

BEFORE THE NEBRASKA LIQUOR CONTROL COMMISSION

In Re: David W Tuberville )  
Tubes )  
223 N Market )  
Schickley NE 68436 )  
On Suspension, Cancellation or Revocation of )  
Retail Class C-110656 Liquor License. )

**NUNC PRO TUNC  
ORDER**

Now on the 23rd day of September 2015, 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. The Commission was represented by Milissa Johnson-Wiles, Assistant Attorney General.

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

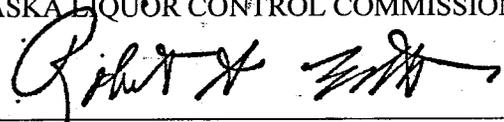
1. That the licensee did, on or about April 26, 2015 permit open containers of alcoholic liquor to remain or to be in possession or control of persons for the purposes of consumption after 2:15a.m., in violation of Neb. Rev. Stat. Sec. 53-179(3) and/or 237-LCC6-019.01D of the Rules and Regulations of the Nebraska Liquor Control Commission.
2. That the licensee did, on or about April 26, 2015 refuse to permit or unreasonably delay in permitting any law enforcement officers to enter the licensed premises to inspect such premises to determine if the licensee was violating any provisions of the Act or Rules and Regulations of the Nebraska Liquor Control Commission, in violation of Neb. Rev. Stat. Sec. 53-134(2) and/or 237-LCC6-019.01G of the Rules and Regulations of the Nebraska Liquor Control Commission.
3. That the license should be suspended for a period of five (5) days for Charge 1 and a period of fourteen (14) days for Charge 2, for a total of nineteen (19) days, with the option to pay a fine in lieu thereof.
4. That there shall be no violations on the premise for one (1) year from the date of this order.
5. 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 C Liquor License of David W Tuberville, DBA – “Tubes”, 223 N Market, Schickley, Nebraska, should be, and the same hereby is, suspended for a for a period of five (5) days for Charge 1 and a period of fourteen (14) days for Charge 2, for a total of nineteen (19) days, such suspension to commence at the closing hour of business on the 15th day of November, 2015, and to continue until the opening hour of business on the 5th day of December, 2015, 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. Furthermore, that there shall be no violations on the premise for one (1) year from the date of this order.

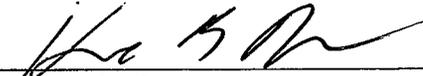
IT IS FURTHER ORDERED that the notice of suspension shall be posted upon the premises, said notice to remain posted throughout the term of said suspension.

IT IS FURTHER ORDERED that the licensee shall pay costs of this action, assessed in the amount of \$136.90.

Dated this 9<sup>th</sup> day of October 2015.

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 David W Tuberville, Tubes, 223 N Market, Schickley, NE 68436, on this 9 day of October 2015.

  
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Executive Director

