

.....  
Date ..... February 25, 2008

**PUBLIC HEARING ON ASSESSMENT OF \$500.00 PENALTIES  
TO ALCOHOLIC BEVERAGE LICENSE/PERMIT HOLDERS  
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 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, Iowa Code section 123.39(4) and Des Moines Code section 10-13(c)(1) provides that for a first conviction 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 that failure to pay will result in automatic suspension of license or permit for 14 days; 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 25, 2008

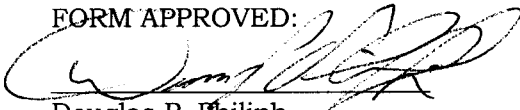
(2)

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 31st day of March 2008 and ending at 6:00 a.m. on the 14th day of April 2008.
3. The \$500.00 civil penalty is due and owing even if the automatic 14-day 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 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  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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**  
**February 11, 2008**  
**Alcohol Offenses**  
**\$500 Fine**

**Attachment "A"**

<b>Licensee/Permittee</b>	<b>Address</b>	<b>City, State Zip</b>	<b>Payment of Penalty</b>
Club Statik, Papa's Concert Hall, Inc.	215 E. 2 <sup>nd</sup> Street	Des Moines, IA 50309	Transferred to State
Kum & Go LC	3104 University Ave.	Des Moines, IA 50311	
Kum & Go LC	4200 E. Hubbell	Des Moines, IA 50320	
Git-N-Go #32	2911 Douglas Ave.	Des Moines, IA 50310	R3987 CK84727 2-20-08
Git-N-Go #27	1240 Keosauqua Way	Des Moines, IA 50309	R3988 CK84728 2-20-08
Double Deuce, S&J Entertainment, Inc.	2222 Forest Avenue	Des Moines, IA 50311	
Southport Center Sports Bar, LLC	1101 Army Post Rd.	Des Moines, IA 50315	
Lovely Food Mart, Corp.	4600 Fleur Dr.	Des Moines, IA 50321	R3999 cash 2-21-08
Shop N Save, Nagra, Lisa J.	1372 E. 14 <sup>th</sup> St.	Des Moines, IA 50316	
<del>Firehouse Lounge, FHL&amp;R LLC</del>	<del>1930 SE 6<sup>th</sup> Street</del>	<del>Des Moines, IA 50315</del>	Transferred to State
Oasis Grocery & Liquor, Sandhu Enterprises, LLC	2917 Payne Rd.	Des Moines, IA 50310	

★ Roll Call Number  
08-216

50  
Agenda Item Number  
20

Date February 11, 2008

**RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING  
ON ASSESSMENT OF \$500.00 PENALTIES TO ALCOHOLIC BEVERAGE  
LICENSE/PERMIT HOLDERS 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 violations are first violations for each of the listed license/permit holders; 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.

★ Roll Call Number  
08-216

50  
Agenda Item Number  
20

Date February 11, 2008

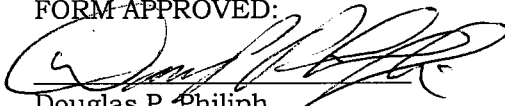
(2)

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 25, 2008 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 Hensley TO ADOPT.

FORM APPROVED:

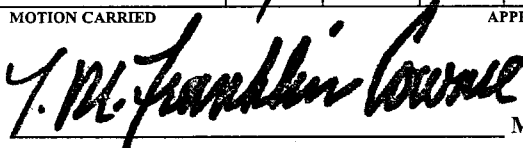
  
Douglas P. Philip  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

**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 7 APPROVED  
  
Mayor

  
City Clerk

ATTACHMENT A  
December 8, 2003  
Alcohol Offenses  
\$500 Fine

08-216  
26  
50

Attachment "A"

Licensee/Permittee	Address	City, State Zip	Payment of Penalty
Club Statik, Papa's Concert Hall, Inc.	215 E.2 <sup>nd</sup> Street	Des Moines, IA 50309	
Kum & Go LC	3104 University Ave.	Des Moines, IA 50311	
Kum & Go LC	4200 E. Hubbell	Des Moines, IA 50320	
Git-N-Go #32	2911 Douglas Ave.	Des Moines, IA 50310	
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Shop N Save, Nagra, Lisa J.	1372 E. 14 <sup>th</sup> St.	Des Moines, IA 50316	
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