City of Wheaton

Local Tobacco Commission

February 12, 2026

7:00 p.m. *Immediately following the Local Liquor Commission Meeting

In-Person & Virtual

Wheaton City Hall Council Chambers

The meeting will also be live streamed and recorded. Join from PC, Mac, iPad, or Android:

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_QZRNkTDbSDK4Vj0gLtBK6w

After registering, you will receive a confirmation email containing information about joining the webinar.

Webinar ID: 886 0499 7523

Passcode: 355097

You will be automatically muted. If you would like to speak, click on the "Raise Hand" button to let the meeting administrator know you would like to speak. When it is your turn to speak, you will receive a notification that the meeting administrator is asking you to press "unmute." Please announce your name and address before commenting and ensure you are in a quiet place.

Public comments can be made by:

- In-person at 7:00 p.m. on Thursday, February 12, 2026, during the Public Comment portion of the meeting.

- Virtually at 7:00 p.m. on Thursday, February 12, 2026, during the Public Comment portion of the meeting.

- Email the Local Tobacco Commission at jkozik@wheaton.il.us before 12:00 p.m. on Thursday, February 12, 2026.

AGENDA

1. June 12, 2025

Documents:

JUNE 12, 2025.PDF

1.I. Violation Hearing Puff Place Smoke Shop LLC D/B/A Puff Place Smoke Shop 945 Geneva Road

Documents:

DOC020626-003.PDF

WHEATON LOCAL TOBACCO COMMISSION MEETING MINUTES

WHEATON CITY HALL, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

June 12, 2025

I. CALL TO ORDER AND ROLL CALL

Chair Pearse called the June 12, 2025 meeting of the Local Tobacco Control Commission to order at 7:32 P.M. in the City Council Chambers of the Wheaton City Hall, 303 West Wesley Street.

Upon roll call, the following were present: Commissioner Laird, Chair Pearse and Commissioner Whitmer. Absent: Commissioner Brown and Commissioner Taylor. City Staff Present: James P. Kozik, Director of Planning and Economic Development.

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES – June 20, 2024

Hearing no questions or comments, Commissioner Laird moved and Commissioner Whitmer seconded a motion to recommend approval of the minutes of the June 20, 2024 Local Tobacco Control Commission meeting as submitted. On a voice vote, all voted aye.

IV. NEW BUSINESS

Violation Hearing – Wheaton Convenience LLC d/b/a CA Convenience, 1026 College Avenue

Chair Pearse called the public hearing to order. Chair Pearse stated that the public hearing is to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Wheaton Convenience LLC d/b/a CA Convenience whereby tobacco products were sold to a person under the age of 21.

Mr. Kozik stated that in their witness of the tobacco sale, the Wheaton Police observed that the salesclerk did not ask the decoy for identification and that the licensee has entered a plea of guilty to the allegations. A Tobacco License holder since 2023, Mr. Kozik stated that this is Wheaton Convenience LLC d/b/a CA Convenience's second violation of Section 26-135 of the City Code with a fine levied of $200 in 2023.

Mr. Umer Masoom, manager, was present to explain the circumstances surrounding the violation. Mr. Masoom stated that the clerk who committed the violation is no longer in his employ. Mr. Masoom stated that it is now his businesses policy to card everyone wishing to purchase tobacco product regardless of age.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Emma's Groceries, Inc d/b/a Wheaton Food Mart & Tobacco, 728 S. Lorraine Road

Chair Pearse called the public hearing to order. Chair Pearse stated that the public hearing is to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Emma's Groceries, Inc d/b/a Wheaton Food Mart & Tobacco whereby tobacco products were sold to a person under the age of 21.

Mr. Kozik stated that in their witness of the tobacco sale, the Wheaton Police observed that the salesclerk asked the decoy for identification and that the licensee has entered a plea of guilty to the allegations. A Tobacco License holder since 2023, Mr. Kozik stated that this is Emma's Groceries, Inc d/b/a Wheaton Food Mart & Tobacco's second violation of Section 26-135 of the City Code with a fine levied of $200 in 2023.

Ms. Emma Santos-Salazar, owner, was present to explain the circumstances surrounding the violation. Ms. Santos-Salazar stated her sister, who was taking care of the business while she was attending to family matters in Mexico, committed the violation. Ms. Santos-Salazar stated that normally she is the only person who works at the store and that she asks for everyone's ID.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Osco Drug #3230 – 30 Danada Square West

Chair Pearse called the public hearing to order. Chair Pearse stated that the public hearing is to review evidence relating to allegations of a violation of the Tobacco Control Ordinance Osco Drug #3230 whereby tobacco products were sold to a person under the age of 21.

Mr. Kozik stated that in their witness of the tobacco sale, the Wheaton Police observed that the salesclerk asked the decoy for identification and that the licensee has entered a plea of guilty to the allegations. A Tobacco License holder since the late 1980's, Mr. Kozik stated that this is Osco Drug #3230's fourth violation of Section 26-135 of the City Code with fines levied of $75 in 1993, $75 in 1994 and $300 in 2015.

Store Manager Cale Clay and Corporate Officer Johanna Chacon were present to explain the circumstances surrounding the violation. Mr. Clay stated the clerk did not follow protocol when she made the sale. Mr. Clay stated that the clerk received a three day suspension and was retrained on proper procedures upon her return.

Hearing no further questions or comments the public hearing was closed.

At 7:48 P.M. Commissioner Whitmer then moved and Commissioner Laird seconded the motion to go into Executive Session pursuant to the Illinois Compiled Statutes 5ILCS 120/2 (c) (4) On a voice vote, all voted aye. At approximately 7:55 P.M. the Commission returned to open session.

Following an admonishment of the licensees, Chair Pro-Tem Taylor stated the Commission will be recommending a $500 fine for all three licensees to the Tobacco Commissioner.

V. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

VI. ADJOURNMENT

The meeting was adjourned at 7:58 P.M.

Respectfully submitted,

Eileen Pearse – Chair
Local Tobacco Commission

CITY OF
WHEATON
Illinois

WHEATON LOCAL TOBACCO COMMISSION
303 W WESLEY STREET, WHEATON, IL, 60187
630.260.2000 | www.wheaton.il.us

MEMORANDUM

TO: Chair Pearse and Members of the Wheaton Local Tobacco Commission

FROM: James P. Kozik, AICP Director of Planning and Economic Development

DATE: February 12, 2026

SUBJECT: **Violation Hearing – Puff Place Smoke Shop, LLC d/b/a Puff Place Smoke Shop - 945 Geneva Road**

Action
The Local Tobacco Commission will convene a public hearing on February 12, 2026 to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Puff Place Smoke Shop, LLC d/b/a Puff Place Smoke Shop whereby tobacco products were sold without having first obtained a tobacco dealer's license.

Background
Puff Place Smoke Shop, LLC d/b/a Puff Place Smoke Shop at 945 Geneva Road held a tobacco dealer's license in 2025. Despite numerous attempts to reach the licensee about renewing their license for 2026, they did not do so.

On Monday, January 5, 2026 a Wheaton undercover detective completed a compliance check at Puff Place, 945 W. Geneva Rd. The detective was able to purchase a Lost Mary Blue Razz Ice vape cartridge from the business and he subsequently issued the employee who sold the vape, identified as Benyamin Daraji, a DACRA citation, number 0091-000012, for the tobacco ordinance violation. Mr. Daraji, who is also the licensee, was sent notice of his alleged City Code violation. Mr. Daraji did not respond to the notice and did not provide a notification of plea. As a result, the hearing will be held in absentia.

Mr. Daraji no longer owns and operates the business. A new owner/operator has received an Occupancy Permit and Tobacco License to operate a new tobacco store at the former Puff Place location.

Section 26-143 (b) of the City Code states the tobacco commissioner, after a hearing conducted by the tobacco commission, may suspend or revoke any license issued under the provisions of this article if he determines that the licensee has violated any of the provisions of this article.

In lieu of suspension or revocation of the license, the tobacco commissioner may instead levy a fine on the licensee. The fine imposed shall not exceed $500 for each violation. The licensee shall also pay the costs of the hearing held before the tobacco commission.

Attachment

c: Benyamin Daraji

Incident Report

WHEATON POLICE DEPARTMENT
900 W LIBERTY DR
WHEATON, IL 60187
(630) 260-2161

Incident #	Case Title	CAD Incident #
WHPC2600030	Compliance Check / BV Corner Smoke & Vape /	WHP26000599
Primary Offense: ACT AS RETAILER OF TOBACCO PRODUCTS WITHOUT A		Page 1 of 3
Date / Time Occurred: 1/5/2026 16:00:00 to		Date / Time Reported: 1/5/2026 16:11:00

Arrested Suspects	Additional Suspects	Unknown Suspects	Victims	Other Persons	Vehicles	Items	Leoka Count
	1		1				

Incident Details

Disposition	Disposition Date	Case Status	Case Status Date/Time
CLOSED		CLEARED BY CITATION (LOCAL CHARGE)	

Reason for Contact	Officer Involved	Officer Firearm	Duty Status

Elements of the Incident

- [ ] Alcohol
- [ ] CIT
- [ ] Domestic
- [ ] Drug
- [ ] Gang
- [ ] Hate Crime
- [ ] Juvenile
- [ ] Pursuit
- [ ] Transient
- [ ] Use of Force
- [ ] Article 36
- [ ] Forward to Investigations

Incident Address

Street Address: 945 W GENEVA RD

City	State	Zip	County	Beat
WHEATON	Illinois	60188	DUPAGE	WH01

Administrative Info

Reporting Officer	Employee Number	Approving Supervisor
DOHERTY,DENIS	540134	POTTER,PATRICIA

Assisted By	Assisted By	Assisted By
FREEMAN,KEVIN		

OFFENSE

- [x] Primary Offense
- [ ] Non-Reportable Offense

Offense Code: ACT AS RETAILER OF TOBACCO PRODUCTS WITHOUT A LICENSE
Offense Code Value: 6572

Attempt: COMPLETED
Location: SPECIALTY STORE

Bias 1: NONE
Bias 2:

Criminal Activity 1:
Criminal Activity 2:
Criminal Activity 3:

Offender Using 1: NOT APPLICABLE
Offender Using 2:
Offender Using 3:

Premise Entered:
Group Activity 1:
Group Activity 2:

Group Type #1:
Group Name #1:

Group Type #2:
Group Name #2:

Drug Related:
Drug Type:
Drug Origin:
Drug Precursors:
Cargo Theft:

Animal Cruelty Type:
Animal Cruelty Involvement:
Animal Cruelty Action:

Arson Total Damage:
Arson Occupancy:
Arson Location Type:

School Related:
Firearm Involved:
Firearm 1:
Firearm 2:
Firearm 3:

# of Firearms 1:
# of Firearms 2:
# of Firearms 3:

SUSPECT

- [x] Known
- [ ] Unknown
- [ ] Arrested
- [ ] Naloxone Administered

Name (Last, First Middle): DARAJI, BENYAMIN

Suffix	Nickname	Sex	Race	Ethnicity
		MALE	UNKNOWN	UNKNOWN

SSN:
Date of Birth:
Age:
Age Range:
Age At Time Of Incident:

Details

Height:
Height High:
Weight:
Weight High:
Hair Color:
Hair Length:
Eye Color:
Glasses:
Build:

Facial Hair:
Facial Hair Color:
Complexion:
Handedness:
DL State: Illinois
License Class: D

Local ID#:
SID#:
FBI#:
DCN#:
IR#:

Reporting Agency Resident:
Place of Birth:
Citizenship:
Marital Status:

Home Phone:
Mobile Phone:
Other Phone:
Work Phone:
Email Address:

Social Media 1:
Social Media 2:
Social Media 3:

- [ ] Current Address Unknown

Incident Report

WHEATON POLICE DEPARTMENT
900 W LIBERTY DR
WHEATON, IL 60187
(630) 260-2161

Incident #	Case Title	CAD Incident #
WHPC2600030	Compliance Check / BV Corner Smoke & Vape /	WHP26000599
Primary Offense: ACT AS RETAILER OF TOBACCO PRODUCTS WITHOUT A		Page 2 of 3
Date / Time Occurred: 1/5/2026 16:00:00 to		Date / Time Reported: 1/5/2026 16:11:00

Suspect Home Address

Street Address

State: Illinois | County

Suspect Employment Information

Employer / School: BV CORNER SMOKE AND VAPE | Occupation / Grade: OWNER | Work Schedule

Street Address: 945 W GENEVA RD

City: WHEATON | State: Illinois | Zip: 60188 | County

Transported To | Transported By

Associated Offenses

Offense: ACT AS RETAILER OF TOBACCO PRODUCTS WITHOUT A LICENSE — ☑ Associated With Suspect

VICTIM

Victim Name Type: GOVERNMENT — ☐ Naloxone Administered

Name (Last, First Middle): CITY OF WHEATON

Suffix | Nickname | Sex | Race | Ethnicity

SSN | Date of Birth | Age | Age Range to | Infant Type | Age At Time Of Incident

Details

Height | Weight | Hair Color | Eye Color | Build | Resident

Driver's License # | DL State | License Class | Place of Birth | Citizenship

Marital Status | Home Phone | Mobile Phone | Other Phone | Work Phone | Email Address

Social Media 1 | Social Media 2 | Social Media 3

Victim Home Address

Street Address: 303 W WESLEY ST

City: WHEATON | State: Illinois | Zip: 60187 | County

Victim Employment Information

☐ Student | On Campus ☐ Yes ☐ No | College

Employer / School | Occupation / Grade | Work Schedule

Street Address

City | State | Zip | County

Injury 1 | Injury 2 | Transported To | Transported By

Circumstance | Additional Circumstance | Justifiable Homicide Circumstance

Associated Offenses

Offense: ACT AS RETAILER OF TOBACCO PRODUCTS WITHOUT A LICENSE — ☑ Associated With Victim

Victim Suspect Relationships

Suspect	Relationship
Suspect:1 DARAJI, BENYAMIN ,	RELATIONSHIP UNKNOWN

Narrative Information

On January 5, 2026, Lt. Potter assigned myself and Detective Freeman to conduct a tobacco compliance check of Puff Place Smoke Shop, 945 W. Geneva Rd. Wheaton, IL 60187. It was related to myself and Detective Freeman that Puff Place, also known as BV CORNER SMOKE AND VAPE, based on the sign placed on the business, had let their City of Wheaton tobacco license expire effective January 1, 2026, and had yet to renew their license after numerous reminders via email from Wheaton City Clerk Andrea Rosedale. Lt. Potter provided us $20 petty cash for us to use in an attempt to purchase a tobacco product from BV CORNER SMOKE AND VAPE.

On January 5, 2026, at approximately 4:00 PM, Detective Freeman and I arrived at 945 W. Geneva Rd at which time Detective Freeman went into

BV CORNER SMOKE AND VAPE in an undercover capacity and purchased (1) Lost Mary Blue Razz Ice vape cartridge for $14. Detective Freeman then returned to the vehicle and showed me the vape cartridge and provided a description of the person who sold him the vape (short middle eastern male with a beard) and that he was the only person inside the store. I in turn took the vape cartridge from Detective Freeman and returned to BV CORNER SMOKE AND VAPE.

Upon entering the store, I was greeted by the only person in the store and the person who fit Detective Freeman's description, now known as Benyamin Daraji. I asked Benyamin if he just sold the Lost Mary Blue Razz Ice vape cartridge I was holding and he said yes. I informed Benyamin he sold the vape cartridge to a police officer and that he was not allowed to due to BV CORNER SMOKE AND VAPE'S tobacco license being expired. Benyamin stated he had a tobacco license and provided me with an expired City of Wheaton tobacco license with an expiration date of 12/31/2025. I informed Benyamin the license was currently expired and that he could no longer sell tobacco from the store until he renewed his tobacco license with the City of Wheaton.

Benyamin returned the money Detective Freeman used to purchase the Lost Mary Blue Razz Ice vape cartridge and I returned the vape back to him. I informed Benyamin that I would have to issue him a City of Wheaton Ordinance Violation, which I would serve to him at a later date. Benyamin stated he understood, at which time I left the store.

On January 6, 2026, I drafted a City of Wheaton Ordinance Violation Notice via DACRA under citation number 0091-000012 and served it to Benyamin Daraji. The DACRA citation showed a must appear court date of 02/11/26 at 6:30 PM, 303 W. Wesley Street Wheaton, IL 60187.

I also attached to this police report a copy of the numerous emails from City Clerk Andrea Rosedale to Benyamin Daraji informing him of his tobacco license expiring dating back to October 2025, as well as a City of Wheaton letterhead letter explaining the process of renewing the tobacco license and the actual application to renew.

Citation issued.