CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Motion - Approval of Acknowledgment / Settlement Agreement for a First Violation of Tobacco Laws

DATE: **March 16, 2020**

FINANCIAL IMPACT: $300.00 (positive impact to City)

BACKGROUND:

Pursuant to state law, a $300.00 civil penalty is assessed against a tobacco permittee who sells tobacco products to a person less than 18 years of age at their respective places of business.

On or about the date referenced on attached Exhibit "A", employees of the two permittees, also referenced on Exhibit "A", were cited for selling tobacco products to persons under 18 years of age. The City of West Des Moines Legal Department sent notices of the violations to the permittees. Since that time, said permittees acknowledged the order and returned payment of the fine for its alcohol violation or asserted an affirmative defense.

In one case, the employee cited for selling tobacco products to persons under 18 years of age completed the Iowa Pledge Retailer Training Program, allowing the permittee to invoke an affirmative defense resulting with the civil penalty being waived (once every four years).

RECOMMENDATION:

It is recommended that the City Council approve the Acknowledgment / Settlement Agreement and accept payment of the fine regarding the above-referenced violation of tobacco laws.

Lead Staff Member: **Jessica Spoden, Assistant City Attorney** JDS

STAFF REVIEWS

Department Director	Richard Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

EXHIBIT "A"

Licensee	D/B/A	Date of Violation	#Violation
Kum & Go, LC	Kum & Go #3035 7265 Vista Drive West Des Moines, IA 50266	01/31/2020	Civil Penalty Waived due to Iowa Pledge Retailer Training
Kiss My Grits, LLC	The Irish 560 South Prairie View Drive, Suite 105, West Des Moines, IA	01/31/2020	1st (minors) – paid $300 civil penalty