

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**AUGUST 4, 2011**

The Arkansas Tobacco Control Board met on Thursday, August 4, 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, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Mr. Danny Tate, Dr. Laura Sisterhen, Dr. Tommy Wagner, and 1 – Member absent, Ms. Carol Dyer.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the July 7, 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. Kelley Smith, as Court Reporter.

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

### **CONSENT ORDER**

**Case #2008-370 Shane Smith Enterprises, Inc. dba Tobacco Outlet**  
**2008-419**  
**2009-136**  
**2009-137**  
**2009-138**  
**2009-139**

An agreement was reached with Shane Smith Enterprises, Inc. dba Tobacco Outlet. The company was in violation of possessing for sale cigarettes not on the Attorney General’s Approved-For-Sale Tobacco Products Directory, which is in violation of A.C.A. §26-57-1303(c). The respondent was in violation of possessing cigarettes at a retail



There was no one present to represent this business location. A motion was made and approved to postpone this case until the September 1, 2011 meeting date with 5 – Yes votes, 2 – No votes, and 1 – Member 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 July 7, 2011 through August 3, 2011” with 7 – Yes votes and 1 – Member absent.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated August 4, 2011. The listing for Joy Mart was removed since their permit had been revoked in an earlier case and was nolle proc. A motion was made to approve the “Accepted Offers of Settlement” report dated August 4, 2011 with 7 – Yes votes and 1 – Member absent.

Mr. Thomas then called on Mr. Greg Sled to give his update on enforcement activity and merchant education. He reported in Fiscal Year 2011 there were 374 violations out of 5170 checks for a 7.23% compliance rate. In Fiscal Year 2012 we are required to perform 4,000 compliance checks for the Department of Health. In July there were 18 violations out of 352 checks for a rate of 5.11%. There were 58 routine inspections of retail locations. As of this date 139 retail locations have not renewed their Retail Cigarette and Tobacco Permits.

There will be regional merchant education training in Hot Springs on August 2, in Jonesboro on August 10<sup>th</sup>, and in Little Rock on August 25.

Ms. Versinia Gooden, our receptionist, resigned and we will be looking at options to fill that position.

CID was conducting a surveillance of a vehicle, which made a stop at a residence in Beebe. The driver was in possession of untaxed tobacco. He was arrested and charged with a Class C Felony in White County. A 2003 4-Door Jeep registered to the same address as a C-Store in Beebe was seized, along with \$485 in cash. The agency will be seeking a forfeiture for the vehicle and cash.

The Director then asked Dr. Casey Carder, Deputy Director of the FDA program, to address the Board. She reported a new budget for 2012 has been completed and the proposal has been sent to the FDA for review and approval. She should know by September 30<sup>th</sup> if another contract will be awarded. Victoria Barkley Robinett has been hired as an Enforcement Agent to perform Sales to Minors compliance checks around the state. Her start date will be Thursday, August 18<sup>th</sup>.

The Chairman asked for a Court Update. Neither Mr. Arnie Jochums, Assistant Attorney General, nor Mr. Roland Darrow, Staff Attorney, had anything to report.

Mr. Lightle announced the next meeting date of September 1, 2011. All business of the Board had been conducted. A motion was made and approved to adjourn with 7 – Yes votes and 1 – Member absent.

Minutes prepared by

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Janis L. Campbell

August 23, 2011