



# City of Grand Island

Tuesday, June 28, 2011

Council Session

## Item E2

**Public Hearing on Request from Fuji Steak House, Inc. dba Fuji Japanese Steak House, 1004 North Diers Avenue, Suite 200 for a Class "I" Liquor License**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** June 28, 2011

**Subject:** Public Hearing on Request from Fuji Steak House, Inc. dba Fuji Japanese Steak House, 1004 North Diers Avenue, Suite 200 for a Class "I" Liquor License

**Item #'s:** E-2 & I-2

**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

Fuji Steak House, Inc. dba Fuji Japanese Steak House, 1004 North Diers Avenue, Suite 200 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 the application was a request for Liquor Manager designation from Tu Gen Yang, 3720 State Street, Apt. 3.

### **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 Fuji Steak House, Inc. dba Fuji Japanese Steak House, 1004 North Diers Avenue, Suite 200 for a Class "I" Liquor License contingent upon final inspections and Liquor Manager designation for Tu Gen Yang, 3720 State Street, Apt. 3 contingent upon Mr. Yang 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 : 14:03:42 06/01/2011  
 Occurred before : 14:03:42 06/01/2011  
 When reported : 14:03:42 06/01/2011  
 Date disposition declared : 06/01/2011  
 Incident number : L11060159  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License

Investigation  
 Incident address : 1004 Diers Ave N; Suite 200  
 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 :  
 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	167270	06/21/11	Huang, Qi	Manager
NM	167271	06/21/11	Yang, Huie	Manager
NM	165488	06/20/11	Fuji Steak House,	Business
NM	167218	06/20/11	Yang, Tu Gen	Owner
NM	167220	06/20/11	Jiang, Yi Shen	Tu Gen's Wife

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT21	Restaurant	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for Fuji Steak House and a Copy of a Liquor Manager Application from Tu Gen Yang.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number	
06/22/11				Grand Island Police Department
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15:10				LAW INCIDENT TABLE
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1	Vitera D	318		Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	13:29:07 06/20/2011

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LAW INCIDENT TABLE

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Grand Island Police Department  
Supplemental Report

Date, Time: Mon Jun 20 13:29:19 CDT 2011  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a corporate liquor license application from Tu Gen Yang for the Fuji Japanese Steak House and a copy of a liquor manager application from Tu Gen Yang. The request is for a Class I License which would allow him to sell beer, wine, and distilled spirits on sale only. The only other person on the applications is Yi Zhen Jiang. Yi Zhen signed a Spousal Affidavit of Non Participation form. According to ICE, Tu Gen is a Naturalized U.S. Citizen, and Yi Zhen is a lawful permanent resident alien from China.

According to the application, Tu Gen and Yi Zhen just moved to Grand Island in 2011. Before that, they lived in Searcy, Arkansas; Monroe, North Carolina; and Wood Side, New York. The "No" box was checked on the question on the application where it asks if they have been convicted of anything.

I searched Spillman and NCJIS for Tu Gen and Yi Zhen. Neither one of them had an entry in Spillman. Tu Gen has a driver's license listed in NCJIS. Yi Zhen has no entry in NCJIS. I tried to do a Google search on them with no success. I also ran them through a paid police database called Entersect and could not find anything on them. I attempted to contact law enforcement in Searcy, Arkansas and Monroe, North Carolina. The Monroe North Carolina Police Department advised that they have not had any contact with Tu Gen or Yi Zhen. I left a message for the sheriff's department there, and they advised they have no documented contacts with the applicants. I faxed an information request to the Searcy Police Department and received information back stating that they had no record of contact with Tu Gen or Yi Zhen. I did not try to contact law enforcement in Wood Side, New York. It appears that Wood Side is in the Queens Borough of New York City.

On 6/21/11, I went to the Fuji Japanese Steak House looking for Tu Gen. I was told he was in Lincoln. I spoke to Huie Yang who goes by the name of "Michelle." I also met with Qi Huang who goes by "Jason." Michelle said that Tu Gen doesn't speak English, and she translates for him. Michelle advised that there are eight Fuji Steak Houses in the United States. She said they are located in New York, Arkansas, and Illinois. Michelle's husband owns a Fuji Steak House in Arkansas. Tu Gen worked for him and decided to open the restaurant in Grand Island. Michelle is in Grand Island until the middle of July helping Tu Gen with the restaurant. Michelle is also training Jason to take her place. The restaurant will be open until either 9, 9:30, or 10:00 PM depending on the day of the week.

Michelle advised that Tu Gen came to the United States from China about twenty years ago. He lived in New York, North Carolina, and Arkansas. As far as she knows, Tu Gen has not been in trouble with the law.

Since I am unable to run criminal history checks outside of the State of Nebraska on liquor license investigations, and attempting a records check

through New York City is a monumental task, we will have to rely on the records check through fingerprint submissions to the state. Barring any unforeseen criminal history, the GIPD has no objection to the Fuji Japanese Steak House

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Grand Island Police Department

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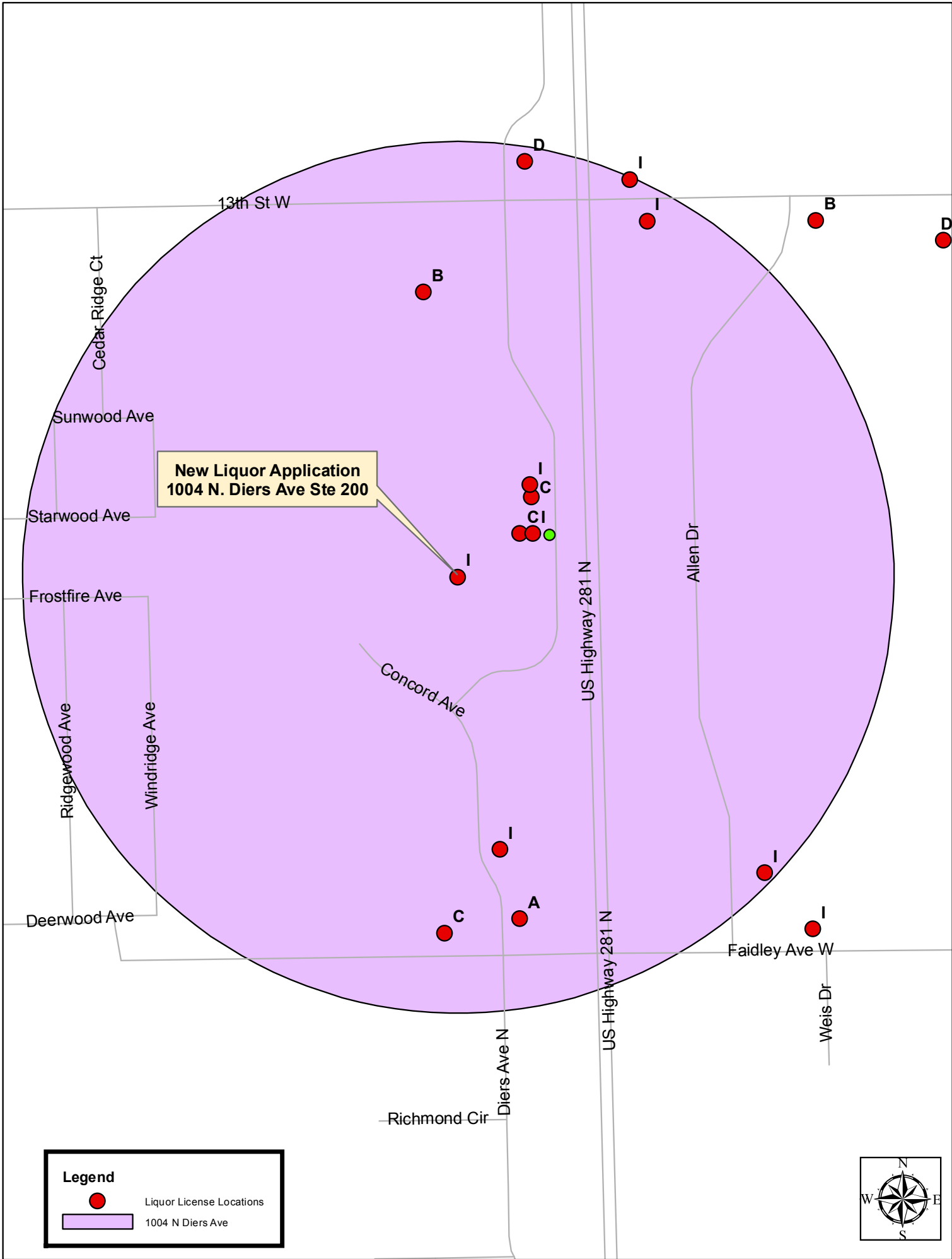
LAW INCIDENT TABLE

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having a liquor license or to Tu Gen Yang being the liquor manager.





**New Liquor Application  
1004 N. Diers Ave Ste 200**

**Legend**

- Liquor License Locations
- 1004 N Diers Ave

