

BEFORE THE MUSCATINE CITY COUNCIL

| | |
|--|---|
| In RE: Hy-Vee Inc. 5820 Westown Parkway West Des Moines, IA 50266, Permit Holder | No. STA0072872 |
| Hy-Vee Inc. d/b/a Hy-Vee Gas 2600 Second Ave. Muscatine, IA 52761, Retailer | ORDER ACCEPTING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT—FIRST VIOLATION |

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 first violation of Iowa Code section 453A.2 occurred on March 1, 2017, 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

BEFORE THE MUSCATINE CITY COUNCIL

| | |
|--|--|
| In RE: Hy-Vee Inc. 5820 Westown Parkway West Des Moines, IA 50266, Permit Holder | No. STA0070529 72872 |
| Hy-Vee Inc. d/b/a Hy-Vee Gas 2600 Second Ave. 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. Randall Dean Stegall, an employee of Hy-Vee Inc., d/b/a Hy-Vee Gas, 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 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

Mic Jurgens

printed name of signator

6/2/17

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 \$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



A Helpful Smile In Every Aisle

June 2, 2017

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

Re: Hy-Vee, Inc. d/b/a Hy-Vee Gas
2600 Second Ave.
Muscatine, IA 52761

Dear Dan:

Enclosed herewith please find our check payable to the City of Muscatine in the amount of \$300.00 representing payment in full of the civil penalty imposed by the above-referenced. I enclose the executed Acknowledgement/Settlement Agreement. Please confirm receipt of this payment in writing and contact the undersigned if you have any questions.

Sincerely,

HY-VEE, INC.

Andrea M. Smook
Assistant General Counsel

AMS:jlj
Enclosures

Hy-Vee, Inc.
5820 Westown Parkway, West Des Moines, Iowa 50266
Phone: (515) 267-2800