



City of Grand Island

Tuesday, February 07, 2006

Study Session

Item -2

Central Nebraska Liquor Summit

Staff Contact: RaNae Edwards

“CENTRAL NEBRASKA LIQUOR SUMMIT”

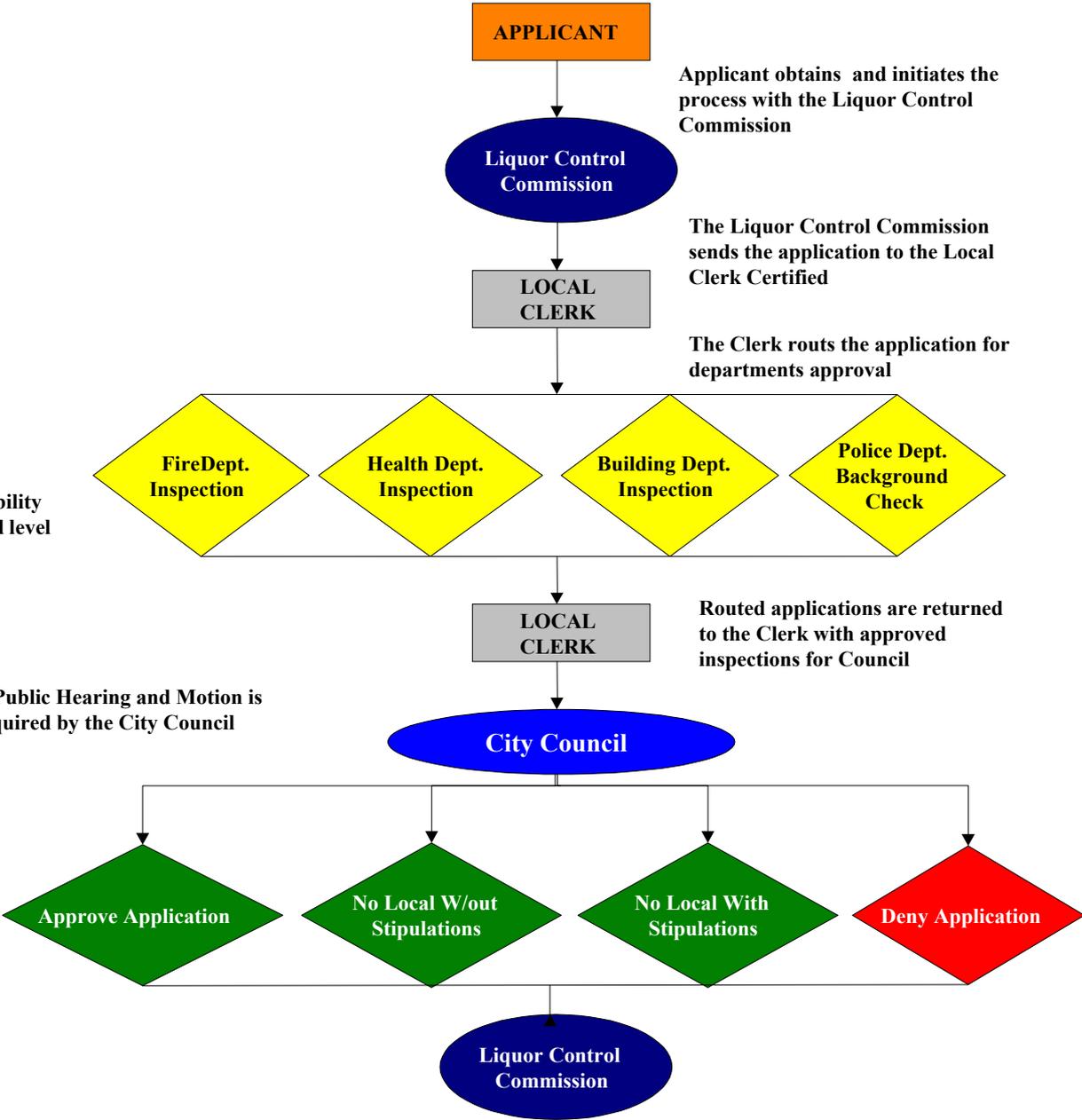
February 7, 2006



AGENDA

- Welcome
- Overview of Liquor License Processes
- Police Background Checks
- State Patrol Checks
- Liquor Control Commission Process
- Facts & Other Interesting Information
- Questions & Answers
- Adjournment

City of Grand Island New Application Process



Applicant obtains and initiates the process with the Liquor Control Commission

The Liquor Control Commission sends the application to the Local Clerk Certified

The Clerk routes the application for departments approval

Local level has 45 days to conduct a hearing

Applications must be publicized not less than 7 days and not more than 14 days prior to the hearing

Routed applications are returned to the Clerk with approved inspections for Council

