Recap of 2017 RNA Winners

Page 6

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Executive directors report

During the third quarter of 2017 our focus was on reviewing the strategic plan, confirming the mission, and developing plans to recruit new members. I attended the National Restaurant Association Membership and Marketing Conference on July 18, 2017. The agenda addressed issues and concerns with the new national membership model. State associations face common challenges in recruiting new members and shared the different approaches we are taking to deal with the challenges.

Membership recruiting, retention, and the benefits we offer our members have been discussed with the executive committee and presented to the board members at the last meeting. Several options are under consideration and will be on the agenda at the next board meeting on October 19, 2017.

Membership is a critical strategic issue impacting our financial position and our effectiveness in representing our members’ interests so it’s important that we get back on a growth track.

There have been leadership changes with the University of Nebraska Extension Service, and we continue to work with the new leaders to coordinate providing statewide ServSafe and other food safety training to the restaurant industry.

Fayrene and Brandy continue working together to build the ProStart program, improving the quality of educator support and instruction available for students, representing our state interests with national leadership, and recruiting sponsors.

The 2018 legislative session will convene on January 3. This will be a “short” session lasting 60 legislative days. It is the second session of the two year cycle. We will be watching for new bills that impact our industry. The following are still alive as they are carry over bills from the 2017 session:

**LB165** Would require mandatory use of the federal E-Verify program and an additional license, renewable on an annual basis, for all Nebraska business units with more than twenty-five employees. We testified in opposition. The bill was not advanced by the committee in the 2017 session but could be advanced in the 2018 session so we will continue to track it.

**LB211** Legislation to increase the minimum hourly tip wage was introduced in the past several sessions and was introduced again in the 2017 session. LB211 would initially set the minimum tip wage at 40% ($3.60) of the current $9 minimum wage and eventually raise it to 50% ($4.50). We testified against the bill at the committee hearing. It was advanced by
Fishbowl
*E-Marketing Solutions*
Contact: Grace Valentine
703.836.3421 x 263
Fishbowl has proven that targeted email marketing will generate more sales and increase guest frequency. Through a partnership with the Nebraska Restaurant Association and the National Restaurant Association, Fishbowl provides savings to current members.

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: Larissa Codr
402.540.3185
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*
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.

Broadcast Music Incorporated (BMI)
*Music Licensing*
Contact: Jessica Frost
615.401.2873
Nebraska Restaurant Association members can save up to 20% thru BMI. BMI collects license fees on behalf of songwriters, composers and music publishers and distributes them as royalties to those members whose works have been performed.

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Exclusive Health Care Pricing and Solutions from UnitedHealthcare®

To address the diverse health care needs of the hospitality industry, the Nebraska Restaurant Association and the National Restaurant Association continue to work with UnitedHealthcare through the hospitality associations alliance program to help provide easier access to health care coverage for hospitality employers, employees, and their families.

UnitedHealthcare offers exclusive health care pricing and solutions for every size NRA member business – including small, midsize and large employers:

- **COMING SOON for small businesses:** New NRA Health Benefits Association Plan option for fully insured hospitality groups with 2-99 eligible employees.
- **For businesses with 51 or more employees:** Up to a 5 percent discount on manual medical rates for fully insured groups with 51 or more eligible employees.
- **For large self-funded businesses:** An annual invoice credit of up to 5 percent on administrative fees for new ASO medical products for self-funded groups with 100 or more eligible employees.
- **For businesses of all sizes:** Up to a 5 percent discount on specialty benefits products (dental, vision, life, disability, accident and critical illness) for fully insured groups – in addition to all other discounts including bundling benefits programs.

The NRA chose to work with UnitedHealthcare because of its wide range of products and services. UnitedHealthcare is one of the businesses of UnitedHealth Group®, a diversified Fortune 50 health and well-being company. UnitedHealth Group is the top ranking company in the insurance and managed care sector on Fortune’s 2017 “World’s Most Admired Companies” list. This is the seventh straight year UnitedHealth Group ranked No. 1 overall in its sector.

This alliance program is designed specifically for the hospitality industry to help meet your health and wellness needs.

