

City of Scottsbluff, Nebraska

Tuesday, September 4, 2018

Regular Meeting

Item Pub. Hear.5

Council to conduct a public hearing as scheduled for this date at 6:00 p.m. to consider a Class I Liquor License for La Musica, LLC dba El Baile Nightclub, 705 East Overland, Scottsbluff, NE.

Staff Contact: Kim Wright, City Clerk

Agenda Statement

Item No.

For meeting of: September 4, 2018

AGENDA TITLE: Council to hold a public hearing as advertised for this date at 6:00 p.m. for a Class I Liquor License for La Musica, LLC dba El Baile Nightclub.

SUBMITTED BY DEPARTMENT/ORGANIZATION: Administration

PRESENTATION BY: Applicant

SUMMARY EXPLANATION:

BOARD/COMMISSION RECOMMENDATION:

STAFF RECOMMENDATION: Conduct the public hearing and consider a recommendation to the Nebraska Liquor Commission either approving or denying said application.

EXHIBITS

Resolution ☐

Ordinance ☐

Contract ☐

Minutes ☐

Plan/Map ☐

Other (specify) ☐ Application, Memorandums, Exhibits

Exhibit #1 – Applications of La Musica, LLC dba El Baile Nightclub.

Exhibit #2 – City Council Check List for Neb. Rev. Stat. §53-132 Cum Supp 2016

Exhibit #3 – Written Statement of Police Chief

Exhibit #4 – Written Statement of City Clerk

Exhibit #5 – Written Statement of City Planner

NOTIFICATION LIST: Yes ☒ No ☐ Further Instructions ☐

Susano Morales Lopez and Jose M. Carrillo



APPLICATION FOR LIQUOR LICENSE CHECKLIST - RETAIL

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MAIL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

| | |
|---------------------------------------|--------------------------|
| RECEIVED | |
| JUL 13 2018 | |
| NEBRASKA LIQUOR CONTROL COMMISSION | |
| Hot List: YES/NO | New/Replacing # |
| Class Type <u>I</u> | 122641 Initial <u>BH</u> |

Applicant name Jose Manuel Carritto La Musica LLC

Trade name El Baile Nightclub

Previous trade name _____

Contact email address elbailenightclub@gmail.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

✓ * Form 100 Page 8 Sig
✓ * BC/Passport
✓ * Lease/Deed
✓ * Diagram
* (SSN, ph#)

No Fees Submitted 7-13-18

Passport 7-18-18



1800009201

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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.leg.nebraska.gov

RECEIVED

JUL 13 2018

**NEBRASKA LIQUOR
CONTROL COMMISSION****CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS****RETAIL LICENSE(S)**Application Fee \$400 (nonrefundable)

- ☐ A BEER, ON SALE ONLY
☐ B BEER, OFF SALE ONLY
☐ C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
☐ D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
☒ I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
☐ J LIMITED ALCOHOLIC LIQUOR, OFF SALE - MUST INCLUDE SUPPLEMENTAL FORM 120
☐ AB BEER, ON AND OFF SALE
☐ AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
☐ IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

☐ Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 - October 31

All other licenses run from May 1 - April 30

Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- ☐ Individual License (requires insert 1 _____)
☐ Partnership License (requires insert 2 _____)
☐ Corporate License (requires insert 3a _____ & 3c _____)
☒ Limited Liability Company (LLC) (requires form 3b _____ & 3c _____)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Commission will call this person with any questions we may have on this application

Name Marilyn Morales Phone number 970-301-9745

Firm Name _____

PREMISES INFORMATIONTrade Name (doing business as) El Baile NightclubStreet Address #1 705 E Overland

Street Address #2 _____

City ScottsbluffCounty ScottsbluffZip Code ~~69123~~ 69361Premises Telephone number 970-534-9714Business e-mail address elbailenightclub@gmail.com

Is this location inside the city/village corporate limits:

YES X

NO _____

Mailing address (where you want to receive mail from the Commission)

Name Susana Morales LopezStreet Address #1 124 23rd Ave Ct

Street Address #2 _____

City GreeleyState COZip Code 80631**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED****READ CAREFULLY**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

****For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms**

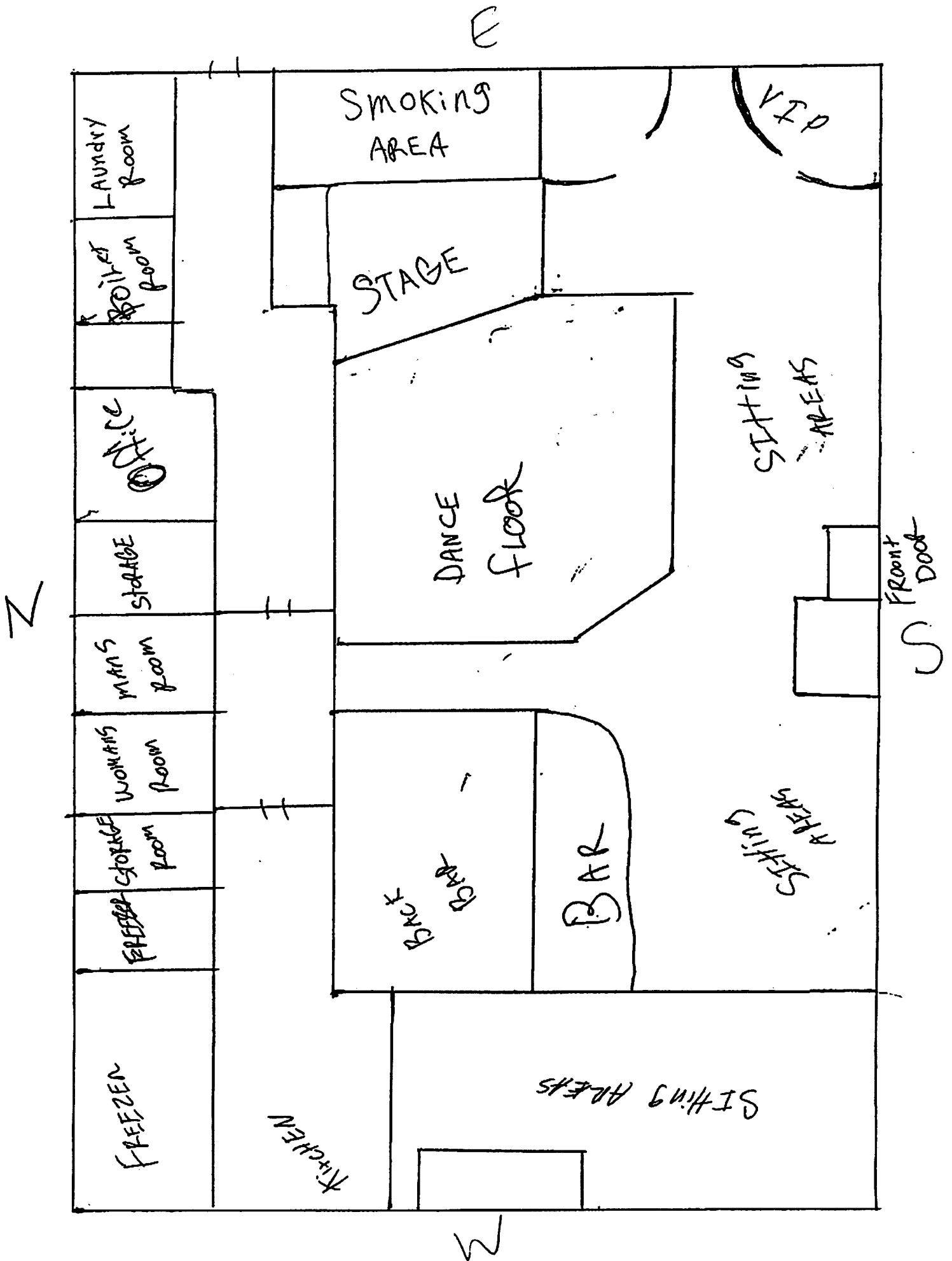
Building: length 110 x width 75 in feetIs there a basement? Yes _____ No ✓Is there an outdoor area? Yes _____ No ✓

If yes, length _____ x width _____ in feet

If yes, length _____ x width _____ in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

One story



APPLICANT INFORMATION**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

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. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

 YES X 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. Are you buying the business of a current retail liquor license?

 YES X NO

If yes, give name of business and liquor license number _____

a) Submit a copy of the sales agreement

b) Include a list of alcohol being purchased, list the name brand, container size and how many

c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

 YES X NO

If yes, give name and license number _____

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

 YES X NO

If yes:

a) Attach temporary operating permit (TOP) (Form 1-5)

b) TOP will only be accepted at a location that currently holds a valid liquor license.

