



2500 Bates Ave, Suite B | Concord, CA 94520 | Phone: 925-608-5250 |
cchealth.org

Smoke Depot
3770 San Pablo Dam Road
Historical Timeline

2021

- **2/8/2021:** Pawan Kalwar, then-owner of Smoke Depot, applied to Public Health for a Tobacco Retail License (TRL) to retail tobacco products from Smoke Depot's original location at 4100 San Pablo Dam Road. Business Licensing Office (BLO) issued a TRL to Smoke Depot on 2/17/2021, with a term through 6/30/2021, for Smoke Depot's 4100 San Pablo Dam Road location. Note, TRLs expire each year on June 30, and must be renewed annually by application to Public Health and the BLO. Smoke Depot would operate from this location until approximately September 2022, when it was sold and relocated to its current location at 3770 San Pablo Dam Road.

2022

- **Prior to 6/1/2022:** Prior to June 2022, the location at 3770 San Pablo Dam Road operated as a tobacco retailer Jasmine Gifts & Tobacco. On 6/1/2022, Jasmine owner contacted BLO of cessation of operations and closure of business license account. Tobacco retailing has occurred at this location since 1986.
- **9/16/2022:** Goma Kafle applied to BLO for a business license for Smoke Depot to operate at 3770 San Pablo Dam Rd. The application was placed on hold due to Goma Kafle having not applied for a TRL with Public Health.
- **11/9/2022:** Sheriff's Department conducted inspection (**EXHIBIT A**) at 3770 San Pablo Dam Road (previously Jasmine Gifts & Tobacco and now operating as Smoke Depot). Violations cited included:
 - No local tobacco business license
 - Sale of prohibited tobacco and cannabis products (small packs, vapes, and other drug paraphernalia)
 - Absence of a STAKE Act sign
- **11/12 and 13/2022:** Public Health staff contacted Smoke Depot owner, Goma Kafle, to advise of County's Tobacco Retailing Ordinance and TRL requirement for retailing tobacco products.

○

- **12/16/2022:** Public Health conducted follow-up inspection at 3770 San Pablo Dam Road and found Smoke Depot selling electronic smoking devices and tobacco products without a valid TRL.

2023

- **1/11/2023:** Smoke Depot owner, Goma Kafle, contacted Public Health via email stating they had purchased the business at 3770 San Pablo Dam Road (formerly Jasmine Gifts & Tobacco) and was now operating the location as Smoke Depot). Kafle submitted a TRL application and requested assistance with obtaining and processing their TRL application.
- **1/13/2023:** Goma Kafle visited Public Health offices regarding their TRL application. Staff informed Kafle that a valid TRL is required to retail tobacco products, and that their application was under review. Follow-up email from Public Health to Kafle emphasized that no TRL had issued and that no tobacco could be retailed from the Smoke Depot location until a valid TRL had issued.
- **1/23/2023:** Public Health met with Goma Kafle, provided education on TRL requirements, and approved the TRL application for tobacco retailing as Smoke Depot at 3770 San Pablo Dam Road subject to Zoning Verification by DCD for compliance with County's tobacco retailing business ordinance. BLO issued the Smoke Depot TRL with a term through 6/30/2023.
- **1/25/2023:** DCD issued Determination Letter for Zoning Verification (**EXHIBIT B**), determining that a tobacco retailing business had been established at 3770 San Pablo Dam Road prior to the effective date of the County's tobacco retailing businesses ordinance, thus determining that a tobacco retailing business at that location is a legal non-conforming use despite not complying with the location requirements (e.g., no tobacco retailing business may be located within 1,000 feet of listed sensitive receptors or within 500 feet of another tobacco retailing business) of the ordinance.
- **1/27/2023:** Public Health issued a Notice of Fine (Fine amount \$300) for violations at Smoke Depot on 11/9/2022 and 12/16/2022, occurring prior to issuance of the TRL (**EXHIBIT C**)
 - Selling small pack sizes, electronic devices, drug paraphernalia
 - No STAKE Act sign
 - Retailing tobacco without a valid TRL
- **2/19/2023:** Goma Kafle submitted payment for \$300 fine.

