

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 D-97771 Liquor License)

ORDER
Nunc Pro Tunc

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 an administrative 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 Millissa 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.
2. That the license should be suspended for a period of two (2) days mandatory closure and suspended for an additional thirty (30) days, with the option to pay a fine in lieu thereof.
3. 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.

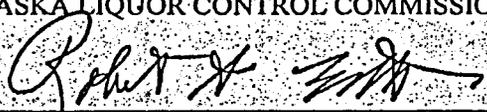
IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Retail Class D Liquor License of KB & KS Investments, "Qwest Fuel", 414 Second Avenue South, Kearney, Nebraska, should be, and the same hereby is, suspended for two (2) days of mandatory and closure and suspended for an additional thirty (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 at the closing hour of business on the 29th of June 2016 and to continue until the opening hour of business on the 29th day of July 2016, with the option to pay a fine in lieu thereof. 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 26th 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 regular U.S. Mail to KB & KS Investments, "Qwest Fuel", 414 Second Avenue South, Kearney, Nebraska, 68847, on this 26 day of May 2016.


Executive Director