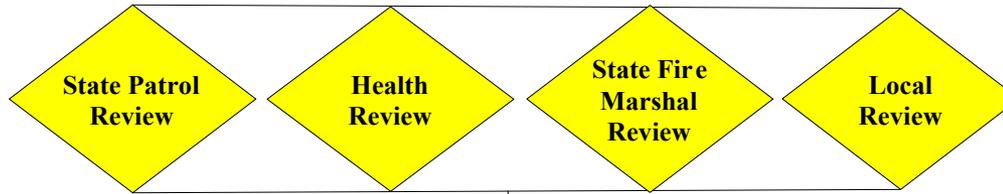
A Public Hearing and Motion is required by the City Council

Local Council can make one of four recommendations to the Liquor Control Commission

- Approve the Application*
- No Local Without Stipulations*
- No Local With Stipulations*
- Deny the Application*

Time allows citizens the ability to file a protest at the local level

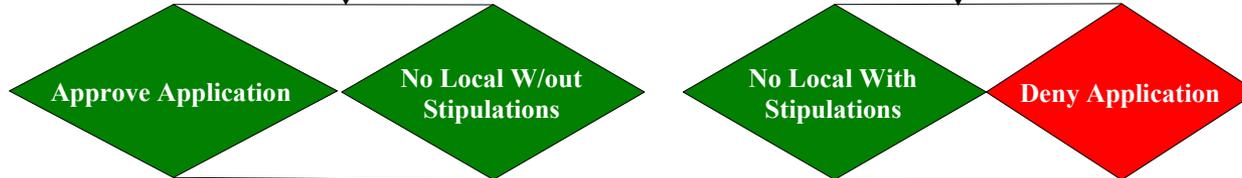
Liquor Control Commission New Application Process



Time allows citizens the ability to file a protest at the local level



Three protest letters will require a hearing



The application will be held for 10 days and then issued

The application will be held for 45 days and then issued

Review stipulations and determine a hearing administratively

Applicant will receive a mandatory hearing

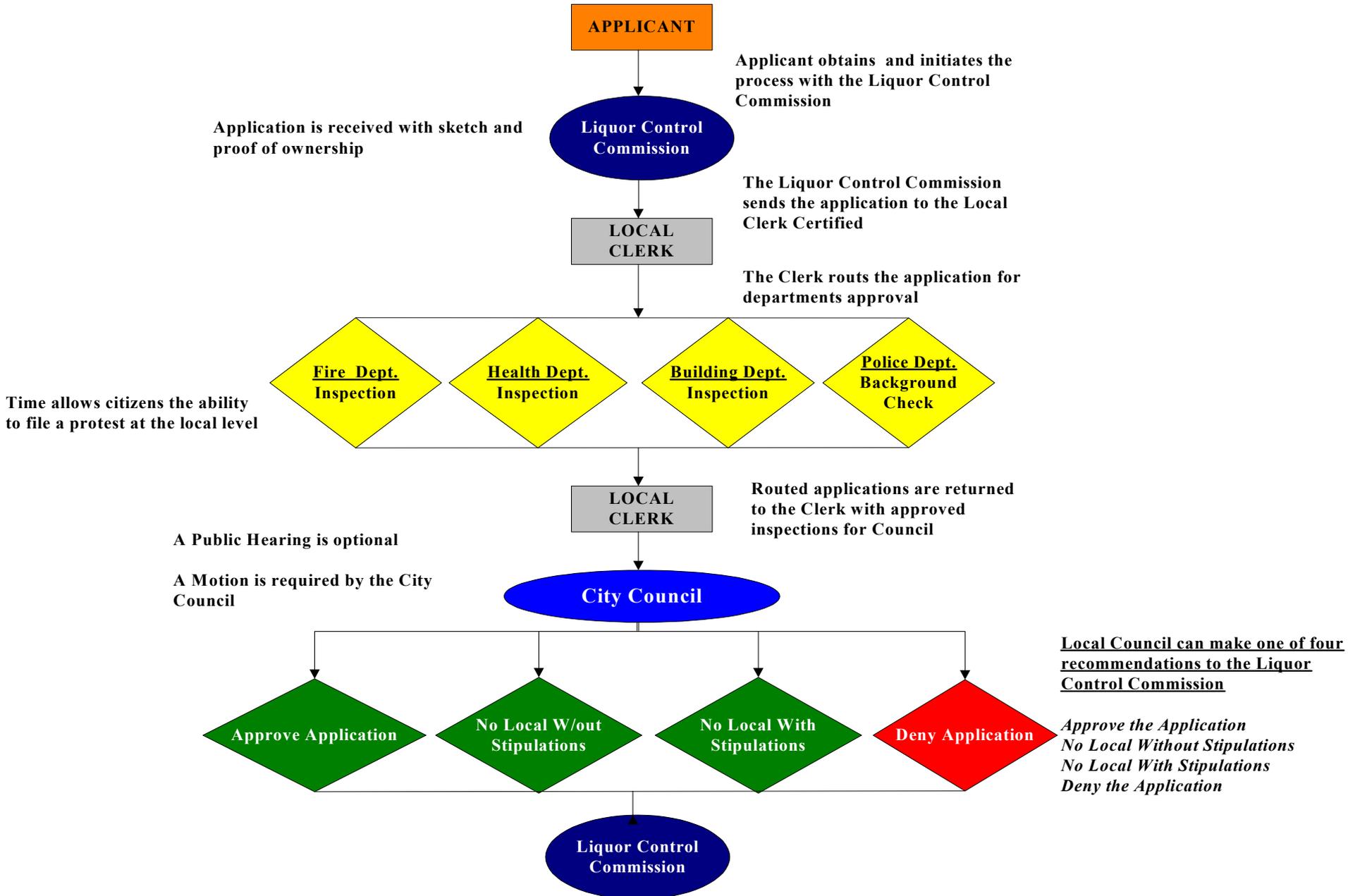


Issuance of the Permit by the Liquor Control Commission

The Permit will be affective upon

- Payment of license fee
- Physical possession of the license
- License valid on effective date

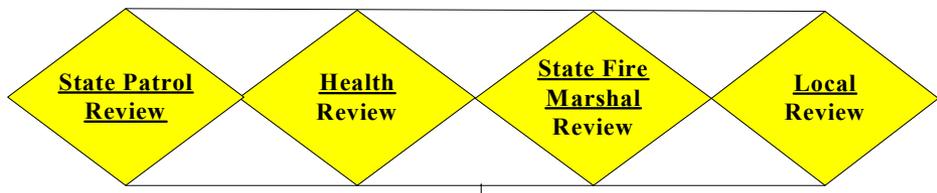
City of Grand Island Change of Location, Reconstruction, Additions, Deletions



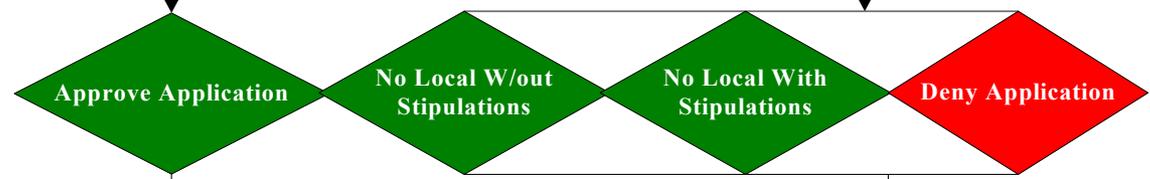
Liquor Control Commission

Change of Location, Reconstruction, Additions, Deletions

The State Patrol, Health Department, and State Fire Marshal have 30 days to file a report



Liquor Control Commission looks for any objections from the Local Governing body



Local denial or a no local recommendation will require the Liquor Control Commission to cease the processing of the application

Issuance of the Permit by the Liquor Control Commission



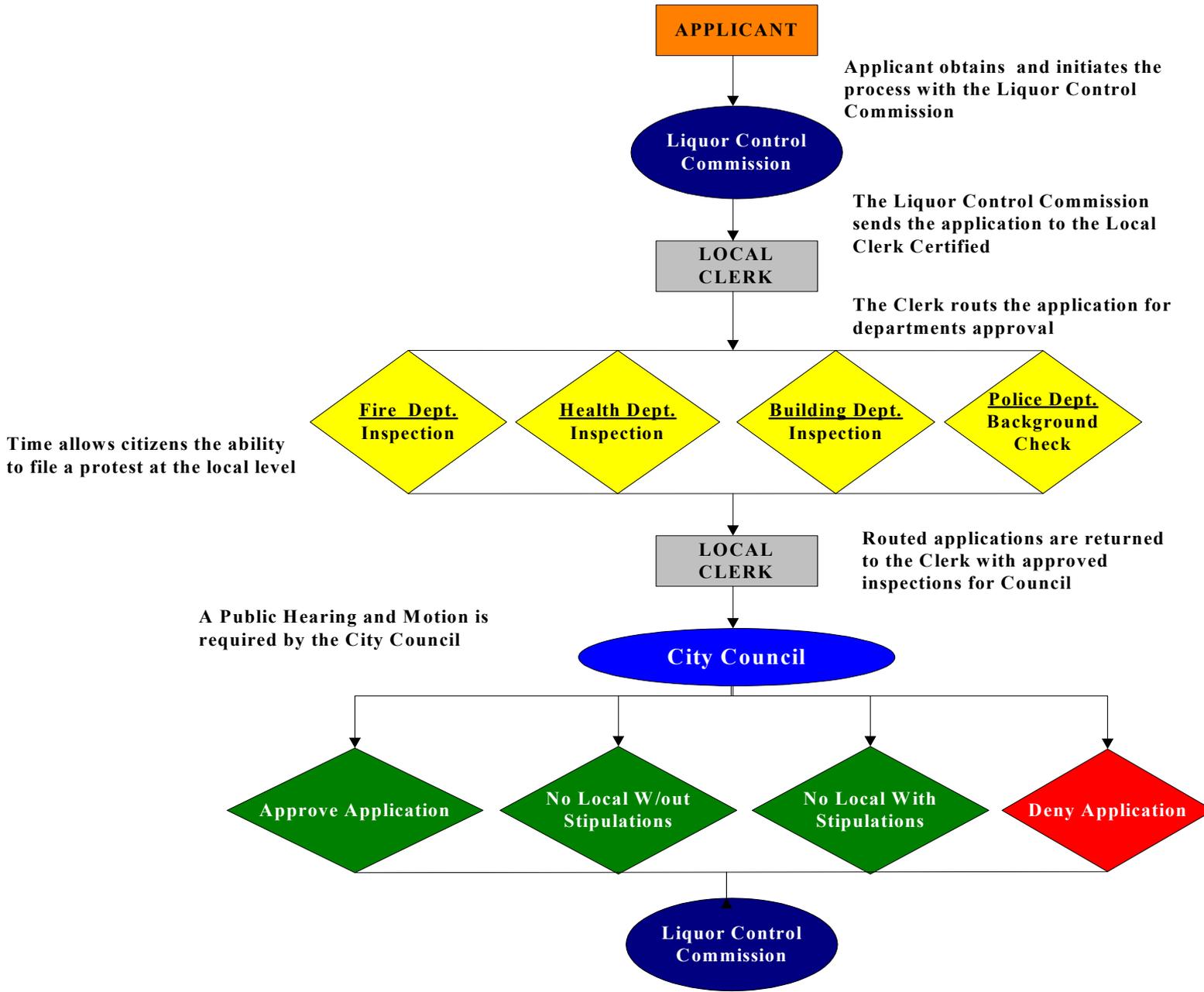
Formal hearings are not required



The Permit will be affective upon

-Payment of the \$45 fee to the local clerk

City of Grand Island Renewal Long Form



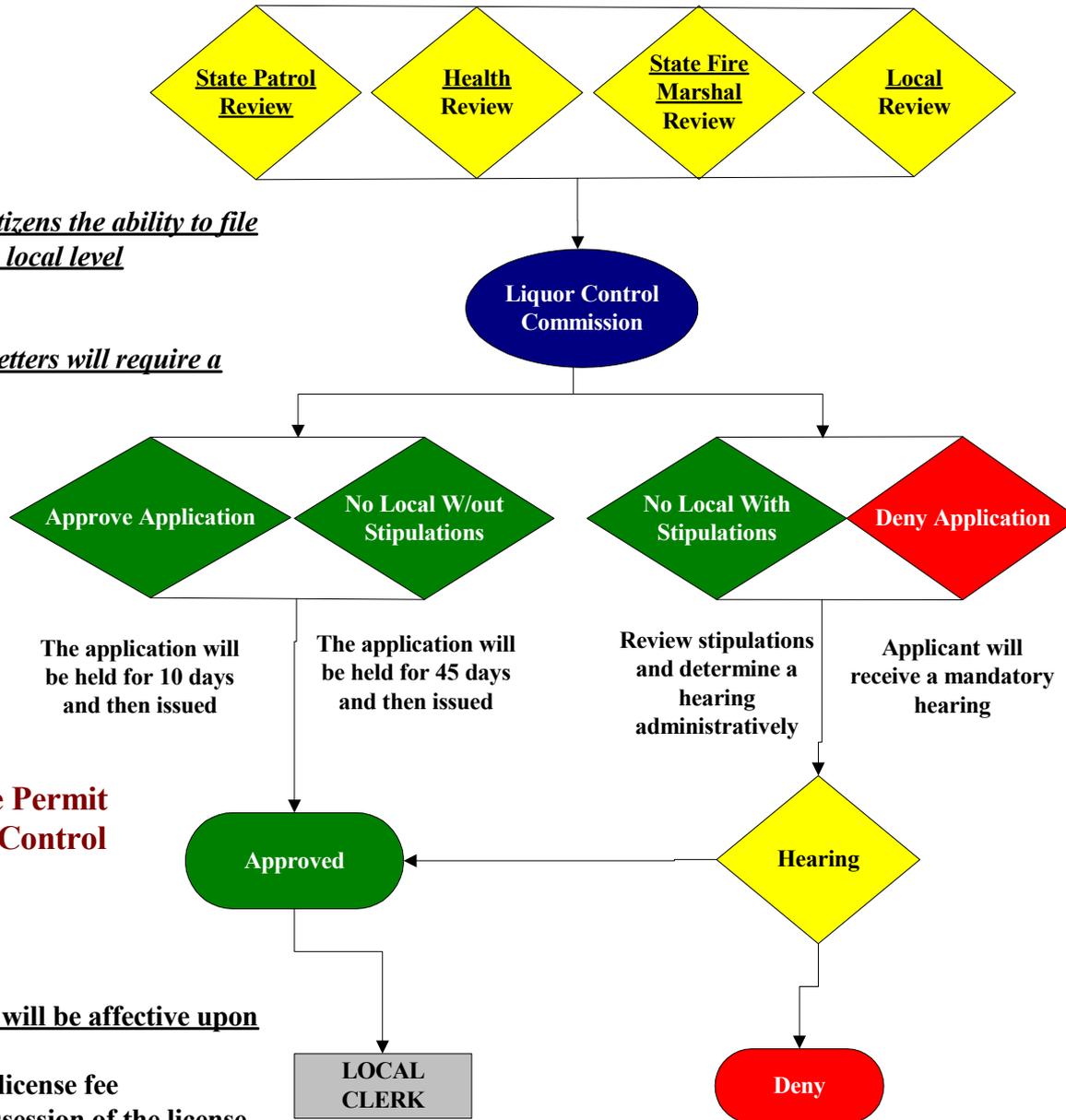
Liquor Control Commission Renewal Long Form

Application must be approved by four entities

A hearing will be set if an entity does not approve of the application

Time allows citizens the ability to file a protest at the local level

Three protest letters will require a hearing



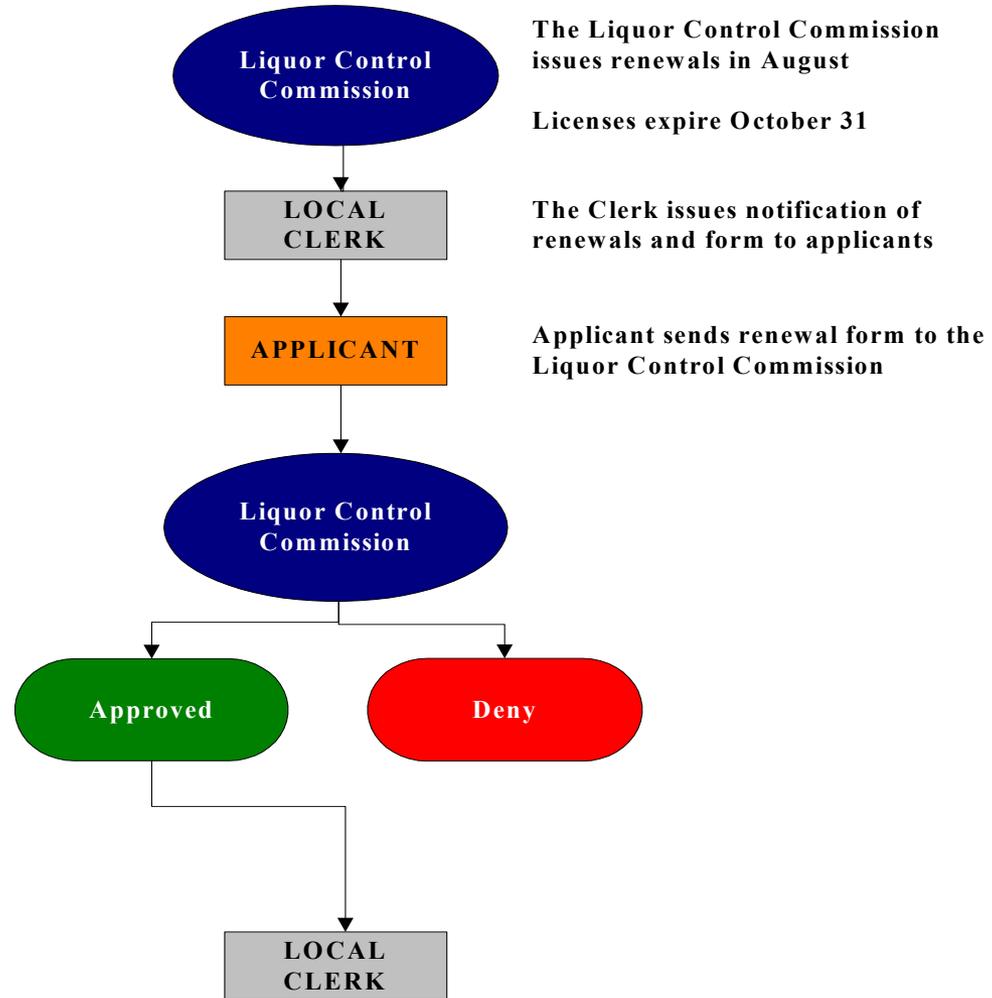
Issuance of the Permit by the Liquor Control Commission

The Permit will be effective upon

- Payment of license fee
- Physical possession of the license
- License valid on effective date

If denied an applicant can request a rehearing by the Liquor Commission or appeal to the District Court

