

Maricela Hernandez

From: Michael McConville
Sent: Tuesday, May 19, 2020 2:34 PM
To: Maricela Hernandez
Subject: FW: Letter to the Counsel Members

Hi Mari,

Can you please attach Mr. Younan's letter below as correspondence for the upcoming vaping ordinance item?

To clarify, on March 19, I notified Mr. Younan via email of the postponed ordinance meeting with a yet to be confirmed future date (which came to be the April 22 meeting) and asked him to check the website or contact me personally for updates related to the ordinance. He thanked me and stated that he would "keep an eye out for further information". On March 31, I sent a letter for the April 22nd meeting to all tobacco retailers via the addresses on file with the City's registered tobacco retailer list.

Michael McConville
Management Analyst
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302
818-224-1600 Ext. 664

From: Shawn Younan <younanshawn48@gmail.com>
Sent: Tuesday, May 19, 2020 11:06 AM
To: Michael McConville <mmcconville@cityofcalabasas.com>
Subject: Re: Letter to the Counsel Members

Hello Michael,

I couldn't port it into a pdf or word so I just copied and pasted it into the email.

Thank you,
Shawn

Dear Counsel Members,

This is Shawn Younan, owner of Tobacco Royale Calabasas on Agoura Road. First I would like to express my complete and utter dismay for the lack of communication regarding the April 22, 2020 meeting pertaining to Ordinance No. 2020-383, the e-cig vapor ban. I just reopened my business on Saturday, May 16, 2020, after being shutdown for close to a month and a half due to COVID-19. The City has been sending all communication regarding City business to my home and business expect in the case of the April 22, 2020 meeting. That correspondence was sent only to the business address. In the midst of this worldwide pandemic the City was well aware that my business, and all non-essential retail businesses were closed. How did you expect that I would receive the correspondence in time to attend the April 22nd meeting? This City, through Mr. Michael McConville, has also been communicating with me via email and chose not to convey the message this way either. I thought it was the counsel's wish to hear from all patrons that wished to speak and be heard. It is my feeling that the City took advantage of this pandemic and found a way to intentionally silence me. I made it very clear at the March 17, 2020 hearing that I would attend any and all meetings pertaining to this subject as it directly impacts the potential success of my business. I now feel like the City has very blatantly excluded me and my business from this meeting. With that being said I have a few points I would like to get on the record before you make your final decision regarding this ordinance.

First and foremost, the City has not been forward with me since I first decided to purchase this business. In order to show you what I mean I have prepared a timeline of events which outlines the City's lack of transparency pertaining to Ordinance No. 2020-383. On January 8, 2020 I picked up the Application for Tobacco Retail License for Calabasas from Senior City Planner, Michael Klein. No mention of a possible ban. On January 24, 2020, I emailed the Bill of

Sale and the new Tax ID number, again to Senior City Planner, Michael Klein. No mention of a possible ban. On February 4, 2020 the previous owner had a hearing with the City wherein she conveyed that we were waiting on the lease to be finalized and she would no longer be affiliated with the business. No mention to her of the ban that was coming. Finally, on February 12, 2020, the final paperwork was turned in to Senior City Planner, Michael Klein. At this time the possibility of a ban was mentioned. One day before the counsel meeting was set to take place and 10 days after I officially took over the business. With the sale finalized I tracked down and spoke to the previous owner to see if the City ever made her aware that there was going to be a possible ban and she was not. The City had ample time to make me aware of what was to come but instead let the sale go through knowing good and well that this ban would negatively impact a business like mine. These actions have lead me to believe that all the City wants is the demise of any and all tobacco only related shops within city limits.

