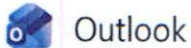


Public Comment on  
I.1



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## Support for Proposed TRL Ordinance Amendments to Protect Youth

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From Robert Standish <standishr@eurekacityschools.org>

Date Mon 3/2/2026 12:38 PM

To Arroyo, Natalie <narroyo@co.humboldt.ca.us>; Bohn, Rex <RBohn@co.humboldt.ca.us>; Bushnell, Michelle <mbushnell@co.humboldt.ca.us>; Madrone, Steve <smadrone@co.humboldt.ca.us>; Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>; COB <COB@co.humboldt.ca.us>

Cc Edwin Garcia <garciaedwin@eurekacityschools.org>; Tammi Wagner <wagnertammi@eurekacityschools.org>; Dusty Rossman <drossman@fuhsdistrict.net>; Ferderber, Kristin <kferderber@nohum.k12.ca.us>; Dutra, Dustin <ddutra@nohum.k12.ca.us>; Coleman, Jennifer <jcoleman@nohum.k12.ca.us>

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Members of the Humboldt County Board of Supervisors,

I am writing in advance of your March 3 meeting to respectfully urge you to pass the proposed amendments to the Tobacco Retail License ordinance.

I am unable to attend the meeting, so I am requesting this be officially added to the public comments for this item.

As Principal of Eureka High School, I recently contacted state and county officials, including the Humboldt County Department of Health and Human Services, regarding the escalating presence of illegal flavored and disposable vape devices on our campus. Despite California's flavored tobacco ban under SB 793, these products remain widely accessible to students through local and online channels. Over the past month alone, we have confiscated a significant number of brightly packaged, youth-oriented disposable vapes designed to mimic everyday consumer items.

The reality at the school level is clear. Retailer density and access matter. When commercial tobacco products remain readily available in a community, particularly in areas serving youth, the burden of enforcement shifts disproportionately onto schools. We are educators, not regulatory agencies, yet our staff are spending increasing time addressing nicotine use, confiscating devices, and managing the health and behavioral impacts that follow.

The proposed amendment to the TRL ordinance, particularly the provisions tied to retailer eligibility and geographic spacing, is an important policy lever. Maintaining strong safeguards that prevent the expansion or reestablishment of tobacco retail outlets in proximity to youth-serving institutions directly supports the intent of state law and local public health efforts. Weakening attrition provisions risks stabilizing or increasing availability at a time when enforcement of illegal flavored products is already strained.

Local action is essential. While agencies such as the California Department of Public Health and the California Department of Tax and Fee Administration conduct compliance and enforcement efforts, those measures are most effective when paired with strong local licensing controls that reduce access points in the first place.

Every tobacco retailer in closer reach of our students increases the likelihood of diversion, illegal sales, and normalization of nicotine use. Conversely, maintaining strong attrition and density controls reinforces community standards and supports schools in protecting student health.

I respectfully ask that you pass the proposed amendments in a manner that prioritizes youth health, limits retailer density, and aligns local policy with the spirit of California's flavored tobacco ban. Our students deserve a regulatory environment that does not make illegal or youth-targeted nicotine products easier to obtain.

Thank you for your consideration and for your continued commitment to the well-being of Humboldt County's young people.

Sincerely,

--

**Robert Standish**

**Principal**

**Eureka High School**

Eureka City Schools | Eureka, CA 95501

Pronouns: he/him

[standishr@eurekacityschools.org](mailto:standishr@eurekacityschools.org) ,

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Outlook

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Public Comment – Agenda Item #26-152 – Tobacco Retail Licensing Ordinance

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From Nathen England <nengland.nwr@gmail.com>

Date Mon 3/2/2026 1:06 PM

To COB <COB@co.humboldt.ca.us>

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Nathen England  
Rogers Market & Cafe Inc.

McKinleyville, CA 95519

Email: [nengland.nwr@gmail.com](mailto:nengland.nwr@gmail.com)

Phone:

March 2, 2026

Clerk of the Board

Humboldt County Board of Supervisors

825 Fifth Street

Eureka, CA 95501

Public Comment – Agenda Item #26-152 – Tobacco Retail Licensing Ordinance

Dear Members of the Humboldt County Board of Supervisors,

My name is Nathen England, and I am a long-time resident and business owner in Humboldt County. I have lived in this community for 42 years and have owned and operated Rogers Market & Cafe Inc., located at 791 School Rd in McKinleyville (unincorporated Humboldt County), for over 12 years. My store serves as an important local hub, providing groceries, meals, jobs, and daily essentials to families in the area.

