

City of Scottsbluff, Nebraska

Monday, October 21, 2013

Regular Meeting

Item Reports4

Council to consider a new manager application for Brett Armstrong for the Elks BPO Lodge 1367 liquor license located at 1614 1st Ave., Scottsbluff.

Staff Contact: Rick Kuckkahn, City Manager



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814 or (402) 471-2374

TRS USER 800 833-7352 (TTY)

web address: <http://www.lcc.ne.gov/>

September 30, 2013

SCOTTSBLUFF CITY CLERK
2525 CIRCLE DR
SCOTTSBLUFF NE 69361

RE: Elks BPO Lodge 1367

LICENSE #CK-01678

Dear Clerk:

Enclosed is a copy of a manager application for Brett Armstrong in connection with the Elks BPO Lodge 1367 located in Scottsbluff.

Please present this application for manager to your City/Village Council or County Commissioners and send us the results of their action.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline Rodriguez".

Jacqueline Rodriguez
Licensing Division
NEBRASKA LIQUOR CONTROL COMMISSION
402-471-2572

encl.

Janice M. Wiebusch
Commissioner

Robert Batt
Chairman

William F. Austin
Commissioner

An Equal Opportunity Employer
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**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.ne.gov

Office Use

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NEBRASKA LIQUOR
CONTROL COMMISSION

Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 – 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

JR

Corporation/LLC information

Name of Corporation/LLC: EIKs BPO Lodge #1367

Premise information

Premise License Number: 001678

(if new application leave blank)

Premise Trade Name/DBA: EIKs BPO Lodge #1367

Premise Street Address: 1614 1st Ave

City: Scottsbluff State: NE Zip Code: 69361

Premise Phone Number: 308-632-2622

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. Click on this link to see authorized individuals.

http://www.lcc.ne.gov/license_search/licsearch.cgi

Julia Seip Secretary Lodge

CORPORATE OFFICER/MANAGING MEMBER SIGNATURE

(Faxed signatures are acceptable)

Form 103
rev 11/2012
page 2 of 5



1300021478

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2009	2013	Vertex	Jennifer Dinges	308-632-2879
2008	2009	Gering Garden Center	Mike Kautz	308-436-5634

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. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

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
Brett Armstrong	12/2008	Gering, NE	minor in possession of alcohol	Guilty / paid fines
Brett Armstrong	07/2008	Gering, NE	minor in possession of alcohol	Guilty / paid fines

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.

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. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)
 YES NO

5. List any alcohol related training and/or experience (when and where).

N/A

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.

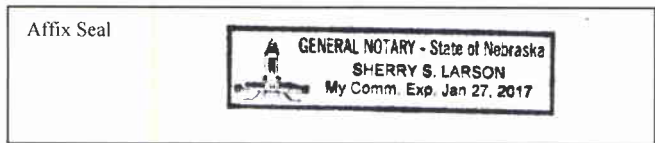
The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Brett Armstrong Signature of Manager Applicant
Courtney Armstrong Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Scotts Bluff The foregoing instrument was acknowledged before me this
Sept. 19, 2013 date by Courtney Armstrong name of person acknowledged

Sherry S. Larson
Notary Public signature



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

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NEBRASKA LIQUOR
CONTROL COMMISSION

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SEP 24 2013
NEBRASKA LIQUOR
CONTROL COMMISSION

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

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



I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose any information on all applications needed to process this application.

Courtney Armstrong
Signature of spouse asking for waiver
(Spouse of individual listed below)

Courtney Armstrong
Printed name of spouse asking for waiver

State of NEBRASKA

County of Scotts Bluff

Sept 19 2013
date

Sherry S Larson
Notary Public signature

The foregoing instrument was acknowledged before me this
by Courtney Armstrong
name of person acknowledged



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

Brett Armstrong
Signature of individual involved with application
(Spouse of individual listed above)

Brett Armstrong
Printed name of applying individual

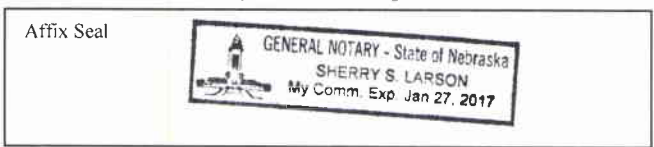
State of NEBRASKA

County of Scotts Bluff

Sept 19 2013
date

Sherry S Larson
Notary Public signature

The foregoing instrument was acknowledged before me this
by Brett Armstrong
name of person acknowledged



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.



