

Date: November 9, 2015

RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING ON
ASSESSMENT OF A \$500.00 PENALTIES TO LICKETY LIQUOR, 2501 HUBBELL AVENUE,
FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS

WHEREAS, an employee of Lickety Liquor & Smoke Shop LLC d/b/a Lickety Liquor at 2501 Hubbell Avenue on August 17, 2015 sold alcoholic beverages to a person under legal age at their place of business in violation of Municipal Code section 10-6; 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 a first violation for this license holder; and

WHEREAS, Des Moines Municipal Code Section 10-13(c)(1) and Iowa Code Section 123.50(3) provide that for a first violation for sale of an alcoholic beverage to a person under legal age, 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;



Roll Call Number

Agenda Item Number

28

Date: November 9, 2015

(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 November 23, 2015 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 holder, Lickety Liquor & Smoke Shop LLC, an opportunity to be heard concerning the proposed assessment of a \$500.00 penalty for sale of alcoholic beverages to a person under legal age.
2. The City Clerk is directed to notify the license holder by sending through ordinary mail a copy of this resolution at least 10 days in advance of the scheduled hearing.
3. The license holder 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

CCOUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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