the report.

Date, Time: Fri Nov 20 14:51:53 CST 2009  
Reporting Officer: Vitera  
Unit #: 865





*Working Together for a  
Better Tomorrow. Today*

The Grand Island Police Department has had to spend a significant amount of time, manpower, and resources dealing with problems and criminal activity occurring at or spilling out of Club 69. According to the Nebraska Liquor Control Commission website, Club 69 obtained a liquor license on 5/17/06. I searched our database from the time the license was issued until the present (7/22/09). I located 315 calls for service. Twenty-five of the calls were police-initiated bar checks. The following information is a list of select law enforcement calls and contacts involving Club 69 which illustrates what law enforcement has been dealing with for the past three years and two months.

On 11/23/06, police responded to a fight in front of Club 69. A bouncer observed two males in a physical altercation in the middle of the street. He was able to detain one of them who attempted to get away. One of the men had exited Club 69 just before the assault occurred. Neither party wanted to press charges. I don't know where the call originated from.

On 11/25/06, a Club 69 bouncer was arrested inside the bar on a local misdemeanor warrant.

On 12/2/06, officers took an assault complaint that occurred inside Club 69. It was determined to be a shoving match between two females. The complaint was unfounded. Also, an officer observed a fight break out as people exited Club 69 on 12/2/06. Gang members were assaulting another male. The victim said that he heard one of the people yell out "East Side" as he was being assaulted. The East Side Locos are a gang in Grand Island. The victim did not wish to press charges. This assault occurred about one hour before the other one and was not related.

On 12/9/06, an officer observed a Club 69 bouncer physically removing a patron from the bar. The officer stopped to help and identified the patron as a documented gang member. The bouncer told the officer that the patron had used a prison I.D. card to enter the bar. The officer spoke to the owner about letting people in the bar with an improper I.D. card.

On 12/16/06, officers did a "bar check" at Club 69. They observed several gang members inside the bar. One of the gang members could not produce any form of identification. He was told to leave the bar. The officers warned "security personnel" about letting people in the bar without identification.

On 12/24/06, an officer saw a man standing in front of Club 69 with a bottle of beer. The man was extremely intoxicated. The officer got a BAC of .224 using his PBT. The man said he had taken the beer out of Club 69 by concealing it in his jacket pocket. The officer noted that it was impossible to completely conceal the bottle in the pocket.

On 12/30/06, Club 69 called to have an intoxicated patron removed from the bar. The male refused to leave and was arrested for obstruction and trespassing.



On 1/1/07, officers were detailed to Club 69 for an assault. One assault took place just outside the bar. A female was referred to the County Attorney for that assault. Officers also found a gang member inside the bar who had been involved in a fight. He didn't wish to file a report. Officers were also later called to the hospital to speak to yet a different assault victim from Club 69, but he didn't want to make a report either. It's unknown if he had been fighting with the gang member who didn't want to make a report.

On 1/5/07, an officer was flagged down by people running out of Club 69. The officer was told that an assault had just occurred inside the bar. A female had hit another female over the head with a beer bottle. The suspect was referred to the County Attorney.

On 1/19/07, officers performed an alcohol compliance check. One man was arrested on an outstanding warrant. Another man was arrested for false reporting. PBT's were given to some of the customers. Results were: .166, .215, .217, .239, .261, .263. The two highest tests still had drinks in their hands. One of them had to be told to quit drinking, and the drink had to be taken out of his hands. A 20 year old girl was encountered inside the bar. She didn't have any I.D. on her. She advised that she walked into the bar without being carded.

