CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Motion - Approval of Order for Suspension for Violation of Alcohol Laws

DATE: January 2, 2024

FINANCIAL IMPACT: TBD

BACKGROUND:

Pursuant to state law, a municipality is entitled to assess a civil penalty against an alcohol permittee who has been found in violation of providing alcoholic beverages to persons under 21 years of age at their respective place 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 September 22, 2023, an employee of Thawee Wathana LLC d/b/a Banana Leaf Asian Bistro ("Permittee") was cited for selling alcoholic beverages to a person under 21 years of age. The City of West Des Moines Legal Department sent a notice of the violation to the Permittee on November 9, 2023, and December 18, 2023. Since that time, said Permittee has not acknowledged the order or returned payment of the fine for its alcohol violation.

The penalty for a first violation is a $500 civil penalty against the Alcohol Permittee.

OUTSTANDING ISSUES (if any):

If no payment is received prior to January 1, 2024, Permittee shall serve a 14-day suspension for non-payment of the civil penalty beginning at 6:00 a.m. Thursday, January 4, 2024, and ending 6:00 a.m. Thursday, January 18, 2024.

RECOMMENDATION:

It is recommended that the City Council approve the Order for Suspension regarding the above-referenced violation of alcohol law.

Lead Staff Member: Jessica Grove, Deputy City Attorney

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

BEFORE THE CITY OF WEST DES MOINES

Thawee Wathana LLC 5515 Mills Civic Parkway West Des Moines, IA 50266 Alcohol License No. BW0096909	d/b/a Banana Leaf Asian Bistro 5515 Mills Civic Parkway, Suite 140 West Des Moines, IA 50266

ORDER FOR SUSPENSION

On the 2nd day of January 2024, the West Des Moines City Council has before it a Motion for Suspension. The City FINDS that Thawee Wathana LLC d/b/a Banana Leaf Asian Bistro ("Permittee") is subject to a mandatory $500.00 civil penalty prescribed by Iowa Code sections 123.39(4) and 123.50(3)(a) for a violation of Iowa Code section 123.49(2)(h), selling, giving, or otherwise supplying liquor, wine or beer to a person under the legal age. Permittee has not paid the $500 civil penalty which results in an automatic suspension of the license or permit.

IT IS THEREFORE ORDERED that Permittee shall serve a license suspension, beginning at 6:00 a.m. Thursday, January 4, 2024, and ending 6:00 a.m. Thursday, January 18, 2024.

Greg Hudson, Presiding Officer

Copies emailed to:

West Des Moines Police Entertainment Response Unit Sergeant
West Des Moines Police Entertainment Response Unit Lieutenant
Iowa Alcoholic Beverage Division
West Des Moines City Clerk