

PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE PUBLIC
HEARING ON CLOSING THE RASTA SMOKE SHOP AND MINI MART AS A PUBLIC
NUISANCE

TUESDAY, APRIL 18, 2023

STATEMENT BY THE OWNERS/OPERATORS CHALLENGING THE REPORT'S
CONCLUSION AND THE ACCURACY OF THE EVIDENCE THEREIN

The owners of the Rasta Smoke Shop and Mini Mart raise these issues at this public hearing in anticipation of a challenge in court should the City Council's final action on this matter be to accept the proposed recommendation of the PLUM Committee to close the Rasta Smoke Shop and Mini Mart at 4058 South Crenshaw Blvd.

At the outset of this hearing, it should be noted that they vigorously oppose the effort to close their successful business of ten years duration at its present location. Further, they are outraged at the woefully inaccurate and materially misleading facts offered as evidence to support the recommendation made by Jack Chiang and Vincent P. Bertoni in their report of December 6, 2021. The report is highly biased, factually inaccurate, and hardly helpful as a basis for making any decisions concerning the fate of their business. It is difficult to see how this report with its many material errors could form the basis for its recommendations and conclusion. It is almost as if it were a foregone conclusion that our business must be closed and the report's authors then went in search of statements, of questionable validity, that could support such a recommendation. The operators/owners are here today to push back against the report's conclusions, recommendations, and material errors.

This is a family business, formed by 3 brothers. Ibrahim is their family name; Amjad, Hamad, and Abdel are their first names. All three work in the business yet the report constantly speaks of talking to "Mr. Ibrahim" in a generic fashion without identifying anyone of them by a first name. Certainly, they do not all look alike. It would be great a courtesy to recognize their individual identities. Not doing so, give the false impression that the various incidents and conversations in the report were all with the same person. Such is not the case.

This business has been in this same location for 10 years beginning in 2013. Yet the report talks of the business beginning in 2018, the year they changed the ownership entity from sole proprietorship to a limited liability company (LLC). The three brothers have been involved in this business since its inception. This business has kept their three families fed over the past 10 years. In the past 10 years, the only written declarations (complaints) they have received were generated during the period of July 11, through July 27, 2021. Most of the complaints are about things over which the operators of the shop have little or no control. They happen in the alley or on McClung Street which is one block away from the shop on a residential street. Loud and "obscene" music, yelling at each other, smoking "weed," and speeding out of the alley

onto McClung are hardly problems over which the business has any control beyond posting signs not to part in the alley and not to loiter. All of this has been done. One solution might be for more vigorous enforcement of city rules and regulations by the Traffic Department of the City of Los Angeles. Nobody wants to get an expensive ticket and a few days of strict enforcement might go along way toward ending this problem, The bulk of the customers for the business are walk-in traffic from pedestrians on Crenshaw and people waiting to catch the bus at the local bus stop a few hundred yards from the store. The business is in no better position to stop this behavior beyond admonishing its customers to not disturb the neighbors than the neighbors are in calling the Traffic Department each and every time these things occur. The business will continue to post signs against parking in the alley and loitering in the neighborhood. Turn the end of this statement, the business will suggest some novel approaches to mediating this problem.

No doubt the business is successful and is one of the few minority owned and operated businesses in the area to survive the last 10 years. The Chinese Kitchen, the Seafood Store, and even the LA Eats which never opened have all come and gone. As has the M and M Restaurant and the Wig Store. These businesses have generated their own problems of graffiti, disrepair, and homelessness, none of which are addressed in this report. There are pictures which will be shared with this Committee at today's hearing.

While it is true that the business sell cigarettes, tobacco, and rolling papers which might be considered disfavored, restricted, but not illegal products, it is also true that 40% of their sales involves potato chips, sodas, juices, and candy, none of which are restricted or illegal. Of course adults, and minors, and small children accompanied by adults enter the business to purchase these items. Thus far, no one has suggested that they not offer these products for sale. The business is a convenient service for pedestrians on Crenshaw, public transportation riders, and other walking to destinations within the area. For this the business is extremely convenient as evidenced by the large volume of their sales in this area.

The business is a successful business in that each year there has been a modest profit. The business has outlasted Walmart which ceased operations in part due to problems of inventory control. The business is very vigilant in reporting thefts; they do not want to be seen as a business that tolerates petty theft or other disruptive behavior. Perhaps this explains why the business over a period of almost 3 years (33 months) has had a total of 25 service calls, the bulk of which (18) occur during the Spring and Summer months when the area is filled with tourists, visitors, and Crenshaw mall shoppers. The business intends to offer metro line information and directions to other shops and services in the area, including banks and specialty services. The aim is to give their customers information they can use in timely fashion.

