

City of Scottsbluff, Nebraska

Monday, August 17, 2015

Regular Meeting

Item Public Inp1

Council to consider making a recommendation to the Nebraska Liquor License Commission regarding the appointment of Bart Shively as the Chili's Liquor License Manager.

Staff Contact: Kevin Spencer, Police Chief

**MANAGER APPLICATION
INSERT - FORM 3c**

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

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Office Use	RECEIVED
RECEIVED	APR 3 2015
JUN 15 2015	NEBRASKA LIQUOR CONTROL COMMISSION
NEBRASKA LIQUOR CONTROL COMMISSION	RECEIVED
	JUL 6 2015

MUST BE:

- ✓ Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration in the State of Nebraska
- ✓ Fingerprinted. See Form 147 for further information, this form **MUST** be included with your application.
- ✓ 21 years of age or older

NEBRASKA LIQUOR CONTROL COMMISSION

Corporation/LLC Information

Name of Corporation/LLC: Bygham LLC

Liquor License Information

Liquor License Number: 83544 Class Type I (if new application leave blank)

Premise Trade Name/DBA: Chili's

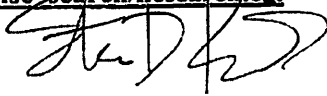
Premise Street Address: 820 W 36th St

City: Scottsbluff County: Scottsbluff Zip Code: 69361

Premise Phone Number: 308-633-1580

Email address: chilisscotts@guestoffice.net

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/licsearch.cgi

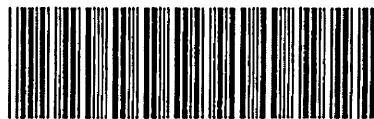


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SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)



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Manager's information must be completed below PLEASE PRINT CLEARLY

JUN 15 2015

Last Name: Shiveley First Name: Bart MI: R

Home Address (include PO Box if applicable): 975 Westwood

City: Gering County: Scotts Bluff Zip Code: 69341

Home Phone Number: 801-979-7338 Business Phone Number: 308-633-1580

Social Security Number: _____ Drivers License Number & State: H13661287 NE

Date Of Birth: 03/22/1985 Place Of Birth: Santa Ana, CA

Email address: bshiveley@gmail.com

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Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO

NEBRASKA LIQUOR CONTROL COMMISSION

Spouse's information

Spouses Last Name: Shiveley First Name: Aleah MI: L

Social Security Number: _____ Drivers License Number & State: H13660563 NE

Date Of Birth: 03/04/1980 Place Of Birth: Salt Lake City, Utah

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Gering, NE	2013	present	Gering, NE	2013	present
Taylorville, UT	2011	2013	Taylorville, UT	2011	2013
Midvale, UT	2008	2011	Midvale, UT	2008	2011
South Jordan, UT	1995	2008	South Jordan, UT	1992	2008

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MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	YEAR TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2008	2013	Wasatch Property Mgmt	Tina Caldwell	RECEIVED
2007	2008	Amigo Super Parking	Vince Kanagae	JUN 15 2015

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. NEBRASKA LIQUOR CONTROL COMMISSION
 Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non participation.

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 NO

If yes, please explain below or attach a separate page.

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Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Bart Shiveley		Centerville UT	Speeding ticket	
Bart Shiveley		South Jordan Utah	Speeding ticket	

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

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3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

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4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
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		JUN 15 2015
		NEBRASKA LIQUOR CONTROL COMMISSION
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*For list of NLCC Certified Training Programs see www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed Form 147 regarding fingerprints?

YES NO

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 CONTROL COMMISSION

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PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

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.

