



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

PATRICIA L. ANDRADE, M.D.
CRAIG LONGO, M.D.
SARAH MORRIS, M.D.

DIRECTOR OF HEALTH
DAMON O. CHAPLIN

APPROVED MINUTES

Emergency Board of Health Meeting

Tuesday, January 12, 2021 at 6:00 p.m.

Board to Convene Via Remote Participation

Alternative Means of Public Access Provided: Zoom Meeting/ Telephone Conference Call

To Join Zoom Meeting: <https://zoom.us/j/3966365159>

Dial-In: 1 646 558 8656 US Meeting ID: 396 636 5159

1. CALL TO ORDER

Meeting was called to order at 6:00 p.m. meeting remotely per zoom communications which has been allowed per the Governor guidelines due to the pandemic this meeting is being recorded.

2. ROLL CALL OF MEMBERS

Present were Damon Chaplin, Director
Patricia Andrade, M.D.
Craig Longo, M.D.
Sarah Morris, M.D.
Joseph Carvalho, Tobacco Program Manager
Jason Monteiro, Sanitarian

ACTION

3. Discussing the Correction/Cease and Desist Order Re: fine issued and the selling of flavored tobacco product or tobacco product flavored enhancer product at Costa Gas & Mini Mart, 397 Sawyer St, New Bedford.

Invitee: Damon Chaplin, Health Director
Joseph Carvalho, Tobacco Program Manager
Jason Monteiro, Sanitarian
Elizabeth Treadup Pio, Associate City Solicitor
Atty. Paul R. Los Jr., from South Coast Law
Manzur Alama, Owner
MD Belal Hossain, Supervisor

Mr. Chaplin stated that Joe Carvalho will give a brief summary of the cease and desist order regarding Costa Mini Mart regarding fines issued of illegal sales of Tobacco products.

Mr. Carvalho stated he issued 3 violations in the course of a 3-month period. The first violation on October 2, 2020 while he was performing a regular inspection, he noticed the employee was hiding something behind the counter. Noticed when he went around counter flavored tobacco including a couple of packs of Newport menthols which at that time was prohibited. Issued Costa's at that time a \$1,000 fine. The 2nd violation was on Dec. 1, 2020 he issued another fine of \$2,000 for 2 bags of Newport Menthol tobacco products located under the counter and tax stamps from RI and some without. On the 3rd violations Mr. Carvalho was doing routine visits passing permits out on December 16, 2020 noticed again on top in front of the counter 5 packs of Newport's with Georgia tax stamps and issued manager a \$5,000 fine and 30 day suspension made him take all products away from counter for 30 days which we are in middle of at this time. Confiscated all the products from each time.

Atty Paul Los representing Costa's appeared before the board with Manzur Alama, owner and Belal Hossain, supervisor of Costa's. Atty Los stated that the owner and supervisor will no longer have the menthol products because it is hurting their business not being open and will make sure their employees do not bring any of these products into the store. He stated that when Mr. Carvalho found these products the employee stated that he was the one who brought it in to store himself not the store selling it. Atty Los stated the owner has since fired the employee who was selling these products. They claimed that the owner was not aware that the employee was still selling these products.

Atty Los asked if there is a way to give them a probation period of 3, 6 months or a year. It is impacting them a great deal.

Mr. Chaplin stated that it is the recommendation of the health dept to have license revoked.

Dr. Longo gave his opinion to leave the suspension as it stands. They let the employee go who was responsible and they have paid \$8,000 in fines so he does not believe they should have their license revoked.

They are willing to do another extension of 30-day suspension. They stated they would never have this happen again if the board gave them one more chance.

Dr. Andrade agreed but at the same time we do not have tolerance or disregard for the regulations. If it was just one employee, and that person is gone then she would support another 30-day continued suspension and if there is any violation during that time then they would not get another hearing.

Mr. Carvalho stated he does not have a problem with it.

MOTION: by Dr. Longo for an additional 30-day suspension of tobacco sales. **SECONDED:** by **ROLL CALL** – Dr. Morris and Dr. Andrade **NO**. All in favor. **MOTION FAILS.**

MOTION: by Dr. Morris to revoke the tobacco license for Costa Gas and Mini Mart at 397 Sawyer St., New Bedford. **SECONDED:** by **ROLL CALL** – Dr. Longo **NO**, Dr. Morris and Dr. Andrade **YES**. All in favor. **MOTION CARRIES.**

3. MOTION TO ADJOURN

Dr. Andrade **adjourned** the meeting at **6:30 p.m.**

A true record attest:



Health Department Chairperson

BOH Meeting Minutes Approved 3 / 4 / 21