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

☒ YES ☐ NO

If yes, list the lender(s) First National Bank

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

☒ YES ☐ NO

If yes, explain. (all involved persons must be disclosed on application)

Susano Morales

No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

☒ YES ☐ NO

If yes, list such item(s) and the owner. Building, Furniture - Susano Morales

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

☐ YES ☒ NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. §3-177(1))

Provide letter of support or opposition, see FORM 134 - church or FORM 135 - campus

9. Is anyone listed on this application a law enforcement officer?

☐ YES ☒ NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

First National Bank - Susano Morales

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

Susano Morales - Colorado - 4703963

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

| Applicant Name | Date (mm/yyyy) | Name of program (attach copy of course completion certificate) |
|----------------|----------------|--|
| | | |
| | | |
| | | |

List of NLCC certified training programs

Experience:

| Applicant Name/Job Title | Date of Employment | Name & Location of Business |
|--------------------------|--------------------|-----------------------------|
| | | |
| | | |
| | | |

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

☒ Lease: expiration date 8-1-2028

☐ Deed

☒ Purchase Agreement

14. When do you intend to open for business? August 2018

15. What will be the main nature of business? Nightclub

16. What are the anticipated hours of operation? Saturday 8PM to 2AM

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

| RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE | | | | | |
|--|-------------|-------------|--------------------------------|-------------|-------------|
| APPLICANT: CITY & STATE | YEAR | | SPOUSE: CITY & STATE | YEAR | |
| | FROM | TO | | FROM | TO |
| <u>69330 424 G St Bridgeport NE</u> | <u>2010</u> | <u>2011</u> | <u>5116 J St Bridgeport NE</u> | <u>2018</u> | <u>2018</u> |
| <u>1013 O St Bridgeport NE 69330</u> | <u>2011</u> | <u>2018</u> | <u>1119 Q St Bridgeport NE</u> | <u>2017</u> | <u>2018</u> |
| <u>1018 Hwy 385 Bridgeport NE</u> | <u>2017</u> | <u>2018</u> | <u>424 G St Bridgeport NE</u> | <u>2010</u> | <u>2011</u> |
| <u>1110 1/2 P St Bridgeport</u> | <u>2018</u> | <u>2018</u> | <u>1013 O St Bridgeport NE</u> | <u>2011</u> | <u>2017</u> |

If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. 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.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

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, CPR, 16.34.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures

SUSANO MORALES.
Signature of Applicant

SUSANO MORALES.
Print Name

Signature of Applicant

Print Name

RECEIVED

Signature of Spouse

JUL 19 2018

Print Name NEBRASKA LIQUOR
CONTROL COMMISSION

Signature of Spouse

Print Name

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

July 18, 2018 by Susano Morales
date name of person(s) acknowledged (individual(s) signing)

[Signature]
Notary Public signature

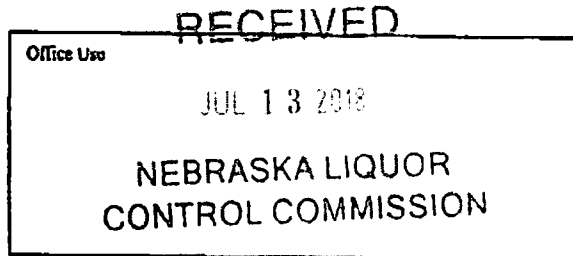


In compliance with the ADA, this application is available in other formats for persons with disabilities.
A ten day advance period is required in writing to produce the alternate format.

FORM 100
REV FEB 2017
PAGE 8

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

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



All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Jose Carrillo

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

La Musica LLC

LLC Address: 705 E Overland

City: Scottsbluff State: NE Zip Code: 69361

LLC Phone Number: (970) 534 - 9714 LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Morales First Name: Susano MI: _____

Home Address: 124 23rd Ave Ct City: Greeley

State: CO Zip Code: 80631 Home Phone Number: (970) 534- 9714

SUSANO MORALES.

