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Date November 23, 2015

PUBLIC HEARING ON ASSESSMENT OF A \$500.00 PENALTY
TO LICKETY LIQUOR AT 2501 HUBBELL AVENUE FOR A FIRST VIOLATION OF
SELLING ALCOHOL TO A PERSON UNDER LEGAL AGE

WHEREAS, an employee of Lickety Liquor at 2501 Hubbell Avenue sold alcoholic beverages to a person under legal age at its place of business on August 17, 2015 in violation of Municipal Code section 10-6 and has 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 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 persons under legal age, a civil penalty shall be imposed in the amount of \$500.00 in lieu of a suspension and failure to pay as ordered shall result in a 14 day automatic 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;

WHEREAS, if a renewal of the liquor license/beer permit is pending the Alcoholic Beverages Division of the Iowa Department of Commerce will not issue a renewal license until all civil penalties imposed against a license holder have been paid in full.



Date November 23, 2015

(2)

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

1. The alcoholic beverage license holder, Lickety Liquor & Smoke Shop LLC d/b/a Lickety Liquor at 2501 Hubbell Avenue, is hereby assessed a civil penalty in the amount of \$500.00 for sale of alcoholic beverages 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 suspension commencing at 6:00 a.m. on the 24th day of December and ending at 6:00 a.m. on the 7th day of January 2016.
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 holder unless the penalty has already been 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				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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