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Date: November 21, 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) or Municipal Code section 10-06(9); 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 Municipal Code section 10-13(c) provide that for a first violation of selling alcohol to a person under legal age the city 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: November 21, 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 December 5, 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	<p style="text-align: center;">CERTIFICATE</p> <p>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.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</p> <p style="text-align: right;">_____ City Clerk</p>
COWNIE					
COLEMAN					
GRIESS					
HENSLEY					
MAHAFFEY					
MEYER					
MOORE					
TOTAL					
MOTION CARRIED				APPROVED	
_____ Mayor					

ATTACHMENT "A"

Violations for Sale of alcohol to Under Age Person:

Licensee	Address	City State Zip	License No.	Date of Violation	1 st ; 2 nd in 2 yr.; 3 rd in 3yr. or 4 th in 3 yr.	Previous violation	Date Paid
Star Bar	2811 Ingersoll Ave.	Des Moines, IA 50312	LC0034008	7-29-2011	1 st Offense		
Downtown Pantry	208 4 th Street	Des Moines, IA 50309	LE0001747	7-30-2011	1 st Offense		
Nadry, Inc.	2701 Ingersoll Ave.	Des Moines, IA 50312	BC0028458	7-29-2011	1 st Offense		
Johnny's Hall of Fame	302 Court Avenue	Des Moines, IA 50309	LC0034517	7-29-2011	1 st Offense		
US Gas	3000 SW 9 th Street	Des Moines, IA 50315	LE0001923	8-6-2011	1 st Offense		
Kamodo-Club-Sake-n Sushi	214 3 rd Street	Des-Moines, IA-50309	LC0035725	7-30-2011	1 st Offense		