Signature of Managing/Contact Member

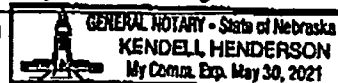
State of Nebraska Scotts Bluff
County of Scotts Bluff
9th day of July 2018
Date

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this

by Kendell Henderson
name of person acknowledge

Affix Seal



RECEIVED
COMMUNICATIONS SECTION

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Morales First Name: Susano MI: _____
Social Security Number: _____ Date of Birth: 04-22-1968
Spouse Full Name (indicate N/A if single): N/A
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

☐ YES

☒ NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

☐ YES

☒ NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**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

RECEIVED

JUL 13 2018

**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 141 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 informationName of Corporation/LLC: La Musica LLC**Premise information**

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

Premise Trade Name/DBA: El Baile NightclubPremise Street Address: 705 E OverlandCity: Scottsbluff County: Scottsbluff Zip Code: 69361Premise Phone Number: 970-534-9714Premise Email address: elbailenightclub@gmail.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.

SUSANO MORALES**SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER**

(Faxed signatures are acceptable)

**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

RECEIVED

JUL 13 2018

NEBRASKA LIQUOR
CONTROL COMMISSION

FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED

MANAGER MUST:

- Complete all sections of the application. Be sure it is signed by a member or corporate officer, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who will not participate in the business, spouse must:

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who will participate in the business, the spouse must:

- Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Carrillo First Name: Jose MI: M

Home Address: 1013 0 St

City: Bridgeport County: Morrill Zip Code: 69331

Home Phone Number: 308-637-1225

Driver's License Number & State: _____

Social Security Number: _____

Date Of Birth: 04-19-1975 Place Of Birth: Orange County, CA

Email address: elbailenightclub@gmail.com

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: Carrillo First Name: Connie MI: _____

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: 03-19-78 Place Of Birth: Fountain Valley, CA

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 |
|---------------|-----------|---------|---------------|-----------|---------|
| Bridgeport NE | 2010 | 2018 | Bridgeport NE | 2010 | 2018 |
| | | | | | |
| | | | | | |
| | | | | | |

MANAGER'S LAST TWO EMPLOYERS

| YEAR FROM TO | NAME OF EMPLOYER | NAME OF SUPERVISOR | TELEPHONE NUMBER |
|-----------------|----------------------|--------------------|---------------------|
| 1995 2005 | Precision Offset | Mike Howard | 979-553-0030 |
| 2006 2010 | Cabelas Distribution | Les Yoshimoto | 303-254-7083 |

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: _____ Name on Certificate: _____

| Applicant Name | Date (mm/yyyy) | Name of program (attach copy of course completion certificate) |
|----------------|-------------------|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*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

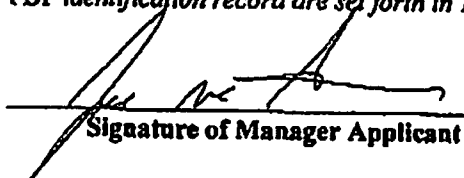
PERSONAL OATH AND CONSENT OF INVESTIGATION

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.

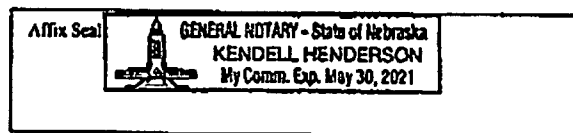

Signature of Manager Applicant

Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff The foregoing instrument was acknowledged before me this
10th July 2018 by Jose M. Benillo
date 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.

El Baile Nightclub
La Musica LLC
Susano Morales Lopez, Owner
Jose Manuel Carrillo, Manager



Location
705 E Overland
Scottsbluff, NE 69361

Vision

To provide a space for entertainment with a Latin twist within the State of Nebraska for Nebraska residents. This will eliminate the need for Nebraska residents to make long trips to Wyoming or Colorado in search of this entertainment.

Objective

Through El Baile Nightclub, we are interested in providing a bar space with drinks and live music for all types of people to come together. It will be a place for the people of Nebraska to enjoy themselves in the company of their friends and family on the weekends. Although we only plan to operate on Saturdays when we first open, over the next five years we aim to become the local hangout spot for people over 21 in the Scottsbluff and surrounding areas.

Service

As a bar, we plan to serve beer, wine, and distilled spirits on our premises for our customers to enjoy as they dance or simply listen to the live music that we will provide. El Baile Nightclub is open to anyone over the age of 21 with valid ID. At first, since we only plan to open on Saturdays, we will provide live music from open to close. However, once we get going, we hope to add some variety by having karaoke or themed nights.

Marketing

Most of our marketing is going to occur via social media and word of mouth. Through our business page on Facebook, we plan to share one-page advertisements that detail the bands that will play on each respective night along with the theme for the night. People who are interested will see them and verbally share this information with their family or friends or they can even share the advertisement with them via Facebook as well.

Action Plan

Over the past few months, we have been working diligently on building renovations in order to get it up to code. We have added enough entrance and exit doors to meet the requirements along with a sprinkler system. We have also been talking to a few Scottsbluff residents about the business so that they are aware that we will be hiring bartenders and waitresses for the establishment as soon as we get the liquor license in order.

CHECK LIST

Neb. Rev. Stat. §53-132 (Reissue 2016)

Council should determine the propensity of whether or not to grant the liquor license that has been requested. In that regard, suitability and fitness and the following four criteria are most important:

- (2)(a) Applicant is fit, willing and able to provide the service proposed.
- (2)(b) Applicant can conform to all laws.
- (2)(c) Applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure conformance with law.
- (2)(d) Issuance of the license is or will be required by the present or future public convenience and necessity.

In making its determination Council may also consider as the Nebraska Liquor Control Commission will consider, the following. The Council should not base its recommendation on any of the following criteria, but may chose to comment to the Commission about one or more of the criteria:

- (3)(b) Citizen's protest.
- (3)(c) Existing population/growth.
- (3)(d) The nature of the neighborhood around the location.
- (3)(e) Existence of other licenses.
- (3)(f) Existing motor vehicle and pedestrian traffic in the vicinity.
- (3)(g) Adequacy of existing law enforcement.
- (3)(h) Zoning restrictions.
- (3)(i) Sanitary conditions.
- (3)(j) Whether the type of business or activity proposed will be consistent with the public interest.

***OTHER COUNCIL CONCERNS**



Memorandum

To: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
From: Kevin Spencer, Chief of Police
Date: 8/31/2018
Re: Application for a Class I, Liquor License number I-122641, La Musica llc dba: El Baile 705 East Overland Scottsbluff, NE 69361

AUTHORITY: The Scottsbluff Police Department reports specific information to the City Council whenever a liquor license application is presented. The information furnished by the Police Department conforms to Chapter 53, Reissue Revised Statutes of Nebraska 1943, and Section 53-132, which outlines the factors which the Commission may consider in granting a liquor license.

COMMENTARY

53-132: Section 2

(A) The applicant is fit, willing and able to properly provide the service proposed within the city where the premises described in the application are located:

A background check was conducted on the owner of El Baile Susano Morales, and the manager Jose Carrillo as a means to determine their fitness to hold a liquor license.

Susano Moroles reported having no criminal convictions. During the background investigation I discovered a speeding citation in 2008 and a reckless driving citation in 2010 in Weld County Colorado. When I asked Susano about this he explained that his daughter filled this out for him.

Jose Carrillo reported no criminal convictions. As a result of the background investigation I learned that Jose had a speeding conviction in 2005 and a speeding conviction in 2009. When asked, Jose explained that he obtained a copy of his driving history, that there were no citations on it so he didn't report any.

In considering if the applicants are fit, willing and able to have a liquor license, it's troubling that they did not furnish an accurate history, but the citations alone do not disqualify them from having a Nebraska Liquor License.

The applicant can conform to all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act:

Any operator must adhere to the existing laws while doing business in the community and adhere to acceptable business practices.

On August 30, 2018 I contacted Jose Carrillo and Susano Morales at their business El Baile. Jose explained to me that they are going to have as many as five security personnel on staff. Jose told me that there would be one at the front door checking identifications adding, that person will have a scanner available to assist in determining age. Jose said that they will also have a security person assigned to the front door area to check coats and use a metal detector. Jose explained that they want to make certain no weapons are brought into the business and anyone with a coat will have

to check it or take it out to their car. Jose continued by stating they will also have a person assigned to the parking lot parking cars and having a presence outside.

Jose explained that they will open for special events such as weddings and other types of special occasions. Jose said during those types of events they will make minors wear a florescent wrist band and mark them with an "M" on top of their hand. Jose further explained that adults will wear a different type of wrist band.

Jose said that all employees, including him, will attend the Nebraska State Patrol Responsible Beverage Server training. Jose said that he plans to have a meeting with all employees prior to opening to discuss his plan for the night which will include discussions about checking id's. Jose said that he also plans to have a meeting at the end of the night to discuss issues if any.

I knew that Susano has a liquor establishment in Weld County Colorado and asked him if he had any troubles there. Susano told me that about four years ago, the first night they were open his bartender sold to a minor. Susano told me that the bartender was terminated and that will be their policy here.

Susano and Jose appeared before the Liquor License Holder's Committee to discuss their application. Jose explained their plan to the liquor committee but do to a lack of quorum the committee was unable to take any action.

The applicant appears to have the ability and willingness to conform to language within the Nebraska Liquor Control Act.

- (B) The applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to insure that the licensed business can conform to all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act:**

The El Baile has 32 cameras that record. Jose told me that the recordings would be available to law enforcement in the event of an incident whether inside the business or in the neighborhood, even if unrelated to the business. Jose explained the cameras to me showing me that they are pointed at the office where the liquor will be store and the walk in cooler where the beer will be stored. The interior and the exterior of the business seemed to be well covered. Jose said that they will adjust the cameras as needed. Jose told me that he will be responsible for ordering and inventory with the help of Susano. Jose told me that all of the overstock will be locked in either the office or the walk in cooled adding that only Susano and him will have a key.

The applicant appears committed to complying with all provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act.

- (C) The issuance of the license is or will be required by the present or future public convenience and necessity:**

Jose further told me that they are planning to be open one to two weeks after they receive their liquor license. Jose said that they will initially open on Saturday's from 07:00 pm to 01:00 am. Jose said in the future they will be open Friday, Saturday and Sunday during the evening hours.

Oversight and accountability will be a priority for the applicant as it relates to the sale of alcoholic beverages.

SPECIFIC ISSUES COMMISSION MAY CONSIDER

- (D) The existence of a citizen's protest made in accordance with Section 53-133:**

There have been no known citizen protests of this business.

(E) The nature of the neighborhood or community of the location of the proposed licensed premises:

The business is located at 705 East Overland Scottsbluff, NE. It is a business that will attract customers when open. Its location is easily accessible and convenient for customers. I do not anticipate any issues with location.

(F) The existence or absence of other retail licenses or bottle club licenses with similar privilege within the neighborhood or community of the location or the proposed licensed premises.

This location has been a "night club" for several years in the past. Although there are other businesses in the area with liquor licenses I do not anticipate this becoming an issue.

The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises:

Although no recent traffic studies have been completed regarding motor vehicle traffic of the general area, the traffic flow is not of concern at this time nor is pedestrian traffic.

(G) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 31 full time officers in the department and handled approximately 14,484 calls for service, not including traffic citations during 2017. The number of liquor licenses within the jurisdictional boundaries of the Police Department, regardless of the class, continues to be a concern to the Police Department and even routine monitoring of their business practices is difficult. Compliance checks continue to remain a concern to those businesses that sell alcohol to minors. The Nebraska State Patrol has assumed liquor law enforcement duties and their wide jurisdiction generally precludes any particular focus in the city.

(H) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest:

The Police Department would reserve making any statement which would indicate that the sale of alcohol is consistent with the public interest.

Adequate staffing and training, as well as close supervision of patrons are important. Cooperation with the Police Department by management will help to eliminate or diminish potential problems with violations.

EXHIBIT IV

Memo

Date: September 4, 2018
To: Honorable Mayor Meininger and Members of the City Council
From: Kim Wright, City Clerk
CC: Nathan Johnson, City Manager
Re: La Musica, LLC dba El Baile Nightclub Class I 122641.

The city clerk is required by ordinance to report specific information to the city council whenever a liquor license application hearing is held.

Following are the existing licenses, their class, address and proximity to other licensed premises:

Class of License

| | |
|----------|---|
| Class A | Beer only, for consumption on premises |
| Class B | Beer only, for consumption off premises |
| Class C | Alcoholic liquors, for consumption on and off premises |
| Class D | Alcoholic liquors, including beer, for consumption off premises |
| Class I | Alcoholic liquors, for consumption on the premises |
| Class L | Craft Brewery (Brew Pub) |
| Class W | Wholesale beer |
| Catering | Alcohol permitted by licensee's retail license, sold or served at events covered by special designated licenses |

Class A Licenses

Restaurants

Pizza Hut of Scottsbluff, Inc.
Mast Enterprises, Inc. dba Godfather Pizza

726 West 27th Street
2203-07 Broadway

Total Class A Licenses 2

Class B Licenses

Convenience Stores

Total Class B Licenses 0

Class C Licenses

Restaurants

El Charrito Restaurant & Lounge, Inc .
Tangled Tumbleweed
Las VII Americas Tortilleria
16th Empire
Flyover Brewing Company

802 21st Avenue
1823 Ave. A
1619 East Overland
1605 Ave. A
1824 Broadway

Hotel/Motel

Holiday Inn Express
Candlelight Inn & Lounge

1821 Frontage Rd.
1822 East 20th Place

Taverns/Lounges

Hight's Tavern
Silver Saddle Lounge
Shots Bar and Grill
Bob's Garage & Bar
Lucky Keno LLC dba FrontSide
Backaracks Bar & Grille

20 West 18th Street
1901-B 21st Ave.
1722 Broadway
1907 Broadway
1001 Avenue I
1402 East 20th St. - Suite B

Retail

Racks (Catering)
Panhandle Cooperative Assn. (Catering)
Kelley's Liquor (Catering)
A Lil Bit of Everything

1402 East 20th St. - Suite A
401 S. Beltline Hwy West
817 West 27th Street
1610 Broadway

Clubs

Elks BPO Lodge 1367 (Catering)

1614 1st Avenue

Bowling Alleys

Valley Bowl Fun Center

1702 17th Ave.

TOTAL CLASS C LICENSES 19

Class D Licenses

Grocery Stores

Safeway of Western Nebraska
Panhandle Coop Assn.

601 Broadway
3302 Ave. B

Convenience Stores

East "O" Watering Hole
Scottsbluff Watering Hole
Big Bats
Git N Split
Cheema's Gas & Liquor
Route 26 Mart
Maverik Stores Inc.,
Walgreens

503 East Overland
121 W 27th Street
902 West Overland
506 West 27th Street
2002 Avenue I
1722 E 20th Street
920 West 36th St.,
205 West 27th Street

Liquor Stores

Dermer's
Cigarette Chain

1311 E Overland Dr.
323 East Overland

Discount/Grocery Stores

Target
Wal-Mart Supercenter #867
TOTAL CLASS D LICENSES 14

1401 Frontage Rd.
3322 Avenue I

CLASS I LICENSES

Restaurants

Applebees
Rosita's
Chili's Grill & Bar
Wonderful House Restaurant
Taco de Oro
Ole, LLC
Emporium Coffeehouse & Cafe
San Pedro Mexican Restaurant
Sam & Louie's Pizzeria
Taco Town
Prime Cut

2302 Frontage Rd.
1205 East Overland
826 West 36th St.
829 Ferdinand Plaza
2601 Avenue I
1901 East 20th Street
1818 1st Avenue
23 West 27th St.
1522 Broadway
1007 West 27th St.
305 West 27th St.

Art Studio

Boozy Brushes

2419 Ave. I

Hotel/Motel

Hampton Inn & Suites
2627 Lodging dba Fairfield Inn & Suites

301 W Hwy 26
902 Wintercreek Dr.

TOTAL CLASS I LICENSES 14

Class L Licenses

Flyover Brewing Company

1824 Broadway

TOTAL CLASS L LICENSES 1

Class W Licenses

Wholesale

High Plains Budweiser

2810 Ave M

TOTAL CLASS W LICENSES 1

TOTAL LICENSES

| | |
|-----------------------|-----------|
| Class A | 2 |
| Class B | 0 |
| Class C | 19 |
| Class D | 14 |
| Class I | 14 |
| Class L | 1 |
| Class W | 1 |
| TOTAL LICENSES | 51 |

Memo

Exhibit V

Date: August 9, 2018
To: Honorable Mayor and City Council
From: Staff, Development Services
CC: Nathan Johnson
Re: Class "CK" Liquor License Application
El Baile Nightclub
705 E. Overland
Scottsbluff, NE 69361

Action:

The manager of El Baile Nightclub has applied for a new liquor license in the name of Jose Carrillo.