The business employs 4 persons full time and 3 persons part time. At their other locations, the business employs 20 people, full time and 2 people part time. In other words, at the other locations, 22 people are employed without incident. This is the only

location with any complaints whatsoever.

It seems this location is being targeted and is the subject of complaints whose true agenda is gentrification and removal of legitimate black businesses of a certain type. This is consistent with declarations included in the report where comments are made: "attract the wrong type of people," "not a good fit for the neighborhood. Create undesirable traffic," "the space would better served with a more suitable business. It attracts [sic] undesirables." The question must be asked: "who are these undesirables?" Hopefully, not the gainfully employed people who live in the adjacent neighborhoods, not the people using the Metro system to get around the city, not the shoppers brought to the mall, and, surely not the children who attend the local schools, nor yet the seniors who live nearby?" The success of the business is not based on the number of "undesirables" that can be attracted to the area; the success of the business depends on delivering products that provide service to the community.

While it is true that they sell cigarettes, tobacco, and rolling papers, it is also true that 40% of their sales involves potato chips, sodas, juices, and candy, yet the report never mentions any of this except when it says ominously "minors are seen in the store." But so are bus riders, local workers, DWP employees, and Krispy Creme patrons (we don't sell doughnuts and they don't sell sodas and potato chips).

One highly incendiary and outrageously slanderous report describes a complaint by a late night customer who was refused the sale of cigarettes without a valid identification. This customer became so angry that she tried to break the window of the business and she falsely reported to the Los Angeles Police Department that a gun had been brandished at her, a threat to kill her had been made, and she was chased for her life down the alley adjacent to the business. (NONE OF THESE 3 THINGS HAD ACTUALLY HAPPENED!!!) (See LAPD Police Report, 5/16/20, pg3 of 13, Forth Full paragraph.) There was an arrest for "criminal threats." Yet what is the business to make of the accuracy of the administrative report which is the basis for this public hearing today when the report contains 14 separate references to this incident, sometimes erroneously described as "brandishing a weapon," "chasing a victim out of the store while brandishing a weapon," and "chasing the victim down the alley while pointing a gun at the victim." These are grossly misleading errors of material fact. What does this do to the credibility of any actions built around this report?

(Mr. Amjad Ibrahim is here today and there is a copy of the videotape if the Committee would like to see the videotape or ask questions of the business operator.)

They say a picture is worth a thousand words. As part of this investigation, some 30 pictures were taken, showing the exterior of the building, the graffiti, trash in the alley and other places as well as other indications of disrepair including the lack of fresh paint. These pictures were take in July of 2021. The pictures speak for themselves and they are used in the report to suggest that store operators and the owner refused to do anything about the graffiti and the trash and the general upkeep of the building, creating

an eyesore and a nuisance. Today, different pictures are being submitted that show the building has been the subject of significant upgrading and change. The graffiti is gone, the trash is gone, and the grounds in the back of the store are well kept with new trash containers that are emptied weekly. These changes have been in place now, in some cases, for well over a year.

Further, the entrance to the store has been retooled making it much more attractive and inviting. There is new hardwood flooring throughout the inside of the store and the display cases are freshly designed and the displays of chips, sodas, and candy much more appealing. The floor space has been greatly reduced, urging customers to make their purchases and leave. There is no room inside the store for loitering. Signs both inside and outside the store remind patrons that there is no loitering about the building nor parking in the alley. There are pictures to document these changes and some of them when compared to those taken by the agency are as different and night and day.

Staff are instructed that it is their duty to sweep and clean along the exterior of the business the first thing in the morning when the store opens and the last thing at night when the store closes. At least once, during the afternoon hours, a similar cleaning is to be made of the exterior of the store so combat the accumulation of any trash or debris that may accrue during operating hours. In addition, once a week, on a Sunday morning, a company has been hired to power wash the entire area, including the alley.