On 2/23/07, a group of 15 to 25 people came out of Club 69 and two or three of them began to actively fight. One man was bitten by another man. The man who got bitten also got stabbed by a different man. He underwent surgery at the hospital. One suspect was arrested, and the other was referred to the County Attorney. **While investigating the crime, an officer spoke to the owner of Club 69. He asked the officer where the assault took place. Before the officer could answer, the owner stated that if it didn't occur on his sidewalk, it wasn't his responsibility.**

On 2/25/07, an officer observed a male carrying beer out of Club 69 at 0106 hours. At 0121, the same officer observed another male carrying beer out of the bar. **The officer contacted Nickie Kallos who got very angry and said the officer was picking on him. When asked about people carrying out beer after hours, he said, "What the fuck do you want me to do?" When told that he would be referred for charges, Nickie said, "I don't care, I will just pay the fucking fine!!"**

On 3/3/07, officers responded to Club 69 to investigate a domestic assault. One of the parties involved in the assault made the call. One person was jailed, and the other person was referred to the County Attorney. After officers finished the assault complaint, they observed the bouncer escorting a male out of the bar. One of the officers spoke to the man who had been escorted out. He was extremely intoxicated. He tested .217 on a PBT. The man said that he was drunk before he got to Club 69. He also said that he been at Club 69 for an hour or an hour and a half and been served while he was there. He would not identify the bartender.



On 3/10/07, officers were looking for a vehicle that someone had taken without permission. The vehicle was located parked directly in front of Club 69. A man exited the bar and said he had been driving the car. The officer asked him for I.D. The man said that he didn't have any I.D. They just let him in the bar. The officer searched the man, and didn't find any I.D. The man had a marijuana pipe in his pocket along with a half full bottle of vodka in the car. He was eventually cited for unauthorized use of a motor vehicle, possession of drug paraphernalia, and an open container violation. He was 23 years old.

On 3/11/07, officers were looking for a subject in Club 69. When they found him inside the bar, he had methamphetamine and drug paraphernalia on his person. He was arrested.

On 3/24/07, an officer was conducting a bar check when he observed a male leave the bar carrying and drinking a beer. The man was arrested. A subsequent search of the man revealed that he had meth on him and prescription pills that weren't in their original bottle.

On 3/31/07, officers responded to a complaint of a stabbing at Club 69. It turned out to be a false report. The subject who made the call was located in the same block as the bar. He was arrested for making a false report.

On 4/29/07, an officer spotted a male with an outstanding warrant standing outside of Club 69. The male resisted arrest, and a Taser had to be used on him. While dealing with the male, a female walked by the officer. She was also arrested for an outstanding warrant and false reporting.

On 5/12/07, an officer drove by Club 69 at closing time and observed a large crowd standing in the middle of the street. A female was assaulting a male. The female was arrested for assault and resisting arrest.

On 5/20/07, an officer observed some gang members exit Club 69 and then get into a fight across the street. One man was arrested, and one man was referred to the County Attorney.

On 6/15/07, officers were doing a bar check and arrested a woman inside Club 69. She had a local misdemeanor warrant.

On 6/22/07, officers were detailed to a disturbance at Club 69. One officer observed a woman standing in front of the bar yelling. She went back inside the bar before the officer could contact her. No further action was taken.

On 6/30/07, the police received an anonymous call about a man with a warrant inside Club 69. Officers located the man inside the bar and arrested him on a local misdemeanor warrant.

On 7/8/07, officers were detailed to Club 69 on a report of a male bleeding from the head. Officers found a subject inside the bar bleeding from his head with a broken beer bottle beside him. Two known gang members were referred to the county attorney for prosecution.

On 7/14/07, officers were detailed to Club 69 for an assault. One female assaulted another on the dance floor giving her a bloody nose. A referral was done to the county attorney. The report was marked with a "gang affiliation" designation.

On 7/15/07, a female was assaulted by two other females inside Club 69. The two suspects were referred to the county attorney for assault.

Also on 7/14/07, officers were called to Club 69 for a domestic disturbance inside the bar. Parties left prior to officers' arrival. No further action was taken.

On 7/20/07, a bouncer at Club 69 was arrested there on a warrant.

On 7/21/07, a gang member was arrested on a warrant inside Club 69.

