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MEMO

TO: Mayor Jensen, City Council and Manager
FROM: David S. Bruner, City Attorney DSB
DATE: October 5, 2017

RE: Acceptance of tobacco Settlement Agreements

BACKGROUND

On March 29, 2017, tobacco retailer compliance checks by the Carroll Police Department resulted in a citation being issued to employees of Reiling 71-South 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 Reiling 71-South.

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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IN RE:

Reiling 71-South
112 Hwy 71 S
Carroll, IA 51401

SETTLEMENT AGREEMENT

I (we) hereby knowingly and voluntarily acknowledge that we have received the Notice of Hearing and the Complaint in the above case. I (we) 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 (we) hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I (we) understand that this violation dated March 29, 2017 will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I (we) have enclosed a check for the amount of $300.00 made payable to the City of Carroll, Iowa, to settle the above referenced complaint.

REILING 71-SOUTH

BY: Daryl Reiling

9-19-, 2017
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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BEFORE THE CARROLL CITY COUNCIL

In Re:

Reiling 71-South
112 Hwy 71 S
Carroll, IA 51401

ORDER ACCEPTING
SETTLEMENT AGREEMENT

ON this 9th day of October, 2017, in lieu of a public hearing on the matter, the Carroll City Council approves the attached Settlement 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 March 29, 2017, 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: Connie M. Larson
Assistant Iowa Attorney General
Hoover Building
Des Moines, IA 50319

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