



Chemung County Health Department
Environmental Health Services
103 Washington St., PO Box 588
Elmira, New York 14902-0588

EXHIBIT 8
Phone: (607) 737-2019
Fax: (607) 737-2059
www.chemungcountyhealth.org

September 16, 2022

22-016

Attn: Store Manager
Dandy Mini Marts, Inc.
d/b/a Dandy Mini Mart #24 (908 E Church St)
908 E Church St
Elmira, NY 14901

RE: Compliance With Article 13-F: Tobacco Sales Laws - Dandy Mini Mart #24
908 E Church St
Elmira (C), Chemung (Co)

Dear Manager:

I am writing to follow-up on the recent enforcement action (docket #22-016) taken by this Department regarding the illegal sale of a tobacco/vapor product to an individual under 21 years of age, which occurred on August 11, 2022. You accepted the Stipulation Offer, agreed to all conditions, and paid the associated penalty of \$1,500.00 on September 15, 2022. We now consider that case to be closed. Thank you for your cooperation.

However, we wanted to take a moment to explain some of the various requirements of the law. Listed below are some important facts associated with the law:

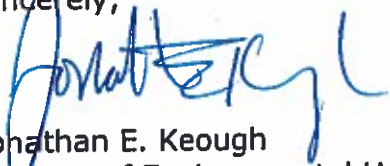
1. This Department is required to publish the names and addresses of retailers where enforcement action is finalized for all violators. A notice will be released in the near future.
2. The tobacco law has created a "point" system for "sale" violations. This particular facility under the current ownership had previously been assigned 1 point. This most recent sale violation will add 1 point (assessment date 10/1/2022) to your record for a total of 2 points. A copy of the training certificate from a NYS certified training program conducted prior to the sale and specific to the employee who made the sale was received with the accepted stipulation offer and fine payment, otherwise, two points would have been assessed as a result of this sale. Points are assessed for thirty-six months beginning on the first day of the month following assignment of points. The accumulation of 3 or more points would lead to the suspension of your tobacco registration and vapor product registration for one year, and if applicable, your lottery license would also be suspended for a period of one year. At the conclusion of a suspension period, 3 points would then be removed from your record.
3. One regular annual inspection and 2 re-inspections will be required for any facility assessed points as of April 1st of each year until all points have been removed from their record. You can expect at least one more unannounced compliance check prior to March 31, 2023 at least three

each between April 1, 2023 and March 31, 2024 and April 1, 2024 to March 31, 2025 and April 1, 2025 and March 31, 2026.

4. Any single subsequent violation will subject you to a fine of between \$1000 and \$2500. Also, a mandatory \$250 surcharge is to be assessed for every violation (not just sale violations) of Article 13-F.
5. If you are found to be selling tobacco or vapor products during a suspension or revocation of your tobacco registration, you would be subject to an automatic \$2,500 fine, your tobacco registration would permanently be revoked, and you would not be permitted to obtain a new registration.
6. After the 4th sustained violation of **any** provision of Article 13-F within a 3-year period, your registration to sell tobacco and vapor products and your lottery license will be revoked for 1 year, in addition to any fine.

If you have any questions about the laws governing the sale of tobacco, please do not hesitate to contact us at 737-2019.

Sincerely,



Jonathan E. Keough
Director of Environmental Health

Cc: Duane Phillips, Jr.
Melanie Sparbanie



Chemung County Health Department
 Environmental Health Services
 103 Washington St., PO Box 588
 Elmira, New York 14902-0588

Phone: (607) 737-2019
 Fax: (607) 737-2059
www.chemungcountyhealth.org

~~November 17, 2021~~ September 15, 2022

Attn: Store Manager
 Dandy Mini Marts, Inc.
 d/b/a Dandy Mini Mart #24
 908 E. Church St.
 Elmira, NY 14901

RE: REVISED-Compliance With Article 13-F: Tobacco Sales Laws – Dandy Mini Mart #24
 908 E. Church St.
 Elmira (C), Chemung (Co)

Dear Manager:

I am writing to follow-up on the recent enforcement action (docket #21-012) taken by this Department regarding the illegal sale of an electronic cigarette product to an individual under 21 years of age, which occurred on September 20, 2021. You accepted the Stipulation Offer, agreed to all conditions, and paid the associated penalty of \$750.00 on October 21, 2021. We now consider that case to be closed. Thank you for your cooperation.

