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**Date:** July 11, 2011

RESOLUTION FIXING DATE, TIME AND PLACE FOR 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

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: July 11, 2011

(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 July 25, 2011 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 liquor license holders listed in attachment "A" an opportunity 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 holders by sending through ordinary mail a copy of this resolution at least 10 days in advance of the scheduled hearing.
3. The license 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. Philip  
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"  
 July 11, 2011  
 Violations for sale to minor

<i>Licensee</i>	<i>Address</i>	<i>City State Zip</i>	<i>License No.</i>	<i>Date of Violation</i>
1. Hoffman Enterprises, Inc. dba Licker Room	2301 SW 9 <sup>th</sup> Street	Des Moines, IA 50315	LC0037268	4/20/11
2. Casey's Store #2676	2106 Echo Valley Dr.	Des Moines, IA 50321	BC0029429	4/20/11
3. Citgo	1800 SE 14 <sup>th</sup> Street	Des Moines, IA 50320	BC0022028	1/26/11
4. Jiffy #924	3718 SW 9 <sup>th</sup> Street	Des Moines, IA 50315	BC0021303	2/17/11
5. Kum & Go #120	101 Army Post Rd.	Des Moines, IA 50315	BC0027692	2/17/11
6. Cigarette Outlet #4	2800 E. University	Des Moines, IA 50317	LE0001715	1/26/11
7. Tequila's Liquor Store	1434 Des Moines St., Ste. 5	Des Moines, IA 50316	LE0001484	1/26/11
8. Air Lanes	4200 Fleur Dr.	Des Moines, IA 50321	LC0032681	4/13/11
9. Shop N Save,	1829 6 <sup>th</sup> Ave.	Des Moines, IA 50314	LE0001745	3/29/11
10. Git-N-Go #27	1240 Keosauqua Way	Des Moines, IA 50309	BC0026423	3/29/11
11. Walgreens #5721	3140 SE 14 <sup>th</sup> Street	Des Moines, IA 50320	BC0029383	4/4/11
12. Walgreens #359	2545 E. Euclid Ave. Ste. 130	Des Moines, IA 50317	BC0029377	4/4/11
13. Walgreens #7968	6200 SE 14 <sup>th</sup> Street	Des Moines, IA 50320	BC0029381	4/8/11