

.....
April 9, 2018

Date

**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(a)(9); 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(a)(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;

.....
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Date

(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 April 23, 2018 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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

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>
DL's Sports Bar	2718 Douglas Avenue	Des Moines, IA 50310	LC0043242	12-29-17	1 st		2718 Douglas Avenue, Des Moines, IA 50310	Amber Mackey	
Git-N-Go Store #10	816 E Euclid Avenue	Des Moines, IA 50316	BC0023014	1-3-18	1 st	5-20-03, 8-31-12	2716 Indianola Avenue, Des Moines, IA 50315	Ashley Evans	
Kum & Go #4110	2110 Guthrie Avenue	Des Moines, IA 50317	LE0002047	1-3-18	1 st		6400 Westown Pkwy., West Des Moines, IA 50266	Jordan Stephenson	
Kum & Go #207	4200 Hubbell Avenue	Des Moines, IA 50317	LE0002046	1-3-18	1 st	9-28-13	6400 Westown Pkwy., West Des Moines, IA 50266	Robert Vallejo	
Oasis	1401 Buchanan Street	Des Moines, IA 50316	LE002594	1-3-18	1 st		1401 Buchanan Street, Des Moines, IA 50316	Raj Mulkh	
Triple Double	910 Hull Avenue	Des Moines, IA 50316	LC0043521	1-3-18	1 st		910 Hull Avenue, Des Moines, IA 50316	Shicoa Fordley	