City of Grand Island

Tuesday, February 22, 2011
Council Session

Item I1

#2011-35 - Consideration of Requesting the Nebraska Liquor Control Commission to Require El Diamante Night Club, 1600 South Eddy Street to Complete a Long Renewal Form

Staff Contact: Captain Pete Kortum

Council Agenda Memo

From: Captain Pete Kortum

Meeting: February 22, 2011

Subject: El Diamante Liquor License Renewal

Item #'s: I-1

Presenter(s): Captain Pete Kortum

Background

Liquor licenses are generally automatically renewed each year for licensees within the State of Nebraska. However, local governing bodies may request the Nebraska Liquor Commission to have a licensee submit a full application (commonly referred to as a long form). The police department is asking Council to make this request to the Nebraska Liquor Commission.

El Diamante's owner, Rafael Orozco, has been licensed as a Class I since March 22, 2005. Since that time the police department has found several violations of our local ordinances and state regulations. Many of these incidents involve minors who have consumed alcohol. According to the Nebraska Liquor Commission's public web site, the El Diamante has had their license suspended for a total of 32 days in 2008 (fine paid).

According to the Nebraska Liquor Control Commission public web site, Rafael Orozco is the registered agent for a liquor license issued to Rafa's Tacos, 811 West 2nd, Grand Island. This business has been suspended for 56 days in 2005.

Certain portions of City Code do NOT apply if the business "derives its principal business from the sale of services or commodities other than alcoholic liquor." This has not been the case, however. On many occasions Mr. Orozco has told officers that he is not in violation since he serves food. While discussing the upcoming renewal process, Mr. Orozco informed Sergeant Dave Vitera that the El Diamante is contemplating a change to become primarily a restaurant. Also, an attorney representing Mr. Orozco informed the City's legal department that the El Diamante plans to become primarily a restaurant. In our view, this information supports the police department's past enforcement of City Code regarding unattended minors in the bar and non employees in the bar after closing.

The Grand Island Police Department's liquor license investigation is provided. The discussion will detail past violations.

Discussion

The El Diamante is usually open only on weekend dates. The number of violations is high when considered against a seven day a week business. Within the past 12 months, our department has issued (7) seven citations or made referrals for various violations. Past instances include:

January 15, 2006 at 12:00 A.M. Officers responded to El Diamante regarding a possible assault. Club security pointed out an individual who had been caught drinking twice. The individual was cited for Minor in Consumption of Alcohol. The minor said he had been in the bar drinking for a couple of hours.

February 26, 2006 at 12:59 A.M. The emergency center received a call about a physical fight at the El Diamante. An intoxicated 19 year old reported she was assaulted inside the club. The minor reported that various persons inside provided her with alcohol. The minor was cited for Minor in Consumption of Alcohol. Mr. Orozco was cited under City Code 4-20 for allowing an unattended minor in the bar after 9:00 P.M. Mr. Orozco claimed the minors could be in his club since he served food.

March 11, 2006 at 11:37 P.M. officer performed a routine bar check. Officers contacted a 17 year old who was not with his parent or legal guardian. Mr. Orozco was cited for City Code 4-20. Orozco said he was under the impression the juvenile was there with his parents.

April 9, 2006 at 12:44 A.M. Officers responded to a noise complaint. Officers found three individuals standing in club entrance. As the persons left, officers contacted them outside. One subject was jailed for Minor in Consumption of Alcohol. A second minor was referred for a probation violation for consuming alcohol. The parties denied drinking inside the El Diamante.

September 17, 2006 at 12:51 A.M. Officers responded to El Diamante on a report of an assault. Officers found the victim bleeding after being struck with a beer bottle. Two individuals were arrested for felony assault. Two minors were arrested for misdemeanor assault and Minor in Consumption of Alcohol.

September 23, 2006 at 11:19 P.M. Officers from Grand Island Police and the Hall County Sheriff's Department performed a compliance check at El Diamante. Three minors were cited for Minor in Possession. Two of the three did not have any identification. One individual was removed after officers documented evidence of service to an intoxicated person. Also, three minors ages 17, 16, and 12 were removed who were not accompanied by parents or guardians.

June 10, 2007 at 1:20 A.M. Officers responded to the El Diamante on a report of a loud vehicle. Two subjects were in the lot yelling and were in possession of alcohol. One was a minor and was arrested for Minor in Possession of Alcohol.

December 2, 2007 at 12:11 A.M. Officers arrived at El Diamante on a report of loud music. Upon arrival the officer found security personnel breaking up a fight in a restroom. The officers jailed one of the participants for Minor in Consumption and Prohibited Acts for a false I.D. card.

April 6, 2008 at 1:56 A.M. Officers responded to an anonymous tip that persons were still drinking inside the bar after hours. Officers arrived to find 10-15 parked vehicles and other vehicles entering and leaving the lot. In addition, a person tried to enter the club but the doors were locked.

Officer contacted an employee identifying themselves as officer requesting admittance. After five minutes, the officers were allowed entry. When asked why he didn't let the officers in, the employee said he was new and wanted to get permission from Mr. Orozco.

Officers discovered about 28 customers and two employees. Mr. Orozco said he was only serving food. The incident was referred to the Nebraska Liquor Commission.

June 6, 2008 at 9:15 P.M. A compliance check was made at the El Diamante. Deputies reported two C.I.'s were sent in to attempt a purchase of alcohol. It was reported that Mr. Orozco sold to the minors. He was cited for two counts of selling to minors. Orozco denied selling to the minors.

November 6, 2009 at 10:50 P.M. Officers conducted a bar check and discovered approximately 22 unattended minors. Officers found that alcohol was still being served. Employees claimed the minors were there for a fundraiser and were brought by parents, although officers determined they were unaccompanied at this time. The juveniles were removed.

March 13, 2010 at 12:00 A.M. officer conducted a bar check. Officers observed an individual running from the El Diamante parking lot. The individual was jailed for Minor in Consumption of Alcohol. The individual denied being in the bar but was wearing a wrist band given by the El Diamante to those 21 years and older. He later admitted he was given the wrist band by security and he may have been drinking in the bar, but other people bought for him.

September 12, 2010 at 1:25 A.M. Officers performed an afterhour's bar check. The front door was locked and officers entered through the back door. Officers observed an individual drinking one beer and having a bucket of additional unopened beer in front of him. Orozco was cited for the sale and dispensing of alcohol after hours. Orozco said the person must have been hiding the beer from him.

