

STATE OF IOWA
BEFORE THE IOWA DEPARTMENT OF COMMERCE
ALCOHOLIC BEVERAGES DIVISION

IN RE:)
Backroad Brewery LLC) Docket No. D-2017-00015
d/b/a Backroad Brewery)
140 N 1st St.)
Carlisle, Iowa 50047) CONSENT AGREEMENT
APPLICANT)

The Iowa Alcoholic Beverages Division (ABD) and Backroad Brewery LLC (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code sections 17A.10 and 123.32 (2013).

1. The parties acknowledge the following:

- A) On or about December 28, 2016, the Applicant submitted an Application to the ABD for a new class "A" permit for Backroad Brewery, LLC in Carlisle, Iowa.
- B) The ABD then commenced a review of the Applicant's application to determine whether the Applicant met all statutory requirements for obtaining and holding a class "A" permit. *See* Iowa Code § 123.32(6)(b).
- C) An applicant for class "A" permit must be a person of "good moral character." *See* Iowa Code § 123.34(a). A person of "good moral character" is one who has such financial standing and good reputation as will satisfy the Administrator or the Administrator's Designee that the person will comply with all of the laws, ordinances, and regulations applicable to the person's operations under the laws and regulations. *See* Iowa Code § 123.3(34)(a). An applicant's prior violations of Iowa Code chapter 123 adversely reflect upon that applicant's good moral character and may be grounds for denying an application for a class "A" permit. *See* 185 Iowa Admin. Code § 4.2(4).
- D) Investigation by the ABD and revealed that the Applicant engaged in bootlegging on or about October 18, 2015. The Applicant does not contest that they were selling beer without a license in violation of Iowa Code section 123.59.

E) Based on the information currently possessed by the ABD, but for the violations of Iowa Code section 123.59 detailed above the Applicant meets all other criteria to hold a class "A" permit in the State of Iowa.

2. In recognition of the violation detailed above in subparagraphs 1-D, the Applicant voluntarily agrees that as a condition for receiving a new class "A" permit, the Applicant shall agree to the following:

A) **SUSPENSION.** The Applicant shall not sell, serve, give away, or allow the consumption of any type of alcoholic beverage as defined under Iowa Code chapter 123 on the premises covered by his new Class "A" permit for a period of seven (7) days, commencing at 6:00 A.M. on Monday, January 30, 2017 and ending on Monday, February 6, 2017 at 6:00 AM.

B) **CIVIL PENALTY.** The Applicant shall pay a fine in the sum of one thousand dollars (\$1,000.00.) Full payment of this civil penalty shall be made to the "Iowa Alcoholic Beverages Division" by January 30, 2017.

3. In consideration of the Applicant's voluntary agreement to serve a license suspension and pay a civil monetary penalty as required by paragraph 2 of this Agreement, the ABD shall grant the Applicant a new class "A" permit.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives its right to adjudicate the merits of the pending application for a new class "A" permit through the commencement of a contested case proceeding before the ABD, and all rights attendant to a contested case proceeding including the right to seek judicial review of the ABD's actions.

5. This Agreement shall be made a part of the record of the Applicant and may be considered by the ABD in determining the nature and severity of any disciplinary action to be imposed on the Applicant for any future violations of the laws and rules governing the sale and service of alcoholic beverages.

6. The Applicant voluntarily submits this Agreement to the ABD for its consideration. This Agreement is contingent upon the approval of all parties. The failure of either the ABD or the Applicant to accept all terms of this Agreement shall render the entire agreement null and void without force or effect upon any party. If all parties approve this Agreement, the Agreement shall fully dispose of all issues in this case.

7. This Agreement is a public record and shall be available for public inspection.

WHEREFORE, the terms of this Consent Agreement are agreed to and accepted by the Iowa Alcoholic Beverages Division and Backroad Brewery, LLC.

IOWA ALCOHOLIC BEVERAGES DIVISION

Karen Freund 1/27/17

KAREN FREUND
Administrator's Designee

Date

APPLICANT

Eric Moorman
ERIC MOORMAN

1-27-17

BACKROAD BREWERY LLC

Date



NOTICE OF SUSPENSION

CLASS "A" PERMIT NUMBER: BAN000796

The Iowa Alcoholic Beverages Division hereby gives notice that the above-stated beer permit issued to:

**Backroad Brewery LLC
d/b/a Backroad Brewery
140 N 1st St.
Carlisle, IA 50047**

is suspended for seven (7) consecutive days beginning at 6:00 a.m. on Monday, January 30, 2017 and ending at 6:00 a.m. on Monday, February 6, 2017 for the following reason:

Violation of Iowa Code section 123.59, bootlegging (selling without a license).

**The above seven (7) day suspension is in addition to a \$1000 civil penalty agreed to in this matter.*

IOWA ALCOHOLIC BEVERAGES DIVISION

A handwritten signature in black ink that reads "Karen Freund".

Karen Freund
Administrator's Designee

Removal of this notice before expiration of the above mentioned suspension dates by any person without approval of the Iowa Alcoholic Beverages Division or the Local Authority, is a violation of 185 Iowa Administrative Code section 4.15.