

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Casey's Marketing Company P.O. BOX 3001 Ankeny, IA 50021, Permit Holder	No. STA0064202
Casey's General Store # 1484 1111 Oregon St. Muscatine, IA 52761, Retailer	ORDER ACCEPTING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT—FIRST VIOLATION

On this ____ day of _____, 2016, the Muscatine City Council has before it an Acknowledgment/Settlement Agreement signed by the above-captioned permit holder. The City FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on December 17, 2015, and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the Agreement.

IT IS THEREFORE ORDERED that the Acknowledgement/Settlement Agreement be approved. This sanction is consistent with Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

Mayor



CASEY'S GENERAL STORES, INC.

P.O. Box 3001 • One Convenience Blvd., Ankeny, Iowa 50021-8045 • 515-965-6100

Sender's Direct-Dial Telephone Number: 515-446-6822
E-mail Address: amy.costello@caseys.com
Fax Number: 515-965-6160

March 14, 2016

Dan Williamson
Assistant County Attorney
Muscatine County Attorney's Office
420 E. Third Street
Muscatine, IA 52761

RE: Civil Penalty Imposed on
Casey's General Store, Inc.
1111 Oregon Street
Muscatine, IA 52761

Dear Mr. Williamson:

Enclosed herewith please find the original of the signed Acknowledgment / Settlement Agreement, as well as Casey's check in the amount of \$300. Said amount was assessed as a penalty against the Muscatine, Iowa #2 Casey's General Store for an alleged sale of tobacco to a minor that reportedly occurred on or about December 17, 2015.

It is my understanding that the payment of this penalty will result in the closure of this case. If my understanding is incorrect or you have further matters you need to discuss, please feel free to contact me at my direct-dial number of 515-446-6822.

Sincerely,

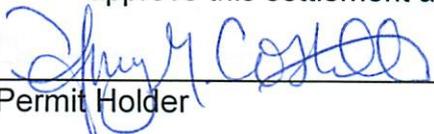
Amy M. Costello
Legal Counsel

AMC/pag
Enclosures

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Casey's Marketing Company P.O. Box 3001 Ankeny, IA 50021, Permit Holder Casey's Marketing Co. d/b/a Casey's General Store # 1484 1111 Oregon St. Muscatine, IA 52761, Retailer	No. STA0064202 ACKNOWLEDGMENT/SETTLEMENT AGREEMENT
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1. The undersigned hereby knowingly and voluntarily acknowledge the following:
 - a. Retailer and Permit Holder have received the Complaint in the above case.
 - b. The facts and allegations contained in the Complaint, attached hereto and incorporated herein by reference, are true and correct.
 - c. Permit Holder has the right to a hearing and voluntarily waives same and submits to the statutory penalties prescribed by Iowa law.
 - d. Angela Jeannette Longcor, an employee of Casey's Marketing Co. d/b/a Casey's General Store # 1484, sold tobacco to a minor on December 17, 2015, in violation of Iowa Code section 453A.2.
 - e. The violation noted in paragraph "d" herein, will count as an official first violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. Enclosed with this Acknowledgment/Settlement Agreement is a check in the amount of \$300.00 made payable to City of Muscatine to settle the above-referenced Complaint.
3. Permit Holder acknowledges that in order to conclude this matter the mayor must approve this settlement agreement.



Permit Holder



printed name of signator



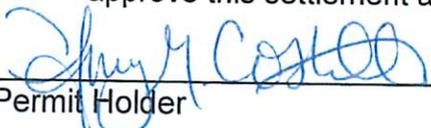
Date

NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by the individual(s) who has (have) authority to bind the entity. If you decide to sign and date this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated as well as a check in the amount \$300.00 made payable to City of Muscatine should be returned to:
Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St., Muscatine, IA 52761

