

City of Scottsbluff, Nebraska

Monday, October 7, 2019

Regular Meeting

Item Public Inp2

Council to make a recommendation to the Nebraska Liquor Control Commission naming Ashley M. Leach as the Liquor License Manager of Chili's LLC, dba Chili's Bar & Grill.

Staff Contact: Kim Wright, 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

Office Use

MUST BE:

- ✓ 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: Chili's LLC

Premise information

Liquor License Number: 117360 Class Type I (if new application leave blank)

Premise Trade Name/DBA: Chili's Grill and Bar

Premise Street Address: 826 W 36th Street

City: Scottsbluff County: Scottsbluff Zip Code: 69361

Premise Phone Number: 308-633-1508

Premise Email address: Scottsbluff@bighornchilis.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 July 2018
Page 2 of 6

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Leach First Name: Ashley MI: M

Home Address: 906 1st Ave

City: Bayard County: Morrill Zip Code: 69334

Home Phone Number: 308-631-3974

Driver's License Number & State: _____

Social Security Number: _____

Date Of Birth: 07-21-1988 Place Of Birth: Martinez CA

Email address: ashleymariehf@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: Leach First Name: Jacob MI: M

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: 07/31/1997 Place Of Birth: Provo UT

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
Lander WY	2000	2011	Gering NE	2009	2018
Laramie WY	2011	2012	Scottsbluff NE	2018	2019
Casper WY	2012	2014	Bayard NE	2019	
Scottsbluff NE	2014	2019			

MANAGERIAL EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2017	2018	SWBC	Crystal Vangalder	800-527-0066
2014	2015	Backaracks	Kayla Rendon	308-631-1526

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
Jacob Leach	01/11/2012	Omaha, Nebraska	Failure to Yield	Guilty

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: Yes Name on Certificate: Ashley Leach

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Ashley Leach	02/2019	NSP/RBAS

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Ashley Leach/Manager	01/14-01/15	Backaracks, Scottsbluff NE
Server/Bartender	03/13-06/14	Sanfords, Casper WY
Trainer/Bartender	01/12-07/12	Famous Daves, Casper Wy

5. Have you enclosed form 147 regarding fingerprints?

☒ YES ☐ NO

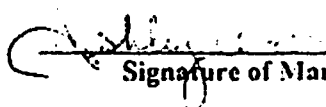
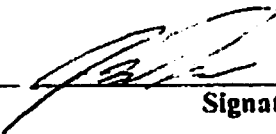
PERSONAL OATH AND CONSENT OF INVESTIGATION

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

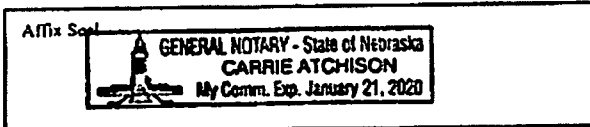
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

August 19, 2019
date

by Ashley Loach
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.

Certificate of Training Certified Alcohol Server

THIS CERTIFICATE IS AWARDED TO


ASHLEY LEACH

HAS SUCCESSFULLY COMPLETED ALL REQUIREMENTS TO BE A CERTIFIED
ALCOHOL SERVER IN NEBRASKA

INSTRUCTED BY THE NEBRASKA STATE PATROL

INSTRUCTOR: INV. JACKSON

INSTRUCTOR SIGNATURE



VALID FOR THREE YEARS FROM
TRAINING DATE

TRAINING DATE 02/06/2019

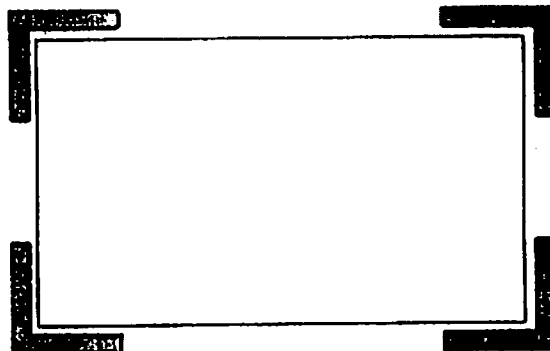
TEST SCORE 100

NLCC #



**PRIVACY ACT STATEMENT/
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.lee.nebraska.gov



THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:

DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol;
It is recommended to make payment through the NSP PayPort online system at www.nc.gov/go/nsp
(Or a check made payable to **NSP** can be mailed directly to the following address:
Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a **Liquor License**

The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
Applicants will not have cards to include with license application.
- Fingerprints taken at local law enforcement offices may be released to the applicants:
Fingerprint cards should be submitted with the application.

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 a FBI identification record are set forth in Title 28, CFR, 16.34.

Trade Name: Chili's Grill and Bar

Name of Person Bring Fingerprinted: Ashley Leach

Date of Birth: 07/21/2019 Last 4 SSN: 9165 Date fingerprints were taken: 08/19/2019

Location where fingerprints were taken: Troop E State Patrol Scottsbluff NE

How was payment made to NSP?

☒ NSP PAYPORT ☐ CASH ☐ CHECK SENT TO NSP CK # _____

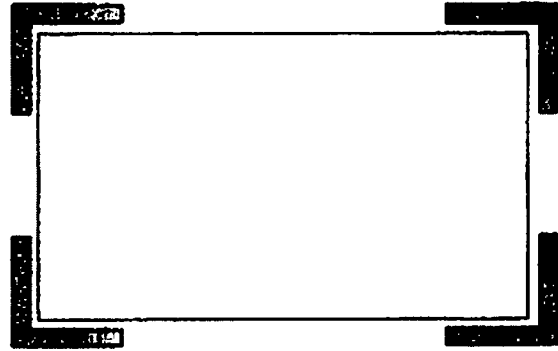
My fingerprints are already on file with the commission -- fingerprints completed for a previous application less than 2 years ago? YES ☐

Ashley Leach
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

FORM 147
REV MAY 2018

**PRIVACY ACT STATEMENT/
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
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The Nebraska State Patrol – CID Division
3800 NW 12th Street
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID
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- Fingerprints taken at local law enforcement offices may be released to the applicants:
Fingerprint cards should be submitted with the application.

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Trade Name: Chili's Grill and Bar

Name of Person Bring Fingerprinted: Jacob Leach

Date of Birth: 07-31-1997 Last 4 SSN: 8030 Date fingerprints were taken: 08/01/2019

Location where fingerprints were taken: Troop E State Patrol Scottsbluff NE

How was payment made to NSP?

☒ NSP PAYPORT ☐ CASH ☐ CHECK SENT TO NSP CK # _____

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES ☐

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

FORM 147
REV MAY 2018

City of Scottsbluff
Liquor License Holders Investigatory Board
Regular Meeting
October 3, 2019 - 4:00 p.m.

The City of Scottsbluff Liquor License Holders Investigatory Board met in a regular meeting on Thursday, October 3, 2019 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 September 27, 2019 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: Russ Knight, Chairman; Norman Coley, WNCC; Nathan Johnson, City Manager; Police Chief Kevin Spencer; Kim Wright, City Clerk, Libby Stobel, City Attorney, Mike Halley, Scottsbluff Public Schools Absent: Kelli Larson and Bob Scriptor.
2. Open Meeting Act – Chairman Knight 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 Wright recorded the proceedings.
4. There were no changes to the agenda.
5. Approve Minutes of the May 16, 2019 Regular Meeting – Motion by Spencer, second by Coley, to approve the May 16, 2019 Minutes, motion passed unanimously.
6. New Liquor License Manager application:
 - a. Chili's LLC, dba Chili's Grill and Bar, Ashley M. Leach Manager.

Ashley Leach, Manager and Andrew Shively, Regional Manager for In-House Operations for Chili's LLC, dba Chili's Grill and Bar were in attendance to answer questions from the committee.

Chairman Knight asked how many employees will serve alcohol and if anyone has taken the TIPS training. Ms. Leach stated everyone takes the Chili's corporate training, except the cooks. There are 12 servers and four managers and she herself has taken the TIPS training in addition to the corporate training. They check ID's on everyone that looks younger than 30, they have born on date calendars, and a book to check ID's. Chairman Knight asked where the alcohol is kept and who does the inventory. Ms. Leach stated the alcohol is kept in a locked cage that has an alarm on the door. Every manager has a key and their own password to enter. All four managers are in charge of ordering the alcohol as well.

Police Chief Spencer asked Ms. Leach about the manager application and her history that was not reported on it. Ms. Leach stated it was not reported because it happened over ten years ago and she went through a deferral program. She was told her record would be cleared if she went through the program. She will look into this further.

Moved by Coley, seconded by Knight, to forward a positive recommendation to City Council regarding the appointment of Ashley M. Leach as Manager of Chili's LLC, dba Chili's Grill and Bar Class I Liquor License, motion passed unanimously.

b. B49 Operating LLC, dba The Tangled Tumbleweed, Desiree R. Ramirez, Manager

Desiree Ramirez, Manager and Jim Trumbull, Owner of B49 Operating LLC, dba The Tangled Tumbleweed were present to answer questions.

Chairman Knight asked Ms. Ramirez her history with serving alcohol and how many employees serve alcohol at the business. Ms. Ramirez stated she has been employed with Tangled Tumbleweed as a server for over a year and they have six servers who have taken the TIPS training in April. They check ID's on everyone who looks younger than 30 and they have the born on calendars and the ID book as well. They sell beer and wine only and it is kept behind the counter. Chairman Knight also asked what happens if they sell to a minor. Ms. Ramirez stated they have a zero tolerance policy. Chairman Knight asked if the business has an employee handbook that has the policy written in it. Mr. Trumbull stated they do not, but will look into doing that. Chairman Knight recommended having a handbook because all employees are required to sign it after reading; it is a good plan of action to have in place.

Legal Counsel Stobel declared she does not have a conflict of interest with this application and she can vote on the recommendation.

Moved by Halley, seconded by Johnson, to forward a positive recommendation to the City Council regarding the appointment of Desiree Ramirez as Manager of B49 Operating LLC, dba The Tangled Tumbleweed Class C Liquor License, motion passed unanimously.

7. Adjournment:

Moved by Johnson, seconded by Spencer, to adjourn the meeting at 4:22 p.m.," motion passed unanimously.

Russ Knight, Chairman

Kim Wright, Secretary

Memo

To: Nathan Johnson, City Manager
From: Kevin E Spencer, Chief of Police
CC: liquor file
Date: October 3, 2019
Re: Manager application- Ashley Leach – Chili's Bar & Grill, License I-117360, 826 W 36th Street
Scottsbluff, NE 69361

This applicant, Ashley Leach, was investigated for suitability as a manager for a license holder. Ashley Leach did not report any criminal history but I did find a speeding citation in 2008, a failure to appear conviction in 2008, and petit larceny in 2008. I called Ashley to discuss these convictions, she told me that she forgot about the speeding ticket and thought the others mentioned charges were "deferred". Nothing was discovered that would prohibit him from holding a manager position under the license.

Thursday October 3, 2019 Ashley appeared before the Liquor License Holder Investigatory Board. Ashley explained Chili's rules and procedures as they relate to alcohol sales. Ashley explained that all employees have to complete Chili's alcohol training except the cooks, adding that the other three managers and she additionally took the Nebraska State Patrol training. Ashley said that it is Chili's policy to ask anyone that appears to be under the age of 30 for identification. Ashley said that the four managers control the beer and alcohol and all four can order or inventory. Chili's has a zero tolerance policy meaning that any employee who would sell to a minor would be terminated.

The Liquor License Holders Investigatory Board is recommending a positive recommendation to the Nebraska Liquor Commission.

Respectfully,



Kevin E Spencer
Chief of Police
City of Scottsbluff