However, we wanted to take a moment to explain some of the various requirements of the law. Listed below are some important facts associated with the law:

1. This Department is required to publish the names and addresses of retailers where enforcement action is finalized for all violators. A notice will be released in the near future.
 The tobacco law has created a "point" system for "sale" violations. This particular facility under the current ownership had previously been assigned 0 points. Since a copy of the training certificate from a NYS certified training program conducted prior to the sale and specific to the employee who made the sale was received with the accepted stipulation offer and fine payment, this most recent sale violation will add 2-1 points (assessment date = 11/1/2021) to your record for a total of 12 points. Otherwise, two points would have been assessed as a result of this sale. Points are assessed for thirty-six months beginning on the first day of the month following assignment of points. The accumulation of 3 or more points would lead to the suspension of your tobacco registration and vapor product registration, if applicable, for one year, and lottery license, also for a period of one year. At the conclusion of a suspension period, 3 points would then be removed from your record.
3. One regular annual inspection and 2 re-inspections will be required for any facility assessed points as of April 1st of each year until all points have been removed from their record. You can expect at least one more unannounced compliance check prior to March 31, 2022 at least three

Tem mailed letter already! - keep the draft safe

- each between April 1, 2022 and March 31, 2023 and April 1, 2023 to March 31, 2024 and April 1, 2024 and March 31, 2025.
4. Any single subsequent violation will subject you to a fine of between \$1000 and \$2500. Also, a mandatory \$250 surcharge is to be assessed for every violation (not just sale violations) of Article 13-F.
 5. If you are found to be selling tobacco or vapor products during a suspension or revocation of your tobacco registration, you would be subject to an automatic \$2,500 fine, your tobacco registration would permanently be revoked, and you would not be permitted to obtain a new registration.
 6. After the 4th sustained violation of any provision of Article 13-F within a 3-year period, your registration to sell tobacco and vapor products and your lottery license will be revoked for 1 year, in addition to any fine.

If you have any questions about the laws governing the sale of tobacco, please do not hesitate to contact us at 737-2019.

Sincerely,



Jonathan E. Keough
Director of Environmental Health

Cc: Duane Phillips, Jr.
Melanie Sparbanie



Chemung County Health Department
Environmental Health Services

103 Washington St., PO Box 588
Elmira, New York 14902-0588
Phone: (607) 737-2019

AUG 29 21

STIPULATION OFFER

In the Matter of the Finding of Violations Against:

RESPONDENT: Dandy Mini Marts, Inc.

D/B/A: Dandy Mini Mart #24 (908 Church St., Elmira)

MAILING ADDRESS: 908 E. Church St.
Elmira, NY 14901

DOCKET #: 22-016

STATE OF NEW YORK - COUNTY OF CHEMUNG

The Department's offer for stipulation requires that you agree to the terms on the reverse side of this form (please read carefully). The penalty portion of the stipulation is:

A penalty of \$1500.00 is hereby assessed, which includes a surcharge of \$250.00.

Total amount due is \$1500.00, which must be paid in full by 9/16/2022.

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SEP 15 2022

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-LIM
-PRESS

Administrative Representative

Date

OWNER/OPERATOR RESPONSE

You may decide to accept or decline the Department's stipulation. YOU MUST SIGN BELOW and return one copy of this form to the Administrative Representative.

If NO response is received from you within 10 days, you will be expected to appear for a hearing before the Health Department Hearing Officer.

CHOOSE ONE:

I **ACCEPT** the stipulation offer and agree to pay the above reference penalty. I will comply with the conditions set forth and waive my right to an administrative Hearing.

I **DECLINE** the above stipulation offer and will appear for a hearing at the Chemung County Health Dept. Board Room (Gridley Building) on 11/4/2022, at 3:30 p.m.

Signature of Respondent

Date

**CHEMUNG COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES**

STIPULATION OFFER

STIPULATION OFFER:

The Owner/Operator agrees to the terms and conditions of stipulation listed below.

THE RESPONDENT AGREES:

1. That all findings of the inspector are correct.
2. That 2 points will be assigned to this facility for this violation and added to the 2 point balance from a prior violation for a total of 4 points.
3. That the tobacco dealer's registration will be suspended for a period of 1 year if there exists an accumulation of 3 or more points.
4. That the lottery license shall be suspended for a period of 1 year if there exists an accumulation of 3 or more points.
5. That if the respondent provides this Department with a legitimate copy of a certificate of completion from a state-certified tobacco sales training program for the individual who made the sale that was completed prior to the sale, only 1 point will be assessed for this violation.
6. To pay the penalty indicated in the Department's offer of stipulation.