October 24, 2010 at 1:35 A.M. officers entered the El Diamante and discovered alcoholic beverages in front of several patrons. Mr. Orozco was cited for the offense.

December 5, 2010 at 12:04 A.M. Officers conducted a bar check. Two individuals were found under age and unaccompanied by parent or guardian. There was no evidence of alcohol, and they left. While officers were there, four individuals that officers described as obviously underage entered without being checked. Officers referred Orozco for violation of City Code 4-20.

December 5, 2010 at 1:37 A.M. Officers observed persons leaving the bar. Officers made entry and found patrons inside the bar eating. Mr. Orozco was referred for City Code 4-23. Unlawful Presence.

December 19, 2010 at 1:26 A.M. Officers discovered numerous people who were not employees inside the bar. Mr. Orozco was referred for violation of City Code 4-23 Unlawful Presence.

January 15, 2011 at 1:25 A.M. Officers observed approximately 20 people inside the bar after 1:25 A.M. Officers contacted several persons who identified themselves as minors and admitted they were not accompanied by parent or guardian. A situation arose where an officer had to tend to a potentially dangerous person, and the minors left without officers able to complete the documentation. Mr. Orozco was referred for violation of
Section 4-23.

On December 12, 2010, a shooting took place on the El Diamante premises. The El Diamante rented a room within the building but not connected to the main bar area.
Officers found evidence of alcohol inside and outside of the rented room. Most attendees were minors. Officers did not find any employees of the El Diamante supervising the room or other grounds covered by the liquor license. The shooting remains under investigation.

The pattern of violations demonstrates non-compliance to City Code and rules of the Nebraska Liquor Commission. The El Diamante presents potential danger for minors within the community and disruption to the neighborhood.

The police department supports a request to the Nebraska Liquor Commission requiring a new application from El Diamante.

Alternatives

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

1. Move to approve

2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council pass a resolution that a written request be sent to the Nebraska Liquor Control Commission that the owner of El Diamante make application for a new license.

Sample Motion

Move to approve a resolution whereby the City of Grand Island makes a written request to the Nebraska Liquor Control Commission that requires the owner of El Diamante to make application for a new license.

City	: Grand Island
Occurred after	: 13:08:31 12/31/2010
Occurred before	: 13:08:31 12/31/2010
When reported	: 13:08:31 12/31/2010
Date disposition declared	: 12/31/2010
Incident number	: L10123811
Primary incident number	:
Incident nature	: Liquor Lic Inv Liquor License Investigation
Incident address	: 1600 Eddy 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	: 18419
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	76296	12/31/10	Orozco, Rafael Barraza	Owner-El Diamante
NM	100491	12/31/10	El Diamante Night Club,	Seeking Renewal

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

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	13:25:19 12/31/2010

318- Renewal Investigation

Grand Island Police Department
Supplemental Report

Date, Time: Fri Dec 31 13:25:47 CST 2010
Reporting Officer: Vitera
Unit- CID

El Diamante Night Club is having its fair share of problems in adhering to the Nebraska Liquor Control Act. Consequently, the Grand Island Police Department is spending an inordinate amount of time at the club even though it's only open on weekends. The GIPD is asking the council to send a letter to the Nebraska Liquor Control Commission (NLCC) requesting that they require El Diamante to fill out a new application.

According to the NLCC's web site, El Diamante received their liquor license on 03/22/05. Since then, their license has been suspended for a total of 32 days. The following is a list of calls to the club accompanied by a brief description of the complaint, investigation, and outcome.

3/27/05 at 1729 hours-noise complaint-unfounded
3/27/05 at 1744 hours-noise complaint-unfounded
3/27/05 at 2248 hours-noise complaint-unfounded
4/3/05 at 0113 hours-noise complaint-nothing typed
4/3/05 at 2202 hours-Loud music complaint-unfounded
11/26/05-trespassing-male arrested after refusing to leave and fighting with employees
12/4/05-criminal mischief and theft from car in club lot
12/17/05-trespassing-male arrested after not providing ID to employee and refusing to leave
1/15/06-minor- club called about a minor drinking in bar who refused to leave-minor was cited for MIC
1/29/06-two men were cited for assault at a different location after arguing at El Diamante
2/4/06-bar check-no problems
2/11/06-minors in bar & over capacity-staff told officer they had 230 patrons & capacity is 275-officer didn't see anyone obviously under 21
2/26/06-fight outside bar-19 year old female had been in bar drinking-cited for MIC-owner was cited for allowing an unaccompanied minor in bar after 2100 hours- owner argued that he served food so the city code didn't apply- officer said the establishment was a club first and commented that he observed a sign that read "Now serving food."-owner cited
3/11/06-bar check-found several minors inside the bar after 2100 hours without parents-one was 17 & another was 19 with no ID-he said the guy at the door just let him in-Officers observed sign on door that said no one under 19 in the bar after 2100 hours-owner cited
4/9/06-noise complaint-male arrested in the bar for MIC
6/18/06-alcohol offense-nothing typed
7/3/06-DUI arrest of a 20 year old who advised he'd been drinking at El Diamante and was never carded
8/19/06-criminal mischief to vehicle at El Diamante
9/2/06-hit & run accident at El Diamante
9/17/06-assault complaint-two males arrested for felony assault-2 males referred for misdemeanor assault and MIC