2024

- **4/18/2024:** Sheriff's Department conducted inspection of Smoke Depot location at 3770 San Pablo Dam Road (**EXHIBIT D**). Inspection resulted in a citation for:
 - Selling flavored tobacco, menthol cigarettes, e-smoking devices, drug paraphernalia, single cigars, and self-service displays

- Retailing without a valid TRL
- **5/1/2024:** Public Health received voicemail from Ahmed Dubaih, new owner of Smoke Depot, requesting TRL.
- **5/2/2024:** Ahmed Dubaih submitted ID and CA state license via email to apply for TRL.
- **5/14/2024:** Ahmed Dubaih emailed Public Health to check status of TRL application.
- **5/20/2024:** Public Health mailed Notice of Suspension Hearing (dated April 24, 2025) (**EXHIBIT E**) by regular and certified mail on 5/20/2024 (21 days before hearing) to Smoke Depot owner, Ahmed Dubaih, at business address 3770 San Pablo Dam Road, in accordance with Section 445-10.018 of the County Ordinance Code. The notice identified violation observed on 4/18/2024 as Smoke Depot's second violation within one year (following 1/27/2023 Notice of Fine). The notice proposed a 90-day suspension and that no new TRL for the location would issue until the suspension period had concluded.
- **5/31/2024:** Public Health received email stating Ahmed Dubaih is out of the country and unable to attend the hearing, and requested that a representative be allowed to attend in his absence. Request approved by Public Health staff via email.
- **6/9/2024:** Public Health received email with ID and information of representative who will attend the hearing, Ismail Abduljala.
- **6/11/2024:** Suspension Hearing held. Public Health presented evidence from 4/18/2024 inspection to support the recommended suspension period of 90 days. Hearing Officer Dr. Sefanit Mekuria ordered:
 - All tobacco retailing at Smoke Depot, 3770 San Pablo Dam Road, must stop immediately due to invalid TRL.
 - No tobacco products may be retailed at this location until a valid TRL has issued.
 - Processing of the Smoke Depot TRL application on hold for a period of 90 days. The application may not be approved, and a new TRL for Smoke Depot will not be issued, before September 23, 2024.
- **6/26/2024:** Written Notice of Decision (**EXHIBIT F**) sent by regular and certified mail. No appeal was filed within 30 days of decision.
- **6/26/2024- 01/06/2025:** Smoke Depot did not contact Public Health to reapply for a license.

2025

- **1/6/2025:** Public Health conducted audit and identified Smoke Depot as an unlicensed tobacco retailer.

- **2/7/2025:** Public Health contacted Ahmed Dubaih to advise of the County's TRL requirement and provide resources for the TRL process. No answer left voicemail.
- **2/11/2025:** Public Health sent follow-up email to Ahmed Dubaih regarding TRL requirement. Dubaih responded that they would like to proceed with TRL process.
- **2/24/2025:** Public Health emailed Dubaih to inform them that a new TRL application was required and that Dubaih must obtain an updated Zoning Verification letter from DCD regarding compliance with the County's tobacco retailing businesses ordinance.
- **3/5/2024:** DCD notifies Public Health that Smoke Depot continues to sell tobacco products.
- **3/7/2025:** Inspection conducted at Smoke Depot, 2770 San Pablo Dam Road, by Sheriff's Department, DCD, Environmental Health, and Public Health (**EXHIBIT G**). Violations cited include:
 - Selling out-of-state menthol cigarettes, flavored tobacco, small packs, vapes, and cannabis
 - No current, valid TRL for the business location
- **3/12/2025:** Public Health emailed Ahmed Dubaih to notify them that their application cannot be processed without a current and valid DCD Zoning Verification or Determination Letter for 2025.



EXHIBIT A

TOBACCO ENFORCEMENT

Date of Inspection: 11/9/22
DO PM

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

Havent GOT ONE
APPLIED FOR ONE

PERMITS AND LICENSE REQUIREMENTS

Contra Costa County Business License?	Yes / <u>No</u>	Is Business License Visible?	Yes / <u>No</u>
Contra Costa County Tobacco Retailer's License?	<u>Yes</u> / No	Is County Tobacco Retailer Permit Visible?	<u>Yes</u> / No
California Cigarette & Tobacco Product License?	<u>Yes</u> / No	Is the California Tobacco Retailer License Visible?	<u>Yes</u> / No
California Tobacco Seller's Permit?	<u>Yes</u> / No	Is Seller's Permit Visible?	<u>Yes</u> / No
Inventory List of Tobacco Products?	Yes / <u>No</u>	Contra Costa County Health Permit	Yes / <u>No</u>

SIGNAGE AND DISPLAYS

Yes / No - **SIGN POSTING REQUIREMENT MET?**
Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [Ca Business & Professions Code Sections 22952, 22956 (STAKE Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code Section 308(c).]