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Casey's Marketing Company P.O. Box 3001 Ankeny, IA 50021, Permit Holder Casey's Marketing Co. d/b/a Casey's General Store # 1484 1111 Oregon St. Muscatine, IA 52761, Retailer	No. STA0064202 ACKNOWLEDGMENT/SETTLEMENT AGREEMENT
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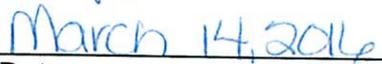
1. The undersigned hereby knowingly and voluntarily acknowledge the following:
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 - b. The facts and allegations contained in the Complaint, attached hereto and incorporated herein by reference, are true and correct.
 - c. Permit Holder has the right to a hearing and voluntarily waives same and submits to the statutory penalties prescribed by Iowa law.
 - d. Angela Jeannette Longcor, an employee of Casey's Marketing Co. d/b/a Casey's General Store # 1484, sold tobacco to a minor on December 17, 2015, in violation of Iowa Code section 453A.2.
 - e. The violation noted in paragraph "d" herein, will count as an official first violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. Enclosed with this Acknowledgment/Settlement Agreement is a check in the amount of \$300.00 made payable to City of Muscatine to settle the above-referenced Complaint.
3. Permit Holder acknowledges that in order to conclude this matter the mayor must approve this settlement agreement.



Permit Holder



printed name of signator



Date

NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by the individual(s) who has (have) authority to bind the entity. If you decide to sign and date this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated as well as a check in the amount \$300.00 made payable to City of Muscatine should be returned to: Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St., Muscatine, IA 52761

VDR 12345 CK NO 2749561

Memo	Invoice Date	Invoice Number	Amount	Discount	Net Amount
1484	03/10/16	CK REQ	300.00	.00	300.00
			300.00	.00	300.00

Detach Before Depositing

WARNING: ORIGINAL DOCUMENT IS PRINTED IN BLUE INK.

Date
03/14/16



CASEY'S GENERAL STORES
P.O. BOX 3001
ANKENY, IOWA 50021-8045



36-1901
1012

Check No.
2749561

Amount
\$300.00

PAY *****THREE HUNDRED DOLLARS & NO CENTS

TO THE ORDER OF
CITY OF MUSCATINE IA
215 SYCAMORE ST
MUSCATINE IA 52761-3899

Bruce J. Johnson

WARNING: ORIGINAL DOCUMENT HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE.

⑈ 274956 ⑆ ⑆ 10 ⑆ 2 ⑆ 90 ⑆ 7 ⑆ ⑆ 500800 ⑆ 294 ⑈

THE OFFICE OF THE

MUSCATINE COUNTY ATTORNEY

Alan R. Ostergren

420 EAST THIRD STREET
MUSCATINE, IA 52761
VOICE: (563) 263-0382
FAX: (563) 263-4944
E-MAIL: attorney@co.muscatine.ia.us



ASSISTANTS
KORIE L. SHIPPEE
OUBONH P. WHITE
DAN WILLIAMSON
JOAN BLACK

1st violation

NOTICE OF HEARING

Julia L. Jackowski, Secretary
Casey's Marketing Company
P.O. Box 3001
Ankeny, IA 50021

RE: Casey's Marketing Co. d/b/a Casey's General Store # 1484
1111 Oregon St.
Muscatine, IA 52761

The City of Muscatine has scheduled a hearing before the city council at 7:00 p.m. on Thursday, April 7, 2016, in the City Hall Council Chambers, 215 Sycamore St., Muscatine, Iowa. The Hearing Complaint, which has been filed against you, is enclosed.

If you or your representative fails to appear at this hearing, a decision may be rendered against you. You have the opportunity to be heard at this hearing and to be represented by an attorney at your own expense regarding the mandatory \$300.00 civil penalty prescribed by Iowa Code Section 453A.22(2)(a) for the violation of Iowa Code Section 453A.2(1), selling, giving, or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age.

If you wish to settle this case in lieu of the public hearing, you must sign and date the enclosed Acknowledgment / Settlement Agreement and return it along with a check in the amount of \$300.00 made out to the City of Muscatine, prior to the hearing date. These should be mailed to:

Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St.
Muscatine, IA 52761

Accepting and abiding by the terms of this Acknowledgment will satisfy the penalty for a first violation pursuant to Iowa Code section 453A.22(2), and will conclude the matter.

