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We are past the midway point of the 2010 session of the Nebraska Unicameral. This is the last session of the 2009 - 2010 two session cycle. All bills that are not successful will die at the end of the 2010 session. Here is an update on the issues that have a direct effect on your bottom line.

**Dram Shop**
This has been a threat in each of the last four sessions. The term “dram shop” refers to legislation that holds sellers and servers of alcohol liable for injury, death or damage resulting from selling to or serving an intoxicated person. Senator Carlson introduced a very punitive dram shop bill in the 2010 session. Our testimony in opposition followed significant testimony in support of the bill. Among those testifying in support were Nebraska legend Dr. Tom Osborne and traumatized family members whose loved ones had been tragically killed by a drunk driver who had been over served in a bar by a “bad actor” bartender who “never gave it a second thought”. Thankfully, we were again successful in stopping this effort but we are not sure how long in the future we can prevail. Nebraska is one of only eight “non dram shop” states. Perhaps it is time to seriously examine dram shop legislation we could support rather than taking the risk of not being able to stop an overly punitive law in the future.

**Attempts to Water Down The Statewide Smoking Ban**
Your Nebraska Restaurant Association successfully supported the comprehensive smoking ban which went into effect in 2009. This ensured a level playing field for all and avoided the Swiss cheese approach threatened by fast developing bans from individual communities. As expected, there were several attempts in the 2009 and 2010 sessions to carve out exemptions to the comprehensive ban. These attempts included an exemption for pool halls, the ability for local communities to individually opt out of the ban, and an exemption for cigar bars. We actively opposed all of these. We were successful in stopping the pool hall exemption and the option for individual communities to exempt themselves. We were also successful in amending the cigar bar language to ensure it will only apply to bona-fide cigar bars and will not allow abuse by other bars that might have tried to hide behind it to allow smoking in their establishments.

**Food Safety Concerns**
We testified in opposition to LB 748 introduced by Senator Louden in the 2010 session. This bill would allow a private home where food that is not potentially hazardous is prepared for sales directly to the consumer if the food is clearly marked that it was “prepared in a kitchen that is not subject to regulation and inspection by a regulatory authority” and it would be exempt as a food establishment. While we are sympathetic to the rural impetus for this legislation, we are concerned about the large potential for abuse due to overly broad language and the resulting negative impact on food safety. We are confident that the bill will not advance.

**Liquor Law Changes**
We testified in support of LB 906 introduced by Senator Karpisek in the 2010 session. It amends the Liquor Control Act to eliminate the prohibition of retail liquor licenses within one hundred and fifty feet of a church. The reason for this change is many small churches are now renting vacant store fronts in downtown areas of Nebraska towns. Present law prohibits locating any business that serves or sells alcohol (including a restaurant that serves wine and beer) within 150 feet of a storefront church. This is a significant hindrance to keeping downtown buildings occupied.

We also testified in support of LB 1013 introduced by Senator Rogert in the 2010 Session. LB 1013 would allow Class C or Class I liquor license holders in Omaha to extend their hours of operation for the sale of lottery tickets and alcohol to 2:00 AM on Saturday and Sunday, and 1:00 AM Monday through Friday. This would only apply to Omaha and would allow a level playing field between Omaha and Council Bluffs, Iowa businesses.

Both of the above bills have advanced from committee to the floor of the legislature.

Continued on Page 6
Farmers Insurance Group
Business Insurance
Contact: Ken Richards
402.420.5355
The Nebraska Restaurant Association offers Farmers Insurance Group as its endorsed insurance provider for 2010. We are confident that Farmers Insurance Group will provide more comprehensive opportunities for our members.

Riensche, Hall & Dunn
Health Insurance/Dental Insurance
Contact: Glen Riensche
402.420.2274
The Nebraska Restaurant Association Health Program covers employees and their family members with medical, prescription drug coverage, dental, disability and life insurance in one convenient plan.

Fishbowl
E-Marketing Solutions
Contact: Joe Gabriel
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Jackson Lewis LLP
Legal Services
Contact: Chad Richter
402.391.1991
Specializing in employment and labor laws, Jackson Lewis offers members a significant discount for legal services.

Heartland Payment Systems
Credit Card / Payroll Processing
Contact: Michael McCarville
402.551.9832
Heartland Payment Systems offers a full line of payment acceptance and payroll processing options designed specifically for association members. Local representation. Flexible, one-stop solution.

Nebraska.Statepaper.com
Online Dining Guide
Contact: David Hahn
402.403.1176
Nebraska.Statepaper.com is the premiere online dining guide of the Nebraska Restaurant Association. In addition to a free listing, members of the Nebraska Restaurant Association may receive additional discounts with enhanced listings and websites.

