

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Rasta Lion, LLC/Tyler Ralfs 211 E. 2nd St. Muscatine, IA 52761, Permit Holder	No. STA0098156
Rasta Lion, LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop 211 E. 2nd St. Muscatine, IA 52761, Retailer	ORDER ASSESSING PENALTY THIRD VIOLATION

On this _____ day of _____, 2021, after a public hearing on the matter, the Muscatine City Council FINDS that based upon evidence submitted by the County Attorney's Office on July 15, 2021, the above-captioned permit holder committed a violation of Iowa Code § 453A.2(1) by selling, giving, or otherwise supplying any tobacco, tobacco, products, or cigarettes to any person under eighteen years of age and that this was a third violation of this statute within a period of three years.

IT IS THEREFORE ORDERED, that the above-captioned permit holder remit fifteen hundred dollars (\$1500.00), on or before _____ (30 days from the date of this Order) to the City of Muscatine and begin serving a thirty (30) day suspension of the permit holder's cigarette permit on _____. This sanction is consistent with Iowa Code section 453A.22(2)(c) for a third violation of Iowa Code section 453A.2(1).

Mayor

Return of ServiceIN RE: RASTA LION, LLC/TYLER RALFS,
PERMIT HOLDERCase Number: STA98156
Civil Number: 21-000975RASTA LION, LLC/TYLER RALFS D/B/A RASTA LION SMOKE SHOP,
RETAILERDate Received: 06/16/2021 @ 15:10
Date Printed: 06/24/2021 @ 10:21STATE OF IOWA
MUSCATINE COUNTY

}

I hereby certify that I served a copy of:

NOTICE OF HEARING

ACKNOWLEDGMENT AND SETTLEMENT AGREEMENT

HEARING COMPLAINT

COMPLAINT

IOWA COURTS ONLINE SEARCH

IOWA RET PERMIT APP FOR CIG TOB NIC VAPOR

STATE OF IOWA RET CIG TOB NIC VAPOR PERMIT

To: RALFS, TYLER at 211 E 2ND ST, MUSCATINE, IA 52761

on 06/21/2021 @ 16:00

Type of Service: PERSONAL

Remarks:

Case Notes:

Fees:

Service Fees: 210.00

Mileage: 10.50

Copies: 0.50

Total: 221.00

By:

LIEUTENANT MATT BOWERS

QUINN RIESS, SHERIFF
MUSCATINE COUNTY

Paid By:

Date:

Check #:

THE OFFICE OF THE

MUSCATINE COUNTY ATTORNEY

James P. Barry

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



ASSISTANTS
KELLY CUNNINGHAM
AMY HERING
DAN WILLIAMSON
JENNIFER GIESELMAN

3rd Violation

NOTICE OF HEARING

Case No. STA0098156

Austin Burkholder and **Tyler Ralfs**
Rasta Lion, LLC/Tyler Ralfs
211 E. 2nd St.
Muscatine, IA 52761

RE: Rasta Lion, LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop
211 E. 2nd St.
Muscatine, IA 52761

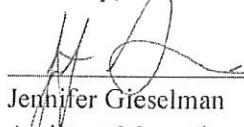
The City of Muscatine has scheduled a hearing before the city council at 7:00 p.m. on Thursday, July 15, 2021, in the City Hall Council Chambers, 215 Sycamore St., Muscatine, Iowa. The Hearing Complaint, which has been filed against you, is enclosed.

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 \$1500.00 civil penalty and 30-day permit suspension prescribed by Iowa Code Section 453A.22(2)(c) for the violation of Iowa Code Section 453A.2(1): selling, giving, or otherwise supplying any tobacco, tobacco products, alternative nicotine products, vapor products or cigarettes to any person under twenty-one years of age.

If you wish to settle this case in lieu of the public hearing, you must sign and date the enclosed Acknowledgment and Settlement Agreement and return it along with a check in the amount of \$1500.00 made out to City of Muscatine, c/o Jennifer Gieselman, Muscatine County Attorney's Office, 420 E. Third St., Muscatine, IA 52761, no later than ten business days prior to the hearing date. Accepting and abiding by the Settlement Agreement will satisfy the penalty for a third 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, that attorney should contact me directly.

Sincerely,



Jennifer Gieselman
Assistant Muscatine County Attorney
jennifer.gieselman@co.muscatine.ia.us

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Rasta Lion, LLC/Tyler Ralfs 211 E. 2nd St. Muscatine, IA 52761, Permit Holder	No. STA0098156
Rasta Lion, LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop 211 E. 2nd St. Muscatine, IA 52761, Retailer	ACKNOWLEDGMENT AND 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. Hunter Drake Rickey, an employee of Rasta Lion, LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop, sold, gave, or otherwise supplied any tobacco, tobacco product, alternative nicotine product, vapor product or cigarette to a person under twenty-one years of age on April 1, 2021, in violation of Iowa Code section 453A.2.
 - e. The violation noted in paragraph "d" herein, will count as an official third violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.
2. To settle the above-referenced Complaint (check both):

enclosed with this Acknowledgement and Settlement Agreement is a check in the amount of \$1500.00 made payable to City of Muscatine; and

acknowledgement of a thirty-day suspension beginning on the date that will be specified in the official order received from the City of Muscatine.
2. 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 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 and Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated, as well as a check in the amount \$1500.00 made payable to City of Muscatine should be returned to: Assistant County Attorney Jennifer Gieselman, 420 E. Third St., Muscatine, IA 52761.

RECEIVED
MUSCATINE
CITY COUNCIL
APR 16 2021

BEFORE THE MUSCATINE CITY COUNCIL

In RE: Rasta Lion, LLC/Tyler Ralfs 211 E. 2nd St. Muscatine, IA 52761, Permit Holder	No. STA0098156
Rasta Lion, LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop 211 E. 2nd St. Muscatine, IA 52761, Retailer	HEARING COMPLAINT

The City of Muscatine, by and through undersigned counsel, hereby makes the following complaint against Rasta Lion, LLC/Tyler Ralfs, permit holder.

1. Iowa Code section 453A.2(1) provides that, "A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under twenty-one years of age."
2. Iowa Code section 453A.22(2)(c) provides that if a permit holder or an employee of a permit holder has violated Iowa Code section 453A.2(1) three times within a three-year period, the permit holder shall be assessed a civil penalty of \$1500.00 and the retailer's permit shall be suspended for a period of thirty days for the third violation of Iowa Code section 453A.2(1).
3. On or about April 1, 2021, Rasta Lion, LLC/Tyler Ralfs held a retail cigarette/tobacco/nicotine/vapor permit obtained under Iowa Code section 453A.13(2)(a) from the City of Muscatine, Iowa, for Rasta Lion, LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop, a retailer as defined in Iowa Code section 453A.1(23).
4. On or about April 1, 2021, Hunter Drake Rickey, an employee of the permit holder (Rasta Lion, LLC/Tyler Ralfs), sold, gave, or otherwise supplied any tobacco, tobacco product, alternative nicotine product, vapor product or cigarette to a person under twenty-one years of age.
5. On April 22, 2021, Hunter Drake Rickey was convicted of selling, giving, or otherwise supplying any tobacco, tobacco products, alternative nicotine products, vapor products or cigarettes to a person under twenty-one years of age.
6. The retailer previously violated Iowa Code section 453A.2(1) on December 19, 2019, and January 28, 2021.

WHEREFORE, the undersigned requests that the Muscatine City Council find that an employee of the permit holder or permit holder has committed a third violation of Iowa Code section 453A.2(1) and enter the appropriate remedy against Rasta Lion, LLC/Tyler Ralfs.

JG 06/01/2021
Jennifer Gieselman, Assistant Muscatine County Attorney
426 East Third Street, Muscatine, Iowa 52761
(563) 263-0382, (563) 263-4944 (facsimile)
jennifer.gieselman@co.muscatine.ia.us

RECEIVED
MUSCATINE CITY COUNCIL
06/01/2021
JG

07/10

COMPLAINT
IOWA UNIFORM CITIATION AND COMPLAINT

MUSCATINE POLICE DEPT.

