



City of Grand Island

Tuesday, January 24, 2012

Council Session

Item E1

**Public Hearing on Request from Gordo's, Inc. dba El Mariachi
Authentic Mexican Food, 2418 North Webb Road, Suite A for a
Class "I" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: January 24, 2012

Subject: Public Hearing on Request from Gordo's, Inc. dba El Mariachi Authentic Mexican Food, 2418 North Webb Road, Suite A 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

Gordo's, Inc. dba El Mariachi Authentic Mexican Food, 2418 North Webb Road, Suite A 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 Jose Bravo, 2307 Plum Creek, Lexington, Nebraska for a Liquor Manager designation.

The Police Department completed a background check on Jose Bravo (see attached) and is recommending denial of this application based on the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) for a false application and missing documentation with the application.

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 **denial** of Liquor Licenses, City Administration recommends that the Council deny this application.

Sample Motion

Move to **deny** the application for Gordo's, Inc. dba El Mariachi Authentic Mexican Food, 2418 North Webb Road, Suite A for a Class 'I' Liquor License and Liquor Manager designation for Jose Bravo, 2307 Plum Creek, Lexington, Nebraska based on the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) for a false application and missing documentation with the application.

01/19/12

Grand Island Police Department

450

15:57

LAW INCIDENT TABLE

Page: 1

City : Grand Island

Occurred after : 15:20:00 12/23/2011

Occurred before : 15:20:00 12/23/2011

When reported : 15:20:00 12/23/2011

Date disposition declared : 12/23/2011

Incident number : L11123091

Primary incident number :

Incident nature : Liquor Lic Inv Liquor License
Investigation

Incident address : 2418 Webb Rd N

State abbreviation : NE

ZIP Code : 68803

Contact or caller :

Complainant name number :

Area location code : PCID Police - CID

Received by : Viterra D

How received : T Telephone

Agency code : GIPD Grand Island Police Department

Responsible officer : Viterra D

Offense as Taken :

Offense as Observed :

Disposition : ACT Active

Misc. number : RaNae
 Geobase address ID : 4481
 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	165530	01/18/12	Garcia-Martinez, Ezequiel D	Interpreter
NM	173114	01/18/12	El Mariachi,	Restaurant
NM	172975	01/11/12	Bravo, Jose J	Owner/Manager

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code Miscellaneous

 1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for the Mariachi Authentic Mexican Food restaurant and a Copy of a Liquor Manger Application from Jose Bravo.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

1 Vitera D 10:15:48 01/16/2012

Date, Time: Mon Jan 16 10:16:02 CST 2012

Reporting Officer: Vitera

Unit- CID

Gordo's Incorporated doing business as the El Mariachi Authentic Mexican Food

restaurant is seeking a Class I (beer, wine, distilled spirits, on sale only)

corporate liquor license. Jose de Jesus Bravo is listed as the CEO of the corporation. Bravo also applied to be the liquor manager. He listed his home

address on the liquor license and manager application as 2307 Plum Creek in Lexington, NE.

While looking through the application, several areas piqued my interest. First,

Bravo is part owner of San Pedro restaurant in Kearney, Lexington, North Platte,

and Scottsbluff, Nebraska. He listed on his applications that he lived

in Joplin, Missouri from 1996 until 2009 when he moved to Lexington. He also

stated the he was born in Mexico. Bravo did not list a spouse on the

application. In fact, he is the only person listed on the application, yet he

listed Jose Manriquez as a person who is authorized to write checks and make

withdrawals on the business account.

Part of the requirements to be a liquor manager include being a citizen of the

United States and resident of the State of Nebraska. A Nebraska voter

registration card and either a U.S. passport, U.S. birth certificate, or

naturalization paperwork should be included with the application as proof. None

of those documents were included. I checked with our local HSI office and was

informed that Bravo is a naturalized citizen.

I have some concerns, however, as to whether Bravo is a resident of Nebraska.

His home address as stated above is actually the address of his restaurant in

Lexington. Bravo also listed the restaurant's address on his Nebraska driver's

license. I spoke to Investigator Rowan with the Lexington Police Department

who said he didn't believe the restaurant had any living quarters attached to

it. He later informed me that the health department visited the restaurant and

said there are no living quarters at the restaurant, and numerous employees were

working there (significant because Bravo stated on the application that he was

the sole employee).