If you have questions, you may reach me by phone at (563) 263-0382. If you have retained counsel in this matter, she or he should contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Dan Williamson".

Dan Williamson
Assistant Muscatine County Attorney
dan.williamson@co.muscatine.ia.us

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Casey's Marketing Company P.O. Box 3001 Ankeny, IA 50021, Permit Holder	No. STA0064202 HEARING COMPLAINT
Casey's Marketing Co. d/b/a Casey's General Store # 1484 1111 Oregon St. Muscatine, IA 52761, Retailer	

The City of Muscatine, by and through undersigned counsel, hereby makes the following complaint against Casey's Marketing Company, cigarette permit holder.

1. Iowa Code section 453A.2(1) provides that, "A person shall not sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen years of age."
2. Iowa Code section 453A.22(2)(a) provides that if a permit holder or an employee of a permit holder has violated Iowa Code section 453A.2(1), the permit holder shall be assessed a civil penalty of three hundred dollars (\$300.00) for the first violation of Iowa Code section 453A.2(1).
3. On or about December 17, 2015, Casey's Marketing Company held a retail cigarette permit obtained under Iowa Code section 453A.13(2)(a) from the City of Muscatine, Iowa, for Casey's Marketing Co. d/b/a Casey's General Store # 1484, a retailer as defined in Iowa Code section 453A.1(21).
4. On or about December 17, 2015, Angela Jeannette Longcor, an employee of the permit holder (Casey's Marketing Company), sold tobacco products to a person under eighteen years of age.
5. On January 21, 2016, Angela Jeannette Longcor was convicted of selling tobacco products to a person under eighteen years of age.

WHEREFORE, the undersigned requests that the Muscatine City Council find that an employee of the permit holder or permit holder has committed a first violation of Iowa Code section 453A.2(1) and assess a civil penalty in the amount of \$300.00 against Casey's Marketing Company.



Dan Williamson, Assistant Muscatine County Attorney
420 East Third Street, Muscatine, Iowa 52761
(563) 263-0382, (563) 263-4944 (facsimile)
dan.williamson@co.muscatine.ia.us

STATE OF IOWA
RETAIL
CIGARETTE and TOBACCO PERMIT

City Number MUSC 16-02

In accordance with laws of the state of Iowa, and the action of
the City Council of MUSCATINE Iowa
(City)

Business Location Name: CASEY'S GENERAL STORE #1484

Business Location Address: 1111 OREGON STREET
MUSCATINE IA 52761

Type of Sales: OVER THE COUNTER Ownership Type: CORPORATION

Legal Owner Name: CASEY'S MARKETING COMPANY

Legal Owner Mailing Address: P.O. BOX 3001
ANKENY IA 50021

Is hereby authorized to sell cigarettes and tobacco products at the business location address above
in the City of MUSCATINE County of MUSCATINE, Iowa.

This permit is nontransferable, is effective from JULY 1, 20 15 and
automatically expires on June 30, 20 16, unless suspended or revoked.

In Testimony Whereof, I have caused the seal of the said
City to be hereunto affixed. Done at MUSCATINE,
in the State of Iowa, this 22nd day of JUNE, 20 15.
Issued By: 
City Mayor or Clerk

This copy to be posted by the retailer where the sale is to be made in plain view of the public.

COMPLAINT
IOWA UNIFORM CITATION AND COMPLAINT

MUSCATINE POLICE DEPT.

15-050993

State of Iowa
 County of: MUSCATINE No. 70 **C** 0021594
 City of: MUSCATINE

In the Court at COURTHOUSE, 401 E. THIRD, MUSCATINE, IA52761

vs:
Name Lanigan Angela Jeanette
Defendant, Last First Middle

Address 1018 Kammel CT

City Muscataine State IA Zip 52261

DL# 997AA0123 State IA

DL Class 0 DL End. - DL Rest. - DL/State ID Viewed? Yes No

DOB 11/22/80 Race W Ethn. N Sex F Ht. 5-7 Wt. -
W/B/I/A/U H/N/U

The undersigned states that on or about 12/17/15 at 1732 AM
defendant did unlawfully: PM

