

Sent via Certified Mail and Hand Delivered

April 26, 2017

McFarland Smoke Shop
Attn: Gustavo Garcia
652 3rd Place
McFarland, CA 93250

NOTICE OF VIOLATION/REVOCATION OF PERMIT PSYCHOACTIVE HERBAL INCENSE (SPICE)

This notice is to advise you that you have violated Section 9.44.040(a) of the Kern County Ordinance Code and that your tobacco retailer's permit for McFarland Smoke Shop at 652 3rd Place, McFarland, California 93250 will be permanently revoked, effective May 12, 2017.

On April 25, 2017, while Kern County Public Health Services Department staff was delivering a letter related to decision regarding your appeal of your violation of Kern County Ordinance Code, your facility was found to be in possession with the intent to sell synthetic drugs. Your actions are in violation of Chapter 9.44 of Kern County Ordinance Code, entitled Psychoactive Bath Salts, Psychoactive Herbal Incense (Spice), and Other Synthetic Drugs. Specifically, Section 9.44.040(a) of Kern County Ordinance Code provides, "It is unlawful for any person to provide, display for sale, sell or distribute, or possess with intent to sell, any synthetic drug within the unincorporated areas of the County of Kern."

Unfortunately, this is not your first violation of the Kern County Ordinance Code at McFarland Smoke Shop. On April 11, 2017, a health inspection was conducted for your premises at 652 3rd Place, McFarland, California. During the inspection, your facility was found to be in possession with the intent to sell synthetic drugs.

Pursuant to Section 9.44.090 of the Kern County Ordinance Code, the County has the authority to modify, suspend, or revoke any permit or license issued to you or your business for violation of Chapter 9.44 of the Kern County Ordinance Code. Furthermore, Kern County Ordinance Code Section 9.44.090(B.2) provides that "for the second violation, any and all licenses or permits issued by the Kern County Public Health Services Department for the entity found to be in violation will be revoked." You and/or your facility currently have a Kern County Public Health Services Department issued tobacco retailer's permit.

With this revocation, you are permanently prohibited from selling tobacco in Kern County. Failure to abide by this will result in criminal prosecution.

In accordance with Kern County Ordinance Code section 8.60.100, you have the right to appeal this decision within fifteen (15) days from the date of this letter. Please submit to the Department any written or documentary evidence you might have to appeal the violation to the following location:

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Kern County Public Health Services Department
Attn: Assistant Director
1800 Mt. Vernon Ave
Bakersfield, CA 93306

Failure to appeal this decision with the 15 day period will constitute a waiver of your right to appeal. If you choose to appeal this action, the Department will review and evaluate any written or documentary evidence you provide and issue a final determination.

If you have any questions, please do not hesitate to contact me at (661) 321-3000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Constantine".

Matthew Constantine
Director