



City of Grand Island

Tuesday, June 28, 2011

Council Session

Item G2

**Approving Liquor Manager Designation for Hector Hernandez,
610 West 6th Street for Zona Rosa Nightclub, 611 East 4th Street**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 28, 2011

Subject: Request from Hector Hernandez, 610 West 6th Street for Liquor Manager Designation for Zona Rosa Nightclub, 611 East 4th Street

Item #'s: G-2

Presenter(s): RaNae Edwards, City Clerk

Background

Hector Hernandez, 610 West 6th Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class "C-79070" Liquor License for Zona Rosa Nightclub, 611 East 4th Street.

This application has been reviewed by the Police Department and City Clerk's Office.

Discussion

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all liquor manager designations. All departmental reports have been received. 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 request.
2. Forward the request with no recommendation.
3. Take no action on the request.

Recommendation

City Administration recommends that the Council approve the request for Liquor Manager Designation.

Sample Motion

Move to approve the request from Hector Hernandez, 610 West 6th Street for Liquor Manager Designation in conjunction with the Class "C-79070" Liquor License for Zona Rosa Nightclub, 611 East 4th Street with the stipulation that Mr. Hernandez complete a state approved alcohol server/seller training program.

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Grand Island Police Department

LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 11:19:05 06/03/2011
Occurred before : 11:19:05 06/03/2011
When reported : 11:19:05 06/03/2011
Date disposition declared : 06/03/2011
Incident number : L11060536
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 611 4th St E
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 :
Geobase address ID : 10513
Long-term call ID :
Clearance Code : O Open Case
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

| Px | Record # | Date | Description | Relationship |
|----|----------|----------|---------------------------|----------------|
| NM | 76516 | 06/17/11 | Espinozo-Nieto, Ingris Y | Mentioned |
| NM | 72588 | 06/16/11 | Rodriguez, Delmi A | Involved |
| NM | 81222 | 06/16/11 | Velasquez-Nieto, Maria D | Mentioned |
| NM | 157396 | 06/16/11 | Medina-Martinez, Donato M | Maria's Ex |
| NM | 76029 | 06/10/11 | Hernandez, Hector M | Liquor Manager |
| NM | 76517 | 06/10/11 | Nieto-Velasquez, Maria E | Hector's Wife |
| NM | 141536 | 06/10/11 | La Zona Rosa Night Club, | Business |

Involved

LAW INCIDENT CIRCUMSTANCES:

| Se | Circu | Circumstance code | Miscellaneous |
|----|-------|-------------------|---------------|
| 1 | LT03 | Bar/Night Club | |

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor Manager Application from Hector Hernandez from La Zona Rosa.

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LAW INCIDENT TABLE

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LAW INCIDENT RESPONDERS DETAIL:

Seq Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq Name

Date

1 Vitera D 15:29:22 06/10/2011

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Grand Island Police Department
Supplemental Report

Date, Time: Fri Jun 10 15:29:35 CDT 2011
Reporting Officer: Vitera
Unit- CID

I received a copy of a liquor manager application from Hector Hernandez for La Zona Rosa. According to the application, Hector and his wife Maria Nieto-Velasquez have lived in Grand Island since at least 2000. Hector stated that he has worked for Swift since 1995. Hector was born in El Salvador, and Maria was born in Honduras. Hector provided a copy of his United States of America Certificate of Naturalization. Maria signed a spousal affidavit of non-participation. The "No" box was checked for the question that asks if either of them have ever been convicted of anything.

I checked Hector and Maria through Spillman and NCJIS. I found each one of them in Spillman. Hector has a stop sign violation, and Maria has an entry as being

at least a suspect for theft by shoplifting, intimidation for phone call, and child abuse. Hector's NCJIS information confirmed the conviction for the stop sign violation. It also revealed that he has convictions for driving during suspension (DDS), traffic signal violation, and hunting or fishing without a permit. Maria's NCJIS information confirmed the shoplifting conviction.

Since this is a manager application, Maria's citizenship status is not relevant.

In addition, she signed a spousal affidavit of non-participation.

However,

Hector and Maria each failed to list any of their 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 either 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 disqualify Hector from being a liquor manager.

On 6/15/11, I went to 610 W. 6th to speak to Hector. I was greeted outside by

two very friendly and polite children who advised that Hector was working, and

Maria was out of town. I gave my business card to an adult who was at the home

supervising the children.

I received a call later in the afternoon from Maria advising that Hector was

home. I went back to their house and spoke with them. Delmi Rodriguez who is

the owner of La Zona Rosa was also there. I asked Hector how he knows Delmi.

Maria answered and said that Delmi is Maria's daughter's godmother. I went on

to ask Maria some questions about her family. Maria said the two children in

the home are her's, but Hector is not their biological father. Maria said she

just married Hector on 9/4/09.

Hector said he moved to the United States in 1978 where he lived in New York

until 1994 and then moved to Grand Island. Maria said she moved to the United

States in 1992 and lived in Hollywood, California. In 1995, she moved to St.

Paul, Minnesota for about three months and then moved to Grand Island.

I asked Hector and Maria why they didn't disclose any convictions on the application. Maria said she has never been in trouble, and she doesn't want

anything to do with the bar. I asked Maria about her shoplifting conviction,

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LAW INCIDENT TABLE

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and she denied it. She offered the explanation that I was probably getting her

mixed up with her sister. Maria has a sister who is five years younger but has

exactly the same name with the exception of their middle names. Hector's wife

is Maria E. Nieto-Velasquez. Her sister's name is Maria D. Nieto-Velasquez.

Maria went on to say that her sister has used other identities before, knows

Maria's personal information, and may have given it during the shoplifting incident.

I researched the shoplifting incident and was able to determine that Maria was

involved, not her sister. I called Maria and told her I was able to verify that

she was convicted of shoplifting. Maria admitted to being involved in the

incident which occurred at Sear's in 2004 but said her daughter did it. Her

daughter was arrested at the time of the theft. With a little bit of a language

barrier, I'm not sure if Maria understood that she was convicted or understood

all along that I was trying to ask her about her shoplifting incident.

Hector confirmed that he was cited for fishing without a permit and also had

some traffic convictions. Maria and Hector explained that the attorney who

helped them with the application just asked them if they had ever been in jail

or in any serious trouble.

In summary, while it concerns the GIPD that Hector didn't disclose his DDS

conviction and other less serious convictions, we don't feel a denial is in order.