

Lincoln Police Department
Thomas K. Casady, Chief of Police
575 South 10th Street
Lincoln, Nebraska 68508

402-441-7204
fax: 402-441-8492



MAYOR COLEEN J. SENG

lincoln.ne.gov

July 14, 2006

Mayor Seng and City Council
City of Lincoln
City County Building
Lincoln, NE

Mayor Seng and Members of the City Council:

An investigation has been made regarding the application of CVS Pharmacy which has purchased locations previously known as Osco Drug. CVS Pharmacy is requesting class C liquor licenses for the following locations.

5500 South 56 th Street	130 North 66 th Street
1401 Superior Street	2711 South 48 th Street

CVS Pharmacy has requested that Donald Westerlin be approved as the manager of these four licenses.

Background information on Mr. Westerlin will be omitted as Council has previously approved this applicant.

For Councils information if issued the class C liquor licenses allow for on premise consumption. It has been stated that the request for the class C liquor license is to be used for sampling purposes only.

If this application is approved the Lincoln Police Department requests the following conditions be added to the liquor license:

The on premise consumption of alcohol shall be limited to samplings of 2 ounces or less of any alcoholic beverage.

If this application is approved, it should be with the understanding that it conforms to all the rules and regulations of Lincoln, Lancaster County and the State of Nebraska.

THOMAS K. CASADY, Chief of Police



A nationally accredited law enforcement agency





FILED

PH: 8/21/06

STATE OF NEBRASKA

Dave Heineman
Governor

JUL 12 2006

NEBRASKA LIQUOR CONTROL COMMISSION
Hobert B. Rupe
Executive Director

CITY CLERK'S OFFICE
LINCOLN, NEBRASKA

July 11, 2006

301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814
TRS USER 800 833-7352 (TTY)
web address: <http://www.lcc.ne.gov/>

City Clerk of Lincoln
City/County Building
555 S 10 Street
Lincoln, NE 68508

*CVS/ Pharmacy 8610
2711 So. 48th Class C*

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) Publicize one time not less than 7 days not more than 14 days prior to date of hearing.
- 2) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- 1) There is a recommendation of denial from the local governing body,
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE A LICENSEE MUST BE "PROPERLY" LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS, AND A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

Jackie B Matulka

NEBRASKA LIQUOR CONTROL COMMISSION
Jackie B. Matulka
Licensing Division

Enclosures
Rhonda R. Flower
Commissioner

Bob Logsdon
Chairman

R.L. (Dick) Coyne
Commissioner

73047

Local

APPLICATION FOR LIQUOR LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

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OFFICE USE ONLY

CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS(S)

RETAIL LICENSE(S)

- A Beer, On Sale Only \$45.00
- B Beer, Off Sale Only \$45.00
- C Beer, Wine & Distilled Spirits, On & Off Sale \$45.00
- D Beer, Wine & Distilled Spirits, Off Sale Only \$45.00
- I Beer, Wine & Distilled Spirits, On Sale Only \$45.00

Class K Catering license may be added to any of these classes with an additional fee of \$100.00 and filing form 35-4202

MISCELLANEOUS

- | | | | | |
|--------------------------|---|--|----------|-----------------|
| <input type="checkbox"/> | L | Craft Brewery (Brew Pub) | \$295.00 | Bond 1,000 min. |
| <input type="checkbox"/> | O | Boat | \$ 95.00 | N/A |
| <input type="checkbox"/> | V | Manufacturer, Beer, Wine & Distilled Spirits
(additional fee of \$100 to \$1,000-call for exact amount) | \$ 45.00 | 10,000 min. |
| <input type="checkbox"/> | W | Wholesale Beer | \$545.00 | 5,000 min. |
| <input type="checkbox"/> | X | Wholesale Liquor | \$795.00 | 5,000 min. |
| <input type="checkbox"/> | Y | Farm Winery | \$295.00 | 1,000 min. |

All Class C licenses expire October 31st

All other licenses expire April 30th

Catering expire same as underlying retail license

TYPE OF APPLICATION BEING APPLIED FOR (CHECK ONE)

- Individual License, requires insert form 1
- Partnership License, requires insert form 2
- Corporate License, requires insert form 3a and manager application 3b

NAME OF PERSON OR FIRM ASSISTING WITH APPLICATION

(Commission will call this person with any questions we may have)

Name: Lorene Samson

Phone: (573) 635-7166

Firm Name: Brydon, Swearngen & England

Firm address: PO Box 456, Jefferson City, MO 65102

Atty 73018

180-104 - mm

2x-MM Bus 385A 45

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

- Yes If yes, please explain below or attach a separate page.
 No

*OK ✓
fixtures & furniture*

2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required). Liquor Inventory may be taken at time of application being submitted.

- Yes → See Attached
Current business name and license number
 No

Replacing 41566

3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license. If yes, attach agreement. **Please note:** This agreement is not effective until Commission assigns you a 3-digit ID number.

- Yes
 No

*OK per hodie's instructions
gave out TAA # before*

4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.

