



Date October 23, 2023

**PUBLIC HEARING ON ASSESSMENT OF \$500.00 PENALTY  
TO ALCOHOLIC BEVERAGE LICENSE/PERMIT HOLDER  
LISTED ON ATTACHMENT FOR VIOLATION  
OF IOWA ALCOHOLIC BEVERAGE LAWS**

**WHEREAS**, employees of alcoholic beverage license/permit holders listed on Attachment “A” have sold alcoholic beverages to persons under legal age at their respective places of business in violation of 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 violation is the first violation for the listed license/permit holder; and

**WHEREAS**, Iowa Code section 123.39(4) and Des Moines Code section 10-13(c)(1) provides that for a first conviction of Iowa Code section 123.49(2)(h) a local authority shall impose a civil penalty in the amount of \$500.00 in lieu of a suspension and that failure to pay will result in automatic suspension of license or permit for 14 days; 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.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA THAT:**

1. The alcoholic beverage license/permit holder listed in attachment “A” is 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 4<sup>th</sup> day of December 2023 and ending at 6:00 a.m. on the 18th day of December 2023.
3. The \$500.00 civil penalty is due and owing even if the automatic 14-day 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.



**Roll Call Number**

**Agenda Item Number**

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**Date** October 23, 2023

- 5. This City Council action may be appealed within thirty (30) days to the Administrator of Alcoholic Beverages Division of the Iowa Department of Revenue, 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

Moved by \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_.

*APPROVED AS TO FORM:*

*/s/Megan Norberg* \_\_\_\_\_

*Megan Norberg*

*Assistant City Attorney*

COUNCIL ACTION	YEAS	NAYS	ABSENT	
			Pass	
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, Laura Baumgartner, 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.

\_\_\_\_\_ City Clerk

