

## Liquor Commission Debates Penalty for Kwik Shop Selling to Minors

Written by Brian Mastre

The Nebraska Liquor Control Commission on Tuesday ordered a 5-day liquor license suspension to the Kwik Shop at 156th and Blondo in connection to a clerk who sold alcohol to minors resulting in death. But in this case of a first time business violation, a suspension usually doesn't mean a suspension. Rules allow Kwik Shop to simply pay a fine of \$250, instead.

Last October and just before midnight, George Gervase, 17, pulled into the Elkhorn High School parking lot to meet with some other teens in the white pickup. Omaha police said they had just bought Four Loco and Captain Morgan rum at the Kwik Shop and agreed to sell it to him.

A few hours later, investigators determined Gervase was drunk and died when he crashed into a power pole and tree at 192nd and Pacific.

OPD tracked store surveillance video showing the clerk, Kevin Hart, 29, had been selling to minors for a couple months. His motivation -- not money, but to be the cool guy. Hart was sentenced to a year in prison where he is expected to serve half the time under Nebraska law.

"He knew they were underage and sold to them anyway," said assistant attorney general Milissa Johnson-Wiles as she read the facts of the case to the Nebraska Liquor Control Commission. The commission wanted to hear from the owners of the Kwik Shop before deciding punishment.

"We had a background check done on him," said Kwik Shop general counsel Nick Unkovic. "He was a veteran. I don't know what else we could have done."

The clerk was described as a "rogue employee" working alone -- where no amount of rules could have predicted his actions.

"5 days," recommended Bruce Bailey. The commission gave its lightest sentence under the guidelines -- a 5-day suspension which doesn't really mean a suspension at all. Businesses usually pay a fine of \$50 for every day of suspension instead -- and can keep selling alcohol.

Those with Project Extra Mile -- an organization working to prevent alcohol-related problems -- were shocked with the decision.

Reporter: "5 day suspension -- what were your thoughts when you heard that?"

Chris Wagner of Project Extra Mile: "I thought it was appalling. This case goes to the heart of the Liquor Control Commission and whether or not they believe businesses should be accountable for the actions of their employees."

Reporter: "Does this send the wrong message that if you have a rogue employee, you can wipe your hands of any punishment?"

Hobert Rupe with the Nebraska Liquor Control Commission: "I don't think so. I think the commission wanted to know what kind of vetting they had done beforehand. Was there a way they could have stopped it? Absent of newer information, there weren't any red flags that said this guy is going to be a criminal."

Chris Wagner wants the commission to reconsider its decision. "Sending the message to the alcohol retail community in the state of Nebraska that you can sell alcohol to a minor that leads to the death of a teen and you only have to spend \$250. It sends the wrong message."

Kwik Shop representatives said the company does its own alcohol ID compliance checks -- 18 in the last 18 months at the store on 156th and Blondo -- and the clerks followed the rules.

The owners did not know if the checks ever tested the clerk in question.

As for the clerk who was sentenced to jail in April -- Kevin Hart is finishing his 6-months in jail at Lincoln Community Corrections. He's scheduled to be released soon -- on July 21.