

RESOLUTION NO. #390-96

RESOLUTION IMPOSING \$300.00 CIVIL PENALTY ON  
COASTAL MART, INC., DBA C-MART #1047

WHEREAS, on May 28, 1996, an employee of Coastal Mart, Inc., d/b/a C-Mart #1047, Osage, Iowa, sold beer to a person under legal age in violation of Section 123.49(2)(h), Code of Iowa, and

WHEREAS, at the time of the above violation, said employee was employed by Coastal Mart, Inc., d/b/a C-Mart #1047, a beer permit holder, and

WHEREAS, the acts of an agent or employee of permittee are imputed to the permittee, and

WHEREAS, said violation occurred after January 1, 1988, and this is a first offense violation of Section 123.49(2)(h), and

WHEREAS, Section 123.39(4), Code of Iowa, provides that a permittee who violates said Section shall be assessed a civil penalty in the amount of \$300.00, and

WHEREAS, said Section provides that the local authority shall retain such civil penalties if the proceeding to impose the penalty is conducted by the local authority.

NOW, THEREFORE, BE IT RESOLVED by the Mitchell County Board of Supervisors of Mitchell County, Iowa:

Section 1. Mitchell County, Iowa, pursuant to the authority of the above referenced sections hereby imposes a civil penalty in the amount of \$300.00 against Coastal Mart, Inc., d/b/a C-Mart #1047, Class BC Beer Permit No. 15401.

Section 2. Said permit holder shall have thirty (30) days from the date of notice of this Resolution to pay said penalty in full to Sandra Heckstein, Mitchell County Auditor, Mitchell County Courthouse, 508 State Street, Osage, Iowa 50461. Failure to pay this penalty shall result in a fourteen (14) day suspension of the permit held by the permit holder.

Section 3. The Auditor is directed to notify the permit holder of this action by providing said permit holder a certified copy of this Resolution. Said notice shall be by certified mail, return receipt requested.

Section 4. Said permit holder is hereby notified that the permit holder has the right to appeal the imposition of this civil penalty to the Alcoholic Beverages Division of the Department of Commerce by filing a written notice of appeal with said Division and with the Mitchell County Auditor within twenty-one (21) days from the date of service of this Resolution.

Section 5. The Mitchell County Auditor shall mail a copy of this Resolution to: Licensing

Bureau, Alcoholic Beverages Division, Department of Commerce, 1918 S.E. Hulsizer Avenue,  
Ankeny, Iowa 50021.

Passed and approved this 13<sup>th</sup> day of August, 1996.

Don Budick  
Chairman

ATTEST:

Sandra Heckstein  
Sandra Heckstein, Auditor  
C:\MARK\CARESO.WPD(sg)

CERTIFICATE OF AUDITOR

STATE OF IOWA                    )  
                                          )SS  
COUNTY OF MITCHELL        )

I, Sandra Heckstein, being first duly sworn on oath, state that I am the duly appointed, qualified, and acting Auditor of Mitchell County, Iowa, and have in my possession, or have access to, the complete corporate records of Mitchell County, Iowa and its Board of Supervisors.

I further certify that attached hereto is a true, correct, and complete copy of the Resolution Imposing \$300.00 Civil Penalty on Coastal Mart, Inc., d/b/a C-Mart #1047, passed and approved by said Board of Supervisors at its regular meeting on August 13, 1996.

Witness my official signature and the seal of Mitchell County, Iowa, hereto affixed on this 13th day of August, 1996, at my office in Osage, Iowa.

Sandra Heckstein  
Sandra Heckstein, Mitchell County Auditor

13<sup>th</sup> day of August, 1996. Subscribed and sworn to before me by Sandra Heckstein, Mitchell County Auditor, this

Jane A. Rowe  
Notary Public in and for State of Iowa

C:\MARK\CARESO.WPD(sg)



# MITCHELL COUNTY AUDITOR

COURTHOUSE

SANDRA  
HECKSTEIN



OSAGE, IOWA 50461

TELEPHONE  
515-732-5861

August 13, 1996

Coastal Mart, Inc.  
d/b/a C-Mart #1047  
c/o Neil Ellingson  
1732 Main  
Osage, IA 50461

RE: Civil Penalty Imposed on Beer Permit No. 15401

Dear Mr. Ellingson:

Pursuant to the enclosed August 13, 1996 Resolution, a \$300.00 civil penalty has been imposed upon the above referenced beer permittee. The civil penalty has been ordered for a violation of Section 123.49(2)(h), Code of Iowa.

Please note that the \$300.00 civil penalty must be paid in full to Mitchell County, 508 State Street, Osage, Iowa 50461 on or before September 16, 1996. Failure to comply will result in an automatic fourteen (14) day suspension of Beer Permit No. 15401.

Should you decide to pursue this matter further, you may appeal the decision by filing a written Notice of Appeal with the Administrator of Hearings within twenty-one (21) days from the date of service of this Resolution. The Notice of Appeal should be sent to the Alcoholic Beverages Division, 1918 S.E. Hulsizer Avenue, Ankeny, Iowa 50021.

Best regards,

Sandra Heckstein  
Mitchell County Auditor

**COPY**

OFFICE OF  
**MITCHELL COUNTY ATTORNEY**  
515 STATE STREET  
OSAGE, IOWA 50461

**JERRY H. FOLKERS**, COUNTY ATTORNEY  
**MARK L. WALK**, ASSISTANT COUNTY ATTORNEY

TELEPHONE: 515-732-5727  
BUSINESS HOURS FAX: 515-732-5345  
NON-BUSINESS HOURS FAX: 515-732-3796

August 26, 1996

Licensing Bureau  
Alcoholic Beverages Division  
Department of Commerce  
1981 S.E. Hulsizer Avenue  
Ankeny, Iowa 50021

COPY

RE: Coastal Mart, Inc.  
d/b/a C-Mart #1047  
1732 Main, Osage, IA 50461

Gentlemen:

On August 13, 1996, the Mitchell County Board of Supervisors met in regular session. On the agenda was the imposition of a civil penalty against Coastal Mart, Inc., d/b/a C-Mart #1047, resulting from a violation of Section 123.49(2)(h), Code of Iowa. The Council adopted a Resolution imposing this penalty. Enclosed please find a certified copy of this Resolution. A copy of the Board of Supervisors' Resolution was forwarded to the permit holder by certified mail, return receipt requested, on this date. Enclosed is a copy of the letter sent to the permit holder.

If you need additional information or if I can be of further assistance, please contact me.

Best regards,



Mark L. Walk  
Assistant Mitchell County Attorney

MLW:sg  
enc.

cc: Sandra Heckstein  
Mitchell County Auditor  
508 State Street  
Osage, IA 50461