

ARKANSAS TOBACCO CONTROL MEETING MINUTES

MAY 6, 2010

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

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He then asked for a motion to approve the April 1, 2010 board meeting minutes. A motion was made and approved with 6 – Yes votes and 2 – Members 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, the Hearing Officer, and Ms. Faith Grigsby, serving as Court Reporter.

Mr. Darrow followed by presenting the Default List dated May 6, 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 presented with 6 – Yes votes and 2 – Members absent.

The following cases were called before the Board:

Case #2009-599

Barrow Neighborhood Supply Store
Little Rock, AR

VIOLATION: §26-57-213

Failure to maintain invoices, \$500 fine & 5 – day suspension of permit.

§26-57-248(a) Possession of untaxed tobacco,
\$5,337.50 and Destruction of
Confiscated Product

The business location was represented by Mr. Michael Reynolds.

After all testimony was presented, a motion was made and approved to find Barrow Neighborhood Supply Store in violation of §26-57-213 Failure to maintain invoices, issue a \$500 fine and 5 – day suspension of permit and in violation of §26-57-248(a) Possession of untaxed tobacco, issue a \$5,337.50 fine and Destruction of Confiscated Product with 6 – Yes votes and 2 – Members absent.

Case #2010-097

Mapco Express, Inc.
Conway, AR

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 4th Offense,
No recommended penalty

This case and store location was represented by Mr. Blake Westmoreland, District Manager.

Testimony was presented and a motion was made and approved to find Mapco Express, Inc. in violation of §5-27-227(a)(1) Selling to a Minor, issue a \$2,000 fine and 2-day suspension of permit with 5 – Yes votes, 1 – No vote and 2 – Members absent.

The Hearing Officer closed the Disciplinary Hearings 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 1, 2010 through May 5, 2010” with 6 – Yes votes and 2 – Members absent.

Mr. Thomas asked the Board to review the “Accepted Offers of Settlement for Board Approval” report dated May 6, 2010 and asked for approval. A motion was made to approve the “Accepted Offers of Settlement” report dated May 6, 2010 with 6 – Yes votes and 2 – Members absent.

Mr. Thomas called on Mr. Greg Sled, the Deputy Director, to give an update on enforcement activity. He stated 85% to 90% of the retail locations will be checked by June 30th and a little over 5,000 compliance checks would be performed.

He and Director Thomas are in negotiations with the Department of Health for the Fiscal Year 2011 funded budget, which begins July 1, 2010. There is a proposed 33% cut in the over-all budget and the agency will only perform youth access compliance checks.

He reported the grant application, which was discussed at the April 1st meeting, was submitted to FDA Enforcement for consideration. Three states will be selected out of each region to perform FDA retail tobacco inspections.

Mr. Sled introduced Ms. Vicki Abertoli, who is a new employee and an Administrative Assistant for the Criminal Division. He also announced Mr. Horace Walters, an Enforcement Agent of almost 5 years of service, has resigned.

The Chairman then asked if there were any “Court Updates”. Mr. Arnie Jochums, Assistant Attorney General, reported an Appeal has been filed by McLane Company regarding the recent decision by Judge Moody in favor of the agency. Mr. Roland Darrow, Staff Attorney, had nothing to report this month.

The Chairman announced the next meeting date of June 3, 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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May 18, 2010