- Yes
 No

OK appears to be controlling corp

5. Will any person or entity other than applicant be entitled to a share of the profits of this business? If yes, explain. All involved members must be disclosed on application.

- Yes CVS Pharmacy, Inc. if the 100% owner of Nebraska CVS Pharmacy, LLC
- No

6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.

- Yes
- No

7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain? (No silent partners)

- Yes
- No

8. Are the premises to be licensed within 150 ft of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Neb. Rev. Stat. 53-177.

- Yes
- No

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties.

- Yes
- No

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the individual(s) who will be authorized to write checks and/or make withdrawals on accounts at the institutions.

*Drafts - Bank of America, Cleveland Ohio
 ↳ David Rickard
 Deposits - US Bank, Cleveland, Ohio
 ↳ Carole Derrale & Judith Perron*

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.

See Attached

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12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.
Don Westerlin

13. List the training or experience (when and where) of the person listed in #12 above in connection with selling and/or serving alcohol products.
Current manager - Full time alcohol manager - 40 hrs week for 34 yrs.

14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.
 Lease: expiration date on file - see Lease Assumption attached, will supplement
 Deed
 Purchase Agreement

15. When do you intend to open for business? 6/2/06

16. What will be the main nature of business? What are the anticipated hours of operation?
Pharmacy/Retail

17. List the principal residence(s) for the past 10 years for all persons required to sign application, including spouses. If necessary attach a separate sheet.

Applicant Name	From: Year	To: Year	City/State
3906 Village Ct., Lincoln, NE 68516 - Don Westerlin	1991	2006	
See attached			

The undersigned applicant(s) hereby consent(s) to a background investigation and release present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance

Please list detailed listing of alcohol experience
All documents are required to be submitted w/ each app.

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APPLICATION FOR LIQUOR LICENSE
CORPORATION MANAGER - FORM 3b
MUST BE A NEBRASKA RESIDENT

NEBRASKA LIQUOR
CONTROL COMMISSION

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NEBRASKA LIQUOR
CONTROL COMMISSION

301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: <http://www.lcc.ne.gov/>

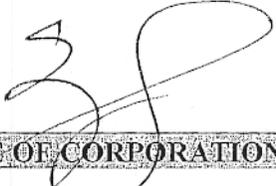
LIQUOR LICENSE INFORMATION

NAME OF LICENSED CORPORATION Nebraska CVS Pharmacy, L.L.C.

CLASS & LICENSE NUMBER _____

TRADE NAME CVS/Pharmacy #8610

STREET ADDRESS 2711 S. 48th St. CITY Lincoln

X 
SIGNATURE OF CORPORATION PRESIDENT/CEO

APPLICANT INFORMATION (MUST BE 21 OR OVER AND NEBRASKA RESIDENT)

NAME Don Westerlin

ADDRESS 3906 Village Ct.

CITY Lincoln

STATE NE

ZIP CODE 68516

HOME PHONE NUMBER (402) 423-1987

BUSINESS PHONE NUMBER (402) 477-9288

SEX MALE FEMALE

SOCIAL SECURITY NUMBER 

DATE OF BIRTH 

PLACE OF BIRTH North Platte, NE

DRIVERS LICENSE NUMBER & STATE  NE

SPOUSE INFORMATION (IF NOT MARRIED INDICATE)

SPOUSE NAME Mary Westerlin

SOCIAL SECURITY NUMBER 

DATE OF BIRTH 

DRIVERS LICENSE NUMBER & STATE  NE

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

2. Have you or your spouse ever made application for any liquor license or manager for any liquor license? **IF YES**, for what premise give license number and date. Currently manager on Osco Drug license #18397, 41566, 63388, 63389

YES NO

3. Have you or your spouse ever made a compromise settlement for violation of such laws?

YES NO

4. Do you, as a manager, have all the qualifications required by any person entitled to hold a Nebraska Liquor License? Nebraska Liquor Control Act (§53-131.01)

YES NO

5. Have you filed fingerprint cards and **PROPER FEES** (if check, make out to the NE State Patrol), with this application?

YES NO

Don's prints on file 6-19-04

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE							
APPLICANT: CITY & STATE		YEAR FROM TO		SPOUSE: CITY & STATE		YEAR FROM TO	
3906 Village Ct. Lincoln, NE		1992	Present	3906 Village Ct. Lincoln NE		1992	Present
EMPLOYERS - LIST LAST TWO EMPLOYERS							
MONTH/YEAR FROM TO		NAME OF EMPLOYER		NAME OF SUPERVISOR		TELEPHONE NUMBER	
7/92	Present	Osco Drug		Stan Petersen		913-383-3650	

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MAY 04 2006

PERSONAL OATH AND CONSENT OF INVESTIGATION
MUST BE SIGNED BY APPLICANT & SPOUSE

NEBRASKA LIQUOR CONTROL COMMISSION
NEBRASKA LIQUOR CONTROL COMMISSION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application, that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec. §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, an affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

[Handwritten Signature]

Signature of Applicant

Mary Westerman

Signature of Spouse

Subscribed in my presence and sworn to before me this 1st
day of May 2006.

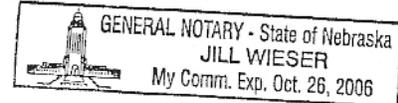
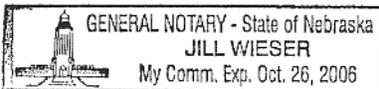
Subscribed in my presence and sworn to before me this 1st
day of May 2006.

Jill Wieser

Notary Signature & Seal

Jill Wieser

Notary Signature & Seal



APPLICATION FOR LIQUOR LICENSE
CORPORATION/LLC INSERT - FORM 3

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NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: <http://www.lcc.ne.gov/>

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NEBRASKA LIQUOR CONTROL COMMISSION
NEBRASKA LIQUOR CONTROL COMMISSION

Name of Corporation or Limited Liability Company that will hold license. Attach copy of Articles of Incorporation (Document must show [barcode] receipt by Secretary of States Office.)

Nebraska CVS Pharmacy, LLC

Corporate Street Address: One CVS Drive

City: Woonsocket

State: RI

Zip Code: 02895

Corporate Telephone Number 401-765-1500

Total number of shares issued (if corporation) _____

Is this a Non Profit Corporation? YES NO

If yes, what is your Federal ID #? _____

Name of Registered Agent CT Corporation System - 818 W. 7th St., Los Angeles, CA 90017

Name of Proposed Manager Don Westerlin

This person must complete form 35-4013

List name of Chief Executive Officer

Last Name: Lankowsky First Name: Zenon MI _____

Address Street 4 Francis Farm Rd. City Harrisville

State RI Zip Code 02830 Home Phone number 401-765-1500

Social Security Number _____ Date of Birth _____

Someone must be designated for this area
Assuming Zenon is?

List names of all Officers, Directors, Stockholders, Members and their Spouses

Last Name Lankowsky First Name Zenon

Social Security Number [REDACTED] Date of Birth [REDACTED]

Title President Number of Shares 0

Spouse Name (indicate N/A if single) Carol Ann (Miller) Lankowsky

Spouse Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Spouse Number of Shares 0

Last Name Moffatt First Name Thomas

Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Secretary Number of Shares 0

Spouse Name (indicate N/A if single) Alexandra (McDonald- Swift) Moffatt

Spouse Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Spouse Number of Shares 0

Last Name Cimbron First Name Linda

Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Assistant Secretary Number of Shares 0

Spouse Name (indicate N/A if single) Paul S. Cimbron

Spouse Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Spouse Number of Shares 0

*Signed
app*

*Signed
app*

*Signed
app*

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Last Name Luker First Name Melanie

NEBRASKA LIQUOR CONTROL COMMISSION

Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Assistant Secretary Number of Shares 0

Spouse Name (indicate N/A if single) Robert B. Luker

Spouse Social Security Number [REDACTED] Date of Birth [REDACTED]

Title Assistant Secretary Number of Shares 0

Last Name _____ First Name _____

Social Security Number _____ Date of Birth _____

Title _____ Number of Shares _____

Spouse Name (indicate N/A if single) _____

Spouse Social Security Number _____ Date of Birth _____

Title _____ Number of Shares _____

Last Name _____ First Name _____

Social Security Number _____ Date of Birth _____

Title _____ Number of Shares _____

Spouse Name (indicate N/A if single) _____

Spouse Social Security Number _____ Date of Birth _____

Title _____ Number of Shares _____

Signed app

An organizational chart listing officers of the CVS Pharmacy must be submitted

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Is this Corporation or Limited Liability Company controlled by another Corporation?

Yes No

MAY 04 2006

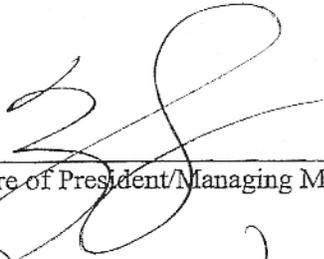
If yes, give name of corporation and supply organizational chart

CVS Pharmacy, Inc.

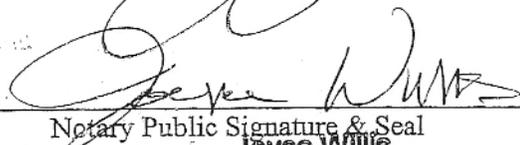
NEBRASKA LIQUOR CONTROL COMMISSION

Indicate tax year with the IRS

Starting Date 01/01/2006 Ending Date 12/31/2006

X 

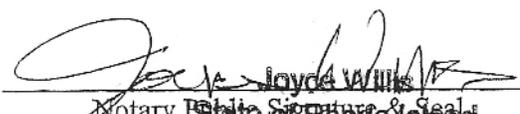
Signature of President/Managing Member



Notary Public Signature & Seal
Joyce Willis
State of Rhode Island
My Commission Expires 09/29/07

Subscribed in my presence and sworn to before me this

27th day of APRIL, 2006



Notary Public Signature & Seal
Joyce Willis
State of Rhode Island
My Commission Expires 09/29/07

In compliance with the ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.