



# **City of Grand Island**

**Tuesday, August 10, 2010**

**Council Session**

## **Item E1**

**Public Hearing on Request from GI Hospitality, Inc. dba GI Hospitality, 805 Allen Drive for a Class "I" Liquor License**

**Staff Contact: RaNae Edwards**

# **Council Agenda Memo**

**From:** RaNae Edwards, City Clerk

**Meeting:** August 10, 2010

**Subject:** Public Hearing on Request from GI Hospitality, Inc. dba  
GI Hospitality, 805 Allen Drive 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**

GI Hospitality, Inc. dba GI Hospitality, 805 Allen Drive has submitted an application for a Class “I” Liquor License. A Class “I” Liquor License allows for the sale of alcohol, on sale only 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 this application was a Liquor Manger Designation request from Demi Menke, Doniphan, Nebraska.

### **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 GI Hospitality, Inc. dba GI Hospitality, 805 Allen Drive for a Class "I" Liquor License contingent upon final inspections and Liquor Manager designation for Demi Menke, Doniphan, Nebraska contingent upon Ms. Menke completing a state approved alcohol server/seller training program.

08/05/10  
13:04

Grand Island Police Department  
LAW INCIDENT TABLE

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City : Grand Island  
Occurred after : 10:20:51 07/22/2010  
Occurred before : 10:20:51 07/22/2010  
When reported : 10:20:51 07/22/2010  
Date disposition declared : 07/22/2010  
Incident number : L10073231  
Primary incident number :  
Incident nature : Liquor Lic Inv Liquor License Investigation  
Incident address : 805 Allen Dr  
State abbreviation : NE  
ZIP Code : 68803  
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 : 483  
Long-term call ID :  
Clearance Code : CL Case Closed  
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	31299	07/26/10	Menke, Demi A	Manager
NM	31300	07/26/10	Menke, Brad S	Demi's Husband
NM	158314	07/26/10	Younes, Paul J	President
NM	158315	07/26/10	Younes, Linda M	Paul's Wife
NM	158316	07/26/10	Fairfield Inn and Suites,	Hotel

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT14	Hotel/Motel/Etc.	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from GI Hospitality for a Class I(On Sale)License at the New Fairfield Inn & Suites. I also Received a Copy of a Liquor Manager Application from Demi Menke for the hotel.

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Grand Island Police Department  
LAW INCIDENT TABLE

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LAW INCIDENT RESPONDERS DETAIL:

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

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
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1	Vitera D	12:56:29 07/26/2010

Grand Island Police Department  
Supplemental Report

Date, Time: Mon Jul 26 12:56:44 CDT 2010

Reporting Officer: Vitera

Unit- CID

In looking at GI Hospitality's application, the trade name is Marriott; and the actual name of the business at the location where the liquor license would be is the Fairfield Inn and Suites. Paul Younes is listed as the president of the corporation. His wife, Linda, signed a spousal affidavit of non-participation. I also noticed that besides Paul Younes, Tom Kruger is listed as a person who will be able to write checks and make withdrawals on the business account. I don't see Tom's name or corresponding information anywhere else on the application. Paul stated that he and his wife have lived in Kearney since 1990.

One part of the application asks if anyone who is a party to the application has ever been convicted of any charge. The "no" box was checked. I checked Spillman for Paul and Linda Younes. Neither one of them are listed. I also checked NCJIS. Paul has been convicted of speeding in 2002 and 2004. He was also convicted of improper passing and a seat belt violation in 1995. Linda was convicted of speeding in 2006.

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."

Paul failed to disclose multiple convictions which 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 an infraction or a misdemeanor that 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. Linda's failure to disclose her speeding conviction has the same affect as Tom's failure to disclose his convictions even though she signed a non-participation agreement.

On 7/26/10, I tried to contact Larry Butler by telephone. Larry works for Butler, Voigt, & Stewart law firm in Kearney. Larry is listed on the application as assisting with the completion of the application. I reached a receptionist and asked her to have Larry call me. I want to ask Larry about the discrepancy in the Trade Name. On one part of the application it is listed as Marriott, on another as GI Hospitality, yet the business is listed as the Fairfield Inn and Suites. I also want to get more information on Tom Kruger and

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LAW INCIDENT TABLE

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figure out why is authorized to deposit and withdrawal money from the business account, but he is not mentioned anywhere else on the application. The last concern I want to address is the fact that Paul and Linda didn't disclose any convictions, yet convictions were found.

I was able to speak with Larry Butler over the phone later in the afternoon on 7/26/10. Larry told me that GI Hospital is Paul's business corporation which has several hotels in various cities in Nebraska. He also advised that Tom Kruger is Paul's accountant. Larry knew that Tom writes a lot of checks for

Paul's other businesses, so Larry thought he would include Tom on the application. Larry added that Tom has no ownership in the corporation. On the issue of the undisclosed convictions, Larry said that he had talked with the NLCC and was under the impression that they were just interested in liquor violations from the other businesses.

He apologized for not reading the application closer. He said that while Paul had to sign the application, the misunderstanding was Larry's fault. Larry also told me that the Fairfield Inn and Suites does not plan on selling liquor. The hotel is just planning on having a "happy hour" or "manager's reception" for a couple of hours in the afternoon Monday through Thursday where hotel guests can get some free drinks. Larry also volunteered to fill out some additional paperwork with Paul and Linda's convictions. I told him that it was not necessary due to our phone conversation.

Demi Menke is the proposed liquor manager for the Fairfield Inn & Suites. I looked Demi up in Spillman. She has some contacts but nothing that suggests any kin of convictions. I also looked Demi up in NCJIS. She has a conviction for a littering violation which occurred on 7/18/99. Demi had checked the "no" box on the application where it asks if she's ever been convicted of anything. Like I stated above, her failure to disclose her conviction technically makes the application false. However, this Class III misdemeanor does not automatically nullify the application.

Demi listed on the application that she has resided in Doniphan, NE since 1993. One conviction for a minor offense in seventeen years is barely notable.

The Grand Island Police Department has no objection to GI Hospitality doing business as the Fairfield Inn and Suites receiving a liquor license or to Demi Menke being the liquor manager.