On 7/23/07, officers responded to several intoxicated subjects arguing outside the bar. No enforcement action was taken.

On 7/29/07, officers responded to a complaint of an assault that occurred at Club 69. Two females assaulted another female. Referrals were done to the county attorney.

Also on 7/29/07, while officers were investigating the assault listed above, another fight broke out in the crowd outside the bar. Two females were punching and kicking each other in front of officers. Citations were issued.

On 7/30/07, officers investigated a domestic assault which occurred inside Club 69. A male was later arrested at a different location.

On 8/12/07, officers were detailed to Club 69 for a physical fight. The following information is copied from one of the responding officer's report. **It details Club 69's owner, Nickie Kallos Jr.'s lack of cooperation with law enforcement.**

On 08/12/07 at approximately 0010, I responded to a report of a physical fight at Club 69, 106 3rd St. E. Upon arrival, I observed several people running away from the area of the bar. I did was not able to contact any suspects at the scene.

The owner of Club 69, Nickie J. Kallos Jr., asked to speak with me. Nickie advised the fight was not his fault and the people involved left. He is tired of extra attention from police for small fights at his bar. He did not think the police involvement was necessary because he has his own security crew take care of the incidents.



He was confident that fighting at his bar has been significantly reduced in the past few months. I advised him to contact 911 immediately any time a physical fight breaks out. I told him, "Let us handle it." Nickie said, "I'm not going to call 911 for little misdemeanor assault shit. I'll call on felonies." I warned him of the importance of notifying police in the event of an assault at his bar. I spoke with him about civil liability and potential for serious injury. He again advised, "I'll call on felonies." I told him it was our job to determine if an assault is a felony, so the needs to notify police.

On 9/6/07, an officer found a man who staggered across the railroad tracks while the arms were flashing and in the down position. The officer said the man just missed being struck by a train by about 5 feet. The man was so intoxicated that he didn't hear or see the train and didn't remember the arms being down. The man said he had been drinking at Club 69. Officers relocated to Club 69 and were told that the man had been in the bar from about 1900 until 2230. Personnel from Club 69 were warned about serving intoxicated customers.

On 9/14/07, a gang member was arrested on a warrant at Club 69.

On 9/16/07, officers responded to a disturbance at Club 69. The owner was struck with a beer bottle after he allegedly punched one of the patrons. Two people were arrested, and three people were referred to the county attorney (including the owner). It appears that the county attorney declined to prosecute the owner.

On 9/17/07, an officer made a DUI arrest across the street from Club 69. The person arrested had been drinking at Club 69. One of the bouncers approached the officer and asked if he could take her back to the bar and arrange a ride for her. The female was subsequently arrested for DUI, possession of marijuana, possession of drug paraphernalia, and possession of methamphetamine.

On 9/21/07, officers were detailed to a large disturbance outside of Club 69. Two males were fighting. They both went to jail after one had to be subdued with a Taser.

On 9/24/07, an officer took a report where the victim claimed that his cell phone was lost or stolen while he was at Club 69.

On 9/28/07, officers responded to a fight in the area of Club 69. One subject who had just left Club 69 got into a knife fight with another subject. Both subjects were treated at the hospital for puncture wounds.

On 9/29/07, officers investigated a domestic assault that originated inside Club 69. A man was jailed, and a woman was referred to the county attorney.

On 9/30/07, officers were detailed to a fight outside of Club 69. One person was jailed and another person was referred to the county attorney.



On 10/7/07, officers observed a disturbance in front of Club 69. One of the participants had just come out of Club 69. A man was jailed for 3<sup>rd</sup> degree domestic assault, possession of drug paraphernalia, and a Lancaster County warrant. Another male was jailed for obstructing an officer after they had to use the Taser on him.

Also on 10/7/07, a woman was referred to the county attorney for assaulting two other women in the parking lot across the street from Club 69 after they left the bar.

On 10/13/07, a man with a warrant was arrested at Club 69.