Bravo told the health department he used that address because that's where he

receives his mail even though the application separately asks for home address

and where the applicant wants to receive mail from the Commission. The application states that Bravo listed a Kearney address to receive mail from the Commission, not at his restaurant. Investigator Rowan found a different Lexington address for Bravo in their database. He also told me that Bravo was a victim of a robbery at that address in June of 2011. Investigator Lorri Rogers with NSP had informed me about the robbery. From an online article, it appears that Bravo may have been living or staying with his father. When I later spoke to Bravo, he said he was renting this address from one of his employees named Hector Onate. When Bravo was interviewed, he gave yet a different address in Lexington.

I also called law enforcement authorities in Joplin, Missouri. I spoke to Captain Walrod with the Jasper County Sheriff's Office. He advised that Bravo has two restaurants in Joplin. They are called El Charro. He said there is also an El Charro in Carthage, Missouri and Pittsburgh, Kansas. Carthage is about 12 miles east of Joplin, and Pittsburgh is about 30 miles from Joplin.

Captain Walrod thought that Bravo and his wife, Sandra still live in the Joplin area. He found out for me that Bravo is currently paying utilities at 25150 Demott Dr. in Joplin. Captain Walrod spoke to a sergeant who patrols the area

where Bravo lives (or used to live), and she thought that Bravo is still married

to Sandra (Bravo) and living there. She described the Bravo's as "good people."

At this time, I don't know whether the restaurants in Kansas and Missouri serve

alcohol and if they have any liquor violations. Bravo did not list any

out-of-state liquor licenses when it was asked of him on the application.

Another question on both applications asks about being convicted of any charge.

Bravo listed some traffic convictions in Buffalo and Dawson County along with an

open container conviction. He also listed a traffic ticket in Missouri and a

traffic ticket in Oklahoma. I can't run official criminal history checks on

liquor license applicants. A fingerprint submission from the applicant will

determine that at the state level. Even though Bravo hasn't spent much time in

Nebraska, I checked Spillman and NCJIS. He does not have an entry in Spillman,

and his entries in NCJIS generally matched up to the disclosures on the

applications. NCJIS also shows that a bench warrant was issued for Bravo on

four separate occasions involving the convictions he disclosed. On each

occasion, the warrant was cancelled before it was served. This leads me to

believe that he wasn't paying his fines on time.

Besides checking with Jasper County, I spoke to a records clerk at the Joplin

Police Department. She advised that Bravo had some minor traffic violations

that included speeding and a seatbelt violation, but he was also cited for

driving during revocation in 2001. I spoke to Sgt. Young with the Kearney

Police Department. He put out an e-mail to department members asking about

negative contacts with Bravo and the San Pedro restaurant. He didn't get any

responses. I spoke to a representative of the North Platte Police Department.

He advised that they didn't have any contacts with Bravo. He also commented

that San Pedro is a good restaurant. I called Scottsbluff and ended up speaking

with Detective Rader. He said they don't have any problems with the restaurant

that he's aware of. He also sent me a copy of their liquor license

investigation into San Pedro. Scottsbluff contacted Kearney PD and learned that

Isaias Manriquez was listed on Kearney's application. The Scottsbluff

investigation also determined that Bravo provided a false Social Security

number. I wasn't able to get clarification as to whether this was intentional

or some sort of typo.

I tried to find Bravo on facebook but didn't find anything that I could be sure

was him. I also ran Bravo through an Internet search engine. There is a large

amount of data on Bravo, and it was difficult to sort through it and determine

if all the information could be attributed to the applicant or a different Jose

Bravo. It appeared that Bravo has either lived or had a restaurant in the following places: Kearney, Lexington, North Platte, Scottsbluff, Joplin, MO;

Carthage, MO; Wyoming, MI; Claremore, OK; Muskogee, OK; Mountain Home, AR; and Bowling Green, KY.

It appeared that Bravo owns an El Charro in Joplin, and an El Charro in Claremore, OK. The information also pointed towards Bravo as having some liens

against him. From 12/13/2004 (file date) through 10/4/2005 (release date), Jose

Bravo had a "state tax warrant" in Oklahoma in the amount of \$5,574. On

11/16/2010, the "Tax Commission" in Rogers County Oklahoma filed a tax lien on

Bravo in the amount of \$12,681. No disposition is listed. In March of 2004,

the IRS filed a lien against Bravo's El Charro restaurant in Joplin. There is

no amount listed, but the status is listed as open. Bravo would later tell me

that this information is associated with his father and brother.

