

ARKANSAS TOBACCO CONTROL MEETING MINUTES

APRIL 5, 2012

The Arkansas Tobacco Control Board met on Thursday, April 5, 2012 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. Steve Lightle, Dr. J.J. Lacey, Jr., Mr. Danny Tate, Dr. Tommy Wagner, and 2 – Members absent – Mr. John Hauge 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 March 1, 2012 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 wasn’t any “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

Case #2012-019

Flash Market

West Memphis, AR

Mr. Darrow presented the Consent Order to the Board. A motion was made to approve the Consent Order for Flash Market in West Memphis with 6 – Yes votes and 2 – Members absent.

Case #2011-373

Uptown Shop-N-Go

Fort Smith, AR

Mr. Darrow presented the Consent Order to the Board for consideration. A motion was made and approved to accept the Consent Order as

Case #2011-417

Shell Superstop #412 Blytheville, AR

VIOLATION:

§26-57-213

Failure to maintain invoices, 2nd Off, \$1,000 fine and 15-day Suspension of Permit.

§26-57-228

Purchasing from an unlicensed dealer, 2nd offense, \$2,000 fine and 30-day Suspension of Permit.

§26-57-248(a)

Possession of untaxed tobacco, 2nd Off, \$6,400, 15-day Suspension of Permit and Destruction of Confiscated Product.

After testimony was heard, a motion was made to find Shell Superstop #412 in violation of §26-57-213 Failure to maintain invoices, levy a \$1,000 fine, in violation of §26-57-228 Purchasing from an unlicensed dealer, levy a \$2,000 fine, in violation of §26-57-248(a), levy a \$6,400 fine and Destruction of Confiscated Products. This motion was approved with 6 – Yes votes and 2 – Members absent.

A second motion was made and approved for revocation of the retail permit for Shell Superstop #412 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 March 1, 2012 through April 4, 2012” 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 April 5, 2012. A motion was made to approve the “Accepted Offers of Settlement” report dated April 5, 2012 with 6 – Yes votes and 2 – Members absent.

Mr. Thomas then called on Deputy Director Greg Sled to give his update on enforcement activity and merchant education. He reported for the month February there was an 11.01% compliance rate. He gave the board members a graph showing Tobacco Sales to Minors Comparisons by Fiscal Year for 2011 and 2012. There was an April 24th Merchant Education training date scheduled in Hot Springs.

The Criminal Investigation Division participated in a drug bust for Synthetic Marijuana, which is commonly known as K-2 and is illegal to sell or possess in Arkansas. The operation took place in Cabot, Ward and Austin. The law enforcement agencies participating were the Arkansas State Police, Austin Police Department, Cabot Police Department, Lonoke County Sheriff’s Department and Arkansas Tobacco Control.

The Director then asked for the FDA program report. Dr. Casey Carder introduced two new employees, Mr. Ray Owens, the FDA Quality Control Coordinator and Ms. Latasha Reyes, the Administrative Specialist. Dr. Carder also stated 6 new FDA Enforcement Agents will be hired. There were a total of 215 compliance checks performed with 32 having violations.

The Chairman asked for a Court Update. Mr. Arnie Jochums, Assistant Attorney General, didn’t have anything to report. Mr. Darrow, Staff Attorney, is waiting to hear from the Court regarding his request for Hearings concerning Star One Food Mart and Easy Mart both of Forrest City, and Bottle Mart Liquor & Cigars in Texarkana.

Mr. Lightle announced the next meeting date of May 3, 2012. All business of the Board had been conducted. A motion was made and approved to adjourn with 6 – Yes votes and 3 – Members absent.

Minutes prepared by

Janis L. Campbell

April 27, 2012