

★ Roll Call Number

Agenda Item Number

62

.....
Date September 10, 2007

PUBLIC HEARING ON ASSESSMENT OF \$1,500.00 PENALTY AND
30-DAY SUSPENSION OF ALCOHOLIC BEVERAGE PERMIT TO
THE SHORTSTOP STORE LOCATED AT 3501 E. 14TH
FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS

WHEREAS, an employee of the Shortstop Store located at 3501 E. 14th Street sold an alcoholic beverage to a person under legal age at the place of business in violation of Iowa Code Section 123.49(2)(h) on 4/5/07, and was convicted of the 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 violation of Iowa Code Section 123.49(2)(h) is the second conviction within 2 years; A Shortstop employee at 3501 E. 14th being previously convicted of violating 123.49(2)(h) on 11/10/05; and

WHEREAS, Iowa Code Section 123.50(3) and Des Moines Ordinance 10-13(C)(2) provide that for a second conviction of Iowa Code Section 123.49(2)(h) in a two-year period a local authority shall impose a civil penalty in the amount of \$1,500.00 in addition to a 30 day suspension of license/permit; 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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that:

1. The Shortstop Store located at 3501 E.14th Street is assessed a civil penalty in the amount of \$1,500.00 and shall serve a 30 day suspension of its Beer Permit No. BC-0028635, or its replacement beer permit upon renewal, for sale of alcoholic beverages to persons under legal age.
2. The suspension will commence at 6:00 a.m. Tuesday, October 2, 2007 and end at 6:00 a.m. Thursday, November 1, 2007.
3. The City Clerk is directed to notify the permit holder by sending through ordinary mail a copy of this resolution as soon as possible.
4. The permit holder may pay the \$1,500.00 civil penalty to the City of Des Moines at the City Clerk's Office.
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.

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				

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

2007 APR -5 PM 7:46

CASE INVESTIGATION REPORT

DES MOINES, IOWA POLICE DEPARTMENT

DOMESTIC ABUSE HATE/BIAS LEOKA

17. DISTRICT 2			18. BEAT 325		19. REP. AREA		1. NAME (LAST, FIRST, MIDDLE) LENG, MICHAEL SEO			2. CASE NUMBER 07-12361		
20. OCCUPATION CLERK			21. HOURS WIK		22. SOBRIETY SBR		3. ADDRESS 3105 E.P. TRUE PKWAY W Dsm			4. RES. PHONE UNK		
23. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISE BUSINESS							7. R/S/A AM24329-88			8. LOCATION OF OFFENSE (ADDRESS) 3501 E. 14TH		
24. VEHICLE USED LIC. NO. BY SUSPECTS N			STATE		YEAR		9. REPORTING PERSON DMPD			10. RES. PHONE		
COLOR			YEAR		MAKE		11. REPORTING PERSON'S ADDRESS			12. BUS. PHONE		