On 10/14/07, an officer referred a female to the county attorney for assaulting a male inside of Club 69.

On 10/20/07, the owner of Club 69 was verbally warned for a noise violation.

On 10/21/07, an employee of Club 69 informed a police officer that two men had brought alcohol into the bar. The alcohol was poured out, and the men left.

Also on 10/21/07, two men were involved in a "shoving match" outside Club 69. No action taken.

On 11/03/07, a man was jailed for a felony assault, using a weapon to commit a felony, possession of marijuana less than an ounce, and trespassing after he stabbed another man in the neck with a hair pick inside Club 69.

Also on 11/3/07, a bouncer at Club 69 requested law enforcement assistance to help him check three men for weapons. No weapons were found.

On 11/4/07, a man was referred to the county attorney for criminal mischief after he knocked another man off of his motorcycle (cycle tipped over) in front of Club 69.

On 11/8/07, a man was jailed for an assault that occurred in front of Club 69. The man was also arrested for carrying a concealed weapon (knife).

On 11/10/07, the owner of Club 69 requested law enforcement assistance to help remove an intoxicated male from the bar.

On 11/16/07, officers spotted a man with a warrant in front of Club 69. The man was jailed.

On 11/18/07, an officer observed two men fighting in front of Club 69, one man was jailed for assault after a Taser was used on him.

On 11/24/07, a man was jailed for trespassing and obstructing an officer at Club 69.

On 12/6/07, officer responded to Club 69 to investigate an assault. One man was bleeding from his face and vomiting. The man said he fell down. The owner of the bar advised that another male punched the bleeding man because he was causing problems inside the bar. The assailant fled the scene. The victim did not make a report.

On 12/8/07, a man reported that he was assaulted at Club 69, but he didn't want to make a formal report.

On 12/17/07, an officer took a report where Club 69 had a damaged window. A customer threw a piece of ice and broke the window.

On 12/30/07, a man got assaulted outside of Club 69 after a confrontation between several males inside the bar. The injured male did not make a report.

On 12/31/07, a female at Club 69 was arrested on a warrant.

On 1/6/08, a man was referred to the county attorney for assaulting a bouncer at Club 69.

On 1/12/08, a pregnant woman was struck in the stomach when a fight broke out on the dance floor at Club 69. No criminal report taken.

On 1/13/08, Club 69 requested help removing someone from the bar.

On 1/27/08, officers helped escort a man out of the bar at the request of Club 69.

On 2/5/08, a man with a black eye advised he was assaulted inside Club 69, but he didn't wish to file a report.

On 2/22/08, a female subject was arrested inside the bar for drinking and violating the terms of her probation.

On 2/23/08, Officers were flagged down at Club 69. A man was lying on the ground in front of the entrance. He had a large bump on his head that was bleeding. A bouncer told officers that the man was inappropriately touching women inside the bar. The bouncer pushed him out the door. The man fell down and hit his head. Another man tried to pick up the injured man. The man trying to move the injured man was jailed for assaulting an officer, obstructing an officer, and resisting arrest.

Also, on 2/23/08, a man inside Club 69 was arrested on a warrant.

On 3/9/08, two men were jailed for assaulting each other in front of Club 69 after police had tried to break them up.

On 3/22/08, officers were detailed to Club 69 for a disturbance. Officers learned that two men assaulted another man while he was dancing because they thought he was "throwing gang signs." One man was referred to the county attorney.



On 3/23/08, Officers investigated an assault at Club 69. No action was taken because the victim was uncooperative.

On 3/30/08, an officer saw a young man walk into Club 69. The officer knew the man did not have any I.D. because the officer had recently seized it. The following is an excerpt from the officer's report:

While patrolling the downtown area on 3-30-08, I observed D.B. walk into Club 69. I knew D.B. did not have any form of identification on his person because I had seized his license earlier on that date because of a license pick up order. I stopped and made contact with D.B. at the front door, who appears to be younger than twenty one years old. I advised D.B. that he could not be in the bar without any form of identification, unless he had gotten one on Saturday. D.B. confirmed that he had not gotten an ID card.

