

City of Scottsbluff, Nebraska

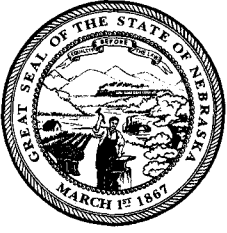
Monday, November 4, 2013

Regular Meeting

Item Public Inp2

Council to consider a new manager application for Margaret Stine for the Applebee's liquor license located at 2621 5th Ave., Scottsbluff.

Staff Contact: Rick Kuckkahn, City Manager



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert 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 6, 2013

SCOTTSBLUFF CITY CLERK
2525 CIRCLE DR
SCOTTSBLUFF NE 69361

RE: Applebee's

LICENSE #I-101602

Dear Clerk:

Enclosed is a copy of a manager application for Margaret Stine in connection with the Applebee's 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,

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
Printed with soy ink on recycled paper

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

RECEIVED

AUG 12 2013

NEBRASKA LIQUOR
CONTROL COMMISSION

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

- 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

Corporation/LLC information

Name of Corporation/LLC:

BMA Franchise Corporation

Premise information

Premise License Number:

101602

(if new application leave blank)

Premise Trade Name/DBA:

Applebee's Neighborhood Grill & Bar

Premise Street Address:

2621 5th Ave

City:

Scottsbluff

State:

NE

Zip Code:

69361

Premise Phone Number:

308-635-7750

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

Margaret Stine

CORPORATE OFFICER/MANAGING MEMBER SIGNATURE

(Faxed signatures are acceptable)

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
12/27/12	present	RMH Franchise Holdings	Jeffrey Neumann	201-891-1008
7/12/04	12/27/12	Concord Hospitality	Lawrence Bird	402-421-2551

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
Margaret Stine	6/2012	Manhattan, KS	Improper Lane Change	Fine
Margaret Stine	4/2010	Nebraska City, NE	Speeding	Fine
Margaret Stine	7/2008	Nebraska City, NE	Speeding	Fine
Margaret Stine	6/2005	Lincoln, NE	Speeding	Fine

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.

Applebee's Neighborhood Grill & Bar

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 ON FILE CURRENTLY

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

April 2012; Lincoln NE, responsible Hospitality Commission

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.

Margaret Stine
Signature of Manager Applicant

[Signature]
Signature of Spouse

RECEIVED

AUG 12 2013

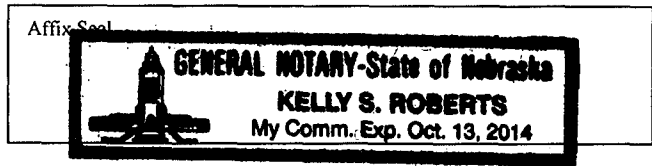
ACKNOWLEDGEMENT

NEBRASKA LIQUOR CONTROL COMMISSION

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

8th day of August, 2013
date
[Signature]
Notary Public signature

by Tom and Margaret Stine
name of person acknowledged



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.

**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

Office Use RECEIVED AUG 12 2013 NEBRASKA LIQUOR CONTROL COMMISSION	RECEIVED FEB 23 2012 NEBRASKA LIQUOR CONTROL COMMISSION
---	---

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.

Thomas E. Stine
Signature of spouse asking for waiver
(Spouse of individual listed below)

Thomas E. Stine
Printed name of spouse asking for waiver

State of Nebraska

County of Lancaster

February 20, 2012
date

The foregoing instrument was acknowledged before me this
Thomas E. Stine

Kelly S. Roberts
Notary Public signature

by _____
name of person acknowledged
GENERAL NOTARY-State of Nebraska
KELLY S. ROBERTS
My Comm. Exp. Oct. 13, 2014

OK

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 forth above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

Margaret E. Stine
Signature of individual involved with application
(Spouse of individual listed above)