The vexing problem of sale to underage customers has been made somewhat easier now that the purchase age has been raised to 21. It is harder for young people who are underage to pass themselves off as over 21 rather than over 18. On the two occasions when we were cited to selling to an underage customer, there was one employee involved and he was fired immediately. The store now has implemented a training program in this regard. The training is conducted in English and Arabic where appropriate. It requires the employee to sign a statement at the end of the training indicating that he has been trained in the rationale to restrict tobacco sales, that he had read and understood the definition of tobacco products according to the various laws of the State of California, that he knows how to check the photo ID of every person who appears to be under the age of 27, that he knows what kinds of ID are valid and that he knows about the exemption made for Active Duty Military personnel who proper ID issued by the United States Armed Forces. Finally, the employee declares that he will uphold the store's policy that PROHIBITS the sale of tobacco, tobacco products, and tobacco paraphernalia to ANYONE of whatever age without a valid ID. So called "loose cigarettes" are not available for sale under any circumstance. A dated copy of this declaration is placed in the employee's permanent file.

Just this April of 2022, the business received a letter from Michel R. Moore, Chief of Police, citing the good work of the cashier at the store in not allowing a decoy to purchase tobacco products. This is not the first time. The store has Tobacco Retailer Compliance Checklists for the last two years showing no violations.

The gang problem may have resolved itself. It was never the policy of the store or its operators to allow gang members to hang out or loiter in the store. However, it was well known that there was a retailer in the area who did permit gang members to hang out in his store. He died and the store closed up and the gang members moved on. Our store continues to discourage any gang members from using the store as a hang out. So far the gang presence in the neighborhood appears greatly reduced.

As part of the presentation today, the business would like to enter some pictures that were recently taken. The business looks like a shining star in an area that is still plagued with graffiti and trash. The other places should look as good as the business does. The business will present today a petition signed by over 500 people who want our business to remain open. Some of our supporters are here today, including at least one who lives on McClung Street, you may wish to hear from them.

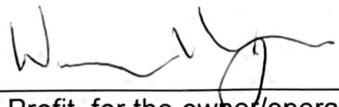
Finally, the operators of the Rasta Smoke Shop and Mini Mart are not standing still. The operators propose 3 further changes in the business in the interest of demonstrating that the business is good for the neighborhood.

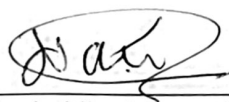
First, we propose to change our name to "The Quick Stop and Mini mart," This name places emphasis on what we actually do at the business. We will continue to sell cigarettes, tobacco products, and tobacco paraphernalia but where we will also continue to be a place for sodas, chips, juice, and a variety of candy. As part of this effort, the business is going to reduce the area of tobacco products by 25%,

Secondly, we propose to hire a part time security guard to patrol the premises on foot in order to discourage people from hanging out or loitering.

Finally, we would support the City if it were to close the alley entrance on Crenshaw permanently or even temporarily to reduce the traffic of people using the alley to speed to the other street, or to use the alley parking while coming to the store.

We three brothers are prepared to engage with the City to reach a better and more cooperative relationship to promote our goals of making a better business for ourselves and the community. If this cannot be done, we are prepared to continue this discussion at the next level. We have come this far by the blessing of Allah and we do not intend to quit,

crafted by 
Wesley E. Profit, for the owner/operators of the Rasta Smoke Shop and Mini Mart, for today's public hearing


Amjad Ibrahim on behalf of himself and his two brothers, Hamad and Abdel



TOBACCO RETAILER COMPLIANCE CHECKLIST

Retailers are responsible for ensuring compliance of all local, state and federal laws related to the sale of tobacco products including e-cigarettes and vaping devices.

LAPD/City Attorney Staff: Please check off all items reviewed with retailer.



D.A.T.A.
DECREASING ADOLESCENT
TOBACCO ACCESS

☒ **City of Los Angeles Tobacco Retailer's Permit Posted (REQUIRED)**
Permit must be obtained prior to engaging in any tobacco sales. Permits must be renewed yearly. Cost: \$437 annual fee.
Website: <https://finance.lacity.org/tobacco-retailers-permit>.
Email: Finance.CustomerService@lacity.org Phone: (844) 663-4411



☒ **CDTFA Tobacco Retailer's License Posted (REQUIRED)**
For more information regarding state license requirements, contact CDTFA at (800) 400-7115.



