

ARKANSAS TOBACCO CONTROL MEETING MINUTES

JUNE 2, 2011

The Arkansas Tobacco Control Board met on Thursday, June 2, 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 – Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Mr. Danny Tate, Dr. Laura Sisterhen and 1 – Member absent, Dr. Tommy Wagner.

Mr. Steve Lightle, the Chairman, began by calling the meeting to order and welcomed those in attendance. He asked for a motion to approve the May 5, 2011 board meeting minutes. 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. 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 June 2, 2011. He stated the one listing should be removed as the fine had been paid. No action was required by the Board with the removal of the Default List from the agenda.

Case #2011-148 Joy Mart of AR, Inc. North Little Rock, AR

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

Mr. Tong Lee, the General Manager, was present to represent the store location.

After testimony, a motion was made and approved to find Joy Mart of AR in violation of § 5-27-227(a)(1) Selling to a Minor, levy a \$1,000 fine and 7 – day suspension of permit, all employees are to attend the next Arkansas Tobacco Control merchant education training session in the area. The motion was approved with 7 – Yes votes and 1 – Member absent.

Case #2011-041 Rozi Corp. dba Route 67 Texarkana, AR

VIOLATION:	§26-57-248(a)	Possession of untaxed tobacco, \$9,475 fine.
	§26-57-228	Purchasing from an unlicensed dealer, \$500 fine.

The store location was represented by Mrs. Rosina Virani-Malik and her husband.

A motion was made to find Rozi Corp. dba Route 67 in violation of §26-57-248(a) Possession of untaxed tobacco, levy a \$9,475 fine with the fine being reduced to \$5,000, in violation of §26-57-228 Purchasing from an unlicensed dealer, issue a \$500 fine. The motion was approved 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 May 4, 2011 through June 1, 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 June 2, 2011. After review a motion was made to approve the “Accepted Offers of Settlement” report dated June 2, 2011 with 7 – Yes votes and 1 – Member absent.

Mr. J.R. Thomas, the Director, called on the Deputy Director, Mr. Greg Sled, to continue with Staff Reports. Mr. Sled reported after 11 months the Enforcement Division had performed 4,885 Sales to Minors Compliance Checks out of the 5,000 as required by the agreement with the Dept. of Health. He felt they would reach that goal by June 30th. He and Director Thomas would be attending the 11th National Synar Workshop being held in Philadelphia, PA beginning May 24, 2011 through May 26, 2011. Due to the decrease in the Dept. of Health funding to \$700,000, the staff was also reduced. Ms. Stacy Lewis was moved to the Criminal Investigation Division with the agency to fill an open position. That leaves one open position which he felt would be filled shortly. He provided the Board with two (2) maps of the state. One shows the Enforcement Regions and the other shows the current retail stores that have sold or possessed untaxed tobacco as of May 26, 2011. The agency continues to provide Merchant Education Training to retail locations.

Mr. Thomas introduced Dr. Casey Carder, who is the new Deputy Director over the FDA contract program.

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

Mr. Roland Darrow wanted the Board to be aware of ads the Arkansas State Police is running concerning Act 811 regarding no smoking in a vehicle when children are present under 14 years of age.

Mr. Lightle announced the next meeting date of July 7, 2011. All business of the Board had been conducted and the meeting adjourned.

Minutes prepared by

Janis L. Campbell

June 21, 2011