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Date ..... March 26, 2012 .....

PUBLIC HEARING ON ASSESSMENT OF A \$500.00 PENALTY TO AZEZA INC.  
d/b/a DES MOINES FOOD AND LIQUOR 5000 SW 9<sup>TH</sup> STREET  
FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS

WHEREAS, an employee of Azeza Inc. d/b/a Des Moines Food and Liquor sold an alcoholic beverage to a person under legal age at the licensed premises in violation of Des Moines Municipal Code section 10-06(9) on December 20, 2011 and was 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 violation is the first violation for this license/permit holder; 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 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;

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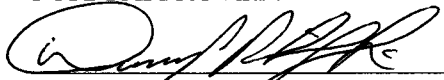
(2)

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

1. Azeza Inc. d/b/a Des Moines Food and Liquor 5000 SW 9<sup>th</sup> Street is hereby assessed a civil penalty in the amount of \$500.00 for sale of an alcoholic beverage to a person 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 30th day of April 2012 and ending at 6:00 a.m. on the 14th day of May 2012.
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 holder, unless the penalty is 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. Philip  
 Assistant City Attorney

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

**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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk