

Undercover minors find out who's selling tobacco to other youth

(Abridged)

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By SEAN NEALON
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[We] pulled up to the CVS drug store on West Sixth Street in Corona. The 17-year-old undercover decoy slid open the door and walked inside.

Several minutes later she came out, a pack of Marlboro Reds in hand.

"Bought it!" she said to Martin Baxter and Nick Stack, two Riverside County tobacco retail licensing unit workers. The Press-Enterprise agreed not to name the decoy.



Ed Crisostomo / The Press-Enterprise

Martin Baxter, right, a Riverside County tobacco retail licensing unit worker, stands with a 17-year-old undercover decoys. The aim is to reduce tobacco sales to minors.

In the past three years, the county and 14 of its cities have adopted laws that require about 1,200 tobacco retailers to pay an annual \$350 fee. Three more cities are considering it. The money funds the Riverside County Public Health Department's undercover operations that have been found to greatly reduce tobacco sales to minors.

"We like to think of it as youth solving a problem for the youth," Baxter said.

In San Bernardino County, Redlands and Ontario considered a similar ordinance in 2005, said Michele Jacknik, program manager for the county's Tobacco Use Reduction Now program. But, the cities didn't pass the ordinance and since then, neither the county nor any of its cities have done so, she said.

Dr. Maury Manliguis, the county's acting health officer since June 25, said he thinks it's worth looking into adopting ordinances similar to those in Riverside County.

Just a Revenue Source?

The ordinances face opposition from some tobacco retailers and groups such as the California Independent Grocers Association. They contend the ordinances are just a revenue source for cities and counties.

John Handley, the association's government relations director, said fewer retailers are selling tobacco to minors in places such as Riverside County because retailers are doing a better job of educating employees.

The Center for Tobacco Policy and Organizing, an American Lung Association project funded by the state, thinks it has more to do with having strong fee and enforcement provisions in the ordinances. It cited the ordinance adopted by Riverside County and 14 of its cities as an example.

In recent years as ordinances passed, the percentage of retailers selling tobacco to minors has declined, according to the state's annual Department of Public Health's Youth Tobacco Purchase Survey. However, the numbers have been generally declining since 1995.

In 1995, the survey found 37 percent of retailers sold to minors. That number dropped to 12.5 percent in 2000, increased to 19.3 in 2002 and, in 2007, stood at 10.7 percent.

Growing in Riverside County

In Riverside County, Indio, Perris and Blythe are considering requiring their estimated 160 tobacco retailers to get a license, said Baxter, of the tobacco retail licensing unit.

Canyon Lake, Palm Springs, Indian Wells, Cathedral City, Rancho Mirage, Palm Desert and La Quinta are the other cities in the county that have not passed an ordinance, Baxter said. Combined, they have about 175 tobacco retailers, he said.

The tobacco retail licensing unit still sent undercover decoys into stores that sell tobacco in cities that have not adopted an ordinance in the second half of 2007. The unit found the majority of the stores sold to undercover minors. The percentages ranged from 50 percent in Palm Desert to 91 percent in Perris.

In cities that have adopted an ordinance, the unit found the percentage of retailers that sell to minors ranged from 31 percent in Murrieta to 69 percent in Coachella. On the second round of undercover inspections, a month to a year later, the percentage of retailers selling dropped to 7 percent in Murrieta and 8 percent in Coachella. On the third round, Murrieta was at 8 percent and no retailers in Coachella sold to undercover decoys.

In the past three years, Baxter estimates undercover decoys went into Riverside County stores 1,000 times and purchased cigarettes 200 times. He said about 10 stores sold to minors twice and one sold to minors three times.

Penalties range from a \$1,000 fine and a 10-day loss of tobacco sales for a first offense to a \$10,000 fine and a five-year loss of tobacco sales for a fourth offense. Baxter said 95 percent of first-time violators take a plea deal that requires they pay a \$500 fine and not sell tobacco for a day.

Undercover in Corona

The tobacco retail licensing unit goes undercover about five times a month.

During the operation earlier this month in Corona, the undercover minor went into 14 stores on West Sixth Street in two hours. Only CVS and Quality Cigarettes sold her cigarettes.

Mike DeAngelis, a CVS spokesman, said it's a clear violation of company policy and the employee could be fired immediately.

Young Kyu Kim, the son of the owner of Quality Cigarettes, said he doesn't know why the employee sold cigarettes to a minor. He said it is the first time in four years the business has sold cigarettes to a minor.

The undercover decoy walked into the Corona stores without identification. She had a fake birthday memorized.

She said the CVS employee didn't ask for identification. At Quality Cigarettes, she said the employee did ask for identification [but she lied and was sold cigarettes].

At one store, the decoy froze when the clerk asked her age. She didn't get the cigarettes. At many other stores, employees said they couldn't sell to her because she didn't have identification. One employee said the store could face a \$10,000 fine.

Another store employee followed the decoy out the store.

"Word must be out, Nick," Baxter said to Stack, who was riding shotgun.

Reach Sean Nealon at 951-368-9458 or snealon@PE.com