THE CHEMUNG COUNTY HEALTH DEPARTMENT AGREES:

1. That a hearing will not be conducted on violation(s) stipulated as of the date of this finding of violation;
2. That the penalty indicated in the Department's offer of stipulation will be accepted.
3. That an inspection will not be conducted until at least fifteen (15) days after the Notice of Finding of Violation or after the mutually agreed upon compliance schedule.

CCHD 17 (BACK) Atupa

NOTICE OF FINDING OF VIOLATION(S)

ENVIRONMENTAL HEALTH SERVICES
CHEMUNG COUNTY HEALTH DEPT.
 103 WASHINGTON ST., PO BOX 588
 ELMIRA, NEW YORK 14902



Phone: (607) 737-2019 Fax: (607) 737-2059

<u>Docket #</u> 22-016	<u>Date of Notice</u> 8/17/2022	<u>Inspection Date</u> 8/11/2022
<u>Respondent's Name</u> Dandy Mini Marts, Inc.		
<u>D/B/A:</u> Dandy Mini Mart #24 (908 Church St., Elmira)		
<u>Mailing Address:</u> 908 E. Church St. Elmira, NY 14901		
<u>Telephone</u> (607) 737-6990		

Operator must answer within 10 days - Instructions on the back

Please review the violation(s) listed below and the information stated on the back. Check the appropriate box for each violation, sign the front and back and return to this office. If we do not receive this form within 10 days, you will be expected to attend a hearing on the date indicated on Form CCHD 17.

Viol #	Law, Code, Rule or Regulation	Date of Violation	Description of Violation	Maximum Assessable Penalty	*Admit	*Admit with Expl.	*Deny	Assessed Penalty
1	NYS Public Health Law, Article 13F, Sect. 1399-cc	9/20/21 8/11/22	Violation of the Adolescent Tobacco Use Prevention Act -- Sale of tobacco/vapor product to an individual under the age of 21.	\$2500.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$1250.00
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If you accept the stipulation offer in lieu of a hearing, your total penalty is listed to the right and on Form CCHD-17. If you agree with the offer, sign this form and CCHD-17 and return both to our department.

SurchARGE: \$250.00
TOTAL = \$1500.00

Received By: <i>[Signature]</i> (Signature)	Date: <i>8/23/22</i>	Date: <i>8/17/22</i>
Print Name: Duane Phillips Jr.	Date: <i>8/23/22</i>	Date: <i>8/17/22</i>
Erin Walmsley Supervising Public Health Sanitarian	Date: <i>8/23/22</i>	Date: <i>8/17/22</i>
Jonathan E. Keough Environmental Health Director	Date: <i>8/23/22</i>	Date: <i>8/17/22</i>

*See back for explanation

NOTICE OF HEARING INFORMATION

YOU MUST ANSWER, SIGN, AND RETURN this Notice of Finding of Violation within TEN (10) DAYS to the office address on the front of this form. FAILURE to do so places you in default which is the equivalent of full admission of the inspector's findings. This may result in maximum penalties being assessed against you. DO NOT DELAY. Answer by checking the applicable boxes, sign and date the form below.

YOU HAVE THE OPTION of selecting one of the following responses to each finding of violation on the opposite side of this form:

ADMIT Check the appropriate box following each violation which you admit. If you admit to all violations and do not wish to appear at a hearing, you may complete and sign the Stipulation Offer (CCHD-17), as well as the front of this form.

ADMIT WITH EXPLANATION Check the appropriate box following each violation which you admit with explanation. If you admit with explanation(s), please attach a separate sheet containing written explanation(s) for each appropriate finding of violation.

DENY Check the appropriate box following each violation you deny. You will be required to appear at the hearing (on the date specified on CCHD-17) to explain the basis of your denial and present any evidence you have to substantiate your denial. Written or oral argument may be submitted with your answer to be incorporated into the hearing record if you do not expect to attend.

CHECK THE APPROPRIATE BOXES (if denying and/or requesting a hearing):

- | | |
|---|---|
| <input type="checkbox"/> I expect to attend the hearing. | <input type="checkbox"/> I request that the inspector be present at the hearing. |
| <input type="checkbox"/> I will be represented with legal counsel at the hearing. | <input type="checkbox"/> For the hearing, I will need the following handicap assistance:
_____ |
| <input type="checkbox"/> The person identified below is authorized to represent me in this matter:
_____ | <input type="checkbox"/> I shall present witnesses. |

Owner/Operator Signature

Date

IMPORTANT

BRING EVIDENCE OF COMPLIANCE EFFORTS, such as receipts of purchases, contracts, estimates, design plans, to the hearing and be prepared to discuss and substantiate your actions and/or plans for correction of violation(s).

YOU ARE PLACED ON NOTICE that penalties are imposed for violations incurred. Prompt correction of violations MAY be considered in assessing penalties. HOWEVER, correction does not excuse the violation(s) as of the date found.

YOU ARE FURTHER PLACED ON NOTICE that failure to correct violations after the hearing subjects you to further action, including possible closing of your establishment, if applicable, by the Chemung County Board of Health.

INFORMATION CONCERNING ANY VIOLATION THAT IS SUSTAINED AFTER A HEARING IS SUBJECT TO PUBLIC RELEASE.

CCHD 10 (BACK)

AUG 29 2022



6221 Mile Lane Road
Sayre, Pennsylvania 18840

office: 570-888-4344
fax: 570-888-7161

August 23, 2022

Chemung County Health Department
Environmental Health Services
103 Washington St.
PO Box 588
Elmira, NY 14902-0588

RE: Docket #22-016

To Whom it May Concern:

Regarding the violation at 908 E. Church St. Elmira, NY 14901, we have chosen to ACCEPT the stipulation as indicated on forms CCHD17 & CCHD10. Additionally, we are requesting the reduction of points from 2 to 1 as we are enclosing proof of completion of a State-Certified tobacco sales training program by the employee(s) responsible for said violation.

We look forward to your acceptance of the certificates and subsequent penalty notification so we may submit final payment for this citation.

Regards,

Duane Phillips, Jr.
General Manager
dphillips@godandy.com



New York State Department of Health
Certificate of Tobacco Sales Training

Provider No. #105-0111
 Certificate No. 20951514


I – To be completed by trainee			
Name of Trainee: Ashley Kiser	Employee ID Number: 747271		
Trainee signature:	Telephone Number: 6072592129		
Address: 187 Washington cort <small>(Street or PO Box)</small>			
	Elmira <small>(City)</small>	New York <small>(State)</small>	14901 <small>(Zip Code)</small>
II – To be completed by employer			
Legal Name of business: Dandy Mini Mart - 024 - Dandy - Elmira		DBA name: Dandy Mini Mart	
*DTF Tobacco and/or Vapor Products Registration ID number:		Telephone Number: 607-737-6990	
Business Address: 908 E. Church Street <small>(Street or PO Box)</small>			
	Elmira <small>(City)</small>	New York <small>(State)</small>	14902 <small>(Zip Code)</small>
III – To be completed by training provider			
Name of Training Provider: Ready Training, Inc. - RTO		Telephone Number: 800-786-9545	
Address: P.O. Box 530 <small>(Street or PO Box)</small>			
	Elizabethtown <small>(City)</small>	PA <small>(State)</small>	17022 <small>(Zip Code)</small>
Course Location: ONLINE			

Date of Training: 5/11/2022
(Issue date)

Expires: 5/11/2025

I certify that the Tobacco Sales training course given on the above date complied with NYS PHL Article 13F, was consistent with the curriculum and instructions approved by the New York State Department of Health, and the student receiving this certificate completed the training course and successfully passed the examination.

Course Instructor or person in charge of training:

Jeff Kahler 
(Print name) (Signature)

*Change of employment or failure to maintain a current New York State Department of Taxation and Finance (DTF) Tobacco and/or Vapor Product Registration, change of business ownership or DTF identification number will invalidate this certificate.

An incomplete certificate will not be honored.

