

.....  
Date June 9, 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

Agenda Item Number

34

Date June 9, 2008

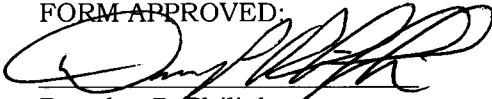
(2)

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 June 23, 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 \_\_\_\_\_ TO ADOPT.

FORM APPROVED:



Douglas P. Philiph  
Assistant City Attorney

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

**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

**ATTACHMENT A**

**June 9, 2008**

**Alcohol Offenses**

**\$500 Fine**

**Attachment "A"**

Licensee/Permittee	Address	City, State Zip	Offense	Offense Date	Previous Offense Date; Hrg RC
Stepin Out Restaurant/Lounge*	1820 E Army Post Rd.	Des Moines, IA 50320	1 <sup>st</sup>	2-28-08	
101 Lounge	102 3 <sup>rd</sup> Street	Des Moines, IA 50309	1 <sup>st</sup>	11-15-07	
Super Stop	727 SE 14 <sup>th</sup> Street	Des Moines, IA 50317	1 <sup>st</sup>	11-15-07	
Nat Food Mart	1443 2 <sup>nd</sup> Avenue	Des Moines, IA 50314	1 <sup>st</sup>	3-8-08	
Fairgrounds 66	303 SE 30 <sup>th</sup> Street	Des Moines, IA 50317	1st	11-15-07	
South Side Liquor and Tobacco Outlet	1101 Army Post Rd. Ste. B	Des Moines, IA 50315	1 <sup>st</sup>	2-28-08	

**\*New license as of 3-27-08, LC0036020 Party Town**

34