

Nebraska bar owner questions compliance stings after cited for detaining minor trying to buy alcohol

Written by Mike McKnight

SCRIBNER, Neb. (WOWT) - A two-month sting operation in four Nebraska counties found 28 businesses sold alcohol to an undercover minor. But 283 or 91% of clerks and bartenders checked didn't sell booze to someone under 21 years old.

One of those establishments that refused to serve a minor is still in trouble and the owners say that changes are needed in compliance stings. When an undercover underage young man walked into Mel's Bar in Scribner and asked for a beer, instead of taking the order, the owner took the ID.

"When I called the chief of police, I said we have an underage minor in here, he said 'I'll be right up just keep him there,'" said bar owner Joe Wolfgram.

So Joe locked the doors and waited for the Scribner Police Chief who had not been notified of a sting, which the state patrol doesn't have to do. That's when a routine compliance check turned tense as two plain-clothed investigators rushed to get into the bar and found the door locked.

"They started banging on the door, said they were law enforcement. I asked for credentials and they wouldn't show me their credentials, he kept showing me his gun. He finally showed me his badge and said yes sir and opened the door for them," said Wolfgram.

The bar owner was cited for deny and delay of law enforcement lawful entry which the state patrol says lasted more than two minutes.

"The concern it will escalate into a violent situation either from the bar owner or a patron sitting there so we just tell them to call law enforcement but not to detain," said Executive Director of Nebraska Liquor Commission, Hobert Rupe.

Scribner businessman Lee Burkink witnessed the incident.

"Joe asked him for identification through the window and I can't let you in until I find out who you are, and he finally showed it to him and he left them in. I think Joe did the right thing," said Burkink.

After troopers left, state liquor agents conducted a routine inspection of the bar. They found one bottle containing fruit flies and confiscated another containing corn whiskey not for sale.

"This was for a friend of mine who died of COVID and his family gave it to me just as a memento. It was made from the last bushels of corn he harvested before he passed away," said Wolfgram.

But the law says any liquor displayed in a bar has to be properly purchased.

"They should seize that if it did not come through the three-tier system and they don't have proof of the excise tax being paid," said Rupe.

This is the second time bar owner Joe Wolfgram questions liquor enforcement. In May, he received a notice of selling to minors.

“The liquor commission sent it to the wrong Mel’s bar, and it wasn’t intended for my bar even though it was the right address,” said Wolfgram.

“Simple clerical error. The person saw a citation for Mel’s and brought up the Mel’s report and tied it onto the wrong Mel’s,” said Rupe.

In his disputes with the liquor commission, Joe Wolfgram hopes it won’t be lost that his bar staff checked IDs and didn’t serve a minor. He wonders how doing the right thing went so wrong.

“I really hope there’s not a next time,” said Wolfgram.

The state patrol says no bar owner has a legal basis to detain a minor attempting to buy alcohol and in this case, investigators handled the situation properly. The Scribner Police Chief declined to comment.

As for the mistaken violation, the director of the state liquor commission says new software is on the way that should prevent similar situations.