

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Hy-Vee Inc. 5820 Westown Parkway West Des Moines, IA 50266, Permit Holder	No. STA0079525
Hy-Vee Inc. d/b/a Hy-Vee Mainstreet 510 E. 6 th St. Muscatine, IA 52761, Retailer	ORDER ACCEPTING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT—FIRST VIOLATION

On this _____ day of _____, 2018, 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 first violation of Iowa Code section 453A.2 occurred on January 10, 2018, and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the Agreement.

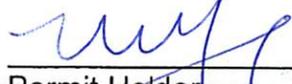
IT IS THEREFORE ORDERED that the Acknowledgement/Settlement Agreement be approved. This sanction is consistent with Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

Mayor

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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. Erika Vean Ricketts, an employee of Hy-Vee Inc., d/b/a Hy-Vee Mainstreet, sold tobacco to a minor on January 10, 2018, in violation of Iowa Code section 453A.2.
 - e. The violation noted in paragraph "d" herein, will count as an official first violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. Enclosed with this Acknowledgment/Settlement Agreement is a check in the amount of \$300.00 made payable to City of Muscatine to settle the above-referenced Complaint.
3. Permit Holder acknowledges that in order to conclude this matter the mayor must approve this settlement agreement.



Permit Holder Senior Vice President

Mic Jurgens

printed name of signator

4/30/18

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 \$300.00 made payable to City of Muscatine should be returned to: Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St., Muscatine, IA 52761