

Recd. 4/18/16  
RH

## AGREEMENT

This Agreement is made as of this 4 day of 12, 2016, by and between H and S Inc. of Northfield dba Downtown Tobacco, the holder of the license issued by the City of Northfield to sell tobacco at Downtown Tobacco, 429 Division Street S., Northfield, (Licensee) and the City of Northfield (City).

Whereas, it is a violation of City Code, Sec. 30-76, clause (2) for a tobacco licensee to fail to produce store video upon request; and

Whereas, under State and local law, tobacco licensees are responsible for the conduct in the licensed establishment and any sale of tobacco by an employee in the establishment is considered the act of the licensee (except for the purposes of the imposition of certain criminal sanctions); and

Whereas, during the course of a compliance investigation, the Northfield Police Department requested store video from Licensee and issued a citation for failure by Licensee to provide such video to police on April 15, 2015; and

Whereas, Licensee had previous violations on December 30, 2013 and December 19, 2014, and the current violation occurred on April 15, 2015, and as a result, this current violation represents Licensee's third license offense within 24 months; and

Whereas, City Code, Section. 30-28 of the Northfield City Code provides for imposition of civil penalties for tobacco license violations as follows:

(a) Licensees. Any licensee found to have violated this article, or whose employee shall have violated this article, shall be charged an administrative fine of \$200.00 for a first violation of this article, \$400.00 for a second offense at the same licensed premises within a 24-month period, \$800.00 for a third offense at the same location within a 24-month period, and \$1,600.00 for a fourth offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven days; and after the fourth offense, the license shall be suspended for not less than 30 days. For the purposes of this section, "within a 24-month period" means a period, two years in duration, which begins to toll on the date of the occurrence of the first violation, and ends two years from the date of the first violation. If no further violations occur within two years following the first violation, any violations occurring after the expiration of the two-year period will not be cumulative with regards to the first violation.

; and

Whereas, Licensee hereby expressly acknowledges and understands that Licensee has the right to a hearing before the Northfield City Council regarding imposition of a civil penalty for the above-referenced license violation at which evidence and testimony may be presented by both Licensee and the City before the City could impose any civil penalty against Licensee on account of the above-referenced license violation.

Now, therefore, it is hereby agreed as follows by the parties hereto:

1. Licensee acknowledges and agrees that Haider Abidali Alnomani pled guilty, was criminally convicted and sentenced for the violation of City Code, Sec. 30-76, clause (2)

and is now subsequently responsible for any civil tobacco license penalties which may be imposed by the City related thereto in accordance with City Code, Sec. 30-28.

2. Licensee hereby expressly waives any hearing with regard to the above-referenced license violation and the imposition of any civil penalty by the City against Licensee on account thereof.
3. Pursuant to City Code, Sec. 30-28, Licensee agrees to accept and pay a civil license penalty of \$800 and serve a license suspension of seven consecutive days for Licensee's third tobacco license violation within a twenty four month period on account of the above-referenced license violation. Licensee agrees to make payment of the \$800 fine hereby imposed on or before April 22, 2016. Licensee further agrees to serve the seven consecutive day tobacco license suspension as determined by the Northfield City Clerk within 30 days of April 22, 2016.
4. Licensee acknowledges, understands and agrees that failure by Licensee to comply fully with the terms of this Agreement will result in additional action by the City against Licensee, including but not limited to, the further suspension or revocation of Licensee's tobacco license.
5. Licensee acknowledges Licensee's obligation to instruct employees regarding lawful and unlawful sale of tobacco, and to monitor and enforce employees' compliance with State & local laws in that regard.
6. Licensee further acknowledges that any future violation of State or local tobacco laws by Licensee or its employee(s) will result in the imposition of more severe sanctions by the City, which may include higher fines, suspensions and/or revocation of Licensee's tobacco license.

LICENSEE:

By: Haider Al-Noman

Its: H And So for North Field  
Down town tobacco

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY:

By: Deb A. Little

Its: City Clerk

By: MBaker

Its: Police Chief