



Asa Hutchinson  
Governor

## ARKANSAS TOBACCO CONTROL



Steve Goode  
Director

### BOARD MEETING MINUTES APRIL 2, 2015

The Arkansas Tobacco Control Board met on Thursday, April 2, 2015 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 119. There were 8 – Board members present. Those attending were Mr. Kevin Case, Dr. Shabbir Dharamsey, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle Chairman, Dr. J.J. Lacey Jr., Dr. Brad Mayfield and Mr. Sam Stathakis Jr.

Mr. Lightle began the meeting with a “Welcome” to those attending. He then introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, Steve Goode, ATC Director and Ms. Nicole Hartwick, serving as Court Reporter.

Mr. Lightle asked for a motion to approve the board meeting minutes from February 5th, 2015. The minutes were approved with 8 yes votes.

The default list dated February 5<sup>th</sup>, 2015 was read aloud by Attorney Roland Darrow. The list was approved with 8 yes votes.

The Hearing Officer then opened the Disciplinary Hearings and asked Attorney Roland Darrow, to present the following.

**CONSENT ORDERS**

**Case #2014-354    Town and Country Food Mart    Barling, AR**

The respondent was charged with Possession of Untaxed Tobacco and Failure to Maintain Invoices. The respondent received a fine of \$750 and a 5 day suspension for first violation. The second violation the respondent received a fine of \$250 with a 5 day suspension. In addition, all the confiscated tobacco product in regards to the charges above will be destroyed.

A motion was made to find the respondent guilty of both the above charges. The motion passed with 8 yes votes.

**Case #2014-418    Eastside Liquor Store    Fort Smith, AR**

The respondent was charged with Possession of Untaxed Tobacco. The respondent received a fine of \$4,700 with \$4,200 pending completion of a 1 year probation a 7 day suspension. In addition, all the confiscated tobacco product in regards to the charges above will be destroyed.

A motion was made to find the respondent guilty of both the above charges. The motion passed with 8 yes votes.

**Case #2014-558    Gurdon Shell    Gurdon, AR**

The respondent was charged with Failure to Maintain Invoices and Possession of Untaxed Tobacco. The respondent received a fine of \$300 with a 5 day suspension for the first violation and for the second violation a fine of \$200 with a 5 day suspension. In addition, all the confiscated tobacco product in regards to the charges above will be destroyed.

A motion was made to find the respondent guilty of both the above charges. The motion passed with 8 yes votes.

**Case #2015-13    Alma Travel Mart    Alma, AR**

The respondent was charged with Sales To Minor 2<sup>nd</sup> offense. The respondent received a fine of \$250 and is required to have all employees of Alma Travel Mart attend Arkansas Tobacco Control Merchant Education training for all employees of Alma Travel Mart to be completed within 6 months of April 2, 2015.

A motion was made to find the respondent guilty of the above charge. The motion passed with 8 yes votes.

**Case #2015-064 Doublebee's**

**El Paso, AR**

The respondent was charged with Sales To Minor 2nd offense. The respondent received a fine of \$250 and is required to have all employees of Doublebee's #133 attend Arkansas Tobacco Control Merchant Education training for all employees to be completed within 6 months of April 2, 2015.

Due to this store being owned by the Chairman, Steve Lightle, he respectfully removed himself for the final motion and approval of fines for this store.

A motion was made to find the respondents guilty of the above charges. The motion passed with 7 yes votes.

**FULL HEARINGS**

**Case #2014-279 Curtis Varsity Store**

**Gurdon, AR**

The respondent was charged with Failure to Maintain Invoices, Revocation and Possession of Untaxed Tobacco and Revocation of their retail permit. In addition, all the confiscated tobacco product in regards to the charges above will be destroyed. The respondent failed to appear after being given notice of the proceedings.

A motion was made to find the respondents guilty of the above charges. The motion passed with 8 yes votes.

**LENIENCY HEARINGS**

**Case #2014-730 Miraj Flash Market**

**Greenbrier, AR**

The respondent was charged with Selling On suspended Permit and Permit Not Conspicuously displayed. The respondent received a fine of \$850 with a 3 day suspension. The respondent failed to appear after being given notice of the proceedings.

A motion was made to find the respondents guilty of both the above charges. The motion passed with 8 yes votes.

The respondent was charged with Sales To Minor 3<sup>rd</sup> offense. The respondent received a fine of \$300 and is required to have all employees of Buddy's Quick Stop attend Arkansas Tobacco Control Merchant Education training that is to be completed within 6 months of April 2, 2015. The respondent was present at the proceedings and accepted responsibility for the above violations and fine. In addition, the respondent submitted to the board evidence that they have purchased a driver license scanner to eliminate any future possibilities of selling to a minor.

A motion was made to find the respondent guilty of the above charge. The motion passed with 8 yes votes.

Deputy Director Greg Sled then addressed the Board about the ongoing investigation that the agency is part of in dealing with wholesalers selling untaxed tobacco. He said they are closely watching one in particular in regards to this matter and that the IRS is involved as well.

Director Goode addressed the Board to review and approve the "The New Retail Permits" report dated from February 5<sup>th</sup> through March 4<sup>th</sup>, 2015 and March 4<sup>th</sup> through April 1<sup>th</sup>, 2015. After review, a motion was made to approve both The New Retail Permits. The motion passed with 8 yes votes.

Director Goode then asked the Board to review and approve the "Accepted Offers of Settlement for Board Approval Reports" dated March 5<sup>th</sup>, 2015 and April 2<sup>th</sup>, 2015. After review, a motion was made to approve both Accepted Offers of Settlement Reports. The motion passed with 8 yes votes.

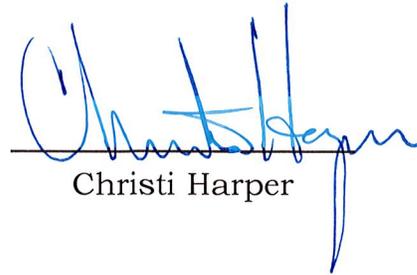
Deputy Director Sled gave a brief update on the Enforcement division activities and a brief on the activities in the FDA Division due to Deputy Director Larry Owen's absence.

Director Goode gave an update concerning the bill for E-Cigarettes. He stated the bill has passed and will go into effect shortly after the end of this year. He then addressed the board to let them know about the new Retail Cigarette and Tobacco permit applications that have been revised to fit a new format. He also added that as of Monday April 6<sup>th</sup>, the agency will be installing credit card machines and the option to pay via credit card and over the phone will be up and running beginning that day.

**ADJOURNMENT**

In closing, Mr. Lightle announced the next Board Meeting will be May 7th, 2015, and then the meeting was adjourned.

Minutes prepared by



Christi Harper

April 7, 2015