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Greetings Lincoln Restaurant Owners & Managers,

On behalf of the 2010 Special Olympics USA National Games, I would like to thank the local businesses that have already made monetary or in-kind donations to the USA National Games. Lincoln has the honor of hosting the largest sporting event of its kind in 2010, and your kindness and generosity in contributing to this wonderful event are invaluable.

Lincoln area restaurants that have not had the opportunity to partake in this event are encouraged to get involved. The Games are July 18-23 right here in Lincoln, and for an entire week, nearly 3,000 athletes, 1,000 coaches and 15,000 friends and family members will take advantage of Nebraska’s hotels, restaurants and shopping centers. The economic impact on Nebraska is expected to be up to $40 million, with an estimated $5 million in tax revenue to the state.

Restaurants can assist in supporting these visitors from across the nation by participating in the Community Supporter Sponsorship. Investing to be a Community Supporter requires a $2,500 or a $1,000 commitment and includes a variety of entitlements based on your investment level. Of course, any donations are welcome, including monetary or in-kind donated food to feed athletes and volunteers during the week of the Games. We also encourage local businesses to offer discounts to individuals with their Games’ credentials while they are here visiting Nebraska.

As a Community Supporter, you are pledging your support to ensure the success of the Games in Nebraska. This opportunity is only available through April 10th. To learn more or to become a Community Supporter, please e-mail info@2010specialolympics.org with “Community Supporter” in the subject line.

We also hope that you will encourage your employees to volunteer for the USA National Games. Visit www.2010specialolympics.org for more information and to volunteer (by May 1).

Sincerely,

Chuck Cooper, CEO 2010 Special Olympics USA National Games
Legislative Update - Continued from Page 3

Tourism Promotion
We testified in support of LB 724 introduced by Senator Coash in the 2010 session. Currently, the Department of Revenue retains in the state general fund 3% of the 2% of the lodging tax that funds the local County Visitors Promotion Cash Fund. This 3% (approximately $200,000 annually) was implemented in 1980 to be used by the Department to set up the collection mechanism. LB 724 redirects these funds back to the State Visitors Promotion Cash Fund to be used for promoting Nebraska tourism. In these tight budget times, the bill did not advance.

Reminders
Do you still have expiration dates on your gift cards/gift certificates? If you do, we advise you to remove them! Gift cards/gift certificates with expiration dates and/or fees still become “unclaimed property” if they go unused for three years. This means the issuer (restaurant) is required by law to send this money to the state treasurer. Prior to our successful efforts, all unused Nebraska gift cards/certificates over 3 years old became “unclaimed property”. As a direct result of our efforts over several sessions, gift cards/gift certificates issued by Nebraska businesses with no expiration date and no fees are now exempt from becoming unclaimed property. Therefore, we believe it is in your best interest to eliminate expiration dates and/or fees from your gift card/certificate program entirely.

Would you like to boost your wine sales? The “wine doggie bag” law now in effect in Nebraska allows restaurant diners to take home one open bottle of wine after consuming a portion of the bottle with a meal. If customers are made aware of this, they are more likely to buy a full bottle of wine rather than a glass or two. The restaurant re-corks the open bottle and seals it inside a clear, plastic bag designed to seal only once. The customer can then take the bottle out of the restaurant and not be in violation of the open container law as long as it is accompanied with the restaurant meal receipt. The bottle can be legally carried in a vehicle trunk or behind the passenger area.

Money on the Table
By Michael McCarville, Territory Manager for Heartland Payment Systems

In my last article, I asked the question, “What is the most important part of running a restaurant?” I was not surprised by the answers I received when discussing this with some of my customers over the past several months. The two answers they gave me were food cost and labor. Everything else in the field was way back in the pack.

With all of the natural disasters, from freezing temperatures in the American South to earthquakes in the Caribbean and Chile, restaurateurs are being hit with rising costs on essentials, and they are struggling with leaving their pricing as is in order to stay competitive.

Back of the house decisions are more important than ever. Having accurate and timely information to assist you in making the right decision at the right time becomes more important than ever.

Heartland Payment Systems has been dedicated to serving the hospitality industry since our inception in April 1997. Bringing better tools to our restaurant owners is, and always will be, our goal. Our Restaurant Management Systems offer Card Processing, Payroll Processing, Check Processing, Gift Marketing, 360 POS, Age Verification and Data Central by Restaurant Magic.

Yes, Heartland has come a long way since we were first endorsed by the Nebraska Restaurant Association as their Preferred Card Processor almost 9 years ago. We are very proud to say that Heartland is now endorsed by the National Restaurant Association along with 40 state associations including Nebraska.

