

Agenda Item Number

Date September 10, 2007

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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) provide that for a first conviction of Iowa Code section 123.49(2)(h) a local authority <u>shall impose</u> 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.



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Date September 10, 2007

Agenda Item Number

(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.
- 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 15th day of October 2007 and ending at 6:00 a.m. on the 29th day of October 2007.
- 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, 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

FORM APPROVED Douglas P. Philiph

Assistant City Attorney

MOVED BY _____ TO ADOPT

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COLEMAN					I, DIANE RAUH, City Clerk of said City hereby
HENSLEY					certify that at a meeting of the City Council of
KIERNAN					said City of Des Moines, held on the above date, among other proceedings the above was adopted.
MAHAFFEY					among other proceedings the above was adopted.
MEYER					IN WITNESS WHEREOF, I have hereunto set my
VLASSIS		1	1		hand and affixed my seal the day and year first above written.
TOTAL					above written.
MOTION CARRIED			A	PPROVED	
•				Mayor	City Clerk

02-1599 24-61

ATTACHMENT "A"

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	4 WUA 18 DRONA BOTTLES SOLD THE REEP	4670 NO.		CHECK ONE) INDED	D SB. REVIEWER	(A) ↓ IA □ CO. ATT □ PIO □ SO

E	_OF	-			JSPECT/PROP DES MOINES, IO	WA POLICE D	EPARTMENT				07-	1235	-2
HAIR/STY	'LE, LENC	GTH, F	FACIAL, FEAT	URES, SCARS,	MARKS, TATTOO)s, Build/i	MUSCULAR, SH	IORI	T, TALL, THIN,	FAT, ETC). 		EYES
			······				RISIA THEAT		DOB 5-3-79	нт. 511	WT. 180	BERL	EYES
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ADORE	ESS 4512	رح	755					<u></u>		WARRANT			NO
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US NAME/	/ALIAS			<u></u>			R/S/A	Τ	DOB	HT.	WT.	HAIR	EYES
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64.					CASE	STHEFAT OF	HARM OD IN HUMO	O AN		O THE COM	MUNITY? (IT	'EM 15)	
			1. DOES THE NA	ATURE OF THE OFFE	ENSE POSE A SERIOUS URED? (ITEM 36)	S INHEAT OF		, AN	on the on t		· ·		
					OCCENICE? //TEM 25)			310	IN REPROVE	? (ITEM CO'			
YE	es 🗋 🛛 NG	οD	4. CAN A SUSPE	ECT EITHER BE NAM	IED, LOCATED, IDENTIF	AN IDENTIFIAB	SLE DESCRIPTION D	SE FILL		1 OR 32)			
		0□ 0□	6. IS THERE A R	EASONABLE EXPEC	CTATION THAT PHYSIC/	AL EVIDENCE	CAN BE OBTAINED?	? (ITE)	M 28)				
YE		٥D	7. WAS IDENTIF	ABLE PROPERTY TA	AKEN? (ITEM 63)	()							
					S OF PROPERTY? (IT)	C DIOTINGTING	E OR UNUSUAL AND	VOR R	IELATED TO OTH	ER OFFENSI	ES? (ITEM 2	9, 30 AND 3	
			10. IS THERE RE.	ASON TO BELIEVE T	THAT THE CRIME IS SU	JCH THAT PUE	BLIC INTEREST AND	SUFF					عاد و بر
•					(RESULT IN SOLVING " IN DOMESTIC ABUSE,)	THE CRIME?							
Υl	<u>(</u>	<u></u> .		LL OF THESE QUES	STIONS ARE ANSWERE	ED NO, THE RI	EPORTING OFFICER	R WILL E IS BI	L SUSPEND THE	CASE			
	GFFICER			NO FURTHE		IDENT NO.	DATE 5-AM.07	T	SUSPE		YES		0 []
REFORMENT	11	. a			-+11	. and h							
REPORTINX 70-100-3 (FF	HOPI	2003)	2										

Charges, Dispositions, Sentences Title: STATE vs. MATHEW, DOMINIC P Case: 05771 NTT218315 (POLK)

