



Whelan's Smoke Shop  
2486 Bancroft Way  
Berkeley, CA 94704  
Phone: (510) 549-3218

Berkeley City Council  
2180 Milvia Street,  
Berkeley, CA 94704

Dear Mayor and City Council:

I own and operate the city's oldest and only tobacconist shop. Whelan's Smoke Shop is family-owned and in business in Berkeley for over 114 years. It is a landmark. We are proud of our long history and appreciate our great customers.

It was a shock to receive a notice from the city that you will vote next week on an ordinance that will effectively put me out of business. We are located near a public park and would be impacted by this ordinance. As a smoke shop I am able to apply for a one-time license renewal. However, we would not be able to sell our business since the next owner would not be able to sell tobacco products. All of our investment is gone as a direct result of the city's actions. Is the city going to pay for my losses? Is the city going to pay to relocate my business outside of the buffer zone? What is the city going to look like if almost 70 stores are shuttered? These are all things that should be more closely examined before passing this ordinance.

Our retirement is this store. We are not like government employees with a pension or a 401(k). To destroy our business is to rip the rug out from underneath us after working hard for over 14 years in this store. It is unreasonable for the council to expect that we will simply change course and become a totally different business. The fact is that adult customers are buying our products and if there is no market for our products we would fail.

Just because we are near a park does not in any way mean that we sell tobacco to minors. We have families of our own and have no intention of running a business that illegally sells to minors. There is absolutely no connection between our distance from a park and our ability to abide by the law.

This is unjustified. You already have an ability to penalize any retailer selling to minors. I urge you to enforce the law and do not create a law that will destroy our business.

Sincerely,

Zeaad Handoush, Owner

**Harris, Leslie D.**

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**From:** ray a [rayman80@sbcglobal.net]  
**Sent:** Saturday, May 02, 2015 6:30 PM  
**To:** All Council  
**Subject:** Tobacco Retail License

Dear Mayor Bates and City Council Members:

I own and operate Whelan's Smoke Shop which is a specialty shop that has been bringing people to Berkeley for over 100 years. It is shops like ours that help to make Berkeley a unique place. I am emailing as a follow up to my earlier letter and telephone calls to your offices regarding the tobacco sales ban. I appreciate the responses I received but I would like more feedback about your concerns and issues. It is my hope that through dialog, we might come to a better understanding and create a more workable situation.

I hope that you give me this latitude because my livelihood and the livelihood of my employees hinges on this ordinance. If this ordinance passes, I will be forced to lay off my employees and close my doors. I will lose my business, my entire investment, my retirement and still I will be left with a lease for the next many years to come. I hope you can appreciate how high the stakes are for me.

With Berkeley's high grades from the American Lung Association and an excellent 98% compliance of Berkeley retailers, I am not sure why an ordinance this drastic would be necessary. I would very much like to get a better understanding of your concerns.

Thank you for your time and consideration.

Zeaad Handoush, Owner  
Whelan's Cigar & Smoke Shop  
2486 Bancroft Way  
Berkeley, CA 94704  
Phone: (510) 725-0492

Harris, Leslie D.

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**From:** Sam [bigals1000@yahoo.com]  
**Sent:** Sunday, May 03, 2015 10:02 AM  
**To:** All Council  
**Subject:** Tobacco ordinance

**Big Al's Smoke And Gifts**

2382 Telegraph Ave  
 Berkley, CA 94704  
 (510) 540-0764

Mayor Tom Bates  
 Council Member Kriss Worthington  
 City of Berkeley  
 2180 Milvia Street,  
 Berkeley, CA 94704

***Re: Tobacco Ban – STRONGLY OPPOSE***

Dear Mayor Bates and Council Member Worthington:

I am writing because I am deeply worried about the council's recent proposal to ban tobacco sales in Berkeley. I have owned Big Al's for 22 years and have never had a violation for selling to anyone under 18. News of this ordinance was shocking and the more I analyze how ludicrous it is and the impact on my livelihood the more distressing it has become.

I can't sleep at night knowing that if **this ordinance is adopted, I lose everything** I have worked so long and so hard for. What do I do about the 10-year lease on my store, the mortgage on my home, my kids' education and my wife's and my retirement?

I also have the added responsibility for the livelihood of my 5 employees and their families. If you pass this law, I would have no other choice but to lay them off as I close my store. I take this responsibility to heart and cannot bear to see this happen.

The issue comes down to a few main points for me.

- It is already illegal to sell all tobacco products to minors. It doesn't make any difference where a store is located, it is illegal.
- There is not a problem of illegal tobacco sales in Berkeley. In fact 98% of retailers are in compliance. That means that only 1 retailer is out of compliance!
- We already have a license and the fee has quadrupled since it was first instated. I generally have 2 youth decoy operations a year and pass every time. The additional money generated by our license should be used to educate the 1 retailer that is out of compliance.

Shutting down 68-70 retailers because of 1 retailer (or the clerk) accidentally sold to a minor makes no sense. Plus shutting down small businesses seems contrary to the vision of the city. You are creating a situation where only the chains can survive here.

I respectfully request that you abandon this ill-conceived ordinance completely.

Sincerely,

Al Ghannam  
Owner