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| *www.IowaABD.com* | *Lynn M. Walding, Administrator* |

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|  | e - NEWS |
| *June 11, 2004* | |

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**1. Very Dry Times Ahead for Airliner, Union, Fitzy's**

By Jim Butts *- The Daily Iowan*

[June 7, 2004](http://www.dailyiowan.com/main.cfm/include/displayIssueArticles/issue_date/20040607.html)

IOWA CITY, IA -- As the clock struck 10 p.m. Sunday at the Airliner, there was one last call for alcohol - not just for the night, but for the entire summer.

The Airliner, 22 S. Clinton St., lost its liquor license Sunday for 90 days, joining a growing list of downtown bars with revoked licenses including the Union Bar, 121 E. College St., and Fitzpatrick's, 525 S. Gilbert St. The Airliner's suspension comes after the bar was issued three separate violations for serving people under the age of 21.

One more violation in the next 15 months, and the establishment, which will stay open during the suspension, will have its liquor license revoked for two years, said general manager Jon Wilson. That threat has Airliner employees on edge.

"Every employee sees that fourth one as everybody's out of here," said Mike Locken, an Airliner manager. "One of our servers the other day carded a lady who was 44."

Wilson said the bar is sticking to tried and true methods to avoid the dreaded fourth ticket.

"Card, card, card," Wilson said. "Just really be vigilant. It's hard when 900 people come in on a Friday night."

Wilson knows that if the Airliner is not vigilant, it could share the fate of the Union or Fitzpatrick's.

The Union was forced to shut down last month after its liquor license was revoked for receiving four violations in three years. Gary Fitzpatrick, the owner of Fitzpatrick's, also decided to close his bar's doors after receiving three violations. He refused to elaborate on his reason for doing so.

At the Airliner, Wilson said one reason bars are closing is because of a change in enforcement.

"The city passed [prosecution] off to the state. They said it was getting too political," he said. "Now, it's being enforced. No one is getting a pass."

Lynn Walding, the administrator of the Iowa Alcoholic Beverages Division, said Iowa City handed over the reins more than two years ago, but because of an "administrative pipeline," the city is just now seeing the effects.

"I think you're starting to see what could be the tip of the iceberg," he said.

Terry Fincher, the owner of Studio 13, 13 S. Linn St., said he has noticed extra police attention on the bars in addition to tighter prosecution.

Fincher, who called the police "very professional," blames no one outside the bar for its three violations, but he said the penalty does not fit the crime.

"Bottom line is, we had a bartender make a mistake and serve a minor. We should be able to live up to that mistake and not lose our liquor license," he said.

Fincher, whose bar will face a June 25 hearing on its violations, said the penalties are not the only thing that should change.

"I think the minors need to step up to the plate and not drink if they want to come into the bars," he said.



**2. Metro Bar Keeps Liquor License**

*WHOTV.com*

June 8, 2004

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| http://who.static.worldnow.com/images/1925031_BG1.jpg |
| http://who.static.worldnow.com/images/1925031_BG2.jpg |

**Des Moines, IA --** A Des Moines bar that has had problems outside the facility will get to keep it's liquor license.

City council members threatened to shut down the Hickman Pub after getting complaints from people who live nearby. Police have responded to numerous fights and two people have been killed near the bar in the last five years.

But several people stepped forward at Monday night's city council meeting to point out that none of those incidents took place inside the bar. The owner, Tommy Tyler says none of this would have been an issue if he weren't African American.

The council renewed the Hickman Pub's license on a vote of 5 to 2, Tom Vlassis and Chris Coleman voted against the renewal.



**3. Pub's License is Council Topic**

By Jason Clayworth – Des Moines Register

June 7, 2004

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| |  |  |  |  | | --- | --- | --- | --- | |  | |  | | --- | | **Talk about it** | | WHAT: A public meeting to vote on a liquor license renewal for Hickman Pub, 2335 Hickman Road.  WHEN: 4:30 p.m. today.   WHERE: City Hall, 400 Robert D. Ray Drive, Des Moines | | |

DES MOINES, IA -- At least four of seven Des Moines City Council members plan to vote against a bar owner whose liquor license comes up for renewal today.

Opponents say two murders and several fights in or near Hickman Pub, 2335 Hickman Road, during the past five years prompted them to deny the annual alcohol permit.

Police in January called the bar "one of the most dangerous in the metro area" after Jeremy Spencer, 27, was discovered shot to death in a car nearby.

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| http://vh10018.v1.moc.gbahn.net/apps/pbcsi.dll/bilde?Site=D2&Date=20040607&Category=NEWS05&ArtNo=406070313&Ref=H2&maxw=225&border=1 |

Officers have been called to Hickman Pub at least 30 times since December 2002, according to police records. The calls include a man who required stitches after he was struck on the face with a beer bottle, an assault in a restroom and a "large, unruly crowd" in the parking lot.

