



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Jim Feeney, Health & Human Services
Date: April 7, 2016
RE: Tobacco Compliance Check Violations

Please note the Board of Health is required to notify other licensing or permitting authorities of any violations of the Board of Health Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products ("Regulation"), in accordance with §P2 of the Regulation. Please find below a summary of the violations, and to follow a copy of the notices sent to offenders.

The Office of the Board of Health conducted compliance checks on March 16, 2016. A nineteen (19) year old male was recruited and trained by our Office to carry out the compliance checks. With the growing popularity among youth of eCigarettes (eCigs), the priority was to purchase "Blu" eCigs where available. If those were not available at the location, the buyer attempted to purchase a package of "Marlboro Red" cigarettes instead. If asked to show his identification, the buyer presented his own legitimate Massachusetts Driver's License indicating that he was, in fact, only nineteen years of age. Further, the identification clearly indicated the date which the male would be under 21 until.

The current Board of Health Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products ("Regulation") states "no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21)."

The following vendors completed a sale to the 19 year old buyer:

- **Little Joe's Convenience.** The sale of a "Blu" eCig was made at 9:06AM
- **Arlington Liquors.** The sale of a package of "Marlboro" cigarettes was made at 9:14AM
- **Boyle's Market.** The sale of a "Blu" eCig was made at 9:41AM
- **Christo's Fruit Market.** the sale of a package of "Marlboro" cigarettes was made at 9:59AM

These violations are the above-mentioned vendors' first violations since the new Regulation was implemented in July 2013. According to these regulations "violation[s] shall receive: In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days." At public hearings held on April 6th, the Board of Health voted unanimously to impose on all four (4) vendors the penalties listed above.



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Tel: (781) 316-3170
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March 17, 2016

Hand Delivered
Ranbir Srail
206 Summer Street
Arlington, MA 02474

Re: *Little Joe's Convenience- Arlington, MA*
Notice of Violation
Notice of Hearing

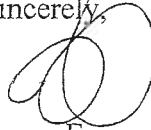
Mr. Srail:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a 'Blu' eCigarette to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:06am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a final flourish.

James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



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April 7, 2016

Hand Delivered

Ranbir Srai
206 Summer Street
Arlington, MA 02474

Re: *Little Joe's Convenience- Arlington, MA
Suspension of Tobacco and Nicotine Delivery Product Sales Permit*

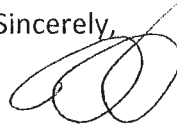
Mr. Srai:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

A future violation of the Regulation within thirty-six (36) months of the current violation may result in a fine of two-hundred dollars (\$200.00) and a suspension of your Permit for fourteen (14) consecutive business days. Please note the failure to remove all tobacco and nicotine delivery products shall constitute a separate violation of the Regulation, and the sale or distribution of tobacco or nicotine delivery products directly to a consumer while your Permit is suspended may result in the

suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a final horizontal stroke.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



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April 7, 2016

Hand Delivered

Alexander Kushnirsky
92 Summer Street
Arlington, MA 02476

*Re: Arlington Liquors- Arlington, MA
Suspension of Tobacco and Nicotine Delivery Product Sales Permit*

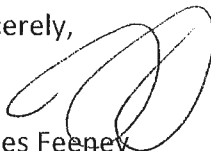
Mr. Kushnirsky:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

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suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and curves, positioned above the printed name.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



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Alexander Kushnirsky
92 Summer Street
Arlington, MA 02476

*Re: Arlington Liquors Store- Arlington, MA
Notice of Violation
Notice of Hearing*

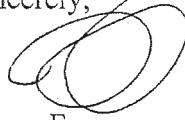
Mr. Kushnirsky:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a package of 'Marlboro' cigarettes to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:14am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

Please immediately advise all persons that sell tobacco and nicotine delivery products in your establishment they must ask for photo identification for anyone attempting to purchase tobacco products that does not appear of age twenty-seven (27) or older. Also, please immediately advise the same persons that as of July 1, 2015, no person shall sell tobacco products or nicotine delivery products or permit tobacco products or nicotine delivery products to be sold to anyone under the age of twenty-one (21). Please direct any questions to the undersigned.

Sincerely,

A handwritten signature consisting of two overlapping loops, likely representing the letters 'J' and 'F'.

James Feeney
Health Compliance Officer
jfeeney@town.arlington.ma.us
(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



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March 17, 2016

Hand Delivered
Davinder Sharma
64 Broadway
Arlington, MA 02474

*Re: Boyle's Market- Arlington, MA
Notice of Violation
Notice of Hearing*

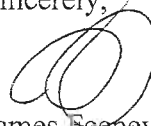
Mr. Sharma:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a 'Blu' eCigarette to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:41am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

You are also hereby ordered to attend a Board of Health Hearing on **Wednesday April 6th, 2016 at 5:30pm**. This hearing will be held to determine any further enforcement proceedings, including the possible suspension of your permit. The hearing will take place in the ground floor conference room of the Arlington Senior Center located at 27 Maple Street.

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Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish.

James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

(781)-316-3169

cc: Christine Bongiorno, Director of Health and Human Services



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April 7, 2016

Hand Delivered
Davinder Sharma
64 Broadway
Arlington, MA 02474

Re: *Boyle's Market- Arlington, MA*
Suspension of Tobacco and Nicotine Delivery Product Sales Permit

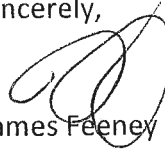
Mr. Sharma:

This letter serves to document the decision rendered by the Board of Health at the hearing held on April 6, 2016 in response to a violation of the Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products ("Regulation") that occurred on March 16, 2016. At the hearing, the Board of Health voted unanimously to uphold a fine of one-hundred dollars (\$100.00) and impose a 7-day suspension of your Tobacco and Nicotine Delivery Product Sales Permit ("Permit") in accordance with section P 1(a) of the Regulation, which is to be served beginning Monday April 11th and continuing through the end of business on Sunday April 17th.

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suspension of all permits issued by the Board of Health for thirty (30) consecutive business days. Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'James Feeney', written over the printed name.

James Feeney
Health Compliance Officer
(781) 316-3170
jfeeney@town.arlington.ma.us

cc: Christine Bongiorno, Director of Health and Human Services



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March 17, 2016

Hand Delivered

Christos Rozanitis
200 Mass Ave.
Arlington, MA 02474

*Re: Christo's Fruit Market- Arlington, MA
Notice of Violation
Notice of Hearing*

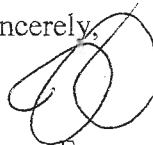
Mr. Rozanitis:

On Wednesday March 16th, 2016, the Arlington Board of Health conducted a compliance check of all permitted retail tobacco vendors in Town. Please be advised your establishment sold a package of 'Marlboro' cigarettes to a nineteen (19) year-old in violation of *section D.1* of the Board of Health *Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. The violation occurred at approximately 9:59am. As this is your first sales violation after the effective date (July 1, 2013) of the aforementioned *Regulation*, you will find enclosed with this notice a \$100.00 fine.

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Sincerely,

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James Feeney

Health Compliance Officer

jfeeney@town.arlington.ma.us

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April 7, 2016

Hand Delivered

Christos Rozanitis
200 Mass Ave.
Arlington, MA 02474

Re: *Christo's Market- Arlington, MA*
Suspension of Tobacco and Nicotine Delivery Product Sales Permit

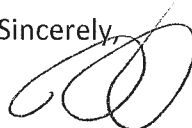
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