

★ Roll Call Number

Agenda Item Number

5

Date April 12, 2010

Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

Joeseppes, 1930 SE 14th St (Lower level), Class C Liquor License. Zoning Department recommends DENIAL due to failure of maintaining required financial records as required by the agreement to hold a liquor license or beer permit.

Moved by _____ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRIESS				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk



March 8, 2010

Joe San Moris, Inc. d/b/a Joeseppes
Falbo Giuseppe, Registered Agent
100 E. Livingston
Des Moines, IA 50315

Re: 1930 SE 14th (Lower Level)

Dear Mr. Giuseppe,

In response to our request for an audit you provided a schedule of gross sales. The submission was accompanied by a statement for the accountant that "A compilation is limited to presenting financial information that is the representation of management. We have not audited or reviewed the accompanying schedule of gross sales and, accordingly, do not express an opinion or any other form of assurance on it." This is not the required certification that an audit was prepared by a certified public accountant.

Due to the fact that we have an incomplete audit we will present this matter to the City Council on April 12, 2010 for consideration of denial of your liquor license.

Feel free to submit any additional information, including but not limited to a statement from a certified public accountant that the audit has been performed with supporting certification, by April 5, 2010 for further consideration. If we receive sufficient information to prove that you have over 50% in sales other than alcohol the matter will not be sent to council for denial of the pending liquor license.

In the alternative you may seek a conditional use permit from the Zoning Board of Adjustment to operate as a bar/tavern in this location. The filing deadline for the April 28th agenda is April 1, 2010.

Please contact me at 283-4516 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'SuAnn Donovan', with a long horizontal stroke extending to the right.

SuAnn Donovan

Deputy Zoning Enforcement Officer

602 Robert D. Ray Drive

Des Moines, IA 50309



COCO AND ERMELS, P.C.

CERTIFIED PUBLIC ACCOUNTANTS
925 NINTH STREET
WEST DES MOINES, IOWA 50265-3698
PHONE (515) 223-1457

JOSEPH L. COCO, C.P.A.
MARTIN J. ERMELS, C.P.A.
DOUGLAS L. JOHNSON, C.P.A.

FAX 515-223-4284

FACSIMILE COVER LETTER

FACSIMILE PHONE NUMBER SENT TO: 283-4270

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: City of Des Moines

FROM: Doug Johnson DATE: 2/12/2010 TIME: _____

WE ARE TRANSMITTING _____ PAGES INCLUDING COVER LETTER.

CONFIDENTIALITY NOTICE

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JOHN C. KENDEIGH, C.P.A.

FAX 515-223-4284

February 8, 2010

To the Board of Directors
Joe San Moris Inc d/b/a
Joesepe's
Des Moines IA

We have compiled the accompanying schedule of gross sales of Joe San Moris Inc (S Corporation) as of December 31, 2009, in accordance with the Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting financial information that is the representation of management. We have not audited or reviewed the accompanying schedule of gross sales and, accordingly, do not express an opinion or any other form of assurance on it.



Coco and Ermels PC

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Joe San Moris Inc
d/b/a Joeseppes
Schedule of Gross Sales
For the year ended December 31, 2009

Liquor		
Beer/wine	\$	14,238
Other sales		24,286
		<u>55,529</u>
Total gross sales	\$	<u>94,053</u>

See accountants' report