2017 Nebraska Winners

Mr. Goodcents Deli Fresh Subs, Scott Ritter, Jeff Barclay and Preston Marsh

Raising Canes, Justin and Jennifer Jones

LaCasa Pizzaria, Joel Hahn and Nicole Jesse

Salt 88, John Horvatinovich

DaVinci’s, Kent Knudson, Kelly Knudson and Randy Alby
2018 Nebraska Restaurant Neighbor Awards

The National Restaurant Association Educational Foundation (NRAEF) announces the opening of nominations for their national awards highlighting the stars of the restaurant industry. The awards recognize the restaurant industry’s impact on diversity, community service and hospitality in local communities across the country.

The awards include the Restaurant Neighbor Award, the Faces of Diversity Award and the Thad and Alice Eure Ambassador of Hospitality Award. The winners will be recognized at a gala awards dinner in Washington, D.C. during the National Restaurant Association’s Public Affairs Conference in April 2018.

“In an industry full of opportunity, we look forward to putting a spotlight on the individuals who make a difference every single day,” said Rob Gifford, Executive Vice President of the NRAEF. “We are so proud to honor our nominees and recognize how they’ve changed their communities for the better.”

“Restaurateurs in Nebraska are doing community projects statewide. They do this out of the kindness of their hearts and often times in the most humble way possible. It is time to bring them to the front burner and give them the credit and the recognition that they very much deserve!” said Brandy Nielson, Membership Director of the Nebraska Restaurant Association.

Now in its 19th year, the Restaurant Neighbor Award, founded in partnership with American Express, honors restaurants and restaurateurs for their philanthropic efforts and dedication to their communities. Each year, three restaurants will receive $10,000 to support a charity or community project.

Now in its 10th year, the Faces of Diversity Awards partners with PepsiCo Foodservice to honor individuals in the restaurant industry who have achieved the American dream through hard work, dedication, and supporting others to do the same.

The Thad and Alice Eure Ambassador of Hospitality Award, sponsored by Ecolab, serves as the premier award for an individual who has shown extraordinary achievement and leadership in the restaurant and hospitality industry.

Applicants and nominees have until November 17, 2017 to apply or nominate individuals for the restaurant industry awards. Visit ChooseRestaurant.org/awards to apply.

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Communications Manager
Jajones@nraef.org
202-315-4101

Brandy Nielson, NRA
Membership Director
bnielson@nebraska-dining.org
402-488-3999

As the philanthropic foundation of the National Restaurant Association, the National Restaurant Association Educational Foundation’s mission of service to the public is dedicated to enhancing the industry’s training and education, career development and community engagement efforts. The NRAEF and its programs work to Attract, Empower and Advance today’s and tomorrow’s restaurant and foodservice workforce.
Legislative issues

the committee to General File but was not prioritized by a senator so it did not get discussion by the body in the 2017 session. However, it remains on General File for the 2018 session so it could be considered by the body in the 2018 session.

**LB436** There have been efforts nationally to blur the fact that employees of franchisees are not employees of franchisors. To clarify this in Nebraska law, Senator Laura Ebke introduced LB436 at our request. It clarifies that persons who work for a franchisee are employees of only the franchisee. Franchisors are not employers of franchisees and are not the employers of employees of a franchisee. It was not advanced by the committee in the 2017 session but we will continue to work towards advancement in the 2018 session.

**LB559** Nebraska restaurants collect and remit sales tax and receive practically nothing for this service. The cost to restaurants is significant especially on credit card sales as the restaurant is forced to pay the credit card swipe fee on the sales tax portion of the charge. Bills have been introduced at our request in past sessions to increase the amount Nebraska’s restaurants receive for collecting and remitting sales tax. The amount that this would cost the State of Nebraska was more than the state could absorb with the projected budget shortfall. In the 2017 session LB559 was introduced at our request by Senator Schumacher. It would prohibit payment card networks from imposing interchange or swipe fees on the sales tax portion of a purchase made using a debit or credit card. This addresses part of the problem and does not cost the state any money. The bill was not advanced by the committee in the 2017 session but remains alive for the 2018 session.

