

**ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**MAY 5, 2011**

The Arkansas Tobacco Control Board met on Thursday, May 5, 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 6 - Board members present – Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Dr. Laura Sisterhen and 2 – Members absent, Mr. Danny Tate and Dr. Tommy Wagner.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the April 7, 2011 board meeting minutes. A motion was made and approved with 6 – Yes votes and 2 – Members 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. Faith Grisby, 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 May 5, 2011. He read off the names listed with no one responding as being present. He asked the Board to approve the list as submitted and issue a \$250 fine on all Sales to Minors listings. A motion was made to that effect with 6 – Yes votes and 2 – Members absent.

<b>Case #2011-118</b>	<b>Beech Grove One Stop</b>	<b>Beech Grove, AR</b>
VIOLATION:	§26-57-248(a)	Possession of untaxed tobacco
	§26-57-213	Failure to maintain invoices
	§26-57-228	Purchasing from an unlicensed dealer

All 1<sup>st</sup> offense. No recommended penalties.

Mr. Mickey Burroughs, the owner, represented the store location.

After testimony, a motion was made and approved to find Beech Grove One Stop in violation of §26-57-248(a) Possession of untaxed tobacco, levy a \$5,000 fine and destruction of confiscated product, in violation of §26-57-213, issue a \$1,000 fine, and in violation of §26-57-228, issue a \$1,000 fine and 5 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

**Case #2011-086                      Phillips 66 Superstop #161    Russellville, AR**

VIOLATION:                      §5-27-227(a)(1)    Selling to a minor, 3<sup>rd</sup> Offense, \$400 fine and 2 – day suspension of permit, plus mandatory training.

The business location was represented by Mr. Mark Timmons and Mr. Mark Severns.

A motion was made and approved to find Phillips 66 Superstop #161 in violation of §5-27-227(a)(1) Selling to a Minor, \$400 fine, mandatory training and a 2 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

**Case #2011-029                      Circle N #58                      Star City, AR**

VIOLATION:                      §5-27-227(a)(1)    Selling to a Minor, 3<sup>rd</sup> Offense, \$400 and 2-day suspension of permit, plus mandatory merchant education within 6 months of the Board’s order.

Ms. Lee Ann Fitzgerald, owner, of the Circle N #58 in Star City, AR came before the Board at her request.

At the April 7, 2011 Case #2011-029, Circle N #58, Star City, AR was on the agenda. There was no one present to represent the business location. Ms. Fitzgerald contacted the agency office stating she did not receive the Offer of Settlement. The employee who signed for the postal delivery was no longer employed by the business. At the April 7, 2011 meeting, Circle N #58 of Star City was found to be in violation of Selling to a Minor, issued a \$500 fine with a 2 – day suspension of permit and mandatory training.

After Ms. Fitzgerald addressed the Board, the members were in agreement to not rehear this case.

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 April 7, 2011 through May 4, 2011” with 6 – Yes votes and 2 – Members absent.

Mr. Darrow presented the following wholesale applications---

**CB Distributors, Inc. Beloit, WI**

A motion was made and approved to accept the wholesale application for CB Distributors with 6 – Yes votes and 2 – Members absent.

**Casey’s General Stores, Inc. Ankeny, IA**

A motion was made and approved to accept the wholesale application for Casey’s General Stores, Inc. with 6 – Yes votes and 2 – Members absent.

**Forrest City Grocery   Forrest City, AR**

A Change of Ownership for Forrest City Grocery was submitted by Core-Mark Midcontinent, Inc. It was noted that the Change of Ownership was reviewed by the Board. No further action was required.

The Director asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated May 5, 2011. After review a motion was made to approve the “Accepted Offers of Settlement” report dated May 5, 2011 with 6 – Yes votes and 2 – Members absent.

Mr. J.R. Thomas, Director, asked Mr. Greg Sled, Deputy Director, to report on enforcement activities and training. Mr. Sled provided the Board with a graph of Sales to Minors compliance checks. To date 4,762 checks have been performed out of the 5,000 required by the Dept. of Health contract. There are 4 training dates scheduled around the state during the month of May. The Dept. of Health is reducing our budget to \$700,000 for FY2012 and requiring 4,000 Sales to Minors compliance checks during this time period. The agency is in the process of establishing on-line renewals and in the final stage of testing. Mr. Thomas addressed the problem of citizens going across state lines into Missouri to purchase cigarettes and tobacco products for either personal consumption or to sell.

Mr. Arnie Jochums, Assistant Attorney General, didn’t have anything to report to the Board. Mr. Darrow, Staff Attorney, didn’t have a Court update but shared information concerning Fire Safe Cigarette packaging.

Mr. Lightle announced the next meeting date of June 2, 2011. All business of the Board had been conducted and the meeting adjourned.

Minutes prepared by

---

Janis L. Campbell

May 19, 2011