Yes / No - **ARE THERE SELF-SERVICE SALES?**
It is unlawful to sell, offer for sale, or display any tobacco product or paraphernalia through a self-service display, which is accessible to the public without assistance of the clerk. For sale in packages of fewer than 20 cigarettes. [CA Business & Professions Code Section 22960, 22962 (STAKE Act), CCC Ord. 445-6.002]

Yes / No - **ARE THERE VENDING MACHINES?**
Tobacco products may not be sold, offered for sale, or distributed from vending machines. [CA Business & Professions Code 22960, 22958, 22957 (STAKE Act).]

Yes / No - **IS STOREFRONT ADVERTISING IN COMPLIANCE?**
No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered. [CA Business & Professions Code Sections 25612]. - WARNED

Yes / No - **IS THERE BLUNT WRAP ADVERTISING DISPLAY?**

Yes / No - **DOES IT MEET MINIMUM REQUIREMENTS?**
No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within two (2) feet of a candy, snack, or nonalcoholic beverage display. [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].

MERCHANDISE

Yes / No - **ARE SINGLE CIGARETTES PRESENT?**
No person shall sell one or more cigarette other than in the sealed and properly labeled package of the manufacturer or importer, which conform to Federal labeling requirements, including the Federal warning labeling [CA Penal Code Sections 308.2]. - WARNED ABOUT SELLING PACKS OF 2 BUNSTER SWEETS / CIGARETTES

Yes / No - **IS MINIMUM CIGARETTE PACK SIZE MET?**
Cigarettes may not be distributed, sold offered for sale in packages of fewer than 20 cigarettes. Roll-your-own tobacco may not be distributed, sold, or offered for sale in a package containing less than 0.60 Ounces of tobacco. [CA Penal Code Sections 308.3; 21 CFR 1140.14].

Yes / No - **DO CIGARETTES OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE?**
Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use. [21 CFR 1140.14].

Yes / No - **ARE BIDIS PRESENT?**
It is unlawful to sell, offer to sell, distribute, or import Bidis, defined as products containing tobacco wrapped temburni leaf or tendu leaf. [CA Penal Code 301.1].

Yes / No - **IS FLAVORED TOBACCO PRESENT?** DOES FLAVORED?
It is unlawful for any type of flavored tobacco product (Menthol is permitted) to be sold in Contra Costa County within 1,000 feet of schools, parks, playgrounds, or libraries. [CCC Ord. 445-6.006]

Yes / No - **IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?** Removed from counter
"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) H&S.

Business / Address: SMOKE DEROT
3770 SAN ANTONIO RD. EL SOBRANTE, CA
Clerk / Owner Name: PAWAN KUMAR
Clerk / Owner Signature: _____ ID#: 76164

Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

EXHIBIT B

Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone: 1-855-323-2626

Contra Costa County



John Kopchik
Director

Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Deidra Dingman
Deputy Director

Gabriel Lemus
Asst. Deputy Director

January 25, 2023

Smoke Depot
3770 San Pablo Dam Road
El Sobrante, CA 94803

RE: Updated Zoning Determination for Tobacco Retailer (Smoke Depot)
Site Address: 3770 San Pablo Dam Road, El Sobrante, CA 94803
County File #CDSE22-00009 APN: 420-140-035 (Zoning: P-1/GP: M-13)

Dear Smoke Depot:

This letter is in response to an El-Sobrante P-1 administrative review request submitted to the Department of Conservation and Development on December 9, 2022, for a proposed tobacco retailing business to be located at 3770 San Pablo Dam Road in the El Sobrante area.

The establishment of a proposed tobacco retailing business (Smoke Depot) at the property identified above has been reviewed for compliance with County zoning regulations. The zoning determination of the Department of Conservation & Development is provided below.

El Sobrante P-1 (Planned Unit) District Zoning Consistency

The Department of Conservation and Development, Community Development Division (CDD), has determined that, based on the application materials submitted on December 9, 2022, the proposed retail business (Smoke Depot) is a permitted use within the San Pablo Dam Road Mixed Use (M-13) Land Use District and is consistent with the intent and purpose of the El Sobrante P-1.

