



Worcester Board of Health Meeting
Meeting Minutes
Meeting Held at 25 Meade St. Room 109
Monday, March 18, 2024
6:30 pm
Minutes by Aidan Giasson

Welcome and Introductions

Board Members Present: Interim Chair Frances Anthes, Vice Chair Chareese Allen, Gary Rosen

Staff Present: Soloe Dennis, Director of DPH and CMRPHA; Ian Wong, Deputy Director of DPH; Cherry Tangri, Tobacco Prevention Specialist; Dr. Mike Hirsh, Medical Director

Guests Present: Patrick Harrington, Worcester Police Officer; Sean Murray, Attorney at Murray & Murray, LLP; Mousa Bcharah, Owner of Smoke Vibes

Tobacco Violation Hearing

1. Smoke Vibes, 256 Park Avenue

Chair Frances Anthes swore in the witnesses testifying during the hearing.

Officer Harrington testified that on February 9th, 2024, members of Massachusetts Attorney General's Office, Massachusetts State Police, Massachusetts Department of Revenue, Worcester Department of Public Health, and Worcester Police Officer Patrick Harrington were present for the execution of a search warrant at 256 Park Avenue (Smoke Vibes) owned by Mousa Bcharah.

During the execution of the search warrant, the clerk behind the counter explained that he is not an employee and was helping out the owner Mr. Bcharah. The clerk did confirm that he does sales in the establishment which is concerning because he should be familiar with Massachusetts laws and city ordinances concerning the sales of tobacco.

The Massachusetts State Police took numerous illegal products including flavored vapes, blunt wraps, Delta 8 and THC products (vapes and edibles). Numerous boxes of products were taken from the establishment, and all were taken from behind the counter. The Massachusetts State Police informed Officer Harrington that Mr. Bcharah will be brought before Criminal Court to answer to the criminal complaint from this incident.

Ms. Tangri then explained that after the incident she issued a \$2000 fine for selling flavored tobacco and nicotine products which is required to be paid within 21 days of the notice. In June of 2023, WDPH and WPD did a youth compliance inspection at Smoke Vibes which resulted in the sale of a flavored nicotine product to a minor. The stores first violation resulted in a fine of \$1000 which was paid to the City of Worcester.

Attorney Murray explained that his client has a distributors license in Massachusetts, Connecticut, New York, Maine, and Rhode Island. Smoke Vibes on Park Avenue is the site of one of his warehouses. He has another warehouse from which he runs the distribution business on Canterbury Street. Attorney Murray stated that his understanding of the regulations is that it bans that sale of flavored tobacco



products and vapes in the Commonwealth of Massachusetts and doesn't ban the distribution of those products out of state. Attorney Murray suggests that his client was within his right to sell the products taxed by the Commonwealth of Massachusetts, which were boxed and located closer to the warehouse. His client acknowledges that there were Delta 8 and THC products behind the counter that Mr. Bcharah didn't know he could sell under the permits he possess. The flavored tobacco was boxed and being stored in the area connecting Smoke Vibes to the warehouse.

Attorney Murray requested that in the future a full report be made available to person responding to the complaint, which was noted by Chair Anthes.

Mr. Bcharah clarified that they started their wholesale at 258 Park Ave before Smoke Vibes at 256 Park Ave opened. The smoke shop location and warehouse are two separate locations with two leases.

Mr. Dennis the Director of WDPH shared the recommendation from the division and legal team, which was to suspend the permit for a period of time pending the ongoing criminal investigation. When the division receives additional information, they will update the BOH.

Mr. Rosen explained to Attorney Murray that they are not only just concerned about the information that is pending criminal investigation, but also the THC products that the store was selling illegally.

Chareese Allen moved for the BOH to suspend the tobacco license of Smoke Vibes at 256 Park Avenue in the City of Worcester immediately and revisit the issue after the 30 days, and if needed, following the findings in the ongoing criminal investigation. Gary Rosen seconded the motion. All voted in favor.

Adjournment

Gary Rosen moved to adjourn the meeting and Chareese Allen seconded the motion. All voted in favor. The meeting was adjourned at 7:30