CHAPTER 1 - PRACTICE AND PROCEDURE

~~007 PENALTY IN ABEYANCE~~

~~**007.01** It is the intent of the Nebraska Liquor Control Commission to provide assistance to liquor licensees in obtaining guidance for good management skills and styles, to facilitate operating their businesses within the guidelines established by the Nebraska State Statutes and Liquor Control Commission's rules.~~

~~**007.02** The "Penalty In Abeyance" allows the Liquor Control Commission to delay a penalty for a violation (in abeyance) for a period of time. This period of time allows the Commission to scrutinize the management, premises, and training of employees of the licensee. The Commission may determine, through this process, that a lesser penalty is warranted for the violation.~~

~~**007.03** During the period the penalty is held in abeyance, the licensee may be required to follow certain guidelines. Some corrective actions may be required to improve management styles, including employee training. This period of time will allow the Commission to exercise its "broad powers" to improve professional liquor dispensing in licensed establishments in Nebraska.~~

~~**007.04** Should the Commission elect to require a licensee or employees to receive server training during the period of abeyance, the course shall be one approved by the education review committee as appointed by the Commission.~~

~~**007.05** Should the Commission require the licensee to report to a designee during the period of abeyance, the designee may be an employee of the Liquor Control Commission, an officer of the Nebraska State Patrol or other enforcement agency, or other local authority selected by the Commission.~~

~~**007.06** The "penalty in abeyance" process would follow these steps:~~

~~**007.06A** On the day of hearing:~~

~~**007.06A1** Liquor Control Commission finds licensee guilty for violation.~~

~~**007.06A2** Penalty is placed in abeyance for a period of 12 months (or other appropriate time period).~~

~~**007.06A3** "Preconditions of sanction" are explained and written copy furnished to licensee.~~

~~**007.06A4** Entry is made on licensee's record that there is a penalty in abeyance.~~

~~**007.06B** Upon successful completion of period of abeyance:~~

~~**007.06B1** Preconditions have been successfully met.~~

~~**007.06B2** Placed on Commission's hearing agenda or final disposition.~~

~~**007.06B3** Commission would establish penalty (i.e., letter of reprimand, minimal suspension, etc.).~~

~~**007.06B4** Entry is made on licensee's record of final sanction.~~

~~**007.06C** Upon unsuccessful completion of period of abeyance:~~

~~**007.06C1** Should a violation of the established precondition occur:~~

~~**007.06C1A** The license would be set for a show cause hearing to show why abeyance should not be terminated and immediate sanctions imposed.~~

~~**007.06C2** Should a violation of statute, rule, etc. occur during period of abeyance:~~

~~**007.06C2A** Hearing is held on 2nd offense.~~

~~**007.06C2B** Finding of guilt for new offense (If found not guilty, abeyance continues).~~

~~**007.06C2C** Appeal period of new offense is exhausted.~~

~~**007.06C2D** Show cause hearing is placed on agenda to show cause why abeyance should not be terminated and immediate sanctions imposed.~~

~~**007.06C2E** Sanction for first violation is imposed.~~

~~**007.06C2F** Entry is placed on licensee's record of final sanction.~~