



**Date** October 2, 2023

**RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING  
ON ASSESSMENT OF \$500.00 PENALTY TO ALCOHOLIC BEVERAGE  
LICENSE/PERMIT HOLDER LISTED ON ATTACHMENT FOR VIOLATION  
OF IOWA ALCOHOLIC BEVERAGE LAWS**

**WHEREAS**, employees of alcoholic beverage license/permit holders listed on Attachment “A” have sold alcoholic beverages to persons under legal age at their respective places of business in violation of Iowa Code Section 123.49(2)(h); 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 violation is the first violations for the listed license/permit holder; and

**WHEREAS**, Iowa Code Section 123.39(4) provides that for a first violation of Iowa code Section 123.49(2)(h) a local authority shall impose a civil penalty 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA THAT:**

1. A public hearing is hereby set for October 23, 2023 at 5:00 P.M. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, IA, for the purpose of providing the alcoholic beverage license/permit holders listed in attachment “A” to be heard concerning the proposed assessment of a \$500.00 penalty for sale of alcoholic beverages to persons under legal age.
2. The City Clerk is directed to notify the license/permit holders by sending through ordinary mail a copy of this resolution at least 10 days in advance of the scheduled hearing.
3. The license/permit holders may pay the \$500.00 civil penalty to the City of Des Moines at the City Clerk’s Office in advance of the scheduled public hearing if they do not wish to be heard.

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

 **Roll Call Number**

**Agenda Item Number**

391

**Date** October 2, 2023

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

Approved as to form:

/s/ Megan Norberg  
 Megan Norberg, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	Pass	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

\_\_\_\_\_ City Clerk