While I was speaking with D.B. Nickie Kallos, bar owner of Club 69, came out and asked "What's wrong now?" I advised Kallos that D.B. did not have any form of identification on his person (and the reason that I knew he did not) and Kallos got agitated and said "he is my girlfriend's brother" and "he just got here". I advised him that it could easily appear to law enforcement (other than me) that D.B. was not old enough to be in the bar and ask for verification of age, which D.B. would not be able to provide.

**Kallos became more agitated and said "You fuckers are always trying to pin stuff on me, but how many times have you been able to do it, huh?? One fucking time was all". Kallos also stated "I know the fucking laws and the liquor commission isn't going to do a fucking thing to me and neither can you!" At this point I was convinced that Kallos was not going to be cooperative with me so I left after I advised I would document the incident and he said "Go right ahead, I don't give a fuck". I later saw D.B. standing by the front door still.**

On 4/13/08, an employee of Club 69 called and requested that a male be arrested for trespassing. The customer was causing problems inside the bar and refused to leave. The man was jailed.

Also on 4/13/08, officers responded to a fight at Club 69. Three people were jailed. One was jailed for 3<sup>rd</sup> degree assault on a police officer and obstructing a police officer. The second person was jailed for 3<sup>rd</sup> degree assault on a police officer, terroristic threats (to a police officer), obstructing a police officer, resisting arrest, strangulation, 3<sup>rd</sup> degree assault, and a Hall County warrant. This subject is a Blood gang member. The third subject was jailed for 3<sup>rd</sup> degree assault, prohibited acts, and resisting arrest.

On 4/18/08, two men at Club 69 agreed to fight. After punching each other several times, one of the men fell backwards into a brick wall. This man had a broken "nasal bone."



This man was referred to the county attorney for 3<sup>rd</sup> degree mutual assault. The other man was referred for 1<sup>st</sup> degree assault.

On 4/19/08, after a formal noise complaint was made, the owner of the bar was cited for disturbing the peace.

On 4/20/09 at 0135, a male was arrested for DUI. The car was parked and running with the male sitting behind the driver's seat in front of Club 69.

On 4/25/08, officers got an anonymous complaint from someone at Club 69 saying that a female with a warrant was inside the bar. Contact was made with the owner and a bouncer. They said that they hadn't seen the person in question since other officers had searched the bar. An officer then found the person with the warrant. She was hiding in the DJ booth.

On 5/18/08, three gang members were jailed for fighting in front of Club 69.

On 6/5/08, officers were conducting a bar check at Club 69 and removed three people from the bar because they were in violation of the City's smoking ban.

On 6/17/08, officers were detailed to Club 69 to arrest a man with a warrant. The man was located and jailed.

On 6/29/08, two woman were jailed for 3<sup>rd</sup> degree assault and disturbing the peace by fighting while they fought inside Club 69.

On 7/4/08, after an altercation inside the bar, one man was jailed for 2<sup>nd</sup> degree assault, and a woman was referred to the county attorney for a 3<sup>rd</sup> degree assault.

On 7/6/08, officers responded to a complaint of a protection order violation at Club 69. The suspect was not located.

On 7/16/08, while an officer was investigating an assault complaint at Club 69, he observed a woman leave the bar who had an arrest order for a probation violation. The officer jailed the woman.

On 8/3/08, one of the Club 69 bouncers was arrested on 3 Hall County warrants.

On 8/10/08, A male was arrested for 3rd Degree Assault and Refusal to Sign Citation at Club 69 following an investigation in which the male subject struck a female inside the club.

On 8/12/08, an officer was flagged down regarding subjects with motorcycles on sidewalk doing power stands in front of the bar. Suspects departed prior to arrival.