IDENTIFYING CHARACTERISTICS OF VEHICLE A							13. DATE AND TIME OCCURRED 5 APRIL 07 1700			14. DATE AND TIME REPORTED 5 APRIL 07 1700		
CODE: V-VICTIM (OTHER THAN IN BLOCK #1) AND SHOW SEX, RACE, AGE W-WITNESS, P-PARENT OR GUARDIAN							15. CRIME SELLING ALCOHOL TO UNDERAGE PERSON			16. CLASSIFICATION 902		
25. NAME N			CODE		RESIDENCE ADDRESS		CITY			RES. PHONE		
26.												
27. A												
28. NOTIFICATIONS INVESTIGATOR'S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IDENTIFICATION UNIT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OFFICE CASE INVEST PHOTOGRAPHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO												
PROPERTY & INJURIES	29. TOOL OR WEAPON USED N			30. METHOD USED			31. POINT OF ENTRY			32. VICTIM'S VEHICLE LIC. NO. STATE/YEAR		
	33. TYPE PROPERTY TAKEN ITEM 63			34. TOTAL VALUE ITEM 63			35. LOCATION OF VICTIM'S PROPERTY			36. DEGREE OF INJURY AND VICTIM'S CONDITION		
	37. TYPE OF INJURY AND LOCATION ON BODY						38. HOSPITAL			39. TRANSPORTED BY		
WORTHLESS DOCUMENTS	40. COLOR OF DOC.		41. TYPE OF DOC.		42. DATE OF DOC.		43. DOCUMENT NO.			44. FIRM NAME OF DOCUMENT		
	45. NAME OF NO. OF BANK A			46. MADE PAYABLE TO			47. SIGNATURE ON FACE					
	48. REASON NOT HONORED			49. TYPE OF PROPERTY OR SERVICES OBTAINED			50. AMOUNT OF DOCUMENT					
DOMESTIC ABUSE	51. DO YOU HAVE A CURRENT NO CONTACT ORDER? YES <input type="checkbox"/> NO <input type="checkbox"/>				52. HAS THE SUSPECT BEEN CHARGED WITH DOMESTIC ABUSE ASSAULT ON THE VICTIM OR OTHERS IN THE PAST? YES <input type="checkbox"/> NO <input type="checkbox"/>				53. NOTICE OF ABUSED PERSON RIGHTS GIVEN? YES <input type="checkbox"/> NO <input type="checkbox"/> I REQUEST A NO CONTACT ORDER:			
												SIGNATURE OF VICTIM
ON ABOVE DATE, NCS OFFICERS SENT AN UNDERAGE PERSON OF 18 YR. OF AGE INTO THE "SHORT STOP" 3501 E. 14TH THE CLERK, MICHAEL LENG, SOLD A SIX PACK OF MILLER BEER TO THIS UNDERAGE PERSON WITHOUT CHECKING I.D. FOR \$6.65												
ISSUED SUMMONS #279155 - COURT DATE 4-16-07												
BEER PLACED ON PRN A 72623									57. REPRODUCED BY NO.		60. UNIT REFERRED TO: <input checked="" type="checkbox"/> CIB <input checked="" type="checkbox"/> V/NCU <input type="checkbox"/> IA <input type="checkbox"/> CO. ATT. <input type="checkbox"/> PIO <input type="checkbox"/> SO <input type="checkbox"/> CHIEF <input type="checkbox"/> OTHER:	
54. REPORTING OFFICER NO. H. EVANS 4758			55. STATUS (CHECK ONE) <input type="checkbox"/> SUSPENDED <input type="checkbox"/> EX. CLD <input type="checkbox"/> OPEN <input checked="" type="checkbox"/> CLOSED			58. REVIEWER						
56. SUPERVISOR APPROVING NO. R. JOHNSON 4674			59. UCR DISPOSITION NO. 4758									

Charges, Dispositions, Sentences

Title: STATE vs. LENG, MICHAEL SEO

Case: 05771 NTT218311 (POLK)

Defendant: LENG, MICHAEL SEOCount 01**Charge****Charge:** 123.49(2)(H)-D**Description:** SUPPLY ALCOHOL TO PERSON UNDER AGE-EMPLOYEE**Offense Date:** 04/05/2007**Arrest Date:** **Against Type:****Adjudication****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:** N**Restitution:** N**Drug:** N **Extradition:** N**Lic.Revoked:** N**DDS:** N **Batterer:****Fine Amount:****Duration:****Comment:**

CN=kevansci,O=JUDICIAL

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CASE INVESTIGATION REPORT
DES MOINES, IOWA POLICE DEPARTMENT

DOMESTIC ABUSE HATE/BIAS LEOKA


17. DISTRICT 2			18. BEAT 324			19. REP. AREA			1. NAME (LAST, FIRST, MIDDLE) SHORT STOP			2. CASE NUMBER 05-46071					
20. OCCUPATION POLICE			21. HOURS OF EMPLOY.			22. SOBRIETY			3. ADDRESS 3501 E. 14TH			CITY DSM					
23. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISE CONVENIENCE STORE			7. R/S/A -- D.O.B. --			ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>			5. PLACE OF EMPLOYMENT OR SCHOOL			8. LOCATION OF OFFENSE (ADDRESS) 3501 E. 14TH					
24. VEHICLE USED BY SUSPECTS			LICENSE NO.			STATE			YEAR			9. REPORTING PERSON DMPD-NCS					
COLOR			YEAR			MAKE			BODY			MODEL					
11. REPORTING PERSON'S ADDRESS			CITY			12. BUS. PHONE			10. RES. PHONE			R/S/A					
IDENTIFYING CHARACTERISTICS OF VEHICLE			13. DATE AND TIME OCCURRED 10 NOV 05 2155			14. DATE AND TIME REPORTED 10 NOV 05 2155			15. CRIME SELLING ALCOHOL TO MINOR			16. CLASSIFICATION					
CODE: V-VICTIM (OTHER THAN IN BLOCK #1) AND SHOW SEX RACE, AGE, W-WITNESS; P-PARENT OR GUARDIAN.			25. NAME			CODE			RESIDENCE ADDRESS			CITY					
			26.						RES. PHONE			BUS. PHONE					
			27.														
28. NOTIFICATIONS: INVESTIGATOR'S <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			IDENTIFICATION UNIT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			PHOTOGRAPHS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO											
P & R I O N P J E U R R T I Y E S	29. TOOL OR WEAPON USED			30. METHOD USED			31. POINT OF ENTRY			32. VICTIM'S LICENSE NO. STATE/YEAR			VEHICLE				
	33. TYPE PROPERTY TAKEN ITEM 63			34. TOTAL VALUE ITEM 63			35. LOCATION OF VICTIM'S PROPERTY			36. DEGREE OF INJURY AND VICTIM'S CONDITION							
	37. TYPE OF INJURY AND LOCATION ON BODY									38. HOSPITAL			39. TRANSPORTED BY				
W D O R C T U L M E S N S T S	40. COLOR OF DOC.			41. TYPE OF DOC.			42. DATE OF DOC.			43. DOCUMENT NO.			44. FIRM NAME OF DOCUMENT				
	45. NAME AND NO OF BANK			46. MADE PAYABLE TO						47. SIGNATURE ON FACE							
	48. REASON NOT HONORED			49. TYPE OF PROPERTY OR SERVICES OBTAINED						50. AMOUNT OF DOCUMENT							
D A O B M U E S E T I C	51. DO YOU HAVE A CURRENT NO CONTACT ORDER? YES <input type="checkbox"/> NO <input type="checkbox"/>			52. HAS THE SUSPECT BEEN CHARGED WITH DOMESTIC ASSAULT ON THE VICTIM OR OTHERS IN THE PAST? YES <input type="checkbox"/> NO <input type="checkbox"/>			53. NOTICE OF ABUSED PERSON RIGHTS GIVEN? YES <input type="checkbox"/> NO <input type="checkbox"/> I REQUEST A NO CONTACT ORDER:										
										SIGNATURE OF VICTIM							
<p>ON THIS DATE I USED A CONFIDENTIAL INFORMANT WHO WAS TWENTY (20) YEARS OLD TO CONDUCT AN ALCOHOL COMPLIANCE CHECK AT SHORT STOP. I WATCHED AS THE INFORMANT WALKED TO THE COUNTER WITH A 6-PACK OF MILLER LITE. MR. JENKINS ASKED FOR AN ID, WHICH THE INFORMANT PROVIDED HER IA DRIVERS LICENSE. IT SHOWED HER DOB AS 05-01-85, AND CLEARLY STATED ABOVE THE PICTURE "UNDER 21 UNTIL 05-01-06". HE THEN SOLD HER THE BEER FOR \$6.65. HE WAS ISSUED UNIFORM CITATION #278277 AND RELEASED.</p>																	
54. REPORTING OFFICER KALAR, TINA			NO. 4926			55. STATUS (CHECK ONE) <input type="checkbox"/> OPEN <input type="checkbox"/> EX. CLD. <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CLOSED			57. REPRODUCED BY			NO.					
2ND OFFICER			NO.			56. SUPERVISOR APPROVING			NO.			58. REVIEWER					
												59. UCR DISPOSITION					
												60. UNIT REFERRED TO: <input type="checkbox"/> CID <input type="checkbox"/> SO <input type="checkbox"/> VNCS <input type="checkbox"/> CHIEF <input type="checkbox"/> IA <input type="checkbox"/> PIO <input type="checkbox"/> CO. ATT. <input type="checkbox"/> OTHER					

SUSPECT/PROPERTY INFORMATION
DES MOINES, IOWA POLICE DEPARTMENT

61. CASE NUMBER
05-46071

62.

NOTE SUSPECT PECULIARITIES
HAIR/STYLE, LENGHT; FACIAL FEATURES; SCARS, MARKS, TATTOOS; BUILD/MUSCULAR, SHORT, TALL THIN, FAT, ETC.

