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Date January 24, 2011

**PUBLIC HEARING ON ASSESSMENT OF \$500.00 PENALTIES
TO LIQUOR LICENSE HOLDERS LISTED ON ATTACHMENT "A"
FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS**

WHEREAS, employees of liquor license 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) 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;

Date January 24, 2011

(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 28th day of February 2011 and ending at 6:00 a.m. on the 14th day of March 2011.
3. The \$500.00 civil penalty is due and owing even if the automatic 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 the Alcoholic Beverages Division of the Iowa Department of Commerce, 1918 S.E. Hulsizer, Ankeny, Iowa, 50021.

MOVED BY _____
TO ADOPT

FORM APPROVED:

Douglas P. Philiph
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

Mayor

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.

City Clerk

ATTACHMENT "A"

January 10, 2011

Alcohol Offenses

\$500 Fine

Licensee/Permittee	Address	City, State Zip	Offense	Offense Date	Paid Date: Receipt #
La Paris Café	1517 2nd Avenue	Des Moines, IA 50314	1st	09-02-10	
West End Lounge	2309 Forest Avenue	Des Moines, IA 50311	1st	08-28-10	