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AUG 29 2022

New York State Department of Health
Certificate of Tobacco Sales Training

Provider No. #105-0111
Certificate No. 21387600

I - To be completed by trainee

Name of Trainee: Rickel Hall	Employee ID Number: 767314
Trainee signature:	Telephone Number: 6073027347

Address:
837 John street Elmira New York 14901
(Street or PO Box) (City) (State) (Zip Code)

II - To be completed by employer

Legal Name of business: Dandy Mini Mart - 024 - Dandy - Elmira	DBA name: Dandy Mini Mart
*DTF Tobacco and/or Vapor Products Registration ID number:	Telephone Number: 607-737-6990

Business Address:
908 E. Church Street Elmira New York 14902
(Street or PO Box) (City) (State) (Zip Code)

III - To be completed by training provider

Name of Training Provider: Ready Training, Inc. - RTO	Telephone Number: 800-786-9545
--	-----------------------------------

Address:
P.O. Box 530 Elizabethtown PA 17022
(Street or PO Box) (City) (State) (Zip Code)


Course Location:
ONLINE

Date of Training: 7/6/2022
(Issue date)

Expires: 7/6/2025

I certify that the Tobacco Sales training course given on the above date complied with NYS PHL Article 13F, was consistent with the curriculum and instructions approved by the New York State Department of Health, and the student receiving this certificate completed the training course and successfully passed the examination.

Course Instructor or person in charge of training:

Jeff Kahler 
 (Print name) (Signature)

*Change of employment or failure to maintain a current New York State Department of Taxation and Finance (DTF) Tobacco and/or Vapor Product Registration, change of business ownership or DTF identification number will invalidate this certificate.

An incomplete certificate will not be honored.



Chemung County Health Department
Environmental Health Services
103 Washington St., PO Box 588
Elmira, New York 14902-0588

Phone: (607) 737-2019

Fax: (607) 737-2059

www.chemungcountyhealth.org

August 17, 2022

Docket # 22-016

Dandy Mini Marts, Inc.
DBA - Dandy Mini Mart #24 (908 Church St., Elmira)
908 E. Church St.
Elmira, NY 14901

Dear Respondent:

Dandy Mini Marts, Inc., as owner/operator of Dandy Mini Mart #24 (908 Church St., Elmira), you are hereby informed that a violation(s) of the New York State Public Health Law, New York State Sanitary Code, or the Chemung County Sanitary Code has/have been found to exist. The procedure used by this department for enforcement gives you an option to either appear at an administrative hearing or agree to the stipulation offer attached.

If you wish to stipulate (*agree to and accept*) the charges and penalties, you can do so by checking the appropriate box(es) and signing the enclosed Stipulation Offer (CCHD-17) and Notice of Finding of Violations (CCHD-10) (both front and back) and returning them to this office within 10 days of receipt. The stipulation offer constitutes an offer to settle the case without the necessity of attending a hearing. This procedure may avoid the expense and inconvenience that a hearing may impose on you. The offer typically contains a financial penalty, and if appropriate, a schedule for bringing the establishment/owner in question into compliance with the New York State Public Health Law, New York State Sanitary Code or the Chemung County Sanitary Code. The need for a hearing will be eliminated if you decide to accept the stipulation offer.

If, upon your review of the stipulation offer, you decide not to accept it, a hearing will be held on the date specified on CCHD-17. If you will be represented with legal counsel at the hearing, this office must be notified of that fact at least 20 days prior to the scheduled hearing date.

You are free to accept or decline the offer. Whether you accept or decline the offer, please indicate your decision and sign one copy of CCHD-17 and one copy of CCHD-10 (front and back) and return both forms within 10 days of receipt.

If you have any questions concerning this process, do not hesitate to contact this office. Questions regarding the interpretation of regulations or technical matters shall be addressed to Erin Walmsley, Supervising Sanitarian. Questions regarding legal interpretations shall be addressed to Azi Farooquee, Hearing officer.

Sincerely,

Azi Farooquee, Hearing Officer
Chemung County Health Department

cc: Office of the County Attorney
Enc. 2 copies of CCHD-10
2 copies of CCHD-17

(Stip - Cover letter)

Keough, Jonathan

From: Melanie Sparbanie <msparbanie@GoDandy.com>
Sent: Tuesday, August 23, 2022 4:13 PM
To: Keough, Jonathan
Subject: Violations
Attachments: 08.11.2022 Violation.pdf; 09.20.2021.pdf
Importance: High

Hello!

Thank you so much for your patience and assistance in this matter. I have attached the certificates issued to all parties involved in each of the two violations. Between 9/2021 and 8/2022 we went entirely online with our certification program so that is why one is written, the other is computer generated. You will also notice the approved test curriculum was issued via the same company.

Please let me know if there is anything else I may provide.