SUS 1	NAME/ALIAS JENKINS, ANTOINE RAY	R/S/A BM26	D.O.B. 01-22-79	HT. 5'11	WT. 175	HAIR BLK	EYES BRO
	ADDRESS 1636 HULL AVE #104	PHONE NO. UNK.		ARRESTED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		WARRANT NEEDED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input checked="" type="checkbox"/>		CHARGES FILED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
SUS 2	NAME/ALIAS	R/S/A	D.O.B.	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED? YES <input type="checkbox"/> NO <input type="checkbox"/>		WARRANT NEEDED? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		CHARGES FILED? YES <input type="checkbox"/> NO <input type="checkbox"/>			
SUS 3	NAME/ALIAS	R/S/A	D.O.B.	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED? YES <input type="checkbox"/> NO <input type="checkbox"/>		WARRANT NEEDED? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		CHARGES FILED? YES <input type="checkbox"/> NO <input type="checkbox"/>			
SUS 4	NAME/ALIAS	R/S/A	D.O.B.	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED? YES <input type="checkbox"/> NO <input type="checkbox"/>		WARRANT NEEDED? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		ETHNIC H <input type="checkbox"/> NH <input type="checkbox"/>		CHARGES FILED? YES <input type="checkbox"/> NO <input type="checkbox"/>			

63.

PROPERTY DESCRIPTION

QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	MISC. DESCRIPTION: COLOR, SIZE, INSCRIPTIONS, CALIBRE, ETC.	VALUE

63.

CASE SCREENING

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. DOES THE NATURE OF THE OFFENSE POSE A SERIOUS THREAT OF HARM OR INJURY TO AN INDIVIDUAL OR TO THE COMMUNITY? (ITEM 15)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. WAS THE VICTIM SERIOUSLY INJURED? (ITEM 36)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. WAS THERE A WITNESS TO THE OFFENSE? (ITEM 25)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. CAN A SUSPECT EITHER BE NAMED, LOCATED, IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? (ITEM 62)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. CAN A SUSPECT VEHICLE EITHER BE IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? (ITEM 24 OR 32)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. IS THERE A REASONABLE EXPECTATION THAT PHYSICAL EVIDENCE CAN BE OBTAINED? (ITEM 28)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. WAS IDENTIFIABLE PROPERTY TAKEN? (ITEM 63)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8. WAS THERE A SUBSTANTIAL LOSS OF PROPERTY? (ITEM 63)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. WERE CERTAIN EVENTS OR ACTIONS IN THE OFFENSE DISTINCTIVE OR UNUSUAL AND/OR RELATED TO OTHER OFFENSES? (ITEMS 29, 30 AND 31)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. IS THERE REASON TO BELIEVE THAT THE CRIME IS SUCH THAT PUBLIC INTEREST AND SUPPORT OR FUTHER INVESTIGATION MAY PRODUCE MORE INVESTIGATIVE LEADS, AND MAY RESULT IN SOLVING THE CRIME?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11. WAS THE OFFENSE, OTHER THAN DOMESTIC ABUSE, A SIMPLE MISDEMEANOR THAT OCCURRED IN THE OFFICER'S PRESENCE? (ITEM 15)

IF ALL OF THESE ITEMS ARE ANSWERED NO, THE REPORTING OFFICER WILL SUSPEND THE CASE

THE VICTIM WILL BE INFORMED BY THE REPORTING OFFICER THAT THE CASE IS BEING SUSPENDED AND NO FUTHER ACTION WILL BE TAKEN UNLESS FURTHER LEADS ARE PRODUCED.

REPORTING OFFICER KALAR, TINA	IDENT. NO. 4926	DATE 111005	SUSPENDED YES <input type="checkbox"/> NO <input type="checkbox"/>
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Filings

File: STATE VS ANTOINE RAY JENKINS

Case: 05771 SMAC278670 (POLK)

<u>Event</u>	<u>Filed By</u>	<u>Filed</u>	<u>Create Date</u>	<u>Last Updated</u>
COURT ORDERED PAYMENT PLAN		11/30/2005	11/30/2005	11/30/2005
OTHER ORDER	BRANDT GREGORY D	11/29/2005	11/30/2005	11/30/2005
<i>Comments:</i> TIME TO PAY TILL 12/31/05; NO FURTHER CONTINUANCES				
COURT ORDERED PAYMENT PLAN		11/18/2005	11/18/2005	11/30/2005
ORDER OF DISPOSITION	BRANDT GREGORY D	11/17/2005	11/18/2005	11/18/2005
<i>Comments:</i> PLED GUILTY-\$500FINE+SC+CC PAY BY 11/30/05				
CRIMINAL COMPLAINT	PRICE WILLIAM A	11/15/2005	11/15/2005	11/15/2005
<i>Comments:</i> SELLING ALCOHOL TO MINOR				
DMPD 05-46071				
APPEAR:11/17/05 1PM RM 102				