



City of Grand Island

Tuesday, April 27, 2010

Council Session

Item H1

Consideration of Request from Erika Galaviz-Mendoza, PO Box 682 for Liquor Manager Designation for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 27, 2010

Subject: Request from Erika Galaviz-Mendoza, PO Box 682 for Liquor Manager Designation for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street

Item #'s: H-1

Presenter(s): RaNae Edwards, City Clerk

Background

Erika Galaviz-Mendoza, PO Box 682 has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-34765" Liquor License for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street.

This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received. See attached Police Department report.

After investigation, the Grand Island Police Department recommends denial of the application submitted by Erika Galaviz-Mendoza due to failure to disclose information which makes the application false under the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01).

Alternatives

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

1. Approve the request.
2. Forward the request with no recommendation.

3. Take no action on the request.

Recommendation

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

Sample Motion

Move to deny the request from Erika Galaviz-Mendoza, PO Box 682 for Liquor Manager Designation in conjunction with the Class “C-34765” Liquor License for Fiesta Latina/Nebraska Music Hall, 2815 South Locust Street based on false application.

04/20/10
13:15

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 11:31:11 04/19/2010
Occurred before : 11:31:11 04/19/2010
When reported : 11:31:11 04/19/2010
Date disposition declared : 04/19/2010
Incident number : L10042362
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 2815 Locust St S
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 14150
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	8917	04/20/10	Fiesta Latina,	Business Involved
NM	61103	04/20/10	Galaviz, Erika	Liquor Manager?

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

1 LT03 Bar/Night Club

LAW INCIDENT NARRATIVE:

I received a copy of an application for Erika Galaviz-Mendoza to be the liquor manager at Fiesta Latina.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

04/20/10 Grand Island Police Department
13:15 LAW INCIDENT TABLE

450
Page: 2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	09:41:58 04/20/2010

04/20/10
13:15

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 3

318- Liquor Manager Investigation

Grand Island Police Department
Supplemental Report

Date, Time: Tue Apr 20 09:42:26 CDT 2010
Reporting Officer: Vitera
Unit- CID

On Erika's application, she disclosed that she got a ticket for no insurance in 2006 in Iowa. She also disclosed that she got a ticket in Nebraska in 2009 for driving without a license.

I checked on Erika through Spillman and NCJIS. I located an entry for her in Spillman which had multiple entries for her as being a runaway juvenile in her youth. She was also listed as a victim of theft on one occasion and criminal mischief on another occasion. She was contacted for a disturbing the peace complaint and was a suspect in a criminal mischief complaint. She also had a couple of traffic contacts and an entry for a warrant that had been recalled for issuing bad checks.

When I checked NCJIS, I discovered that she was convicted of issuing bad checks in 2005. She was also convicted of a stop sign violation and driving without a license in 2004. I found another conviction for driving without a license in 2008 which is probably the conviction she disclosed as occurring in 2009. Erika's operator's license in Nebraska is expired and has been suspended and surrendered to Iowa. Erika's license is also suspended in Iowa for non-payment of fines.

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." Erika's undisclosed traffic conviction would fall under a local ordinance or state law. The bad check conviction falls under State law.

Erika's failure to disclose her traffic conviction and bad check conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The undisclosed convictions do 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. However, Erika appears to have some problems with the law and responsibility that started when she was a juvenile and have continued as evidenced by her operator's license being suspended in both Nebraska and Iowa for failing to comply and failing to pay her fines.

I can't run criminal history checks on liquor license investigations, but it's possible that Erika may have additional criminal history in Iowa. NSP will have

to determine that.

Erika also failed to list a home telephone number on her application (area code is listed and the rest is blank), and she put a P.O. Box for her home address. In a different area of the application where it asks for past residences, she listed an address on Sycamore where she has resided from August of '99 until March of 2010. Spillman currently shows her living on 16th Street. It is possible that she was a victim of a crime on 16th Street, and the officer used that as her home address while she may have actually been living on Sycamore.

04/20/10

Grand Island Police Department

450

13:15

LAW INCIDENT TABLE

Page: 4

I also double checked Erika through ICE. Erika stated on her application that she was born in Mexico. Using the information she provided, an investigator with ICE told me that Erika derived her citizenship through one of her U.S. citizen parents. The investigator said this type of case is not very common, but she is a legal U.S. citizen.

The Grand Island Police Department recommends that Erika's application be denied. Erika failed to disclose her bad check conviction and her traffic conviction. She didn't list a home telephone number. She didn't list a home address with the rest of her personal information. The address I found in a different spot on the application conflicts with Spillman information. Erika has a suspended driver's license in Nebraska and Iowa for failing to comply and failing to pay fines which illustrates a potential lack of responsibility and financial mismanagement when coupled with the bad check conviction.