On 8/17/08, an officer reported a large group fighting in the street in front of the bar.

On 8/23/08, an officer witnessed two females fighting in front of Club 69. One female was arrested for a domestic assault.

Also on 8/23/08, a female was arrested for assault in the 2<sup>nd</sup> degree, willful reckless driving, and driving under the influence of alcohol. Officers were called to Club 69. The arrest was made in the parking lot across the street.

On 9/6/08, an officer reported a large verbal disturbance in front of club 69 at 0018. Another one was reported at 0123.

On 9/13/08, an officer determined there had been a verbal and possibly physical altercation; no persons identified.

Also on 9/13/08, an officer contacted a male who was sitting behind the wheel of his van in a parking stall by Club 69. The keys were in the ignition, and he appeared to be sleeping. He had the smell alcoholic beverage coming from his person. He failed SFST'S and refused a PBT. A sword was found inside a walking stick in his van upon a search. He was arrested for DUI and carrying a concealed weapon.

On 9/21/08, an officer took a theft report from a male who said that he lost his wallet while he was fighting at Club 69.

On 9/26/08, an officer responded to an indecent exposure report at Club 69. He was unable to locate/identify the suspect.

On 9/27/08, officers were called to Club 69 by an anonymous female about another female in the bar who had a warrant. The suspect female was located and arrested.

On 10/4/08, officers responded to Club 69 on a disturbance call. Two males were in the parking lot across the street were referred to the county attorney for a mutual assault. Another male was briefly detained and told to leave when it was determined he wasn't involved. He came back and caused problems. A female living above Club 69 complained about the noise from that man. He was arrested for disturbing the peace.

**On 10/19/08 at 0114, an officer responded to a disturbance at Club 69. The only documentation from him was a statement that said "usual weekend problems."**

On 11/8/08, officers were detailed to Club 69 reference an assault. They contacted and spoke with a male, who stated he had been assaulted by two males inside the bar.

On 11/27/08, bouncers kicked three intoxicated males out of the bar. He watched them as they got into a confrontation outside. While the males were in a vehicle they hit the bouncer with the car. The driver was eventually arrested. Another DUI arrest was made as a result of this investigation.



On 12/19/08, officers were dispatched to Club 69 regarding two males with outstanding arrest warrants. The men had been hiding in a car parked in front of the bar. They walked away from the bar and were both arrested.

On 12/24/08, officers received information about a male with an outstanding arrest warrant out of Montana in the bar. He was located and arrested.

On 12/27/08, a documented gang member was arrested for assaulting another male inside the bar. He also had a small amount of marijuana on his person.

On 1/1/09, a male was arrested for physically obstructing a stabbing investigation at Club 69. Another male was arrested for terroristic threats. One victim was assaulted with a knife by an unknown individual. No weapon was recovered.

On 1/10/09, an officer saw a female outside of Club who had an outstanding arrest warrant. The woman was arrested.

Also on 1/10/09, a known gang member was referred to the county attorney for a felony assault for striking another subject with a plastic pitcher of beer inside Club 69.

Also on 1/10/09, three males were refused entrance into the bar. As one of them was leaving, he told the bouncer that he was coming back with a Glock.

On 1/16/09, a male and female were fighting inside the bar. The female was arrested.

On 2/22/09, five people were arrested following a disturbance at Club 69. Three were arrested for fighting in front of the officers, and two were arrested for failing to obey the officers' orders.

On 3/7/09, a female reported that her boyfriend had assaulted her inside Club 69. The male was referred to the county attorney for the assault.