I was not made aware of the Tobacco Retail Licensing Ordinance—or its critical non-transferability provision under section 817-9—before or at the time it was adopted in July 2023. I only learned about these restrictions a little over a month ago when a tobacco representative visited my store and informed me of the issue. About a week ago, during a visit from county staff, I directly asked about non-transferability, and they confirmed it is true: licenses cannot transfer to non-family buyers, and with the cap on licenses (currently exceeded), new ones are effectively unavailable.

This policy compounds existing hardships my business has already faced. When flavored tobacco products were banned statewide (and reinforced locally), we lost a significant portion of tobacco sales as many customers simply drove to nearby reservations or other areas where those restrictions do not apply, allowing them to purchase flavored options legally there. This shift hurt our revenue and made compliance even more challenging for small, compliant retailers like me. Now, the inability to transfer the tobacco license upon sale further erodes the value of my business—likely to a non-family buyer—severely impacting my ability to retire or support my family after years of hard work. As a small business owner without a pension or major safety net, I rely on the eventual sale of this store as my primary retirement asset.

I fully support reasonable measures to protect youth and reduce tobacco access, but these layered restrictions unfairly penalize dedicated local owners who have followed all rules and contributed to the community for decades. I urge the Board to amend the ordinance to allow reasonable transferability of licenses to qualified buyers in good standing (with appropriate safeguards). This would help preserve property rights, support local economies, and avoid further unintended hardship while advancing public health goals.

Thank you for considering my comments and for reviewing this ordinance. I am available for any questions and appreciate the Board's attention to balancing these important issues.

Sincerely,

Nathen England

Owner, Rogers Market & Cafe Inc.

Public comment on  
I. 7

## Agenda Item #26-152

Zachary Bowman

Cook's Valley Patriot

Piercy Ca

95587

In regard to 817-5 I have 2 concerns ,

First this 500 ft rule would mean at any intersection where there is more than one gas station, or the Grocery store across the street, only one of them would be able to have a tobacco license.

Next is the Density of one per 2500 in unincorporated areas. This is crazy to think about, Humboldt only has 7 incorporated areas, meaning all other towns in our county would have to follow this guideline. Many of our small towns have multiple gas stations and a Grocer of some sort.

For example Garberville in S. Humboldt has a population of 818 according to 2020 census, however there are 3 gas stations a grocery store , smoke shop and 2 bars, all of which would violate the 500 ft rule and only one would be allowed under the density rule.

As a gas station / Convenience store owner having a tobacco license is vital to our existence, along with ABC license, lottery sales, and of course fuel. It's a staple of our business, a reason many people come into our stores. During their stop in our store they also commonly will purchase a snack and a beverage which helps to keep the lights on.

What you are talking about doing is eliminating our ability to operate a business that is necessary . Store operators need every item we sale just to survive and provide jobs to the community, taxes to the county / state, and convenience to the customers who rely on us.

I'm 100% in agreement that we have a huge problem with underage use of tobacco products, but by limiting who can and who can't sale tobacco based on population is not the way to accomplish that goal.

At my store and all similar stores that I've been in. Tobacco products are behind the counter labled , priced, and with appropriate signage. We are adamant about checking Ids and only sell to age appropriate customers (21 YRS and above). We have appropriate permits to operate and follow county and state guidelines.

I do not see any reason to further limit and further regulate tobacco retailers in Humboldt county above and beyond the rest of California.



Outlook

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## Agenda Item #26-152

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**From** sprig45@aol.com <sprig45@aol.com>

**Date** Mon 3/2/2026 2:16 PM

**To** COB <COB@co.humboldt.ca.us>

 1 attachment (15 KB)

Agenda Item 26-152.docx;

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Attached is my letter to the Board concerning Tobacco licenses in Humboldt

Thank You

Zachary Bowman  
Cook's Vallev Patriot

Piercy Ca  
95587



Public Comment on  
I. 1

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**BOS Public Comment Submission - Agenda No. 26-152**

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**From** Frank Martin <fmartin@janssenlaw.com>

**Date** Mon 3/2/2026 4:38 PM

**To** COB <COB@co.humboldt.ca.us>

**Cc** Jeff Slack <jslack@janssenlaw.com>; Tracy Guevara <tguevara@janssenlaw.com>; Julie VanAlyea <julie@redwoodoil.net>

2 attachments (264 KB)

Comment on Agenda No 26-152.pdf; Attachment A.pdf;

**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hello,

Please see attached a written comment for Agenda No. 26-152 on the Tobacco Retail License Ordinance.