9/23/06-compliance check-several people cited for MIP or MIC, a 12 & 16 year old female were inside the bar with no parents after 2100, one male served after he tested .200, another male was cited for having fake ID, others had improper ID
10/14/06-hit & run accident to car in El Diamante parking lot
11/11/06-criminal mischief to car in parking lot
02/9/07-warrant arrest after assault at club
2/11/07-large fight at bar-one arrested for obstruction after pushing an officer in the chest and being shot with a Taser
2/14/07-general complaint originating from above complaint of out of control fights at bar-it was determined that the establishment had fights, but they tried to control them and/or called police-unfounded
2/17/07-noise complaint- nothing typed
3/4/07-disturbance-not found
3/18/07-assault complaint-exceptionally cleared
4/7/07-minor arrested for trespassing after employee asked him to leave because he was a minor-subject returned
4/8/07-disturbance in bar-broken up prior to police arrival
5/13/07-noise complaint-not loud when officer arrived
6/3/07-juveniles entering south side of bar were for food orders
6/10/07-theft from vehicle in the parking lot
6/10/07-male arrested in club parking lot for MIP after a noise complaint
6/17/10-noise complaint-not happening when officer arrived
6/24/07-domestic inside the club-female was given ride
7/1/07-noise complaint-not when officers got there
7/8/07-request officer-nothing typed
7/15/07-theft from patron's purse while inside the bar
7/15/07-noise complaint-everyone leaving at bar closing time-no action taken
7/20/07-juvenile assaulted in club lot with attempted robbery-subject referred
7/28/07-report of accident in club lot-parties left prior to officer arrival
7/29/07-assault-neither party made report
9/2/07-while investigating an assault-another fight broke out-one of those subjects had a warrant-he was arrested
9/2/07-accident-nothing typed
10/28/07-noise-not observed by officer
12/1/07-noise-warning issued
12/2/07-fight-minor arrested for MIC-later found she had fake ID
1/12/08- club customer was victim of hit and run accident
2/24/08-criminal mischief-two car windows broken out in club lot
3/2/08-purses stolen out of car in parking lot
4/6/08-26 customers in the bar at 0200 hours
5/11/08- criminal mischief and theft from car in club lot
6/6/08-owner cited for selling to minor during compliance check
6/22/08-criminal mischief to car in club lot-unable to locate owner
6/23/08-criminal mischief to car in club lot
8/31/08-criminal mischief to vehicle in club lot
8/31/08-people from El Diamante were involved in a disturbance/threats a couple of blocks away
9/13/08-loud music complaint-nothing typed
9/28/08-stolen cell phone
11/28/08-male was cited for assaulting another inside the club
1/11/09-Club security called after observing a drug deal and detaining a male
2/14/09-DUI in club parking lot
4/12/09-disturbance-not found
8/22/09-noise complaint-nothing typed
10/27/09-suspicious vehicle-nothing typed
11/6/09-bar check-22 minors under age 17 in bar without parent while alcohol

was served-also escorted 2 males out of club who didn't have proper I.D.
2/26/10-male jailed for domestic assault and protection order violation that occurred at the club
3/13/10-a minor was cited outside the club for MIC-he had on wrist band on from El Diamante
3/21/10-disturbance-no fight-bar was closed down prior to officer arrival
3/21/10-assault-victim didn't wish to file charges
5/2/10-gunshots-undetermined
5/29/10-hit and run accident in the club lot
8/8/10-suspicious-nothing typed
8/15/10-disturbance-one male arrested on a warrant
9/12/10-owner cited for having alcohol on tables at 0125
10/16/10-theft-nothing typed
10/24/10-report from customer of lost or stolen keys
10/24/10-owner cited for having alcohol on tables at 0135
10/24/10-customer had window broken out of his car
10/30/10-nothing typed
10/30/10-bar check-nothing noted
12/4/10-suspicious vehicle-nothing typed
12/5/10-owner cited for having people in the bar other than employees after 0115
12/5/10-owner referred for allowing unaccompanied minors in bar after 2100
12/11/10-vehicle window broken out in club lot
12/12/10-one person shot at 0400 during large party where evidence of alcohol was located with no supervision from El Diamante
12/18/10-attention units-vehicle northbound from club
12/19/10-owner cited for having non-employees in club after 0115
12/31/10-bar check-nothing noted
1/15/11-bar check at 0125-several customers inside including unaccompanied minors- owner referred for "Unlawful Presence in Establishment 4-23"

From reviewing all of the calls, it appears that the El Diamante is failing to adhere to the rules and regulations of the Nebraska Liquor Control Act. Their liquor license will soon be up for automatic renewal (expires on 4/30/11). Nebraska State Statute 53-135 states in part that, "The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body." The Grand Island Police Department is requesting that the city council vote to draft a letter to the NLCC requesting them to have El Diamante fill out a new application.

Nebraska State Statute 53-132 states that a "retail license...may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city... where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

The Grand Island Police Department feels that El Diamante has failed to uphold the requirements of 53-132 sections a-d as supported by the list of calls for service. Numerous violations of the Nebraska Liquor Control Act have been documented and repeated over and over again. For example, they are continually

staying open for business after 0115 hours under the guise of being a restaurant. They frequently have unaccompanied minors inside the bar after 9:00 PM, and instances have been documented where the owner or his employees will not let law enforcement into the establishment in a timely manner.

The following information was taken directly from the NLCC Rules and Regulations Chapter 6 (Licensee Operations) "Illegal Conduct: All Licensees-
019.01Q Other Illegal Activities: The Commission finds that certain illegal activities may induce individuals to enter licensed premises and that the Commission has an interest in insuring that licensees do not use illegal means to promote the sale and consumption of alcohol. The Commission also believes the consumption of alcohol could impair judgement and could lessen inhibitions, causing some consumers to engage in illegal activities or to be victims of illegal activities on or about licensed premises, endangering the health, safety and welfare of individuals. The Commission, therefore, finds there is a nexus between the consumption of alcohol and certain illegal activities that occur within licensed premises or in adjacent related outdoor areas.

Such activities are: drug-related offenses, prostitution or pandering, assaults, sexual assaults, homicide, gambling, vandalism, weapons-related offenses, theft, disturbing the peace, violations of statutes or local ordinances relating to entertainment, acceptance of food stamps for the sale of alcohol or otherwise in violation of federal laws or regulations, and any offense referred to in Section 53-125 (4) or (5), whether or not there has been a plea of guilty or a conviction in criminal court.

Once again, the GIPD feels that the documented list of calls to El Diamante illustrates the disregard by the owner for the nexus of alcohol consumption and illegal activities in and around a licensed premises that is spelled out above in 019.01Q. El Diamante should not be allowed to go through the automatic renewal process. The GIPD urges the council to vote to draft a letter to the NLCC requesting them to require El Diamante to fill out a new application.