On 3/8/09, several subjects were arrested stemming from an incident at Club 69. Subjects involved in the disturbance failed to disperse when ordered by Police. Three people were arrested and one was cited for the following charges: Obstructing a Police Officer (x 3), Resisting Arrest, Assault on a Police Officer, Possession of Marijuana < 1oz, Possession of Drug Paraphernalia, Terroristic Threats, and Failing to Disperse. **Nickie Kallos was interviewed and said that one of the suspects had threatened him with a knife. Kallos clarified that he had actually seen the knife during the threat. He later changed his story and said he didn't see the knife, he was just told the knife was involved. He changed his story yet a third time and said that he was actually never threatened at all.**



On 4/12/09, Officers were standing outside of Club 69 monitoring the crowd when a female came out of the bar shouting there was a fight going on inside. As an officer approached the front door, several males came falling out of the door. There was a lot of pushing and shoving going on. One male was arrested for assault. One of the Club 69 bouncers was referred to the county attorney for assaulting a customer.

On 6/7/09, officers got called to Club 69 regarding an unconscious, bleeding male who was lying on the ground in front of the bar. One witness saw the male get punched by another male. She and another witness then saw one of the Club 69 bouncers kick the male on the ground and tell him to get up. He bent over and attempted to pick the man up. When the man didn't move, the bouncer left.

**On 6/13/09, an officer documented her contact with Nickie Kallos at closing time at Club 69. She wrote the following, "While dispersing the bar crowd at Club 69, the owner, Nick Kallos approached officers, being very belligerent. Kallos was yelling that the officers are liars and something about the liquor commission. Kallos appeared to be intoxicated. He wasn't steady on his feet and he was having a difficult time keeping his eyes focused on the officers present. Kallos' eyes were barely open. Kallos was told to go back into the bar. He did so, but continued to yell at officers.**

On 6/21/09, an officer documented what he thought was excessive force by the bouncers at Club 69. He gave the following account: While performing an Agency Assist outside Club 69, Nikki Kallos came outside and advised there was a disturbance inside the bar. When I walked into the bar I observed two bouncers dragging a male subject on the floor inside the bar. The force used appeared to be in excess of what was needed since the subject was not fighting back or struggling in any way other than trying to get up and walk on his own and in one bouncer's words, the man was "just inside the bar when he is not supposed to be." I advised the bouncer that he did not need to use the force used. The male subject was advised to leave the bar and not return.

Also on 6/21/09, an ambulance was attending to a patient in front of Club 69. The ambulance was parked in the street blocking the westbound lane. A pickup and pedestrian were stopped blocking traffic in the eastbound lane. An officer told them to move. They moved a little bit and then went back to impeding traffic. One male was cited and the other one was referred for impeding traffic.

On 7/18/09, an officer observed a couple of men fighting in the street in front of Club 69. The officer eventually learned that one of the men had assaulted a different man inside the bar and chipped his tooth. The suspect had also threatened Nickie Kallos with a pool cue, according to the bouncer. The suspect was arrested for assault for chipping the one man's tooth.



In conclusion, Club 69 keeps the Grand Island Police Department very busy. As of 7/20/09, I located 315 calls for service at Club 69 with the first documented call occurring on 12/19/06. There were several calls to Club 69 that were not documented (but included in the numeric total) in this report because the people involved couldn't be located, the event couldn't be directly related or attributed to Club 69, or the officer didn't do a report. Of the 315 calls, only 25 were routine, police-initiated bar checks.

I checked on some other bars in the area of Club 69 and documented their liquor license issue date and the number of law enforcement calls from that date until the present time. I chose the Las Vegas Bar and Grill which is located at 316 E. 2<sup>nd</sup>, The Upper Deck which is located at 2110 W. 2<sup>nd</sup>, The Chicken Coop which is located at 120 E. 3<sup>rd</sup>, and Slugger's Sports Bar which is located at 707 W. Anna.

The Las Vegas Bar and Grill had their license issued on 9/5/06. Since then, the Grand Island Police Department has had 93 calls there. Seven of those were bar checks.

The Upper Deck has had a liquor license since November 2001. They changed ownership in 2005. Since the original license was issued, the Grand Island Police Department has received a total of 107 calls. Two of those were bar checks.