City of Grand Island/Liquor Control Commission Renewals/Short Form



The Permit will be affective upon

- Physical possession
- Effective date

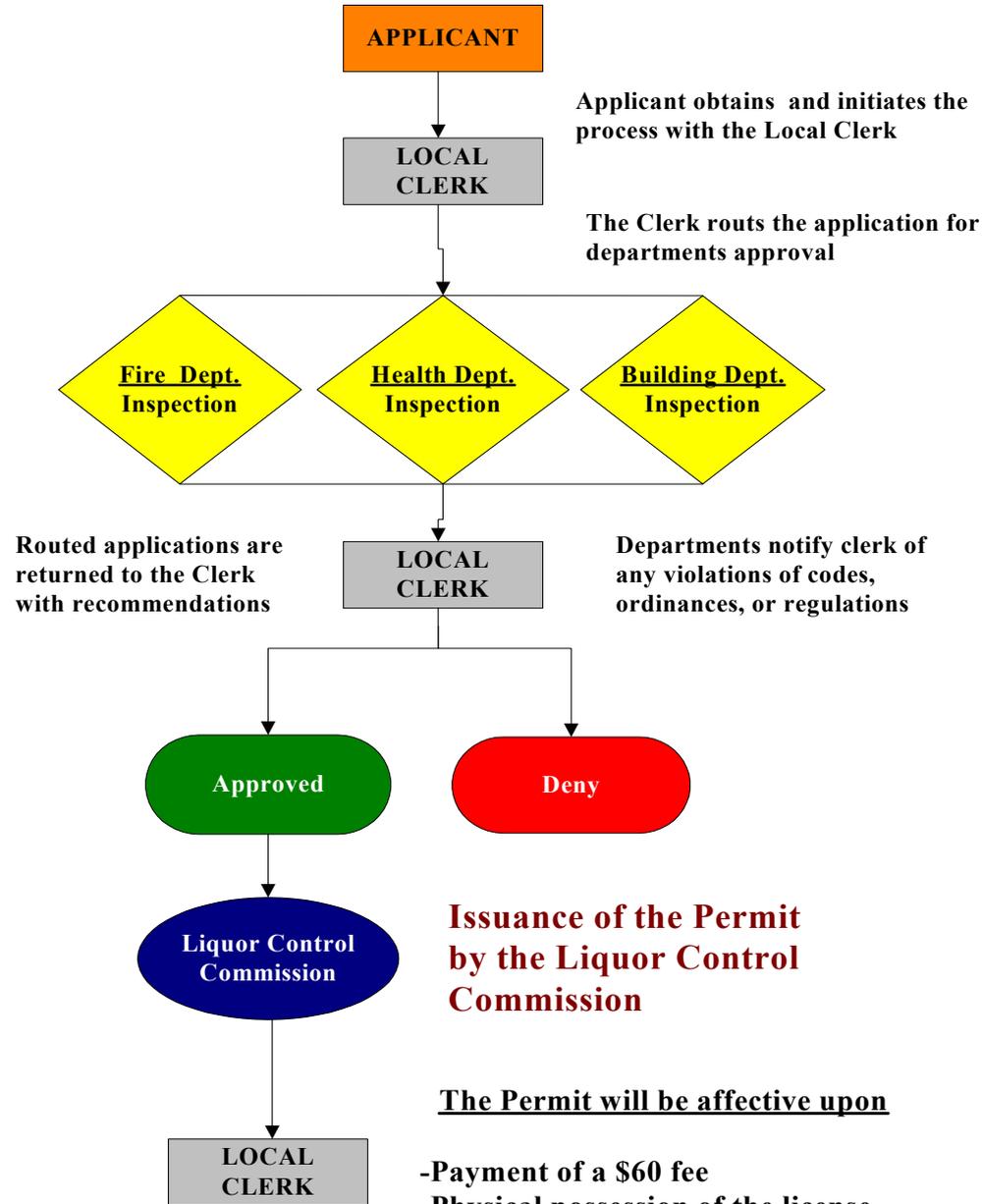
City of Grand Island/Liquor Control Commission Special Designated License (SDL)

The application for a Special Designated Liquor license is submitted for review at least twenty one days prior to the event date

An applicant must obtain an SDL through a local Liquor License Dealer

or

An applicant must have a Catering License



Applicant obtains and initiates the process with the Local Clerk

The Clerk routes the application for departments approval

An application must have a favorable police report issued relating to the type and level of security to be provided to insure that the liquor laws, and in particular the liquor laws relating to the sale to and consumption by minors, will be complied.