**National Issues**

**Debit Swipe Fee Reform-Durbin Amendment** We support repeal of Dodd Frank Legislation but propose retaining the debit card swipe fee limits in the Durbin Amendment. This is very important to all retailers in the State of Nebraska and, thanks to the support of Congressman Don Bacon, has been resolved in our favor.

**Comprehensive Tax Reform** Border Adjustment Tax (BAT). The proposed BAT should not be considered as part of comprehensive tax reform. If a BAT is put in place, American consumers may face significantly higher food prices for goods that in many cases are not produced in the United States. It is not fair to subsidize exporters by increasing the cost of doing business for food retailers and raising costs for

---

**Make a Difference**

Contact your senator or their staff and let them know how important these issues are to our industry.

**Senator Ben Sasse**
Phone: 202-224-4224

**Senator Deb Fischer**
Lincoln: 402-441-4600
Omaha: 402-391-3411
customers.  

**Simpler Tax System**  Provide parity between individual pass through and C corporation tax rates.  It shouldn’t matter how business is structured.  No one corporate structure should benefit over another.

**Preserve the FICA Tax Tip Credit**  We all support a simpler tax system that spurs economic growth and investment.  We feel the environment is ripe for reforming both the corporate and individual sides of the tax code.  However removing the FICA Tax Tip Credit, IRC Sec. 45B, would undo almost 25 years of constructive engagement between the IRS and restaurants to improve tip reporting at the source.  Repeal would threaten Social Security benefits of tipped workers.

**Health Care**
We believe the following health care reforms are needed:

- Repeal the ACA’s employer mandate.
- Repeal the ACA’s “Cadillac tax.”
- Repeal the ACA’s Health Insurance Tax (HIT).
- Allow the formation of Association Health Plans
- Give employers access to more plan types and options.
- Allow employers flexibility in meeting essential health benefits requirements.
- Allow insurers more latitude in age rating for health plans.
- Require plan and provider price transparency.
- Reform medical malpractice insurance.
- Change work week from 30 to 40 hours.

The recently released Senate framework resembles the House version in many key ways.

- Significant rollback of Medicaid expansion.
- Rolling back ACA’s taxes.
- Inducements for states to request 1332 waivers.
- Planned Parenthood defunded for one year.
- For insurers the bill includes two years of funding for cost-sharing reduction payments.
- Restaurant Provisions
  - Retains the House language to zero out the employer mandate penalties.
  - Allows more options for reporting information to employees using the W-2 or 1095C.

Two key restaurant issues not addressed include penalty relief for reporting, and an amendment on the 30-hour work week.

**Menu Labeling**
The Food and Drug Administration (FDA) announced in December 2016 that it will be publishing a final rule that formally extends the compliance date for menu labeling regulations to May 5, 2017 and on May 3 extended the **deadline for another year to May 7, 2018**. Considering the series of deadline extensions the future of this regulation is uncertain. This only applies to our chain restaurant members operating twenty or more stores but this delay and uncertainty has been costly and confusing.

**Overtime Regulations**
In a court decision on November 22, 2016, Judge Amos Mazzant granted an emergency request to delay the December 1, 2016, effective date for the new overtime rule.  The judge issued his final decision in August 2017, granting summary judgment in favor of the National Restaurant Association and other business organization plaintiffs ruling that the new overtime regulations were invalid.  This is great news.  We expect DOL to make some future changes to minimum salaries for exempt employees but they will be more reasonable and in line with existing salaries.
Website accessibility and ADA compliance
an ever-increasing source of litigation

Website accessibility for customers with hearing and visual impairments presents an ongoing challenge as employers shift from a physical to an increasingly web-based marketplace. In the restaurant industry specifically, customers are now presented with a host of online and mobile services, from placing to-go orders via mobile application to making reservations and accessing nutrition information on a restaurant website. Barriers to the accessibility of these features create a significant risk of litigation.

Title III of the ADA provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operation a place of public accommodation.