Please note the comment includes reference to an "Attachment A" which is included in this email as a separate PDF.

Thank you,

Frank J.J.F. Martin  
Attorney  
Janssen Malloy LLP

Eureka, CA 95502  
Telephone:

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NOTICE OF OPPOSITION TO PROPOSED THIRD AMENDMENT  
TO TOBACCO RETAIL LICENSE ORDINANCE

March 3, 2026  
Agenda No. 26-152

On behalf of Peter Van Alyea, Redwood Oil Co., and all similarly situated tobacco retailers in the unincorporated areas of Humboldt County, we oppose the Third Amendment to Tobacco Retail License (“TRL”) Ordinance.

**The Proposed Amendment Cuts the TRL Cap From 54 To 29**

- The Ordinance passed in July 2023 after which point approximately 54 TRLs were issued.
- 54 TRLs were issued consistent with the existing law, which provided 1 TRL for every 2,500 inhabitants of the County, or approximately 136,000 inhabitants.
- This Proposed Amendment limits the number of TRLs to the number of inhabitants of the unincorporated county, which is approximately 71,000 inhabitants.
- This significantly cuts the total number of total Tobacco Retail Licenses.
- **The status of all retailers who obtained licenses in excess of the new cap will be at risk.**
- This proposal also exempts retailers that are “greater than 10 miles from the next tobacco retailer.”
- The proposal arbitrarily limits the number of total licenses by nearly half and unfairly exempts rural retailers. **These significant provisions were never presented to the public before the Ordinance passed and should not be amended.**

**The Proposed Amendment Removes a Neutral Review Board**

- The existing ordinance allows an Administrative Law Judge to serve as the Hearing Officer for any disputed TRL applications.
- The Proposed Ordinance replaces a neutral “Hearing Officer” with the Humboldt County Board of Supervisors themselves.
- This proposal removes a neutral adjudicatory body from the license appeal process.
- This proposal **burdens the Board of Supervisors with having to conduct Formal Hearings of Administrative Adjudication.**
- Given that the proposal cuts the existing license cap, such reviews are likely to require formal adjudication.

**The Proposed Amendment Defies an Administrative Law Judge Order**

- On January 22, 2025, Administrative Law Judge Wim Van Rooyen ordered the County of Humboldt Division of Environmental Health to process license applications for three Chevron stations in Garberville, McKinleyville, and Willow Creek, after finding the County erroneously interpreted the Ordinance. A copy of the Order is attached as Attachment A, for reference.
- Instead of complying with the Order of the Office of Administrative Hearings, this proposed amendment seeks to change the law instead of complying with it, as ordered.
- Passing this Ordinance puts **the Board at risk of violating the OAH Order and requiring applicants to petition the Humboldt County Superior Court** to mandate that the County complies with their administrative remedies.
- The County faces significant liability for damages and fees incurred in litigating issues of compelled compliance with the OAH Order, retroactivity, and procedural due process.

Peter Van Alyea and similarly situated applicants urge the Board to deny this proposed amendment.

Submitted by Janssen Malloy, LLP, Attorneys for Redwood Oil Co.

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

**In the Appeal of:**

**REDWOOD OIL CO., Appellant**

**v.**

**COUNTY OF HUMBOLDT, Respondent**

**OAH Case No. 2025100893**

**DECISION<sup>1</sup>**

Wim van Rooyen, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on December 16, 2025, by videoconference from Sacramento, California.

Jeffrey Slack and Frank Martin, Attorneys at Law, Janssen Malloy LLP, represented appellant Redwood Oil Co. (Redwood).

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<sup>1</sup> A written decision on an appeal issued by the Office of Administrative Hearings constitutes a final administrative decision under Title VIII, Division 1, Chapter 7, section 817-15, subdivision (d)(6), of the Humboldt County Code.

