

# **City of Scottsbluff, Nebraska**

**Tuesday, January 16, 2018**

**Regular Meeting**

## **Item Public Inp2**

**Council to make a recommendation to the Nebraska Liquor Control Commission naming Sheryl Wallerich as the Liquor License Manager of Elks Lodge 1367, 1614 1st Ave., Scottsbluff, NE.**

**Staff Contact: Cindy Dickinson, City Clerk**

**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](http://www.lcc.nebraska.gov)

Office Use
RECEIVED
DEC 15 2017
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

Name of Corporation/LLC: Elks BPOE Lodge 1367

Liquor License Number: 001678 Class Type CK (if new application leave blank)

Premise Trade Name/DBA: Elks Lodge BPOE 1367


Premise Street Address: 1614 1st Avenue

City: Scottsbluff County: Scotts Bluff Zip Code: 69361

Premise Phone Number: 308-632-2622

Premise Email address: sheryl@allophone.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)

**All agents information must be completed below PLEASE PRINT CLEARLY**

Last Name: Wallerich First Name: Sheryl MI: A  
 Home Address: 1019 Avenue O  
 City: Scottsbluff County: Scotts Bluff Zip Code: 69361  
 Home Phone Number: 308-672-6500  
 Driver's License Number & State: \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_  
 Date Of Birth: 07-08-1967 Place Of Birth: Lancaster, CA  
 Email address: sherbit1967@yahoo.com

☒ YES

☐ NO

Spouses Last Name: Wallerich First Name: Randy MI: L  
 Social Security Number: \_\_\_\_\_  
 Driver's License Number & State: \_\_\_\_\_  
 Date Of Birth: 10-21-1962 Place Of Birth: Chicago, IL

**IF YOU HAVE MOVED SINCE YOUR LAST RESIDENCE, FOR EACH YEAR, LIST CITY AND STATE**

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Scottsbluff, NE	2006	2017	Scottsbluff, NE	2006	2017

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2016	2017	Scottsbluff Elks Lodge	ER Randy Wallerich	308-632-2622
2015	2016	Staples	Jessica M.	308-632-4385

**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.

☐ YES ☒ NO

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

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

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

\*NLCC Training Certificate Issued: 10-10-2017 Name on Certificate: Spuyel A. Wallerich

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
<u>Spuyel Wallerich</u>	<u>10/2017</u>	<u>TIPS On Premise</u>

\*For list of NLCC Certified Training Programs see training

Experience:

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

5. Have you enclosed form 147 regarding fingerprints?

☒ YES      ☐ NO


**PERSONAL DATA AND CONSENT TO 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.

  
Signature of Manager Applicant

  
Signature of Spouse

**ACKNOWLEDGEMENT**

State of Nebraska  
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

14<sup>th</sup> December, 2017 (12/14/2017) by Randy L. Wallerich  
date

Sheryl A. Wallerich  
NAME OF PERSON BEING ACKNOWLEDGED

  
Notary Public signature

Affix Seal

**KIMBERLY H. FLAHERTY**  
General Notary  
State of Nebraska  
My Commission Expires Mar 17, 2020

this application is available in other formats for persons with disabilities.  
I am unable to produce the alternate format.

**This is your official TIPS certification card. Carry it with you as proof of your TIPS certification**

**Congratulations!**

This card certifies that you have successfully completed the TIPS (Training for Intervention Procedures) program. We value your participation and dedication to the responsible sale, service and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-458-6473.



ID#: 4645849 Name: SHERYL A WALLERICH  
Exam Date: 9/27/2017 Expiration Date: 9/27/2020



**On Premise**

**CERTIFIED**

Issued: 10/10/2017

Expires: 9/27/2020

ID#: 4645849

SHERYL A WALLERICH  
1614 1st Ave  
Scottsbluff, NE 69361-3107

For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Lanette Richards, 58204

**This is your official TIPS certification card. Carry it with you as proof of your TIPS certification**

**Congratulations!**

This card certifies that you have successfully completed the TIPS (Training for Intervention Procedures) program. We value your participation and dedication to the responsible sale, service and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-458-6473.



ID#: 4645848 Name: RANDY L WALLERICH  
Exam Date: 9/27/2017 Expiration Date: 9/27/2020



**On Premise**

**CERTIFIED**

Issued: 10/10/2017

Expires: 9/27/2020

ID#: 4645848

RANDY L WALLERICH  
1614 1st Ave  
Scottsbluff, NE 69361-3107

For service visit us online at [www.gettips.com](http://www.gettips.com)  
TIPS Trainer: Lanette Richards, 58204

# **SUBMISSION OF FINGERPRINTS / PAYMENT OF FEES TO NSP-CID**

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](http://www.lcc.nebraska.gov)

DATE RECEIVED	
Office Use Only	
Class: _____	License #: _____

Applicant Name: Sheryl Ann Wallerich  
(Corporation, LLC, Partnership or Individual)

Trade Name: Corp. Manager of Elks BPOE Lodge 1367  
(Doing Business As)

(308) 672-6500

Phone Number

Contact E-mail Address

## **DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- See New Application Requirement Guide for listing of Fingerprint Requirements, found on our website under "Licensing" tab in "Brochures".
- Fingerprints taken at NSP locations will be forwarded to NSP – CID;  
*Applicant(s) will not have cards to include with license application.*
- Fingerprints taken at local law enforcement offices will be released to the applicants;  
*Fingerprint cards should be submitted with the application.*
- Fee payment of \$28.75 per person must be made directly to the NSP;  
You may submit the payment through the NSP PayPort online system at [www.ne.gov/go/nsp](http://www.ne.gov/go/nsp) or checks made payable to NSP should be mailed directly to the following address:  
The Nebraska State Patrol – CID Division  
3800 NW 12<sup>th</sup> Street  
Lincoln, NE 68521
- **DO NOT** send fee payments to the NLCC – fees **MUST** be paid directly to NSP;  
*Include a list of names covered by your payment to insure proper application of payment.*
- This completed form **MUST** be included with your Liquor License Application and/or Manager Application or Changes to: Corporate Officers or Stockholders, LLC Members, Partners or Addition of Spouse where new fingerprint cards are required (see New Application Requirement Guide).
- Fingerprints are not required for spouses that have no involvement with business - Spousal Affidavit of Non Participation (Form 116) is required in lieu of fingerprints.

Please complete information on the following pages for EACH person fingerprinted.

FORM 147  
REV OCT 2015  
PAGE 1



# Memo

**To:** Nathan Johnson, City Manager  
**From:** Kevin E Spencer, Chief of Police  
**CC:** liquor file  
**Date:** January 12, 2018  
**Re:** Manager Application for Sheryl A Wallerich, Elks BPO Lodge1367 1614 1<sup>st</sup> Ave Scottsbluff, NE  
License number CK-01678

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This applicant, Sheryl Wallerich was investigated for suitability as a manager on the Elk's liquor license. Nothing was discovered that would prohibit her from holding a manager position under the license. Wallerich reported not having any criminal history to include traffic citations, and none were found.

On January 11, 2018 Sheryl Wallerich appeared before the Scottsbluff Liquor Committee in reference to the Elk's Manager's License. Sheryl explained that she would be the responsible party in regards to the alcohol at the Elk's. Sheryl said that she will be in charge of the alcohol to include ordering and inventory as well as another Elk's volunteer who has experience in the alcohol industry. Sheryl reported that during special events such as wedding parties they will require additional staff to monitor activities specifically to prevent under aged drinking as well as over serving. Sheryl added that she has attended the Nebraska State Patrol Responsible Beverage Servers Training on October 2017. Sheryl added that the Elks currently do not have any employees they are all volunteers and she is requiring all to attend training.

The Elk's is a member's only club that requires members to enter a code or be let in by an employee on the inside. The Elk's does open to the public during special events such as weddings. I'm not aware of any liquor law violations at the Elk's.

