



# City of Grand Island

Tuesday, June 28, 2011

Council Session

## Item E1

**Public Hearing on Request from MJR, Inc. dba Bandits, 1016  
Diers Avenue, Suite 118 for a Class "C" Liquor License**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 28, 2011

**Subject:** Public Hearing on Request from MJR, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 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

MJR, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 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.

Also submitted with the application was a request for Liquor Manager designation from Tim McMullen, 819 West 12<sup>th</sup> Street.

### **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 MJR, Inc. dba Bandits, 1016 Diers Avenue, Suite 118 for a Class "C" Liquor License contingent upon final inspections and Liquor Manager designation for Tim McMullen, 819 West 12<sup>th</sup> Street contingent upon Mr. McMullen completing a state approved alcohol server/seller training program.

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Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island  
 Occurred after : 10:09:50 06/14/2011  
 Occurred before : 10:09:50 06/14/2011  
 When reported : 10:09:50 06/14/2011  
 Date disposition declared : 06/14/2011  
 Incident number : L11062284  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License

Investigation  
 Incident address : 1016 Diers Ave N  
 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 : 6374  
 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	2902	06/21/11	McMullen, Timothy L	Owner
NM	121158	06/21/11	Bandits,	Business
NM	167258	06/21/11	Javorsky, Troy M	Owner

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:



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Grand Island Police Department

LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

Date, Time: Tue Jun 21 10:04:24 CDT 2011  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a corporate Class C (beer,wine,distilled spirits on & off sale) liquor license application from Timothy McMullen and Troy Javorsky for Bandits. They are in the process of buying the business from Andrew Meier. They did not file for a Temporary Operating Permit. They want to keep running the business as a sports bar. According to the application, Timothy has lived in Grand Island since 1993. Troy Javorsky has lived in Nebraska since at least 2001. Timothy and Troy are the only two people listed on the application. Timothy also filled out an application to be the manager.

A question on the liquor license application asks if anyone involved has ever been convicted of anything. Timothy disclosed a DUI conviction in 2001 and a

second DUI conviction in 2004. Troy disclosed a felony theft conviction in 1986 and a DUI conviction in 1992. A court order dated 6/3/11 to set aside Troy's felony theft conviction was attached to the application.

I checked Timothy and Troy through Spillman and NCJIS. I located Timothy in Spillman but did not see anything that would indicate he failed to disclose any convictions. I did not find a Spillman entry for Troy. The NCJIS check revealed that Timothy failed to disclose a conviction for not having a valid registration in 1999. Troy has an undisclosed speeding conviction from 2008.

I found Troy on Facebook, but he didn't have anything posted that I could see without being a friend except who his friends are. There are too many Timothy McMullen's on Facebook to positively identify the one involved in this application. I searched for Timothy and Troy through Entersect and didn't find anything of interest other than Troy may have lived in San Diego, CA and also Bellevue, NE during a timeframe he listed an address in Kearney or Johnson Lake on the application.

On 6/22/11, I spoke to Timothy "Tim" McMullen at Bandit's. Tim said he has known Troy since they were in high school together at G.I.S.H. Tim advised that he recently spoke to Troy about the felony theft conviction. Tim was told that it was something stupid Troy did when he was in high school, and he didn't remember that the conviction was a felony. Tim said he was aware of the theft when he was in high school, he just asked Troy for more details since the theft showed up as a felony on Troy's background check, and the felony conviction wouldn't allow them to get a license. Tim said that Troy is mostly just a financial partner.

I also asked Tim what he knew about where Troy has lived over the years. Tim was pretty sure that Troy did live in the Omaha area and San Diego for awhile but wasn't sure how long ago Troy may have lived in San Diego. After discussing

Troy, I asked Tim how he met Andrew Meier. Tim said he met Andrew through the bar business. Tim has not only worked for Andrew at Bandit's, he has also worked at Balz and Fonner Keno.

Tim doesn't plan on any immediate changes to Bandit's. He said it is doing well now, and he doesn't want to ruin that. However, small changes he is

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LAW INCIDENT TABLE

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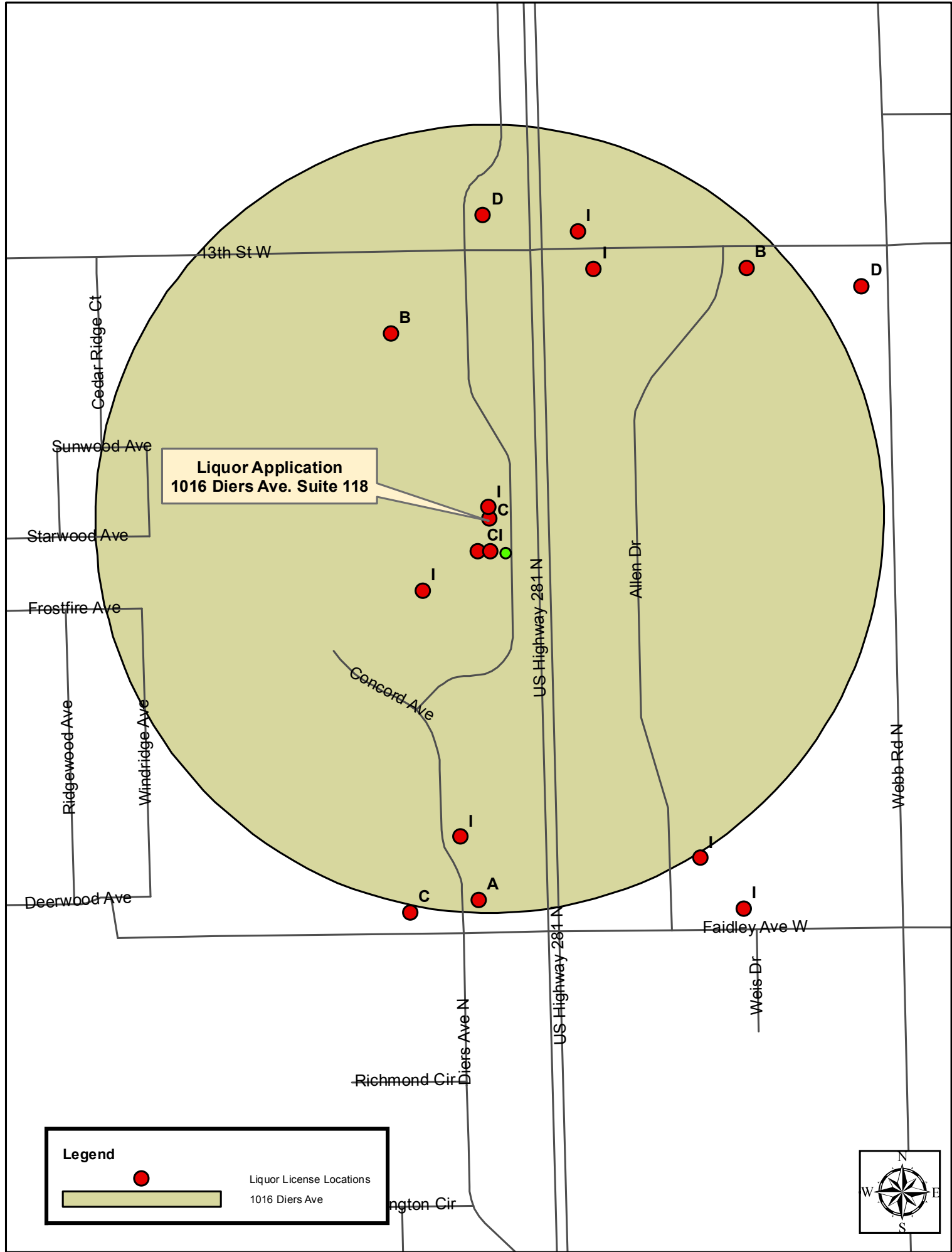
contemplating are mostly food related. He said he will continue to offer a free cab service to anyone who needs a ride home from Bandit's after drinking. He would someday consider a type of shuttle service as well.

On 6/22/11, I called Troy Javorsky and spoke with him over the phone. Troy confirmed that he has known Tim since high school. Troy also echoed what Tim said that he is mostly just a financial partner. Troy plans on continuing to live at Johnson Lake and work in Lexington. He said he might stop by Bandit's once a month or so to check on the business. I asked Troy about living in some other places that he didn't list on the application over the last ten years. Troy advised that he lived in Bellevue for awhile. He was working for Hamilton Chevrolet at the time and was transferred to Beardmore in Bellevue (family ties). He only lived in Bellevue for a short time, and just forgot to list it on the application. He also lived in San Diego, but that was just over ten years ago. He spoke about his felony theft conviction twenty-five years ago. He said it was a stupid high school kid thing. He thought it was convicted of a misdemeanor. The records check surprised him. Troy told me to call him anytime if I need anything further.

In summary, Tim and Troy each only had one minor traffic-related conviction that they failed to disclose. Tim has worked in the bar business for several years and isn't planning on making any radical changes to Bandit's. Other than a few



minor omissions, nothing was out of the ordinary on the application.  
After  
meeting with Tim and speaking to Troy, the GIPD has no objection to their  
liquor  
license for Bandit's or to Tim being the liquor manager.



Liquor Application  
1016 Diers Ave. Suite 118

**Legend**

- Liquor License Locations
- 1016 Diers Ave