Even though Bravo stated on his applications that he has lived in Lexington

since 2009, the Internet search engine indicated that he registered a '97 Altima

in Missouri on 6/8/11 and a 2010 Tundra in Missouri on 10/28/10. He also has

two cars registered in Nebraska in 2011. It appears that he's keeping

residences and registering cars in Nebraska and Missouri in the same year. One

more piece of information stated that the only voter registration card on file

for Bravo is in the State of Missouri.

On 1/11/12, I drove by the restaurant. I observed two vehicles parked in front

of it. One was a silver Dodge pickup (18CM2368), and the other was a small red

Chevy car (21AH59). The red Chevy is registered to Juan Manriquez. Manriquez

is the same last name of the person Bravo listed on the application as having

access to the business account. It is also the same last name as one of the

corporate officers in the Kearney San Pedro. I also ran Bravo's name through

NCJIS looking for vehicles registered to him. I came up with a 2011 Yukon

Denali registered to Jose and Maria Bravo of 2900 Grand Ave. # 145 in Kearney,

NE. The vehicle was registered on 4/15/11. At this point, I don't know Jose's

relationship with Maria even though they have the same last name.

I called (573-526-2772) the Missouri Alcohol and Tobacco Control (ATC)

Commission and asked them if Bravo has any liquor licenses in their state.

I was informed that there are several licenses under the last name of Bravo and

also under Jose Bravo but none that matched the date of birth and Social

Security number of this applicant. Other names on the applications as corporate

officers are Efraine Bravo and Andres Bravo. Some of the restaurants are named

El Charro. I was also told that the restaurants have some history of failing

compliance checks.

I also called (405-521-3011) the Alcoholic Beverage Laws Enforcement (ABLE)

Commission in Oklahoma. They have at least twelve restaurants that have Jose

Bravo or Jose L. Bravo as a corporate officer. They also show Andres Bravo and

Nicholas Onate as corporate officers at restaurants that are either El Charro,

Los Charros, Mi Ranchito, El Charrito, or Playa Azul. The person I spoke to at

ABLE said they have numerous minor and major violations at these restaurants.

A major violation would be selling to a minor or allowing a minor in a bar. They

also said that Jose L. Bravo had written them some "hot" checks.

I called Rogers County Oklahoma and confirmed that Jose L. Bravo had a tax lien

placed on him in 2004 for \$5,574 and a tax lien in 2010 for \$12,681. This is

the same information that was discovered through the Internet search engine.

Jose L. Bravo was not paying his personal income tax to the State of Oklahoma.

Both balances have now been paid.

On 1/17/12, NSP Investigator Lorri Rogers and I met with Jose de Jesus Bravo at

his restaurant. He used an employee by the name of Ezequiel Garcia to interpret

for him. Bravo immediately identified Jose Manriquez as his manager who is

going to be responsible for the day-to-day operation of the business which would

include ordering alcohol and being in charge of everything. Bravo said he planned on visiting the business about every eight days. When asked why

Manriquez didn't apply for the manager's position, Bravo said he thought it

would be easier for him to get approved. Bravo identified Jose Manriquez as

being his uncle.

Bravo said Clemente Salazar is the manager of all the San Pedro's in Nebraska.

Isaias Manriquez is currently listed as the manager of San Pedro in Kearney.

Bravo said he has no idea where Isaias Manriquez is now or what he is doing.

On the application, Bravo stated that he is the sole employee of the San Pedro in

Lexington. When asked about this, he said that was not true. He has five

people who work for him. Bravo said his attorney filled out the application for

him. However, Bravo also advised that he had an interpreter with him, and the

application was read to him in Spanish. He had no other explanation.

Since Bravo has four other restaurants in Nebraska that are all named San Pedro

and are part of San Pedro Inc., he was asked why this one is named differently

and under a new corporation. Bravo said that he wanted to be on his own with

this restaurant. Another explanation could be that he wants some separation

from the other restaurants with the NLCC because they have had some problems.

The Kearney restaurant has three violations for selling to minors and a violation for having an open container after hours. They were also scheduled

for a "show cause" hearing on 1/18/12 in front of the NLCC for failing to comply

with a specific training order from the NLCC. I checked with the NLCC on

1/19/12 and was advised that the hearing was continued. The Lexington

restaurant has had a liquor license since 6/30/09 and doesn't have any

violations. The North Platte restaurant has had a license since 3/9/09 and

doesn't have any violations. The Scottsbluff restaurant has had a license since

7/16/09 and has one sale to a minor that was eventually dismissed.