Operate Motor Vehicle/Boat (describe) /

CDL Req? Yes No Pass. End. Req? Yes No HazMat End. Req? Yes No

Reg# / State / Year / US DOT # /

Upon a public highway at 1111 Oregon (Cassys)

Located in the county and state aforesaid and did then and there commit the following offense:

Traffic Navigation Snowmobile/ATV Fish-Game Parks Tobacco

Sched. Violation/Fine \$ 100- Road Work Zone
 Criminal Surcharge \$ 35- Non-scheduled Violation
 Co. Enf. Surcharge \$ - Court Appearance Required (805.10)
 Court Costs \$ 60- Reason:
 Total Fine/Costs \$ 195- Serious P.I. Fatal Accident
 Civil Damage Assessment Other

Violation Employee providing Tobacco to minor

Speed - in - Zone Sec. 453A.2 20 14 IA Code

DATA CODE 524 Fed/Adm. Code - Local Ord. -

Dated 12/17/15 C. J. [Signature] / John [Signature] #247
Mo. Day Yr. Officer's Signature I.D. No.

Court Date: If you must appear in court or if you choose to appear to answer to a charge which does not require an appearance, report to the above named court on

1/18/16 at 0815 8AM PM
Mo. Day Yr.

NOTICE: Providing false identification information is a violation of Section 719.1A of the Code of Iowa and is punishable as a simple misdemeanor.

You hereby are given notice that within a reasonable time but no later than the date scheduled for your initial appearance a citation/complaint sworn under oath will be filed with the district court clerk of the county in which the citation was issued.

My signature below is not a plea of guilty, but acknowledges all of the following:

- I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information.
- I promise to appear in said court at said time and place, or I will comply with the provision on the top of the reverse side of the citation.
- The following applies to simple misdemeanors only:
I hereby give my unsecured appearance bond in the amount of 262.50 dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty and surcharge plus court costs.

★ Angela Lanigan
Signature of Defendant

- Clerk checked Ct's ID
 - Stated it was over age of 18
 - stated read it wrong, sorry
 - was shown Ct's ID where it states under 18

STA0064202

Charges, Dispositions, Sentences

Title: STATE vs. LONGCOR, ANGELA JEANNETTE

Case: 07701 STA0064202 (MUSCATINE)

Citation Number: C0021594

Defendant: LONGCOR, ANGELA JEANNETTE

Count 01

Charge

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Offense Date: 12/17/2015

Arrest Date: Against Type:

DPS Number:

Adjudication

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Adj.: GUILTY BY COURT Adj.Date: 01/21/2016

Adj.Judge: TICKUP,

Comments:

Sentence

Charge: 453A.2(1)

Description: EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF

Sentence Date: 01/21/2016

Sentence: FINE

Appeal: Sen.Judge: TICKUP,

Facility Type:

Attorney:

Restitution:

Drug: Extradition:

Lic.Revoked:

DDS: Batterer:

Fine Amount:

Duration:

Comment:

CN=John Q Public,O=JUDICIAL

Certain details of case data are only shown to subscribers. You may logon at this time if you are a subscriber, or you may be become a subscriber by registering at this time. There is a \$25.00 per month subscription fee.

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BEFORE THE MUSCATINE CITY COUNCIL

In RE: Nash Finch Company 850 76 th St. SW Byron Center, MI 49315, Permit Holder	No. STA0064203
Wholesale Food Outlet # 312 807 Grandview Ave. Muscatine, IA 52761, Retailer	ORDER ACCEPTING ACKNOWLEDGMENT/SETTLEMENT AGREEMENT—FIRST VIOLATION

On this ____ day of _____, 2016, the Muscatine City Council has before it an Acknowledgment/Settlement Agreement signed by the above-captioned permit holder. The City FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on December 17, 2015, and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the Agreement.

