KERN COUNTY
Public Health Services
DEPARTMENT

MATTHEW CONSTANTINE
DIRECTOR

1800 MT VERNON AVENUE BAKERSFIELD, CALIFORNIA 93306-3302 661-321-3000 WWW.KERNPUBLICHEALTH.COM

Hand Delivered

May 1, 2017

Smokers Alley
13075 Rosedale Hwy, Suite A
Bakersfield, CA 93314

NOTICE OF VIOLATION/SUSPENSION 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 Smokers Alley at 13075 Rosedale Hwy, Suite A, in Bakersfield, California will be suspended for 30 days, effective May 17, 2017.

On April 13, 2017, a routine health inspection of your facility at 13075 Rosedale Hwy, Suite A, in Bakersfield, California, was conducted by the Kern County Public Health Services Department's Environmental Health Division. During the inspection, 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 the intent to sell, any synthetic drug within the unincorporated areas of the County of Kern."

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. You and/or your facility currently have a Kern County Public Health Services Department issued tobacco retailer's permit and a food market permit. Therefore, your permits for Smokers Alley will be suspended for 30 days, effective May 17, 2017.

During the suspension period, you will be required by the Kern County Ordinance, in Chapter 8, to:

1. Remove all tobacco products from the facility;
2. Remove all tobacco advertising from the inside and outside of the facility; and
3. Cease the sale of tobacco products to the public.
4. Cease all sales of food products to the public.

An Environmental Health Specialist will conduct inspections of your facility during the suspension period to ensure these requirements have been met.

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:

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,

Matt Constantine
Director