



City of Omaha
Jean Stothert, Mayor

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OMAHA, NEBRASKA

Law Department

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Paul D. Kratz
City Attorney

Honorable President and

Members of the City Council,

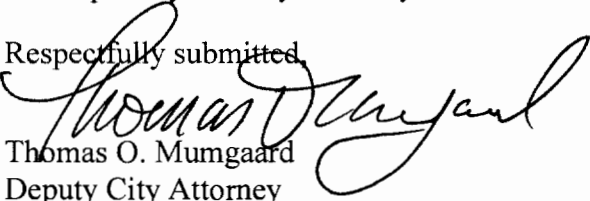
The attached Resolution is prepared at the request of the City Council Law Committee. The Resolution sets a hearing at a future City Council meeting to determine whether the Class "C" liquor license held by Oasis Hookah Bar & Café, LLC., dba "Oasis Hookah Bar & Cafe" and "Taza Hookah Lounge," at 1507 Farnam Street in Omaha, Nebraska, should be cancelled.

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 a disturbance and assault occurred at this business, that police are regularly being dispatched to control disorderly crowds congregating outside the business, and that the activity offered at the bar is attracting customers who engage in this conduct. Police report the customers appear to be moving between this business and a similar business operating several blocks away where disturbances and criminal conduct has repeatedly occurred. In addition, when the liquor license application was before the City Council in 2012, representatives told the Council the business would be operated as a hookah lounge with occasional live entertainment. Media reports and police reports indicate the business model has changed and it now operates as a nightclub with a focus on recorded music and dancing. You may wish to question if the description given to obtain the license was either false or is being disregarded, contrary to Liquor Commission rules and City ordinances. Additional information will be provided in a separate memo.

This resolution does not determine whether the license should be canceled. The only question now is whether there is reason to believe that violations of law or regulations have occurred or that cause exists for cancellation. A vote on cancelling the license will be taken at a future meeting. 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 August 26, 2014, but allows a later hearing if rescheduling is accepted by the City Attorney and 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 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, Oasis Hookah Bar & Café, LLC, dba “Oasis Hookah Bar & Cafe” and “Taza Hookah Lounge” at 1507 Farnam Street in Omaha, Nebraska, holds a Class ‘C’ liquor license issued for the 2013-2014 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 or adjacent outdoor areas on the following listed dates:

DATE	VIOLATION
June 1, 2014	Disturbance and/or assault by customers allowed on or about the premises or adjacent outdoor areas contrary to Liquor Control Commission regulations R6 019.01F and R6 019.01Q.
November 11, 2013; June 1, 2014	Failure to operate in accordance with license conditions and representations made to obtain a license, contrary to Liquor Control Commission regulations R1 005.01, R2 001.02, R6 020.01 and R6 020.05.
November 11, 2013; June 1, 2014	Failure to operate in accordance with the statement of business activity as required by Omaha Municipal Code section 15-22(b).
November 11, 2013; June 1, 2014	Failure to comply with and perform in accordance with the statements, representations, and promises made to the City Council in connection with the request for a license, as described in Omaha Municipal Code section 15-42(d).

By.....
Councilmember

Adopted.....

.....
City Clerk

Approved.....
Mayor

CITY OF OMAHA

LEGISLATIVE CHAMBER

Page 2

Omaha, Nebraska

and,

WHEREAS, the reported conduct by the licensee and/or its agents and employees show conduct that constitutes good cause for the license to be cancelled; 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 Oasis Hookah Bar & Café, LLC, presents cause for the license to be cancelled, and that a hearing should be held to determine if the retail liquor license held by that business should be canceled.


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

THAT, a hearing shall be held on August 26, 2014, or a subsequent date agreed to by the City Attorney to comply with law, to determine if the class 'C' retail liquor license held by Oasis Hookah Bar & Café, LLC., dba "Oasis Hookah Bar & Cafe" and "Taza Hookah Lounge," at 1507 Farnam Street in Omaha, Nebraska, should be canceled.

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
8-13-14 DATE

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By.....
Councilmember

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

Approved.....
Mayor

REQUEST TO LAW

RECEIVED
LAW DEPARTMENT

2014 JUL 23 AM 10:38

LAW DEPARTMENT USE ONLY:

LOG BOOK # 71-14 = CLERK

TO: Paul Kratz, City Attorney

DATE ASSIGNED 07/23/14

DATE: July 23, 2014

ASSIGNED TO Tom

DATE ANSWERED 8/13/14

WITHDRAWN _____

REQUEST BEING MADE BY:

<u>Buster Brown</u> (NAME)		<u>City Clerk</u> (DEPARTMENT)	<u>5557</u> (PHONE)
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TIME LINE: August 19, 2014 City Council Meeting
12 WORKING DAYS FROM DATE RECEIVED BY LAW DEPARTMENT

REQUEST FOR: Resolution for Revocation/Cancellation - Class "C" Liquor License
(State Specifically What You Are Requesting)

DETAILS:

Please prepare a resolution sponsored by the City Council Law Committee for the revocation/cancellation of the Class "C" Liquor License held by Oasis Hookah Bar & Café, LLC, dba "Taza Hookah Lounge", 1507 Farnam Street.

INFORMATION ATTACHED: YES ___ NO X NONE AVAILABLE ___

REVISED: 01/02/92