Tobacco Retailing Businesses Ordinance (Ord. 88-26)

Based on additional information submitted to CDD on January 24, 2023, it has been shown that the subject property, 3770 San Pablo Dam Road in El Sobrante, was established as a tobacco retailer since at least December 1, 1986, operating as Jasmine Gifts & Tobacco. Historical business license and tobacco retail licenses for Jasmine Gifts & Tobacco were provided as evidence showing that both licenses have been maintained for the site up to the current date. Thus, the retailing of

tobacco products at the subject property is considered a nonconforming use under Chapter 88-26.406 of the County's Tobacco Retailing Businesses Ordinance (Chapter 88-26).

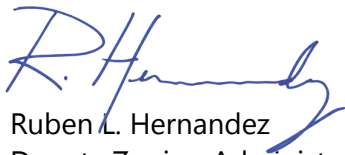
Please note that no evidence has been submitted to the Department of Conservation and Development that indicate that 3770 San Pablo Dam Road was operating as a *"significant tobacco retailing business"*. Therefore, the establishment of a significant tobacco retailing business is not allowed at this location. County Ordinance Code 88-26.204 defines a significant tobacco retailing business as follows: *"...any tobacco retailing business for which twenty percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both."*

Additionally, no signage was reviewed or approved within this determination letter. Any proposed signage will be subject to the review and approval by the Department of Conservation and Development.

Please be aware that this determination letter does not constitute a building permit for any tenant improvements. Additionally, this approval does not constitute a business license. It is the responsibility of the business owner to obtain a business license from the County prior to engaging in commercial activities at the subject property. Attached hereto is a property use verification form needed to obtain your business license from the County Tax Collector.

If you have any additional questions, you may contact the project planner, Everett Louie at everett.louie@dcd.cccounty.us or at (925) 655-2873.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Hernandez', is written over the printed name.

Ruben L. Hernandez
Deputy Zoning Administrator

Cc: County File #CDSE22-00009
Monica Marquez monica.marquez@cchealth.org

Attach: Property Use Verification Form



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.



Administrative Penalty Notice of Fine

Goma Kafle

Page 2

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





TOBACCO RETAILER INSPECTION CHECKLIST
 CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
 TOBACCO ENFORCEMENT
 1880 MUIR ROAD, MARTINEZ, CA 94555
 925-313-2500

EXHIBIT D

Date of inspection: 4, 18, 24

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

PERMITS AND LICENSE REQUIREMENTS

Contra Costa County Business License?	Yes / <input checked="" type="radio"/> No	Is Business License Visible?	Yes / <input checked="" type="radio"/> No
Contra Costa County Tobacco Retailer's License?	<input checked="" type="radio"/> Yes / No	Is County Tobacco Retailer Permit Visible?	<input checked="" type="radio"/> Yes / No
California Cigarette & Tobacco Product License?	Yes / No	Is the California Tobacco Retailer License Visible?	Yes / No
California Tobacco Seller's Permit?	<input checked="" type="radio"/> Yes / No	Is Seller's Permit Visible?	<input checked="" type="radio"/> Yes / No
Inventory List of Tobacco Products?	<input checked="" type="radio"/> Yes / No	Contra Costa County Health Permit?	Yes / No

SIGNAGE AND DISPLAYS

MERCHANDISE

Yes / ☒ No - SIGN POSTING REQUIREMENT MET?

Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, stating that tobacco products may not be sold to minors. The sign must include 1-800-5A5OK-4-3D (STAKE Act signs). [CA Business & Professions Code Sections 22952, 22956 (Stake Act) CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 306(c)]

☒ No - DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10?

Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010]

Yes / No - ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD?

Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code [Contra Costa County Ordinance 445-6.014]

Yes / ☒ No - ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS?

[Contra Costa County Ordinance 445-6.010]

Yes / ☒ No - IS STOREFRONT ADVERTISING IN COMPLIANCE?

No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612]

Yes / No - ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT?

It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006]

Yes / No - IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER?

"Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code

Yes / No - ARE CANNABIS PRODUCTS SOLD?

A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18]

Yes / No - DOES IT MEET MINIMUM REQUIREMENTS?

No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)]

Business Address: 2770 SAN PABLO DAM RD
EL SOBRANTE, CA

Clerk Name:

Owner Name:

PAULOS YOHANNES
ISMAEL ALTALAL

Signature (Job Title):

Officer / IDS:

DETECTIVE CESAR GUERRA

77161

Refusal of inspection is in violation of 22962(c) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment.

