

BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: Juan Rene Lazo)
El Tropico)
201 E 5th Street)
Lexington NE 68850)
On Suspension, Cancellation or Revocation of)
Retail Class IBK-37623 Liquor License.)

ORDER

Now on the 7th day of February 2023, this matter came on for consideration before the Nebraska Liquor Control Commission, notice having been served upon the licensee to appear and respond to an administrative citation alleging that the license should be suspended, cancelled or revoked as more fully set out herein.

The licensee was present. The Commission was represented by Ken Yoho, Assistant Attorney General. Upon consideration of all the evidence in this case, the Nebraska Liquor Control Commission finds:

FINDINGS OF FACT:

1. That the licensee did, on or about October 30, 2021, allow or permit a disturbance in or about the licensed premises.
2. That the licensee did not, on or about October 30, 2021, permit or knowingly allow conduct on or about the licensed premises.
3. That the licensee did not, on or about October 30, 2021, permit the selling, dispensing or giving away of alcoholic liquor after the legal closing hours in the licensed premises.
4. That the licensee did, on or about October 30, 2021, permit open containers of alcoholic liquor to remain or to be in possession or control of persons for the purposes of consumption after 1:15 a.m.
5. That the licensee did, on or about October 30, 2021, sell, dispense, furnish or allow possession of alcoholic liquor to an individual who had become intoxicated by the previous consumption of alcoholic liquor.
6. That the licensee did not, on or about October 30, 2021, permit the sale to or allow possession of alcoholic liquor, to or for an individual being less than 21 years of age.

CONCLUSIONS OF LAW:

1. That allowing or permitting a disturbance in or about the licensed premises, is in violation of 237-LCC6-019.01F of the Rules and Regulations of the Nebraska Liquor Control Commission.
2. That the licensee is found not guilty of permitting or knowingly allow conduct on or about the licensed premise in violation of 237-LCC6-019.01Q of the Rules and Regulations of the Nebraska Liquor Control Commission, i.e., drugs
3. That the licensee is found not guilty of permitting the selling, dispensing or giving away of alcoholic liquor after the legal closing hours in the licensed premise, in violation of the Neb. Rev. Stat. Sec. 53-179 and/or 237-LCC6-019.01C of the Rules and Regulations of the Nebraska Liquor Control Commission.
4. That permitting open containers of alcoholic liquor to remain or to be in possession or control of persons for the purposes of consumption after 1:15 a.m., in violation of Neb. Rev. Stat. Sec. 53-179(3) and/or 237-LCC6-019.01D of the Rules and Regulations of the Nebraska Liquor Control Commission.
5. That selling, dispensing, furnishing or allowing possession of alcoholic liquor to an individual who had become intoxicated by the previous consumption of alcoholic liquor, is in violation of 237-LCC6-019.01N of the Rules and Regulations of the Nebraska Liquor Control Commission.
6. That the licensee is not guilty of, permitting the sale to or allow possession of alcoholic liquor, to or for an individual being less than 21 years of age, in violation of Neb. Rev. Stat. Sec. 53-180 and 237-LCC6-019.01A or 237-LCC6-019.01B of the Rules and Regulations of the Nebraska Liquor Control Commission.
7. That the license should be suspended for a period of fifteen (15) days of charge 1, suspended for twenty (20) days on charge #4, and suspended for twenty (20) days on charge #5 for a total of fifty-five (55) days, with the option to pay a fine in lieu thereof.

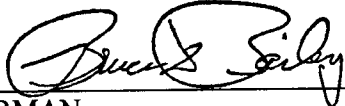
IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Retail Class IBK Liquor License of Juan Rene Lazo, DBA – “El Tropicco”, 201 E 5th Street, Lexington, Nebraska, should be, and the same hereby is, suspended for a period of fifteen days on charge #1, suspended twenty (20) days on charge #4, and suspended twenty (20) days on charge #5 for a total of fifty-five (55) days, such suspension to commence at the closing hour of business on the 16th day of April 2023, and to continue until the opening hour of business on the 11th day of June 2023, with the option to pay a fine in lieu thereof. Additionally, the license is found not guilty on Charge #2, Charge #3, and Charge #6.

IT IS FURTHER ORDERED that the notice of suspension shall be posted upon the premises, said notice to remain posted throughout the term of said suspension.

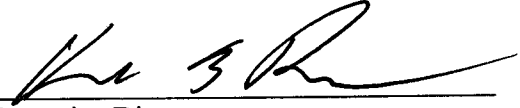
IT IS FURTHER ORDERED that the Licensee shall pay costs of this action, assessed in the amount of \$163.31.

Dated this 6th day of March 2023.

NEBRASKA LIQUOR CONTROL COMMISSION

BY 
CHAIRMAN

I hereby certify this to be a true and correct copy of the original order entered herein, and further certify, that a copy was mailed by regular U.S. Mail to Juan Rene Lazo, El Tropicco, 201 E 5th Street, Lexington, NE 68850, on this 6 day of March 2023.


Executive Director