FORM 35-4178
Revised 1/2008

STATE OF NEBRASKA

WHEN THIS COPY CARRIES THE RAISED SEAL OF THE NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM, IT CERTIFIES THE BELOW TO BE A TRUE COPY OF THE ORIGINAL RECORD ON FILE WITH THE NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM, VITAL STATISTICS SECTION, WHICH IS THE LEGAL DEPOSITORY FOR VITAL RECORDS.

DATE OF ISSUANCE

02/02/2006
LINCOLN, NEBRASKA

Stanley S. Cooper
STANLEY S. COOPER
ASSISTANT STATE REGISTRAR
HEALTH AND HUMAN SERVICES

STATE OF NEBRASKA — DEPARTMENT OF HEALTH
BUREAU OF VITAL STATISTICS
CERTIFICATE OF LIVE BIRTH γ

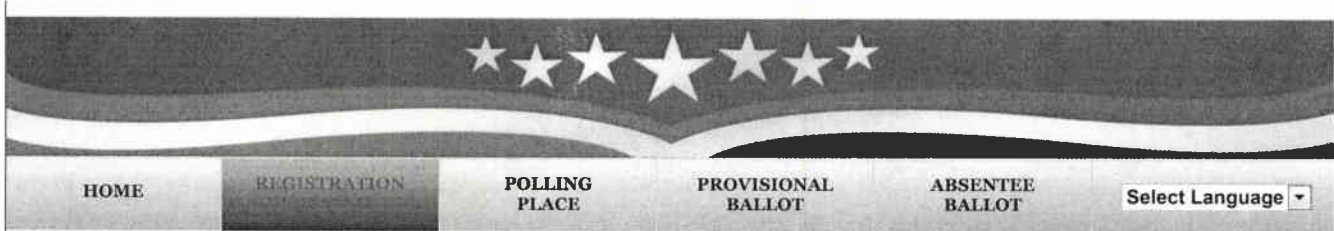
126 — 90 01818

1. CHILD'S NAME		FIRST	MIDDLE	LAST
		Brett	Eric	Armstrong
2. SEX	3a. DATE OF BIRTH (Month, Day, Year)		3b. HOUR OF BIRTH	4. COUNTY OF BIRTH
Male	January 18, 1990		4:57 AM	Scotts Bluff
5a. PLACE OF BIRTH:				
<input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Freestanding Birthing Center <input type="checkbox"/> Clinic/Doctor's Office <input type="checkbox"/> Residence <input type="checkbox"/> Other (Specify) _____				
5b. FACILITY NAME (If not institution, give street and number)			5c. CITY, TOWN, OR LOCATION OF BIRTH	5d. INSIDE CITY LIMITS (Specify Yes or No)
Regional West Medical Center			Scottsbluff	Yes
6a. I certify this child was born alive at the place and time and on the date stated.			6b. DATE SIGNED (Month, Day, Year)	6c. NAME AND TITLE OF ATTENDANT IF OTHER THAN CERTIFIER
(Signature) <i>Kent Lacey MD</i>			1-20-90	
6d. CERTIFIER - NAME AND TITLE (Type or print)			6e. MAILING ADDRESS (STREET and NUMBER or R.F.D. NO., CITY or TOWN, STATE, ZIP)	
Kent Lacey M.D.			3639 Avenue B Scottsbluff, Nebraska 69361	
7a. REGISTRAR			7b. DATE RECEIVED BY REGISTRAR (MONTH, DAY, YEAR)	
(Signature) <i>Stanley S. Cooper</i>			JAN 26 1990	
8a. MOTHER'S NAME		FIRST	MIDDLE	LAST
		Theresa	Lynn	Fox
8b. DATE OF BIRTH (Mo., Day, Yr.)		8c. BIRTHPLACE (City & State or Foreign Country)		
May 28, 1956		Fairbury, Nebraska		
9a. RESIDENCE-STATE	9b. COUNTY	9c. CITY, TOWN, OR LOCATION, (Include zip code)		9d. STREET AND NUMBER OF RESIDENCE
Nebraska	Scotts Bluff	Scottsbluff 69361		PO Box 1492
9e. INSIDE CITY LIMITS (Specify Yes or No)				
Yes				
10. MOTHER'S MAILING ADDRESS - Enter if not same as residence				
11a. FATHER'S NAME			11b. DATE OF BIRTH (Mo., Day, Yr.)	11c. BIRTHPLACE (City & State or Foreign Country)
Charles Bryan Armstrong			Jan. 23, 1958	Aurora, Colorado
12a. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief.				12b. RELATION TO CHILD
(Signature of Parent or other informant) <i>Theresa M. Fox</i>				Mother

