

IN THE IOWA DISTRICT COURT FOR SIOUX COUNTY

STATE OF IOWA ex rel.
THOMAS J. MILLER,
ATTORNEY GENERAL OF IOWA

Plaintiff,

v.

BRENDA KAY NOTEBOOM

Defendant.

EQUITY NO. _____

**AFFIDAVIT OF SUSAN M. KERR IN
SUPPORT OF APPLICATION FOR
TEMPORARY INJUNCTION**

State of Iowa)
)
County of Polk)

I, Susan M. Kerr, being first sworn, do state:

1. I am over eighteen years old and have personal knowledge of the matters set forth in this Affidavit.
2. I am employed as an Investigator in the Iowa Attorney General's Office, Consumer Protection Division, and have held this job for more than twenty-four years. Prior to this employment I was a State Trooper with the Iowa State Patrol. My job duties in the Consumer Protection Division include investigating suspected cases of consumer fraud under the Iowa Consumer Fraud Act, Iowa Code section 714.16, among other statutes. I work closely with attorneys in the Consumer Protection Division in the investigation and prosecution of cases of alleged consumer fraud committed by Iowans or Iowa companies or against Iowans.
3. On or about March 26, 2020 while working on the suspected price gouging case of eBay seller mn65, who the office later determined to be Michael Evan Noteboom of Orange City,

Iowa, I discovered another eBay seller using seller identification bnoteb2052, who according to the posts was located in Iowa. This seller appeared to be selling items needed by victims of the pandemic disaster at excessive prices. On that date I sent bnoteb2052 a written warning through eBay about unlawful price gouging. I know that bnoteb2052 received my written warning because she replied to me regarding it.

4. Using standard investigatory methods and practices, I later determined that eBay seller bnoteb2052 was in fact Defendant Brenda Kay Noteboom, who resides in Orange City, Sioux County, Iowa, sister of Michael Evan Noteboom. My investigation also determined that for a two-week period from mid to late March 2020, Defendant Brenda Noteboom sold over 320 items needed by victims of the COVID-19 disaster at what appear to be clearly excessive prices. By way of example, \$66.00 for Bounty paper towels (8=12 rolls), \$62.00 Lysol Disinfectant Spray Citrus Meadows Scent (12.5 ounce can), and \$49.99 for Charmin Ultra Soft Toilet Paper (6 mega rolls).
5. On April 29, 2020 the Iowa Attorney General's office sent Defendant Noteboom, through email and U.S.P.S., a letter directing her to CEASE and DESIST selling items needed in a disaster at excessive prices. The letter also directed Defendant Noteboom, pursuant to a Civil Investigative Demand, to produce to the Attorney General's office documents evidencing both the dates and prices at which she obtained the items she sold on eBay, and documents establishing her actual costs of selling, transporting, mailing or delivering the items she sold on eBay to the purchasers, and any claimed refunds issued to purchasers, all on a form proscribed by the Attorney General's office.
6. To date, Ms. Noteboom has not responded to the Attorney General's Civil Investigative Demand for information on the proscribed form or in relatable content.

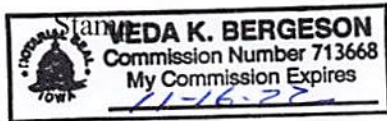
Further, this Affiant sayeth naught.



SUSAN M. KERR

Signed and sworn by Susan M. Kerr before the undersigned Iowa Notary Public on this

3rd day of August 2020.





Notary Public State of Iowa