The Chicken Coop was issued a liquor license on 2/2/04. The Grand Island Police Department has a total of 49 calls there. None of those calls were bar checks.

Slugger's received a liquor license on 1/3/2000. Since then, the Grand Island Police Department has documented only 10 calls for service.

With the exception of parts of the conclusion and the "P.S." that will be at the end of this report, the rest of my documentation was done on 11/20/09. Since I left off at 7/18/09, I ran law enforcement calls from 7/19/09 until 11/20/09. I came up with 32 additional calls. Of those 32 calls, 3 were bar checks. Most of the calls were "disturbance" calls where no report was taken. I will continue to highlight a few of the more interesting calls.

8/1/09, deputies responded to Club 69 in Grand Island for a reported disturbance. **All Grand Island Police officers were busy with other calls at the time.** Upon arrival I was advised by an employee that the subjects involved in the fight had left. A Deputy located the subjects in the parking lot to the south.

A female was found lying on the ground. She was bleeding from the mouth and had bruising around her eye which she said was the result of having been kicked in the head. She was intoxicated and belligerent. She was unable to identify who had assaulted her. Other subjects in the area offered multiple descriptions of possible suspects including a white female, a black female, and three black males. No suspects were located and the "victim", who refused treatment from the responding ambulance, left with a friend.

On 8-15-09 I (GIPD officer) spoke with Nickie Kallos, owner, who advised he witnessed approximately 20 black males beating up one other black male. Nickie advised a fight had happened inside the bar and the staff escorted everyone out. Upon exiting the bar the 20 males jumped the other black male and began punching and kicking him and then left. Nickie advised he has not seen the 20 black males before. Contact person on the call is listed as "Nick."

8/29/09, after an argument in the bar, a female was contacted and arrested on a Lancaster County warrant.

10/11/09, two males were arrested for obstructing a police officer. One of them was also arrested for 3<sup>rd</sup> degree assault.

10/25/09, a male was arrested for obstructing a police officer and terroristic threats (on police officer).

11/8/09, just after bar closing time, someone drove by the bar and fired 10 rounds up in the air out of a vehicle.

In conclusion, I believe this report not only details the frequency and nature of the activities that law enforcement encounters at Club 69, but it also shows some examples of the attitude and **lack of cooperation** from the owner and his **inability to manage and control the premises**. Considering the number of bars in Grand Island and the **many options available for citizens to choose from**, the activity occurring at Club 69 **is not consistent with the public interest**. Club 69 accounts for a disproportionate amount of time, manpower, and **resources spent there by law enforcement** when officers could be working proactively to prevent other crimes that plague our community.

Sincerely,

Sgt. Dave Vitera



P.S. On 9/16/09, I attended a hearing in front of the NLCC to determine if Club 69 should be required to fill out a "long form." During the hearing, Nickie Kallos testified. He acknowledged that there is a lot of police activity at his bar. He even went as far as saying that **the police are there about every Friday and Saturday night. He also acknowledged that he has very little control over the bar** because he doesn't have enough help. **He stated that he has a problem with the police.** He then said that he doesn't understand the liquor laws because "you need to be a lawyer to understand it." However, in one of my earlier documented examples, Kallos told a police officer that he knows the law, and the Commission can't do anything to him. Kallos is either untruthful, ignorant, or both. Either way, Kallos shouldn't have a license because the detailed examples illustrate that he **is not of good character and reputation in the community, and he can't possibly conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act** if he doesn't understand them after the substantial amount of time he's had a license.

On 9/16/09, I also received a copy of an e-mail dated 8/ 27/09 from Fire Chief Troy Hughes to Police Chief Steve Lamken. Chief Hughes documented that from 2007 through August of 2009, the GIFD had responded to Club 69 with an ambulance and fire truck 29 times. That's almost once a month. Each time the GIFD was called there, they would have sent a minimum of five fireman/paramedics if not six.

The Grand Island Police Department recommends that the liquor license application for Club 69 be denied.