

ARKANSAS TOBACCO CONTROL MEETING MINUTES

APRIL 7, 2011

The Arkansas Tobacco Control Board met on Thursday, April 7, 2011 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 – Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Mr. Danny Tate, Dr. Laura Sisterhen and Dr. Tommy Wagner, and 1 – Member absent, Mr. Kevin Case.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He introduced and welcomed Dr. J.J. Lacey, Jr., who is replacing Mr. Gene Mc Kissic, to the Board. The Chairman then asked Mr. Greg Sled, the Deputy Director, to give his report on Sales to Minors Enforcement Compliance Checks. He reported there have been 4,597 compliance checks performed for the fiscal year as of April 7, 2011. The agency would be participating in the 13th Douglas Wholesale Trade Show. He reported on scheduled Arkansas Tobacco Control training sessions. ATC agents have started performing compliance checks under the FDA contract, which runs through August 29, 2011. Mr. Glenn Redding has been promoted from an Enforcement Agent to being the Supervisor of the Criminal Investigation Division for the agency.

The Chairman asked for a motion to approve the January 13, 2011 board meeting minutes. A motion was made and approved with 7 – Yes votes and 1 – Member absent.

He asked for a motion to approve the February 3, 2011 board meeting minutes. A motion was made and approved with 7 – Yes votes and 1 – Member absent.

A third motion to approve the March 3, 2011 board meeting minutes was requested. A motion was made and approved with 7 – Yes votes and 1 – Member absent.

Mr. Lightle then moved on to “New Business” and “Disciplinary Hearings”, as there was no “Old Business” to address. The Chairman introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, and Ms. Lydia Williams Heroman, as Court Reporter.

The Hearing Officer opened the Disciplinary Hearings by calling the following cases before the Board:

Mr. Roland Darrow, Staff Attorney, presented the Default List dated April 7, 2011. He stated the two listings for Rozi Corp dba Route 67 should be removed, as they had requested a Hearing after the list was printed. He read off the remaining names and no one answered as being present. A motion was made to approve the Default List dated April 7, 2011. There were 7 – Yes votes and 1 – Member absent.

Mr. Darrow presented a Use and Benefit Order and requested approval of the Board to accept. A motion was made and approved to accept the Use and Benefit Order as submitted with 7 – Yes votes and 1 – Member absent.

CONSENT ORDER

Case #2011-052 Choctaw Sinclair Choctaw, AR
Case #2011-093

Mr. Darrow discussed with the Board that an agreement was reached in the matter of Case #2011-052 and Case #2011-093, Choctaw Sinclair in Choctaw, AR. After discussion a motion was made to accept the agreement reached with Choctaw Sinclair with a total penalty of a \$3,000 fine and revocation of permit. The motion was approved with 7 – Yes votes and 1 – Member absent.

**Turrell Fuel Stop Turrell, AR Requested the Board
consider issuance of a retail
permit.**

Mr. Amin Budhwani represented the business location in this matter.

After all discussion was concluded, a motion was made to approve a retail permit for Turrell Fuel Stop and the staff is to attend Arkansas

§26-57-213	Failure to maintain invoices, \$500 fine and 5 – day suspension of permit.
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Mr. Anil Nathalal Jadav, the owner, represented the store location.

A motion was made to find Bottle Mart Liquor & Cigars in violation of §26-57-245(a) Possession of untaxed tobacco, levy a \$14,650 fine, 10 –day suspension of permit, plus destruction of confiscated product, in violation of §26-57-228 Purchasing from an unlicensed dealer, issue a 5 – day suspension of permit, and in violation of §26-57-213 Failure to maintain invoices, issue a 5 – day suspension of permit and require Arkansas Tobacco Control regional training for all employees. The motion was approved with 7 – Yes votes and 1 – Member absent.

Case #2011-029

Circle N #58

Star City, AR

VIOLATION:

§5-27-227(a)(1)

Selling to a Minor, 3rd
Offense, \$400 and
2-day suspension of
permit, plus mandatory
merchant education
within 6 months of the
Board's order.

There was no one present to represent the business location.

A motion was made and approved to find Circle N #58 in violation of §5-27-227(a)(1) Selling to a minor, issue a \$500 fine and 2 – day suspension of permit and employees attend mandatory Arkansas Tobacco Control regional training with 7 – Yes votes and 1 – Member absent.

The Hearing Officer closed the Disciplinary Hearing segment of the agenda and turned the meeting back over to the Chairman.

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 13, 2011 through April 6, 2011” with 7 – Yes votes and 1 – Member absent.

The Director asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated April 7, 2011. After review a motion was made to approve the “Accepted Offers of Settlement” report dated April 7, 2011 with 7 – Yes votes and 1 – Member absent.

Mr. J.R. Thomas, the Director, reported the agency budget had been approved by the Legislature. Also the ATC is now the enforcing agency for herbal snuff sales of anyone under 18 years of age.

Mr. Darrow reviewed several Acts passed in the 88th General Assembly of 2011.

Mr. Arnie Jochums, Assistant Attorney General, didn’t have anything to report to the Board.

Mr. Lightle announced the next meeting date of May 5, 2011. All business of the Board had been conducted and the meeting adjourned.

Minutes prepared by

Janis L. Campbell

April 20, 2011