Official Nebraska Government Website

NEBRASKA LIQUOR CONTROL COMMISSION

Home

Result: Corporation License

License Information

Number: 65760
Category: Retail
Ownership: Corporation
Class: I

Suspended Date: 01/19/2008
Suspended Days: 32
Expiration Date: 04/30/2011

Trade Information

Trade Name EL DIAMANTE NIGHT CLUB
Trade Address 1 1600 S EDDY STREET
City, State, Zip Code GRAND ISLAND, NE 68801
Phone Number (308)382-7098
County 08

Manager Information

Name: OROZCO, RAFAEL

Corporate Applicant Information

Corporation: OROZCO'S CORPORATION
Address 1: 2105 N NASHVILLE ST
City, State, Zip Code GRAND ISLAND, NE 68803
Troop ID Troop C
Registered Agent BOEHM, JOHN M

Office/Stockholder/Member

Member 1

Name: OROZCO, RAFAEL

Title: PRESIDENT

Shares: 0000000500

Member 2

Name: OROZCO, RITA C

Title: VP

Shares: 0000000500

Description

ONE STORY BUILDING APPROX 99 X 166

History

Description:	NEW APPLICATION	Date Effective:	09/10/2004
Description:	STATUTORY TIME	Date Effective:	09/20/2004
Description:	NO LOC DECISION	Date Effective:	10/14/2004
Description:	AG. APPROVE	Date Effective:	10/18/2004
Description:	INV. REV. FINAL	Date Effective:	10/19/2004
Description:	TO COMM. AGENDA	Date Effective:	12/13/2004
Description:	SHOW CAUSE	Date Effective:	12/13/2004
Description:	MISC. DOCUMENT	Date Effective:	12/01/2004
Description:	COMM. APPROVE	Date Effective:	12/16/2004
Description:	MISC. DOCUMENT	Date Effective:	12/17/2004
Description:	FIRE APPROVE	Date Effective:	03/21/2005 *
Description:	ISSUE LICENSE	Date Effective:	03/22/2005
Description:	RENEW APP.	Date Effective:	04/22/2005
Description:	APP. TO REPL.	Date Effective:	04/26/2005
Description:	RENEW APP.	Date Effective:	04/03/2006
Description:	DUP. LICENSE	Date Effective:	05/01/2006
Description:	CITE	Date Effective:	05/12/2006 ✓
Description:	MINOR CONS/POSS	Date Effective:	02/26/2006
Description:	SERVE SALE INTX	Date Effective:	02/26/2006
Description:	MISC. DOCUMENT	Date Effective:	05/12/2006

Description:	MISC. DOCUMENT	Date Effective: 05/12/2006
Description:	MISC. DOCUMENT	Date Effective: 05/08/2006
Description:	SUSPEND LICENSE	Date Effective: 05/22/2006
Description:	PAY FINE	Date Effective: 06/14/2006
Description:	LEGAL MISC DOC	Date Effective: 05/22/2006
Description:	ENF. INSPEC.	Date Effective: 09/29/2006
Description:	ENF. WARNING	Date Effective: 09/29/2006
* Description:	MINOR CONS/POSS	Date Effective: 09/23/2006 ✓
Description:	SERVE SALE INTX	Date Effective: 09/23/2006
* Description:	MINOR CONS/POSS	Date Effective: 09/17/2006 ✓
Description:	RENEW APP.	Date Effective: 04/30/2007
Description:	CLK LTR LIC PKP	Date Effective: 05/02/2007
Description:	MEETING	Date Effective: 02/19/2008
* Description:	MINOR CONS/POSS	Date Effective: 12/02/2007 ✓
Description:	LEGAL MISC DOC	Date Effective: 02/25/2008
Description:	LETTER	Date Effective: 04/01/2008
Description:	RENEW APP.	Date Effective: 04/24/2008
* Description:	SELL ALC/MINORS	Date Effective: 06/06/2008 ✓
Description:	MEETING	Date Effective: 09/17/2008
Description:	CITE	Date Effective: 10/24/2008
Description:	SUBPOENA	Date Effective: 10/10/2008
Description:	RETURNED MAIL	Date Effective: 10/14/2008
Description:	PLEA OF GUILTY	Date Effective: 10/22/2008
Description:	SUBPOENA RELEAS	Date Effective: 10/22/2008
Description:	HEARING COSTS	Date Effective: 10/24/2008
Description:	SUSPEND LICENSE	Date Effective: 12/08/2008

Description:	RETURNED MAIL	Date Effective: 01/08/2009
Description:	PAY FINE	Date Effective: 01/13/2009
Description:	LEGAL MISC DOC	Date Effective: 04/07/2009
Description:	LEASE	Date Effective: 04/29/2009
Description:	RENEW APP.	Date Effective: 04/27/2009
Description:	DUP. LICENSE	Date Effective: 05/01/2009
Description:	CLK LTR LIC PKP	Date Effective: 05/01/2009
Description:	SHOW CAUSE	Date Effective: 07/02/2009
Description:	CERTIFIED TRAIN	Date Effective: 06/26/2009
Description:	DISMISS	Date Effective: 06/30/2009
Description:	RETURNED MAIL	Date Effective: 07/06/2009
Description:	ILLEGAL ACT	Date Effective: 11/06/2009
* Description:	MINOR CONS/POSS	Date Effective: 03/13/2010
Description:	RENEW APP.	Date Effective: 04/23/2010
Description:	CITE	Date Effective: 07/28/2010
Description:	SUBPOENA	Date Effective: 07/16/2010
Description:	HEARING COSTS	Date Effective: 07/28/2010
Description:	MEETING	Date Effective: 07/28/2010
* Description:	OPN CTN AFTR HR	Date Effective: 09/12/2010
* Description:	OPN CTN AFTR HR	Date Effective: 10/24/2010

Change Criteria

Nebraska Liquor Control Commission
301 Centennial Mall South
PO Box 95046
Lincoln, NE 68509-5046
Phone: (402) 471-2571
Fax: (402) 471-2814
General E-mail: mary.messman@nebraska.gov
Online Comment Form

(019) - Illegal Conduct

019.01F2 Unless there is reason to believe that a licensee or partner, principal, agent or employee of any licensee would endanger himself/herself or others, such person shall take such action as is reasonably necessary to terminate the disturbance. Physical force should be exercised only in extreme circumstances and should be limited to the force reasonably required to terminate the disturbance and remove the individual from the licensed premise, without endangering any patron or other person.

019.01F3 In the event efforts taken in accordance with the preceding subparagraph are not successful or if there is reason to believe that the licensee, partner, principal, agent or employee of any licensee may create a danger to himself/herself or others, than in such event, such person should immediately contact law enforcement personnel to assist in properly handling the disturbance. In the event law enforcement and/or medical personnel are summoned, the directions and/or orders given by such law enforcement or medical personnel shall be followed.

019.01F4A licensee who has conformed with the procedure as set forth in this section shall be deemed to have not permitted a disturbance to occur and continue.

019.01G Entry Into Premise by Law Enforcement Officer: No licensee or partner, principal, agent or employee of any licensee shall refuse to permit or unreasonably delay in permitting any law enforcement officers, duly appointed investigator, inspector, agent or auditor of the Nebraska Liquor Control Commission entry onto the licensed premises at any time demand for such entry is made by such law enforcement officer, investigator, inspector, agent or auditor of the Nebraska Liquor Control Commission.