Melanie Sparbanie
Executive Assistant
6221 Mile Lane Rd.
Sayre, PA 18840

O: 570.888.4344 ext. 109
C: 570.637.6796



CONFIDENTIALITY NOTICE:

This e-mail message including any attachments of any type are covered by the Electronic Communications Privacy Act, is confidential and may include legally protected information. If you are not the intended recipient or you have received this e-mail message by mistake, printing, copying, storing or disseminating in any way is prohibited and do doing so could subject you to civil and or criminal action. Please notify the sender you have received this e-mail by mistake and delete all information contained in and attached to this email.

1. The first part of the document discusses the importance of maintaining accurate records.

2. It is essential to ensure that all data is entered correctly and consistently.

3. Regular audits should be conducted to verify the integrity of the information.

4. Any discrepancies should be investigated and resolved promptly.

5. The second part of the document outlines the procedures for data collection.

6. All participants should be informed of the purpose and scope of the study.

7. Informed consent must be obtained from all subjects before data collection begins.

8. Data should be collected using standardized methods to ensure reliability.

9. The third part of the document describes the analysis and interpretation of results.

10. Statistical tests should be applied to determine the significance of the findings.

11. The results should be compared against the research objectives and hypotheses.

12. The final part of the document provides conclusions and recommendations.

13. The study has identified several key factors that influence the outcome.

14. Further research is needed to explore these relationships in greater detail.

15. The findings have important implications for the field of study.

16. The document concludes with a summary of the main points discussed.

17. It is hoped that this research will contribute to the advancement of knowledge.

18. The authors thank the participants and staff for their cooperation and support.

19. The document is published in the journal of Applied Research.

20. The volume number is 12, and the issue number is 3.

21. The publication date is 2023.

22. The ISSN number is 1234-5678.

23. The document is available online at the journal's website.

24. The authors' contact information is provided at the end of the document.

25. The document is protected by copyright law.

26. All rights reserved.

27. The document is published under a Creative Commons license.

28. The license allows for non-commercial use and distribution.

29. The document is a valuable resource for researchers and practitioners.

30. It provides a comprehensive overview of the current state of the field.

31. The document is a must-read for anyone interested in the topic.

32. The authors' expertise and insights are highly valued.

33. The document is a testament to the quality of the journal's content.

34. The journal is committed to providing high-quality research.

35. The document is a reflection of the journal's dedication to excellence.

36. The journal is proud to feature this research.

37. The document is a contribution to the scientific community.

38. The journal is grateful for the authors' contribution.

39. The document is a valuable addition to the journal's archive.

40. The journal is committed to making this research accessible.

41. The document is a key resource for the field.

42. The journal is pleased to have published this work.

43. The document is a testament to the journal's commitment to quality.

44. The journal is proud to be a part of the research community.

45. The document is a valuable resource for the field.



Record of Conference

Jon Keough

Date: 8/22/22

Subject: Dandy Mini Mart #24 908 E Church St

Melanie Sparbanie from Dandy called regarding the ATUPA compliance check performed at the store 8/11/22 and the stipulation offer sent as a result of the sale.

Melanie observed in the stip offer documents that two points had been assessed for a sale in 9/2021 (docket #21-012) and that two points would be assessed for this one, unless the clerk had previously completed NYS approved tobacco sales training. Melanie mentioned that the clerk from the 8/11 sale did participate in training and was able to provide proof, and also inquired if it was too late to provide proof that the employee who sold in 9/2021 completed the training, or if we could retroactively assess one point for that sale. Melanie stated she had not been informed about the sale from 9/2021, or would have provided it then.

8/23: JK received email from Melanie with attachments for these employees, which indicated they had completed the training prior to the sales. The provider, Ready Training, appears on the NYS certified training providers list, https://www.health.ny.gov/prevention/tobacco_control/certlist.htm, having been approved 4/2011 and expiring 6/2023.

8/24: JK emailed WR NYSDOH Field Coordinator Nate Hall that based upon this information, and that the ATUPA workplan doesn't explicitly prohibit making changes retroactively, that CCHD would honor the proof of training certificate and change the points assessed from the 9/2021 sale from 2 to 1.

Following finalization of the stip in docket #22-06, one point will be assessed for the sale that occurred 8/11/22, bringing the facility's point total to 2, provided that the stipulation offer is accepted, or if the case goes to a hearing, that the department prevails.