By adding Restaurant Magic as a strategic partner, we bring to the restaurant industry an Enterprise Reporting Product so rich in features, we can promise our customers solutions they never thought possible. Data that will help them make the right decisions for their business before the problems get out of control. Control costs and increase your bottom line even when the going gets tough. Data Central interfaces with almost every POS system in the market today including multiple POS products and concepts within the same company. Let Restaurant Magic pull it all together making your life much easier and keeping your bottom line growing in the right direction.

At Heartland, we are NOT a one dimension processor. We come to your table with a multitude of value-added solutions for your business. Call or email your local Heartland Relationship Manager today. You can always reach me at michael.mccarville@e-hps.com or 402.551.9832. I will be more than happy to answer your questions with no obligation. We want to help you leverage all of your payment processing programs in order to put more Money on your Table.
DAVINC'I S ITALIAN SIDEWALK CAFÉ
LOCATION: LINCOLN
• The first family owned restaurant was named “Knudson’s House of Hoagies.” After a short time the Knudsons discovered that people didn’t buy pizza from Norwegians so they changed the name to daVinci’s.
• daVinci’s was the second restaurant in Lincoln to deliver.
• daVinci’s has been family owned for 31 years. From the first day, founder and father Kalmer Knudson made all of the children equal owners.
• All of the pizza dough and sauces are made from scratch.
• There is a mural in all of the restaurants that was made by a gentleman from Disney.

HUHOT MONGOLIAN GRILL
LOCATION: LINCOLN AND OMAHA
• The name “HuHot” is derived from the name of the capital of Inner Mongolia. (spelled “Hohhot”)
• “Hohhot” is Mongolian for “Green City”
• All of the murals at every HuHot Mongolian Grill are hand painted by artist Laura Blaker from Missoula, Montana.
• The grill at HuHot weighs approximately 2000 pounds and puts out more than 950,000 BTUS.
• Four cooks at HuHot can cook approximately 250-300 meals in 60 minutes.
• Bekter’s Ginger, a favorite dish, is named after Genghis Khan’s half brother.

SANDSTONE GRILL
LOCATION: BURWELL
• Sandstone Grill is located in a building built in 1908.
• Three layers of linoleum flooring were removed in an extensive renovation and now the restaurant has the original hardwood floors and tin ceilings.
• The original building has always operated as a restaurant. In earlier days, the chef had sleeping quarters in a corner of the kitchen.
• The restaurant is attached to the historic Burwell hotel which is now converted to apartments.
• The hotel has hosted some of the best rodeo stars in the nation who travelled to Burwell for Nebraska’s Big Rodeo.

HAROLD’S KOFFEE HOUSE
LOCATION: FLORENCE
• Local film companies have discovered Harold’s Koffee House is a great place to shoot commercials and movies.
• The most notable movie filmed at Harold’s Koffee House was “About Schmidt” by Alexander Payne. Jack Nicholson was at Harold’s for a whole day of shooting. Sadly, the scenes were not featured in the movie.
• Several commercials have been filmed at Harold’s Koffee House – the most recent was one for Physician’s Mutual.
• CNN reporters visited during business hours one day and interviewed some customers for a segment on “State of the Nation” with host John King.
• Almost everything is homemade using the same original recipes (some from 50 years ago) including: homemade pies, rolls and donuts.

SHOW YOUR PRIDE!
The Nebraska Restaurant Association is kicking off a “Show Your Pride” campaign to encourage you to display your member decal. Your decal is one way to show your customers that you are committed to the highest standards of hospitality industry professionalism and customer care.

To participate, take a digital photo of you (with staff or customers!) beside your decal displayed prominently in your business. Tell us why you invest in your membership in the Nebraska Restaurant Association and why you would encourage other restaurateurs and industry professionals to join.

We’ll select one photo each quarter, and the restaurant selected will receive a $50.00 Visa gift card and will be featured in the next edition of the Main Course.

Email your photos to bnielson@windstream.net.
Thank you for supporting membership in the Nebraska Restaurant Association!

Email Marketing Strategies to Increase Guest Frequency

Join us for a Webinar on May 6
Space is limited.
Presented by Fishbowl Marketing
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Want to know what the buzz surrounding email marketing is all about? Learn how to increase customer frequency, loyalty and profits during this informative seminar, presented by Fishbowl. Fishbowl will walk through the creation, design, and distribution of an email campaign as well as tactics on list growth and deliverability. This informative seminar will provide you with tried and true marketing campaigns that offer value to your guests and keep them coming back for more and provides restaurant operators the largest bang for their marketing dollar. Don’t miss this customer traffic building opportunity!