42 U.S.C. § 12182(a). While the requirement to make “places of public accommodation” accessible to individuals with disabilities has been in place since 1990, the expansion of the online marketplace has, in recent years, led to an expanded interpretation of the statute. Company websites are now often considered “places of public accommodation” that must be made accessible, especially where a company’s website is closely linked to its brick-and-mortar location.

Join us for a webinar on Tuesday, October 24th at 2pm CST, entitled, “7 Lessons Learned from 2017.” To register for the 30 minute free webinar, email Brandy Nielson at bnielson@windstream.net
It did not take long for the trend of private litigation to take advantage of this expanded definition and, in 2016 alone, over 240 lawsuits alleging failure to maintain accessible websites were filed. These claims are often brought as class actions and the restaurant industry is regularly targeted, as evidenced by high-profile litigation recently brought against Five Guys, Domino’s Pizza, Olive Garden, and P.F. Chang’s. In July of this year, and in what is widely reported as the first trial of such a claim, a Florida federal judge found that Winn-Dixie’s website violated the ADA and ordered the supermarket chain to update its website accordingly and pay the plaintiff’s attorney's fees.

Further stoking the increase in litigation is the Department of Justice’s failure to issue formal regulations governing when a website is subject to the ADA and what employers can do to ensure compliance. While discussion of such regulation has circulated since 2010, the Trump Administration’s first Unified Regulatory Agenda was published in July of 2017 and categorized regulation of ADA website compliance as “inactive.” While not entirely clear, this likely indicates that rules should not be expected in the near future. For now, courts are left with informal guidance and employers are left with a mixed bag of decisions.

Jackson Lewis attorneys are available to answer inquiries regarding website compliance best practices and other workplace developments. NRA members can enjoy a free 15 minute phone call.
Nebraska Restaurant Association Fall Golf Classic at Hillcrest Country Club
Thank you to our sponsors and golfers who helped raise over $10,000 for the NRA and ProStart®

1st Place Championship Flight (59)
Dean Foods Team
Larry Archer, Tom Donlan, Jim Larsen, Randy Stoppel

1st Place Presidents Flight (65)
W.C.’s South Lounge Team
Chuck Cheever, Doug Baer, Bill Staehr, Burt Curren

1st Place Mixed Flight (74)
World Eats Team
Doug Daize, Mike Rice, Jerry Conkel, Peg Smith

1st Place Ambassador Flight (69)
Auto Chlor Systems Team
Ed Hulse, Mitch Jensen, Mike Eisenhauer, Jared Clarke

Title Sponsor Coke Team
Jamie Peterson, Steve Leising, Zach Wigginton, Ron Metz

HiWay Diner Team
Scott Walker, Cheyenne Hemphill, Jay Carter, Steve Bauers
Thank you to the volunteers that helped out at registration!

Beautiful swing! FORE!!
ServSafe classes are held state-wide through the University of Nebraska Extension Services.

### SERVSAFE Instructors Statewide

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<tr>
<th>Location</th>
<th>Name</th>
<th>Phone</th>
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<tbody>
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<td>Ainsworth</td>
<td>Pat Jones</td>
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<td>Seward</td>
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<td>Sioux City</td>
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<tr>
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<td>Jamie Goffena</td>
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<tr>
<td>Valentine</td>
<td>Pat Jones</td>
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<tr>
<td>York</td>
<td>Amy Peterson</td>
<td>402.747.2321</td>
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Would you prefer a cherry or staff turnover?

For this article, I decided to take a step outside of the world of payments, and offer some value in a different way. Don’t worry, I can talk about credit card processing in the next article.

There is something that is often overlooked when determining the success of our businesses and that is the environment and culture of the workplace. Some companies work very hard to specifically provide a happy and desirable workplace in unique ways. More and more, we see large campuses popping up with on-site gyms, daycares, free beverages, and encouragement to socialize in a relaxing work environment. This is offered in exchange for more productivity, happier employees, lower stress, and extended staff loyalty.

For the majority of us, it’s not in the cards to build a campus for employees, but that doesn’t mean we can’t strive hard for a great work environment. Having a positive work environment starts with the leadership in place. We are all a by-product of our guardians, mentors, and leaders throughout our lives. This can include parents, teachers, coaches, managers, and overall the people we have looked up to as we move through life. Whether you were born with natural leadership qualities, or exposed to good or bad leadership in the past, everyone who is in charge of a business is in charge of influencing the work environment that their staff experience. This can be a huge factor in employee satisfaction, and ultimately, loyalty and retention.

Let’s face it, the restaurant industry has a lot of turnover. I have experienced lots of turnover in my industry as well. That being said, I can confidently say that I am continually working to improve the environment of my team. It is an essential part of my business and it should be one of yours as well.

What are some easy ways to improve your work environment?

Create a Team Environment. If you can effectively coach your staff to lean on each other, it creates a bond and strength that creates a sense of family.

Reward and Incentivize. Just like with parenting, acknowledge good behavior or habits. Some people soak up praise and will do anything to get it. Others love extra spiffs like bonuses or giveaways. EVERYONE loves a good party. Throw one for your staff, make it personal, and strengthen your team.

Give Back. Giving without expecting something in return is a selfless act of generosity that does not go unnoticed. It’s irrelevant if you are expecting something in return, but if you are genuinely giving and generous, others will follow your lead and they will also want to help in various ways.

Employee turnover can be tasking, stressful, and sometimes downright defeating. By creating a simple plan to improve your staff’s work environment, you will be making big strides to increase loyalty, improve retention, and make a desirable place that your employees will love. From there it’s all cherries!
Making an impact with ProStart

THANK YOU to Louise Dornbush, ProStart instructor, Papillion LaVista South High and her students for representing Nebraska ProStart and the Nebraska Pork Producers at the Nebraska State Fair. The students demonstrated two pork recipes, Pork Meatballs and Lazyman’s Pork Sandwiches.

NEW SCHOOLS, NEW TEACHERS
Twenty four Nebraska schools are members of the Nebraska ProStart family. The following schools have added the ProStart curriculum for 2017-18: Beatrice, Grand Island, Norfolk, and Sidney. The following schools have new teachers: Alliance, Crete, Elkhorn, Roncalli, Papillion-LaVista High and Scottsbluff.

NEW COMPETITION
At the request of several schools, a new competition titled, “The Culinary Showcase,” for individual students-- freshman through seniors--has been added. Supporting the overarching goal of workforce development, objectives of the Showcase include marketing of ProStart, building individual student skill, confidence and career interest, and supporting culinary competition team success. Students will compete in appetizer, salad, and knife skill categories. Two regionals and a state competition will be held.

WORKSHOPS
Students and teachers will have the opportunity to attend new interactive workshops, Food Photography and Business Plan Development. Both workshops will focus on knowledge and skills needed to compete in the ProStart team management competitions. Students and teachers, learning collaboratively, will be introduced to concept development, staffing, menu development, budgeting, marketing and plate presentation.
ProStart Calendar

COMPETITIONS

Regional Culinary Showcase
   Friday, November 10, Kearney High
   Friday, November 17, UNL East Campus Union

State Culinary Showcase
   Saturday, March 3, Great Plains Culinary Institute at Southeast Community College, Lincoln

Cookin’ at The Classic
   Tuesday, February 20, Buffalo County Fairgrounds, Kearney

Regional ProStart Culinary Team Competitions
   Saturday, January 27, Great Plains Culinary Institute at Southeast Community College, Lincoln
   Monday, February 19, Scottsbluff Senior High School
   Friday, February 23, Institute for the Culinary Arts, Metropolitan Community College, Omaha

State ProStart Culinary Team Competition
   Friday, March 2, Institute for the Culinary Arts, Metropolitan Community College, Omaha

State ProStart Management Team Competition
   Saturday, March 3, Great Plains Culinary Institute at Southeast Community College, Lincoln

FUNDRAISERS

Chocolate Uncorked
   Monday, January 8, The Grand Manse, Lincoln
   Featuring Kansas City Chocolatier, Christopher Elbow and Venue Restaurant and Lounge Executive Chef, John Benton and Pastry Chef, Linda Cox

StarCity Baconfest
   Sunday, April 22, The Cornhusker Marriott, Lincoln

HEF Golf Tournament
   Monday, June 18, Quarry Oaks, Ashland

It will be a busy year. We look forward to seeing you at the events and appreciate your support.
FREE MEMBER BENEFIT

A BENEFIT STRICTLY FOR NRA MEMBERS!
In the State of the Industry report, you’ll find hundreds of trend bites and industry insights such as:

• 46% of Smartphone users use their phone at least once per month to order take out or delivery.

• 70% of adults say the availability of healthy menu options would make them choose one restaurant over another.

PATRONIZE ALLIED MEMBERS
Need hood cleaning?
Linen and mat cleaning?
New POS System?
Health insurance or workers compensation coverage?

Look no further than the 2017 Buyer’s Guide. The Buyer’s Guide is a comprehensive listing of the trusted Allied members of the Nebraska Restaurant Association. The Guide is an online publication that is updated annually and can be found at http://www.nebraska-dining.org/nebraska-buyers-guide/.
DUAL MEMBER PERKS
Membership with the Nebraska Restaurant Association entitles you to a full line of benefits from the National Restaurant Association. In case you might not be aware of what your Dual Membership includes, visit http://www.restaurant.org/membership.

RESTAURANT STARTUP & GROWTH
The Nebraska Restaurant Association has arranged for a complimentary 12-month subscription to Restaurant Startup & Growth for each of our restaurant members. Each month the magazine is filled with solid information for restaurateurs new and experienced. We think you’ll find the comprehensive information useful. Email Brandy Nielson if interested in receiving this complimentary magazine. bnielson@nebraska-dining.org

Hire ProStart Students
We feel your pain when it comes to labor shortage. We know this is one of the largest hurdles in keeping your business afloat. Because of this, we have created a free online hospitality job listing for our members. Visit our website and click on “Job Openings” to list your job vacancies. And when it comes to hiring, look for current or former ProStart students!
CALENDAR OF EVENTS
Find updates online at www.nebraska-dining.org

October 24
Jackson Lewis Webinar
“7 Lessons Learned from 2017”, 2pm CST

January TBD
Annual Meeting of NRA

April 16
Taste of Nebraska
Embassy Suites, LaVista

April 22
StarCity BaconFest
Cornhusker Marriott, Lincoln

June 16
HEF Golf Tournament
Quarry Oaks, Ashland

September 10
NRA Fall Golf Classic
Hillcrest Country Club

Introducing an easy way to move your business forward.

Heartland Lending has partnered with American Express to offer you a new and exciting option in small business loans. In addition to the excellent service and security of Heartland, American Express Merchant Financing also gives you:

Invest in Upgrades
It is important for your practice to grow with medical advances. Use your loan to purchase new medical equipment, update your office systems or take care of needed maintenance and repairs.

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To learn more, contact Angela Ihry
605.940.9861 or angela.ihry@e-hps.com
heartland.us

Webinars:
FREE for Members and offer information on a variety of topics.
Visit http://www.restaurant.org/Events-Networking/Events/Webinars for more information on the webinars available.

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Drive-Thru Technology (DTT)
Kevin Vardeleon
1755 N. Main Street
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DTT is a full-service provider of surveillance system and loss prevention solutions for the hospitality industries, C-store and specialty retail markets. Our suite of services is designed specifically for restaurant and convenience stores to help operators increase employee productivity, improve profit margins, ensure transactional integrity, and control labor costs. As a leader in the field, DTT is staffed by industry experts who know exactly how to assist in the continued success and sustainability of restaurants and C-store enterprises. Whether the concern is fraud, product theft, safety or anything else, DTT video-based reporting tools make it easy to understand business performance and take actions.

WELCOME NEW MEMBERS

Find updates online at www.nebraska-dining.org

The Chicken Coop
Robin Schilling
120 E. 3rd Street
Grand Island, NE 68801
308-398-2500

Arbor Manor Steakhouse and Motel
Amy Clark
1617 Central Avenue
Auburn, NE 68305
402-274-3663

El Rancho
Hector Mariachi
2700 O Street
Lincoln, NE 68510
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El Mariachi
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El Mariachi
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Brickway Brewery
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WELCOME NEW MEMBERS

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