



1 thereafter.

2 3. Additionally, Respondent shall pay to the Department costs associated with its  
3 investigation and enforcement pursuant to Business and Professions Code section 26031.5 and  
4 California Code of Regulations, title 4, section 17813, in the amount of five thousand dollars  
5 (\$5,000.00). The cost payment shall be made in twelve monthly payments of four hundred and  
6 sixteen dollars and sixty-seven cents (\$416.67), with the first payment due January 2, 2025, and  
7 each subsequent payment due on the first day of each month thereafter.

8 4. The above-referenced payments shall be in the form of cashier's check, money order,  
9 personal or business check, and shall be remitted by either of the following methods: (1) the  
10 Department of Cannabis Control's cash payment procedures; or, (2) mailed to:

11 By U.S. Postal Service: Department of Cannabis Control  
12 Attn: Cashiers  
13 P.O. Box 419106  
14 Rancho Cordova, CA 95741-9106

15 By FedEx or UPS: Department of Cannabis Control  
16 Attn: Cashiers  
17 2920 Kilgore Road  
Rancho Cordova, CA 95670-9106

18 5. Failure to complete the payments or comply with the above terms of this Order shall  
19 constitute a separate violation pursuant to Business and Professions Code section 26031.5,  
20 subdivision (f) and California Code of Regulations, title 4, section 17804, subdivision (c), and  
21 subject the Respondent to further administrative action by the Department, including suspension  
22 or non-renewal of Respondent's Retailer License Number C10-0000640-LIC, as well as denial of  
23 any other license sought.

24 6. Failure to complete the payments or comply with the terms of this Order shall also  
25 result in Respondent's immediate obligation and responsibility to pay the full amount of the  
26 Department's costs of investigation and enforcement pursuant to Business and Professions Code  
27 section 26031 and California Code of Regulations, title 4, section 17813, in the amount of

1 \$11,002.00, less any partial payments received prior to the failure to complete payments or  
2 comply with the terms of this Order and will result in enforcement of the Order in the Superior  
3 Court.

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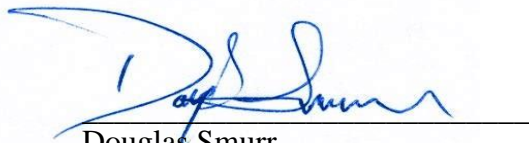
5 This Order shall become effective on December 6, 2024.

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7 IT IS SO ORDERED, December 6, 2024.

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Douglas Smurr  
Assistant General Counsel  
Office of the General Counsel  
FOR THE DEPARTMENT OF  
CANNABIS CONTROL

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1 ROB BONTA  
Attorney General of California  
2 HARINDER K. KAPUR  
Senior Assistant Attorney General  
3 GREGORY M. CRIBBS  
Supervising Deputy Attorney General  
4 MATTHEW S. BEASLEY  
Deputy Attorney General  
5 State Bar No. 288070  
300 So. Spring Street, Suite 1702  
6 Los Angeles, CA 90013  
Telephone: (213) 269-6705  
7 Facsimile: (916) 731-2126  
E-mail: Matthew.Beasley@doj.ca.gov  
8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **DEPARTMENT OF CANNABIS CONTROL**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Citation Against:

Case No. DCC24-0000096-INV

14 **SBA WELLNESS LLC, d.b.a.**  
15 **BLOOMERANG; RICHARD VUONG,**  
**OWNER**  
16 **3015 San Bruno Ave.**  
**San Francisco, CA 94134**

**STIPULATED SETTLEMENT OF  
CITATION AND ORDER**

17 **Retailer License No. C10-0000640-LIC**

18 Respondent.

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Jeff Merriman was the Deputy Director of the Compliance Division of the  
24 Department of Cannabis Control (Department). He brought the above-referenced action solely in  
25 his official capacity but has since left the Department. Evelyn Schaeffer is now the Deputy  
26 Director of the Compliance Division of the Department and now the Complainant in her official  
27 capacity in this matter, and is represented in this matter by Rob Bonta, Attorney General of the  
28 State of California, by Matthew S. Beasley, Deputy Attorney General.