The Development Services Department is required by Article 1, Chapter 11 of the Scottsbluff Municipal Code to report specific information to the Mayor and City Council whenever a liquor license application hearing is held. In accordance with that directive the following information is offered:

- (1) The property at 705 E. Overland is situated in a C-3 (Heavy Commercial) zoning district where a restaurant/bar/tavern is allowed by right pursuant to the City's Zoning Ordinance, Chapter 25, of the City's Municipal Code of Ordinances.
- (2) The off-street parking requirements for a Restaurant/bar/tavern in a C-3 (Heavy Commercial) zone are one space per three seats in the establishment. The parking lot has approximately 40 spaces. At this time the Fire Marshal has not established the occupancy load for this establishment.
- (3) The use of this property is consistent with the surrounding neighborhood, which is generally business retail in nature. To the south and east the properties are zoned C-3 (Heavy Commercial) and to the north and west they are zoned R1a (Single Family Residential).
- (4) There are no churches, schools, or other similar institutions within 300 feet of the subject property.
- (5) The existing population of Scottsbluff is approximately 15,039.

City of Scottsbluff
Liquor License Holders Investigatory Board
(Notes Only-Not official meeting - Quorum not present)
August 30, 2018 - 4:00 p.m.

The City of Scottsbluff Liquor License Holders Investigatory Board met in a regular meeting on Thursday, August 30, 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 August 24, 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: Libby Stobel, City Attorney; Nathan Johnson, City Manager; Police Chief Kevin Spencer; Kim Wright, City Clerk, Mike Halley, Scottsbluff Public Schools; Absent: Russ Knight, Dietrich Distributing; Norman Coley, WNCC; Bob Scriptor, Racks; 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 Clerk Wright recorded the proceedings. Due to not having a quorum present no official action will take place.
4. There were no changes to the agenda.
5. Tabled the Minutes of the June 7, 2018 meeting - due to lack of a quorum.
6. New Liquor License Manager applications:
 - a. Class I Liquor License for LaMusica, LLC dba El Baile Nightclub; Jose M. Carrillo Manager.

Mr. Jose M. Carrillo, manager of El Baile Nightclub and Mr. Susano Morales Lopez, owner were present to answer questions from the committee.

Mr. Carrillo explained to the committee that this business will be a nightclub, with a Latin twist, that will serve the people of Nebraska for entertainment. It will also serve as a center to host wedding receptions, quinceaneras and the like.

He explained that they will have a coat room and all coats will either have to be left in vehicles or checked in the room. They will have metal detectors upon entrance and people directing parking. Mr. Carrillo stated their main concern will be to check ID's and they will have a scanner to help with that. Acting Chairperson Johnson asked how they would distinguish minors, with Mr. Carrillo stating they will be using glow in the dark wristbands and putting an "M" on the wristbands of minors with a permanent marker; those over 21 will have a colored wristband. They will also have five security guards on site and will have 32 cameras in place, with one person watching the cameras while the establishment is open.

Mr. Carrillo stated he has a zero tolerance policy of selling alcohol to minors and anyone who does will be terminated immediately. He stated he will have meetings with employees before and after events and all employees will be required to take the responsible alcohol training.

Mr. Carrillo informed the committee that he orders all the alcohol and the alcohol is contained in a locked room, with a camera located both inside and outside. He stated only himself and Mr. Morales Lopez will have access to the room.

Police Chief Spencer confirmed there are cameras in the building and remarked that it is a good system.

Due to a quorum not being present, a recommendation could not be made regarding this liquor license application to City Council.

- b. Ms. Jennifer Hansen, manager applicant and Mr. Bill Winburg GM of Operations of RMH Franchise Corporation dba Applebee's Neighborhood Bar & Grill were present to answer questions from the committee.

Ms. Hansen explained to the committee that she has taken on the role of being Director of Risk for the Corporation and also will be the manager of all the Nebraska Liquor Licenses for Applebees. She stated employees are terminated if they have a compliance violation and all are required to take the responsible server of alcohol training when hired and annually after that. She reiterated that a table is monitored after being served two drinks of alcohol and that they use different straws for alcoholic and non-alcoholic drinks.

Ms. Hansen regrettably told the committee she will not be able to make the City Council meeting because of travel commitments, but Mr. Winburg will be present to answer questions. She stated she will also write a letter, to explain her absence and Applebees policies on serving alcohol, to the Council.

Due to a quorum not being present, a recommendation could not be made regarding this manager application to City Council.

7. Liquor License Compliance Issue:

- a) Cigarette Chain – Mr. Gealy, was present and explained his violation was an employee selling to a minor after he had checked the I.D. Mr. Gealy explained the employee was not terminated because he believes that this issue will make the employee better. He does not have a scanner or a POS machine and that this was his first compliance failure on this license. His last compliance failure was eight years ago and he does in store training.