Routed applications are returned to the Clerk with recommendations

Departments notify clerk of any violations of codes, ordinances, or regulations

Issuance of the Permit by the Liquor Control Commission

The Permit will be affective upon

- Payment of a \$60 fee
- Physical possession of the license
- License valid on effective date

CITY OF GRAND ISLAND LIQUOR APPLICATION CHECKLIST

Retail: Individual **

- Applicant is Nebraska Resident.
- Applicant is of good character and reputation in the community in which he or she resides.
- Applicants is citizen of the United States.
- Applicant has no Felony or Class I Misdemeanor convictions or guilty pleas.
- Applicants has had no prior liquor licenses issued under the Nebraska Liquor Control Act revoked.
- Applicant's spouse must qualify the same as applicant.
- Applicant owns premise or has a lease of premise for the full period for which the license is issued.
- Premise meets State Fire Marshal codes.
- Applicant is not a law enforcement officer.
- Applicant is at least 21 years of age.

CITY OF GRAND ISLAND LIQUOR APPLICATION CHECKLIST

Retail: Partnership **

- One partner must be a resident of Nebraska.
- All partners and spouses must be citizens of the United States.
- All partners must be of good character and reputation in the community.
- All partners must not have been convicted or plead guilty to a Felony or Class I Misdemeanor.
- All partners must not have had a liquor license issued under the Nebraska Liquor Control Act revoked.

CITY OF GRAND ISLAND LIQUOR APPLICATION CHECKLIST

Retail: Limited Liability Company **

- One of the members must be a resident of Nebraska.
- All members of such company must qualify to above individual restrictions.

Retail: Corporation **

- Any officer, manager, or director of the corporation or any stockholder owning more than 25% of the stock must qualify to above individual restrictions.
- The manager and spouse of the corporation must be a resident of Nebraska and qualify to above individual restrictions.
- Corporation must be registered with the Secretary of State.
- Corporation owned by a corporation, the owning corporation must register with the Secretary of State.

CITY OF GRAND ISLAND LIQUOR APPLICATION CHECKLIST

Manufacturer, Wholesaler, Railroad, Airline, Boat, Nonbeverage

- Application filed in duplicate.
- Beer Wholesaler must file sales territory of their brands.
- Must file a bond.
- Must pay registration fee and license fee.
- No Manufacturer or Wholesaler may have interest as owner, part owner, lessee, or lessor in any retail establishment.

****All Retail Licenses:**

- Premise is not within 150' from any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children.
- Premise is not within 300' from any college campus.

Definitions

- **SUSPEND**: Temporary interruption of all rights and privileges of a license
- **CANCEL**: Discontinue all rights and privileges of a license
- **REVOKE**: Permanently void and recall all rights and privileges of a license
- **SDL**: Special Designated Liquor License

CLASS OF LIQUOR LICENSE

“A”	Beer, On Sale Only
“B”	Beer, Off Sale Only
“C”	Beer, Wine & Distilled Spirits, On & Off Sale
“D”	Beer, Wine & Distilled Spirits, Off Sale Only
“I”	Beer, Wine & Distilled Spirits, On Sale Only
“L”	Craft Brewery (Brew Pub)
“O”	Boat
“V”	Manufacturer, Beer, Wine & Distilled Spirits
“W”	Wholesale Beer
“X”	Wholesale Liquor
“Y”	Farm Winery

POLICE BACKGROUND CHECKS

Police Chief Steve Lamken

Police Captain Robert Falldorf

GIPD Enforcement Activities

- Bar Checks
- Compliance Checks
- Tavern Violations
- License Application Investigations

STATE PATROL CHECKS

State Patrol Investigator Lori Rogers

State Patrol Sgt. Martin Costello

LIQUOR CONTROL COMMISSION PROCESS

Executive Director Hobert Rupe

301 Centennial Mall South

PO Box 95046

Lincoln, NE 65046

(402) 471-2574

h.rupe@lcc.ne.gov

FACTS AND OTHER INFORMATION

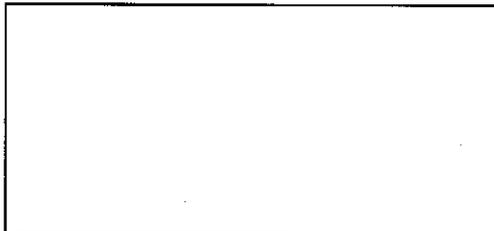
- All Class “C” Licenses expire October 31st of each year
- All Non-Class “C” Licenses expire April 30th of each year
- Currently 5,203 Licenses Statewide
- Currently 52 Class “C” Licenses - Grand Island
- Currently 64 Non-Class “C” Licenses - Grand Island
- Local Approval by Resolution (53-134)
- State Hearing Required – 3 Resident Complaints for New License or During Renewal Period (53-133)
- Local Hearing Required – 5 Resident Complaints for Violations (53-132.04)
- New Rules & Regulation Books Issued in the Near Future
- www.lcc.ne.gov
- www.grand-island.com

“CENTRAL NEBRASKA LIQUOR SUMMIT”

QUESTIONS??

