CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Denial of Liquor License –Scotty's Pub and Grub **DATE:** September 16, 2019

FINANCIAL IMPACT: None

BACKGROUND:

Scott Thomas has submitted an application for renewal of a liquor license (LC0043732) for Scotty's Pub 1, LLC, d/b/a Scotty's Pub & Grub. Mr. Thomas has shown a pattern of behavior indicating he does not meet the definition of a "person of good moral character". In determining whether a person is of good moral character, the state law enumerates certain criteria to be considered. The following criteria were considered in making the recommendation for denial: whether the licensee has good financial standing and good reputation indicating such person will comply will applicable laws, ordinances, and regulations. In evaluating Mr. Thomas' reputation, city staff considered his criminal arrests, charges, and convictions and the recency of those charges, arrests, or convictions. City staff also considered whether the licensee engaged in illegal acts on the licensed premises, and whether the licensee or his employee(s) have pled or been found guilty of serving alcohol to a minor or serving to an intoxicated person resulting in corrective action.

Mr. Thomas has the following criminal history:

- July 2019 – charged with Disorderly Conduct – Fighting or Violent Behavior. Mr. Thomas admitted to being involved in the incident resulting in the charges. Of note, this incident occurred at Scotty's Pub & Grub, the licensed premises. This matter is still pending in Polk County District Court.
- December 2014 – convicted of OWI – 1st Offense.
- June 2013 – convicted of Disorderly Conduct – Fighting or Violent Behavior (amended from Assault Causing Bodily Injury).

Scotty's Pub & Grub has the following civil violation(s) since the license was last issued:

- September 2018 – Sale to Minor

In submitting his alcohol license renewal application to the City of West Des Moines and the State of Iowa on September 9, 2019, Mr. Thomas failed to disclose the most recent criminal charge(s), which he was required to do according to state law. The renewal application specifically requires the licensee to state whether the owner(s) has been charged, arrested, indicted, convicted or received a deferred judgment for any violation of any state, county, city, federal or foreign law since the license was last issued. Mr. Thomas electronically signed a statement on September 9, 2019, acknowledging that any misrepresentation of material fact in the application is a crime and is grounds for denial of the issuance of an alcohol/liquor license under Iowa law. The City considers Mr. Thomas' failure to disclose his pending charges a misrepresentation of material fact.

Additionally, the Police Department has responded to at least eight (8) calls for service over the past year involving Mr. Thomas allegedly being disruptive, four of which originated at Scotty's Pub & Grub. These multiple calls for service indicate Mr. Thomas lacks the good reputation to meet the definition of a person with good moral character.

Mr. Thomas also fails to meet the criterion regarding his financial standing as he has a federal tax lien and multiple unsatisfied judgments against him, including but not limited to three judgments and four pending cases for unpaid wages to employees of Scotty's Pub & Grub. This lack of good financial standing indicates Mr. Thomas does not meet the definition of a person of good moral character.

City staff believes that his pattern of behavior and lack of good reputation, failure to disclose his most recent criminal charge, and lack of good financial standing disqualifies Mr. Thomas as not meeting the definition of a person of good moral character and indicates he is unable to abide by the provisions detailed in Iowa Code Chapter 123 and city code that govern alcoholic beverage control.

Copies of the license application/documentation are available, for review, in the Office of the City Clerk.

1. (LC0043732) Scotty's Pub 1, LLC, d/b/a Scotty's Pub & Grub, 3781 EP True Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges – Renewal

OUTSTANDING ISSUES (if any): None

RECOMMENDATION: Approve a Motion to deny the renewal application for a Class LC Liquor License for Scotty's Pub 1, LLC, d/b/a Scotty's Pub & Grub

Lead Staff Member: Jessica D. Spoden, Assistant City Attorney JDS

STAFF REVIEWS

Department Director	RJS
Appropriations/Finance	
Legal	
Agenda Acceptance	XN