

## ARKANSAS TOBACCO CONTROL MEETING MINUTES

MARCH 4, 2010

The Tobacco Control Board met on Thursday, March 4, 2010 for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 10:00 a.m. in Suite 401. There were 7 - Board members present – Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Mr. Danny Tate, Dr. Laura Sisterhen and Dr. Tommy Wagner with 1 – Member absent – Mr. Gene McKissic.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He then asked for a motion to approve the January 7, 2010 and the February 4, 2010 board meeting minutes. A motion was made and approved with 7 – Yes votes and 1 – Member absent.

There was no “Old Business” to consider so the Chairman moved on to “New Business” and “Disciplinary Hearings”. Mr. Lightle introduced Mr. Greg Kirkpatrick, as Hearing Officer, and Ms. Lydia Williams Heroman, serving as Court Reporter. Mr. Lightle called on Mr. Roland Darrow, Staff Attorney, who presented the Default List dated March 4, 2010. After a roll call of those listed and no one responding as being present, a motion was made and approved to accept the Default List as submitted with 7 – Yes votes and 1 – Member absent.

The following case was called before the Board.

Case #2010-001

Muswick LLC  
Little Rock, AR

VIOLATIONS: §4-75-708

Selling cigarettes below minimum price. No recommended penalty.

§26-57-232

Wholesaler selling to an unlicensed retailer. No recommended penalty.

The business location was represented by Mr. Bob Hardin of Hardin and Grace of North Little Rock, AR and Mr. Larry Garland, Part-Owner.

After all testimony was presented, a motion was made and approved to find Muswick LLC in violation of §4-75-708 Selling cigarettes below minimum price, issue a fine of \$500 and no suspension of permit with 7 – Yes votes and 1 – Member absent.

A second motion was made and approved to find Muswick LLC in violation of §26-57-232 Selling to an unlicensed retailer, issue a fine of \$156.56 with 7 – Yes votes and 1 – Member absent.

The Chairman closed the Disciplinary Hearing segment of the meeting.

Mr. Lightle then called on the Director, Mr. J.R. Thomas, who presented the “New Retail Permit” report. After review, a motion was made to approve the “New Retail Permits Issued” list dated January 7, 2010 through March 3, 2010” with 7 – Yes votes and 1 – Member absent.

Mr. Thomas asked the Board to review the “Accepted Offers of Settlement for Board Approval” report dated March 4, 2010 and asked for approval. A motion was made to approve the “Accepted Offers of Settlement” report dated March 4, 2010 with 7 – Yes votes and 1 – Member absent.

The Director shared information about a letter he received from an Arkansas retailer, who was concerned about court rulings being made in Clark County when a clerk sold to a minor. Court rulings from the Clark County Clerk’s office were passed out to the Board.

He also brought to the Board’s attention a flyer that was sent out to various Arkansas residents promoting phone orders of cigarettes. The orders are taken in Kentucky, shipped from the Ukraine and delivered via mail.

Mr. Thomas then called on Mr. Greg Sled, the Deputy Director, to give an update on enforcement activity. He reported there was a 6.9% compliance rate for sales to minors, as of February 28, 2010. There would be merchant education classes being held on March 11<sup>th</sup> in Hope, AR and on March 18<sup>th</sup> in Conway, AR. Also the agency would be participating in the Arkansas Oil Marketers trade show on April 1<sup>st</sup> in Hot Springs, AR.

The Chairman then asked if there were any “Court Updates”. Mr. Arnie Jochums, Asst. Attorney General, stated Judge Moody ruled in favor of Arkansas Tobacco Control regarding the suit filed by McLane Corp.

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Mr. Darrow, Staff Attorney, asked the Board to approve a Use and Benefit Order for confiscated cigarette and tobacco products, which would be used for education purposes. A motion was made and approved to that effect with 7 – Yes votes and 1 – member absent.

The Chairman announced the next meeting date of March 4, 2010. All business of the Board had been conducted and a motion was made and approved to adjourn.

Minutes prepared by

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March 19, 2010