APPLICATION FOR LIQUOR LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov



OFFICE USE ONLY

CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES CHECK DESIRED CLASS(S)

RETAIL LICENSE(S)

- | | | | |
|--------------------------|---|---|---------|
| <input type="checkbox"/> | A | Beer, On Sale Only | \$45.00 |
| <input type="checkbox"/> | B | Beer, Off Sale Only | \$45.00 |
| <input type="checkbox"/> | C | Beer, Wine & Distilled Spirits, On & Off Sale | \$45.00 |
| <input type="checkbox"/> | D | Beer, Wine & Distilled Spirits, Off Sale Only | \$45.00 |
| <input type="checkbox"/> | I | Beer, Wine & Distilled Spirits, On Sale Only | \$45.00 |

Class K Catering license may be added to any of these classes with an additional fee of \$100.00 and filing form 35-4202

MISCELLANEOUS

- | | | | Bond |
|--------------------------|---|--|----------------------|
| <input type="checkbox"/> | L | Craft Brewery (Brew Pub) | \$295.00 1,000 min. |
| <input type="checkbox"/> | O | Boat | \$ 95.00 N/A |
| <input type="checkbox"/> | V | Manufacturer, Beer, Wine & Distilled Spirits
(additional fee of \$100 to \$1,000-call for exact amount) | \$ 45.00 10,000 min. |
| <input type="checkbox"/> | W | Wholesale Beer | \$545.00 5,000 min. |
| <input type="checkbox"/> | X | Wholesale Liquor | \$795.00 5,000 min. |
| <input type="checkbox"/> | Y | Farm Winery | \$295.00 1,000 min. |

All Class C licenses expire October 31st

All other licenses expire April 30th

Catering expire same as underlying retail license

TYPE OF APPLICATION BEING APPLIED FOR (CHECK ONE)

- Individual License, requires insert form 1
 Partnership License, requires insert form 2
 Corporate License, requires insert form 3a and manager application 3b

NAME OF PERSON OR FIRM ASSISTING WITH APPLICATION

(Commissioner will call this person with any questions we may have)

Name: _____ Phone: _____

Firm Name: _____

Firm address: _____

PREMISE INFORMATION

Trade Name (doing business as) _____

Street Address #1 _____

Street Address #2 _____

City _____ County _____

Zip Code _____

Telephone number at premise to be licensed _____

Is this location inside the city/village corporate limits: YES NO

Mail to Address (where you want receipt of Liquor Control Commission mailings)

Name: _____

Street Address #1 _____

Street Address #2 _____

City _____ County _____

Zip Code _____

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

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. List the nature of the charge, where the charge occurred and the year and 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.

- Yes If yes, please explain below or attach a separate page.
 No

2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required). Liquor Inventory may be taken at time of application being submitted.

- Yes
Current business name and license number _____
 No

3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license. If yes, attach agreement. **Please note:** This agreement is not effective until Commissions assigns you a 3-digit ID number.

- Yes
 No

4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.

- Yes
 No

5. Will any person or entity other than applicant be entitled to a share of the profits of this business? If yes, explain. All involved members must be disclosed on application.

Yes _____

No _____

6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.

Yes _____

No _____

7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain? (No silent partners)

Yes _____

No _____

8. Are the premises to be licensed within 150 ft of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Neb. Rev. Stat. 53-177.

Yes _____

No _____

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties.

Yes _____

No _____

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the individual(s) who will be authorized to write checks and/or make withdrawals on accounts at the institutions.

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.

12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.
13. List the training or experience (when and where) of the person listed in #12 above in connection with selling and/or serving alcohol products.

14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

- Lease: expiration date _____
- Deed
- Purchase Agreement

15. When do you intend to open for business? _____

16. What will be the main nature of business? What are the anticipated hours of operation?

17. List the principal residence(s) for the past 10 years for all persons required to sign application, including spouses. If necessary attach a separate sheet.

Applicant Name	From: Year	To: Year	City/State

The undersigned applicant(s) hereby consent(s) to a background investigation and release present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance

of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

_____	_____
(sign here)	(sign here)
_____	_____
(sign here)	(sign here)
_____	_____
(sign here)	(sign here)
_____	_____
(sign here)	(sign here)
_____	_____
(sign here)	(sign here)

Subscribed in my presence and sworn to before me this
_____ day of _____, _____

Notary Public Signature & Seal

In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

FORM 35-4010
REV. 4/05

PROPOSED

RESOLUTION 2006-____

WHEREAS, an application was filed by _____, doing business as _____ at _____ for a Class "___" Liquor License; and

WHEREAS, a public hearing notice was published in the *Grand Island Independent* as required by state law on _____, 2006; such publication cost being \$_____; and

WHEREAS, a public hearing was held on _____, 2006, for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

? The City of Grand Island hereby recommends approval of the above-identified liquor license application.

? The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application.

? The City of Grand Island hereby makes no recommendation as to the above-identified liquor license application with the following stipulations: _____

? The City of Grand Island hereby recommends denial of the above-identified liquor license application for the following reasons: _____

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, _____, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 3, 2006	☐ City Attorney