



Roll Call Number

25-0940

Agenda Item Number

56

Date June 30, 2025

**PUBLIC HEARING ON ASSESSMENT OF \$1500.00 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 a third violation for the listed license/permit holder; and

WHEREAS, Iowa Code Section 123.50 provides that for a third violation of Iowa code Section 123.49(2)(h) a local authority shall impose a civil penalty in the amount of \$1500.00 and a sixty 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 for sale of alcoholic beverages to persons under legal age and 60-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 3rd day of October 2025.
2. 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.
3. 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.



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Moved by Gatto to adopt.

Second By Voss

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	7			

MOTION CARRIED

APPROVED

Connie Boesen

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.

Laura Baumgartner

City Clerk