



ADMINISTRATIVE PENALTY NOTICE OF FINE
(Contra Costa County Ordinance Code, § 14-12.006)

January 27, 2023

Goma Kafle
3770 San Pablo Dam Road
El Sobrante, CA

RE: Smoke Depot
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA
APN: 420-140-035

Our records indicate that you are the responsible party of record of the above-referenced property. Inspections of the property were conducted on 11/09/2022 and 12/16/2022, and the following violation(s) of the Tobacco Retailer's License Ordinance were observed:

11/09/2022

1. Selling small pack of cigars. This is a violation of Contra Costa County Ordinance Code, Section 445-6.010.
2. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
3. No STAKE Act age of sale warning sign was posted. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); Cal. Code of Regs, Tit. 17, Section 6902.
4. Selling Drug paraphernalia. This is a violation of Contra Costa County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5.
5. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.

12/16/2022

1. Selling electronic smoking devices. This is a violation of Contra Cost County Ordinance Code, Section 445-6.014.
2. Retailing tobacco without a valid Tobacco Retailer's License. This is a violation of Contra Costa County Ordinance Code, Section 445-10.002.



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The fine amount for a first violation is \$100. The fine amount for a second violation within one year of the first violation is \$200. There is a \$500 fine for each additional violation that occurs within one year of the first violation. Because a separate violation occurred on two days and were observed during two different inspections, the Director has imposed on you a fine in the amount of \$300. (Contra Costa County Ordinance Code, Section 14-12.006.)

On 1/12/2023 and 1/13/2023, County staff informed you that a valid Tobacco Retailer's License is required to legally retail tobacco under County Ordinance Code, section 445-10.002. On 1/23/2023, County staff met and discussed with you the requirements for obtaining a Tobacco Retailer's License and provided you with additional information related to retailing tobacco in Contra Costa County. County staff will continue to assist you in the procurement of a valid Tobacco Retailer's License for this location. The payment of outstanding fines is required prior to the issuance of a Tobacco Retailer's License. (Contra Costa County Ordinance Code, Section 445-10.010.)

Payment must be sent to Contra Costa County, Department of Health Services, Public Health Division, 597 Center Ave, Suite 110, Martinez, CA 94553 within thirty (30) days of the date of this notification. The administrative penalty is a personal obligation, and failure to pay the penalty may result in the amount being made a lien and/or special assessment against your property, and other legal action may be taken to collect the penalty. If a judicial action is required to collect the penalty, the County will seek to recover its attorney fees and cost from you.

RIGHT TO APPEAL

You may appeal this fine by filing a written appeal with the Contra Costa County, Department of Health Services, Public Health Division, at 597 Center Ave, Suite 110, Martinez, CA 94553, within 15 calendar days of the date of mailing of this notice. The written appeal must contain:

1. A brief statement setting forth the interest you have in the matter relating to the imposition of the penalty;
2. A brief statement of the material facts you claim support the contention that no fine should be imposed or that a fine of a different amount is warranted; and
3. An address at which you agree that notice of any additional proceedings or an order relating to imposition of the fine may be received by first class mail.

If you file an appeal, a notice of the appeal hearing will be mailed to you. The appeal hearing will be set no sooner than 20 days and no later than 45 days following the service date of the notice of appeal hearing. Failure to appear will cause this notice to become a final order. If you fail to request an appeal, this notice shall be final. Government Code section 53069.4 authorizes judicial review of a final administrative order.

The Director may record a copy of this Notice of Fine with the Contra Costa County Recorder.

Anna Roth

Director, Department of Health Services

Contra Costa County



By *Cedrita Claiborne*

Cedrita Claiborne, MPA, Director
Community Wellness and Prevention Program

