# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE: February 19, 2024**

**ITEM:** Motion - Approval of Settlement Agreement and Consent Order for Violation of Alcohol Laws

**FINANCIAL IMPACT:** $500 (positive impact to City)

**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 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", an employee of the permittee, also referenced on Exhibit "A", 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. Since that time, said permittee 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):** None.

**RECOMMENDATION:**

It is recommended that the City Council approve the Settlement Agreement and Consent Order and accept payment of the fine regarding the above-referenced violation of alcohol law.

**Lead Staff Member:** Jessica Grove, Deputy City Attorney JG

**STAFF REVIEWS**

| | |
|---|---|
| Department Director | Greta Truman, City Attorney |
| Appropriations/Finance | Tim Stiles, Finance Director |
| Legal | |
| Agenda Acceptance | Ryan Jacobson, City Clerk |

**PUBLICATION(S)** (if applicable)

| | |
|---|---|
| Published In | |
| Dates(s) Published | |

**SUBCOMMITTEE REVIEW** (if applicable)

| | | | |
|---|---|---|---|
| Committee | | | |
| Date Reviewed | | | |
| Recommendation | Yes | No | Split |

**EXHIBIT "A"**

| Licensee | D/B/A | Date of Violation | #Violation |
|---|---|---|---|
| TexX Adventures 2, L.L.C.<br>10546 NW 121st Street<br>Granger, IA 50109 | The Hall<br>111 S. 11th Street, Suite 200<br>West Des Moines, IA 50265 | 09/22/2023 | 1st (minors) – paid $500 civil penalty |