

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**JULY 7, 2011**

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

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the June 2, 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. Lydia Williams Heroman, as Court Reporter.

The Hearing Officer opened the Disciplinary Hearings and asked Mr. Roland Darrow, Staff Attorney, to present the following Consent Orders:

### **CONSENT ORDER**

**Case #2010-325**

**Deug Su Jang dba Grace CJ, Inc. dba  
Fast Way  
Texarkana, AR**

An agreement was reached with Fast Way of Texarkana, AR. The company admitted to being in violation of A.C.A. §26-57-245, Possession of Untaxed Tobacco, and agreed to accept a \$9,000.00 civil penalty assessed under A.C.A. § 26-57-248 for that violation and destruction of the confiscated product, admitted to being in violation of A.C.A. §26-57-213, Failure to Maintain Invoices for a three year period, and agreed to accept a \$500.00 fine and a five day suspension of their retail tobacco permit under A.C.A. §26-57-256, and admitted to being in violation of



**Case #2011-009**

**Bo Choi dba Country Stores  
Texarkana, AR**

The company admitted to being in violation of A.C.A. §26-57-245, Possession of Untaxed Tobacco, and agreed to accept a \$9,000.00 civil penalty assessed under A.C.A. § 26-57-248 for that violation and destruction of the confiscated product, admitted to being in violation of A.C.A. §26-57-213, Failure to Maintain Invoices for a three year period, and agreed to accept a \$500.00 fine and a five day suspension of their retail tobacco permit under A.C.A. §26-57-256, and admitted to being in violation of A.C.A. §26-57-228, Purchasing from an Unlicensed Dealer, and agreed to accept a fine of \$500.00 and a five day suspension of their retail tobacco permit under A.C.A. §26-57-256 with all suspensions to run concurrently.

After the four Consent Orders were presented to the Board, a motion was made to approve all four orders as presented with 6 – Yes votes and 2 – Members absent.

The Disciplinary Hearings were concluded and Mr. Kirkpatrick turned the meeting back over to the Chairman. Mr. Lightle continued by asking the Director, Mr. J.R. Thomas, to present his reports to the Board.

Mr. Thomas asked the Board to review the “New Retail Permit” report and approve as submitted. A motion was made to approve the “New Retail Permits Issued” list dated June 2, 2011 through July 6, 2011” with 6 – Yes votes and 2 – Members absent.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated July 7, 2011. After review a motion was made to approve the “Accepted Offers of Settlement” report dated July 7, 2011 with 6 – Yes votes and 2 – Members absent.

Mr. Thomas discussed changes to Arkansas Driver’s Licenses that are being made and showed examples of those changes. Updates to the video system in the board meeting room were noted. He called on Mr. Greg Sled, Deputy Director, to present his monthly report.

Mr. Sled gave each member a map of the United States showing each state's excise tax rate on smokeless tobacco and another map showing each state's cigarette excise tax rate. He shared a chart showing Administrative only violation types and fines assessed per year from FY2001 through FY2011. He gave a brief summary of the formation of the Board and responsibilities of enforcement by year as laws were enacted by the Legislature since the creation of the Board in Act 1337 of 1997. He discussed an organizational chart of the agency positions and employees. He also reported that Master Craft of North Little Rock, AR has submitted a Certified Training Program to the agency for review and approval.

Mr. Thomas asked Dr. Casey Carder, Deputy Director of the FDA program, to address the Board. She is working on staffing the remaining open FDA positions and has conducted seven interviews thus far. Dr. Carder expressed her appreciation to Agent Glenn Redding and Agent Jim Massie for working with the FDA program performing Sales to Minors compliance checks. The FDA will have granted all awards for the coming year by September 30, 2011.

The Chairman called on Mr. Arnie Jochums, Assistant Attorney General, for a Court Update and there was nothing to report. Next he asked Mr. Darrow for his report. He pointed out that on the new driver's licenses there will no longer be a magnetic strip for the merchants to swipe when checking age verification. There will be a bar code only.

He reported Case #2010-324, Bottle Mart Liquor & Cigars in Texarkana, AR, has filed an appeal in Miller County. The Board heard this case on April 7, 2011. A transcript has been filed with the Court Clerk and he expects to file a motion for Summary Judgment in the near future.

Mr. Lightle announced the next meeting date of August 4, 2011. All business of the Board had been conducted and the meeting adjourned.

Minutes prepared by

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Janis L. Campbell

July 11, 2011