

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Casey's Marketing Company P.O. Box 3001 Ankeny, IA 50021, Permit Holder Casey's Marketing Company d/b/a Casey's General Store #2906 3509 Steamboat Way Muscatine, IA 52761, Retailer	No. STA0079527 ORDER ACCEPTING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT—SECOND VIOLATION
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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 second violation of Iowa Code section 453A.2 occurred within a two-year time period, the most recent of which occurred on January 10, 2018, and that the mandatory sanction for this second violation is a \$1500.00 civil penalty or a 30-day suspension of the cigarette permit. The permit holder has chosen the civil penalty and has submitted a check in the amount of \$1500.00 with the Agreement.

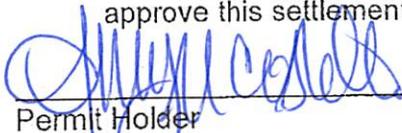
IT IS THEREFORE ORDERED that the Acknowledgement/Settlement Agreement be approved. This sanction is consistent with Iowa Code section 453A.22(2)(b) for a second violation of Iowa Code section 453A.2(1).

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. Faith Lynn Foor, an employee of Casey's Marketing Company, d/b/a Casey's General Store #2906, 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 second violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. To settle the above-referenced Complaint (check one):
 enclosed with this Acknowledgement/Settlement Agreement is a check in the amount of \$1500.00 made payable to City of Muscatine; or
 acknowledgement of a thirty-day suspension beginning on the date that will be specified in the official order received from the City of Muscatine.
3. Permit Holder acknowledges that in order to conclude this matter the mayor must approve this settlement agreement.



Permit Holder

Amy M. Costello, Legal Counsel

printed name of signator

April 30, 2018

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.