For more information on Fishbowl, visit: www.fishbowl.com/info/sramember
Title: Competitive Edge Marketing Series - Email Marketing Strategies to Increase Guest Frequency
Date: Thursday, May 6, 2010
Time: 9:00 a.m. - 10:00 a.m. CST
After registering you will receive a confirmation email containing information about joining the Webinar.
Great Harvest Bread Company has announced they are now taking orders for wheat-free products. The Lincoln location has partnered with Great Harvest Bakery in Omaha, which has a satellite bakery used for making wheat-free products. Instead of wheat flour, the baked goods are made with brown rice flour, garbanzo flour, buckwheat flour, tapioca flour, and flax meal. Great Harvest is currently baking to order twice a month. If there is enough interest, they will bake to order weekly and add additional breads.

Dino’s Eastside Grille was gracious and offered a free lunch and a warm atmosphere for the hundreds of people who “took the plunge” during the Lincoln Polar Bear Plunge. The Polar Bear Plunge is an annual fundraising event for the Special Olympics of Nebraska. Hundreds of people gathered at Holmes Lake on February 27th to help raise money and support the men and women of the Special Olympics. Thanks to Dino’s for their commitment to the community!

Steph Perkins, co-owner of Valentino’s in Beatrice, was named the 2010 Gage County Business Woman of the Year. Steph and her husband, Terry, have operated the Beatrice Valentino’s for 27 years. Over 80 entries were submitted by area businesses, and Perkins received the most votes from the more than 2,500 votes received online. “I’m humbled and honored. It would not be possible if not for all the women and men I work with at Valentino’s, and all the support from Beatrice and surrounding communities,” said Perkins. Congratulations to Steph Perkins from the staff at the Nebraska Restaurant Association!

Three Nebraska Restaurant Association members are making strides for heart health by creating and serving dishes that have met heart healthy diet guidelines. Lazlo’s Brewery & Grill, Fireworks Restaurant, and the Lodge at Wilderness Ridge have partnered with the Nebraska Heart Institute & Heart Hospital for the launch of the Heart Healthy Restaurant Program. The launch coincides with the American Heart Association’s National Heart Month which has a goal to raise funds for research and educate the public about heart disease and stroke. Way to go Lazlo’s, Fireworks, and the Lodge at Wilderness Ridge!

Red Herring is excited to announce the launch of Toast Express, a satellite of Toast, the highly caffinated coffee, deli, bar hybrid in the Fallbrook area of Lincoln. Toast Express, opened in late December and features a full espresso bar and some of the most popular items from the Toast menu including fresh deli sandwiches, salads and soups. Toast Express continues a proud partnership with The Mill and offers the freshest coffee in town complemented by a full range of coffee specialty drinks, teas and cold beverages. With the departure of the food service inside the City/County building and the proximity to the capital, Toast Express fills a void within the area and has already become a favorite of the neighborhood. Congratulations to the owners of Toast on your newest store opening!
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**President Obama Signs First-Ever Travel Promotion Act into Law**

**Bill Will Provide Needed Boost for America’s Restaurant Industry**

The National Restaurant Association today celebrated a major victory for the restaurant and hospitality industries as President Obama signed the first-ever Travel Promotion Act into law during a signing ceremony at the White House. The legislation provides resources to promote international travel to the United States.

“This is a significant achievement for the restaurant and hospitality industries,” said Scott DeFife, Executive Vice President for Policy and Government Affairs for the Association. “Restaurateurs depend on travelers, with some segments of the industry attributing as much as 40 percent of annual sales to visitors. The Travel Promotion act will encourage more international travel and is expected to boost restaurant industry sales, which will spur job growth and help grow the economy.”

The Travel Promotion Act creates a public-private partnership campaign to aggressively market the U.S. as a premier travel destination overseas, with the goal of increasing the number of international visitors into the country. The National Restaurant Association has long supported legislation to help attract more international visitors and establish the United States as a travel destination. Roughly half of all travelers report that they dine out when they travel, and dining out is the most popular activity planned after tourists arrive at a destination.
Nebraska Restaurant Association Holds Annual Meeting
Inducts Officers, Presents Restaurant Neighbor Awards

The Nebraska Restaurant Association held its annual meeting at the Governor’s Mansion in Lincoln on Thursday, January 28, 2010. At the meeting, the 2010 officers were inducted and awards were presented to the winners of the 2009 Neighbor Awards.

A highlight of the meeting was an open discussion between Governor Heinemann and members in attendance regarding issues impacting Nebraska and the hospitality industry.