Second, what about the tax paying citizens of this community who depend on their alternative tobacco products? Tobacco usage has been around for longer than we can trace and there has never been an alternative until now. Based on the March 17, 2020 meeting I have gathered that none of your are tobacco users and therefore cannot begin to understand the constraints that it puts on your everyday life. I was a tobacco user for many years and have finally freed myself of this habit by way of electronic cigarettes and vapor products. This product has finally allowed me, and so many more like me, to begin living life again. A life without the sideways stare of disgust from those who could smell the after effects of my smoking a cigarette. Cities have started limiting where you could smoke and we (the smokers) were fine with that. What we are not fine with, however, is the overreach of local governments telling us what we can and cannot do with our own bodies. How can you exempt cigarettes and ban the only alternative that is available. I am 100% in agreement that there is a youth epidemic and something must be done about it, but this is not the way. Drunk driving has been a major problem among the youth but you don't see any action be taken against the alcohol companies. This is a double standard that cannot be tolerated.

Much of the campaign against electronic cigarettes and vapor products, is based upon the fear that encompassed the nation when young people were dying at an alarming rate due to an unknown cause. That cause is no longer unknown. It is no longer due to electronic cigarettes or vapor product usage. It was due to illicit, black market, THC cartridges. The CDC has identified the culprit to be Evali. The primary cause of Evali has been identified as vitamins E acetate. The CDC further encourages adults who have quit smoking cigarettes using vapor products not go back to smoking cigarettes. How do adults abide by the CDC's recommendation if the local governments ban these products? In the past few months we have put all of our protocols in the hand of the CDC and now we are going to ignore their recommendations regarding vaping. If you ban these products you will be opening the flood gates for black market products that are not regulated and may cause irreparable harm.

I am eager and willing to work with the City in finding realistic and viable solutions to ensure that vape and other tobacco related products stay out of the hands of children. One suggestion would be requiring all retailers that carry vapor products be required to have a POS system that requires a valid form of ID to move forward with all transactions. This way no mistakes can be made. I have taken many steps to ensure the safety of the community, especially the youth of this community. My establishment is a 21 year and over establishment. Entrance is prohibited if you are under the age of 21. No matter your age or frequency of visit, a valid ID is required every time. This was hard to implement and I got much backlash. I have permanently lost some customers due to the implementation of this POS system. For the rest of my customers they are aware of our industries uphill battle and are willing to work with me and the community.

If the above has not swayed to rethink this ordinance, I would like to make you aware that the State of California is in the process of attempting a statewide ban on all vape products. Should this bill pass it offers a level of uniformity for the entire State of California. It allows for all retailers to be on a level playing field. Should you pass this ordinance you would be pushing business out of the city and into the neighboring cities that do not have such an ordinance in place. This causes irreparable harm to only the businesses in your City. Please allow my business a chance to survive and wait until the state can make a decision as a whole.

Additionally, as of on or about May 4, 2020 the City of Los Angeles, unincorporated, is facing a lawsuit regarding the ordinance they passed banning the sale of flavored tobacco products. Should you like to follow the progress of this case the case number is 2:20-cv-04065. Without sounding threatening, should their outcome be successful I will follow suit. At this time I strongly urge you to follow this case and possibly wait to see what happens there.

I am asking is for a degree of fairness in what has proven to be a multitude of inactions by the City prior to my purchasing the business. I am again requesting that my store be grandfathered in order to rectify all the inaction set forth by the City. I am outraged that a prominent City, such as this one, would go to the extent of allowing an investor to lose hundreds of thousands of dollars just because you couldn't reasonably communicate the City's intention regarding Ordinance No. 2020-383. I should have been allowed to make a reasonable decision as to whether or not to move forward with this business in this location. I was so excited to be a part of a City that I heard so many great things about only to be treated like a common criminal when I clearly did nothing wrong. All I did was put my fate and the fate of my business in the hands of an organization that clearly did not care about one mans dream or investment.

Finally, I would like to put the City on notice that I will be exhausting all avenues and resources, legal or otherwise, to keep my business alive. It is my hope that it does not come down to the latter but I am prepared to move forward whatever outcome the City decides. Thank you all for your time and consideration.

Shawn Younan

On May 19, 2020, at 10:30 AM, Michael McConville <mmconville@cityofcalabasas.com> wrote: