



Date June 30, 2025

**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 4th day of August 2025 and ending at 6:00 a.m. on the 18th day of August 2025.
3. The \$500.00 civil penalty is due and owed 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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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, Hoover State Office Building 1st Floor 1305 E Walnut Street Des Moines, Iowa 50319.

Moved by _____ to adopt.

Second by _____.

APPROVED AS TO FORM:

Meg Norberg
Megan Norberg
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SEMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED		APPROVED		

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.

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>
Angry Goldfish	2301 SW 9 th Street	Des Moines, IA 50315	LE0045908	3-25-2025	1 st \$500		2301 SW 9 th Street	Samuel Bastin	
Oasis	630 SW 9 th Street	Des Moines, IA 50309	LE0002511	2-25-2025	1 st \$500		630 SW 9 th Street	Gouraz Gourav	
Thirsty Sportsman	4808 SW 9 th Street	Des Moines, IA 50315	LE0037601	3-25-25	1 st \$500		3709 SW 6 th Street, Des Moines, IA 50315	Jeffrey Weig	
Git-N-Go #42	806 SE 14 th Street	Des Moines, IA 50317	LG0001096	4-9-25	1 st \$500		2716 Indianola Ave, Des Moines, IA 50315	Jamie Brehm	
Locust Tap	434 E Locust Street	Des Moines, IA 50309	LC0042701	4-8-25	1 st \$500		5223 Waterbury Rd, Des Moines, IA 50312	Eli Clark	6-23-25 CK5100 \$500
QuikTrip #535	1501 E Grand Avenue	Des Moines, IA 50316	LG0001186	4-9-25	1 st \$500		PO Box 2927, Tulsa, OK 74101	Lesley Montelongo	Affirmative Defense