Following the discussion, Governor Heinemann presented the 2009 Restaurant Neighbor Awards. The award programs were created by the National Restaurant Association to honor restaurants for their commitment to community service and innovative community projects and to underscore that restaurants truly are the cornerstone of local communities. Nebraska had two winners this year in the Small Business category - Raising Cane’s and daVinci’s.

Raising Cane’s Lincoln, LLC won the Restaurant Neighbor Award in the small restaurant category for their excellent contributions to programs supporting people in need and the Lincoln Food Bank. Raising Coats with Raising Cane’s was started in 2007 to benefit the People’s City Mission of Lincoln. Justin and Jennifer Jones found a tremendous need to help the less fortunate and homeless stay warm during the bitter cold of Nebraska’s winter. Raising Cane’s gave $1.00 off every combo meal purchased when a customer donated a gently used or new coat. They continue the program annually.

daVinci’s is committed to community service through their partnership with Lincoln Public Schools VIP program – Ventures in Partnership. Through this partnership, elementary students of all ages are involved in specifically designed tours that correspond to their curriculum. Each year over 1,500 elementary age school children are given the hands-on opportunity to relate how what they are learning in school corresponds to the restaurant industry and food preparation.

The 2010 officers of the Nebraska Restaurant Association are: Judy Daniell, Ricardo’s Mexican Restaurant, President; John Gabel, Concord Neighborhood Corporation, 1st Vice President; Denis Hall, Fernando’s Café & Cantina, 2nd Vice President; Wayne Boles, Lazlo’s Brewery & Grill/Fireworks, Secretary-Treasurer.

The Nebraska Restaurant Association is looking forward to another successful year under the leadership of the organization. Thank you to the new slate of officers and to da Vinci’s and Raising Cane’s for their commitment to the highest standards of service to the Association and the community.
Nebraska’s hottest high school talent competed in management and culinary competitions in February and March at the Regional and State ProStart® Competitions. More than 275 ProStart students across the state competed for the opportunity to represent Nebraska at the National Restaurant Association Education Foundation ProStart Competition in Overland Park Kansas April 30 – May 2, 2010.

ProStart students dazzled the judges with their most spectacular management and culinary skills. In the management competition teams developed a business plan and marketing campaign and presented it to a group of investors (judges). On the culinary side, the students had one hour to complete a three-course meal on two butane burners. Teams were judged on professionalism, teamwork, organization, knife skills, basic culinary skills, presentation, costing, and menu review.

Thank you to our generous sponsors for the 2010 ProStart Competition!
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- University of Nebraska Lincoln

Nebraska ProStart is celebrating its 10th anniversary in 2011. Be a part of the FUTURE OF THE INDUSTRY! Get involved with mentoring, sponsorship or judging today! Contact Beth Haas for more information: beth_haas@windstream.net.
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Heartland protects your rights. Call us for a FREE analysis for credit/debit card processing and payroll services at 402-961-9832 or 402-699-1502.
Most people never give a thought to how songwriters earn a living until they operate a business that plays music in public. Sooner or later, these business owners have to search out facts about copyright law. Representing more than 400,000 songwriters and copyright owners, BMI is the primary source of income for composers who supply half the songs and musical works performed in America.

Following are some frequently asked questions regarding copyrighted music:

“If I bought my CDs in a retail store, can I play them anywhere I want?”
Buying a CD doesn’t convey the legal right to play it in a business or public place. You must get permission from songwriters or their performing rights organization to play music in a business.

“If I have a contract with XM Satellite and/or Sirius Radio, do I still need a music license?”
Both Sirius and XM are licensed by BMI. As long as XM and Sirius are used for background music ONLY, and your contract with the music provider is a commercial account, then your music use may be covered. A business owner must purchase a BMI license when a satellite radio unit under a consumer account is played in a business. Also, if your establishment charges admission, has dancing, and/or plays additional music such as CDs, DJs, live music, karaoke, etc, then your establishment must purchase a BMI license.

“If I play music from a customer’s iPod and/or a MP3 Player in my business, do I need a music license?”
Music played from iPods and/or MP3 Players is another form of recorded music. The proprietor is responsible for obtaining a BMI license when such recorded music is played by customers or employees.

“ Aren’t songwriters already earning big bucks with concert tours and T-shirt sales? Why do they need my hard-earned money?”
Most songwriters are unknown to the public. They don’t tour or sell concessions. The average songwriter doesn’t earn a living wage from songwriting royalties. Many songwriters earn most of their income from the public performance of their music.

