

City of Scottsbluff, Nebraska

Monday, May 19, 2014

Regular Meeting

Item Public Inp1

Council to consider a Liquor License Manager License for Daniel Steele as manager of the WalMart Liquor License.

Staff Contact: Rick Kuckkahn, City Manager

**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

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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 in the State of Nebraska**
- ✓ **Fingerprinted. Two cards per person, fees of \$38 per person, made payable to Nebraska State Patrol. If printed at NSP mail check only.**
- ✓ **21 years of age or older**

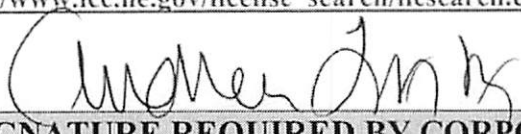
Corporation/LLC information

Name of Corporation/LLC: Wal-Mart Stores, Inc.

Premise information

Liquor License Number: 057128 Class Type D
(if new application leave blank)
Premise Trade Name/DBA: Walmart 867
Premise Street Address: 3322 Avenue "I"
City: Scottsbluff County: Scottsbluff Zip Code: 69361
Premise Phone Number: 308-632-2666
Email address: dpsteel.s00867.us@wal-mart.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. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/licsearch.cgi


SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)



1400009301

Form 103
Rev 9/2013
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Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Steele First Name: Daniel MI: P
Home Address (include PO Box if applicable): 1202 S. Beltline Hwy W
City: Scottsbluff County: Scottsbluff Zip Code: 69631
Home Phone Number: 308-575-0190 Business Phone Number: 308-632-2666
Social Security Number: _____ Drivers License Number & State: H13685493 Nebraska
Date Of Birth: 06-26-1977 Place Of Birth: North Platte, NE
Email address: dpsteel.s00867.us@wal-mart.com

Are you married? If yes, complete spouse's information (Even if a spouse is deceased)

☒ YES

☐ NO

Spouse's information:

Spouses Last Name: Steele First Name: Raconda MI: R
Social Security Number: _____ Drivers License Number & State: 510053354 New Mexico
Date Of Birth: 10-03-1978 Place Of Birth: Durango, CO

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	2013	2014	Scottsbluff, NE	2013	2014
Taos, NM	2010	2013	Taos, NM	2010	2013
Grandview, MO	2004	2010	Grandview, MO	2004	2010
Lincoln, NE	2002	2003	Lincoln, NE	2002	2003

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MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1998	Present	Wal-Mart	Merle Axford	308-236-6263
1997	1998	National Furniture Liquidators	Monte	

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

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: 2/26/14 Name on Certificate: Daniel P Steele

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Daniel P Steele	02/2014	RBST General Certificate

*For list of NLCC Certified Training Programs see www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Dan Steele Store Manager	2013-Present	Walmart Scottsbluff, NE
Dan Steele Store Manager	2010-2013	Walmart Taos, NM
Dan Steele Shift Manager	2008-2013	Walmart Raymore, MO
Dan Steele Store Manager	2004-2008	Walmart Kansas City, MO

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5. 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

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.


Signature of Manager Applicant

Signature of Spouse

ACKNOWLEDGEMENT


State of Nebraska

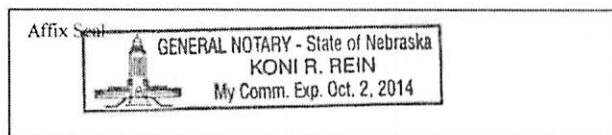
County of Scotts Bluff

The foregoing instrument was acknowledged before me this

Feb 26th 2014
date

by Daniel P. Steele
name of person 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.

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CONTROL COMMISSION

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**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

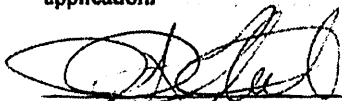
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**NEBRASKA LIQUOR
CONTROL COMMISSION**

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 (853-125(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.



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

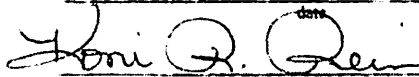
Racanda R. Steele

Printed name of spouse asking for waiver

State of Nebraska

County of Scotts Bluff

Feb 26 2014



Notary Public signature

The foregoing instrument was acknowledged before me this

by Racanda R. Steele

name of person acknowledged

Affix Seal

GENERAL NOTARY - State of Nebraska
KONI R. REIN
My Comm. Exp. Oct. 2, 2014

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 (853-125(13)) the Commission may cancel or revoke the liquor license.



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

DANIEL P STEELE

Printed name of applying individual

State of Nebraska

County of Scotts Bluff

Feb 26 2014



Notary Public signature

The foregoing instrument was acknowledged before me this

by Daniel P Steele

name of person acknowledged

Affix Seal

GENERAL NOTARY - State of Nebraska
KONI R. REIN
My Comm. Exp. Oct. 2, 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.

FORM 35-4178
Revised 1/2008

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NEBRASKA LIQUOR
CONTROL COMMISSION

DANIEL PAUL STEELE

has earned a

Certificate of Achievement

- for those who serve or sell alcohol in Nebraska

RB-0028115

Expires: 02-26-2017 Amount Paid: \$



Responsible Beverage Service Training
N E B R A S K A



Memorandum

To: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
From: Kevin Spencer, Chief of Police
Date: 5/15/2014
Re: Application for Corporate Manager Daniel Steele Wal-Mart Stores, Inc. dba: Walmart 867 License Class D number D-057128.

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 Daniel Steele as a means to determine his fitness to hold a liquor license. Daniel reported that he has no criminal history including no traffic citations. After conducting an extensive background check we learned that Daniel has no record.

On 05/15/2014 I spoke with Daniel Steele by telephone as he was out of town. Daniel told me that he has 10 years' experience working with alcohol. Daniel explained that he has been a Wal-Mart store manager for 7 years and an assistant for 3 years. Daniel said that during this time he was responsible for the alcohol. Daniel told me that this is the first time that the liquor license will be in his name due to the fact that in Kansas City and New Mexico the licenses were in the stores names although he was responsible.

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. Daniel told me that Wal-Mart requires all of their employees that are old enough to work with alcohol, to attend training. Daniel told me that they have policy to address instances where violations occur. Daniel said that it depends on the significance of the violation as to what happens. Daniel explained that someone who sales to a minor will lose their job, while other violations may require retraining.

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:**

Daniel reported that after hours they place signs in the alcohol area to alert customers to the fact that alcohol cannot be purchased. Daniel also told me that they have employees that stay in the area of the alcohol to remind customers that alcohol cannot be purchased.

Daniel told me that the alcohol is inventoried once a month by asset protection personnel and then again once a year when the entire store is inventoried.

Wal-Mart is opened 24 hours a day but does have a video recording system that records the interior and exterior of the store.

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:**

Wal-Mart is open 24 hours a day seven days a week.

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 3322 Avenue I Scottsbluff, NE. It is a business that will attract customers day and night as it is open twenty-four hours a day. Wal-Mart has been at the Avenue I location for several years.

- (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 2013. 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.