019.01H Removal of Alcoholic Liquors From Premise: No licensee or partner, principal, agent or employee of any licensee shall allow any alcoholic liquor to be removed from a licensed premises except where a license is held permitting off-premises sales and then only in original unopened containers.

019.01I Sale For Resale: No licensee or partner, principal, agent or employee other than provided for in 53-175, shall engage,

licensed premises. (53-148) The warning to minors and adults sign and the pregnancy poster must also be on display in a prominent place. (53-180.04 and 53-103.04)

019.01P No retail licensee may deliver alcoholic liquor to a consumer, except:

019.01P1 A holder of a special designated license or a caterer's license used in conjunction with a special designated license may deliver to the licensed location or to a location expressly authorized by the Commission in writing pursuant to Chapter 4 of the Rules and Regulations of the Commission.

019.01P2 A retail licensee may deliver or cause to be delivered by it's agent to a consumer alcoholic beverages provided that the consumer has paid the licensee for the alcoholic liquors prior to delivery by cash, credit or debit card, and that the licensee has verified that the sale has not been made to a minor, nor that delivery will be made to a minor.

019.01P3 The retail licensee is responsible for any violations of the Nebraska Liquor Control Act and/or the Rules and Regulations of the Nebraska Liquor Control Commission which occur as a result of the delivery of alcoholic liquors, including, but not limited to, sales to minors.

019.01P4 The driver for the agent must be 21 years of age.

019.01Q Illegal Activities: The Commission finds that certain illegal activities may induce individuals to enter licensed premises and that the Commission has an interest in insuring that licensees do not use illegal means to promote the sale and consumption of alcohol. The Commission also believes the consumption of alcohol could impair judgment and could lessen inhibitions, causing some consumers to engage in illegal activities or to be victims of illegal activities on or about licensed premises, endangering the health, safety and welfare of individuals. The Commission, therefore, finds there is a nexus between the consumption of alcohol and certain illegal activities that occur within licensed premises or in adjacent related outdoor areas.

Such activities are: drug-related offenses, prostitution or pandering, assaults, sexual assaults, homicide, gambling, vandalism, weapons-related offenses, theft, disturbing the peace, violations of statutes or local ordinances relating to entertainment, acceptance of food stamps for the sale of alcohol or otherwise in violation of federal laws or regulations, and any offense referred to in Section 53-125 (4) or (5), whether or not there has been a plea of guilty or a conviction in criminal court.

If the Commission finds by a preponderance of the evidence that a licensee or employee or agent of a licensee has committed any of the foregoing illegal activities or has knowingly allowed such offense to be committed by others on the licensed premises or adjacent related outdoor areas, the Commission may suspend, cancel or revoke such license.

019.01R Penalties: Upon a determination by the Nebraska Liquor Control Commission that any licensee licensed by it has violated any of the provisions of the Nebraska Liquor Control Act (53-101 through 53-1,200) or the rules and regulations of the Nebraska Liquor Control Commission that license may be subjected to revocation or suspension or other administrative sanction such as the Commission may order.

019.01S SANITATION

019.01S1 Sanitary conditions, conducive to public health and welfare, must be maintained at all times, in, on or about licensed premises, by meeting minimum sanitary standards as set forth in the Nebraska Food Service Code. The minimum standards shall require at least two restrooms for establishments that provide on-premise consumption of alcoholic beverages.

019.01T QUANTITATIVE SALES

019.01T1 All licensees shall maintain on their licensed premises records presently required by federal regulation concerning sales of alcoholic liquor, in an amount of twenty wine gallons or more (27 CFR 194) Such records shall include a record of the name and driver's license number or other identification of the person making the purchase. All licensees shall make such records available to any Nebraska Liquor Control per-

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Holidays and Observances:

Jan 1	New Year's Day	May 30	Memorial Day	Nov 11	Veterans Day
Jan 17	Martin Luther King Day	Jun 19	Father's Day	Nov 24	Thanksgiving Day
Feb 14	Valentine's Day	Jul 4	Independence Day	Dec 24	Christmas Eve
Feb 21	Presidents' Day	Sep 5	Labor Day	Dec 25	Christmas Day
Mar 27	Easter Sunday	Oct 10	Columbus Day (Most regions)	Dec 26	'Christmas Day' observed
May 8	Mother's Day	Oct 31	Halloween		

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Holidays and Observances:

Jan 1	New Year's Day	May 29	Memorial Day	Nov 10	'Veterans Day' observed
Jan 2	'New Year's Day' observed	Jun 18	Father's Day	Nov 11	Veterans Day
Jan 16	Martin Luther King Day	Jul 4	Independence Day	Nov 23	Thanksgiving Day
Feb 14	Valentine's Day	Sep 4	Labor Day	Dec 24	Christmas Eve
Feb 20	Presidents' Day	Oct 9	Columbus Day (Most regions)	Dec 25	Christmas Day
Apr 16	Easter Sunday	Oct 31	Halloween		
May 14	Mother's Day	Nov 7	Election Day		

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August

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Holidays and Observances:

Jan 1	New Year's Day	May 28	Memorial Day	Nov 11	Veterans Day
Jan 15	Martin Luther King Day	Jun 17	Father's Day	Nov 12	'Veterans Day' observed
Feb 14	Valentine's Day	Jul 4	Independence Day	Nov 22	Thanksgiving Day
Feb 19	Presidents' Day	Sep 3	Labor Day	Dec 24	Christmas Eve
Apr 8	Easter Sunday	Oct 8	Columbus Day (Most regions)	Dec 25	Christmas Day
May 13	Mother's Day	Oct 31	Halloween		

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August

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December

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Holidays and Observances:

Jan 1	New Year's Day	May 26	Memorial Day	Nov 4	Election Day
Jan 21	Martin Luther King Day	Jun 15	Father's Day	Nov 11	Veterans Day
Feb 14	Valentine's Day	Jul 4	Independence Day	Nov 27	Thanksgiving Day
Feb 18	Presidents' Day	Sep 1	Labor Day	Dec 24	Christmas Eve
Mar 23	Easter Sunday	Oct 13	Columbus Day (Most regions)	Dec 25	Christmas Day
May 11	Mother's Day	Oct 31	Halloween		

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April

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July

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August

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September

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October

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November

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Holidays and Observances:

Jan 1	New Year's Day	May 25	Memorial Day	Oct 31	Halloween
Jan 19	Martin Luther King Day	Jun 21	Father's Day	Nov 11	Veterans Day
Feb 14	Valentine's Day	Jul 3	'Independence Day' observed	Nov 26	Thanksgiving Day
Feb 16	Presidents' Day	Jul 4	Independence Day	Dec 24	Christmas Eve
Apr 12	Easter Sunday	Sep 7	Labor Day	Dec 25	Christmas Day
May 10	Mother's Day	Oct 12	Columbus Day (Most regions)		

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Calendar for year 2010 (United States)

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April

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May

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June

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July

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August

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October

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Holidays and Observances:

Jan 1	New Year's Day	Jun 20	Father's Day	Nov 11	Veterans Day
Jan 18	Martin Luther King Day	Jul 4	Independence Day	Nov 25	Thanksgiving Day
Feb 14	Valentine's Day	Jul 5	'Independence Day' observed	Dec 24	'Christmas Day' observed
Feb 15	Presidents' Day	Sep 6	Labor Day	Dec 24	Christmas Eve
Apr 4	Easter Sunday	Oct 11	Columbus Day (Most regions)	Dec 25	Christmas Day
May 9	Mother's Day	Oct 31	Halloween	Dec 31	'New Year's Day' observed
May 31	Memorial Day	Nov 2	Election Day		

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Calendar for year 2011 (United States)

January

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April

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June

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July

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August

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September

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October

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November

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December

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Holidays and Observances:

Jan 1	New Year's Day	May 30	Memorial Day	Nov 11	Veterans Day
Jan 17	Martin Luther King Day	Jun 19	Father's Day	Nov 24	Thanksgiving Day
Feb 14	Valentine's Day	Jul 4	Independence Day	Dec 24	Christmas Eve
Feb 21	Presidents' Day	Sep 5	Labor Day	Dec 25	Christmas Day
Apr 24	Easter Sunday	Oct 10	Columbus Day (Most regions)	Dec 26	'Christmas Day' observed
May 8	Mother's Day	Oct 31	Halloween		

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Court Case Details

WARNING:

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Case Summary

In the County Court of Hall County
The Case ID is CR 06 0000971
Citation No.: A 1656561
State v.*Rafael B Orozco
Classification: Misdemeanor
Filed on 03/06/2006 by City Prosecutor of Grand Island
This case is Closed as of 03/15/2006
It was disposed as Guilty Plea by Waiver
Original appearance date 03/15/2006 at 11:00

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Dale M Shotkoski 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444

Defendant Rafael B Orozco
2105 Nashville
Grand Island NE 68801
Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Minor in Bar After 9:00 P.M. Offense Date is 02/26/2006 Plea is Guilty/Admit Finding is Guilty Sentence includes: City Fine of $25.00	; Infraction

Arresting Officers

Agency	Officer
Grand Island	Phoukhong Manivong

Court Costs Information

Incurred By	Account	Date	Amount
Defendant	Filing Fees	03/06/2006	$18.00
Defendant	NSC Education Fee	03/06/2006	$1.00
Defendant	Dispute Resolution Fee	03/06/2006	$0.75
Defendant	Indigent Defense Fee	03/06/2006	$3.00
Defendant	Uniform Data Analysis Fee	03/06/2006	$1.00
Defendant	J.R.F.	03/06/2006	$5.00
Defendant	Filing Fee/JRF	03/06/2006	$2.00
Defendant	L.E.I.F.	03/06/2006	$2.00
Defendant	LASF/Non-waivable	03/06/2006	$2.00
Defendant	Legal Aid/Services Fund	03/06/2006	$3.25
Defendant	Automation Fee	03/06/2006	$6.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
217014	Cash	03/15/2006	Orozco,Rafael,B	$69.00
			Filing Fees	$18.00
			NSC Education Fee	$1.00
			Dispute Resolution Fee	$.75
			Indigent Defense Fee	$3.00
			Uniform Data Analysis	$1.00
			J.R.F.	$5.00
			Filing Fee/JRF	$2.00
			L.E.I.F.	$2.00
			LASF/Non-waivable	$2.00

			Legal Aid/Services Fun	$3.25
			Automation Fee	$6.00
			City Fines	$25.00

Register of Actions

03/15/2006 Appearance Date

03/06/2006 Complaint
This action initiated by party State of Nebraska

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Court Case Details

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Case Summary

In the County Court of Hall County
The Case ID is CR 06 0001183
Citation No.: 0000000
State v.*Rafael Orozco
Classification: Misdemeanor
Filed on 03/17/2006 by City Prosecutor of Grand Island
This case is Closed as of 10/30/2006
It was disposed as Dismissed by Court
Original appearance date 03/29/2006 at 09:30

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Dale M Shotkoski 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444

Defendant Rafael B Orozco
2108 Nashville
Grand Island NE 68803
Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Minor In Bar After 9:00 P.M. Offense Date is 03/08/2006	; Infraction

Arresting Officers

Agency	Officer
Grand Island	Scott Arnold
Grand Island	Wesley Tjaden

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Filing Fees	03/17/2006	$18.00
Plaintiff	NSC Education Fee	03/17/2006	$1.00
Plaintiff	Dispute Resolution Fee	03/17/2006	$0.75
Plaintiff	Indigent Defense Fee	03/17/2006	$3.00
Plaintiff	Uniform Data Analysis Fee	03/17/2006	$1.00
Plaintiff	J.R.F.	03/17/2006	$5.00
Plaintiff	Filing Fee/JRF	03/17/2006	$2.00
Plaintiff	L.E.I.F.	03/17/2006	$2.00
Plaintiff	LASF/Non-waivable	03/17/2006	$2.00
Plaintiff	Legal Aid/Services Fund	03/17/2006	$3.25
Plaintiff	Automation Fee	03/17/2006	$6.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
244843	Check	12/21/2006	State of Nebraska	$14.00
			Uniform Data Analysis	$1.00
			J.R.F.	$5.00
			LASF/Non-waivable	$2.00
			Automation Fee	$6.00
9119282	Waived Fee	10/30/2006	State of Nebraska	$30.00
			Filing Fees	$18.00
			NSC Education Fee	$1.00
			Dispute Resolution Fee	$.75
			Indigent Defense Fee	$3.00
			Filing Fee/JRF	$2.00
			L.E.I.F.	$2.00

			Legal Aid/Services Fun	$3.25

Register of Actions

10/30/2006 Dismissal

This action initiated by Clerk Magistrate

10/13/2006 Motion-Dismissal
This action initiated by Clerk Magistrate

03/17/2006 Complaint
This action initiated by party State of Nebraska

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Court Case Details

WARNING:

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Case Summary

In the County Court of Hall County
The Case ID is CR 08 0002420
Citation No.: 0000000
State v. Rafael B Orozco
The Honorable Philip M Martin Jr., presiding.
Classification: Misdemeanor
Filed on 06/30/2008 by the County Prosecutor
This case is Closed as of 12/11/2008
It was disposed as Tried to Court
Original appearance date 07/09/2008 at 14:00

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Gail VerMaas 231 South Locust PO Box 367 Grand Island NE 68802 308-385-5150
Defendant Rafael B Orozco 2105 Nashville Rd Grand Island NE 68803	William A Francis 222 North Cedar P O Box 2280 Grand Island NE 68802 308-384-2636

Date of Birth is 09/07/1953 Drivers License is CA E0753679

Offense Information

Count	Charge	Offense Class
01	Procure/sell alcohol to minor	; Class 1 Misdemeanor

Offense Date is 06/06/2008
Plea is Not Guilty
Finding is Guilty
Sentence includes:
State Fine of $100.00

Arresting Officers

Agency	Officer
Hall County Sheriff	David D Waskowiak

Court Costs Information

Incurred By	Account	Date	Amount
Defendant	Filing Fees	06/30/2008	$18.00
Defendant	NSC Education Fee	06/30/2008	$1.00
Defendant	Dispute Resolution Fee	06/30/2008	$0.75
Defendant	Indigent Defense Fee	06/30/2008	$3.00
Defendant	Uniform Data Analysis Fee	06/30/2008	$1.00
Defendant	J.R.F.	06/30/2008	$5.00
Defendant	Filing Fee/JRF	06/30/2008	$2.00
Defendant	Civil Legal Services Fund	06/30/2008	$1.00
Defendant	L.E.I.F.	06/30/2008	$1.00
Defendant	LASF/Non-waivable	06/30/2008	$2.00
Defendant	Legal Aid/Services Fund	06/30/2008	$3.25
Defendant	Automation Fee	06/30/2008	$6.00
Defendant	Sheriff/Service Fees Due	09/09/2008	$21.15
Defendant	Sheriff/Service Fees Due	09/09/2008	$10.54
Defendant	CR/TR/JV Witness Fees	09/22/2008	$20.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Payments Made to the Court

Receipt	Type	Date	For	Amount
311409	Check	12/11/2008	Orozco,Rafael,B	$195.69
			Filing Fees	$18.00
			NSC Education Fee	$1.00

			Dispute Resolution Fee	$.75
			Indigent Defense Fee	$3.00
			Uniform Data Analysis	$1.00
			J.R.F.	$5.00
			Filing Fee/JRF	$2.00
			Civil Legal Services F	$1.00
			L.E.I.F.	$1.00
			LASF/Non-waivable	$2.00
			Legal Aid/Services Fun	$3.25
			Automation Fee	$6.00
			State Fines	$100.00
			Sheriff/Service Fees D	$21.15
			Sheriff/Service Fees D	$10.54
			CR/TR/JV Witness Fees	$20.00

Register of Actions

12/11/2008 Journal Entry & Order
This action initiated by Judge Philip M Martin Jr.

12/11/2008 Sentencing

10/27/2008 Case/Motion Decided

10/27/2008 Verdict for Plaintiff
This action initiated by Judge Philip M Martin Jr.

09/22/2008 Journal Entry & Order
This action initiated by Judge Philip M Martin Jr.

09/22/2008 Case Under Advisement

09/22/2008 Hearing

09/22/2008 Witness Fees (CR/TR/JV)
Subpoena for Tiffany Waskowiak #242200

09/09/2008 Return-Subpoena/Criminal Type
The document number is 00242201
Served Dt Unknown, Hall County Sheriff
No Service on Marti Gartner

09/09/2008 Return-Subpoena/Criminal Type
The document number is 00242200
Served 09/08/2008, Hall County Sheriff
Personal Service on Tiffany Waskowiak

09/04/2008 Issue Subpoena on Marti Gartner
The document number is 00242201

09/04/2008 Issue Subpoena on Tiffany Waskowiak
The document number is 00242200

09/04/2008 Praecipe-Subpoena
This action initiated by party State of Nebraska

07/30/2008 Miscellaneous Document
This action initiated by party State of Nebraska
Supplemental notice of compliance w/discovery

07/21/2008 Notice Issued on Gail VerMaas
The document number is 00238464
Document Number 238464

07/21/2008 Notice Issued on William A Francis
The document number is 00238463
Document Number 238463

07/03/2008 Notice

This action initiated by party State of Nebraska

of compliance w/discovery

07/03/2008 Miscellaneous Document
This action initiated by attorney William A Francis
Reciprocal Discovery

07/01/2008 Waiver of Appearance
This action initiated by attorney William A Francis
and written not guilty plea

06/30/2008 Complaint
This action initiated by party State of Nebraska

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Court Case Details

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Case Summary

In the County Court of Hall County
The Case ID is CR 10 0004247
Citation No.: 0000000
State v.*Rafael B Orozco
The Honorable Philip M Martin Jr., presiding.
Classification: Misdemeanor
Filed on 12/15/2010 by City Prosecutor of Grand Island
This case is Open as of 12/15/2010
Original appearance date 01/12/2011 at 09:30

Parties/Attorneys to the Case

Party	Attorney
Plaintiff State of Nebraska	Jason Eley 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444

State of Nebraska owes $48.00
Defendant Rafael B Orozco
2105 Nashville St
Grand Island NE 68803
Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Minor in Bar After 9:00 P.M. Offense Date is 12/05/2010 Plea is Not Guilty	; Infraction
02	Unlawful Presence in Establishment Offense Date is 12/05/2010 Plea is Not Guilty	; Infraction

Arresting Officers

Agency	Officer
Grand Island	Brandon Riley

Case Schedule Information

City trial is scheduled
for 03/22/2011 at 15:30 in room Hall County Crt. Crtrm. #2

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Filing Fees	12/15/2010	$18.00
Plaintiff	NSC Education Fee	12/15/2010	$1.00
Plaintiff	Dispute Resolution Fee	12/15/2010	$0.75
Plaintiff	Indigent Defense Fee	12/15/2010	$3.00
Plaintiff	Uniform Data Analysis Fee	12/15/2010	$1.00
Plaintiff	J.R.F.	12/15/2010	$6.00
Plaintiff	Filing Fee/JRF	12/15/2010	$2.00
Plaintiff	Civil Legal Services Fund	12/15/2010	$1.00
Plaintiff	L.E.I.F.	12/15/2010	$2.00
Plaintiff	LASF/Non-waivable	12/15/2010	$2.00
Plaintiff	Legal Aid/Services Fund	12/15/2010	$3.25
Plaintiff	Automation Fee	12/15/2010	$8.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Register of Actions