Officer Signature:

05:

osa13770@gmail.com

Business is responsible for amending

WHITE COPY: Contra Costa County
REVENUE & TAXATION
24061A1

have violated requirements by

YELLOW COPY: Business

EXHIBIT E



2500 Bates Ave | Concord, CA, 94520 | Phone: (925) 608-5231
cchealth.org

NOTICE OF SUSPENSION HEARING (Contra Costa County Ordinance Code, § 445-10.018)

April 24, 2024

Ahmed Dubaih
3770 San Pablo Dam Road
El Sobrante, CA 94803

RE: Smoke Depot
SITE ADDRESS: 3770 San Pablo Dam Road, El Sobrante, CA, 94803
APN: 420-140-035

Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, California (the "Property") operates pursuant to a tobacco retailer's license regulated under Chapter 445-10 (Tobacco Retailer's License Ordinance) of the Contra Costa County Ordinance Code. Our records indicate that you are the listed licensee for the above-referenced Property. Inspection of the Property was conducted on April 18, 2024, and the following violations of the Tobacco Retailer's License Ordinance were observed:

April 18, 2024

1. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
2. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
3. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
4. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
5. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
6. Self-service displays. (County Ordinance Code, Section 445-6.002.)

Staff has also become aware that you purchased the above-referenced property in or around August 2023 and have been operating the subject business under the previous tobacco retailer's license without obtaining a new, valid tobacco retailer's license. A tobacco retailer's license is nontransferable. Accordingly, this is a violation of County Ordinance Code, Section 445-10.010(c).

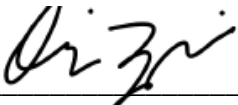
Due to the above-cited violations, the proposed time period of the tobacco retailer's license suspension is **90 days**.

The violations cited herein constitute the Smoke Depot's second violation of the Tobacco Retailer's License Ordinance. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting Smoke Depot's first violation. A tobacco retailer's license may be suspended for up to 90 days for a second violation that occurs within five years after the first violation. (County Ordinance Code, Section 445-6.018.)

The processing of your current application for a new tobacco retailer's license for the above-referenced property will be placed on hold. If a suspension of the current tobacco retailer's license is ordered, your application may not be approved, and a new tobacco retailer's license will not be issued until the suspension period has concluded.

The Public Health Director will hold a license suspension hearing on **Tuesday, June 11, 2024, at 11:00am.**, at 597 Center Ave, Room 120, Martinez, CA 94553. At the hearing, you will be given the opportunity to testify and present any supporting evidence concerning the notice of suspension hearing. After consideration of the evidence and testimonies at the hearing, the Public Health Director will issue a written decision to suspend or not suspend the tobacco retailer's license. The written decision will include the reason or reasons for the decision and the time period of the tobacco retailer's license suspension.

Anna Roth
Director, Department of Health Services
Contra Costa County

By 

Dr. Ori Tzvieli
Health Officer, Public Health Director



CONTRA COSTA
Community Wellness & Prev. Prgm.
2500 BATES AVE. SUITE B
CONCORD CA. 94520
Martinez, CA 94553

EXHIBIT E

Confidential — To be opened by addressee only

Ahmed Dubaih
3770 San Pablo Dam Road
El Sobrante, CA 94803

5756



CONTRA COSTA
Community Wellness & Prev. Prgm.
2500 BATES AVE. SUITE B
CONCORD CA. 94520
Martinez, CA 94553

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Ahmed Dubaih
3770 San Pablo Dam Road
El Sobrante, CA 94803

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NOTICE OF DECISION

June 26, 2024

Ahmed Dubaih
3770 San Pablo Dam Road
El Sobrante, CA 94803

IN THE MATTER OF:

NAME: Smoke Depot
SITE: 3770 San Pablo Dam Road
El Sobrante, CA 94803
APN: 420-140-035

WRITTEN DECISION FOLLOWING
HEARING

This matter came on for hearing before Dr. Sefanit Mekuria, Contra Costa County Medical Director, Deputy Health Officer, on June 11, 2024, 11:00 a.m., at 597 Center Avenue, Suite 120, Martinez, CA 94553. The purpose of the hearing was to determine whether the above-referenced tobacco retailer committed violations of the County’s Tobacco Product Control Ordinance (County Ordinance Code Division 445).



