



City of Omaha
Jim Suttle, Mayor

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Paul D. Kratz
City Attorney

Honorable President and

Members of the City Council,

The attached Resolution is prepared at the request of the City Council Law Committee. The Resolution sets a hearing at the February 26, 2013, City Council meeting to determine whether the Class "I" liquor license held by Club Equis, Inc., dba "Club Equis" at 5017 South 24th Street in Omaha, Nebraska, should be cancelled or revoked.

State statutes permit the City Council to cancel or revoke a liquor licensee for cause or upon a showing that the licensee has violated any provision of the Liquor Control Act or any ordinance or regulation relating to alcoholic liquor. A specific procedure setting a hearing date and providing notice to the licensee is required. This resolution complies with that procedure.

Omaha police report that disturbances and assaults have repeatedly occurred at this business. The activity offered at the bar is attracting customers who cause disturbances. Additional information and police reports will be provided to you in a separate memo.

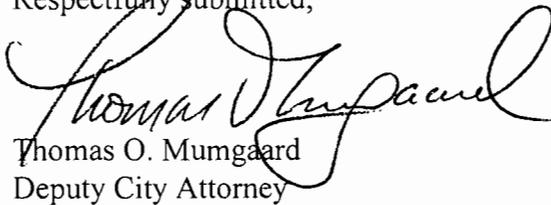
In January, 2013, the Council Law Committee met with the management of this business and discussed operational changes aimed at eliminating the problems. The management had no concrete changes planned and the Committee concluded the disturbances and assaults would likely continue with increasing use of police resources.

This resolution does not determine whether the license should be canceled or revoked. The only question now is whether there is sufficient reason to believe that violations of law or regulations have occurred or that cause exists for cancellation or revocation. You may choose either cancellation or revocation as either method will take away the license. But a revocation will prohibit the licensee from receiving another liquor license. A vote on cancelling or revoking the license will be taken at a future meeting.

Honorable President
and Members of the City Council
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If you are satisfied that there is reason to look further, it is first necessary to schedule a hearing at which the allegations can be explored and a defense presented. By law, the hearing must occur within 10 days after passage of this resolution. For that reason the resolution schedules a hearing for March 5, 2013, but allows a later hearing if rescheduling is accepted by the licensee.

Respectfully submitted,



Thomas O. Mumgaard
Deputy City Attorney

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, section 53-134 of the Nebraska Liquor Control Act, as amended, authorizes the Omaha City Council to cancel or revoke a retail liquor license within the city upon a showing of cause or upon a showing that the licensee has violated any provision of the Act or any valid and subsisting ordinance or regulation relating to alcoholic liquor; and,

WHEREAS, Club Equis, Inc., dba "Club Equis" at 5017 South 24th Street in Omaha, Nebraska, holds a Class 'I' liquor license issued for the 2012-2013 licensing year; and,

WHEREAS, this Council has received reports from the Omaha Police Department showing that the following listed violations of statutes, ordinances, rules, or regulations relating to alcoholic liquor occurred on the licensed premises of Doc's Bar & Grill or adjacent outdoor areas on the following listed dates:

December 29, 2012; January 1, 2013	Disturbance and/or assault allowed on or about the premises or adjacent outdoor areas contrary to Liquor Control Commission regulations 019.01F and 019.01Q.
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and,

WHEREAS, the licensee met with the City Council Law Committee on January 29, 2013, to discuss these offenses but failed to offer any plan to assist the Council in seeking ways to stop the behavior of its customers; and ,

WHEREAS, the reported conduct by the licensee and/or its agents and employees show a continuing pattern of conduct that constitutes good cause for the license to be cancelled or revoked; and,

WHEREAS, this City Council is satisfied that the reports substantially evidence a violation of valid and subsisting laws, rules, regulations, or ordinances relating to alcoholic liquor and present reasonable cause to believe that conduct of Club Equis, Inc., presents cause for the license to be cancelled or revoked, and that a hearing should be held to determine if the retail liquor license held by that business should be canceled or revoked.

By.....
Councilmember

Adopted.....
.....
City Clerk

Approved.....
Mayor

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

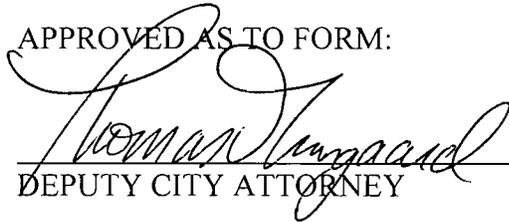
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, a hearing shall be held on March 5, 2013, or a subsequent date requested by the licensee and agreed to by the City Attorney, to determine if the Class 'I' retail liquor license held by Club Equis, Inc., dba "Club Equis" at 5017 South 24th Street in Omaha, Nebraska, should be canceled or revoked.

BE IT FURTHER RESOLVED:

THAT, the hearing shall commence in the Chambers of the Omaha City Council at 1819 Farnam Street, Omaha, Nebraska, at 2:00 p.m. or as soon thereafter as the matter is reached on the City Council agenda. The City Clerk shall serve notice of the time and place of the hearing and of the facts upon which the charges are based. The Law Department is hereby authorized to exercise the City Council's power to obtain pertinent information as granted by Omaha Home Rule Charter section 8.07.

APPROVED AS TO FORM:


DEPUTY CITY ATTORNEY

2-19-13
DATE

By.....
Councilmember

Adopted.....

.....
City Clerk

Approved.....
Mayor