



Roll Call Number

15-1867

Agenda Item Number

28

Date: November 9, 2015

RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING ON  
ASSESSMENT OF A \$500.00 PENALTIES TO LICKETY LIQUOR, 2501 HUBBELL AVENUE,  
FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS

WHEREAS, an employee of Lickety Liquor & Smoke Shop LLC d/b/a Lickety Liquor at 2501 Hubbell Avenue on August 17, 2015 sold alcoholic beverages to a person under legal age at their place of business in violation of Municipal Code section 10-6; 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 a first violation for this license holder; and

WHEREAS, Des Moines Municipal Code Section 10-13(c)(1) and Iowa Code Section 123.50(3) provide that for a first violation for sale of an alcoholic beverage to a person under legal age, 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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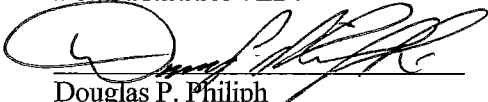
(2)

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 November 23, 2015 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 holder, Lickety Liquor & Smoke Shop LLC, an opportunity to be heard concerning the proposed assessment of a \$500.00 penalty for sale of alcoholic beverages to a person under legal age.
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 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 Gatto TO ADOPT.

FORM APPROVED:

  
 Douglas P. Philip  
 Assistant City Attorney

CCOUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1

CERTIFICATE

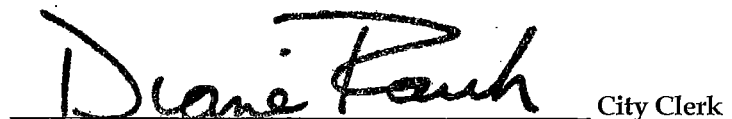
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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