

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Kum & Go LC 6400 Westown Parkway West Des Moines, IA 50266, Permit Holder Kum & Go LC d/b/a Kum & Go # 436 501 Cedar St. Muscatine, IA 52761, Retailer	No. STA0070530 ORDER ACCEPTING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT—THIRD VIOLATION
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On this _____ day of _____, 2017, the Muscatine City Council has before it an Acknowledgment/Settlement Agreement signed by the above-captioned permit holder. The City FINDS that the permit holder acknowledged in the Agreement that a third violation of Iowa Code section 453A.2 occurred within a three-year time period, the most recent of which occurred on March 1, 2017, and that the mandatory sanction for this third violation is a \$1500.00 civil penalty and a thirty-day suspension of the cigarette permit. The permit holder has submitted a check in the amount of \$1500.00 with the Agreement.

IT IS THEREFORE ORDERED that the Acknowledgement/Settlement Agreement be approved. The thirty-day suspension of the permit holder's cigarette permit shall begin on _____. This sanction is consistent with Iowa Code section 453A.22(2)(c) for a third violation of Iowa Code section 453A.2(1).

Mayor

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Kum & Go LC 6400 Westown Parkway West Des Moines, IA 50266, Permit Holder	No. STA0070530
Kum & Go LC d/b/a Kum & Go # 436 501 Cedar St. Muscatine, IA 52761, Retailer	ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

1. The undersigned hereby knowingly and voluntarily acknowledge the following:
 - a. Retailer and Permit Holder have received the Complaint in the above case.
 - b. The facts and allegations contained in the Complaint, attached hereto and incorporated herein by reference, are true and correct.
 - c. Permit Holder has the right to a hearing and voluntarily waives same and submits to the statutory penalties prescribed by Iowa law.
 - d. Stephanie Marie Garrison, an employee of Kum & Go LC, d/b/a Kum & Go # 436, sold tobacco to a minor on March 1, 2017, in violation of Iowa Code section 453A.2.
 - e. The violation noted in paragraph "d" herein, will count as an official third violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. To settle the above-referenced Complaint, enclosed with this Acknowledgement/Settlement Agreement is a check in the amount of \$1500.00 made payable to City of Muscatine and an acknowledgement of a thirty-day suspension beginning on the date that will be specified in the official order received from the mayor.
3. Permit Holder acknowledges that in order to conclude this matter the mayor must approve this settlement agreement.

Kum & Go LC - Jacquelyn Scatena
Permit Holder

Jacquelyn A. Scatena - Legal Counsel
printed name of signator

5/25/17
Date

NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by the individual(s) who has (have) authority to bind the entity. If you decide to sign and date this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated as well as a check in the amount \$1500.00 made payable to City of Muscatine should be returned to: Assistant County Attorney Dan Williamson, 420 E. Third St., Muscatine, IA 52761.



Where & means more.™

LEGAL DEPARTMENT

6400 Westown Parkway
West Des Moines, IA 50266
Direct Tel: 515.457.6271
E-mail: Jaclyn.Scatena@kumandgo.com

May 25, 2017

Muscatine County Attorney
Dan Williamson
Assistant County Attorney
420 E. Third St.
Muscatine, IA 52761

Re: Kum & Go #436, 501 Cedar St., Muscatine, IA 52761

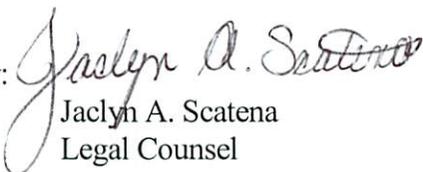
Mr. Williamson:

Kum & Go is in receipt of the 3rd violation Notice of Hearing. Enclosed you will find executed Acknowledgment/Settlement Agreement check number 0450611 in the amount of \$1,500.000 for the alleged tobacco violation as result of the March 1, 2017 inspection at Kum & Go store 436.

In the event I do not hear from your office Kum & Go will consider this matter closed.

Best regards,

Kum & Go, L.C.

By: 
Jaclyn A. Scatena
Legal Counsel

JAS/mjb

Enclosures.