1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Citation  
3 No. DCC24-0000096-INV.

4 10. Respondent agrees that Retailer License No. C10-0000640-LIC is subject to fines and  
5 agrees to be bound by the Department's imposition of the terms set forth in the Order below.

6 **CONTINGENCY**

7 11. This stipulation shall be subject to approval by the Department. Respondent  
8 understands and agrees that counsel for Complainant and the staff of the Department may  
9 communicate directly with the Department regarding this stipulation and settlement, without  
10 notice to or participation by Respondent. By signing the stipulation, Respondent understands and  
11 agrees that it may not withdraw its agreement or seek to rescind the stipulation prior to the time  
12 the Department considers and acts upon it. If the Department fails to adopt this stipulation as its  
13 Decision and Order, the Stipulated Settlement of Citation shall be of no force or effect, except for  
14 this paragraph, it shall be inadmissible in any legal action between the parties, and the  
15 Department shall not be disqualified from further action by having considered this matter.

16 **OTHER MATTERS**

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
18 copies of this Stipulated Settlement of Citation, including PDF and facsimile signatures thereto,  
19 shall have the same force and effect as the originals.

20 13. This Stipulated Settlement of Citation and Order may be signed in any number of  
21 counterparts, each of which is an original and all of which taken together form one single  
22 document.

23 14. This Stipulated Settlement of Citation and Order is intended by the parties to be an  
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
26 negotiations, and commitments (written or oral). This Stipulated Settlement of Citation and Order  
27 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
28 executed by an authorized representative of each of the parties.



1 shall constitute a separate violation pursuant to Business and Professions Code section 26031.5,  
2 subdivision (f) and California Code of Regulations, title 4, section 17804, subdivision (c), and  
3 subject the Respondent to further administrative action by the Department, including suspension  
4 or non-renewal of Respondent's Retailer License Number C10-0000640-LIC, as well as denial of  
5 any other license sought.

6 6. Failure to complete the payments or comply with the terms of this Order shall also  
7 result in Respondent's immediate obligation and responsibility to pay the full amount of the  
8 Department's costs of investigation and enforcement pursuant to Business and Professions Code  
9 section 26031 and California Code of Regulations, title 4, section 17813, in the amount of  
10 \$11,002, less any partial payments received prior to the failure to complete payments or comply  
11 with the terms of this Order and will result in enforcement of the Order in the Superior Court.

12 7. **DECISION BY SETTLEMENT.** This Stipulated Settlement of Citation and Order  
13 is a decision by settlement per Government Code section 11415.60.

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**ACCEPTANCE**

I have carefully read the Stipulated Settlement of Citation and Order and have fully discussed it with my attorney, D. Dorji Roberts, Esq. I understand the stipulation and the effect it will have on my Retailer License No. C10-0000640-LIC. I enter into this Stipulated Settlement of Citation and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Department of Cannabis Control.

DATED: \_\_\_\_\_  
SBA WELLNESS, LLC, DBA BLOOMERANG  
By: RICHARD VUONG, OWNER  
*Respondent*

I have read and fully discussed with Respondent SBA Wellness, LLC dba Bloomerang, Richard Vuong, Owner, the terms and conditions and other matters contained in the above Stipulated Settlement of Citation and Order. I approve its form and content.

DATED: \_\_\_\_\_  
D. DORJI ROBERTS, ESQ.  
*Attorney for Respondent*

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ACCEPTANCE

I have carehill) read the Stipulated Settlement of Citation and Order and have fully discussed it \tth my attorney. D. Dorji Roberts, Esq. I understand the stipulation and the effect it ,ill have on my Retailer License No. C10-0000640-LIC. Jenter into this Stipulated Settlement of Citatton and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Order of the Department of Cannabis Control.

DATED: 11/16/2024

*Richard Vuong*

SBA WELLNESS, LLC, OBA BLOOMERANG  
By: RICHARD VUONG, OWNER  
*Respondent*

I have read and fully discussed with Respondent SBA Wellness, LLC dba Bloomerang, Richard Vuong, Owner, the terms and conditions and other matters contained in the above Stipulated Settlement of Citation and Order. I approve its form and content.

