

City of Scottsbluff, Nebraska

Monday, April 17, 2017

Regular Meeting

Item Public Inp1

Council to consider the Liquor License Manager License naming Jay Gates as Manager of the Class I Liquor License for RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar, 2302 Frontage Rd., Scottsbluff, NE.

Staff Contact: Cindy Dickinson, City Clerk

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MAR 30 2017

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.nebraska.gov

Office Use

NEBRASKA LIQUOR
CONTROL COMMISSION

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 card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application
- ✓ 21 years of age or older

Corporation/LLC Information

Name of Corporation/LLC: RMH Franchise Corporation

Premises Information

Liquor License Number: 101602 Class Type I (if new application leave blank)
Premises Trade Name/DBA: Applebee's Neighborhood Grill & Bar
Premises Street Address: 2302 Frontage Road Ste 10
City: Scottsbluff County: Scotts Bluff Zip Code: 69361
Premises Phone Number: (308) 635-7750
Premises Email address: swill@rmhfranchise.com

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. To see authorized officers or members search your license information [here](#).


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

Form 103
REV AUG 2016
Page 2 of 6

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Gates First Name: Jay MI: _____

Home Address: 6220 Thompson Creek Blvd

City: Lincoln County: Lancaster Zip Code: 68516

Home Phone Number: _____

Driver's License Number & State: _____

Social Security Number: _____

Date Of Birth: 1/29/1974 Place Of Birth: Omaha

Email address: jgates@rmhfranchise.com

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CONTROL COMMISSION

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

☒ YES

☐ NO

Spouse's information

Spouses Last Name: Gates First Name: Kindra MI: D

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: 06/08/1978 Place Of Birth: Lincoln

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
Lincoln, NE	2014	2017			
Urbandale, IA	2007	2014			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2002	2013	Sedgwick CMS	Brian Shald	402.963.2013
2014	2017	RMH Franchise Holdings	Mark Seymour	678.403.0054

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

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, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

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☒ YES ☐ NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Jay Gates	1.14.1999	Lincoln, NE	Disturbing the peace	\$350.00 fine
Jay Gates	7.30.1997	Lincoln, NE	assault	\$200.00 fine
Jay Gates	8.27.1996	Lincoln, NE	Disturbing the peace	\$150.00 fine
Jay Gates	11.3.1995	Lincoln, NE	Disturbing the peace	\$100.00 fine
Jay Gates	8.24.1995	Lincoln, NE	trespassing	\$25.00

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):

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

**SPUSAL 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.lec.nebraska.gov

☒ I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation 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, represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. The penalty guideline for violation of this affidavit is cancellation of the liquor license.

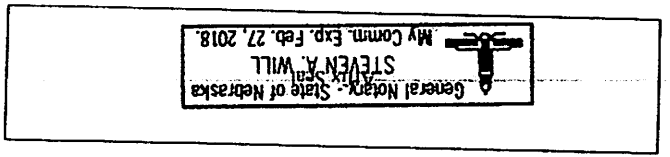
☒ I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke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

Office Use

Signature of NON-PARTICIPATING SPOUSE
Kindra Dawn Gates
Print Name

State of Nebraska, County of Lancaster
The foregoing instrument was acknowledged before me
this March 27, 2017

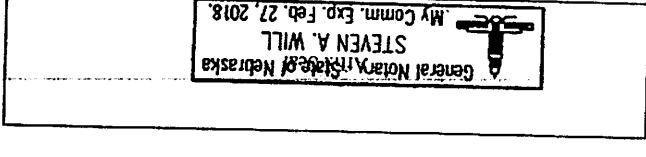
by Kindra Gates
Name of person acknowledged
(Individual signing document)
Notary Public Signature



Signature of APPLICANT
Jay Gates
Print Name

State of Nebraska, County of Lancaster
The foregoing instrument was acknowledged before me
this March 27, 2017

by Jay Gates
Name of person acknowledged
(Individual signing document)
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.

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FORM 14016
REV NOV 2016

NEBRASKA LIQUOR
CONTROL COMMISSION

4.

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

*NLCC Training Certificate Issued: _____

Name on Certificate: _____

Jay Gates

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Jay Gates	03/2017	Nebraska FBST/RBST

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Jay Gates/Director of Risk Management	3/24/2014	RMH Franchise Holdings, Inc., Lincoln, NE
Jay Gates / Claims Manager	9/2/2002	Sedgwick CMS, Omaha, NE
Jay Gates / EEOC Investigator	8/1998	EEOC, Lincoln, NE

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5. Have you enclosed form 147 regarding fingerprints?

