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Robert S. Bruner
(1913-2006)
Robert F. Feilmeyer
(retired)

MEMO

TO: Mayor Jensen, City Council and Manager
FROM: David S. Bruner, City Attorney DSB
DATE: August 23, 2021

RE: Acceptance of tobacco Settlement Agreements

BACKGROUND

On April 30, 2021, tobacco retailer compliance checks by the Carroll Police Department resulted in a citation being issued to an employee of Dollar General for providing tobacco to a minor. In accordance with State law, the City must pursue a civil penalty against the tobacco permit holder. The civil penalty for a first offense is $300 for Dollar General.

The above retailer has made its payment of the civil penalty and submitted their Settlement Agreement.

RECOMMENDATION

Motion authorizing the Mayor to execute the Order accepting the Settlement Agreement from the above retailer for violation of the State's tobacco law.

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BEFORE THE CARROLL CITY COUNCIL

In Re:

DOLLAR GENERAL 840 E Plaza Drive Carroll, IA 51401	ORDER ACCEPTING AGREEMENT (FIRST VIOLATION)

ON this 13th day of September, 2021, in lieu of a public hearing on the matter, the Carroll City Council approves the attached Agreement between the above captioned permittee and the City of Carroll.

THEREFORE, the Carroll City Council FINDS that the above captioned permittee has remitted to the City of Carroll a civil penalty in the amount of three hundred dollars ($300.00). This violation dated April 30, 2021, will count as a first violation of Iowa Code Section 453A.2(1), pursuant to Iowa Code Section 453A.22(2)(a).

IT IS THEREFORE ORDERED that the judgment in this matter is hereby satisfied.

_____

Eric P. Jensen, Mayor

ATTEST:

_____

Laura A. Schaefer, City Clerk

cc: Paxton Williams
Assistant Iowa Attorney General
Hoover Building Office Building 2nd
Des Moines, IA 50319

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IN RE:

DOLLAR GENERAL
840 E Plaza Drive
Carroll, IA 51401

SETTLEMENT AGREEMENT

I hereby knowingly and voluntarily acknowledge that I have received the Notice of Hearing and the Complaint in the above case. I hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, and knowingly and voluntarily admit that the same are true and correct. I hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I understand that this violation dated April 30, 2021 will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I have enclosed a check for the amount of $300.00 made payable to the City of Carroll, Iowa, to settle the above referenced complaint.

DOLLAR GENERAL

BY: Monica Sullivan (Designee)

8/13/21
DATE

NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by individual(s) who have authority to bind the entity.

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