

ARKANSAS TOBACCO CONTROL MEETING MINUTES

DECEMBER 1, 2011

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

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the November 3, 2011 board meeting minutes. A motion was made and approved with 7 – Yes votes and 1– Member absent.

Mr. Lightle then moved on to the “Accepted Offers of Settlement for Board Approval” report dated December 1, 2011. A motion was made to approve the “Accepted Offers of Settlement for Board Approval” report dated December 1, 2011 with 7 – Yes votes and 1 – member absent.

“Old Business” included a wholesale permit application for Mian Distribution, which was presented to the Board by Mr. Roland Darrow, Staff Attorney. After discussion a motion was made to deny the wholesale application for Mian Distribution with 7 – Yes votes, and 1– Member absent.

The Chairman moved on to “New Business” and “Disciplinary Hearings”. He 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:

Default List

Mr. Darrow presented the Default List dated December 1, 2011. After a roll call, no one was present to represent the business locations listed. He asked for approval of the Default List as submitted, levy the maximum fines on the Sales to Minors cases if payment was not received

at the end of the day. A motion was made and approved to that effect with 7 – Yes votes and 1 – Member absent.

Case #2011-286 Lakeshore Stop & Shop Marion, AR

VIOLATION: §26-57-226 Selling on a revoked permit, \$5,000 fine

Mr. Eddie Wilburn, the owner, was present to represent the business location.

After hearing testimony, a motion was made to find Lakeshore Stop & Shop in violation §26-57-226 Selling on a revoked permit and accept the Director’s recommendation of a \$5,000 fine. The motion was approved with 7 – Yes 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 November 3, 2011 through November 30, 2011” with 7 – Yes votes and 1 – Member absent.

Mr. Darrow presented a wholesale permit application for McLane Ozark, located in Republic, MO. Mr. Cliff Block was in attendance to answer any questions concerning the application. A motion was made and approved to accept the wholesale permit application for McLane Ozark with 7 – Yes votes and 1 – Member absent.

Mr. Thomas then called on Deputy Director Greg Sled to give his update on enforcement activity and merchant education. He discussed a letter received from the Arkansas Department of Health outlining their Year-End-Review of Sales to Minors Compliance Checks per their contract with the Arkansas Tobacco Control. Mr. Sled also showed the Board the

latest draft for counter top mats that will be distributed to retail merchants.

The Director then asked Dr. Casey Carder, Deputy Director of the FDA program, to share her monthly report to the Board. For the month of November there were 250 Sales to Minors Compliance checks and 6 re-checks made. She is in the process of staffing 3 – New positions for the FDA program.

Mr. Thomas discussed a letter received from Secretary of State, Mr. Dustin McDaniel, and a check received for \$107,008.50. Mr. Darrow explained Clem Wholesale requested a continuance to the January 5, 2012 meeting.

The Chairman asked for a Court Update. Mr. Arnie Jochums, Assistant Attorney General, was not in attendance and Mr. Roland Darrow, Staff Attorney, didn't have anything to report.

Mr. Lightle announced the next meeting date of January 5, 2012. 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

Janis L. Campbell

December 21, 2011