

BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: KB & KS Investments)
"Qwest Fuel")
414 Second Avenue South)
Kearney NE 68847)
On Suspension, Cancellation or Revocation of)
Retail Class C-115396 Liquor License.)

ORDER

Now on the 12th day of April, 2016, this matter came on for consideration before the Nebraska Liquor Control Commission, notice having been served upon the licensee to appear and respond to a citation alleging that the license should be suspended, cancelled or revoked as more fully set out herein.

The licensee was present and represented by attorney Michael Kelley. The State was represented by Milissa Johnson-Wiles, Assistant Attorney General.

Based upon the testimony of the witnesses and the evidence received in this case, the Nebraska Liquor Control Commission finds:

FINDINGS OF FACT:

1. That the licensee did, on or about November 13, 2015 permit the selling, dispensing, or giving away 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/or 237-LCC6-019.01A of the Rules and Regulations of the Nebraska Liquor Control Commission.

CONCLUSION OF LAW:

1. That the said sale of alcoholic liquor to a person under the age of twenty-one (21) is in direct violation of Section 53-180 of the Nebraska Statutes and/ or 237-LCC6-019.01A of the Rules and Regulations of the Nebraska Liquor Control Commission.

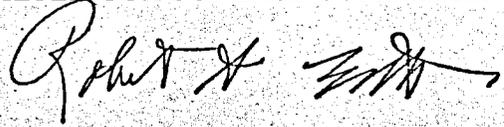
IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Retail Class D Liquor License of KB & KS Investments, dba "Qwest Fuel", 414 Second Avenue South, Omaha, Nebraska, should be, and the same hereby is, suspended for two (2) days of mandatory closure and suspended for and additional thirty (30) days, with the option to pay a fine in lieu thereof, such mandatory closure to be June 27, 2016 and June 28, 2016; and the additional thirty (30) day suspension to commence on the 29th day of June 2016, and to continue until the opening hour of business on the 29th day of July 2016. Additionally, that the licensee and all staff shall complete an approved alcohol server training program within sixty (60) days from the date of this Order and shall show certification with complying with the provision of 237-LCC14-004 of the Rules and Regulations of the Nebraska Liquor Control Commission.

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 \$159.48

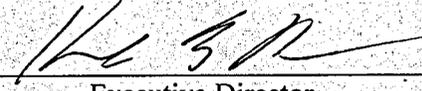
Dated this 19 day of May, 2016.

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 U.S. Regular Mail, return receipt requested, on this 19 day of May, 2016.



Executive Director



IMPORTANT - PLEASE READ

To Licensee:

The Order of suspension, to which this Notice is enclosed, provides for a suspension of your license for a period of **thirty** days. State Law provides that you may either comply with the Order of suspension and be closed for the prescribed number of days or you may notify the Nebraska Liquor Control Commission and elect to pay a fine of **\$100** per day for the number of days of your suspension and remain open and continue the full operation of your establishment.

If you desire to pay a fine instead of being closed you must sign the below election notification request and mail it to the Nebraska Liquor Control Commission, P.O. Box 95046, Lincoln, Nebraska 68509, along with a certified or cashier's check, personal or business check, or U.S. money order made payable to the Nebraska Liquor Control Commission; the election notification must be received by the Nebraska Liquor Control Commission on or before **June 22, 2016**; if the election notification and full payment is not received by the above stated date then you must close your establishment for the sale of alcoholic liquor for the required number of days suspended.

NEBRASKA LIQUOR CONTROL COMMISSION

ELECTION

June 22, 2016

D-97771

**KB & KS Investments
"Qwest Fuel"
414 Second Avenue South
Kearney NE 68847**

I, the undersigned licensee, do hereby elect to pay a fine of **\$3000.00** in lieu of the suspension as directed by the Order of the Nebraska Liquor Control Commission.

Licensee's signature

(CERTIFIED or CASHIER'S CHECK, PERSONAL or BUSINESS CHECK, U.S. MONEY ORDER or CASH are acceptable.)

(Mail to Nebraska Liquor Control Commission, P.O. Box 95046, Lincoln, Nebraska 68509)



Pete Ricketts
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/>

May 19th, 2016

KB & KS Investments
"Qwest Fuel"
414 Second Avenue South
Kearney NE 68847

Dear Licensee (s):

Enclosed herewith find closing notices setting forth the dates that your licensed premises are to be closed for the sale of alcoholic liquors.

These notices must be posted by you on your main entrances to your premises and remain there during the period of time you are closed.

The law provides that you may remain open for other business on days during which the sale of alcoholic liquors has been prohibited by your suspension. However, if you are licensed as a pickle card operator with the Nebraska Department of Revenue's Charitable Gaming Division, you cannot sell pickle cards during the period of your liquor license suspension, unless you have paid a fine in lieu of such suspension. Please be advised that the Nebraska Department of Revenue has the jurisdiction to impose its own penalties regarding your pickle card operator's license. If you have any questions, please contact the Charitable Gaming Division, Department of Revenue (402) 471-5937.

You may be ordered by the Commission to complete a certified alcohol server training program. If you must complete training, please review the "Guidelines for Commission Ordered Training" insert enclosed.

Sincerely yours,

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe
Executive Director

HBR

Enclosures

Janice M. Wiebusch
Commissioner

Robert Batt
Chairman

Bruce Bailey
Commissioner