

Date January 25, 2010

RESOLUTION APPROVING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT AND  
ORDER SUSPENDING CIGARETTE PERMIT OF GIT N GO, 3274 E.UNIVERSITY  
FOR THIRD VIOLATION OF SELLING TOBACCOO TO A MINOR

WHEREAS, an employee of Git N Go has been convicted of selling tobacco products to a person under 18 years of age at the place of business in violation of Iowa Code Section 453A.2; and

WHEREAS, Git N Go has signed the attached acknowledgment/settlement agreement whereby it acknowledges the violation took place as alleged, was the third violation in a three year period, and agrees to a \$1,500.00 civil penalty and a 30 day suspension pursuant Iowa Code section 453A.22(2); and

WHEREAS, the civil penalty has been paid in full and an order suspending the license has been prepared for the mayor's signature to carry out the settlement agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that:

The acknowledgement/settlement agreement for Git N Go, 3274 E. University, Des Moines, IA is approved and the mayor is authorized and directed to sign the order suspending the cigarette permit for 30 days and the clerk's office shall give notice of the suspension by posting on the front entrance of the business.

MOVED BY \_\_\_\_\_  
TO ADOPT

FORM APPROVED:

\_\_\_\_\_  
Douglas P. Philiph  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

BEFORE THE DES MOINES CITY COUNCIL  
POLK COUNTY, IOWA

IN RE:

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Git N Go #28	:	ORDER ACCEPTING
3274 E. University	:	ACKNOWLEDGMENT/
Des Moines, IA 50317	:	SETTLEMENT AGREEMENT
	:	THIRD VIOLATION WITH
Cigarette Permit No. BUS2009-00436	:	SUSPENSION

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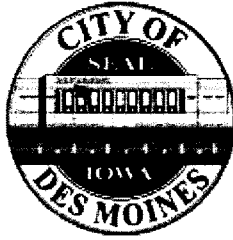
On this \_\_\_\_\_ day of January, 2010, in lieu of a public hearing on the matter, the City approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the City.

Pursuant to the Agreement, IT IS THEREFORE ORDERED that a the civil penalty of a one thousand five hundred dollars (\$1,500.00) is imposed and a thirty (30) day cigarette permit suspension shall be served by the above-captioned permittee beginning at 6:00 a.m. on Monday February 1, 2010 and ending at 6:00 a.m. on Wednesday March 3, 2010. This sanction will count as a third violation of Iowa Code section 453A.2(1), pursuant to Iowa Code section 453A.22(2)(c). IT IS FURTHER ORDERED that the notice of suspension shall be posted on the front entrance to the business.

The civil penalty of \$1,500.00 has been paid in full.

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T.M. Franklin Cownie  
Mayor, City of Des Moines



# NOTICE OF SUSPENSION

**CIGARETTE PERMIT NO. BUS2009-00436**

The City of Des Moines with authority through the Iowa Code Chapter 453A hereby gives notice that the above-stated retail cigarette permit issued to:

**Git N Go Store #28  
3274 E. University Avenue  
Des Moines, Iowa 50317**

is suspended for thirty (30) consecutive days, beginning 6:00 AM, Monday, February 1, 2010, and ending 6:00 AM, Wednesday, March 3, 2010 for the following reason:

***Third violation of Iowa Code § 453A.2(1)...selling cigarettes or tobacco products to a person under eighteen years of age.***

\*The above thirty (30) day suspension is in addition to a \$1500.00 civil penalty agreed to in this matter.

CITY OF DES MOINES

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**DIANE RAUH**  
City Clerk

**This notice shall not be removed until expiration of the above mentioned suspension dates.**