The following individuals testified on behalf of the County:

1. Monica Marquez, Senior Health Education Specialist, Contra Costa County
Public Health

The following individuals testified on behalf of the retailer:

1. Ismail Mahyoub Abduljala

The following evidence was submitted:

1. Contra Costa County Sheriff Tobacco Retail Inspection Report, dated April 18, 2024
2. Contra Costa County Sheriff Citation #20-1602762, dated April 18, 2024
3. Photos taken by Public Health Department Staff during April 18, 2024 site inspection

After considering the testimony and evidence, the Director makes the following factual findings:

1. The above-named retailer purchased the Smoke Depot, located at 3770 San Pablo Dam Road, El Sobrante, CA, in or around August 2023 and has been operating the Smoke Depot without obtaining a new, valid tobacco retailer's license. It is unlawful for any retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from Contra Costa County for each location where tobacco retailing is conducted. Accordingly, this is a violation of County Ordinance Code, Section 445-10.002.
2. Additional violations occurred at the above-referenced retail location and were observed on April 18, 2024.

3. The additional violations include:

April 18, 2024

- a. Flavored tobacco products on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
 - b. Menthol cigarettes on display and offered for sale. (County Ordinance Code, Section 445-6.006.)
 - c. Electronic smoking devices on display and offered for sale. (County Ordinance Code, Section 445-6.014.)
 - d. Drug paraphernalia, specifically mushrooms, cannabis flower, flavored cannabis vaping liquids, and blunts were on display and offered for sale, and offered for sale in a location that did not exclude unaccompanied persons under the age of 18. (County Ordinance Code, Section 445-10.018(a); 21 U.S. Code, Section 863; Cal. Health and Saf. Code, Section 11364.5; Cal. Health and Saf. Code, Section 11377.)
 - e. Single cigars on display and offered for sale. (County Ordinance Code, Section 445-6.010.)
 - f. Self-service displays. (County Ordinance Code, Section 445-6.002.)
4. The Sheriff's Report, Citation, and photos include documentary evidence that each of the violations occurred.
5. The herein cited violations constitute the second violation of the County's Tobacco Product Control Ordinance at the above-referenced Smoke Depot retail location within the past five years. A Notice of Fine was issued and became a final administrative order on January 26, 2023, documenting the first violation occurring at the Smoke Depot
6. The above-named retailer, Mr. Dubaih, through his representative or agent, has acknowledged the violations.

ORDER

The Public Health Director orders:

The above-referenced tobacco retailer does not have valid tobacco retailer's license from Contra Costa County to sell tobacco products at 3770 San Pablo Dam Road, El Sobrante, CA,

commonly known as Smoke Depot. **All retailing of tobacco products at this location must be discontinued immediately.** Tobacco products may not be retailed at this location until a valid tobacco retailer's license for this location has been issued.

The processing of the above-named retailer's application for a new tobacco retailer's license for the Smoke Depot will be placed on hold for a period of **90 days** from the date of this decision. The application may not be approved, and a new tobacco retailer's license for the Smoke Depot will not be issued, before **September 23, 2024**. Any additional violations of the County's Tobacco Product Control Ordinance during this period may further delay issuance of a tobacco retailer's license.

This decision may be appealed to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors, County Administration Building, 1025 Escobar Street, Martinez, California, within 30 days of the date this decision is served.

Date: 6/26/2024

Sefanit Mekuria
Sefanit Mekuria, MD
Medical Director,
Deputy Health Officer
Contra Costa County



EXHIBIT G

TOBACCO RETAIL INSPECTION CHECKLIST
CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
TOBACCO ENFORCEMENT
1980 MUIR ROAD, MARTINEZ, CA 94553
925-313-2500

Date of Inspection: 3, 7, 25

The Tobacco Enforcement Unit is aimed to eliminate the illegal sale of tobacco products to minors within unincorporated Contra Costa County. The unit conducts periodic inspections of tobacco retailer establishments, responds to complaints, and partners with local, state and federal law enforcement agencies to address laws pertaining to the sale of tobacco to minors and tobacco related business activity. This checklist is intended to provide retailers a general understanding of what is reviewed during the inspection.

