



Roll Call Number

Agenda Item Number

60

Date February 22, 2016

PUBLIC HEARING ON ASSESSMENT OF \$500.00 PENALTIES
TO LIQUOR LICENSE HOLDERS LISTED ON ATTACHMENT "A"
FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS

WHEREAS, employees of liquor license holders listed on attachment "A" have sold alcoholic beverages to persons under legal age at their respective places of business in violation of Municipal Code section 10-6 and have been convicted of this charge; and

WHEREAS, Iowa Code Section 123.39 permits a local authority (city council) to suspend, revoke, or impose a civil penalty upon license/permit holders who violate the alcoholic beverage laws; and

WHEREAS, Iowa Administrative Rule 185-4.8 (123) provides that violations of the alcoholic beverage laws by any employee, agent, or servant of a license or permit holder shall be deemed the act of the licensee or permittee and subject the license or permit holder to suspension or revocation; and

WHEREAS, the violations are first violations for each of the listed license/permit holders; and

WHEREAS, Des Moines Municipal Code Section 10-13(c)(1) and Iowa Code Section 123.50(3) provide that for a first violation for sale of an alcoholic beverage to persons under legal age, a civil penalty shall be imposed in the amount of \$500.00 in lieu of a suspension; and

WHEREAS, Iowa law provides that the local authority shall retain the civil penalties where the proceeding to impose the penalty is conducted by the local authority;

WHEREAS, if a renewal of the liquor license/beer permit is pending the Alcoholic Beverages Division of the Iowa Department of Commerce will not issue a renewal license until all civil penalties imposed against a license holder have been paid in full.



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(2)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that:

1. The alcoholic beverage license/permit holders listed in attachment "A" are hereby assessed a civil penalty in the amount of \$500.00 for sale of alcoholic beverages to persons under legal age.
2. Failure to pay the \$500.00 civil penalty within 30 days of this resolution will result in an automatic 14-day liquor license/permit suspension commencing at 6:00 a.m. on the 11th day of March and ending at 6:00 a.m. on the 25th day of March 2016.
3. The \$500.00 civil penalty is due and owing even if the automatic suspension is served.
4. The City Clerk is directed to notify the license/permit holders, except those that have already paid, by sending through ordinary mail a copy of this resolution as soon as possible.
5. This City Council action may be appealed within thirty (30) days to the administrator of the Alcoholic Beverages Division of the Iowa Department of Commerce, 1918 S.E. Hulsizer, Ankeny, Iowa, 50021.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Douglas P. Philip

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

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.

Mayor

City Clerk

ATTACHMENT "A"

Violations for Sale of alcohol to Under Age Person:

Licensee	Address	City State Zip	License No.	Date of Violation	1 st ; 2 nd in 2 yr.; 3 rd in 3yr. or 4 th in 3 yr.	Previous violations	Mailing Address	Clerk	Date Paid
Beer Can Alley	216 Court Avenue	Des Moines, IA 50309	LC0037111	10-8-15	1 st		1443 17 th Street, West Des Moines, IA 50265	Zachary Comer	
Central City Liquor	1460 2 nd Avenue	Des Moines, IA 50314	LE0000046	10-8-15	1 st		1460 2 nd Avenue, Des Moines, IA 50314	Scott Sobottka	2-16-16 CK5164 R32565
QuikTrip #560	2300 ML King Jr. Pkwy	Des Moines, IA 50310	BC0026082	10-8-15	1 st	Used Affirmative Defense for 8-31-12	PO Box 3475, Tulsa OK 74101	Angel Burr	
Pho House	1452 2 nd Avenue	Des Moines, IA 50314	LC0041629	11-19-15	1 st		1452 2 nd Avenue, Des Moines, IA 50314	Chung Cavan	
Beechwood Lounge	416 E. Walnut Street	Des Moines, IA 50309	LC0034790	11-19-15	2 nd	7-11-14 pd \$500	706 NW 17 th Street, Ankeny, IA 50023	Carrie Brown	Using Affirmative Defense for this violation
Southside Food Mart	1101 Army Post Road	Des Moines, IA 50315	LE0002608	11-19-15	1 st		1101 Army Post Road, Des Moines, IA 50315	Deb Dhungel	
Lift	222 4 th Street	Des Moines, IA 50309	LC0033009	11-19-15	1 st		1620 Pleasant St. #248, Des Moines, IA 50314	Clint Curtis	
Overboard	1101 Army Post Road, E	Des Moines, IA 50314	LC0039714	11-19-15	1 st		1101 Army Post Rd. Ste. E, Des Moines, IA 50315	Kimberly Reynolds	
Locust Tap	434 E. Locust St.	Des Moines, IA 50309	LC0025202	11-19-15	1 st		434 E. Locust St., Des Moines, IA 50309	Michelle Gersdorf	
Git-N-Go #3	100 Watrous Avenue	Des Moines, IA 50315	BC0024017	11-19-15	1 st		2716 Indianola Avenue, Des Moines, IA 50315	Stephen Brown	

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