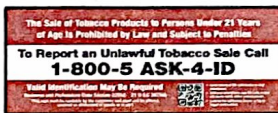
☒ CUP/CUB Copy Available ☐ CUP/CUB Not Applicable

☐ ABC License Posted ☒ ABC License Not Applicable

SALES

☒ **NO Tobacco Product Sales to Anyone Under 21.**
You are required to check ID for any purchaser under 27. [PC 308(a)]

☒ **Age-of-Sale Warning Sign/Sticker Must Be Posted.**
Sticker must be visibly posted at each point of sale. [PC 308(b)]



☒ **Self-Service Sales and Tobacco Vending Machines Are Prohibited.**
All tobacco sales must be vendor-assisted. [B&P 22962]

☒ **The Sale of Single Cigarettes Is Prohibited.**
All cigarettes must be sold in a pack. [PC 308.2]

PRODUCT COMPLIANCE

☒ **All Cigarette Packs Must Have a Valid State of CA Cigarette Tax Stamp.**
See sample tax stamp below. [BP 22974.3, R&T 30747(a)]



☒ **All Cigarettes Offered for Sale Must Be a California-Certified Brand.**
All cigarettes in the store inventory must have been purchased from a licensed distributor. It is not permissible to sell unauthorized foreign cigarettes.
R&T 30163(a)(5)(A)]

☒ **Smoking and Vaping Is Prohibited in Enclosed Workplaces.**
Obtaining a City Tobacco Permit does not authorize illegal smoking (including hookah smoking) in enclosed workplaces in violation of state law or in outdoor lining areas in violation of the LAMC. [LC 6404.5]

X BAKR

TOBACCO INVOICES

☒ **Retailer Must Retain Four Years of Tobacco Invoices for All Tobacco Products Retailers Has Purchased With the Most Recent One Year's Worth Kept on the Business Premises.**
Your invoices must be available for law enforcement inspection. [BP 22974]

EMPLOYEE TRAINING

☒ CDPH Tips for Retailers provided to retailer.
☒ Employees are aware of store policy to check customer IDs.
☒ Retailer understands when and how to refuse a sale.



IMPORTANT: If you are not sure the ID is valid, refuse the sale.

AREA(S) WHERE IMPROVEMENT IS NEEDED:

NO VIOLATIONS

Warning Received? ☐ Yes ☐ No Citation Received? ☐ Yes ☐ No

Store Representative: BAKR HUSSIN
Store DBA: RASTA SMOKE SHOP
Address: 4059 S. CRENSHAW BL



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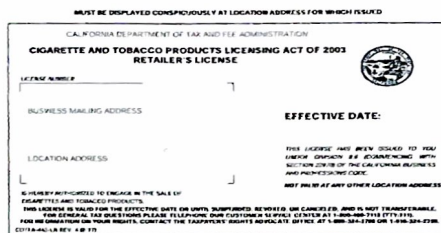


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[Signature]

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NO VIOLATIONS

Warning Received? ☐ Yes ☐ No Citation Received? ☐ Yes ☐ No

Store Representative: BAKER HOSSIN

Store DBA: BASTA SMOKE SHOP + MINE MARIJUANA

Address: 4058 CRENSHAW AV 90008

Los Angeles City Attorney's Office, Tobacco Enforcement Program, tep@lacity.org

ver. 3/2021

Original (White): Retailer

Copy (Yellow): Tobacco Enforcement Program

LOS ANGELES POLICE DEPARTMENT

Michel R. Moore
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-0910
TDD: (877) 275-5273
Ref#: 8.2

April 19, 2022

Rasta Smoke Shop & Mini Mart
4058 Crenshaw Blvd
Los Angeles, California 90008

Dear Sir or Madam:

The Los Angeles Police Department conducted a Minor Decoy operation on April 19, 2022. During the operation, the minor decoy who was under 21 years of age entered your establishment and attempted to purchase tobacco products. The cashier at your establishment did not allow the decoy to purchase the tobacco products. I would like to commend your cashier for a job well done! Keep up the good work.

If you have any questions, please contact Sergeant II Craig Nollner, Commercial Crimes Division, at (213) 486-0952.

Respectfully,

MICHEL R. MOORE
Chief of Police

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Save Contact



lt64477@gmail.com



+1 323-357-2361

Cleaning schedule for RASTA SMOKE SHOP

ALL Worker MUST cleaning the ALLY and around the store and put his signature

Date	7:20 AM	2:00 PM	6:00 PM	11:00 PM	COMMENT
04/8	بكر	بكر	Bakr	Bakr	
04/9	بكر	بكر	Bakr	BA	
04/10	بكر	بكر	Bakr	Bakr	
04/11	بكر	بكر	Bakr	Bakr	
04/12	بكر	بكر	Bakr	Bakr	
04/13	بكر	بكر	Bakr	Bakr	
04/14	بكر	بكر	Bakr	Bakr	

COMMENT: