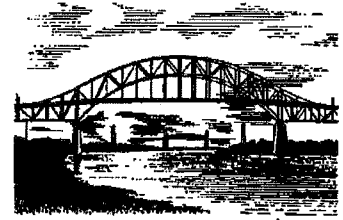


Terri A. Guarino  
Health Agent

# TOWN OF BOURNE BOARD OF HEALTH

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



**This Violation Notice is issued to:** Rafiq Islam

**Name of Establishment:** Ayan, Inc dba Cape Side Convenience

**Address:** 105 Trowbridge Rd., Bourne, MA 02532

**Date of Notice:** January 17, 2023

Please be advised that on January 9, 2023 at 10:30 AM a routine tobacco compliance check was conducted by the Cape Cod Regional Tobacco Control Program Director at your establishment.

**Cape Side Convenience** violated the state law entitled "An Act to Modernize Tobacco Control," 105 CMR 665.000 and the Town of Bourne Tobacco Regulations by:

- Sale of tobacco product to a person under the Minimum Legal Sales Age;
- Sale of a flavored nicotine delivery tobacco product [flavored combustible and other traditional tobacco products are prohibited on and after June 1, 2020];
- Offered for sale a flavored nicotine delivery product;
- Failure of a non-age restricted establishment to maintain a record from the manufacturer indicating that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Other, see the below additional violations, with any necessary additional pages attached:

See attached: 2023 inspection report and August 8, 2022 Fine Notification

Pursuant to 105 CMR 665.000, you are hereby ordered to attend a hearing before the Bourne Board of Health, tentatively scheduled for **January 25, 2023 at Conference Room 2, Bourne Veteran's Memorial Community Building, 239 Main Street, Buzzards Bay, MA 02532 at 5:30pm**. At said meeting the above-described violations will be discussed and the Board of Health may vote on fines and/or fine structures to be issued. Please note that this is a second offense within a 36-month period as indicated in the Fine Notification served to Ayan, Inc dba Cape Side Convenience on August 4, 2022.

When an agenda is finalized it will be forwarded to you via regular and electronic mail prior to January 25<sup>th</sup>, 2023. Failure to comply with this order and to appear at this hearing may result in additional penalties as permitted by law.

Sincerely,

Terri Guarino, RS, CHO  
Health Agent  
Town of Bourne

Section 1:

Establishment

Survey Participants

Name: Cape side Convenience  
 Address: 105 Trowbridge Rd.  
 City: Bourne Zip Code: 02532  
 Type of Establishment:  Chain  Independent  Not Known

ID of Purchaser: EB  
 Age:  16  17  18  
 Sex:  Male  Female  
 Name of Adult Supervisor: BC  
 Time of Check: 10:30 am  pm   
 Date of Check: 1/9/2013  
 Day of the Week:  Mon  Tues  Wed  
 Thurs  Fri  Sat  Sun

Style of Establishment (Check Only One):

<input checked="" type="checkbox"/> Convenience Store	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Bar
<input type="checkbox"/> Department Store	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Private Club (VFW, Legion, etc.)
<input type="checkbox"/> Gas Station Only	<input type="checkbox"/> Pharmacy/Drug Store	<input type="checkbox"/> Restaurant
<input type="checkbox"/> Gas Mini-Mart	<input type="checkbox"/> Other (bowling alley, golf club etc.)	<input type="checkbox"/> Tobacconist

Section 2:

Was Compliance Check completed? Yes  No

If Yes please continue on to the next question, if No please skip this section and go to section 3.

How was tobacco marketed?

- Over-the-counter: youth asks the clerk for the product.
- From a vending machine with a lockout device.
- Other Describe: \_\_\_\_\_

Was the Purchaser asked for ID? Yes  No  Was this an ID-based check? Yes  No   
 Was the Purchaser asked his/her age? Yes  No   
 Sex of Clerk: Male  Female  Approximate age of clerk:  Teen  Young Adult  Adult  Older Adult

Type of tobacco asked for:  Cigarettes  Chew/Dip  Cigars  E-Cigarettes  Other \_\_\_\_\_  
 Brand of cigarettes asked for:  Marlboro  Newport  Other: \_\_\_\_\_  
 Brand: Black & Mild

Was the product requested flavored (NOT Tobacco or menthol)? Yes  No

Was the sale made? Yes  No

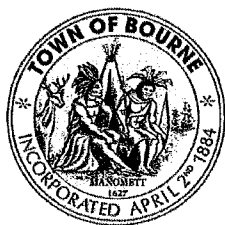
If "Yes" how much did the product cost: \$ 10.00 Was a receipt given? Yes  No

Purchaser made payment using:  \$1 bills  \$5 bill(s)  \$5 bill and \$1 bills/ or change  \$10 bill(s)  \$20 bill  change

Section 3:

If the youth did not enter the premises or did not attempt to purchase tobacco products please indicate why:

<input type="checkbox"/> Out of Business	<input type="checkbox"/> Temp. long term closure	<input type="checkbox"/> In operation, closed at time of visit	<input type="checkbox"/> Drive thru only
<input type="checkbox"/> Does not sell tobacco	<input type="checkbox"/> Unlocatable	<input type="checkbox"/> Unsafe to access	<input type="checkbox"/> Tobacco out of stock
<input type="checkbox"/> Inaccessible by youth	<input type="checkbox"/> Wholesale only/cartons	<input type="checkbox"/> Presence of police	<input type="checkbox"/> Permit Suspended
<input type="checkbox"/> Private club/personal residence	<input type="checkbox"/> Machine broken	<input type="checkbox"/> Youth inspector knows salesperson	<input type="checkbox"/> Other
		<input type="checkbox"/> "Don't sell" but tobacco seen in store/has permit	



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Health Agent

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**This Violation Notice is issued to:** Rafiq Islam  
**Name of Establishment:** Ayan, Inc dba Cape Side Convenience  
**Address:** 105 Trowbridge Rd., Bourne, MA 02532  
**Date of Notice:** August 4, 2022

Please be advised that on July 21, 2022 at 2:04pm a routine tobacco compliance check was conducted by the Cape Cod Regional Tobacco Control Program Director at your establishment.

**Cape Side Convenience** violated the state law entitled "An Act to Modernize Tobacco Control," 105 CMR 665.000 and the Town of Bourne Tobacco Regulations by:

- Sale of tobacco product to a person under the Minimum Legal Sales Age;
- Sale of a flavored nicotine delivery tobacco product [flavored combustible and other traditional tobacco products are prohibited on and after June 1, 2020];
- Offered for sale a flavored nicotine delivery product;
- Failure of a non-age restricted establishment to maintain a record from the manufacturer indicating that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Other, see the below additional violations, with any necessary additional pages attached:

Violation description:

1. Black & Milds sold to person under the Minimum Legal Sales Age

Pursuant to 105 CMR 665.040-45, you are hereby ordered to pay a \$1,000 fine for the violation described above within thirty days of this notice. Should you be aggrieved, you have the right to a hearing before the Board of Health. Requests for said hearing must be submitted in writing within seven days.

Please be advised that failure to pay this fine imposed shall constitute a separate violation of 105 CMR 665.000 subject to the penalties set forth which also includes the prohibition of sales of tobacco products if noncompliant. Please do not hesitate to call me at (508) 759-0600 ext. 1513 if you have any questions.

Sincerely,

Terri Guarino, RS, CHO  
Health Agent  
Town of Bourne