

Ship & Shore Violation Timeline ----

November 19, 2020:

- Robert Long notified by email that the establishment would be on the next board meeting, December 16, 2020, to discuss violation by the County Inspector dated 11/16/2020.

December 14, 2020:

- Sent zoom link for December 16th BOH meeting to Mr. Long with the agenda.

December 16, 2020:

- BOH voted to continue all tobacco violations to the next meeting due to insufficient information about the County's inspection and notice methods.

January 25, 2021:

- Sent zoom meeting link and agenda for January 27th BOH Meeting to Mr. Long.

January 27, 2021:

- BOH voted to fine Ship & Shore 1000.00 dollars for a first violation of 105 CMR 665 in 36 months.

January 28, 2021:

- Letter addressing the BOH vote and fines, to be paid within 7 days of receipt, sent by mail and email.

February 16, 2021:

- Failure to pay letter sent by email and regular mail.

February 18, 2021:

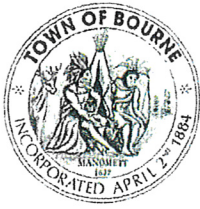
- Mr. Long called the health department to let them know he would not be paying the 1000.00 dollar fine.

March 31, 2021:

- At BOH meeting the board voted to turn this matter over to the Town Administrator and Town Council to see if this is something that would be approved for Town Council to collect, and then have the Town Administrator report back to the Board of Health.

November 3, 2021:

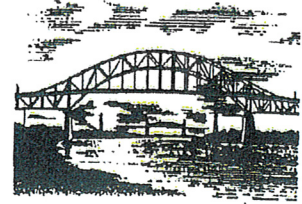
- Notice of Hearing regarding the possible revocation/non-issuance of permit sent by regular and certified mail to Robert Long. Pursuant to the Bourne Board of Health Tobacco Regulations Section E.9, a tobacco sales permit will not be renewed if the permit holder has failed to pay all fines issued. As permit renewals are now occurring this is being brought to the board.



Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0600 ext. 1513
Fax (508) 759-0679



January 28, 2021

Robert Long
Ship and Shore
PO Box 396
Mashpee, MA 02649

To whom it may concern,

Thank you for attending the Board of Health Meeting on January 27, 2021. The meeting addressed the Massachusetts Tobacco Cessation and Prevention Program violations conducted on November 16, 2020 where Ship and Shore was in violation of 105 CMR 665.000, the Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.

Pursuant to the existing Bourne Board of Health Tobacco Regulation and 105 CMR 665, the Board voted unanimously to issue you a **\$1000.00 fine** for your first offense within a 36 month period. This fine must be paid within **seven days** by check to the Town of Bourne and submitted to the Board of Health office.

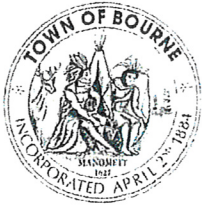
In addition, our office spoke with Bob Collette of the Barnstable County Tobacco Control Program in regards to smoking inside of the establishment. He indicates that smoking inside the establishment, even after hours, is not allowed as it still exposes persons entering the building to second hand smoke, which is a Class A Carcinogen. He recommends that, if you live on the property, to only smoke within your private residence or outside.

Thank you for your cooperation and future compliance with this matter. Should you have any questions, please do not hesitate to contact me at (508) 759 – 0600 ext. 1513 or visit www.townofbourne.com/health for more information and the complete regulations.

Sincerely,

Kaitlyn Shea
Health Inspector

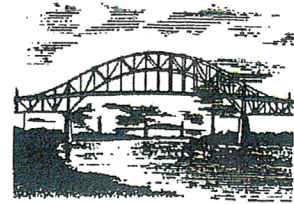
C.C. Board of Health, Tobacco Control Division
Sent via regular and electronic mail: batbagbase@yahoo.com



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February 16, 2021

Robert Long
Ship and Shore
PO Box 396
Sagamore Beach, MA 02561

Mr. Long,

On January 27, 2021 The Board of Health voted unanimously to issue you a first offence fine of \$1,000.00 dollars pursuant to 105 CMR 665. As you know, this fine was issued following an inspection done by the Barnstable County Tobacco Control Program, where they found flavored tobacco products for sale in your establishment.

On January 28, 2021 you were sent a letter alerting you of the fine and its due date within seven days of receipt. This letter was sent by regular and electronic mail to you. It has now been nineteen days without any response. The Health Department left a voicemail for you on February 8, 2021 and received no callback.

Failure to pay a fine imposed pursuant to 105 CMR 665.000 shall constitute a separate violation of 105 CMR 665.000 subject to the penalties set forth by 105 CMR 665.045(A). According to 105 CMR 665.045(E), each day a violation exists shall be deemed to be a separate offense. This means that failing to pay your fine would constitute an additional fine, and the longer you do not pay the more fines will accrue.

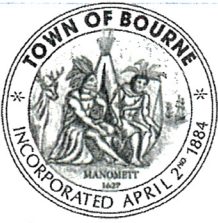
You are currently in violation of 105 CMR 665.000 and the Bourne Board of Health Tobacco Regulations. If you do not rectify this issue you will be held in front of the Board of Health once again where they may vote to revoke your Tobacco Sales Permit for the Town of Bourne.

I suggest you immediately contact the Health Department upon receipt of this notice to discuss this matter. You can reach the office at 508-759-0600 ext. 1513.

Sincerely,

Kaitlyn Shea
Health Inspector

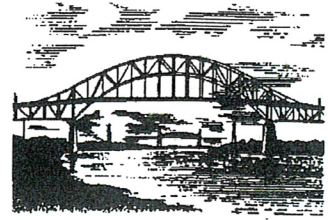
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November 3, 2021

Robert Long
Ship and Shore
PO Box 396
Sagamore Beach, MA 02561

RE: Ship & Shore Order Notice of Hearing

Mr. Long:

As you are aware, a routine inspection of your retail tobacco establishment, Ship and Shore, was conducted on November 16, 2020 by the Barnstable County Tobacco Control Program. During this inspection flavored tobacco products were observed for sale, which is in violation of 105 CMR 665.000, the Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems. At the Bourne Board of Health's public meeting held remotely, the Board voted unanimously to issue you a \$1000.00 dollar fine for your first offence within a 36 month period. On February 6, 2021 a letter was sent to you by mail and electronically to alert you that the Health Department had not yet received payment or a payment plan from you.

Pursuant to the Bourne Board of Health Tobacco Regulations Section E.9, a Tobacco Product Sales permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired. Therefore, as no fines have been paid and the permit renewal period is currently active, a hearing pursuant to 105 CMR 665.045(D) has been scheduled for November 17, 2021 at 5:30pm at the Bourne Veterans Memorial Community Center, Room 2, to discuss and possibly vote to revoke or suspend your Retail Tobacco Sales Permit, prohibiting the sale of tobacco products at or by Ship and Shore.

When the agenda is posted a copy will be emailed to you. You have the right to inspect and obtain copies of all relevant documents in possession of the Board of Health. You have the right to be represented at this hearing by an attorney. Should you have any questions, please contact the Health Department (508) 759-0600 ext. 1513.

Sincerely,

Kaitlyn Shea
Health Inspector