



Roll Call Number

Agenda Item Number

5

Date February 6, 2017

Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverags Divison of the Iowa Department of Commerce:

Scores Sports Bar, 2718 Douglas Avenue, renewal Class C Liquor License. **(Zoning Department recommends denial).**

Moved by \_\_\_\_\_ to deny.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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



January 31, 2017

WW Entertainment, Inc.  
 d/b/a RSB Sports Bar and Grill  
 Julie White, Registered Agent  
 2718 Douglas  
 Des Moines, IA 50310

Julie White  
 WW Entertainment, Inc.  
 d/b/a Scores Sports Bar  
 2335 Hickman Road  
 Des Moines, IA 50310

Emailed to: [julieandronw@msn.com](mailto:julieandronw@msn.com)

Re:       Liquor license 2718 Douglas  
           RSB Sports Bar and Grill

Dear Ms. White,

The application by Scores Sports Bar and Grill, for a Class C liquor license is scheduled to come before the Des Moines City Council for consideration on February 6, 2017.

On November 29, 2016 you signed a Liquor License or Beer Permit Agreement where you agreed that the business is a restaurant that will operate with a 50% of the gross receipts will be derived from the sale of prepared food and food- related services, attached is a copy of the agreement.

On December 13, 2016 we had reason to believe that the business operation is not a restaurant in nature and asked for financial information regarding percentage of food sales. We did not receive financial information that proved you have 50% in food sales.

Staff is recommending denial of the liquor license for failure to comply with Section 134-954 of the Municipal Code of the City of Des Moines.

Sincerely,



SuAnn Donovan

Neighborhood Inspection Zoning Administrator

602 Robert D. Ray Drive

Des Moines, IA 50309

[smdonovan@dmgov.org](mailto:smdonovan@dmgov.org)

NOTE: Any order, decision or determination made by this office in the enforcement of the Zoning Ordinance may be appealed to the Zoning Board of Adjustment. The Procedural Rules of the Zoning Board of Adjustment provide that you, as the party to whom this communication is directed, must file the appeal with the Community Development Department within ten days of the date of this communication. Any other aggrieved person seeking to appeal this order, decision or determination must file the appeal within ten days of actual notice by such person of such order, decision, or determination, which in no event shall be later than ten days after commencement of such physical construction or use. Any appeal not timely filed may be rejected by the Board.



LIQUOR LICENSE OR BEER PERMIT AGREEMENT

I, Julie White, the undersigned have applied for, or am the holder of a liquor license, wine or beer permit at the property located at, 2718 Douglas, Des Moines, Des Moines, IA, whose business shall be named Score Sports Bar/WW Entertainment

The address is located in a C zoned district. I have confirmed that the location complies with the zoning regulations of the City for the predominant use as a:

Restaurant; and I agree that at least half (50%) of the gross receipts will be derived from the sale of prepared food and food-related services.

Food sales establishment, retail sales establishment or gas station/convenience store; and I agree that at least sixty percent (60%) of the gross receipts will be derived from the sale of merchandise other than tobacco, liquor, wine or beer.

Tobacco store; and I agree that the business shall be primarily engaged in the retail sale of tobacco and tobacco-related products, with no more than 25% of the gross receipts from the sale of liquor, wine or beer.

I agree that the business will maintain business records through an accounting system which sufficiently and properly reflects all revenue received by type of revenue. The records must include all bills, receipts, invoices, cash register tapes, or other documentation maintained in the normal course of business. These may be maintained in an electronic format. Furthermore, I agree that the business will maintain all financial records for a minimum of three (3) years for potential audit purposes and that if I fail to do so the City may presume that I have not met the percentages required by this agreement and Code Section 134-954 of the Municipal Code of the City of Des Moines.

I understand that should the City's Deputy Zoning Enforcement Officer make a determination that there is a failure to comply with this agreement or Section 134-954 of the Municipal Code of the City of Des Moines, my liquor license or beer permit may be subject to review by the City of Des Moines and may lead to the revocation of my license or permit.

In order to verify that the business is in compliance I agree to submit, upon request, to the City of Des Moines, records compiled by an independent person and reviewed by a Certified Public Accountant licensed by the State of Iowa, consisting of:

1. A compilation of business records for the previous 6 months.
2. Should the compilation fail to provide sufficient proof that the business meets the requirements of Section 134-954 of the Municipal Code of the City of Des Moines, a limited scope audit may be requested, consisting of:
  - a. Records compiled by an independent person and reviewed by a Certified Public Accountant licensed by the State of Iowa, consisting of:
    - i) Transferring tape register receipt data into software capable of producing reports that delineate revenue by category in order to specifically identify the amount and percentages of sales of tobacco and tobacco related products; of liquor, wine and beer; and of non-alcohol and non-tobacco products; and,
    - ii) Reconciled bank statements and regular financial statements.
  - b. A Certified Public Accountant licensed by the State of Iowa shall certify the percent of gross revenues associated with the sale of tobacco products, and of liquor, wine and beer as a percent of total revenues.
3. If the limited scope audit fails to provide sufficient proof of meeting the requirements of the Section 134-954 of the Municipal Code of the City of Des Moines, a full audit prepared by a Certified Public Accountant licensed by the State of Iowa will be required.
4. The undersigned acknowledges and agrees that the compilation of business records, limited scope audit or full audit, as described herein, shall be completed at the undersigned licensee's or permittee's sole expense.
5. The undersigned further acknowledges and agrees that the decision to require from the undersigned, records, in the form of either a compilation, limited scope audit or full audit, the timing of the decision and the determination as to the sufficiency of such documentation is at the sole and exclusive discretion of the City's Deputy Zoning Enforcement Officer, subject to appeal to the Zoning Board of Adjustment.

I understand that audits may be required throughout this or any future license or permit year.

*Julia White*  
 Licensee or Permittee, signature  
11-29-16  
 Date

Julie White  
 Printed name

SIGNED AND SUBSCRIBED TO before me this 29 day of November, 2016

*Rima Knapp*  
 Notary Public

Please return this form to: The City Clerk's Office, 400 Robert D. Ray Dr, Des Moines, IA 50309.