While trying to determine Bravo's status as a possible Nebraska resident, I ran

his name through NCJIS to see what vehicles are registered to him. I came up

with a maroon 2009 Escalade registered to Jose and Maria Bravo in Kearney.

It had originally been titled in Claremore, OK (where the tax issues are) to Jose

and Maria Bravo. I also found a white 2011 Yukon Denali registered to Jose and

Maria Bravo at the same address in Kearney. Previous title information came

back to a dealer in Joplin, MO (where Bravo said he lived from '96-2009).

Bravo told me that those vehicles were purchased by his parents. He went on to

explain that he is currently separated and in the process of a divorce with his

wife named Maria Bravo. His parents are also named Jose and Maria Bravo. He

also has a cousin named Jose Bravo who is married to Maria Bravo. Bravo said

his parents currently live in Joplin, MO and have lived there for at least

fourteen years. His parents bought the Escalade while living in Missouri.

They titled it in Oklahoma and registered it in Nebraska. He thought they titled it

in Oklahoma because the taxes were less there. I was not clear as to why they

registered it in Kearney, NE.

Moving on to the Denali, Bravo said his parents bought that vehicle for him in

2011. On his liquor license applications, Bravo claims to live in Lexington,

but the Denali was registered in Kearney. Bravo said that his uncle, Jose

Manriquez lives at the registered address in Kearney. Bravo couldn't explain

why it wasn't at least registered in Dawson County. Bravo said that he couldn't

afford the payments on the vehicle, so his brother (Efraine) took the vehicle

and assumed the payments.

A question on the application asks if the applicant borrowed any money from any

source including family and friends to establish and/or operate the business.

The no box was checked. I asked Bravo how he could afford to start up this new

restaurant without borrowing money when he couldn't afford a car payment. Bravo

advised that he borrowed \$35,000 from his parents. He then included his cousin,

Jose L. Bravo, in lending him part of the \$35,000. Bravo then said all of the

\$35,000 came from Jose L. Bravo, and his parents basically brokered the deal.

The next question on the application asks if anyone other than the applicant

will be sharing the business profits. The no box was checked. However, Bravo

acknowledged that his parents will be receiving half of the profits. I couldn't

figure out why his parents were in line to get the profits when it was his

cousin who supposedly lent him the money. It appears that Bravo's cousin, Jose

L. is the guy with tax liens in Oklahoma, yet this is the same guy who lent Bravo money.

In summary, the Grand Island Police Department urges the city council to

recommend a denial of this liquor license and liquor manager license to the NLCC

for several reasons. First and foremost, this is a false application according

to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) which

reads:

No applicant for a liquor license, or partner, principal, agent or employee of any applicant for a liquor license shall provide false or misleading information to the Nebraska Liquor Control Commission, its executive director, or employees. Any violation of this provision may result in denial of application for a liquor license or, in the event that a license has already been issued, suspension, cancellation or revocation of such license.

Bravo stated on his application that he didn't borrow any money for his restaurant, yet he did. He also stated on the application that no one will

share the profits with him, yet he admitted that his parents are taking half.

He didn't list a spouse on the application, and he is still married.

Therefore, I was unable to do a background check on her, and no Spousal Affidavit of Non Participation is on file. He applied to be the liquor manager

but only did so because the guy who is really going to be the manager might not

have been eligible. He also listed an incorrect home address on the application.

The licenses could also be denied because Bravo didn't supply the required

documents (voter registration card, and either a birth certificate, naturalization paperwork, or a U.S. passport). Without the voter registration

card and the confusion with all of the similar names in his extended family, the

way the vehicles are titled, registered and possessed, it's difficult to tell

whether Bravo is a resident of Nebraska. There are also problems with the San

Pedro restaurant owned by Bravo in Kearney. They have violations and are slow

or don't comply with the orders of the NLCC. Another example of failing to

comply with lawful orders or doing so reluctantly is Bravo's failure to pay

finest on time that resulted in four separate arrest warrants which finally

prompted him to pay before they could be served.

After speaking with Bravo, he asserted that he is not involved with any

restaurants outside of Nebraska. According to Bravo, the information I found on

Jose Bravo in Missouri and Oklahoma can be attributed to his father and his

cousin. However, it was extremely difficult to figure out which Jose and Maria

Bravo did what since all three couples have intertwined history in Missouri, Oklahoma, and Nebraska.

The bottom line is the applicant provided false information on his application,

and he is receiving support from his family who have problems with liquor

violations in Oklahoma and failing to pay their income taxes on time. In

addition, my background investigation shows a connection between the Manriquez

and Onate family with the Bravo family, but no information on them was provided

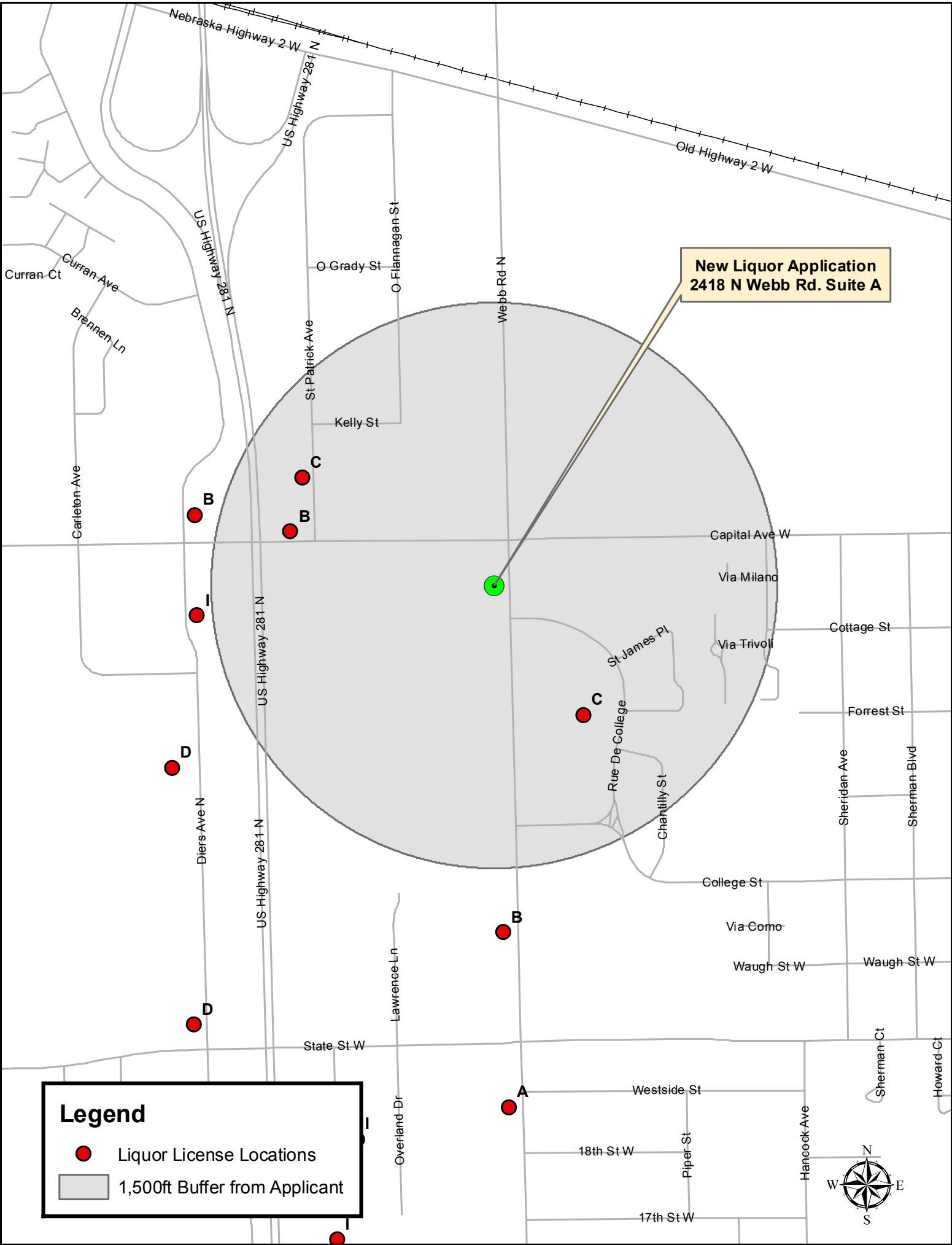
by Bravo even though he listed Jose Manriquez as having access to and authority

over his business account. Once again, the applicant's false application combined with his involvement with his family and their shuffling of vehicles,

liquor violations in multiple states, and the failure to pay taxes in a timely

manner implies either deception, disregard of laws, or the inability to comply

with liquor laws.



New Liquor Application
2418 N Webb Rd. Suite A

Legend

- Liquor License Locations
- 1,500ft Buffer from Applicant