“If I run a small business am I exempt from paying music licensing fees?”
Regardless of size, businesses that use recorded or live copyrighted music nearly always need a music license to comply with the law. Some small businesses that play only radio or TV may be exempt for that use. An exemption also may apply to record stores and audio/visual equipment stores where music is played in a designated area of the store in order to promote and/or sell the product (ie: listening station).

“If I occasionally book local bands or musicians and I don’t pay the performers, who work for tips, do I have to pay for a music license?”
It doesn’t matter whether a business pays the performers or not; the venue where the performance takes place is responsible for a music license.

“If I hire bands playing only original music do I need a music license?”
Most business owners have neither the time nor desire to research ownership of all songs prior to a performance. Federal Courts have ruled that a business owner is responsible for all music performed in the establishment, regardless of instructions that may be given to performers about what they should play. Experience proves that many so-called “original” music performances include BMI songs.

“ Customers don’t come to my business for the music; they come to buy food (or drinks, clothes, or whatever). Why should I have to pay for a music license?”
Numerous studies have found that the right music can improve a dining or shopping experience for customers. Songwriters add ambiance to your business, and are entitled by law to compensation.

“If I already pay one performing rights organization for the music I use, do I need permission from anybody else?”
Songwriters choose one of three performing rights organizations to represent them. That organization can license only the music of its affiliated songwriters.

“I have heard that the companies that collect for music licensing don’t pay the songwriters, so why should I pay them?”
Founded in 1939, BMI operates as a non-profit making performing rights organization. After deducting administrative fees, BMI pays out more than 87% of revenue collected to affiliated songwriters and copyright owners.
Nebraska Restaurant Wins National Foodservice Beef Backer Award

Uncle Ed’s Steakhouse honored by The Beef Checkoff

National Beef Backer Award winners in foodservice were announced by The Beef Checkoff Program during the Annual Cattle Industry Conference in San Antonio, Tex. The Beef Backer Award recognizes chain and independent restaurant operators who excel in menuing and marketing beef. This year’s national winner in the “Independent Restaurant” category is Uncle Ed’s Steakhouse (Grand Island, Nebraska).

Owners Ed and Anita Sabatka were thrilled to accept the National Beef Backer Award for the “Independent Restaurant” category on behalf of their restaurant, Uncle Ed’s Steakhouse. “Our entire menu is built on a foundation of layered flavors and balanced seasonings. Dedication to beef aging and attention to preparation make our steaks truly exceptional. Our high standards of quality ensure a mouthwatering, exciting and satisfying beef experience,” says Ed Sabatka, who is also the chef at Uncle Ed’s.

Uncle Ed’s delivers on its promise to give its guests expertly-cooked, delicious steaks. “The primary objective of beef promotions in our restaurant is to allow our guests to be exposed to and experience special steak presentations normally reserved for ‘finer’ restaurants,” Sabatka explains. Their patrons appreciate the special treatment and reward Uncle Ed’s with excellent results—and bigger sales. One such promotion led to a 51 percent increase in total steak sales over the same time period from the previous year. “There’s no doubt that beef is king on our menu and is the key sales driver.”

Executive chef Sabatka has become known as Grand Island’s resident beef expert, thanks in part to his radio show, “Cookin’ with Uncle Ed” live Friday mornings on KRGI 1430 in Grand Island. Chef Sabatka’s show covers topics like beef cuts and preparation, quality grades, aging, and the healthful advantages of beef nutrients. He has also been recently featured in a national restaurant publication “My Foodservice News” about his use of beef and its preparation. Additional information about Uncle Ed’s Steakhouse can be viewed at www.uncleedssteakhouse.com.

“Their culinary skills ignite consumer passion for our product, and their creativity keeps beef at the forefront of eating trends,” notes California cattleman Bill Jackson, Chairman of the Joint Foodservice Committee. “Today, we are pleased to honor these restaurants for their ongoing commitment to serve beef at its best—every meal, every day.”

Entries for the National Beef Backer Awards program originate at the state level. Uncle Ed’s Steakhouse won top honors in the Nebraska Beef Council’s Beef Backer contest before being judged winner in the national contest. For more information, contact Tara at 800.421.5326 at the Nebraska Beef Council.
HEALTH CARE REFORM UPDATE

The National Restaurant Association issued a statement outlining concerns with the House’s vote to pass the latest version of health care reform legislation. “On behalf of the association representing the nation’s second largest private sector employer, we are very concerned about the impact many of the provisions in this health care bill would have on the restaurant industry,” said Dawn Sweeney, National Restaurant Association President and CEO. “The changes included in the modified version of the bill would severely and negatively impact restaurants by weakening the small business exemption, increasing penalties on employers, and imposing onerous administrative burdens on the industry.”

