



# City of Grand Island

Tuesday, August 23, 2011

Council Session

## Item G4

**Approving Liquor Manager Designation for Tyra Love, 211 S. Sycamore Street for Smoker Friendly/T & D Liquors, 802 West 2nd Street**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk

**Meeting:** August 23, 2011

**Subject:** Request from Tyra Love, 211 S. Sycamore Street for Liquor Manager Designation for Smoker Friendly/T & D Liquors, 802 West 2<sup>nd</sup> Street

**Item #'s:** G-4

**Presenter(s):** RaNae Edwards, City Clerk

## Background

Tyra Love, 211 S. Sycamore Street has submitted an application with the City Clerk's Office for a Liquor Manager Designation in conjunction with the Class 'CCB-81279' Liquor License for Smoker Friendly/T & Liquors, 802 West 2<sup>nd</sup> 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 Tyra Love, 211 S. Sycamore Street for Liquor Manager Designation in conjunction with the Class "CCB-81279" Liquor License for Smoker Friendly/T & D Liquors, 802 West 2<sup>nd</sup> Street with the stipulation that Ms. Love complete a state approved alcohol server/seller training program.

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1

Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island  
 Occurred after : 12:00:12 08/09/2011  
 Occurred before : 12:00:12 08/09/2011  
 When reported : 12:00:12 08/09/2011  
 Date disposition declared : 08/09/2011  
 Incident number : L11081171  
 Primary incident number :  
 Incident nature : Liquor Lic Inv Liquor License  
 Investigation  
 Incident address : 802 2nd 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 : 18110  
 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	49690	08/10/11	Smoker Friendly,	Business
NM	167736	08/10/11	Love, Tyra M	Liquor
Manager?				
NM	168628	08/10/11	Love, Rodney R	Tyra's Spouse

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT17	Liquor Store	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor Manager Application from Tyra Love for Smoker Friendly

LAW INCIDENT RESPONDERS DETAIL:

Seq Responding offi Unit n Unit number

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1 Vitera D 318 Vitera D

08/12/11 Grand Island Police Department

450

14:43

LAW INCIDENT TABLE

Page:

2

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

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1 Vitera D 10:05:49 08/10/2011

08/12/11  
450  
14:43  
3

Grand Island Police Department

LAW INCIDENT TABLE

Page:

318

Grand Island Police Department  
Supplemental Report

Date, Time: Wed Aug 10 10:06:03 CDT 2011  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor manager application from Tyra Love for Smoker Friendly. According to the application, Tyra was born in North Platte, NE, and she has lived in Nebraska for at least the last ten years. She worked for Smoker Friendly in North Platte for the last seven years before moving to Grand Island this year and working for Smoker Friendly here. Rodney Love is Tyra's husband. He has lived in Nebraska for at least the last ten years.

One part of the application asks if the applicant has ever been convicted of any charge. It goes on to explain the question by saying, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead

guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution." Tyra checked the "No" box to this question.

I looked up Tyra and Rodney in Spillman and NCJIS. Tyra didn't have any entries in Spillman that would indicate she was convicted locally of anything, and Rodney didn't have a Spillman entry. According to NCJIS, Tyra was convicted of not having automobile liability insurance in 2005. Rodney has been convicted of DUI in 1998, false reporting in 1999, and disturbing the peace in 2010.

Even though Rodney signed a Spousal Affidavit of Non-Participation form, the question about convictions applies to him because it specifically refers to the spouse of the applicant and anyone who is a party to the application. Rodney and Tyra's failure to disclose their convictions 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 nullify the liquor license.

In addition, it doesn't appear that Rodney's convictions could be held against Tyra even if they were felonies. Part of Nebraska State Statute 53-131.01 talks about criminal history checks and their impact or lack thereof on the manager-applicant when his or her spouse has non-qualifying convictions.

"... (d)... and that such applicant has never been convicted of or pleaded guilty to a felony or been adjudged guilty of violating the laws governing the sale of alcoholic liquor or the law for the prevention of gambling in the State of Nebraska, except that a manager for a corporation applying for a license shall qualify with all provisions of this subdivision as though the manager were the applicant, except that the provisions of this

subdivision shall not apply to the spouse of a manager-applicant..."

Since Tyra has no criminal history in the State of Nebraska except for one minor violation, and her husband's convictions can't be used against her and wouldn't

08/12/11

Grand Island Police Department

450

14:43

LAW INCIDENT TABLE

Page:

4

automatically disqualify her from becoming a manager even if they could; the

Grand Island Police Department has no objection to Tyra Love becoming the liquor manager for Smoker Friendly.