IT IS THEREFORE ORDERED that the Acknowledgement/Settlement Agreement be approved. This sanction is consistent with Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

Mayor



Nancy L. Kimball
Senior Paralegal
Direct: (616) 878-2785
Facsimile: (616) 878-2785
Nancy.kimball@spartannash.com

March 11, 2016

Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third Street
Lansing, MI 52761

Re: **Nash Finch Company d/b/a Wholesale Food Outlet #312**
807 Grandview Avenue, Muscatine, IA 52761
No. STA0064203

Dear Mr. Williamson:

Enclosed please find the signed Acknowledgement/Settlement Agreement along with our company check in the amount of \$300.00 regarding the above-referenced matter.

It is our understanding that one of our associates was observed selling tobacco to a minor. As a result and following Company policy concerning the sale of tobacco to a minor, this associate was issued disciplinary with a warning that a second offense within a twelve month period would result in an immediate discharge.

In addition, all cashiers will be given refresher training on the rules regarding the sale of tobacco to minors.

Nash Finch Company prides itself on being compliant and providing all associates with the necessary training to stay in compliance with the state laws regarding the sale of tobacco to minors. We sincerely apologize this event took place.

Sincerely,

A handwritten signature in blue ink that reads "Nancy L. Kimball".

Nancy L. Kimball
Senior Paralegal

Grand Rapids Office:
850 76th Street SW
PO Box 8700
Grand Rapids MI 49518-8700
(616) 878-2000
SpartanNash.com

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Nash Finch Company 850 76 th St. SW Byron Center, MI 49315, Permit Holder	No. STA0064203
Nash Finch Company d/b/a Wholesale Food Outlet # 312 807 Grandview Ave. Muscatine, IA 52761, Retailer	ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

1. The undersigned hereby knowingly and voluntarily acknowledge the following:
 - a. Retailer and Permit Holder have received the Complaint in the above case.
 - b. The facts and allegations contained in the Complaint, attached hereto and incorporated herein by reference, are true and correct.
 - c. Permit Holder has the right to a hearing and voluntarily waives same and submits to the statutory penalties prescribed by Iowa law.
 - d. Zachary Nelson, an employee of Nash Finch Company d/b/a Wholesale Food Outlet # 312, sold tobacco to a minor on December 17, 2015, in violation of Iowa Code section 453A.2.
 - e. The violation noted in paragraph "d" herein, will count as an official first violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. Enclosed with this Acknowledgment/Settlement Agreement is a check in the amount of \$300.00 made payable to City of Muscatine to settle the above-referenced Complaint.
3. Permit Holder acknowledges that in order to conclude this matter the mayor must approve this settlement agreement.

Nash Finch Company
Permit Holder

Kathleen M. Mahoney
printed name of signator

3/11/2016
Date



NOTE: This must be signed by an individual cigarette permittee, or in the case of another business entity, by the individual(s) who has (have) authority to bind the entity. If you decide to sign and date this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated as well as a check in the amount \$300.00 made payable to City of Muscatine should be returned to: Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St., Muscatine, IA 52761

BEFORE THE MUSCATINE CITY COUNCIL

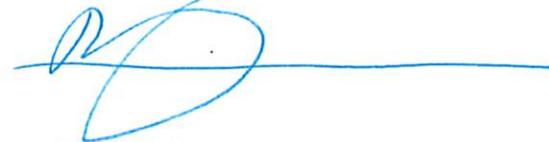
In RE: Nash Finch Company 850 76 th St. SW Byron Center, MI 49315, Permit Holder Nash Finch Company d/b/a Wholesale Food Outlet # 312 807 Grandview Ave. Muscatine, IA 52761, Retailer	No. STA0064203 ACKNOWLEDGMENT/SETTLEMENT AGREEMENT
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Nash Finch Company
Permit Holder

3/11/2016
Date

Kathleen M. Mahoney
printed name of signator



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Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St., Muscatine, IA 52761

VOID

SpartanNash
PO Box 355
Minneapolis, MN 55440

VOID

FIFTH THIRD BANK
8100 Burlington Pike
Florence, KY 41040

VOID

1347179

73-27/421

Date 03/11/16

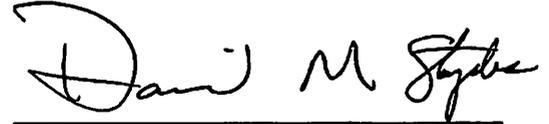
Pay Amount \$300.00***

Pay to the
Order of:

****THREE HUNDRED AND XX / 100 DOLLAR****

Electronic Fraud Protected - Void After 90 Days

CITY OF MUSCATINE
MUSCATINE COUNTY ATTORNEYS OF
420 E THIRD ST
MUSCATINE, IA 52761



Executive Vice President & Chief Financial Officer

|||||

⑈ 1347179⑈ ⑆042100272⑆ 7480496327⑈

MUSCATINE COUNTY ATTORNEY

Alan R. Ostergren

420 EAST THIRD STREET
MUSCATINE, IA 52761
VOICE: (563) 263-0382
FAX: (563) 263-4944
E-MAIL: attorney@co.muscatine.ia.us



ASSISTANTS
KORIE L. SHIPPEE
OUBONH P. WHITE
DAN WILLIAMSON
JOAN BLACK

1st violation

NOTICE OF HEARING

Kathleen M. Mahoney
Nash Finch Company
850 76th St. SW
Byron Center, MI 49315

RE: Nash Finch Company d/b/a Wholesale Food Outlet # 312
807 Grandview Ave.
Muscatine, IA 52761

The City of Muscatine has scheduled a hearing before the city council at 7:00 p.m. on Thursday, April 7, 2016, in the City Hall Council Chambers, 215 Sycamore St., Muscatine, Iowa. The Hearing Complaint, which has been filed against you, is enclosed.

If you or your representative fails to appear at this hearing, a decision may be rendered against you. You have the opportunity to be heard at this hearing and to be represented by an attorney at your own expense regarding the mandatory \$300.00 civil penalty prescribed by Iowa Code Section 453A.22(2)(a) for the violation of Iowa Code Section 453A.2(1), selling, giving, or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age.

If you wish to settle this case in lieu of the public hearing, you must sign and date the enclosed Acknowledgment / Settlement Agreement and return it along with a check in the amount of \$300.00 made out to the City of Muscatine, prior to the hearing date. These should be mailed to:

Assistant County Attorney Dan Williamson
Muscatine County Attorney's Office
420 E. Third St.
Muscatine, IA 52761

Accepting and abiding by the terms of this Acknowledgment will satisfy the penalty for a first violation pursuant to Iowa Code section 453A.22(2), and will conclude the matter.

If you have questions, you may reach me by phone at (563) 263-0382. If you have retained counsel in this matter, she or he should contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Dan Williamson". The signature is written in a cursive style and is positioned above a horizontal line.

Dan Williamson
Assistant Muscatine County Attorney
dan.williamson@co.muscatine.ia.us

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Nash Finch Company 850 76 th St. SW Byron Center, MI 49315, Permit Holder	No. STA0064203
Nash Finch Company d/b/a Wholesale Food Outlet # 312 807 Grandview Ave. Muscatine, IA 52761, Retailer	HEARING COMPLAINT

The City of Muscatine, by and through undersigned counsel, hereby makes the following complaint against Casey's Marketing Company, cigarette permit holder.

1. Iowa Code section 453A.2(1) provides that, "A person shall not sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen years of age."
2. Iowa Code section 453A.22(2)(a) provides that if a permit holder or an employee of a permit holder has violated Iowa Code section 453A.2(1), the permit holder shall be assessed a civil penalty of three hundred dollars (\$300.00) for the first violation of Iowa Code section 453A.2(1).
3. On or about December 17, 2015, Nash Finch Company held a retail cigarette permit obtained under Iowa Code section 453A.13(2)(a) from the City of Muscatine, Iowa, for Nash Finch Company d/b/a Wholesale Food Outlet # 312, a retailer as defined in Iowa Code section 453A.1(21).
4. On or about December 17, 2015, Zachary Nelson, an employee of the permit holder (Nash Finch Company), sold tobacco products to a person under eighteen years of age.
5. On January 7, 2016, Zachary Nelson was convicted of selling tobacco products to a person under eighteen years of age.

WHEREFORE, the undersigned requests that the Muscatine City Council find that an employee of the permit holder or permit holder has committed a first violation of Iowa Code section 453A.2(1) and assess a civil penalty in the amount of \$300.00 against Nash Finch Company.



Dan Williamson, Assistant Muscatine County Attorney
420 East Third Street, Muscatine, Iowa 52761
(563) 263-0382, (563) 263-4944 (facsimile)
dan.williamson@co.muscatine.ia.us



Iowa Department of Revenue
 https://tax.iowa.gov

**Iowa Retail Permit Application For
 Cigarette/Tobacco/Nicotine/Vapor**

For period July 1, 20 15 through June 30, 20 16

PLEASE TYPE OR PRINT LEGIBLY

Please mail this completed application to your local jurisdiction.
 If you have any questions call your city clerk (within city limits) or
 your county auditor (outside city limits).

I/we hereby make application for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business information:

Trade Name/DBA: Nash Finch Company db/a Wholesale Food Outlet #312
 Physical Location Address: 807 Grandview Ave City: Muscataine ZIP: 52761
 Mailing Address: same as above City: _____ State: _____ ZIP: _____
 Business Phone Number: (563) 263-6516

Legal Owner information:

Type of Ownership: Sole Proprietor Partnership Corporation LLC LLP
 Legal Owner: Nash Finch Company
 (Name of sole proprietor, partnership, corporation, LLC, or LLP)
 Mailing Address: 850 76th St. SW City: Byron Center State: Mi ZIP: 49315
 Phone Number: (616) 878-2785 Fax Number: (616) 878-2785 Email: nancy.kimball@spartanash.com

Retail information:

Types of Sales: Over-the-counter Vending machine
 Does the Establishment sell vapor products/alternative nicotine products only? Yes No

Type of Establishment

Bar Convenience store/gas station Drug store Hotel/motel Liquor store
 Restaurant Tobacco store Alternative nicotine/vapor store
 Has vending machine that assembles cigarettes Other grocery

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

SIGNATURE OF OWNER, PARTNER(S), OR CORPORATE OFFICIAL

Name (please print) Kathleen M. Mahoney Name (please print) _____
 Signature _____ Signature _____
 Date 5/7/2015 Date _____

FOR CITY CLERK/COUNTY AUDITOR ONLY - MUST BE COMPLETE

Amount Paid: 100.00 R# 12791
 Date issued 6/22/15
 Permit Number 16-29

New
 Renewal

Please send completed/approved copy to:
 Iowa Department of Commerce, Alcoholic Beverages Division
 Name of Issuing City or County MUSCATINE

STATE OF IOWA
RETAIL
CIGARETTE and TOBACCO PERMIT

City Number MUSC 16-29

In accordance with laws of the state of Iowa, and the action of
the City Council of MUSCATINE Iowa
(City)

Business Location Name: WHOLESALE FOOD OUTLET (WFO) #312

Business Location Address: 807 GRANDVIEW AVENUE
MUSCATINE IA 52761

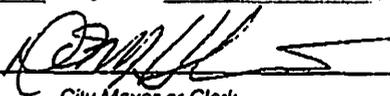
Type of Sales: OVER THE COUNTER Ownership Type: CORPORATION

Legal Owner Name: NASH FINCH COMPANY

Legal Owner Mailing Address: 850 - 76TH STREET WEST
BYRON CENTER MI 49315

Is hereby authorized to sell cigarettes and tobacco products at the business location address above
in the City of MUSCATINE County of MUSCATINE, Iowa.

This permit is nontransferable, is effective from JULY 1, 20 15 and
automatically expires on June 30, 20 16, unless suspended or revoked.

In Testimony Whereof, I have caused the seal of the said
City to be hereunto affixed. Done at MUSCATINE,
in the State of Iowa, this 22nd day of JUNE, 20 15.
Issued By: 
City Mayor or Clerk

07/10

COMPLAINT
IOWA UNIFORM CITATION AND COMPLAINT

MUSCATINE POLICE DEPT.

