4(d)

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: March 9, 2015

ITEM: Motion – Approval of Orders for violations of alcohol laws

FINANCIAL IMPACT: $1,500.00 (positive impact to City)

BACKGROUND:

Pursuant to state law, a municipality is entitled to assess a $500.00 fine for a first violation against alcohol permittees who have been found in violation of providing alcoholic beverages to persons under 21 years of age at their respective places of business. Failure to pay the civil penalty as ordered shall result in automatic suspension of the license or permit for a period of 14 days.

On or about the date referenced on attached Exhibit "A", employees of the permittees, also referenced on Exhibit "A", were cited for providing alcoholic beverages to persons under 21 years of age. On or about January 16, 2015, and March 5, 2015, the City of West Des Moines Legal Department sent notice of the violations to the permittees. Since that time, said permittees acknowledged respective orders and settlement agreement and returned payment of fines for each of its alcohol violations.

In one case, the employee cited for providing alcohol to a minor was either TIPs or IPACT trained, allowing the permittee to invoke an affirmative defense resulting with the civil penalty being waived (once every four (4) years).

OUTSTANDING ISSUES (if any): None.

RECOMMENDATION:

It is recommended that the City Council approve the Orders and accept payment of fines regarding the alcohol violations of the permittees as referenced on the attached Exhibit "A".

Lead Staff Member: Greta Truman, Assistant City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation			

EXHIBIT "A"

Licensee	D/B/A	Date of Violation	#Violation
Casey's Marketing Company	Casey's General Store #2923 1850 22nd Street	November 14, 2014	1st (minors)
The Noodle Shop, Co.	Noodles & Company 1551 Valley West Drive, Ste. 237	November 14, 2014	1st (minors)
The Noodle Shop, Co.	Noodles & Company 1551 Valley West Drive, Ste. 237	December 30, 2014	2nd (minors) Civil Penalty Waived due to IPACT Trained / Affirmative Defense
R. Mexican Market, Inc.	Raul's Mexican Restaurant 1261 8th Street	November 14, 2014	1st (minors)