

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AFFIRMING THE SUSPENSION OF TOBACCO RETAIL LICENSES TRL-1277379 (HYPE HAVEN I) AND TRL-1277377 (HYPE HAVEN II) AND DENYING THE APPEAL SUBMITTED BY BZBK LLC

WHEREAS, the City of Oceanside regulates the sale of tobacco products through its Tobacco Retail License program, codified in Oceanside Municipal Code Chapter 7, Article X, and enforces compliance with applicable state and local tobacco control laws, including California Health and Safety Code section 104559.5, which prohibits the sale or possession for sale of flavored tobacco products; and

WHEREAS, BZBK LLC hold Tobacco Retail License TRL-1277377 for Hype Haven II, located at 1405 S. El Camino Real, Oceanside, CA 92054; and

WHEREAS, on February 12, 2026, the City of Oceanside Code Enforcement Division, in coordination with the California Department of Tax and Fee Administration and the California Department of Public Health, Food and Drug Branch, conducted joint inspections of both Hype Haven locations and discovered large quantities of prohibited flavored tobacco products at each location in violation of Health and Safety Code section 104559.5(b)(1); and

WHEREAS, during the February 12, 2026 inspections, CDTFA seized 1,148 items with a total retail value of \$19,159.52 at Hype Haven I and 1,423 items with a total retail value of \$22,856.56 at Hype Haven II, and issued civil citations at both locations for violations of Business and Professions Code sections 22974, 22974.2(a)(1), and 22974.3(b); and

WHEREAS, both locations were previously inspected by the CDTFA on May 19, 2025, resulting in the seizure of 1,359 items at Hype Haven I and 1,899 items at Hype Haven II for the same types of violations, and civil citations were issued at both locations at that time; and

WHEREAS, on February 24, 2026, the City served notices of intent to suspend both Tobacco Retail Licenses pursuant to Oceanside Municipal Code section 7.92.2(b)(1), which provides for a 30-day suspension for a first violation of applicable tobacco control laws within a five-year period; and

1 WHEREAS, on March 11, 2026, Omar Turbi, on behalf of BZBK LLC, filed a timely
2 request for a hearing to contest the proposed suspensions, and the proposed suspensions were
3 stayed pending the outcome of the hearing; and

4 WHEREAS, on April 6, 2026, the Financial Services Director conducted a hearing
5 pursuant to Oceanside Municipal Code section 15.5(2), at which the City presented evidence
6 including inspection photographs, suspension notices, and CDTFA inspection records, and the
7 licensee was given the opportunity to present evidence and testimony; and

8 WHEREAS, on April 8, 2026, the Financial Services Director issued a written decision
9 sustaining the 30-day suspensions for both locations, finding that the City had proven by a
10 preponderance of the evidence that prohibited flavored tobacco products were present at both
11 locations in violation of Health and Safety Code section 104559.5(b)(1); and

12 WHEREAS, on April 27, 2026, Omar Turbi, on behalf of BZBK LLC, filed a timely
13 appeal of the Financial Services Director's determination to the City Council pursuant to
14 Oceanside Municipal Code sections 7.92.2(c) and 15.5(3), and the suspensions were stayed
15 pending the Council's determination; and

16 WHEREAS, on June 17, 2026, the City Council conducted a de novo public hearing on
17 the appeal, at which the City presented evidence and testimony in support of the proposed
18 suspensions and the licensee was given the opportunity to present evidence, testimony, and
19 argument in opposition; and

20 WHEREAS, the City Council has considered the staff report dated June 17, 2026, and
21 all applicable exhibits, the testimony and evidence presented by City staff, and the testimony,
22 evidence, and argument presented by the licensee.

23 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

24 **Findings of Fact:**

25 SECTION 1. In exercising its de novo authority on appeal, the City Council
26 independently evaluated and weighed all evidence presented at the June 17, 2026 public
27 hearing. The Council did not defer to the Financial Services Director's prior findings and made
28 its own determination of the facts and law based on the evidence admitted at the hearing.

1 SECTION 2. The City Council finds by a preponderance of the evidence that on
2 February 12, 2026, prohibited flavored tobacco products were present for sale and in possession
3 for sale at Hype Haven I (3504 College Blvd), as proven by inspection photographs admitted at
4 the hearing and by CDTFA seizure inventories reflecting 1,148 seized items, including 572
5 untaxed flavor ban other tobacco products and 441 untaxed flavor ban nicotine vape devices.
6 The Council credits the testimony of the City's Code Enforcement inspector regarding the
7 locations of the products on display and in storage and the product flavor identifications based
8 on labeling and packaging depicted in the photographs and inventories. The Council finds it
9 more likely than not that the products constitute flavored tobacco products within the meaning
10 of Health and Safety Code section 104559.5(b)(1).

11 SECTION 3. The City Council finds by a preponderance of the evidence that on
12 February 12, 2026, prohibited flavored tobacco products were present for sale and in possession
13 for sale at Hype Haven II (1405 S. El Camino Real), as proven by inspection photographs
14 admitted at the hearing and by CDTFA seizure inventories reflecting 1,423 seized items,
15 including 723 untaxed flavor ban other tobacco products and 630 untaxed flavor ban nicotine
16 vape devices. The Council credits the testimony of the City's Code Enforcement inspector
17 regarding the locations of the products on display and in storage and the product flavor
18 identifications based on labeling and packaging depicted in the photographs and inventories.
19 The Council finds it more likely than not that the products constitute flavored tobacco products
20 within the meaning of Health and Safety Code section 104559.5(b)(1).

21 **Conclusions of Law and Order:**

22 SECTION 4. The City Council hereby affirms the Financial Services Director's
23 determination to suspend Tobacco Retail License TRL-1277379 (Hype Haven I, 3504 College
24 Blvd) for a period of 30 days pursuant to Oceanside Municipal Code section 7.92.2(b)(1).

25 SECTION 5. The City Council hereby affirms the Financial Services Director's
26 determination to suspend Tobacco Retail License TRL-1277377 (Hype Haven II, 1405 S. El
27 Camino Real) for a period of 30 days pursuant to Oceanside Municipal Code section
28 7.92.2(b)(1).

 SECTION 6. The appeal submitted by BZBK LLC is hereby denied.

SECTION 7. The 30-day suspension of both Tobacco Retail Licenses shall take effect on [EFFECTIVE DATE], unless stayed by a court of competent jurisdiction. The licensee shall comply with all suspension requirements set forth in the Financial Services Director's written decision dated April 8, 2026.

SECTION 8. Pursuant to Oceanside Municipal Code section 15.5(3), the decision of the City Council is final. Any petition for judicial review must be filed within the time and in the manner provided by law.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
this 17th day of June, 2026, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney