BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: Smashburger Acquisition Omaha LLC	)	
"Smashburger"	)	
7204 Jones Street	)	ORDER
Omaha NE 68114	)	
	)	
On Suspension, Cancellation or Revocation of	)	
Retail Class I-099255 Liquor License	)	

Now on the 10th day of May 2016, this matter came on for hearing before the Nebraska Liquor Control Commission upon an order to show cause why the license should not suspended, cancelled, or revoked for failing to file a new manager's application with the Commission within the required time, in violation of 237-LCC2-009.01 of the Rules and Regulations of the Nebraska Liquor Control Commission and additionally for filing a false renewal for 2015 and 2016 in violation of Neb. Rev. Stat. Sec. 53-131.01

The licensee was present and represented by attorney Tim O'Neill. The Commission was represented by Milissa Johnson-Wiles, Assistant Attorney General.

Upon consideration of the all the evidence in this matter, the Nebraska Liquor Control Commission finds:

1. That the licensee did file a false renewal application for 2015 in violation of Neb. Rev. Stat. Sec. 53-131.01.
2. That the license should be suspended for a period of ten (10) days, with the option to pay a fine in lieu thereof.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Order to Show Cause before the Retail Class I-099255 Liquor License of Smashburger Acquisition Omaha LLC, dba "Smashburger", 7204 Jones Street, Omaha, Nebraska, should be, and the same hereby is, suspended for a period of ten (10) days, such suspension to commence at the closing hour of business on the 3rd day of June, 2016, and to continue until the opening hour of business on the 14th day of June, 2016, with the option to pay a fine in lieu thereof.

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

Dated this 26th day of May, 2016.

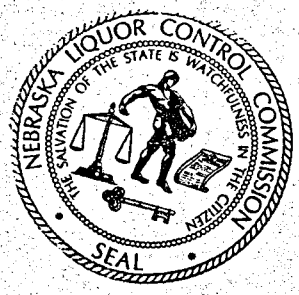
NEBRASKA LIQUOR CONTROL COMMISSION

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, on this 20th 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 **five (5)** 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 **$50** 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 27th, 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 27th, 2016

Smashburger Acquisition Omaha LLC **I-99256**
"Smashburger"
12330 K Plaza Suite 101
Omaha NE 68137

I, the undersigned licensee, do hereby elect to pay a fine of **$250.00** 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 20, 2016

Smashburger Acquisition Omaha LLC
"Smashburger"
7204 Jones Street
Omaha NE 68114

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

An Equal Opportunity Employer