The National Restaurant Association has worked actively during the past year to advocate for provisions in the bill that would protect the industry and was successful in achieving several improvements. When changes to the final version of the bill were announced last week, the National Restaurant Association Board’s Executive Committee voted unanimously to publicly oppose the legislation.

“We are committed to reducing costs in the health care system and expanding health care coverage for the industry’s workforce,” said Sweeney. “However, we are extremely concerned that the health care bill that passed the House of Representatives will impose tremendous burdens on America’s restaurants and hurt our industry’s ability to create and sustain jobs. We will continue to look for every opportunity and explore every avenue to create jobs, strengthen the economy and protect the restaurant industry as this legislation moves forward to the Senate, as well as in the regulatory process,” she stated. “We will ask the Senate to address the protections for small businesses when they take up the reconciliation provisions. In particular, we call on them to address the provisions regarding part-time workers, which will directly impact the creation of jobs during this critical time for our country.”

Dawn Sweeney | President & CEO
National Restaurant Association
National Restaurant Association Educational Foundation
1200 17th Street, NW | Washington, DC 20036
Tel: 202-331-5995 | Fax: 202-973-3952
www.restaurant.org

Nebraska Restaurant Association is working closely with the National Restaurant Association on Health Care Reform

The Nebraska Restaurant Association will continue to work with our colleagues at the National Restaurant Association to amend the health care legislation provisions most onerous to our industry, with particular emphasis on part-time employee exemptions, limiting penalties and reducing the administrative burden on small business. There will be ongoing opportunities in the regulatory, legislative, and political arenas to improve health care policy and minimize the harmful impacts of the overarching legislation so we need to stay engaged and work to influence our congressional delegation.

Why Social Media? Why Me?

One of the most common question that arises when the “Dining Guide” talks about social media with restaurant owners is, “Why do I have to be on Facebook, Twitter or other social media platforms like Huskerlocker?”

Our reply is that social media will change the way the restaurants do business now and in the future. No more can a restaurant afford to do business without leveraging social media if they want to survive and thrive in this new digital age. Last year there were only 37 million people on Facebook. After only one year there are over 100 million people. More and more people are joining Facebook, Twitter and many other social media networks like Huskerlocker. Restaurant entrepreneurs are emerging that understand social media. They engage with customers on a regular basis to make sure that they are taken care of and are happy. They don’t wait 3-4 days for the complaint letter to arrive via snail mail. Those days are gone. Now the same letter will be broadcasted publicly in 140 characters or less if they don’t act immediately.

These new entrepreneurs understand the importance of exceptional service that goes beyond just serving food to the customers. They also understand the power of social media and would not hesitate to leverage the effect that ravings generate from their customers. Restaurants are well known as a business where word of mouth advertising has been used for a long time. But now the power of social media advertises your restaurant.

This is a new thought process of restaurant entrepreneurs who are redefining the social media business model. They believe that their customers deserve quality service, respect and dignity. In order to achieve this they go an extra mile. The customers pay them back with loyalty to their business and in return the entrepreneurs reach out to help their own community. In this case every one wins and not just one party.

Darl Naumann, Ph.D., Manager of Business Development, LivinLincoln.com, can be reached at 402.435.8600 or 402.570.9214
Defense in Discrimination Lawsuits

The Equal Employment Opportunity Commission has proposed redefining a key defense available to employers facing claims by employees under the Age Discrimination in Employment Act. The agency’s Notice of Proposed Rulemaking, released February 18, 2010, would amend its “Differentiations Based on Reasonable Factors Other than Age” regulation, 29 C.F.R. § 1625.7, by identifying new criteria for establishing the “reasonable factor other than age” defense in age discrimination cases.

Most claims of discrimination are brought under a “disparate treatment” model: the plaintiff alleges that the employer intentionally took action against him because of his race, sex or age. In 2005, however, the U.S. Supreme Court ruled that the Age Discrimination in Employment Act (“ADEA”) allowed claims under a “disparate impact” theory, as well. Smith v. City of Jackson, 544 U.S. 228 (2005). Under the latter theory, an employer may be found liable for discrimination based on its use of policies that disproportionately affect a particular protected class in an adverse way.

Despite its ruling, the Court in Smith held that ADEA defendants need not prove a policy that disparately affects older employees was justified by the high hurdle of “business necessity” in order to escape liability. Rather, it said, the policy at issue need be based on only a reasonable factor other than age.

In light of Smith, the EEOC on March 31, 2008 proposed amendments to its “Reasonable Factors Other than Age” regulation. The proposal would have eliminated the “business necessity” language in the regulation and specify that a disparate impact plaintiff had the burden of “isolating and identifying” an employer policy that was responsible for created statistical disparities adversely affecting older employees. It also would have eliminated the requirement that an employer validate tests that it claimed evaluated a “reasonable factor other than age,” if use of the tests had an adverse impact on older employees.

The EEOC, however, has yet to promulgate its proposed 2008 amendment to the regulation. The most recent proposal contains a number of factors for determining whether an employer’s practice or policy is “reasonable.” These include:

1. whether the employer took steps to assess the adverse impact of its employment practices on older workers,
2. the extent older workers may be harmed by the policy, and
3. whether other options were available to the employer.

Measurement of “other options” includes elements of the plaintiff-friendly “business necessity” test rejected in Smith. The EEOC’s proposal tacitly acknowledges this tension, stating in a footnote that while an employer is not required to use “other options” (i.e., alternatives that would lessen any adverse impact on older workers), their availability is a factor in evaluating the reasonableness of the policy or practice in dispute.

The EEOC’s proposed regulation demonstrates that the agency expects employers to assess carefully their policies, the impact their policies would have on older employees and alternatives that would avoid or materially reduce age-related adverse impact. Jackson Lewis LLP regularly counsels clients on such issues, and defends clients facing EEOC pattern-and-practice investigations and lawsuits alleging disparate impact against older workers.

Chad Richter, Attorney, Jackson Lewis LLP can be reached by email at richterc@jacksonlewis.com or by phone at 402.827.4233.
**April 7th**
Nebraska Restaurant Association Board Meeting
Runza Corporate Office
5931 S 58 Suite D - Lincoln
10:30 AM
RSVP to Brandy Nielson at bnielson@windstream.net

**April 19th**
Taste of Nebraska
The Cornhusker, Lincoln, NE
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Contact Brandy Nielson at 402.488.3999 ext. 2

**April 30th - May 2nd**
National ProStart Competition, Overland Park, KS
Contact Beth Haas at 402.488.3999 ext. 1

**May 6th**
*FREE - Fishbowl Webinar*
“Competitive Edge Marketing Series – Email Marketing Strategies to Increase Guest Frequency”
9:00 AM – 10:00 AM
Contact Brandy Nielson at 402.488.3999 ext. 2

**May 22nd-25th**
National Restaurant Association Show
Chicago, IL

**June 7th**
Nebraska Restaurant Association HEF Golf Outing
The Players Club at Deer Creek – Omaha
Sponsorships now available!
Contact Brandy Nielson at 402.488.3999 ext. 2

**June 14th**
Omaha Restaurant Association BBQ/Membership Drive
Con Agra – Omaha
Contact Jennie Warren at 402.493.4739

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**Mindin Coffee House**
Alex Geist
441 N. Colorado Avenue
Minden, NE 68959-1654

**Bullseye's Sports Bar & Grille**
Rodney Strong
2017 W. 2nd Street
Hastings, NE 68901

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**Bellisio Foods Foodservice**
Kim Ewanika
21150 Hamburg Avenue
Lakeville, MN 55044

**Allison Lentfer**
University of Nebraska – Lincoln
Hospitality Restaurant and Tourism Management/Emphasis in Food & Beverage

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**SERVSAFE Calendar**

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<td>Cindy Brison</td>
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**Welcome New Members**

**Minden Coffee House**
Alex Geist
441 N. Colorado Avenue
Minden, NE 68959-1654

**Bullseye’s Sports Bar & Grille**
Rodney Strong
2017 W. 2nd Street
Hastings, NE 68901

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**Educational Members**

**Allison Lentfer**
University of Nebraska – Lincoln
Hospitality Restaurant and Tourism Management/Emphasis in Food & Beverage

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Join us for the 1st Annual Nebraska Restaurant Association Hospitality Education Foundation (HEF) golf outing on Monday, June 7th, 2010, at The Players Club at Deer Creek in Omaha. Proceeds help support the Nebraska Restaurant Association ProStart program.

Event Schedule
10:00 am Registration  
11:00 am Shotgun Start  
4:00 pm Burgers, Brats and Awards

Format
18-hole, four-player scramble. The field is limited to the first 144 players. Mulligans will be available the day of the event at registration.

Entry
Individual entry is $125 and includes a round of golf at one of Omaha’s PREMIER 27-hole private clubs, golf cart, boxed lunch, contests, prizes & more! Please be sure to join us after for burgers & brats at the awards presentation!

For more information contact: Brandy Nielson  
bnielson@windstream.net | 402.488.3999 | 800.770.8006

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