PERMITS AND LICENSE REQUIREMENTS

Contra Costa County Business License?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Is Business License Visible?	<input type="radio"/> Yes / <input checked="" type="radio"/> No
Contra Costa County Tobacco Retailer's License?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Is County Tobacco Retailer Permit Visible?	<input type="radio"/> Yes / <input checked="" type="radio"/> No
California Cigarette & Tobacco Product License?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Is the California Tobacco Retailer License Visible?	<input type="radio"/> Yes / <input checked="" type="radio"/> No
California Tobacco Seller's Permit?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Is Seller's Permit Visible?	<input type="radio"/> Yes / <input checked="" type="radio"/> No
Inventory List of Tobacco Products?	<input checked="" type="radio"/> Yes / <input type="radio"/> No	Contra Costa County Health Permit?	<input type="radio"/> Yes / <input checked="" type="radio"/> No

SIGNAGE AND DISPLAYS**MERCHANDISE**

<input checked="" type="radio"/> Yes / <input type="radio"/> No – SIGN POSTING REQUIREMENT MET? Every store that sells tobacco must post a boldly printed, contrasting-color sign in a conspicuous place at each point of purchase, saying that tobacco products may not be sold to minors. The sign must include 1-800-5ASK-4-ID (STAKE Act signs). [CA Business & Professions Code Sections 22952, 22956 (Stake Act); CA Code of Regulations, Title 17, Section 6902(a), CA Penal Code 308(c)].	<input checked="" type="radio"/> Yes / <input type="radio"/> No – DO CIGARILLOS/LITTLE CIGARS OR TOBACCO PRODUCTS MEET MINIMUM PACKAGE SIZE OF 10? Unpackaged or packages of smokeless tobacco may not be distributed, sold, or offered for sale in packages that are smaller than those distributed by the manufacturer for individual use [Contra Costa County Ordinance 445-6.010]
<input checked="" type="radio"/> Yes / <input type="radio"/> No – ARE ELECTRONIC SMOKING DEVICES OR E-LIQUIDS SOLD? Only Vaping devices that have a premarket review order issued under Section 387(c)(1)(A)(i) of Title 21 of the U.S. Code. [Contra Costa County Ordinance 445-6.014]	<input checked="" type="radio"/> Yes / <input type="radio"/> No – ARE CIGARS A MINIMUM OF \$5.00 U.S. DOLLARS? [Contra Costa County Ordinance 445-6.010]
<input checked="" type="radio"/> Yes / <input type="radio"/> No – IS STOREFRONT ADVERTISING IN COMPLIANCE? No more than 33% of the square footage of windows and clear glass doors of a business establishment may be covered [CA Business & Professions Code Sections 25612].	<input checked="" type="radio"/> Yes / <input type="radio"/> No – ARE ANY FLAVORED TOBACCO PRODUCTS PRESENT? It is unlawful for any type of flavored tobacco product (fruity, liquor flavor, mint/menthol) to be sold in Contra Costa County, playgrounds, or libraries [Contra Costa County Ordinance 445-6.006].
<input checked="" type="radio"/> Yes / <input type="radio"/> No – IS DRUG PARAPHERNALIA KEPT, DISPLAYED, OR OFFERED IN ANY MANNER? "Drug Paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, cultivating, growing manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or introducing into the human body a controlled substance as defined in Section 11364.5(d) Health & Safety Code.	<input checked="" type="radio"/> Yes / <input type="radio"/> No – ARE CANNABIS PRODUCTS SOLD? A business that sells tobacco or alcohol cannot sell or offer to sell any cannabis products [Contra Costa County Ordinance 2018-18, § 3, 6-26-18].
<input checked="" type="radio"/> Yes / <input type="radio"/> No – DOES IT MEET MINIMUM REQUIREMENTS? No person or business may place advertising for blunt wraps lower than four (4) feet above the floor. No person or business offering blunt wraps for sale may place blunt wrap advertising within (2) feet of a candy, snack, or nonalcoholic beverage display [CA Penal Code Section 308; CA Business & Professions Code Section 22962 (STAKE Act)].	Business Address: <u>3770 SAN PABLO DAM RD</u> <u>EL SOBRANTE CA 94803</u> Clerk Name: <u>BAZEL ALQADHI</u> Owner Name: <u>AHMAD</u>
Refusal of inspection is in violation of 22980(b) B&P and shall be punished by a fine not to exceed five thousand dollars (\$5,000), or imprisonment not exceeding one year in a county jail or both the fine and imprisonment. Refusal Signature: _____	Signature (Job Title): <u>[Signature]</u> Officer / ID#: <u>CA 1 77482</u>

Notes:

Business is responsible for amending the above violated requirements by 3, 17, 25
WHITE COPY: Contra Costa County Sheriff's Office
YELLOW COPY: Business
CCCSO TBE Inspection Checklist Form 03/2023