

BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: Smashburger Acquisition Omaha LLC)
"Smashburger")
12330 K Plaza Suite 101)
Omaha NE 68137)
On Suspension, Cancellation or Revocation of)
Retail Class I-99256 Liquor License.)

ORDER
Nunc Pro Tunc

Now on the 10th day of May 2016, this matter came on for consideration before the Nebraska Liquor Control Commission, notice having been served upon the licensee to show cause why the license should not be 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 Millissa Johnson-Wiles, Assistant Attorney General.

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

1. That the licensee did file a false renewal application or 2015 in violation of Neb. Rev. Stat. Sec. 53-131.01.
2. That the license should be suspended for a period of five (5) 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 I Liquor License of Smashburger Acquisition Omaha LLC, DBA – "Smashburger", 12330 K Plaza Suite 101, Omaha, Nebraska, should be, and the same hereby is, suspended for a period of five (5) days, such suspension to commence at the closing hour of business on the 3rd day of July 2016, and to continue until the opening hour of business on the 9th 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 \$25.00.

Dated this 31st day of May 2016.



NEBRASKA LIQUOR CONTROL COMMISSION

BY [Signature]
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 Smashburger Acquisition Omaha LLC, Smashburger, 12330 K Plaza Suite 101, Omaha, NE 68137, on this 31st day of May 2016.

[Signature]
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
"Smashburger"
12330 K Plaza Suite 101
Omaha NE 68137

I-99256

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)