CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: August 24, 2015

ITEM: Motion – Acknowledgement of Alcohol Violations and Affirmative Defenses

FINANCIAL IMPACT: None.

BACKGROUND:

Pursuant to state law, a municipality shall assess a civil penalty and possibly a suspension of the license or permit 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. The City does not impose the applicable penalty against alcohol permittees if the permittee's employee cited for selling, serving, or providing alcohol to an underage person was either TIPs or IPACT trained, allowing the permittee to invoke an affirmative defense resulting in the applicable penalty being waived (once every four years).

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. However, the employees cited for providing alcohol to a minor were either TIPs or IPACT trained at the time of the violation, allowing the permittees to invoke the affirmative defenses.

OUTSTANDING ISSUES (if any): None.

RECOMMENDATION:

It is recommended that the City Council acknowledge the alcohol violations and affirmative defenses for the permittees 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	RTG

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
Hy-Vee, Inc.	Hy-Vee Gas 7280 University Avenue	July 24, 2015	1st (minors) Civil Penalty Waived due to TIPs Trained / Affirmative Defense
Kum & Go, LC	Kum & Go #2091 5969 Ashworth Road	July 24, 2015	1st (minors) Civil Penalty Waived due to IPACT Trained / Affirmative Defense
V Lounge, LLC	V Lounge 3535 Westown Parkway	July 24, 2015	1st (minors) Civil Penalty Waived due to IPACT Trained / Affirmative Defense