

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

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OCT 29 2018

REGULATION

IN RE:)	
Mistress Brewing Company, LLC)	Docket No. D-2018-00413
d/b/a Mistress Brewing Company, LLC)	
1460 NE 69 th Pl., Ste 66)	HEARING COMPLAINT
Ankeny, Iowa 50021)	
)	
Permit Number BAN000790)	

The Iowa Department of Public Safety, pursuant to authority granted in Iowa Code section 123.14, hereby makes the following complaint against the above-named Permittee.

1. Iowa Code section 123.39 and 123.50 authorize the Administrator of the Iowa Alcoholic Beverages Division, or his designee, to impose civil penalties, including suspension or revocation of a liquor control license or beer permit, against any licensee or permittee who violates any of the provisions of Iowa Code chapter 123.

2. Iowa Code section 123.2 provides that it is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Iowa Code chapter 123.

3. A class "A" beer permit authorizes the holder to manufacture and sell or sell at wholesale beer for consumption off the premises provided such sales within the state of Iowa shall only be made only to persons holding a class "A", "B", or "C" beer permits, or both a class "C" native wine permit and a class "A" wine permit pursuant to section 123.178B, subsection 4, or to persons holding a retail liquor control license. *See* Iowa Code § 123.130.

4. The prohibited “sale” of alcoholic liquor, wine, or beer under Iowa Code chapter 123 includes procuring or allowing procurement of an alcoholic beverage for any other person. *See* Iowa Code § 123.3(41).

5. Iowa Code section 123.59 provides that any person who, acting individually, or through another acting for the person, keeps or carries on the person, or in a vehicle, or leaves in a place for another to secure, any alcoholic liquor, wine, or beer, with intent to sell or dispense the liquor, wine, or beer, by gift or otherwise in violation of law, or who, within this state, in any manner, directly or indirectly, solicits, takes, or accepts an order for the purchase, sale, shipment, or delivery of alcoholic liquor, wine, or beer in violation of law, or aids in the delivery and distribution of alcoholic liquor, wine, or beer so ordered or shipped, or who in any manner procures for, sells, or gives alcoholic liquor, wine, or beer to a person under legal age, for any purpose except as authorized and permitted in this chapter, is a bootlegger and subject to the general penalties provided by this chapter.

6. 185 Iowa Administrative Code 16.7 provides an industry member may conduct a tasting on unlicensed premises, subject to the requirements and restrictions provided by rule. The definition of industry member in 185 Iowa Administrative Code 16.1 includes an alcoholic beverages wholesaler. The amount of product served per person during a tasting shall be limited to the following: No more than two two-fluid-ounce tastes of any brand of beer or high alcoholic content beer.

7. On or about March 9, 2018, the above-named class “A” beer Permittee sold or provided beer to persons that did not hold the requisite beer permits or retail liquor control licenses and/or served beer for tasting purposes in excess of the volume allowed for an industry member conducted tasting in violation of Iowa Code sections 123.2, 123.59, 123.130, and/or 185 Iowa Administrative Code rule 16.7.

WHEREFORE, the Iowa Department of Public Safety requests that the Administrator find, pursuant to Iowa Code chapter 123, that the above-named Permittee was in violation of the above-cited Iowa Code sections and enter the appropriate remedy.

THOMAS J. MILLER
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