

MUSCATINE COUNTY ATTORNEY

Alan R. Ostergren

420 EAST THIRD STREET
MUSCATINE, IA 52761
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E-MAIL: attorney@co.muscatine.ia.us



ASSISTANTS
AMY HERING
OUBONH P. WHITE
DAN WILLIAMSON
JOAN BLACK

1st violation

NOTICE OF HEARING

Brian Mussehl
DJMB Enterprises Inc.
2201 Houser St.
Muscatine, IA 52761

Case No. MUSTA0088002

RE: DJMB Enterprises Inc. d/b/a West Side Store
2201 Houser St.
Muscatine, IA 52761

The City of Muscatine has scheduled a hearing before the city council at 7:00 p.m. on Thursday, May 16, 2019, 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.

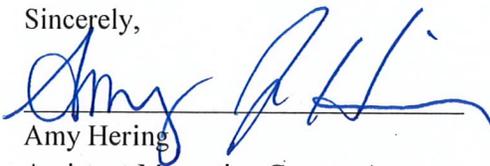
If you wish to settle this case in lieu of the public hearing, you must sign and date the enclosed Acknowledgment / Settlement Agreement and return it along with a check in the amount of \$300.00 made out to the City of Muscatine, prior to the hearing date. These should be mailed to:

Assistant County Attorney Amy Hering
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,


Amy Hering
Assistant Muscatine County Attorney
amy.hering@co.muscatine.ia.us

COMPLAINT

Dispatch / Case #: 19-005893

Citation #: 601 0247 190213 175031 8

IOWA UNIFORM CITATION AND COMPLAINT

Form 40007 (Rev. 07/17) Reference #: **19-005893** Law Enforcement Agency: **MUSCATINE POLICE DEPARTMENT** City of: **MUSCATINE - 5330**

State of Iowa County of: **MUSCATINE - 70** City of: **MUSCATINE IA 52761**

Name of Court: **MUSCATINE COUNTY COURTHOUSE 401 EAST THIRD STREET**

VS Name: **SYPHRIT JACKIE LYNN** DL# **997AA2285** DL/State ID Viewed? **YES** DOB **07/13/1972**

Address: **1816 LOGAN ST APT K6** City: **MUSCATINE** State: **IA** Zip Code: **52761-0000** Race: **W** Ethnicity: **N**

DL State: **IA** DL Class: **C** DL Exp: **NONE** DL Rest: **NONE** Height: **5'03"** Weight: **170 LBS** Sex: **FEMALE**

The undersigned states that on or about **02/13/2019** at **8:45 PM** defendant did unlawfully Operate Motor Vehicle/Boat

US DOT# _____ ICC# _____ Lic Plate #REG _____ State _____ Year _____ CDL Req'd _____ Pass Exp _____ HazMat End Req? _____

Upon a public highway at **2201 HOUSER ST** Located in the county and state addressed and defendant there committed the following offense

Some Juved. Violation/Fine **\$100.00** Invt. Appearance Required **\$50.00** Road Work Zone Non-scheduled Violation Speed _____ in _____ Zone

Criminal Surcharge **\$35.00** Reason: Traffic P. Fatal Accident Civil Damage Assessment Other _____ Fed/Adm. Code _____

Co. Enf. Surcharge **N/A** Violation: **1ST OFFENSE - EMPLOYEE PROVIDING TOBACCO TO MINOR** IA Code **20**

Court Costs **\$60.00** Local Ord: **MUR/453A.2(1)-C**

Total Fine/Costs **\$195.00** Sec # _____

Officer's Signature: *[Signature]* ID No: **247** Dated: **02/13/2019**

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 this citation was issued.

Court Date: If you must appear in court or if you choose to do so, you must appear to answer to a charge which does not require an appearance, report to the above named court on **03/08/2019** at **8:15 AM**

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 and correct, and providing false information is a violation of the Code of Iowa and is punishable as a simple misdemeanor.
- I promise to appear in said court at said time and place. Understanding that a failure to appear in court as specified by this citation may be subject to arrest and/or loss of driving privileges.
- If a court appearance is not required, I may enter a plea of guilty to the charged appearance date by delivery in person, or by agent, or by mail to the court specified by this citation.

The following applies to simple misdemeanors only:

- I hereby give my understanding acceptance bond in the amount of **\$202.50** to the court and enter my order appearance. I agree that I shall appear in person or by counsel to defend against the offense charged in this citation. The court is authorized to enter a judgment against me for the amount of my appearance bond in satisfaction of the penalty and surcharge plus court cost.



Signature of Defendant: **X Jackie E. Sphrit** Dated: **02/13/2019**

I swear that the foregoing complaint is true and correct. Subscribed and sworn to me by: **COLMAN, JOLISA** this day of _____ Notary/other Signature _____

Officer's Signature: _____ Agency: **MUSCATINE POLICE DEPARTMENT** Notary/other Signature: _____

ABSTRACT OF COURT RECORD

COURT NO. _____ CASE NO. _____

DOCKET NO. _____ CASE NO. _____

LICENSE NO. _____ STATE: Iowa Other _____

FORFEIT BOND Other _____

JURY TRIAL BAIL CASH DEPOSIT _____

NO JURY TRIAL or PROCEEDING PLEA: GUILTY NOT GUILTY DISMISSED

VERDICT: GUILTY NOT GUILTY DISMISSED

OTHER DISPOSITION _____

The court Therefore Enters in Following Order This Date _____ Mo. Day Yr.

FINED \$ _____ SURCHARGE \$ _____ COST \$ _____

Incarceration in _____ Days: _____

Citation #: **601 0247 190213 175031 8**

TESTIMONY - JUDGE'S NOTES: (Other Orders)

Date _____ Signature, person giving bail _____ Signature, person taking bail _____

Driver's License Recommendation: None School Susp. Revo. Days

DATE _____ Continued to: _____ REASON _____

DATE _____ Continued to: _____ REASON _____

DATE _____ WARRANT ISSUED

TO THE COURT: The following are witnesses who can give testimony relating to the facts of this alleged violation. Please subpoena prosecuting witness:

Name	Address	Phone

Charges, Dispositions, Sentences

Title: CITY OF MUSCATINE VS SYPHRIT, JACKIE LYNN

Case: 07701MUSTA0088002 (MUSCATINE)

Citation Number: 60102471902131750318

Defendant: SYPHRIT, JACKIE LYNNCount 01Charge

Charge: MU/R453A.2(1)-C **Description:** 1ST OFFENSE - EMPLOYEE PROVIDING TOBACCO TO MINOR
Offense Date: 02/13/2019 **Arrest Date:** **Against Type:**
DPS Number:

Adjudication

Charge: MU/R453A.2(1)-C **Description:** 1ST OFFENSE - EMPLOYEE PROVIDING TOBACCO TO MINOR
Adj.: GUILTY BY COURT **Adj.Date:** 03/28/2019
Adj.Judge: WUNDER, JOHN E
Comments:

Sentence

Charge: MU/R453A.2(1)-C **Description:** 1ST OFFENSE - EMPLOYEE PROVIDING TOBACCO TO MINOR
Sentence Date: 03/28/2019 **Sentence:** FINE
Appeal: **Sen.Judge:** WUNDER, JOHN E
Facility Type: **Attorney:** N
Restitution: N **Drug:** N **Extradition:** N
Lic.Revoked: N **DDS:** N **Batterer:**
Fine Amount: 100 **Duration:**
Comment:

CN=John Q Public,O=JUDICIAL

Logon

Register

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

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

SEE INSTRUCTIONS ON THE REVERSE SIDE

For period (MM/DD/YYYY) 07 / 01 / 2018 through June 30, 2019

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

Business Information:

Trade Name/DBA: DJMB ENTERPRISES INC / WEST SIDE STORE
 Physical Location Address: 2201 HOUSER ST City: MUSCATINE ZIP: 52761
 Mailing Address: 2201 HOUSER ST City: MUSCATINE State: IA ZIP: 52761
 Business Phone Number: (563) 262-8044

Legal Ownership Information:

Type of Ownership: Sole Proprietor Partnership Corporation LLC LLP
 Name of sole proprietor, partnership, corporation, LLC, or LLP: DJMB ENTERPRISES
 Mailing Address: 2201 HOUSER ST City: MUSCATINE State: IA ZIP: 52761
 Phone Number: (563) 262-8044 Fax Number: () Email:

Retail Information:

Types of Sales: Over-the-counter Vending machine
 Types of Products Sold: (Check all that apply)
 Cigarettes Tobacco Alternative Nicotine Products Vapor Products

Type of Establishment: (Select the option that best describes the establishment)

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

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(S), PARTNER(S), OR CORPORATE OFFICIAL(S)

Name (please print): BRIAN MUSSELL Name (please print):
 Signature: B. Mussell Signature:
 Date: 5-17-18 Date:

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

1 5/21/18 - R#55290 FOR CITY CLERK/COUNTY AUDITOR ONLY - MUST BE COMPLETE

- Fill in the amount paid for the permit: 100.00
- Fill in the date the permit was approved by the council or board: 6/21/18
- Fill in the permit number issued by the city/county: 19-37
- Fill in the name of the city or county issuing the permit: Muscatine

✓ Renewal

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: iapledge@iowaabd.com
- Fax: 515-281-7375

STATE OF IOWA
RETAIL
CIGARETTE/TOBACCO/NICOTINE/VAPOR PERMIT

City Number MUSC 19-37

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

Business Location Name: WEST SIDE STORE

Business Location Address: 2201 HOUSER STREET

MUSCATINE IA 52761

Ownership Type: OVER THE COUNTER

Legal Owner Name: DJMB ENTERPRISES

Legal Owner Mailing Address: 2201 HOUSER STREET

MUSCATINE IA 52761

Type of Sales: CONVENIENCE STORE

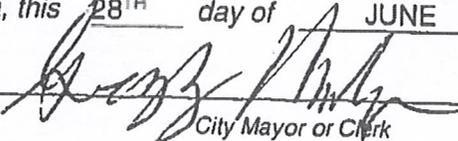
*Is hereby authorized to sell cigarettes, tobacco, nicotine and vapor products
at the business location address above*

in the City of MUSCATINE County of MUSCATINE, Iowa.

This permit is nontransferable, is effective from JULY 1, 20 18 and
automatically expires on June 30, 20 19, 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 28TH day of JUNE, 20 18.

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.

BEFORE THE MUSCATINE CITY COUNCIL

In RE: DJMB Enterprises Inc. 2201 Houser St. Muscatine, IA 52761, Permit Holder	No. MUSTA0088002
DJMB Enterprises Inc. d/b/a West Side Store 2201 Houser St. 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. Jackie Lynn Syphrit, an employee of DJMB Enterprises Inc., d/b/a West Side Store, sold tobacco to a minor on February 13, 2019, 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 Amy Hering
Muscatine County Attorney's Office
420 E. Third St., Muscatine, IA 52761