

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**APRIL 3, 2014**

The Arkansas Tobacco Control Board met on Thursday, April 3, 2014 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 6 – Board members present. Those attending were Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Dr. J.J. Lacey Jr., Mr. Sam Stathakis Jr. and Dr. Tommy Wagner acting as the Chairman. We had 2 members absent – Dr. Laura Sisterhen and Chairman, Mr. Steve Lightle.

Dr. Wagner began the meeting with a “Welcome” to those attending. He then introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, Ms. Nicole Hartwick, as Court Reporter.

Dr. Wagner asked for a motion to approve the board meeting minutes from February 6, 2014 and March 6, 2014. The minutes were approved with a blanket vote of 6 yes votes and 2 members absent.

Dr. Wagner asked if there was any “Old Business” to discuss which there wasn’t so we moved on to “New Business”.

The default lists dated March 6, 2014 and April 3, 2014 was read aloud by Attorney Roland Darrow and was approved with a blanket vote of 6 yes votes and 2 members absent.

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

### **CONSENT ORDERS**

**Case #2013-552      Permit #4283-03      Cherry Tree Food Mart      Blytheville, AR**

**Violations: §26-57-245      Possession of untaxed tobacco products**  
**§26-57-228      Purchasing tobacco products from an unlicensed dealer**

A consent order was presented to the board for fines levied of \$4,500 plus a 10 day suspension and destruction of the confiscated tobacco product for §26-57-245 and \$500.00 plus a 10 day suspension for §26-57-228. Total fine of \$5000.00 plus 20 days suspension to be served consecutively.

A motion was made to approve the Consent Order as presented with 6 yes votes and 2 members absent.

**Page 2**

**Case #2013-569      Permit #11873-02      Happy Mart      Marianna**

**Violations: §26-57-245      Possession of untaxed tobacco products**  
**§26-57-213      Failure to maintain invoices for 3 years**

A consent order was presented to the board for fines levied of \$3,250.00 plus a 10 day suspension and destruction of the confiscated tobacco product for §26-57-245 and \$250.00 plus a 5 day suspension for §26-57-213. Total fine of \$3500.00 plus 15 days suspension running concurrently.

A motion was made to approve the Consent Order as presented with 5 yes votes, 1 abstention and 2 members absent.

**Case #2013-609      Permit #9379-02      Tobacco World      Mayflower**

**Violations: §5-27-227 (a)(1) Sales to Minor (4<sup>th</sup> offense)**

A consent order was presented to the board for fines levied of \$1500.00, 5 day suspension plus ATC Merchant Education Training for all employees within 6 months.

A motion was made to approve the Consent Order as presented with 6 yes votes and 2 members absent.

**FULL HEARINGS OR BOARD MANDATED**

**Case #2013-340      Permit #8275-05      Liah Food Inc. DBA/Buddy's Get It & Go  
Dermott**

**Violations: §26-57-226 Selling without a permit**

Hearing was continued until May 1 meeting.

**Case #2013-685      Permit #8826-06      ZYN, LLC / T-Ricks      Tuckerman**

**Violations: A.T.C.B. Rule 4.1 No Server awareness form on file**  
**§26-57-245      Possession of untaxed tobacco products**

Hearing was continued until May 1 meeting.

**LENIENCY HEARINGS**

**Case 2014-69      Permit 1093-04                      Sinan LLC                      Pine Bluff**

**Violations: §5-27-227 (a)(1) Sales to Minor (3rd offense)**

Mr. Hussain Farista was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Sinan LLC in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 3rd offense. The board levied a penalty of \$400.00 plus merchant training for employees within 6 months. The motion was approved with 5 yes votes, 1 abstention and 2 members absent.

**Case #2013-592      Permit #11861-01      AJ's Grocery & Deli                      W. Helena**

**Violations: §26-57-235(d)(2) Selling individual cigarettes**

Hearing was continued until May 1 meeting.

**Case #2013-591      Permit #1665-03                      Stop and Shop                      W. Helena**

**Violations: §26-57-235(d)(2) Selling individual cigarettes**

Hearing was continued until May 1 meeting.

The Disciplinary Hearings were concluded and the meeting was turned back over to Acting Chairman, Dr. Wagner. Dr. Wagner ask Director Thomas to present the "New Retail Permits".

The Director, Mr. Thomas asked the Board to review the "New Retail Permits" report dated from February 6, 2014 through April 5, 2014 and approve as submitted. A motion was made to approve with 6 yes votes and 2 members absent.

The Director then asked the Board to review the "Accepted Offers of Settlement for Board Approval" report dated March 6, 2014 and April 3, 2014. A motion was made to approve the "Accepted Offers of Settlement" report with 6 yes votes and 2 members absent.

Mr. Thomas then called on Deputy Director Greg Sled from the Enforcement Division to give his updates of activity for this month.

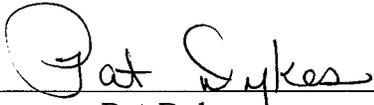
**Page 4**

The Chairman asked for a Court Update. Mr. Mark Ohrenberger, Assistant Attorney General gave a brief update.

ATC Attorney Roland Darrow also gave an update on the court activity report.

The next meeting date will be May 1, 2014. All the board members were in agreement to adjourn.

Minutes prepared by

  
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Pat Dykes

April 16, 2014