



City of Grand Island

Tuesday, January 10, 2012

Council Session

Item E1

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: January 10, 2012

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-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

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 from Qi Qin Huang, 1206 Cedar Ridge Court, Apt. 101 for a Liquor Manager designation.

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 'T' Liquor License and Liquor Manager designation for Qi Qin Huang, 206 Cedar Ridge Court, Apt. 101 contingent upon Mr. Huang completing a state approved alcohol server/seller training program.

01/05/12

Grand Island Police Department

450

10:48

LAW INCIDENT TABLE

Page:

City : Grand Island

Occurred after : 12:24:20 12/20/2011

Occurred before : 12:24:20 12/20/2011

When reported : 12:24:20 12/20/2011

Date disposition declared : 12/20/2011

Incident number : L11122728

Primary incident number :

Incident nature : Liquor Lic Inv Liquor License
Investigation

Incident address : 1004 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 : 19381
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	172816	01/05/12	Huang, Jian He	Owner
NM	167270	12/21/11	Huang, Qi	Liquor Manager
NM	165488	12/20/11	Fuji Steak House, Involved	Business

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Fuji Steak House and a Copy of a Liquor Manager Application from Qi Qin Huang.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

1 Vitera D 14:24:10 12/21/2011
01/05/12 Grand Island Police Department 450
10:48 LAW INCIDENT TABLE Page:
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Grand Island Police Department

Supplemental Report

Date, Time: Wed Dec 21 14:24:22 CST 2011

Reporting Officer: Vitera

Unit- CID

I completed a liquor license investigation for the Fuji Japanese Steakhouse six months ago.

They received a liquor license. Tu Gen Yang is now selling the restaurant to Jian He Huang who is applying for a Class I (beer, wine, distilled

spirits on sale only) Corporate liquor license. Jian's spouse (Lan Jin Zhang)

signed a Spousal Affidavit of Non Participation form. Besides the liquor manager (Qi Qin Huang), no one else is listed on the application.

Jian submitted several copied forms of identification to include a Nebraska

driver's license, Social Security card, an immigration document, and a Chinese

passport. The passport was issued on 8/18/09. The immigration document

indicates that Jian has been a "Resident" since 1994. His Nebraska driver's

license was issued on 10/3/11. Qi submitted a U.S. passport, Social Security

card, Nebraska driver's license, and a U.S.A. Certificate of Naturalization

certificate. No identification documents were included for Lan.

One of the first things I noticed while reviewing the application, is that it

appears that Jian is not a "Citizen" of the United States. He is a "Resident."

If that's true, I initially thought he might be ineligible to receive a liquor

license according to Nebraska State Statute 53-125. I sent a request to HSI to

verify the immigration status of all three people listed on both applications.

I also checked local and State databases. I couldn't find Jian or Lan in

Spillman. Qi's only entry in Spillman was the one I made during the first Fuji

liquor license investigation. I checked NCJIS and located a driver's license

entry for Jian and Qi. Nothing was found on Lan. I checked Jian and Qi through

TLO (law enforcement database) for bankruptcies and judgments but did not locate anything.

I was advised by our local HSI office that all three people are in the Country

legally. Jian and Lan are residents, and Qi is a citizen.

While further reviewing the application and examining 53-125, I read that lack

of citizenship isn't an automatic disqualifier against an applicant of a corporate license.

On 1/4/12, I met with Qi and Jian. Qi goes by "Jason" and speaks English. Jian

is Qi's father, and he does not speak English. Jason moved to the U.S. from

China when he was thirteen years old. Jason advised that he has been working

hard at the restaurant and reminded me that Tu Gen was assisting him with becoming a manager at the restaurant. Jason had told me this six months ago

during the initial liquor license investigation. Now that the restaurant has

been up and running for six months, Tu Gen is moving to Rapid City, South Dakota

where he is planning on opening another restaurant and settling down.

I went over the application with Jason. Jian set at a table next to us. Jason

advised that he did recall one traffic conviction in Florida back in '96 or '97.

Other than that, he said he has not been in any trouble. Jason said his father

has lived in the U.S. for a little over twenty years and has no criminal history

here or in China that he knows of. Since I can't run out of state criminal

history checks for liquor license investigations, the fingerprint submissions

to the State will have to be considered by the NLCC.

For the first six months since the business opened with a liquor license, I'm

not aware of any alcohol-related problems that required law enforcement

presence. Since Jason is continuing to work at the restaurant and applying to

be the liquor manager, I don't think the transition in ownership will be a

problem. Barring any problems at the State level, the GIPD has no objection to

Jian He Huang having a liquor license for Fuji Japanese Steakhouse or to Qi

"Jason" Qin Huang being the liquor manager.