

Date February 8, 2016

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 Iowa Code section 123.49(2)(h); 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;

★ **Roll Call Number**

**Agenda Item Number**

15

**Date** February 8, 2016

(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 February 22, 2016 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				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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

## ATTACHMENT "A"

Violations for Sale of alcohol to Under Age Person:

Licensee	Address	City State Zip	License No.	Date of Violation	1 <sup>st</sup> ; 2 <sup>nd</sup> in 2 yr.; 3 <sup>rd</sup> in 3yr. or 4 <sup>th</sup> in 3 yr.	Previous violations	Mailing Address	Clerk	Date Paid
Beer Can Alley	216 Court Avenue	Des Moines, IA 50309	LC0037111	10-8-15	1 <sup>ST</sup>		1443 17 <sup>th</sup> Street, West Des Moines, IA 50265	Zachary Comer	
Central City Liquor	1460 2 <sup>nd</sup> Avenue	Des Moines, IA 50314	LE0000046	10-8-15	1 <sup>st</sup>		1460 2 <sup>nd</sup> Avenue, Des Moines, IA 50314	Scott Sobottka	
QuikTrip #560	2300 ML King Jr. Pkwy	Des Moines, IA 50310	BC0026082	10-8-15	1 <sup>st</sup>	Used Affirmative Defense for 8-31-12	PO Box 3475, Tulsa OK 74101	Angel Burr	
Pho House	1452 2 <sup>nd</sup> Avenue	Des Moines, IA 50314	LC0041629	11-19-15	1 <sup>st</sup>		1452 2 <sup>nd</sup> Avenue, Des Moines, IA 50314	Chung Cavan	
<del>Beechwood Lounge</del>	<del>416 E. Walnut Street</del>	<del>Des Moines, IA 50309</del>	<del>LC0034790</del>	<del>11-19-15</del>	<del>2<sup>nd</sup></del>	<b>7-11-14 pd \$500</b>	<del>706 NW 17<sup>th</sup> Street, Ankeny, IA 50023</del>	<del>Carrie Brown</del>	<b>Using Affirmative Defense for this violation</b>
Southside Food Mart	1101 Army Post Road	Des Moines, IA 50315	LE0002608	11-19-15	1 <sup>st</sup>		1101 Army Post Road, Des Moines, IA 50315	Deb Dhungel	
Lift	222 4 <sup>th</sup> Street	Des Moines, IA 50309	LC0033009	11-19-15	1 <sup>st</sup>		1620 Pleasant St. #248, Des Moines, IA 50314	Clint Curtis	
Overboard	1101 Army Post Road, E	Des Moines, IA 50314	LC0039714	11-19-15	1 <sup>st</sup>		1101 Army Post Rd. Ste. E, Des Moines, IA 50315	Kimberly Reynolds	
Locust Tap	434 E. Locust St.	Des Moines, IA 50309	LC0025202	11-19-15	1 <sup>st</sup>		434 E. Locust St., Des Moines, IA 50309	Michelle Gersdorf	
Git-N-Go #3	100 Watrous Avenue	Des Moines, IA 50315	BC0024017	11-19-15	1 <sup>st</sup>		2716 Indianola Avenue, Des Moines, IA 50315	Stephen Brown	