02/02/2011 Order-Continuance
This action initiated by Judge Philip M Martin Jr.
TRIAL continued from 02/01/2011

02/01/2011 Motion-Continuance

This action initiated by party State of Nebraska
Image ID A00011456C08

01/12/2011 Notice Issued on Jason Eley
The document number is 00348135
Document Number 348135 E-MAILED
Image ID D00348135C08

01/12/2011 Notice Issued on Rafael B Orozco
The document number is 00348134
Document Number 348134
Image ID D00348134C08

01/12/2011 Appearance Date

12/15/2010 Complaint

This action initiated by party State of Nebraska
Image ID A00008611C08

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Court Case Details

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Case Summary

In the County Court of Hall County
The Case ID is CR 11 0000116
Citation No.: 0000000
State v.'Rafael B Orozco
The Honorable David A Bush, presiding.
Classification: Misdemeanor
Filed on 01/13/2011 by City Prosecutor of Grand Island
This case is Open as of 01/13/2011
Original appearance date 02/02/2011 at 09:30

Parties/Attorneys to the Case

	Party	Attorney
Plaintiff	State of Nebraska	Jason Eley 100 East First P O Box 1968 Grand Island NE 68802 308-385-5444
	State of Nebraska owes $48.00	
Defendant	Rafael B Orozco 2105 Nashville Street Grand Island NE 68803	William A Francis 222 North Cedar P O Box 2280 Grand Island NE 68802 308-384-2636

Date of Birth is 09/07/1953 Drivers License is E0753679

Offense Information

Count	Charge	Offense Class
01	Unlawful Presence in Establishment	; Infraction

Offense Date is 12/19/2010
Plea is Not Guilty

Arresting Officers

Agency	Officer
Grand Island	Brandon Riley

Case Schedule Information

City Trial is scheduled
for 03/22/2011 at 15:30 in room Hall County Crt. Crtrm. #1

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Filing Fees	01/13/2011	$18.00
Plaintiff	NSC Education Fee	01/13/2011	$1.00
Plaintiff	Dispute Resolution Fee	01/13/2011	$0.75
Plaintiff	Indigent Defense Fee	01/13/2011	$3.00
Plaintiff	Uniform Data Analysis Fee	01/13/2011	$1.00
Plaintiff	J.R.F.	01/13/2011	$6.00
Plaintiff	Filing Fee/JRF	01/13/2011	$2.00
Plaintiff	Civil Legal Services Fund	01/13/2011	$1.00
Plaintiff	L.E.I.F.	01/13/2011	$2.00
Plaintiff	LASF/Non-waivable	01/13/2011	$2.00
Plaintiff	Legal Aid/Services Fund	01/13/2011	$3.25
Plaintiff	Automation Fee	01/13/2011	$8.00

Financial Activity

No trust money is held by the court
No fee money is held by the court

Register of Actions

02/02/2011 Order-Continuance
This action initiated by Judge Philip M Martin Jr.
TRIAL continued from 02/28/2011

02/01/2011 Motion-Continuance
This action initiated by party State of Nebraska
Image ID A00011459C08

01/28/2011 Appearance Date

01/28/2011 Notice Issued on Jason Eley
The document number is 00351648
Document Number 351648 E-MAILED
Image ID D00351648C08

01/28/2011 Notice Issued on William A Francis
The document number is 00351647
Document Number 351647 E-MAILED
Image ID D00351647C08

01/28/2011 Appearance of Counsel
This action initiated by attorney William A Francis
and Written Not Guilty Plea

Image ID A00011542C08

01/13/2011 Complaint
This action initiated by party State of Nebraska
Image ID A00010058C08

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MATCHED ON:*L/N*F/N* BD
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DL/NO:E0753679*B/D:09-07-1953*NAME:OROZCO RAFAEL BARRAZA*
MAIL ADDR AS OF 08-01-02:8162 BELLINGHAM AVE N HOLLYWOOD 91605*
IDENTIFYING INFORMATION:
SEX:MALE*HAIR:BLACK*EYES:BRN*HT:5-10*WT:185*
LIC/ISS:08-20-99*EXPIRES:09-07-09*RBM1*CLASS:C NON-COMMERCIAL*
ENDORSEMENTS:NONE*
LATEST APP:

DL TYPE:HEADQUARTERS RBM/RBI*ISS/DATE: 07-28-04*OFFICE: RBM*BATES:POL*

LICENSE STATUS:
EXPIRED*
SURRENDERED BY SUBJECT TO:NEBR*
DEPARTMENTAL ACTIONS:
NONE
CONVICTIONS:
NONE
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END

R E S O L U T I O N 2011-35

WHEREAS, El Diamante is located at 1600 South Eddy Street and has obtained a Class I Liquor License No. 65760 on March 22, 2005 which will expire on April 30, 2011; and

WHEREAS, the Nebraska Liquor Control Act **53-135**. **Retail licenses; automatic renewal; conditions; licensed premises within annexed area; effect**. States in part: "The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the local governing body"; and

WHEREAS, the Nebraska Liquor Act **53-117.08. License; suspend, cancel, or revoke; hearing; conviction; court; duty.** States in part: "If any licensee violates the regulations adopted and promulgated by the commission or any lawful ordinance of the local governing body, the commissions may, after a proper hearing, suspend, cancel, or revoke the license" and

WHEREAS, the City of Grand Island Code 4-20 and 4-23 are lawful ordinances governing licensed liquor establishments; and

WHEREAS, evidence was presented through police reports demonstrating El Diamante's violations of the above City Code; and

WHEREAS, police records show the Grand Island Police Department has responded to 92 calls for service at this location since March 27, 2005, where numerous incidents involve other violations of State of Nebraska liquor laws; and

WHEREAS: the owner, Rafael Orozco, has not demonstrated the type of management and control sufficient to insure the licensed business conforms to the provisions of the license.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that a written request be sent to the Nebraska Liquor Control Commission requiring the owner of El Diamante, 1600 South Eddy Street liquor license to make application for a new license.

Adopted by the City Council of the City of Grand Island, Nebraska, February 22, 2011.

_____

Jay Vavricek, Mayor

Attest:

Approved as to Form ¤ _____
February 18, 2011 ¤ City Attorney

_____

RaNae Edwards, City Clerk