Respectfully,

Kevin E Spencer, Chief of Police  
City of Scottsbluff

City of Scottsbluff  
Liquor License Holders Investigatory Board  
Regular Meeting  
January 11, 2018 - 4:00 p.m.

The City of Scottsbluff Liquor License Holders Investigatory Board met in a regular meeting on Thursday, January 11, 2018 at 4:00 p.m. in the Meeting Room of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on January 5, 2018 in the Star Herald, a newspaper published and of general circulation in the city. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public. That anyone with a disability desiring reasonable accommodation to attend the meeting should contact the city clerk's office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the city clerk in City Hall; provided, the committee could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each committee member.

1. Roll Call - The following Board Members were present: Bob Scriptor, Racks; Mike Halley, Scottsbluff Public Schools; Libby Stobel, City Attorney; Nathan Johnson, City Manager; Police Chief Kevin Spencer; Cindy Dickinson, City Clerk. Also present was Norman Coley, WNCC Interim Dean of Students. Absent:, Russ Knight, Dietrich Distributing; Kelli Larson, Panhandle Prevention Coalition.
2. Open Meeting Act – Acting Chairman Johnson welcomed everyone in attendance and informed those in attendance that a copy of the Nebraska Open Meetings Act is posted on the west wall for the public's review.
3. Call Meeting to Order - The meeting was called to order and Dickinson recorded the proceedings.
4. There were no changes to the agenda.
5. Minutes of the July 20, 2017 meeting - Motion by Spencer, second by Scriptor, "to approve the July 20, 2017 Minutes," motion passed unanimously.
6. New Liquor License Manager applications:
  - a) Elks Lodge 1367, 1614 1<sup>st</sup> Ave., Scottsbluff, NE.

Sheryl A. Wallerich was present and explained that she has been the Secretary at the Elks Lodge for the last two years. She is taking over the duties of the bar manager. She has taken the TIPS training and all volunteers at the Elks have also taken the training.

She does not have any past experience in alcohol sales, but is learning from members of the House Committee. She has been responsible for organizing events and ordering alcohol with the help of another employee. All alcohol is locked. They conduct inventory every three months. Patrons are carded and wristbands are issued for large events. They have the book from TIPS with aids to determine the age of those served. They have a "no tolerance" policy and will dismiss anyone serving to a minor. Currently, everyone working at the Elks Lodge is a volunteer.

Moved by Spencer, seconded by Stobel, "to forward a positive recommendation to the City Council regarding the appointment of Sheryl A. Wallerich as manager of the Elks Lodge 1367 Class CK liquor license," motion passed unanimously.

7. New Liquor License Application:

- a) Class CK and Class L (Brew Pub) Liquor License Applications for BDS3C LLC dba Flyover Brewing Company, 1824 Broadway, Scottsbluff, NE.

Andrea and Joseph Margheim were present to give an overview of their new business. Ms. Margheim has extensive experience working with alcohol sales at country clubs and nightclubs. They have both received their TIPS training along with the other two owners of the business. They will have a “no tolerance” policy if any employees serve to minors. In addition, they will require a server re-train for all employees. Security measures include locked tanks with no accessibility and security cameras.

Moved by Halley, seconded by Spencer, “to forward a positive recommendation to the City Council regarding the Class CK and Class L (Brew Pub) Liquor License Applications for BDS3C LLC dba Flyover Brewing Company, 1824 Broadway, Scottsbluff, NE,” motion passed unanimously.

8. Liquor License Compliance Issue:

- a) Council review and discussion of failed compliance check at Safeway.

A representative from Safeway was not present at the meeting. This item will be rescheduled for a future meeting.

Ms. Lanette Richards, Monument Prevention Coalition, commented that all four Safeway Stores in the Panhandle have had recent compliance issues.

9. Adjournment:

Moved by Spencer, seconded by Halley, “to adjourn the meeting at 4:25 p.m.,” motion passed unanimously.

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Nathan Johnson, Acting Chairman

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Cindy Dickinson, Secretary