



City of Grand Island

Tuesday, June 14, 2011

Council Session

Item E1

Public Hearing on Request from Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 West 3rd Street for a Class “IB” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 14, 2011

Subject: Public Hearing on Request from Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 West 3rd Street for a Class "IB" 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

Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 West 3rd Street has submitted an application for a Class "IB" Liquor License. A Class "IB" Liquor License allows for the sale of alcohol on sale and beer off 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.

Due to concerns from the Grand Island Police Department of Angel Ramos, spouse of Elsy Ramos involvement in the business and not a citizen of the United States it is recommended this application be denied. (See attached Police Department report.)

Alternatives

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

1. Approve the 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** this application.

Sample Motion

Move to **deny** the application for Elsy Ruth Ramos dba LA Night Club & Restaurant, 115 West 3rd Street for a Class "IB" Liquor License due to the involvement of Angel Ramos, spouse.

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15:52
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Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island
 Occurred after : 10:19:40 05/18/2011
 Occurred before : 10:19:40 05/18/2011
 When reported : 10:19:40 05/18/2011
 Date disposition declared : 05/18/2011
 Incident number : L11052320
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License
 Investigation
 Incident address : 115 3rd St W
 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 : 11226
 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	3592	05/18/11	Ramos, Angel Edilberto	Elsy's Husband
NM	13037	05/18/11	Ramos, Elsy R	Owner

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 from Elsy Ramos for LA Night Club.

LAW INCIDENT RESPONDERS DETAIL:

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

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LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:25:06 06/02/2011

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LAW INCIDENT TABLE

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Grand Island Police Department
Supplemental Report

Date, Time: Thu Jun 02 13:25:18 CDT 2011
Reporting Officer: Vitera
Unit #: CID

The first thing I noticed about the copy of Elsy's application is that someone from the NLCC wrote "Hot List" on it. Hot list means there is a potential problem with the applicant. I checked with the NLCC and found out that Elsy is NOT on the hot list. The location of the bar is on the list because the prior business had some pending issues with the NLCC. The next thing I noticed is that Elsy is applying for a Class IB license which would allow her to sell beer off sale. The license type is "Individual" which means that Elsy's husband (Angel) signed a Spousal Affidavit of Non-Participation.

Elsy also checked the "No" box on a question that asks, "Was this premise licensed as a liquor licensed business within the last two years?" Senor Lucky's Bar started operating at the proposed location for LA Nightclub and

Restaurant in November or December of 2009 which makes Elsy's response incorrect. The last piece of information on the application that caught my attention is the question that asks if the applicant is borrowing any money from any source (including family) to establish/operate the business. Elsy checked the "No" box.

I talked to Elsy at length on 5/31/11 and again on 6/2/11 for a short time. I told Elsy that I didn't care for her choice for the name of her club. I told her that a lot of our gang members have ties to the Los Angeles area, and I thought the name would invite a clientele that would cause problems at her club. Elsy informed me that her husband picked out the name. She also told me that her husband is a hard worker and has saved money. A lot of that money will go towards the club. Elsy also advised that her security personnel will come from APSS which stands for "Angel's Private Security Service." I told Elsy that Angel signed a Spousal Affidavit of Non-Participation, and he is to have nothing to do with the club. Elsy made it clear to me that Angel would like to be involved but was told by the NLCC that he can't because he is not a "citizen" of the United States. According to Elsy, Angel is a "resident" of the United States.

I spoke to Mary Messman at the NLCC. She advised that Elsy had to apply for an individual license and have Angel sign the non-participation agreement, or Elsy wouldn't be eligible for a license because of Angel's status as a resident instead of a citizen. I also checked with ICE, and they confirmed that Angel is a resident and not a citizen.

When I spoke to Elsy the second time, she told me that she didn't realize that the name of her proposed business might cause her problems, and she wants to change the name. She didn't tell me what she has in mind for a new name. I referred her to the NLCC.

After looking through Elsy's application, I ran some checks on her. There are no warrants for Elsy's arrest. I checked her through Spillman and NCJIS. She has numerous entries in Spillman, but most of them are in the capacity of a witness, reporting party, or victim. NCJIS records show that Elsy has five separate traffic convictions which include, speeding, no operator's license, 06/03/11 Grand Island Police Department 450 15:52 LAW INCIDENT TABLE Page: 4

fail to yield right of way, and licensing a car without insurance. She didn't disclose any convictions on her application.

Angel also has numerous entries in Spillman. Most of them are as a victim or witness. However, he has an arrest in 1999 for 2nd Degree Assault on an Officer and a DUI arrest. NCJIS shows that he was convicted of DUI and Refusal to Test on 1/25/04. It also shows that he was convicted of an attempted Class IIIA or Class IV Felony and Disturbing the Peace in 1999. It appears that the assault on an officer charge was plead down to a misdemeanor through the "Attempt" conviction. He only disclosed the DUI.

In Summary, it appears that Angel is already part of this business even though he signed a Spousal Affidavit of Non-Participation form. He named the business, helped finance the business, and plans to provide security for the business. Since Angel is not eligible to receive a liquor license and he is violating the non-participation agreement, the Grand Island Police Department can not recommend an approval to the council.

