



**Roll Call Number**

**Agenda Item Number**

**5**

**Date July 17, 2023**

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

That the following application is hereby disapproved for the issuance of a retail alcohol license for lack of good moral character and a material misrepresentation on a previous application and this endorsed disapproval shall be forwarded to the Iowa Alcoholic Beverages Division of the Iowa Department of Revenue:

Tipsy Crow, 102 SW 3<sup>rd</sup> Street, Class C Liquor License renewal.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

/s/ Megan Norberg  
Megan Norberg

Second by \_\_\_\_\_.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, Laura Baumgartner, 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

July 12, 2023



Steven McFadden  
5135 Ashworth Road  
West Des Moines, IA 50266  
[mcfaddencompanies@gmail.com](mailto:mcfaddencompanies@gmail.com)

Re: Topsy Crow Tavern  
102 SW 3<sup>rd</sup> Street  
Des Moines, IA 50309

Dear Mr. McFadden,

The City of Des Moines has reviewed the pending liquor license renewal. Upon review, the recommendation to City Council will be to deny the renewal based on lack of “good moral character” as defined in Iowa Code Chapter 123 and a material misrepresentation on a previous application.

Topsy Crow Tavern is a bar on the property commonly known as 102 SW 3<sup>rd</sup> Street in Des Moines, Iowa. Topsy Crow Tavern is owned by Redneck Country Club, LLC which is owned solely by Steve McFadden.

Liquor license holders must meet the standards of “good moral character” as defined in the state code. The following are the factors from the state code that are relevant to Mr. McFadden.

FACTOR 1: Criminal convictions

- In evaluating the applicant’s “good reputation,” the local authority may consider the applicant’s misdemeanor convictions and the recency of such convictions.
- Mr. McFadden has the following criminal history:
  - January 2023 –
    - Charged with one (1) count of Stalking, six (6) counts of Unauthorized Use of GPS, and one (1) count of Harassment – 3<sup>rd</sup> Degree.
      - Pursuant to a plea agreement, Mr. McFadden pled guilty to one (1) count of Unauthorized Use of GPS and Harassment – 3<sup>rd</sup> Degree. Mr. McFadden admitted to placing a GPS device on an individual’s vehicle without her permission.
  - July 2021 – charged with Willful Assault Causing Serious Injury. Entered an Alford Plea (admits there is enough evidence to find him guilty but does not plead guilty) to Assault Causing Bodily Injury (serious misdemeanor). Received a deferred judgment and the conviction was removed from his record after completion of probation.
  - October 2015 – charged with Harassment – 1<sup>st</sup> Degree. Pursuant to a plea agreement, Mr. McFadden plead guilty to the lesser offense of Harassment – 3<sup>rd</sup> Degree.
  - November 2012 – convicted of Public Intoxication.

FACTOR 2: Good financial standing

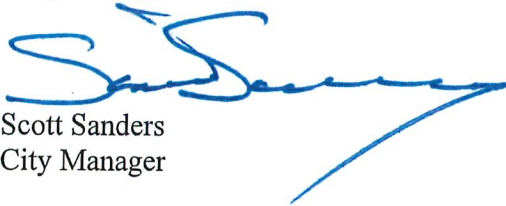
- To meet the definition of good moral character the applicant must have such financial standing and good reputation as will satisfy the City Council that the person will comply with Iowa liquor laws and all laws, ordinances, and regulations applicable to the person's operations.
- Mr. McFadden has had multiple federal tax liens and one state tax lien. This lack of good financial standing is evidence in favor of a finding that Mr. McFadden does not meet the definition of a person of good moral character.

FACTOR 3: Material misrepresentations on applications

- A liquor license may be suspended or revoked for a misrepresentation of any material fact in the application for the license.
- In 2021, Mr. McFadden was charged with Willful Assault Causing Serious Injury which is a felony in Iowa. The liquor license application has the following question: "Since the license was last issued, has anyone listed on the Ownership page been charged or convicted of a felony offense in Iowa or any other state of the United States?" The Topsy Crown liquor license application for the relevant year answered "No". While Mr. McFadden was not convicted of a felony, he was charged with one and that is misrepresented on his application.

Based on Topsy Crow's ownership's lack of "good moral character" and material misrepresentation on a previous application the recommendation will be to deny the renewal. Such denial will be considered by the City Council at its July 17, 2023 meeting. The item will be on the Consent Agenda and can only be removed from the Consent Agenda by a member of the Council. If you wish to address Council on the item you will need a Council member to move to remove it.

Respectfully,



Scott Sanders  
City Manager