Tommy Tyler, the bar's owner, said police have not been called to the bar since the January murder. The slaying happened on the street and did not involve bar patrons, he said.

Tyler said opposition to his license is racially motivated.

"Tommy Tyler is guilty of nothing except being black," he said.

Council members agreed last month to delay the license renewal while the city's legal team investigated how the city can declare the bar a public nuisance and, potentially, shut it down.

Iowa law states a license can be denied if criminal acts occur within the establishment or if bar workers take part in illegal activity.

Technically, the majority of violent crimes have occurred just outside the bar in parking lots or on adjacent streets. Council members acknowledge that those facts could create a loophole that allows the license to move forward.

Council members Chris Coleman, Tom Vlassis, Mike Kiernan and Christine Hensley said last week they will probably vote against the renewal.

Councilman Archie Brooks said he will vote to approve the renewal. Mayor Frank Cownie is undecided. Councilman Bob Mahaffey could not be reached for comment.

City Attorney Bruce Bergman said he will recommend that the council approve the license, citing the bar's clean record the past five months, which prevents it from qualifying as a public nuisance.

"We have state standards for when we can say no to a liquor license application, and we don't meet that," Bergman said.

If the majority of council members stand firm on their no votes, Tyler can appeal to the Iowa Alcoholic Beverages Division.

Lynn Walding, administrator for the agency, said bar owners must maintain order not only inside but also in nearby areas where customers gather. He has not reviewed the case involving Hickman Pub.

"Certainly, the city has grounds to review any establishment that has had two deaths near the property," Walding said.

In September, a woman was shot in the backside outside the bar after a fight. She survived.

In May 2000, Ollie Talton Jr., 38, died after he was repeatedly shot in the head at close range in a restroom at the bar.

"I've known Tommy Tyler for a long time, and he's a real nice guy," Vlassis said. "But we've had a couple of shootings there, and the neighborhood is real frustrated."

Hireot Engdia lives in an apartment across the street from the bar. She hasn't been disturbed by Tyler's patrons, but said, "I think they should close it, (because) there's problems like that."

Archie Brooks said his vote "probably won't make him popular," but "we take an oath to abide by the law, and we just can't make our rules as we go.

"It's not the operator's fault, and if you close it down, the crowd will just go someplace else," Brooks said.





**4. AG Sues Online Liquor Retailers**

By Katie Nelson – *The Boston Globe*

June 9, 2004

**A few clicks of a mouse scored five Boston minors a lot of liquor**

Stores allegedly sold to minors

(Globe Staff Photo )

By entering a credit card number on a liquor store's website, they purchased alcohol in 2002 and 2004, as part of a sting orchestrated by Attorney General Thomas F. Reilly's office. The results: more than 50 bottles of wine and hard liquor and several six-packs of beer.

The state took legal action against seven online liquor retailers this week, saying they violated the Massachusetts Liquor Control Act. Reilly's office sued four stores for not having a license to sell alcohol in the state, in addition to selling to the minors, he announced at a news conference early yesterday at his office in downtown Boston.

"We all have a responsibility when it comes to protecting our children," Reilly said, listing alcohol sellers, parents, and schools as keys to stopping underage drinking.

"I've seen lives ruined. I've seen lives lost," Reilly said. "It's not just the child, but the family. That's why the sale of alcohol is regulated; the laws are designed to protect the children."

The four companies being sued are Sherry-Lehmann Wines and Spirits of New York , Wine Globe of San Mateo, Calif., Queen Anne Wine & Spirit Emporium of Teaneck, N.J., and Clubs of America of Lakemoor, Ill. A court hearing to bar the companies from doing business in Massachusetts is scheduled for 2 p.m. Monday in Suffolk Superior Court.

Three other retailers, which have licenses, were referred to the Alcoholic Beverages Control Commission for administrative hearings that could result in fines and license suspension. Geerlings & Wade of Canton, Wine.com of San Francisco , and The Wine Messenger of New Rochelle, N.Y. will take part in those hearings June 29.

The attorney general's office said each of the liquor stores sold booze to the students twice. One retailer named in the lawsuit said his company has done everything it can to prevent the sale of alcohol to minors.

"I'm not here to break any laws. I'm not here to sell to minors," said Kevin Roche, who owns the New Jersey fine wine store Queen Anne Wine & Spirit Emporium.

Roche said he wasn't aware of any instances when his 20-year-old, family-run company has sold to minors, and received a letter about the attorney general's lawsuit in the mail yesterday.

