



Council Member Steve Gronke
P.O. Box 1988
Vista, CA 92085

April 18th, 2004 *Kathy Valdez*

CM; ACM; STACU

040091

Your Family In The Industry

Dear Council Member Steve Gronke,

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Pai's Liquor

Ramzi Murad, Secretary
A Mart

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PRESIDENT/CEO
Auday Arabo, Esq.

On behalf of the California Independent Grocers and Convenience Stores, a non-profit trade association representing over 600 members in San Diego County, I write to you in order to clarify faulty information, which the American Lung Association and other groups may have contacted you with.

A few weeks ago the American Lung Association held a press conference denouncing retailers and claiming that 40% of all retailers were illegally selling tobacco products/cigarettes to minors all over San Diego County. Their numbers are questionable, especially when they are compared to local law enforcement's numbers. Local law enforcement's statistics for the illegal sales of tobacco to minors is much lower than the numbers proffered up by the American Lung Association. Statistics utilized by the American Lung Association are not any more legitimate than numbers or studies submitted by tobacco companies. Basically, studies and research by tobacco companies and groups like the American Lung Association should not be considered alone due to their special interests.

Illegal sales of tobacco products to minors is a very serious concern and that is why our association was the only association in the entire state to support legislation (AB 71) creating a state run tobacco licensing scheme. AB 71 became law on January 1, 2004 and will be enforced by the State Board of Equalization. Enforcement of state tobacco licenses will not take effect until June 30, 2004 due to the conversion needed for all those who deal in tobacco sales throughout the state. AB 71 provides for tobacco licensing and fines and penalties in order to stop the illegal sales of tobacco products by some unscrupulous so-called businesses.

Since a state tobacco licensing scheme, enforcement and policy are in place, we feel that the American Lung Association's request for a local ordinance furthering licensing and penalizing retailers is duplicative, unwarranted and further burdens the hundreds of legitimate businesses who abide by the law. Furthermore, we should not unnecessarily burden our local law enforcement with another task considering our budget shortfalls, especially since resources and enforcement for tobacco licenses has already been budgeted for.

We respectfully request that you oppose any proposed local tobacco licensing ordinance. We ask that you allow the recently passed state law (AB 71) to run its course and spare small business from yet another "tax."

Thank you for your time and attention to this request. We gladly welcome the opportunity to answer any questions you may have on this issue.

Respectfully,

Auday Arabo
Auday P. Arabo, Esq.
President & CEO