



Jim Pillen
Governor

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Nebraska Liquor Control Commission
301 Centennial Mall South – 1st Floor
Lincoln, NE 68509

Subject: REJECTION OF PROPOSED RULE TO ALLOW EXPLICIT PHYSICAL
CONTACT AT LIQUOR LICENSEES

Dear Commissioners:

I am rejecting the update to Title 237, Chapter 6 of the Nebraska Administrative Code affecting Licensee Operations under the Liquor Control Commission. Proposed changes in Chapter 6, Section 019.01F pertain to the “Disturbance Clause,” which are enumerated actions that liquor licensees shall not allow on their premises, such as: fights, brawls, and/or explicit physical contact between licensees’ employees and customers.

The submitted change in Section 019.0FA would have removed specific regulatory language describing what constitutes inappropriate physical contact and paved the way for patrons to explicitly, physically touch agents, or employees of licensees. In other words, the Commission (through its prior composition) has proposed that I approve a rule change that would effectively provide government permission for customers to touch the dancers at a strip club. I will not.

I would have considered these changes to be inappropriate under normal circumstances. However, due to the recently unsealed indictment alleging an array of federal criminal activity against former executive director Hobert Rupe—which notably includes claims that Mr. Rupe accepted cash bribes and sexual favors while he himself was engaged in explicit physical contact with a licensee’s employees—this proposed rule change is particularly troubling. It emphasizes the depth of the failure of leadership and governance at the Commission under former leadership and is wildly inappropriate by any objective measure, but even more so when viewed alongside Mr. Rupe’s alleged conduct.

For these reasons, I am rejecting the proposed rule change in Chapter 6 of Title 237 and am terminating the rulemaking for this filing. I note, for the sake of clarity and completeness, that the proposed rule was initiated by previous membership of the Commission and I have full faith that recently appointed and forthcoming appointees would not even consider such a measure.

Sincerely,

A blue ink signature of Jim Pillen, written in a cursive style.

Jim Pillen
Governor