



Roll Call Number

24-1177

Agenda Item Number

43

Date August 19, 2024

**PUBLIC HEARING ON ASSESSMENT OF \$1500.00 PENALTY AND THIRTY DAY
SUSPENSION 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 second violation for the listed license/permit holder; and

WHEREAS, Iowa Code section 123.50 provides that for a second conviction of Iowa Code section 123.49(2)(h) a local authority shall impose a civil penalty in the amount of \$1500.00 and a thirty day 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.

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 \$1500.00 and a thirty suspension for sale of alcoholic beverages to persons under legal age.
2. The suspension will commence at 6:00 a.m. on the 20th day of September 2024 and end at 6:00 a.m. on the 20th day of October, 2024.
3. The licensee shall pay the \$1500.00 civil penalty to the City of Des Moines at the City Clerk’s Office.
4. The City Clerk is directed to notify the license/permit holders by sending through ordinary mail a copy of this resolution as soon as possible.
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.



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Moved by Gatto to adopt.

Second by Westergaard

Approved as to form:

/s Megan Norberg
Megan Norberg, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, Pass, ABSENT. Rows include BOESEN, COLEMAN, GATTO, MANDELBAUM, SIMONSON, VOSS, WESTERGAARD, and TOTAL (YEAS: 7).

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.

Connie Boeser Mayor

Laura Baumgartner City Clerk