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SEP 24 2013

NEBRASKA LIQUOR
CONTROL COMMISSION



Registrant Search Information

Registrant Detail

Name: Brett Armstrong
Party: Nonpartisan
Polling Place: Civic Center
 1050 M Street
 Gering, Ne, NE 69341

Districts

DISTRICT NAME	DISTRICT TYPE
Gering Public Schools	School District
Western Com College Dist 4	Community College District
U.S. Congressional District 3	U.S. Congressional District
Appeals Court Judge Dist 6	Judge of Appeals Court Dist.
County Judge Dist 12	Judge of County Court Dist.
District Judge, Dist 12	Judge of District Court Dist.
Supreme Court Judge Dist 6	Judge of Supreme Court Dist.
Legislative District 48	Legislative District
North Platte NRD SubD 3	Natural Resources District
Nebraska PPD SubD 5	Public Power District
PSC District 5	Public Service Comm District
Board of Regents District 7	Board of Regents
ESU 13 District 8	ESU District
County Airport Authority	Airport Authority
Gering City Council II	City Council (Ward)
County Commissioner District 3	County Board (Commis./Superv)
Mayor of Gering	Mayor
State Board of Education Dist7	State Board of Education

[Registration Information](#) [Polling Place](#) [Provisional Ballot](#) [Absentee Ballot](#)

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 VoterView 2.4.1021.1

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 SEP 24 2013
 NEBRASKA LIQUOR
 CONTROL COMMISSION

Memorandum

To: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
From: Kevin Spencer, Chief of Police
Date: 10/18/2013
Re: Manager Application for Brett Armstrong, Elks BPO Lodge 1367 1614 1st Ave Scottsbluff, NE
License number CK-01678

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 Brett Armstrong as a means to determine his fitness to hold a liquor license. Brett reported two convictions both for minor in possession one in July of 2008 and another in December of 2008.

Brett appeared before the City of Scottsbluff Liquor Committee on October 16th, 2013 at 1600 hours, where the committee asked several questions of Brett and offered advice in regards to policy and training.

I met with Brett October 17th, 2013 at 1500 hours in my office. I asked Brett specifically about the convictions on his criminal history. Brett told me that he was 18 years of age at the time adding that he pled guilty both times and paid a fine. I asked Brett about his experience in working with alcohol. Brett told me that he has 3 weeks experience that this is his first job in the business.

Although I have concerns about Brett's lack of experience considering all the information I find nothing that would disqualify him or deem him unfit to hold a liquor license.

(B) 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.

Brett Armstrong told me that he would attend the Nebraska State Patrol's training on November 13th here in Scottsbluff, adding that he will require all employees to attend as well. Brett told me that if an employee commits a violation it would be his desire to terminate that employee adding that he was unsure of his authority.

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

(C) 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:

Brett told me that the liquor inventory is kept in a locked room with key access only. Brett told me that the exalted ruler conducts the liquor inventory adding that he additionally keeps an inventory of the alcohol that is used. Brett told me that he inventories the beer once a week as part of his weekly order.

The applicant stated that the business does have video cameras on the interior but they are not currently working. Brett stated to gain entry a member has to use a card, a number code or contact an employee on the inside using the intercom. Brett stated that most of the customers are members and obviously of legal age. Brett stated that anyone unknown to them or that looks under aged will be asked to provide legal identification.

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

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

The hours of operation of the establishment will be from 03:00 pm to 10:00 pm Sunday thru Friday, 12:00 pm to 11:00 pm on Saturday. In the occurrence of a special event the business can stay open until 01:00 am.

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

SPECIFIC ISSUES COMMISSION MAY CONSIDER

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

There have been no known citizen protests of this business.

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

The business is located at 1614 1st Avenue Scottsbluff, NE. It is a business that will attract customers during the evening hours. Its location is easily accessible and convenient for customers. I would not anticipate any issues with location.

(G) 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.

There are no other businesses of this nature in the immediate area.

(H) 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 a concern at this time nor is pedestrian traffic.

(I) The adequacy of existing law enforcement:

The Scottsbluff Police Department is allowed 32 full time officers in the department and handled approximately 15,000 incidents, not including traffic citations during 2012. 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.

(J) 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.