Destinee N. Valeska, Deputy County Counsel, represented respondent County of Humboldt (County).

Evidence was received and the record left open until December 24, 2025, for the parties to submit additional written evidentiary objections and written responses to those objections. On December 17, 2025, Redwood filed objections to the County's exhibits containing extrinsic evidence pertaining to construction of a County ordinance at issue in this case, marked as Exhibit 6. On December 23, 2025, the County filed a brief responding to Redwood's objections, marked as Exhibit II. Exhibits 6 and II were admitted as argument.

After carefully considering Redwood's objections and the County's responses, the objections were overruled. All the County's exhibits were admitted to be given the appropriate weight under applicable law.

On December 24, 2025, the record was closed and the matter submitted for decision.

## **FACTUAL FINDINGS**

1. The pertinent background facts are undisputed. The County is the entity that issues tobacco retailer licenses (TRLs) for the unincorporated areas of the County. It has no jurisdiction to issue TRLs for the incorporated areas of the County.

2. On July 11, 2023, the Humboldt County Board of Supervisors (County Board) adopted the Tobacco Retailer Licensing Ordinance, codified in the Humboldt

County Code<sup>2</sup> under Title VIII, Division 1, Chapter 7, section 817 et seq. Section 817-5, subdivision (f), provides:

*Population and Density.* The issuing of tobacco retailer licenses is limited as follows:

(1) The total number of tobacco retailer licenses within the County shall be limited to one for each two thousand five hundred (2,500) inhabitants of the County.

(2) For the purposes of this subsection, the total population of the County shall be determined by the most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the license application is filed.

(3) No new license may issue to authorize tobacco retailing if the number of tobacco retailer licenses already issued equals or exceeds the total number authorized pursuant to subsection (f)(1) of this section.

(Italics in original.) Section 111-5 defines the words "the County" or "this County" as "the County of Humboldt." In turn, section 111-10 states that the words "in the County" shall "mean and include all territory over which the County now has, or shall

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<sup>2</sup> All further legislative references are to the Humboldt County Code, unless otherwise indicated.

hereafter acquire, jurisdiction for the exercise of its powers or other regulatory powers.”

Under section 817-5, subdivision (g), existing licensed tobacco retailers were grandfathered in and could retain their County-issued TRLs notwithstanding the population-based license cap. However, section 817-9 provides that TRLs are generally not transferable. With exceptions not relevant here, “[a] new tobacco retailer’s license is required whenever a tobacco retailing location has a change in proprietors.”

3. Redwood holds active, County-issued TRLs for three Chevron service stations located in Garberville, McKinleyville, and Willow Creek, unincorporated areas of the County. In 2025, Redwood began the process of selling these three Chevron stations to Jackson Foods, Inc. (Jackson). Because Redwood cannot transfer its TRLs to Jackson, it envisioned relinquishing its own TRLs and applying for new TRLs on Jackson’s behalf.

4. On July 9, 2025, Redwood submitted three TRL applications for the three Chevron stations to the County’s Division of Environmental Health on Jackson’s behalf. On July 10, 2025, the County issued a Notice of Intended Decision to Deny Tobacco Retail License Application for each of the three Chevron stations.

5. Redwood timely requested an administrative review, which the County conducted on July 24, 2025. On August 8, 2025, the County issued a Notice of Decision to Deny Tobacco Retail License Application (Notice of Decision) for each of the three Chevron stations. Each Notice of Decision provided, in part:

[A] population-based license cap limits the total number of tobacco retailer licenses in the County to one license per 2,500 residents based on the most recent population data

from the U.S. Census Bureau or the California Department of Finance, whichever is most recent (HCC § 817-5(f)).

Because the U.S. Census has no population data specific to the unincorporated area of Humboldt County, for which the TRL applies, the current cap is set at 30.3 licenses based on the California Health Assessment Tool – Public Health Statistics for Unincorporated Humboldt County as of July 10, 2025, which aggregates the U.S. Census data for unincorporated Humboldt County. That limit has already been exceeded. As a result, no additional licenses may be issued at this time.

6. On August 13, 2025, Redwood timely appealed the Notices of Decision. The matter was set for hearing before an Administrative Law Judge of the Office of Administrative Hearings under Title VIII, Division 1, Chapter 7, section 817-15 of the Humboldt County Code.

7. At hearing, the parties stipulated that there are currently 54 active TRLs issued by the County. There is no "wait list." Instead, the County issues TRLs on a "first-come, first-served" basis once the total number of TRLs falls below the population-based license cap.

8. The parties disagree on how section 817-5, subdivision (f)(1)'s population-based license cap should be construed.

Redwood contends that the cap should be calculated using the total population of the County, including incorporated and unincorporated areas. The parties stipulated at hearing that, under Redwood's interpretation, the cap would be 54 TRLs. Thus, if

Redwood were to abandon its own three TRLs, the total number of TRLs would fall below the cap, requiring the County to consider the new applications on behalf of Jackson on a first-come, first-served basis.

The County contends that the cap should be calculated using the total population of only the unincorporated areas of the County. The parties stipulated at hearing that, under the County's interpretation, the cap would be 29 TRLs. As noted above, the Notices of Decision indicated that the cap would be 30.3 TRLs. Regardless, even if Redwood abandoned its own three TRLs, the total remaining number of TRLs would still far exceed the cap, requiring denial of the Redwood's applications on behalf of Jackson.

## **LEGAL CONCLUSIONS**

### **Burden and Standard of Proof**

1. The Humboldt County Code contains a specific provision addressing the burden and standard of proof in tobacco retailer licensing matters. Under section 817-15, subdivision (d)(4), the County bears the burden of proving an alleged violation by a preponderance of the evidence. However, this matter does not involve alleged violations, but instead TRL applications. Thus, section 817-15, subdivision (d)(4), is inapposite.

2. Absent a specific statute, code, or regulation to the contrary, the license applicant generally bears the burden of showing by a preponderance of the evidence that it is eligible for and should be issued the license. (See Evid. Code, § 500 ["Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that [it

is] asserting.”.) Thus, Redwood bears the burden of proving that its TRL applications on behalf of Jackson should be granted.

3. Absent a specific statute, code, or regulation to the contrary, the standard of proof is preponderance of the evidence. (See Evid. Code, § 115 [“Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.”].) The term “preponderance of the evidence” means “more likely than not.” (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387–1388.)

### **Applicable Law and Analysis**

4. Resolution of this appeal requires proper interpretation and construction of section 817-5, subdivision (f)(1). The California Supreme Court has summarized the general approach to statutory interpretation as follows:

The objective of statutory construction is to determine the intent of the enacting body so that the law may receive the interpretation that best effectuates that intent. We first examine the words themselves because the statutory language is generally the most reliable indicator of legislative intent. The words of the statute should be given their ordinary and usual meaning and should be construed in their statutory context. If the plain, commonsense meaning of a statute's words is unambiguous, the plain meaning controls. We consider extrinsic aids, such as legislative history, only if the statutory language is reasonably subject to multiple interpretations.

(*City of Alhambra v. Cnty. of Los Angeles* (2012) 55 Cal.4th 707, 718-719 [internal citations and quotation marks omitted].) The same rules of statutory interpretation also apply to local codes and ordinances. (See *Center for Biological Diversity v. County of San Benito* (2024) 104 Cal.App.5th 22, 37; *Assn. for Los Angeles Deputy Sheriffs v. County of Los Angeles* (2023) 94 Cal.App.5th 764, 779.)

5. Applying the foregoing principles, section 817-5, subdivision (f)(1), is clear and unambiguous. It states: "The total number of tobacco retailer licenses within the County shall be limited to one for each two thousand five hundred (2,500) inhabitants of the County." Giving the words "inhabitants of the County" their ordinary and usual meaning, the provision plainly requires using the total population of the County to determine the cap on the number of new TRLs the County may issue. This is also consistent with section 111-5's definition of "the County" as "the County of Humboldt." Because the plain, commonsense meaning of section 817-5, subdivision (f)'s words is unambiguous, the plain meaning controls. As such, it is unnecessary to consider extrinsic aids such as legislative history.

6. The County contends that section 817-5, subdivision (f)(1), is ambiguous and reasonably subject to multiple interpretations. Specifically, the County urges an alternative interpretation that the cap should be calculated using the total population of only the unincorporated areas of the County. Ordinarily, an agency's interpretation of its own statute is entitled to some deference appropriate to the circumstances. (*Yamaha Corporation of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 7-8.) However, no deference is warranted when the statute's language is unambiguous or when the agency's interpretation is clearly erroneous. (*Bonnell v. Medical Bd. of California* (2003) 31 Cal.4th 1255, 1264-1265.)

Here, section 817-5, subdivision (f)(1), is not reasonably subject to multiple interpretations, let alone the County's strained interpretation. On its face, section 817-5, subdivision (f)(1), makes no distinction between the County's incorporated or unincorporated areas or populations. The County effectively seeks this court to rewrite section 817-5, subdivision (f)(1), to state: "The total number of tobacco retailer licenses within the County shall be limited to one for each two thousand five hundred (2,500) inhabitants of the *unincorporated areas of the County*." That is impermissible. "Under the standard rules of statutory construction, we will not read into the statute a limitation that is not there." (*People v. Bautista* (2008) 163 Cal.App.4th 762, 777; see also Code Civ. Proc., § 1858 ["In the construction of a statute or instrument, the office of the Judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted, or to omit what has been inserted"].)

Another problem with the County's interpretation of section 817-5, subdivision (f)(1), is that it conflicts with subdivision (f)(2), which requires determination of the County's total population by using the "most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated." The County conceded that neither the U.S. Census Bureau nor the California State Department of Finance provides population data specific to the unincorporated area of the County; they provide population data only for the entire County. Thus, to enforce its interpretation, the County was required to use the California Health Assessment Tool, a data source not provided in subdivision (f)(2). It seems implausible that the County Board would have enacted an ordinance specifically

listing sources from which it would have been impossible to obtain the data supposedly contemplated by the ordinance.<sup>3</sup>

7. The County further argues that application of the plain meaning rule would lead to an absurd result. (See *Silver v. Brown* (1966) 63 Cal.2d 841, 845 [“The literal meaning of the words of a statute may be disregarded to avoid absurd results or to give effect to manifest purposes that, in the light of the statute’s legislative history, appear from its provisions considered as a whole.”].) The County posits that it makes little sense to interpret section 817-5, subdivision (f)(1), to require using the total population of the County including the incorporated areas because the County has no jurisdiction to issue TRLs in the incorporated areas. That argument manufactures a problem where none exists.

Application of the plain meaning rule would not cause the County to exceed its jurisdiction. The first portion of section 817-5, subdivision (f)(1)—“The total number of tobacco retailer licenses within the County”—refers only to the TRLs the County has jurisdiction to issue. That is consistent with section 111-10’s definition of “in the County,” closely analogous to “within the County” as “all territory over which the County now has, or shall hereafter acquire, jurisdiction for the exercise of its powers or other regulatory powers.” The second portion of section 817-5, subdivision (f)(1)—“shall be limited to one for each two thousand five hundred (2,500) inhabitants of the County”—merely refers to the mechanism for determining the number of TRLs that the

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<sup>3</sup> To be sure, the California Health Assessment Tool reportedly “aggregates” data from the U.S. Census. But it does not change the fact that it is impossible to obtain the population data for the unincorporated areas of the County directly from the sources listed in subdivision (f)(2).

County may issue within its jurisdiction. Nothing in section 817-5, subdivision (f)(1)'s language, given its plain meaning, suggests that the County could assert its jurisdiction in the incorporated areas. Simply put, there is no jurisdictional problem or absurd result.

8. The County further cautions that application of the plain meaning rule would result in "double counting" of TRLs issued by the County and incorporated areas, inhibit enforcement agreements with incorporated areas, increase the number of available TRLs throughout the County, and thus harm public health. To be sure, reduction of tobacco usage and public health are laudable goals. But those are policy matters best addressed by the legislative branch—in this case, the County Board.

The County Board could have chosen any lawful mechanism it wanted to determine the number of available TRLs that would effectuate its public policies. By way of example, it could have chosen verbiage that the population-based license cap should be determined by the population of only the unincorporated areas of the County. Alternatively, it could have chosen a different ratio between available licenses and inhabitants of the County to better account for potential "double counting" issues between the County's unincorporated and incorporated areas. Nevertheless, the County Board chose to adopt the clear and unambiguous language that it did. If the County now believes that the current version of section 817-5, subdivision (f), fails to effectuate its public health policy, the County Board has plenary power to amend it.

## **Conclusion**

9. The County denied Redwood's TRL applications on behalf of Jackson for each of the three Chevron stations based on the County's erroneous interpretation of

section 817-5, subdivision (f). Thus, Redwood's appeal must be granted and the County's Notices of Decision reversed.

10. This Decision does not direct the County to outright grant Redwood's TRL applications on behalf of Jackson. That is because Redwood has not yet abandoned its own TRLs, there is no wait list, and the County must consider new applications on a first-come, first-served basis. Additionally, the record does not permit a determination of whether Jackson otherwise meets all criteria for issuance of the TRLs. The Decision merely holds that the County may not deny the TRL applications based on its erroneous construction of section 817-5, subdivision (f).

## **ORDER**

1. The appeal filed by Redwood Oil Co. is GRANTED.
2. The County of Humboldt's Notices of Decision to Deny Tobacco Retail License Applications concerning the three Chevron service stations located in Garberville, McKinleyville, and Willow Creek are REVERSED.
3. The July 9, 2025 applications filed by Redwood Oil Co. on behalf of Jackson Foods, Inc. concerning the aforementioned Chevron service stations are REMANDED to the County of Humboldt Division of Environmental Health for further consideration and processing consistent with this Decision.

DATE: January 22, 2026

*Wim vanRooyen*

WIM VAN ROOYEN

Administrative Law Judge

Office of Administrative Hearings



Outlook

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submission for BOS meeting Agenda Item #26-152

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From Julie VanAlyea <julie@redwoodoil.net>

Date Mon 3/2/2026 4:35 PM

To COB <COB@co.humboldt.ca.us>

Cc Jeff Slack <jslack@janssenlaw.com>; Frank Martin <fmartin@janssenlaw.com>; Peter Van Alyea <pvan@redwoodoil.net>

 1 attachment (15 KB)

BOS Meeting 3.3 Agenda Item #26-152.docx;

Please see attached. I would like to present this at the BOS meeting tomorrow.

**Julie Van Alyea**

Redwood Oil Company

50 Professional Center, Ste 100, Rohnert Park, CA 94928



BOS Meeting 3/3/26, 9:00am

[cob@co.humboldt.ca.us](mailto:cob@co.humboldt.ca.us)

Agenda Item #26-152

Julie Van Alyea, CEO/Owner of Redwood Oil Company

My name is Julie Van Alyea, and I am the owner of Redwood Oil Company. As a family-run company, we have operated gas stations and convenience stores in Humboldt County for over 30 years. During this time, we have been an exemplary corporate steward—employing Humboldt County residents as store managers, cooks, and cashiers; meeting the needs of our communities; following all applicable regulations; paying our taxes; and safely and responsibly operating our stores.

Last year, I entered into a contract to sell my gas stations to another family-run operation, Jackson Food Stores. Almost eight months ago, on July 9, 2025, Jacksons applied for tobacco licenses at three of our stores located within the County. On August 8, 2025, those applications were denied based on a “population-based license cap” in the Ordinance. On August 13, 2025, we appealed that decision to the Administrative Law Judge, and on January 23, 2026, our appeal was upheld. The ALJ agreed with us that the Ordinance language was flawed and that a denial based on a “population-based license cap” was not applicable. Processing of those applications was remanded to DHS on January 23 per the ALJ’s order.

Since then, DHS has provided no information about the status of these applications other than to say they are being processed. We have been given no timeline whatsoever. DHS has had these three applications in the queue since July 9, and the original reason for denial has been overruled by the ALJ.

We respectfully request that the applications be processed immediately, now that the initial reason for denial has been negated. We have been engaged in this process for almost eight months, giving DHS ample time to review the matter.

I am concerned that redrafting the Ordinance in an attempt to deny our applications would be unjust and potentially unlawful.

In addition, I am aware that there has been considerable discussion in the past regarding the level of outreach and DHS’s communication with the public during the drafting of the Ordinance beginning in 2022. I will echo the fact that I was unaware of any outreach related to this Ordinance, as were most of the small business owners I spoke with in the past week who currently hold licenses. There may have been outreach to the community; however, I

question whether there was adequate outreach to the business owners who would certainly have raised concerns about the non-transfer clause, given its significant financial impact on our businesses.