21-012313

State of Iowa **MUSCATINE** No. **70**
 County of **MUSCATINE**
 City of _____

C 0023112

COURTHOUSE, 401 E. THIRD, MUSCATINE, IA 52761

In the Court of _____

vs:

Name **Rickey Hunter Drake**
 Defendant, Last First MiddleAddress **1203 Park Ave**City **Muscatine** State **IA** Zip **52761**
 DL# **976 AM 2432** State **IA**DL Class **C** DL End **BS** DL/State ID Viewed? Yes No
 DOB **1/1/02** Race **W** Ethn. **N** Sex **M** Ht. **5-10** Wt. **140**W/8/1/A/U H/N/I/U AM
 The undersigned states that on or about **4/1/21** at **1551** **PM**
 defendant did unlawfully: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 **211 E 2nd St**

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 **\$ 135 -** Road Work Zone
 Criminal Surcharge **\$ 20 .25** Non-scheduled Violation
 Co. Enf. Surcharge **\$ 0 -** Court Appearance Required (805.10)
 Court Costs **\$ 55 -** Reason:
 Total Fine/Costs **\$ 210 .25** Serious P.I. Fatal Accident
 Civil Damage Assessment Other

Violation **Employer providing tobacco product to minor**
 Speed _____ in _____ Zone Sec. **453A - 3(1)** 20.20 IA Code

DATA CODE _____ Fed/Adm. Code _____ Local Ord. _____

Dated **4/1/21** **0815** Officer's Signature **PL** I.D. No. **147**
 Mo. Day Yr.

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

4/22/21 **0815** AM 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:
 3. I hereby give my unsecured appearance bond in the amount of **287.88** 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.

Plat. Miller

Date of signature

10

ABSTRACT OF COURT RECORD

COURT NO. _____ CASH NO. _____
 DOCKET NO. _____ CASE NO. _____
 LICENSE NO. _____ STATE: IOWA OTHER _____

FORFEIT BOND BAIL, CASH DEPOSIT _____

JURY TRIAL PLEA GUILTY VERDICT GUILTY
 NO JURY TRIAL NOT GUILTY NOT GUILTY
 or PROCEEDING DISMISSED DISMISSED

OTHER DISPOSITION _____

The Court Therefore Enters In Following Order This Date 4/1/21
 Mo. Day Year
 FINED \$ _____ CRIMINAL SURCHARGE \$ _____

COUNTY ENFORCEMENT SURCHARGE \$ _____ COSTS \$ _____

Incarceration in _____ Days: _____

None	School	Susp	Days	Rev.
------	--------	------	------	------

Drivers License	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Recommendation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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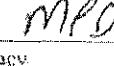
DATE:	Continued to: _____	REASON: _____
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DATE:	Continued to: _____	REASON: _____
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DATE:	WARRANT ISSUED		
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TESTIMONY - JUDGES NOTES: (Other Orders)

Date _____ Signature, person giving bail _____ Signature, person taking bail _____
 I swear that the foregoing citation is true and correct.

  Signature _____ Attorney _____

Subscribed and sworn to before me by J. Bryant at

Muscatine, Iowa this 1 day of April, 2021

B. O'Connor Notary/Other  B. O'CONNOR Commission Number 712763
 My Commission Expires 10-23-23

TO THE COURT: The 1 witness are 1 witness can give testimony relating to the facts of this alleged violation. Please subpoena prosecuting witness.

1.	Title	Name	Address	Phone
2.				
3.				
4.				
5.				

Iowa Courts Online Search

Trial Court Case Details

Search Results

Back

Print All Pages

[Summary]

[Panel]

[Court Date]

[Flags]

[Penalty/Disorder]

[Criminal Charge Disposition]

[Evidence]

[Financial]

[Books]

[Service Record]

[Traffic Detail]

Charges, Dispositions, Sentences

Title: STATE vs RICKY HUNTER DRAKE

Case: 0701 STA0058156 (MUSCATINE)

Citation Number: 0023112

Defendant: RICKY, HUNTER DRAKE

Count 01 Original Charge

Charge:

Offense Date:

04/01/2021

Description:

Arrest Date:

Charge Class:

EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO PERSON UNDER 21-1ST OFF

Against Type:

SCHEDULED VIOLATION

Charge:

Offense Date:

04/22/2021

Description:

Adjudication Date:

Adjudicated Charge Class:

EMPLOYEE PROVIDING TOBACCO/VAPOR PRODUCT TO PERSON UNDER 21-1ST OFF

SCHEDULED VIOLATION

Comments:

Sentence

Sentence Date

Duration

Fine

135

Appeal

Judge

WUNDER, JOHN E

Facility Type

Attorney

N

Resistor

N

Drug

N

Extradition

N

Lic. Revoked

N

Instructions on the reverse side

For period (MM/DD/YYYY) 06/19/2020 through June 30, 2021

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

Business Information:

Trade Name/DBA Rasta Lion LLC

Physical Location Address 211 E 2nd Street City Muscatine ZIP 52761

Mailing Address 211 E 2nd Street City Muscatine State IA ZIP 52761

Business Phone Number 563-271-2373

Legal Ownership Information:

Type of Ownership: Sole Proprietor Partnership Corporation LLC LLP

Name of sole proprietor, partnership, corporation, LLC, or LLP Rasta Lion LLC

Mailing Address 211 E 2nd St City Muscatine State IA ZIP 52761

Phone Number 563-271-2373 Fax Number Email Rastalivingglass@gmail.com

Retail Information:

Types of Sales: Over-the-counter Vending machine

Do you make delivery sales of alternative nicotine or vapor products? (See Instructions) Yes No

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) Austin Burkhardt

Signature Austin Burkhardt

Date 6/19/2020

Name (please print) Tyler Ralff

Signature Tyler Ralff

Date 6/19/2020

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).

2d 6/18/2020 - 21-33 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: 6/18/2020
- Fill in the permit number issued by the city/county: 21-33
- Fill in the name of the city or county issuing the permit: MUSCATINE

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: lapledge@iowaabd.com

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

City Number MUSC 21-33

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

Business Location Name: RASTA LION LLC

Business Location Address: 211 EAST 2ND STREET

MUSCATINE IA 52761

Ownership Type: OVER THE COUNTER

Legal Owner Name: RASTA LION LLC/TYLER RALFS

Legal Owner Mailing Address: 211 EAST 2ND STREET

MUSCATINE IA 52761

Type of Sales: TOBACCO 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 20 and

automatically expires on June 30, 2021, 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 19TH day of JUNE, 20 20

Issued By: George Parker

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.

Return of ServiceIN RE: RASTA LION, LLC/TYLER RALFS,
PERMIT HOLDERCase Number: STA98156
Civil Number: 21-000975RASTA LION, LLC/TYLER RALFS D/B/A RASTA LION SMOKE SHOP,
RETAILERDate Received: 06/16/2021 @ 15:10
Date Printed: 06/24/2021 @ 10:21STATE OF IOWA
MUSCATINE COUNTY

}

I hereby certify that a Diligent Search was made to serve a copy of:

NOTICE OF HEARING

ACKNOWLEDGMENT AND SETTLEMENT AGREEMENT

HEARING COMPLAINT

COMPLAINT

IOWA COURTS ONLINE SEARCH

IOWA RET PERMIT APP FOR CIG TOB NIC VAPOR

STATE OF IOWA RET CIG TOB NIC VAPOR PERMIT

To: **DILIGENT SEARCH**

on 06/19/2021 @ 15:57

Type of Service: **DILIGENT SEARCH**

Remarks: AUSTIN BURKHOLDER IS DECEASED.

ACCORDING TO AN ONLINE SEARCH DONE BY THE CIVIL DEPARTMENT THIS SUBJECT DIED
ON 11/7/2020.

Case Notes:

Fees:

Service Fees: 0.00

QUINN RIESS, SHERIFF
MUSCATINE COUNTY

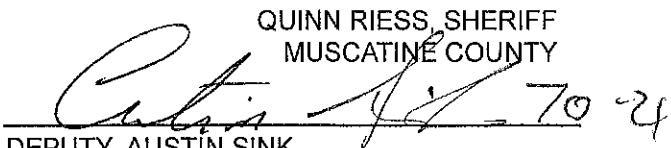
Mileage: 10.50

By:

Copies: 0.50

DEPUTY AUSTIN SINK

Total: 11.00



Paid By:

Date:

Check #: