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Date July 15, 2013

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 Des Moines Municipal Code Section 10-6(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, 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) a civil penalty shall be assessed 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 15, 2013

(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 29, 2013 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				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

ATTACHMENT "A"

Violations for Sale of alcohol to Under Age Person \$500 Penalty:

Licensee	Address	City State Zip	License No.	Type of License	Date of Violation	1 st ; 2 nd in 2 yr.; 3 rd in 3yr. or 4 th in 3 yr.	Previous violation	Date Paid
Oasis Grocery & Liquor	2917 Payne Rd.	Des Moines, IA 50310	LE0001539	Class E Liquor with C Beer and B Wine Privileges (carryout)	4-13-13	1 st Offense		
Des Moines Valero #202	821 E. Euclid Ave.	Des Moines, IA 50316	BC0029785	Class C Beer with B Wine Privilege (carryout)	3-30-13	1 st Offense		
Lot 33 Café Bar & Lounge	3701 Ingersoll Ave.	Des Moines, IA 50312	LC0039011	Class C Liquor (on premise)	3-30-13	1 st Offense		
Des Moines Valero #204	3733 Easton Blvd.	Des Moines, IA 50317	BC0029805	Class C Beer with B Wine Privilege (carryout)	5-11-13	1 st Offense		
Fast Trip	1516 SE 1 st Street	Des Moines, IA 50315	LE0002340 BC0030134	Class E Liquor and C Beer with B Wine Privileges (carryout)	4-27-13	1 st Offense		