

BRAINTREE BOARD OF HEALTH

MINUTES

February 12, 2009

IN ATTENDANCE: Dr. Philip Nedelman, Chairman
Dr. Mark Samuelson, Vice Chairman
Paula Dowd, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Nedelman called the meeting to order at 7:00pm.

MINUTES:

Motion By: Mrs. Dowd to approve the minutes of January 15, 2009.

Second By: Dr. Samuelson
Unanimously Voted

OLD BUSINESS:

NEW BUSINESS:

1. Sale of Tobacco Violations

Present: Jim Wells, Assistant Director-South Shore Boards of Health Collaborative, Tobacco Control Program.

a. Luke's Convenience-411 Pond Street

Present: Bobby Patel, owner

Mr. Wells advised the Board of Health that on January 9th and 10th, 2009, compliance checks were conducted in the Town of Braintree and 41 checks completed and there were three sales Luke's Convenience-411 Pond Street, Seven Eleven-51 Commercial Street and CVS-250 Granite Street all had a sale. All were a first sale within a two year period.

Mr. Wells advised the Board that a compliance check was conducted at Luke's Convenience Store at 411 Pond Street on Saturday January 10, 2009 at 11:30am. A seventeen year old female in the Collaborative employ went into the store with the opportunity to try to purchase a pack of cigarettes, went p to the counter in which there was a female older adult clerk. The minor asked for a pack of Newport's. She was not

asked for an ID. She was not asked her age. She does not carry an ID. Everything in her pockets is kept in the car by Enforcement Officer McLaughlin. The package of cigarette's were sold for \$ 6.45. She returned to the car and turned the package of cigarettes over to Officer McLaughlin where they were labeled there. He filled out the paperwork, which was forwarded to the Braintree Board of Health. As this establishment is under new owner since 2008, this is the first sale for Luke's Convenience under the new ownership.

Mr. Patel advised the Board that he did not know who sold the cigarettes on that day. He checked with his two employees, as well as his camera tape, but did not know what time the sale occurred.

Ms. McGrath advised that the penalty for a first violation is a five day suspension of the tobacco sales permit, a one hundred dollar fine and within thirty days of the first day of the suspension all employees involved in tobacco sales must receive merchant education.

Motion By: Paula Dowd to uphold the penalty for a first sale to begin on Friday February 13, 2009 at 12:00 pm.

Second By: Dr. Samuelson
Unanimously Voted

Ms. McGrath explained the department procedure for a tobacco suspension to Mr. Patel.

b. Seven Eleven-51 Commercial Street

Present: Mohamed Iskandar, owner

Mr. Iskandar advised the Board that he has owned the store for ten years. He hires people and trains them. The system will not allow the sale of a package of cigarettes without entering a date, and yet they figure out a way to put their own date. He then fires them and then go through a new person and the same process again.

Mr. Iskandar advised that he reviewed the tapes. He saw the girl that purchased the package of cigarettes and it was a new clerk he had hired and she has been there for two months. He advised that when a package of cigarettes is scanned into the register, a yellow screen covers the whole monitor that instructs enter the date of birth, and yet they still enter their own date.

Dr. Samuelson advised that he does not know why people continue to sell cigarettes to minors.

Mr. Wells advised the Board of Health that on Saturday January 10, 2009 at 12:26pm, a seventeen year old female employee went into Seven Eleven at 51 Commercial Street with the opportunity to try and buy a pack of cigarettes. She went to the cash register and there was a young adult female clerk. She was not asked for an ID. She does not carry an ID. She was not asked her age. The sale was made for \$ 6.89 for a package of Newport cigarettes. She returned to the car and turned them over to Enforcement Officer

McLaughlin. He dated and labeled them in the car, filled out the paperwork and it was forward to the Braintree Board of Health. This is the first sale in a two year period by this location. It is their fourth on record. One being in 2001, one being in 2005, one being in 2006 and one being in 2009 for the record.

Motion By: Paula Dowd to uphold the penalty for a first sale to begin on Friday February 13, 2009 at 12:00 pm.

Second By: Dr. Samuelson
Unanimously Voted

Mr. Wells asked Mr. Iskandar if he can check his computer reports to see if it shows anywhere if the dates of birth have been entered for tobacco sales.

Mr. Iskandar advised no, but it says age verified. Mr. Iskandar advised that he is going to see if that can be done.

INFORMATIONAL:

MATTERS BY THE BOARD:

Motion By: Mrs. Dowd to adjourn the meeting at 7:22 pm.

Second By: Dr. Samuelson