Margaret E. Stine
Printed name of applying individual

State of Nebraska

County of Lancaster

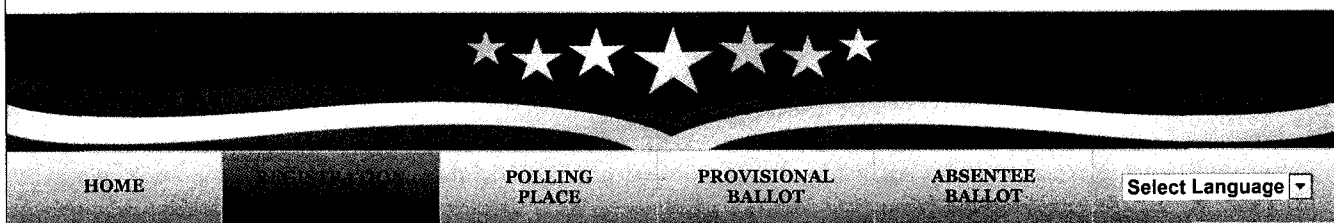
February 20, 2012
date

The foregoing instrument was acknowledged before me this
Margaret E. Stine

Kelly S. Roberts
Notary Public signature

by _____
name of person acknowledged
GENERAL NOTARY-State of Nebraska
KELLY S. ROBERTS
My Comm. Exp. Oct. 13, 2014

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.



Registrant Search Information

Registrant Detail

Name: Margaret Stine
Party: Republican
Polling Place: Wood Bridge Apt. Clubhouse
 7011 S 22nd St
 (Clubhouse Meeting Room)
 Lincoln, NE 68512

Districts

DISTRICT NAME	DISTRICT TYPE
Lincoln Public Schools	School District
Southeast Com College Dist 5	Community College District
Southeast Com College At Large	Community College District
U.S. Congressional District 1	U.S. Congressional District
Appeals Court Judge Dist 1	Judge of Appeals Court Dist.
County Judge Dist 3	Judge of County Court Dist.
District Judge, Dist 3	Judge of District Court Dist.
Juv Crt Judge, Lancaster Co.	Judge of Juvenile Court
Supreme Court Judge Dist 1	Judge of Supreme Court Dist.
Legislative District 27	Legislative District
Lower Platte South NRD SubD 10	Natural Resources District
PSC District 1	Public Service Comm District
Board of Regents District 1	Board of Regents
Lincoln City Council DIST 03	City Council (Ward)
Mayor of Lincoln	Mayor
County Commissioner DIST 03	County Board (Commiss./Superv)
LPS School Board DIST 07	School Board Ward
State Board of Education Dist1	State Board of Education
City of Lincoln	City Council (Ward)
Lower Platte South NRD At Larg	Natural Resources District

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

© Copyright 2013 Election Systems and Software. All rights reserved.
VoterView 2.4.1021.1

RECEIVED
 AUG 12 2013
 NEBRASKA LIQUOR
 CONTROL COMMISSION

Memorandum

To: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
From: Kevin Spencer, Chief of Police
Date: 10/4/2013
Re: Application for Corporate Manager Margaret Stine RMH Holdings dba: / Applebee's
Neighborhood Bar & Grill License Class I number I-101602.

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 Margaret Stine as a means to determine her fitness to hold a liquor license. Margaret reported receiving four convictions for traffic infractions three for speeding in 2005, 2008, and 2010 and a fourth for improper lane change in 2012.

I called Margaret Stine by telephone as she is a resident of Lincoln, Nebraska. I asked Margaret about her experience with alcohol sales. Margaret told me that her name is currently on 11 Liquor Licenses in the state of Nebraska. Margaret told me that she has worked for RMH Holdings for quite some time and is currently the Chief Administrative Officer for the Corporation. Margaret stated that she has also held the office of Corporate Vice President and Vice President of Operations. After talking to Margaret it was obvious that she has extensive experience in this hospitality business.

Considering all the information gathered I find no reason to believe the applicant is not fit 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. Margaret Stine reported that Applebee's requires all of their employees to attend alcohol related training twice a year. Margaret advised that if there is a violation the offender is immediately terminated and the violation automatically triggers a store retrain, meaning all of the employees have to attend alcohol training again after the event.

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:**

Margaret Stine reported that the business has a locked room that is designed to store the alcohol, and the cabinets below the bar lock. Margaret stated that all of the alcohol is inventoried once a week by the bar manager with the general managers oversight.

The applicant stated that the business does have video cameras on the interior that record the bar area.

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 11:00 am to 12:00 am Thursday thru Saturday, 11:00 am to 11:00 pm Sunday through Wednesday.

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 2621 5th Avenue Scottsbluff, NE. It is a business that will attract customers during the lunch and dinner hours seven days a week Sunday through Saturday. 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.