15-050993

State of Iowa
 County of: MUSCATINE No. 70
 City of: MUSCATINE

C 0021593

In the Court at COURTHOUSE, 401 E. THIRD, MUSCATINE, IA 52761

VS:
Name Nelson Zachary Tyson
Defendant, Last First Middle

Address 507 Lowe St.

City Muscatine State IA Zip 52761

DL# 872AK5222 State IA

DL Class C DL End. - DL Rest. B DL/State ID Viewed? Yes No

DOB 7/1/1977 Race W Ethn. N Sex. M Ht. 5-7 Wt. -

The undersigned states that on or about 12/17/15 at 1915 AM
defendant did unlawfully: Mo. Day Yr. XPM

Operate Motor Vehicle/Boat (describe) N/A

CDL Req? Yes No Pass. End. Req? Yes No HazMat End. Req? Yes No

Reg# State Year US DOT #

Upon a public highway at WFO 807 Grandview Ave

Located in the county and state aforesaid and did then and there commit the following offense:

Traffic Navigation Snowmobile/ATV Fish-Game Parks Tobacco

Sched. Violation/Fine \$ 100 - Road Work Zone

Criminal Surcharge \$ 35 - Non-scheduled Violation

Co. Enf. Surcharge \$ Court Appearance Required (805.10)

Court Costs \$ 60 - Reason:

Total Fine/Costs \$ 195 - Serious P.I. Fatal Accident

Violation Employee providing tobacco to minor Civil Damage Assessment Other

Speed in Zone Sec. 453A.2 20 18 IA Code

DATA CODE 524 Fed/Adm. Code Local Ord.

Dated 12/17/15 at 0815 AM PM

Mo. Day Yr. Officer's Signature I.D. No.

Court Date: If you must appear in court or if you choose to appear to answer to a charge which does not require an appearance, report to the above named court on

1/18/16 at 0815 AM PM

NOTICE: Providing false identification information is a violation of Section 719.1A of the Code of Iowa and is punishable as a simple misdemeanor.

You hereby are given notice that within a reasonable time but no later than the date scheduled for your initial appearance a citation/complaint sworn under oath will be filed with the district court clerk of the county in which the citation was issued.

My signature below is not a plea of guilty, but acknowledges all of the following:

1. I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information.

2. I promise to appear in said court at said time and place, or I will comply with the provision on the top of the reverse side of the citation.

The following applies to simple misdemeanors only:

3. I hereby give my unsecured appearance bond in the amount of 262.50 dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation, the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty and surcharge plus court costs.

* Zachary Nelson
Signature of Defendant

- clerk asked for C.I's b-day
- believed to be of age
- register asks for age & Clerk put(s) in 50

Wholesale Hood Outlet

STA0064203

Charges, Dispositions, Sentences
Title: STATE vs. NELSON, ZACHARY
Case: 07701 STA0064203 (MUSCATINE)
Citation Number: C0021593

Defendant: NELSON, ZACHARY

Count 01	Charge	Description:	Arrest Date:	Against Type:
	Charge: 453A.2(1)	EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF		
	Offense Date: 12/17/2015			
	DPS Number:			
	<u>Adjudication</u>			
	Charge: 453A.2(1)	EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF		
	Adj.: GUILTY - NEGOTIATED/VOLUN PLEA	Adj.Date: 01/07/2016		
	Adj.Judge: ,			
	Comments:			
	<u>Sentence</u>			
	Charge: 453A.2(1)	EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO MINOR - 1ST OFF		
	Sentence Date: 01/07/2016	Sentence: FINE		
	Appeal:	Sen.Judge: ,		
	Facility Type:	Attorney:		
	Restitution:	Drug:	Extradition:	
	Lic.Revoked:	DDS:	Batterer:	
	Fine Amount:	Duration:		
	Comment:			

CN=John Q Public,O=JUDICIAL

Certain details of case data are only shown to subscribers. You may logon at this time if you are a subscriber, or you may be become a subscriber by registering at this time. There is a \$25.00 per month subscription fee.

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