DATED: 11/16/2024

*Dorji Roberts*

D. DORJI ROBERTS, ESQ.  
*Attorney for Respondent*

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**ENDORSEMENT**

The foregoing Stipulated Settlement of Citation and Order is hereby respectfully submitted for consideration by the Department of Cannabis Control.

DATED: 11/18/24

Respectfully submitted,

ROB BONTA  
Attorney General of California  
HARINDER K. KAPUR  
Senior Assistant Attorney General  
GREGORY M. CRIBBS  
Supervising Deputy Attorney General

*Matthew S. Beasley*

MATTHEW S. BEASLEY  
Deputy Attorney General  
*Attorneys for Complainant*

SA2024802669

**Exhibit A**

**Citation No. DCC24-000096-INV**



**CITATION, FINE and ORDER OF ABATEMENT**  
**Business and Professions Code, § 26031.5**  
**California Code of Regulations, Title 4, §§ 17802-17804**

**Case Number: [DCC24-0000096-INV]**

<b>Date Issued</b>	January 22, 2024
<b>Issued To</b>	SBA WELLNESS, LLC
<b>Address of Service</b>	3015 SAN BRUNO AVE, SAN FRANCISCO, CA 94134
<b>Date and Method of Service</b>	Certified Mail
<b>License Number</b>	C10-0000640-LIC

Business and Professions Code section 26031.5 provides the Department of Cannabis Control (Department) the statutory authority to issue a citation, including fines and orders of abatement, to a licensee or unlicensed person for any act or omission that violates or has violated any provision of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) or any regulation adopted pursuant thereto. You are being issued this citation for the following violations of MAUCRSA (Bus. & Prof. Code (BPC), § 26000 et seq.) and the Department’s regulations. (Cal. Code Regs. (CCR), tit. 4, § 15000 et seq.)

VIOLATION	VIOLATION DATE(S)	AMOUNT OF FINE PER DAY	TOTAL AMOUNT OF FINE FOR VIOLATION
1. Business and Professions Code section 26039.3; California Code of Regulations, title 4, section 17801.5, subdivision (g)	November 14, 15, 17, 22 and 28, 2023.	\$10,000	\$50,000

**Violation 1.**

CCR, title 4, section 17801.5, subdivision (g) prohibits a licensee or product owner from removing from embargo, selling, or disposing of any cannabis or cannabis products under embargo without written permission of the Department or a court. Each item removed, sold, or disposed of without written permission of the Department or a court constitutes a separate violation of the MAUCRSA.

On November 9, 2023, the Department placed cannabis products under embargo pursuant to BPC section 26039.3. The basis for placing these items under embargo was that the Department found or had probable cause to believe the cannabis or cannabis products were adulterated or the sale of the embargoed items would violate the MAUCRSA.

The Department issued an initial notice of embargo to SBA Wellness LLC (Licensee) on November 9, 2023, by email indicating that “CRU CANNABIS – MAI TAI” Disposable Vape Pens from METRC Batch No. 1A40603000020EC000009978 were under embargo and could not be sold, disposed of, or removed without written permission from the Department or a court. On November 20, 2023, the Department sent to the Licensee a follow up email that informed the Licensee that embargoed cannabis products had been sold or adjusted and reiterated that the cannabis products placed under embargo may not be sold, disposed of, or removed without written permission of the Department or a court.

On January 9, 2024, Department staff conducted a review of Licensee’s California Cannabis Track and Trace (CCTT) account, which reflected that Licensee had sold the embargoed product on November 14, 15, 17, 22 and 28, 2023. Additionally, on January 11, 2024, Licensee’s manager Randy Leung confirmed that no additional units of the embargoed cannabis products remained in their inventory and also confirmed that both the Initial Embargo Notice and Embargo Follow Up email from the Department had been received by Richard Young, the Licensee’s Owner, and that Young had sent it to Licensee’s general inbox. The Department did not authorize or approve Licensee to sell or dispose of the embargoed items, nor to remove the embargoed items from embargo. As a result, the Licensee failed to comply with the Department’s November 9, 2023, embargo and violated the requirements of BPC section 26039.3 and CCR, title 4, section 17801.5, subdivision (g).

**ADMINISTRATIVE FINE ASSESSED**

Pursuant to Business and Professions Code section 26031.5, the Department may assess a fine not to exceed five thousand dollars (\$5,000) per violation by a licensee or thirty thousand dollars (\$30,000) per violation by an unlicensed person. Each day of violation shall constitute a separate

violation.

The full amount of the fine must be paid within thirty (30) days of the date of service of this citation, unless the citation is contested. To ensure the payment is credited, indicate on your payment the case number provided at the top of this citation. Payment made by check, money order or cashier's check may be made payable to "DCC" or "California Department of Cannabis Control." Payment shall be made by one of the following methods:

**In person:** at one of our office locations with exact cash, cashier's check, money order, or a personal or business check

- To schedule an in-person payment appointment, email us:  
[payments@cannabis.ca.gov](mailto:payments@cannabis.ca.gov)
- Or call us at: 1-844-61-CA-DCC (1-844-612-2322)

**By mail:** cashier's check, money order, personal or business check

- U.S. Postal Service: PO Box 419106, Rancho Cordova, CA 95741
- FedEx or UPS: 2920 Kilgore Road, Rancho Cordova, CA 95670

Failure to pay the full amount of the administrative fine within thirty (30) days from the date of service of the citation, unless you appeal the citation, is a separate violation and may result in additional action by the Department. Licenses shall not be renewed or granted if fines are not paid and unpaid fines will be added to license renewal fees.

In the instant matter, an administrative fine(s) in the total amount of \$50,000 is assessed against SBA WELNESS, LLC in accordance with Business and Professions Code section 26031.5.

### **ORDER OF ABATEMENT**

Pursuant to Business and Professions Code section 26031.5, a citation may include an order of abatement and fix a reasonable time for abatement of the violation. You are ordered to:

1. Immediately cease and desist from violating California Code of Regulations, title 4, section 17801.5, subdivision (g). The Licensee shall comply with the Department's November 9, 2023 embargo by terminating any further sale or disposal of the embargoed items without prior Department approval.

You must abate the violation(s) and provide evidence of abatement to the Department no later than February 12, 2024. Failure to abate the violation(s) within the time allowed, unless the violation is being appealed, shall constitute a separate violation and may result in denial of an application for licensure or renewal of a license, disciplinary action, or further administrative or civil proceedings. If you are unable to complete the correction within the time provided because of conditions beyond your control after the exercise of reasonable diligence, you may request an extension of time in which to correct the violation. The request shall be made in writing and submitted to the Department, at [denis.rakitskiy@cannabis.ca.gov](mailto:denis.rakitskiy@cannabis.ca.gov) within the time set forth for abatement. The time to abate or correct may be extended for good cause.

### **APPEALING THE CITATION**

To appeal the citation, you may request an informal conference with the Department, or request a formal hearing to contest the citation before an Administrative Law Judge, or both. Requests must be submitted in writing in accordance with the timeframes specified below or the right to a hearing is waived. If a hearing is not requested, payment of a fine will not constitute an admission of the violation charged.

### **INFORMAL CONFERENCE**

You may request an informal conference with the Department regarding the acts or omissions found in the citation in accordance with California Code of Regulations, title 4, section 17803, subdivision (b). During an informal conference, you may present evidence supporting an adjustment to the citation and/or fine(s). The Department may affirm, modify, or dismiss the citation, including any fines assessed or orders of abatement issued. The informal conference may also resolve any matters relating to the citation through a settlement agreement.

To request an informal conference, your request must be in writing and submitted to the Department at [denis.rakitskiy@cannabis.ca.gov](mailto:denis.rakitskiy@cannabis.ca.gov), within 15 calendar days from service of this citation. The informal conference may be conducted by telephone, through a virtual platform, or in person, at the Department's Headquarters, located at 2920 Kilgore Road, Rancho Cordova, California 95670. The informal conference will be held within 15 calendar days from receipt of the written request by the Department.

Requesting an informal conference does not stay or toll the running of the 30-day period for you to request a formal hearing to contest the citation before an Administrative Law Judge. You should request an informal conference as soon as possible if you would like to allow time to hold the



conference prior to the deadline for contesting the citation as the time to contest a citation does not stop if you request an informal conference.

At the conclusion of the informal conference, a written decision stating the reasons for the decision will be mailed to you within 15 calendar days from the date of the informal conference, which shall be deemed a final order. If the citation is dismissed, any request for a formal hearing shall be deemed withdrawn. If the citation is affirmed or modified, you may either withdraw the request for a formal hearing or proceed with the hearing. If the citation is modified, the original citation shall be considered withdrawn and a new citation issued. A request for a formal hearing on the new citation must be submitted to the Department in writing within 30 calendar days of issuance of the new citation.

### **CONTESTING THE CITATION**

You have a right to contest the finding of a violation before an Administrative Law Judge by requesting a formal hearing. To request a formal hearing, your request must be in writing and submitted to the Department within 30 calendar days from service of the citation. If a request is not received by the Department within 30 calendar days, the right to a hearing is waived, and the citation becomes a final order of the Department and is not subject to review by any court. The hearing shall be held pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code). Written requests for a hearing to contest the finding of a violation must be emailed to [appeals@cannabis.ca.gov](mailto:appeals@cannabis.ca.gov) or submitted in hard copy by mail or delivery to:

<b>U.S. Postal Service</b>	<b>FedEx or UPS</b>
Department of Cannabis Control Legal Affairs Division PO Box 419106 Rancho Cordova, CA 95741	Department of Cannabis Control Legal Affairs Division 2920 Kilgore Road Rancho Cordova, CA 95670

The Department may seek recovery of the reasonable costs of investigation and enforcement pursuant to Business and Professions Code section 26031.1 at the formal hearing on the citation or as part of any stipulated settlement.

If you have any questions regarding this citation or the appeals process, please contact Denis Rakitskiy at [denis.rakitskiy@cannabis.ca.gov](mailto:denis.rakitskiy@cannabis.ca.gov).

Issued To: SBA Wellness, LLC  
License/Case No: C10-0000640-LIC / DCC24-0000096-INV  
Issued By: Jose Mendez  
Date: January 22, 2024  
Page 6 of 6

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Date: January 22, 2024

By: Mendez,  
Jose@Cannabis Digitally signed by Mendez,  
Jose@Cannabis  
Date: 2024.01.22 11:01:47 -08'00'  
Jose Mendez  
Branch Chief  
Compliance

## PROOF OF SERVICE

Case Name: In the Matter of Citation Against: SBA WELLNESS LLC, dba BLOOMERANG  
DCC Case No. DCC24-0000096-INV  
License Number: C10-0000640-LIC

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Department of Cannabis Control, 2920 Kilgore Road, Rancho Cordova, CA 95670. On December 6, 2024, I served the within documents:

### ORDER ADOPTING STIPULATED SETTLEMENT OF CITATION AND ORDER AS FINAL DECISION

- VIA ELECTRONIC TRANSMISSION. Pursuant to CCP § 1010.6, I caused the document(s) to be sent to the person(s) at the Email address(es) listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- VIA CERTIFIED MAIL by placing the envelope for collection and mailing following our ordinary business practices for collecting and transmitting mail through the United States Postal Service to the Respondent and Respondent's attorney listed below.
- Service via certified mail to be completed upon the following business day.

D. Dorji Roberts, Esq.  
Weems Law Offices  
526 3rd St, Ste. A2  
San Rafael, CA 94901-3364  
ddroberts@weemslawoffices.com

Richard Vuong  
3015 San Bruno Ave.  
San Francisco, CA 94134  
richardxvuong@yahoo.com

Harinder Kapur (email only)  
Assistant Attorney General  
Cannabis Control Section  
Office of Attorney General  
Harinder.Kapur@doj.ca.gov

I am familiar with the Department's business practices for collecting and transmitting mail through the United States Postal Service. In accordance with those practices, correspondence placed in the Department's internal mail collection system is, in the ordinary course of business, deposited in the United States Postal Service, with postage paid, on the same day I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California, and the United States of America, that the above is true and correct.

Executed on December 6, 2024, at Rancho Cordova, California.



Lillian Quynn