



Date February 8, 2010

**RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING  
ON ASSESSMENT OF A \$500.00 PENALTY TO VAUDEVILLE MEWS, LLC,  
212 4<sup>TH</sup> STREET FOR ALLOWING A MINOR IN A BAR AFTER 9:00 P.M.**

WHEREAS, an employee of the Vaudeville Mews located at 212 4<sup>th</sup> Street did on 7/17/09 allow a person under legal age into the licensed premises after 9:00 P.M. in violation of Des Moines Municipal Code section 10-8(1) and Iowa Code section 123.49(j); and

WHEREAS, Iowa Code Section 123.49(2)(j) states a license holder shall not knowingly permit or engage in any criminal activity on the premises covered by the license or permit; and

WHEREAS, the employee charged with the simple misdemeanor crime of allowing an underage person into the bar after 9:00 P.M. plead guilty to the charge in Polk County District Court on October 1, 2009 (conviction attached); 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, revocation or civil penalty; and

WHEREAS, the violation for allowing an underage person into the licensed premises is a first violations; and

WHEREAS, Iowa Code Section 123.39 authorizes a civil penalty of up to \$1,000.00 on each violation, and/or suspension of license up to 1 year, or license revocation; and

WHEREAS, the police and legal departments recommend a \$500.00 civil penalty for this first violation; 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.

Date February 8, 2010

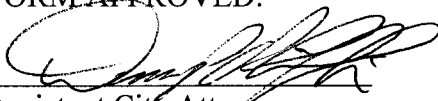
(2)

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 February 22, 2010 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 Vaudeville Mews, LLC. an opportunity to be heard concerning the proposed assessment of a \$500.00 penalty for allowing a person under legal age into the licensed premises after 9:00 P.M.
2. City Clerk is directed to notify the licensee by sending through ordinary mail a copy of this resolution at least 10 days in advance of the scheduled hearing.
3. The licensee 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 it does not wish to be heard. Payment in advance will waive a right of appeal. If not paid in advance, the licensee will have 30 days to appeal from the date City Council takes action on the proposed sanction. Any appeal would be to the Alcoholic Beverages Division of the Iowa Department of Commerce.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

**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

IN THE IOWA DISTRICT COURT FOR POLK COUNTY  
COMPLAINT AND PROBABLE CAUSE STATEMENT

23

CITY OF DES MOINES

COURT CASE NO. SMAC 307128

VS.

DMPD. CASE NO. 2009-22387

CORDOVA, GABRIEL  
(DEFENDANT)  
900 E HACKLEY  
(ADDRESS)  
OSM, IA  
(CITY & STATE)

IA0770300

SOC. SEC. NO. ~~XXXXXXXXXX~~

DATE OF BIRTH 11-2-87

DESCRIPTION H M 5' 135  
RACE SEX HGT WGT

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: ALCOHOL

BAR AFTER 900 AM

AT: 212 4TH ST VAUDEVILLE MENS  
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): 10-08 (1)

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 2009

THE 17 DAY OF JULY, 2009

IN THE CITY OF DES MOINES, POLK COUNTY

SIGNED AND SWORN TO ON THIS 17 DAY OF JULY, 2009

R. HOELSCHER  
FILING COMPLAINANT

Tom J. Be...  
(NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)

EYES HAIR CERTIFICATES  
I, Randy Osborn, Clerk of the District Court of the State of Iowa, in and for Polk County, do hereby certify that this is a true and complete copy of the Original Instrument filed in this office.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office in Des Moines, Iowa this 20th day of January, 2010  
RANDY OSBORN  
Clerk of the District Court

JAMES L. BUTLER  
Commission Number 741385  
My Commission Expires July 5, 2012

BASIS OF PROBABLE CAUSE

- CAUGHT IN THE ACT
- IDENTIFIED BY PRINTS
- NAMED BY WITNESSES
- HAD PROPERTY ASSOCIATED WITH CRIME
- ARRESTED FOLLOWING INVESTIGATION
- WEAPON INVOLVED CRIME
- IDENTIFIED IN PERSON
- CONFESSED TO CRIME
- ACCUSED BY CO-DEFENDANT
- VICTIM INJURED
- IDENTIFIED BY PHOTO
- ARRESTED AT SCENE
- OTHER (SPECIFY BELOW)
- PROPERTY / MONEY TAKEN

VALUE OF PROPERTY TAKEN \$ \_\_\_\_\_ DAMAGE EST. VALUE \$ \_\_\_\_\_

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL: DEF DID ALLOW A MINOR IN A BAR AFTER 9 PM AFTER CHECKING NEI TA.

[Signature]  
SIGNATURE OF ARRESTING OFFICER NO. 4944

DATED: 7.17.09

7.17.09  
(DATE OF ARREST)

WITNESS INFORMATION  
NAME ADDRESS HM PHONE  
M. BARTAK 4939 DMPD  
10-1-09

Def't pleads guilty  
\$ 65 ESCORTS TO VHS

BOND AMOUNT \$ \_\_\_\_\_ CASH ONLY ( ) CASH OR SURETY ( )

OTHER CONDITIONS IMPOSED WITH BAIL: \_\_\_\_\_

[Signature]  
(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

FILED  
JULY 17 2009  
7:17 AM  
PLEAD-NG/TRIAL  
DATE: 8-20  
TIME: 10:00  
ROOM: 102