



A Helpful Smile In Every Aisle

April 8, 2019

Amy S. Beattie
BRICK, GENTRY, BOWERS, SWARTZ,
STOLTZE & LEVIS, P.C.
6701 Westown Parkway, Suite 100
West Des Moines, IA 50266

ALSO VIA EMAIL:
amy.beattie@brickgentrylaw.com


RE: Tobacco Violation – Assertion of Affirmative Defense
Hy-Vee, Inc., dba Hy-Vee Gas #1, 414 N. Ankeny Blvd., Ankeny, IA 50023

Dear Ms. Beattie,

With respect to the violation of Iowa Code §453A.2(1) by an employee of Hy-Vee, Inc., Ryan Myers, at Ankeny, IA 1 Gas on December 16, 2018, please accept this letter on behalf of Hy-Vee, Inc. as an assertion of the affirmative defense available pursuant to Iowa Code §453A.22(3). To the best of our knowledge Hy-Vee has not previously asserted an affirmative defense available to it pursuant to Iowa Code §453A.22(3) at this licensed location within the four (4) year period prior to the date of this letter.

Enclosed herewith please find a copy of the Certificate of Completion of the Iowa Pledge Retailer Training Program dated June 16, 2018 for Mr. Myers. If you have any questions or need any additional documents signed, please call me at 515-267-7771 or email at asmook@hy-vee.com.

Very Truly Yours,
Hy-Vee, Inc.

By: 
Andrea M. Smook
Assistant General Counsel

cc: Store Director – Jen Kopriva

Hy-Vee, Inc.
5820 Westown Parkway, West Des Moines, IA 50266
Phone: (515) 267-2800