

City of Scottsbluff, Nebraska

Monday, June 7, 2021

Regular Meeting

Item Public Inp3

Council to discuss and consider action on making a recommendation to the Nebraska Liquor Control Commission naming James D. Montoya, Jr. as the Liquor License Manager of B49 Operating, LLC d/b/a Tangled Tumbleweed, 1823 Ave. A, Scottsbluff, NE.

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

123062

RECEIVED

APR 26 2021

NEBRASKA LIQUOR
CONTROL COMMISSION

BR

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



Form 103
Rev July 2018
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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: B49 OPERATING LLC

Premise information

Liquor License Number: 123062 Class Type C (if new application leave blank)

Premise Trade Name/DBA: The Tangled Tumbleweed

Premise Street Address: 1823 Ave A

City: Scottsbluff County: Scottsbluff Zip Code: 69361

Premise Phone Number: 308 633 3867

Premise Email address: the tangled tumbleweed2@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.


SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Montoya Jr. First Name: James MI: D
Home Address: 560 W. 42nd St.
City: Scottsbluff County: Scottsbluff Zip Code: 69361
Home Phone Number: 720-979-9750
Driver's License Number & State: [REDACTED]
Social Security Number: [REDACTED]
Date Of Birth: [REDACTED] Place Of Birth: Denver Co.
Email address: Jmontoya1192@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: Delfer First Name: Rebecca MI: M
Social Security Number: [REDACTED]
Driver's License Number & State: [REDACTED]
Date Of Birth: [REDACTED] Place Of Birth: Pierre, SD

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
Scottsbluff NE	2011	2021	Scottsbluff NE	2002	2010
Scottsbluff NE	2015	Present	Denver CO	2011	2015
Denver CO.	2007	2015	Scottsbluff NE	2015	present

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MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2019	2018	Scottsbluff County Club	Nancy McKee	308 632 8297
2015	2018	Emporium	Sara Schluter	Business closed

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: 12/27/2019 Name on Certificate: James D Montoya

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
James D Montoya	12/2019	TIPS Program

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
James Montoya / Ex. Chef	Feb 2019 - July	Scottsbluff Country Club, Scottsbluff NE
James Montoya / Ex. Chef	2015 - 2018 2018	Emporium, Scottsbluff NE

5. Have you enclosed form 147 regarding fingerprints?

☒ YES

☐ NO

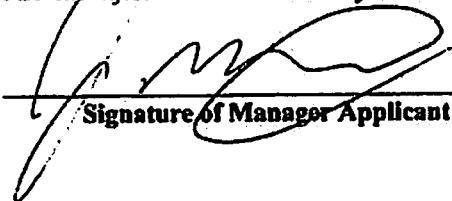
PERSONAL OATH AND CONSENT OF INVESTIGATION

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.

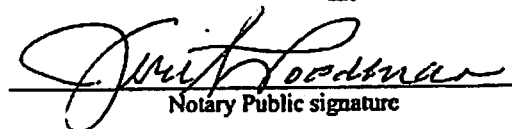

Signature of Manager Applicant

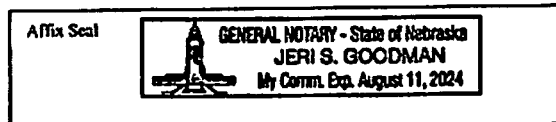

Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of SCOTTS BLUFF The foregoing instrument was acknowledged before me this

may 17, 2021 by James D Montoya and
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.

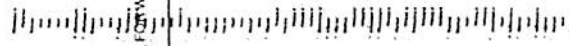
Prejudicial
Polling Place
First Baptist Church
3009 Avenue I
Scottsbluff
U.S. Congressional District 3
Legislative District 48
County Commissioner District 4
Western Com College Dist 5
Scottsbluff Public Schools
Scottsbluff City Council

Scotts Bluff County, Nebraska

3572488

James David Montoya, Jr
560 W 42nd St
Scottsbluff, NE 69361

FOR WALLET SIZE • FOLD HERE



On Premise

CERTIFIED

Issued: 12/27/2019
ID#: 5269287

Expires: 12/16/2022

JAMES D MONTOYA
1823 Avenue A
Scottsbluff, NE 69361-2448



For service visit us online at www.gettips.com
TIPS Trainer: Lanette Richards, 58204

Memo


To: Dustin Rief, City Manager
From: Kevin E Spencer, Chief of Police
CC: liquor file
Date: May 25, 2021
Re: James D. Montoya Jr., manager application Class C Liquor License Number C-123062, B49 Operating, LLC dba: The Tangled Tumbleweed, 1823 Ave A Scottsbluff, NE

The applicant, James Montoya Jr., was investigated for suitability as the manager of The Tangled Tumbleweed liquor license. Nothing was discovered that would prohibit James from holding a manager's position under the license. James disclosed no criminal history; I did find a speeding citation November of 2016 that occurred in Wyoming but nothing else.

On May 20, 2021 James appeared before the Liquor License Holders Investigatory Board to discuss his application. James explained that he has experience with retail alcohol sales having worked at the Scottsbluff Country Club and the Emporium Restaurant. James said that he attended the Training for Intervention Procedures (TIPS), a responsible alcohol service training class and that the business requires their employees who serve alcohol to attend a training. James told the board that the employees who serve alcohol are typically 21 years of age and older. James said that employees are asked to check the identification of anyone who looks younger than 50. James explained that he orders all of the alcohol adding that they do not have a large overstock that most of it is out for sale.

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

Respectfully,


Kevin E. Spencer
Chief of Police