

★ Roll Call Number

Agenda Item Number

56

Date May 23, 2016

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 Municipal Code section 10-6 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) 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

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.



Roll Call Number

Agenda Item Number

56

Date May 23, 2016

(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 23rd day of June and ending at 6:00 a.m. on the 7th day of July 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/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. 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:

<i>Licensee</i>	<i>Address</i>	<i>City State Zip</i>	<i>License No.</i>	<i>Date of Violation</i>	<i>1st; 2nd in 2 yr.; 3rd in 3yr. or 4th in 3 yr.</i>	<i>Previous violations</i>	<i>Mailing Address</i>	<i>Clerk</i>	<i>Date Paid</i>
Drugtwn Wine and Spirits	4100 University Ave	Des Moines, IA 50311	LE0001048	2-11-16	1 st	-	5820 Westown Pkwy. West Des Moines, IA 50266	Timothy Froehlich	
Walgreens #5852	3030 University Ave	Des Moines, IA 50311	LE0002250	2-11-16	1 st		PO Box 901 Deerfield, IL 60015	David Gatchel	
University Library Café	3506 University Ave	Des Moines, IA 50311	LC0038903	2-11-16	1 st		3506 University Ave. Des Moines, IA 50311	Timothy Tobin	
StreetCar 209	525 E Grand Ave	Des Moines, IA 50309	LC0030709	3-3-16	1 st		901 Walker Street Des Moines, IA 50316	Kari Stevenson	
Den	4369 Merle Hay Road	Des Moines, IA 50310	LC0038489	3-4-16	1 st		4369 Merle Hay Road Des Moines, IA 50310	Miranda Broeker	
Barcadium	102 3 rd Street	Des Moines, IA 50309	LC0040257	3-19-16	1 st		102 3 rd Street Des Moines, IA 50309	Eric Ver Steeg	

56