

★ Roll Call Number

10-1690

Agenda Item Number

43

Date: October 11, 2010

CONTINUANCE OF PUBLIC HEARING ON DENIAL OF
OWNERSHIP CHANGE AND REVOCATION OF LIQUOR LICENSE
FOR SUN MART LOCATED AT 300 WALNUT
FOR LACK OF GOOD MORAL CHARACTER OF NEW OWNER

WHEREAS, the Dean Welcher Corp. d/b/a Sun Mart located at 300 Walnut was purchased by Snehi Yavanam on June 30, 2010; and

WHEREAS, Iowa Code Section 123.39 permits a local authority (city council) to revoke a liquor license when there is a change in ownership that is not approved by the local authority; and

WHEREAS, the new owner of Sun Mart, Snehi Yavanam, was previously found by the city council on October 22, 2007 to lack the necessary good moral character to hold a liquor license, which finding was upheld by the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce in a ruling by an administrative law judge on March 14, 2008; and

WHEREAS, a police investigation of the ownership change reveals that Snehi Yavanam continues to lack the good moral character necessary to hold a liquor license; and

WHEREAS, the police department recommends that the change in ownership not be approved and that the license be revoked; and

WHEREAS, a continuance of the public hearing set for this date has been requested and will not serve to prejudice any party;

Date: October 11, 2010

(2)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that:

1. Public hearing on this matter is hereby continued to October 25, 2010 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 Dean Welcher Corp. now owned by Snehi Yavanam an opportunity to be heard concerning the proposed disapproval of the change in ownership and the revocation of the liquor license no. LE0001520 held by the Dean Welcher Corp.
2. The City Clerk is directed to notify the license holder by sending through ordinary mail a copy of this resolution at least 10 days in advance of the scheduled hearing.
3. The license holder will have 30 days to appeal from the date City Council takes action on the proposed actions. Any appeal would be to the Alcoholic Beverages Division of the Iowa Department of Commerce.

MOVED BY
TO ADOPT.

Hensley

FORM APPROVED:

Douglas P. Philiph
Douglas P. Philiph
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
T. M. Franklin
Mayor

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.

Diane Rauh
Diane Rauh
City Clerk