☒ YES

☐ NO

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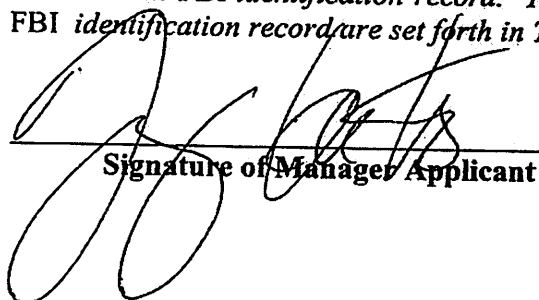
PERSONAL OATH AND CONSENT OF INVESTIGATION

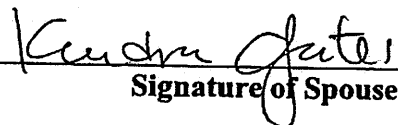
The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. 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.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.


Signature of Manager Applicant


Signature of Spouse

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ACKNOWLEDGEMENT

State of Nebraska
County of Lancaster


**NEBRASKA LIQUOR
CONTROL COMMISSION**

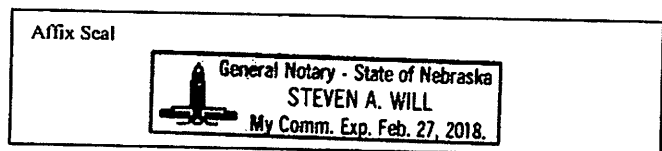
The foregoing instrument was acknowledged before me this

27th Day of March, 2017
date

by Jay Gates

NAME OF PERSON BEING ACKNOWLEDGED


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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NEBRASKA LIQUOR
CONTROL COMMISSION

JAY GATES

has earned a

Certificate of Achievement

- for those who serve or sell alcohol in Nebraska

RB-0077817

Expires: 03-29-2020 Amount Paid: \$

 Responsible Beverage Service Training
N E B R A S K A 

Memo

To: Nathan Johnson, City Manager
From: Kevin E Spencer, Chief of Police
CC: liquor file
Date: April 12, 2017
Re: Manager application- Jay Gates – RMH Franchise Corporation LLC: dba - Applebee's
Neighborhood Bar & Grill, License C-101602, 2302 Frontage Rd Ste 10 Scottsbluff, NE 69361

This applicant, Jay Gates, was investigated for suitability as a license holder. Jay Gates disclosed the following criminal convictions: Disturbing the Peace January 1999, Assault July 1997, disturbing the Peace August 1996, disturbing the Peace November 1995, and trespassing August 1995.

During my background investigation I found the following that was not disclosed by Jay Gates: Aurora Police Department Larceny April 1992; Lancaster County Flee in a Motor Vehicle to Avoid Arrest October 1993, Fireworks Possess/Sell/Discharge January 1994, Fail to Appear January 1994, and Fail To Appear May 1997. I also discovered the following traffic offenses that Gates did not disclose as required: Careless Driving December 1991, No Operator's License September 1995, Negligent Driving October 1995, Speeding October 1995, Disobey Traffic Control Device December 1995, Speeding School Zone August 1996, Speeding May 1997, Speeding March 1998, Negligent Driving November 1998, Speeding September 2000, Speeding March 2001, No Valid Registration April 2004, and Speeding in 2012, 2013 and 2016.

On Wednesday April 12th, 2017 at approximately 1630 hours I called Jay Gates to discuss this application. I initially asked Jay about Applebee's processes to keep alcohol out of the hands of minors. Jay told me that Applebee's has an excellent track record and reputation in regards to alcohol compliance. Jay explained that all of their employees have to complete Responsible Beverage Server Training annually adding that it is import to the business. I asked Jay how he would provide superintendence to our local Applebee's. Jay told me that he would do whatever was required; he told me if we required on site visits he would do that. Jay further explained that they have regional phone calls with management and that they have an internal communication called "One Voice." Jay added that they have very capable local managers that take alcohol service very seriously.

I next asked Jay about the history that he did not disclose. Jay told me that he thought he only had to go back 10 years and thought that he complied with what was required. Jay told me that most of his history was very old and happened when he attended college. Jay told me he did not realize that he had to report all of his traffic offenses agreeing that there were many.

Considering Jay's criminal history is many years old, there is not any one offense that would prevent him from holding a manager's position on a liquor license and the fact that he seems to take this serious I'm confident Jay would be a good manager.

Respectfully,

Kevin E Spencer
Chief of Police
City of Scottsbluff