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[Signature]
Signature of Manager Applicant

NEBRASKA LIQUOR CONTROL COMMISSION
[Signature]
Signature of Spouse
NEBRASKA LIQUOR CONTROL COMMISSION

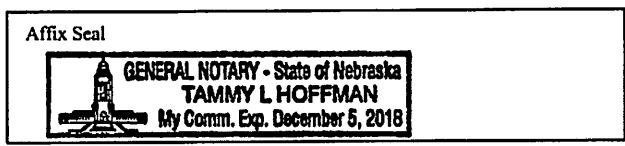
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ACKNOWLEDGEMENT

JUL 17 2015

State of Nebraska
County of Nebraska The foregoing instrument was acknowledged before me this
23rd day of March, 2015 by Bart R. Shiveley + Aleah L. Shiveley
date name of person acknowledged

[Signature]
Notary Public signature



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

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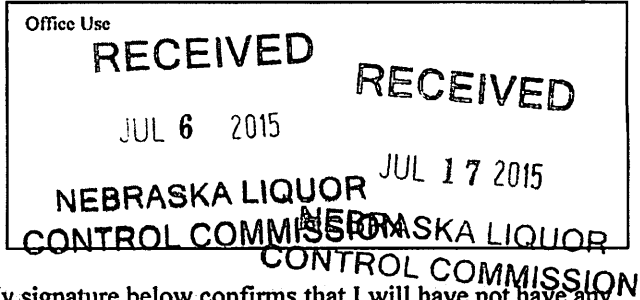
JUL 6 2015

NEBRASKA LIQUOR CONTROL COMMISSION

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**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

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



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

Aleah Shiveley
Signature of spouse asking for waiver
(Spouse of individual listed below)

Aleah Shiveley
Printed name of spouse asking for waiver

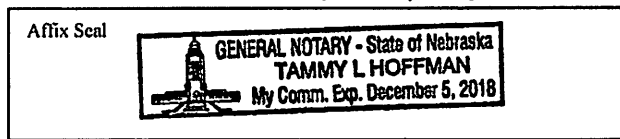
State of Nebraska

County of Scotts Bluff

July 13, 2015
date

The foregoing instrument was acknowledged before me this
by Aleah Shiveley
name of person acknowledged

Tammy L Hoffman
Notary Public signature



I acknowledge that I am the spouse of the above listed individual. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

Bart Shiveley
Signature of individual involved with application
(Spouse of individual listed above)

Bart Shiveley
Printed name of applying individual

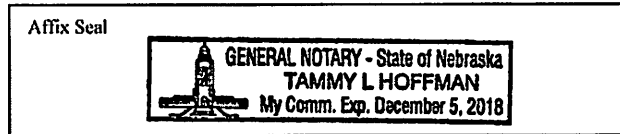
State of Nebraska

County of Scotts Bluff

July 13, 2015
date

The foregoing instrument was acknowledged before me this
by Bart Shiveley
name of person acknowledged

Tammy L Hoffman
Notary Public signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

Memo

To: Rick Kuckkahn, City Manager
From: Kevin E Spencer, Chief of Police
CC: liquor file
Date: August 11, 2015
Re: Manager application- Bart R Shiveley – Chili's Bar & Grill, License I-83544, 826 W 36th Street
Scottsbluff, NE 69361

This applicant, Bart R Shiveley, was investigated for suitability as a license holder. Bart Shiveley disclosed two speeding citations. No criminal history was found. Nothing was discovered that would prohibit him from holding a manager position under the license.

Tuesday August 11th, 2015 I called Bart to ask questions about Chili's alcohol rules and procedures. Bart told me that he just completed the Nebraska State Patrol Responsible Beverage Service Training last week. Bart added that all of their employees are required to complete Chili's Responsible Alcohol Server training. Bart told me that they have team meetings daily and often discuss alcohol service. Bart said that he has worked at Chili's for the past two years adding this is his only experience in the alcohol industry. Bart said that Chili's employees are asked to check the identification of anyone who orders alcohol. Bart said that Chili's has calendars that help employees determine if an individual is at least twenty-one and encourage them to consult a manager with any questions. Bart said that if an employee sells to a minor they would most likely be terminated, then there would be team meetings were all employees would again have to complete the Responsible Alcohol Training with the manager.

Bart told me that one of his managers is in charge of ordering the alcohol but all four managers are responsible for the alcohol inventory. Bart stated that all of the alcohol to include beer, that is not out for use is locked up in storage with only managers having a key. Bart told me that Chili's has cameras in use.

Respectfully,

Kevin E Spencer
Chief of Police
City of Scottsbluff

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