CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Motion - Approval of Acknowledgment / Settlement Agreement(s) for Violation of Tobacco Laws

DATE: **April 17, 2023**

FINANCIAL IMPACT: $300.00 (positive impact to City)

BACKGROUND:

Pursuant to state law, a civil penalty is assessed against a tobacco permittee who sells tobacco products to a person less than 21 years of age at their respective place of business.

On or about the date referenced on attached Exhibit "A", employee(s) of the permittee(s), also referenced on Exhibit "A", were cited for selling tobacco products to persons under 21 years of age. The City of West Des Moines Legal Department sent a notice of the violation to the permittee(s). Since that time, said permittee(s) acknowledged the order and returned payment of the fine for its tobacco violation.

In two cases, employees cited for providing tobacco to a minor completed the Iowa Pledge Retailer Training Program prior to the violation, allowing the permittees to invoke an affirmative defense resulting with the civil penalty being waived (once every four (4) years).

RECOMMENDATION:

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

Lead Staff Member: **Jessica Grove, Assistant City Attorney** JG

STAFF REVIEWS

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

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
Hy-Vee, Inc. 5820 Westown Parkway West Des Moines, IA 50266	Hy-Vee Drug Store 1010 60th Street West Des Moines, IA 50266	01/27/23	Civil Penalty Waived due to I-Pledge training
Wall to Wall, LLC 5820 Westown Parkway West Des Moines, IA 50266	Wall to Wall Wine & Spirits 375 South Jordan Creek Parkway West Des Moines, IA 50266	01/27/23	Civil Penalty Waived due to I-Pledge training
Boggs Properties, LLC 1609 Buffalo Road West Des Moines, IA 50265	Sully's Irish Pub 860 1st Street West Des Moines, IA 50265	01/27/23	1st (minors) - paid $300 civil penalty