Defendant: MATHEW, DOMINIC P

<u>Count 01</u>	<u>Charge</u>									
	Charge:	123.49(2)(H)-D	Description:	SUPPLY ALCOHOL TO PERSON UNDER AGE- EMPLOYEE						
	Offense Date:	04/05/2007	Arrest Date:	Against Type:						
	<u>Adjudication</u>									
	Charge:	123.49(2)(H)-D	Description:	SUPPLY ALCOHOL TO PERSON UNDER AGE- EMPLOYEE	•					
	Adj.:	GUILTY - NEGOTIATED/VOLUN PLEA	Adj.Date:	04/16/2007						
	Adj.Judge:	BIRKENHOLZ, JAMES D								
	Comments:									
	Sentence									
	Charge:	123.49(2)(H)-D	Description:	SUPPLY ALCOHOL TO PERSON UNDER AGE- EMPLOYEE						
	Sentence Date:	04/16/2007	Sentence:	FINE						
	Appeal:		Sen.Judge:	BIRKENHOLZ, JAMES D						
	Facility Type:		Attorney:	Ν						
	Restitution:	Ν	Drug:	N Extradition: N						
	Lic.Revoked:	Ν	DDS:	N Batterer:						
	Fine Amount:		Duration:							
	Comment:				w.807					
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	CASE INVESTIGATION F			· · · ·		
OME	DES MOINES, IOWA POLICE DEPAR		1. NAME (LA	ST, FIRST, MIDDLE) NEY, JANED 3 E. LACO	- 2,	2. CASE NUMBER 07-12368
17. DK		19. REP. AREA	3. ADDRESS		CITY	4. RES. PHONE
Ι,	3 334		84	3 E. LACO,	JA DUM	6. BUS. PHONE
20.00	CCUPATION 21. HOURS 2	22. SOBRIETY	5. PLACE OF	EMPLOYMENT OR SCHOOL		6. BUS. PHONE
BA1	RTENDER UNK	SBR	500	DOB ETHNIC		,
	ESCRIBE LOCATION OF OFFENSE OR TYPE C				8. LOCATION OF OFFENSE (AD	
17	BUSINEUS		11-52	11-15-54 □ NH D	1511E.A	RMY POST RD.
	HICLE USED LIC. NO.	TE YEAR		NG PERSON R/S/A		10. RES. PHONE
BY	Y SUSPECTS		DA	100/		
COLO	R YEAR MAKE BODY	MODEL		ING PERSON'S ADDRESS	CITY	12. BUS. PHONE
					14. DATE AND TIME	REPORTED
IDENT						
	Æ		<u>s</u>	PRILOI 11	40 0 MPR.	16011145
	E: V-VICTIM (OTHER THAN IN BLOCK #		15. CRIME	5. 4		16 OJ 1745 16. CLASSIFICATION Rrow JOZ
RAC	E, AGE W-WITNESS yP-PARENT C)r guardian	SEZLI.	NG ALCOLOLT	O UNDERAGE PE	Rrow OC
25. NA	AME	C	CODE RE	SIDENCE ADDRESS	CITY	RES. PHONE BUS. PHONE
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26.		<u>[</u> -				
27.						I
	B	-				
28 NC	TIFICATIONS	I				·····
		DENTIFICATION UN			E INVEST PHOTOGRAPH	IS 🗆 YES 🔊 🗐
INVE					32. VICTIM'S VEHICLE LIC	
l	29. TOOL OR WEAPON USED	30, METHOD USED		31. POINT OF ENTRY	JOZ. VICTIM S VEHICLE LIC	J. NO. STATE/TEAH
ອັ						
RIES	33. TYPE PROPERTY TAKEN	34. TOTAL VALUE		LOCATION OF VICTIM'S PROP	ERIY 36. DEGREE OF INJURY	AND VICTIM'S CONDITION
PROPERTY &	ITEM 63		<u> </u>			
fe -	37. TYPE OF INJURY AND LOCATION ON BO	YOC			38. HOSPITAL	39. TRANSPORTED BY
	/		-			
	40. COLOR OF DOC. 41. TYPE OF DOC.	42. DATE OF DOC	. 43.	DOCUMENT NO.	44. FIRM NAME OF DOCU	JMENT
ით						
WORTHLESS DOCUMENTS	45 NAME OF NO. OF BANK	46. MADE PAYABL	E TO	· · · · · · · · · · · · · · · ·	47. SIGNATURE ON FACE	<u> </u>
HHN						
N N N	48 REASON NOT HONORED	49. TYPE OF PRO	PERTY OR SEF	RVICES OBTAINED	50. AMOUNT OF DOCUM	ENT
_	A					
	51. DO YOU HAVE A CURRENT NO CONTAG	CT 52. HAS THE SUS	PECT BEEN CI		BUSED PERSON RIGHTS GIVEN?	YES NO
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з	ORDER?				IEST A NO CONTACT ORDER	
3 ABU(THE VICTIM O		THE PAST? I REQU	JEST A NO CONTACT ORDER:	
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N To	YES NO D	THE VICTIM O YESE	NOE NOE	THE PAST? I REQU	SIGNATURE OF V EXSON OF 1	8 yrs OF AGE ARTEN DER,
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N TO DE TO TO	YESD NOD ICS OFFICERS 5 "SUDSUCKER TANET PUTNEY Y UNDERAGE PE YEN SOLD A 114 18 YR OLD.	THE VICTIM O YESE SENT A C" 1511 a DID MID DRAUGH JESCUEC	NOT NOT NOT NOT NOT NOT NOT NOT	THE PAST? I REQU I DEVERAGE P POST FE FOR I. R TENPER VIE F BUD L	SIGNATURE OF V EXISON OF 1 D. THE B. WHICH W FW THIN F. GAT FOR	8 JAS OF AGE ARTEN DER, UAS PRODUCED D AND 41.50/ TO NO. 60. UNIT REFERRED TO:
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N TO D BY T TO COM	YESD NOD VESD NOD 1CS OFFICERS 5 SUDSUCKER TANET PUTNEY Y UNDERACE PE VIEN SOLD A 114 18 YR OLD, PORTING OFFICER EVIANS 472 FFICER	THE VICTIM O YESE SENT A C'' ISII C DRAUCH DRAUCH JSSUEC SO NO. 55. STATUS (C SO SO SO SE SUSPEN SO SE SUSPEN SO SE SUPERVIS	NO E NO E NO E NO E NO E NO E NO E NO E	THE PAST? I REQU I DEVERAGE POST FE FOR I.R FOR I.R TENPER VIE I FRUD L. DEV. CLD BELOSED G NO.	SIGNATURE OF V EXTSON OF 1 D. THE B WHICH W WHICH W WHICH W WHICH W S. REVIEWER 58. REVIEWER 58. REVIEWER 59. UCR-DISPOSITION	8 JAS OF ABE ARTENDER, UAS PRODUCED DAS PRODUCED DAND 41,50/TO NO. 60. UNIT REFERRED TO: CIB V/NCU I A CO. ATT.
N TO B B T TO BORE	YESD NOD VESD NOD 1CS OFFICER SUD SUCKER TANET PUTNEY J UNDERALE PE THEN SOLD A 111 18 UR OLD, POBMING OFFICER EVANUS 47	THE VICTIM O YESE SENT A C'' ISII C DRAUCH DRAUCH JSSUEC SO NO. 55. STATUS (C SO SO SO SE SUSPEN SO SE SUSPEN SO SE SUPERVIS	NO E NO E NO E NO E NO E NO E NO E NO E NO E	THE PAST? I REQU I DEVRAGE P Pay Post R For I. R For I. R TENDER VIL SE RUD L ATENDER VIL DE RUD L DE RUD	SIGNATURE OF V EXTSON OF 1 D. THE B WHICH W WHICH W WHICH W WHICH W S. REVIEWER 58. REVIEWER 58. REVIEWER 59. UCR-DISPOSITION	8 JAS OF ABE ARTENDER, UAS PRODUCED D AND 41,50/TO NO. 60. UNIT REFERRED TO: CIB V/NCU IA CO. ATT. PIO SO

PAGE	~2 <u>~</u>	2
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SUSPECT/PRC	DPERTY	INFORMATION

PAGE								61. CASE N	1234	8			
62. HAIF	R/STYLE,	LENGT	H, FACIAL, FEA	TURES, SCARS, N	MARKS, TATTOOS, BI	UILD/MU	SCULAR,	SHORT,	TALL, THIN	I, FAT, ET	C.		
sus 1		SATN	EY, JA	JET LOI	RETTA		RISIA NF53	2 //	DOB 19-54	нт. 5-1	wт. 11 о	HAIR B.R.)	EYES
	ADDRESS		//	LET LOI			PHONE NO.			ARRESTED	?	YES	
	ÿ.	43	E. LA	LCONA			Un	1 <u> </u> C	ETHNIC	WARRANT		YES 🗋	NO
		t é								CHARGES	FILED?	YES	
sus 2	NAME/ALIA	s					R/S/A		DOB	HT.	WT.	HAIR	EYES
	ADDRESS				·········		PHONE NO.		<u></u>	ARRESTED	?	YES 🗌	
										WARRANT	NEEDED?	YES 🗌	
										CHARGES		YES 🗌	
sus 3	NAME/ALIA	S					R/S/A		DOB	нт.	WT.	HAIR	EYES
	ADDRESS	·		<u> </u>			PHONE NO.			ARRESTED	?	YES 🗌	
							l			WARRANT	NEEDED?	YES 🗋	
										CHARGES	FILED?	YES 🗌	
	NAME/ALIA						R/S/A		DOB	HT.	WT.	HAIR	EYES
4							PHONE NO					YES 🗌	
	ADDRESS						PHONE NO			ARRESTED			
					<u></u>		<u> </u>			1		YES 🗋	
63.					PROPERTY DE	SCRIP	TION)			
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					<u> </u>	<u></u>						<u></u>	
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64.	·				CASE SCR	EENIN	G						
<u>.</u>	YES 🗌	NO 🗌	1. DOES THE NATI	JRE OF THE OFFENSE	POSE A SERIOUS THREAT	OF HARM	OR INJURY T		VIDUAL OR TO	THE COMM	UNITY? (ITE	M 15)	
	YES 🗌			N SERIOUSLY INJURED									
	YES 🗌			VITNESS TO THE OFFE				י ייארידמוס		(ITEM 62)			
	YES				OCATED, IDENTIFIED, OR A								
	YES 🗋 YES 🗖				ON THAT PHYSICAL EVIDE								
				BLE PROPERTY TAKEN									
	YES		8. WAS THERE A S	UBSTANTIAL LOSS OF	PROPERTY? (ITEM 63)					05551050		20 AND 241	
	YES 🗌		9. WERE CERTAIN	EVENTS OR ACTIONS	IN THE OFFENSE DISTINC THE CRIME IS SUCH THAT	TIVE OR U		SUPPOP		INVESTIGAT	TION MAY PF	ODUCE MOF	RE
	YES 🗌	NO 凵			ULT IN SOLVING THE CRIM		CILOI AND	Jon On					
	YES 🗌	NO 🗌	11. WAS THE OFFE	NSE, OTHER THAN DO	MESTIC ABUSE, A SIMPLE	MISDEMEA	NOR THAT O	CCURREE	IN THE OFFIC	ER'S PRESE	NCE? (ITEN	15)	
			IF ALL THE VIC	TIM WILL BE INFORM	S ARE ANSWERED NO, TH ED BY THE REPORTING OF TON WILL BE TAKEN UNLI	FICER TH	AT THE CASE	E IS BEING	SUSPENDED /	SE AND			
REPORT		R,			IDENT NO.	DATE			SUSPEN		YES		7
	21	Bok	5		4750	14/	5107	<u> </u>					_

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	LUMALS
70-100-3	(REVISED DEC. 2003)

Charges, Dispositions, Sentences Title: STATE vs. PUTNEY, JANET L Case: 05771 NTT218310 (POLK)

4

Defendant: PUTNEY, JANET L

<u>Count 01</u>	<u>Charge</u>						
	Charge:	123.49(2)(H)-D	Description:	SUPPLY ALCOHOL T EMPLOYEE	O PERSON UNDER AGE-		
	Offense Date:	04/05/2007	Arrest Date:	Against Type	:		
	Adjudication						
	Charge:	123.49(2)(H)-D	Description:	SUPPLY ALCOHOL TO PERSON UNDER AG EMPLOYEE			
	Adj.:	GUILTY - NEGOTIATED/VOLUN PLEA	Adj.Date:	04/17/2007			
	Adj.Judge:	BIRKENHOLZ, JAMES D					
	Comments:						
	Sentence						
	Charge:	123.49(2)(H)-D	Description:	SUPPLY ALCOHOL TO PERSON UNDER AC EMPLOYEE			
	Sentence Date:	04/17/2007	Sentence:	FINE			
	Appeal:		Sen.Judge:	BIRKENHOLZ, JAME	ES D		
	Facility Type:		Attorney:	Ν			
	Restitution:	Ν	Drug:	N Extradition:	Ν		
	Lic.Revoked:	Ν	DDS:	N Batterer:			
	Fine Amount:		Duration:				
	Comment:						
		a fan an a					
					CN=kevansci,O=JUDICIAL		
			ge Password				
	Р	lease Logoff when you are through	accessing case	etail information.			
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