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Date August 13, 2012

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 Des Moines Municipal Code Section 10-6(9) 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, Des Moines Municipal Code Section 10-13(c)(1) provides that for a first violation of Municipal Code section 10-6(9) or Iowa code Section 123.49(2)(h) the city <u>shall impose</u> 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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Date August 13, 2012

Agenda Item Number



(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 17th day of September 2012 and ending at 6:00 a.m. on the 1st day of October 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 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	CERTIFICATE
COWNIE					
COLEMAN	1				I, DIANE RAUH, City Clerk of said City hereby
GRIESS					certify that at a meeting of the City Council of said City of Des Moines, held on the above date,
HENSLEY					among other proceedings the above was adopted.
MAHAFFEY					
MEYER					IN WITNESS WHEREOF, I have hereunto set my
MOORE					hand and affixed my seal the day and year first above written.
TOTAL				1	
MOTION CARRIED	<u>,</u>		A	PPROVED	
				Mavor	City Clerk

ATTACHMENT "A"

Vinlatic s for Sale of alcohol to Under Age Person:

	Address	City State Zin	License No.	Date of	1^{st} ; 2^{nd} in 2	Previous violation	Date Paid
Licensee	Audress			Violation	yr.; 3 rd in 3yr. or 4 th in 3 yr.		
Lovely Food Mart	4600 Fleur Dr	Des Moines, IA 50321	BC0028692	12/20/11	1 st Offense	K 12869, CK 1983 8-10-12-	21-01-8 63
Kum & Gn #208	3200 SE 14 th St	Des Moines, IA 50315	LE0002049	04/27/12	1 st Offense	- K12784	204777 - m. Z
Linh Lifa	200 SW 2 nd Ave	Des Moines, IA 50309	LC0033646	04/27/12	1 st Offense	- K128/01	2-10-12V 140
Liare Club	216 Court Ave	Des Moines, IA 50309	LC0038593	04/27/12	1 st Offense		
Git N Go #31	2601 SW 9 th St	Des Moines, IA 50315	BC0025640	12/20/11	1 st Offense	- KIC188	K12188 8-1012111487
Sambetti's	1430 2 nd Ave	Des Moines, IA 50314	LC0019895	05/04/12	1 st Offense	NI J CLOUN	12601
Michelle's	3925 E 14 th St	Des Moines, IA 50313	LC0036659	05/04/12	<u>1" Offense</u>	KICO12 81012 1001	
Nat Food Mart	1443 2 nd Ave	Des Moines, IA 50314	LE0002079	05/04/12	1 st Offense	K 12401 8121	60413
9							

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