



# City of Grand Island

Tuesday, August 14, 2012

Council Session

## Item G3

**Approving Liquor Manager Designations for Brian Fausch, 1404 Meadow Road for Pump & Pantry's #2, #3, #6, #8, #10, #11, #15, #42, #43, and #44 in Grand Island, NE**

Staff Contact: RaNae Edwards

# Council Agenda Memo

**From:** RaNae Edwards, City Clerk  
**Meeting:** August 14, 2012  
**Subject:** Request from Brian Fausch, 1404 Meadow Road for  
Liquor Manager Designations for the Pump & Pantry's  
(10) Locations in Grand Island  
**Item #'s:** G-3  
**Presenter(s):** RaNae Edwards, City Clerk

## Background

Brian Fausch, 1404 Meadow Road has submitted applications with the City Clerk's Office for a Liquor Manager Designation in conjunction with the following Liquor Licenses for the Pump & Pantry's:

Pump & Pantry #2, 821 South Webb Road	B-13150
Pump & Pantry #3, 2511 North Diers Avenue	B-13151
Pump & Pantry #6, 3355 West Stolley Park Road	B-13152
Pump & Pantry #8, 2028 North Broadwell Avenue	B-13153
Pump & Pantry #10, 3212 South Locust Street	B-13154
Pump & Pantry #11, 704 West 2 <sup>nd</sup> Street	B-13155
Pump & Pantry #15, 2028 East Highway 30	B-16782
Pump & Pantry #42, 1235 Allen Drive	B-83476
Pump & Pantry #43, 1222 South Locust Street	B-96501
Pump & Pantry #44, 1309 Diers Avenue	B-96502

These applications have 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 requests.
2. Forward the requests with no recommendation.
3. Take no action on the requests.

## **Recommendation**

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

## **Sample Motion**

Move to approve the requests from Brian Fausch, 1404 Meadow Road for Liquor Manager Designations in conjunction with the above named Liquor Licenses for the Pump & Pantry's in Grand Island with the stipulation that Mr. Fausch 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 : **:*:* **/**/****
Occurred before : **:*:* **/**/****
When reported : 08:00:00 07/24/2012
Date disposition declared : 07/27/2012
Incident number : L12073982
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 3123 Stolley Park Rd 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 : 26523
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	43709	08/06/12	Fausch, Brian T	Liquor Manager
NM	66141	08/06/12	Fausch, Lori	Spouse
NM	43752	07/27/12	Pump & Pantry; #2,	Business Involved
NM	49962	07/27/12	Pump & Pantry; #11,	Business Involved
NM	51767	07/27/12	Pump & Pantry; #15,	Business Involved
NM	54422	07/27/12	Pump & Pantry; #8,	Business Involved
NM	55236	07/27/12	Pump & Pantry; #10,	Business Involved
NM	59519	07/27/12	Pump & Pantry; #3,	Business Involved
NM	60231	07/27/12	Pump & Pantry #6,	Business Involved
NM	140180	07/27/12	Pump & Pantry; #42,	Business Involved
NM	170547	07/27/12	Pump & Pantry Express,	Business Involved
NM	171097	07/27/12	Pump & Pantry # 44,	Business Involved

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT07	Convenience Store	

LAW INCIDENT NARRATIVE:

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LAW INCIDENT TABLE

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I Received a Copy of a Liquor Manager Application from Brian Fausch for Pump & Pantry Stores # 2,3,6,8,10,11,15,42,43,44.

LAW INCIDENT OFFENSES DETAIL:

Se Offe	Offense code	Arson Dama
1	AOFF Alcohol Offense	0.00

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	14:06:55 08/06/2012

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Grand Island Police Department  
Supplemental Report

Date, Time: Mon Aug 06 14:07:08 CDT 2012  
Reporting Officer: Vitera  
Unit- CID

I received a copy of a liquor manager application from Brian Fausch for all of the Pump & Pantry stores within the city limits of Grand Island. From reviewing the application, I learned that Brian is married to Lori Fausch, and they have lived in Grand Island for eight of the last ten years. They lived in Gretna for two years.

On the application, it clearly asks "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." It further asks that the applicant, "List the nature of the charge, where the charge occurred and the year and the month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name."

Brian disclosed a DUI conviction from 1992. Lori didn't disclose any convictions, and she signed a Spousal Affidavit of Non Participation. I checked on the Fausch's in Spillman and NCJIS. Spillman shows a possible speeding conviction for Brian and a DUI arrest for Lori. NCJIS shows that Brian has five speeding convictions, a seat belt conviction, a disturbing the peace conviction, and an open container conviction. Lori has a DUI conviction and a speeding conviction.

Brian and Lori's failure to disclose their convictions technically makes the applications false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) which states:

"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."

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 application.

I continued to attempt to find additional information on Brian and Lori by checking some online resources. I found a face book page for Lori, but there wasn't much public information on it. Online information indicates that Brian is the Chief Operations Officer in the front office for the Danger football team and a Vice President in the Bosselman Travel Center. I also checked a law enforcement-only online database and didn't find anything disturbing about the Fausch's. Neither one of them have any outstanding warrants, and they each have

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a valid Nebraska driver's license.

While the Fausch's (especially Brian) should have disclosed all of their convictions, none of the convictions will preclude Brian from becoming a liquor manager. Brian's last conviction in Nebraska was over six years ago. In addition, Lori signed a Spousal Affidavit of Non Participation. The Grand Island Police Department will not object to Brian Fausch becoming the liquor manager for the Pump & Pantry stores within the city limits of Grand Island.

