



Date: April 3, 2017

RESOLUTION APPROVING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT AND ORDER SUSPENDING CIGARETTE PERMIT OF BEAVER TAP, 4050 URBANDALE AVE., FOR SECOND VIOLATION OF SELLING TOBACCO TO A MINOR

WHEREAS, an employee of Beaver Tap 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, Beaver Tap has signed the acknowledgment/settlement agreement, now on file with the City Clerk's Office, whereby it acknowledges the violation took place as alleged, was the second violation in a two year period, and agrees to a 30 day suspension pursuant Iowa Code section 453A.22(2); and

WHEREAS, an order suspending the license has been prepared for the mayor's signature to carry out the penalty;

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

The acknowledgement/settlement agreement for Beaver Tap, 4050 Urbandale Ave., Des Moines, IA is approved and the mayor is authorized and directed to sign the order suspending the cigarette permit for 30 days.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

[Handwritten signature of Douglas P. Philip]

Douglas P. Philip
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

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.

Mayor

City Clerk

BEFORE THE DES MOINES CITY COUNCIL
POLK COUNTY, IOWA

IN RE:)	
)	ORDER FOR 30 DAY
Beaver Tap)	SUSPENSION PURSUANT TO
4050 Urbandale Ave.)	ACKNOWLEDGMENT/SETTLEMENT
Des Moines, IA 50310)	AGREEMENT FOR 2 ND VIOLATION
)	
Cigarette Permit No. BUS2016-00687)	

On this 3rd day of April 2017, in lieu of a public hearing on the matter, the City Council of the City of Des Moines approves the attached Acknowledgment/Settlement Agreement between the above captioned permittee and the City of Des Moines.

Pursuant to the Agreement, IT IS HEREBY ORDERED THAT the cigarette permit issued to the above captioned permittee is suspended for 30 days. The suspension shall commence on April 7, 2017 at 6:00 a.m. and end on May 7, 2017 at 6:00 a.m.

This sanction will count as a second violation of Iowa Code Section 453A.2(1) pursuant to Iowa Code Section 453A.22(2)(b).

City of Des Moines,

T. M. Franklin Cownie, Mayor

Original to: City Clerk's Office
Copies to:

Beaver Tap
11944 W. 95th St. #342
Lenexa, KS 66215

BEFORE THE DES MOINES CITY COUNCIL
POLK COUNTY, IOWA

IN RE:)
)
 Beaver Tap)
 4050 Urbandale Ave.)
 Des Moines, IA 50310)
)
 Cigarette Permit No. BUS2016-00687)

ACKNOWLEDGMENT/SETTLEMENT
AGREEMENT 2nd VIOLATION

ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

I (We) hereby knowingly and voluntarily acknowledge that I (we) have received the Complaint in the above case. I (We) hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I (We) hereby knowingly and voluntarily waive right to hearing as provided by Iowa Code section 453A.22, and submit to the statutory penalties prescribed by Iowa law. I (We) understand that this penalty will count as an official "Second Violation" of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22. I (We) understand that the penalty for this second violation is a \$1,500.00 fine or a suspension of my (our) cigarette permit for 30 days, beginning on the date that will be specified in the official city order that I will receive.

In accordance with Iowa Code section 453A.22(2)(b), the above-captioned permittee chooses the following penalty:

- \$1,500.00 fine
- 30 day suspension

Signature of owner, partner(s), or Corporate Official

Name: Scott W. Anderson Name: _____
 (Please print) (Please print)

SA

(Signature)

(Signature)

3/20/17
 DATE

2017 MAR 27 PM 3:03
 CITY CLERK
 DES MOINES, IA

FILED