

Abay, LLC v. Nebraska Liquor Control Commission

Case Number

S-18-0715

Case Audio

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April 25, 2019

Court Number

Lancaster

Case Location

Lincoln

Case Summary

S-18 0715 Abay, LLC (Appellant) v. Nebraska Liquor Control Commission

Lancaster County District Court, Judge Darla S. Ideus

Attorneys: Michael F. Polk (Sena Polk & Stacy LLP, for Appellant) --- Douglas Peterson, Milissa Johnson-Wiles (Office of the Attorney General, for Appellee) --- William Acosta-Trejo (City Attorney's Office, for Appellees)

Civil: Restricted Liquor License; Administrative Procedure Act

Proceedings below: The district court affirmed the Nebraska Liquor Control Commission's grant of a restricted liquor license to Appellant.

Issues: Whether the court erred in affirming the Commission's grant of a restricted license in that 1) the conditions posed upon Appellant exceeded the Commission's statutory authority, 2) the finding that the issuance of Appellant's Class D license was subject to the condition of 'no single can sales and no spirits/wine sales less than .375' was arbitrary and unreasonable, and 3) the conditions and limitations imposed are vague as a matter of law.
