

BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: McManus Enterprises Inc)
Heidelberg's)
4620 Bair Avenue)
Lincoln NE 68504)
On Suspension, Cancellation or Revocation of)
Retail Class CK-39838 Liquor License.)

ORDER

Now on the 6th day of December 2017, 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 for violations of the Liquor Control Act and/or rules and regulations of the Commission, namely, 1) Allowing or permitting a disturbance in violation of 237 LCC 6-019.01F of the Rules and Regulations of the Liquor Control Commission and 2) Allowing or permitting the carrying out from its licensed premise, alcoholic liquor in open containers, in violation Neb. Rev. Stat. Sec. 53-123.04 and/or 237-LCC6-019.01H of the Rules and Regulations of the Nebraska Liquor Control Commission.

The licensee was present and represented by Attorney Charles Humble. The State was represented by Milissa Johnson-Wiles, Assistant Attorney General.

The Open Container charge was dismissed by the State at the close of the evidence. Based upon the testimony of the witnesses and the evidence in this case, the Commission finds the following:

FINDINGS OF FACT:

1. That the licensee did, on or about August 20, 2017, allow or permit a disturbance in or about the licensed premises.
2. That the licensee did on or about August 20, 2017, ignore security concerns that were expressed to it by law enforcement and proceeded with the event despite the warning.
3. That the licensee did on or about August 20, 2017, willingly turn over a portion of their licensed business to the care and control of an unregulated third party and its security force.
4. That the willful actions found in paragraphs 2 and 3 created an unreasonable threat to the health, safety and welfare of its patrons and first responders.

CONCLUSIONS OF LAW:

1. That allowing or permitting a disturbance in or about the licensed premise is in violation of 237-LCC6-019.01F of the Rules and Regulations of the Nebraska Liquor Control Commission.
2. That the willful ignoring of warnings from law enforcement and an allowance of an unregulated third party to exercise care and control over a portion of the licensed premises created a threat to public safety and welfare that justifies a deviation from the Commission's penalty guidelines in this case.
3. That the license should be cancelled.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Retail Class CK Liquor License of McManus Enterprises Inc, DBA – "Heidelberg's", 4620 Bair Avenue, Lincoln, Nebraska, should be, and the same hereby is, cancelled effective at the closing hour of business on the 31st day of January 2018.

IT IS FURTHER ORDERED that the Licensee shall pay costs of this action, assessed in the amount of \$25.00.

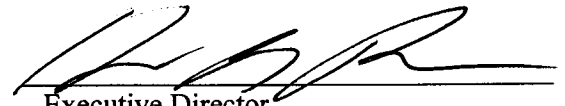
Dated this 13th day of December 2017.

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 McManus Enterprises Inc, Heidelberg's, 4620 Bair Avenue, Lincoln, NE 68504, and to Attorney Charles Humble, 301 S 13th Street #400, Lincoln, NE, 68508, on this 15th day of December 2017.


Executive Director