His company's website states purchasers must be 21 or older. It also expects that the shippers -- it uses United Parcel Service and Federal Express -- check identification upon delivery. That's why Roche said he believes shipping companies, not liquor stores, should shoulder the blame.

"UPS has the person delivering the package asking about age," he said. "You don't really have a choice but to believe that they're doing that. There's no other method we can use except that."

The shipping companies that delivered the alcohol also will have to attend the ABCC hearings, Reilly said.

Although UPS, Federal Express, and DHL can legally ship alcohol, they also are being accused of violating state liquor laws for not checking identification upon delivery.

Representatives from UPS and Federal Express said the companies will conduct their own investigation and will cooperate fully with the ABCC. Calls to DHL from the Globe were not returned.



**5. Allied Domecq Launching “The Scotch Malts Portfolio” in the U.S.**

*Business Wire*

June 11, 2004

**The collection features some of the finest single malts from the four corners of Scotland.**

Capitalizing onincreasing consumer demand for high-end whiskies, Allied Domecq Spirits, North America, a marketing-led brands business, is launching "The Scotch Malts Portfolio." The premium collection features some of the finest single malts from the four corners of Scotland, including Laphroaig(R) from Islay, the recently introduced Tormore(R) 12-year-old from Speyside, Scapa(R) from the Orkney Isles and Glendronach(R) from the Highlands.

The expanded portfolio - which includes a new Laphroaig Cask Strength 10-year-old that won a double gold medal at the 2004 San Francisco International Spirits Competition - is backed by added marketing spending in the U.S. and multi-million dollar renovations at the historic Scapa and Glendronach distilleries.

The breadth of The Scotch Malts Portfolio offers selections for any single malt drinker - Tormore or Scapa for those seeking an entry to the single malt experience, and Laphroaig and Glendronach for the more experienced malt connoisseur or those seeking a new taste.

According to the Distilled Spirits Council of the United States (DISCUS), the overall U.S. Scotch whisky market generated more than $1.3 billion in sales during 2003, up four percent from the previous year. Approximately $677 million of those sales came in the super-premium Scotch category, an increase of eleven percent over 2002. In response to consumer interest, DISCUS is currently collaborating with the Scotch Whisky Association to further promote single malts education in the United States.

The Scotch Malts Portfolio from Allied Domecq can be found in retail accounts nationwide. Suggested retail prices - Laphroaig 10-Year-Old, $45.99; Laphroaig 10-year-old-Cask Strength, $59.99; Tormore 12-year-old, $42.99; Scapa 12-year-old, $42.99; and The Glendronach 12-year-old, $46.99.

Allied Domecq Spirits & Wine North America is a division of Allied Domecq PLC. Allied Domecq is a marketing-driven brands business that operates globally in spirits and wine and quick service restaurants. Powerful and exciting brands drive profitable growth and strong, consistent cash flows. Leading North American brands include Kahlua(R), Stolichnaya(R) Vodkas, Sauza(R) Tequilas, Beefeater(R), MALIBU(R) flavored rum, Canadian Club(R), Courvoisier(R), Maker`s Mark(R), Kuya(tm) fusion rum, WET by Beefeater(tm), Midori(R), Hiram Walker(R) Liqueurs, Buena Vista(R), William Hill(R) Wines, Clos Du Bois(R), Brancott(R), Atlas Peak(R), Champagne Perrier Jouet(R), Champagne Mumm(R), Dunkin Donuts(R), Baskin Robbins(R) and Togo`s(R) restaurants.

Allied Domecq North America`s vision is to be the "First Choice Supplier" in the hearts and minds of its customers, consumers and employees.



**6. Jury Reaches Verdict in Theo's Case**

*KTIV News Channel 4*

June 10, 2004

SIOUX CITY, IA -- A popular local restaurant won't be held responsible for a fatal drunk driving accident.

A jury decided Theo's Restaurant did not illegally serve the alcohol that caused a fatal crash four years ago.

The question was whether, Theo's violated Iowa's “dram act,” which makes it illegal to sell alcohol to people who are already intoxicated.

On March 29, 2000, two brothers, Anthony and Joseph Murphy, drove the wrong way down Highway 20, hitting and killing 38-year-old Sheila Vaughn.

Authorities say the two brothers had blood alcohol levels well-over the legal limit.

Attorneys representing the Vaughn family claim that customers at Theo's saw the Murphy brothers in Theo's bar and said they appeared drunk.

A friend testified they often went their drinking, but a defense attorney said that's not true, and stressed in their closing arguments, that the employee's workng at Theo's that night, don't remember the Murphy's in the bar.

The jury reached their unanimous verdict after six hours of deliberations.

Afterward, the Vaughn family wouldn't comment.

Theo's owner, Ted Herbold, said the decision renews his faith in the judicial system. He added, "it's amazing what people will do for money."

