

APPROVED ARKANSAS TOBACCO CONTROL MEETING MINUTES

FEBRUARY 6, 2014

The Arkansas Tobacco Control Board met on Thursday, February 6, 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 401. There were 7 – Board members present. Those attending were Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Dr. J.J. Lacey Jr., Mr. Sam Stathakis, Jr., Dr. Tommy Wagner and the Chairman, Mr. Lightle. We had 1 member absent – Dr. Laura Sisterhen.

Mr. Lightle 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.

Mr. Lightle asked for a motion to approve the board meeting minutes from October 3, 2013, November 7, 2013, December 5, 2013 & January 9, 2014. The minutes were approved with a blanket vote of 7 yes votes and 1 member absent.

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

The default lists dated November 7, 2013, December 5, 2013, January 9, 2014 and February 6, 2014 was read aloud by Attorney Roland Darrow and was approved with a blanket vote of 6 yes votes and 2 members absent. (Mr. Case had stepped out of the room for a moment.)

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

CONSENT ORDERS

Case #2013-149 Permit #6542-02 Hughes Market Hughes, AR

Violations: §26-57-245	Possession of untaxed tobacco products
§26-57-213	Failure to maintain invoices for 3 years
§26-57-228	Purchasing tobacco products from an unlicensed dealer

A consent order was presented to the board for fines levied of \$3,500.00 plus 5 day suspension and destruction of the confiscated tobacco product for §26-57-245, \$250.00 plus 5 day suspension for §26-57-213 and \$250.00 plus 5 day suspension for §26-57-228. Total fine of \$4000.00 plus 15 days suspension.

A motion was made to approve the Consent Order as presented with 7 yes votes and 1 member absent.

Case #2013-354 Permit #2783-01 Forrest City Grocery Forrest City

Violations: **§4-75-708(b) Rebating**

A consent order was presented to the board for fines levied of \$65,000.00 for the violations of rebating §4-75-708(b).

A motion was made to approve the Consent Order as presented with 7 yes votes and 1 member absent.

FULL HEARINGS OR BOARD MANDATED

Case #2013-589 Permit #10331-01 Walgreens #7718 Fayetteville

Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)

Nathaniel Morris with Walgreens was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Walgreens #7718 in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 4th offense. The board levied a penalty of \$1000.00 plus 2 days suspension plus merchant training for employees within 1 year. The motion was approved with 7 yes votes and 1 member absent.

Case #2013-528 Permit #1153-01 Dodge's Store Clarksville

Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)

Attorney Matt Finch and Dodge Store Area Leader Chris Mullins were present to appear before the board in this matter.

After hearing testimony, a motion was made to find Dodge's Store in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 4th offense. The board levied a penalty of \$1000.00 plus 2 days suspension plus merchant training for employees within 1 year. The motion was approved with 7 yes votes and 1 member absent.

Case #2013-527 Permit #4174-02 Pilot Travel #606 Texarkana

Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)

Kainoa Kauai with Pilot Travel was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Pilot Travel #606 in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 4th offense. The board levied a penalty of \$1000.00 plus 2 days suspension plus merchant training for employees within 1 year. The motion was approved with 7 yes votes and 1 member absent.

Case #2013-548 Permit #5885-02 V Superstop Little Rock

There was no one present to appear before the board for this case.

A motion was made to levy the maximum fine of \$2000 with no suspension due to the store being out of business. The motion was approved with 7 yes votes and 1 member absent.

Wholesale Permits

Nash Finch Company – Sioux Falls, SD

The wholesale application was presented to the board for Nash Finch Company. A motion was made to approve the application. The motion was approved with 5 yes votes, 2 no votes and 1 member absent.

Warehouse Goods Inc. – Boca Raton , FL

The wholesale application was presented to the board for Warehouse Goods Inc. A motion was made to approve the application. The motion was approved with 7 yes votes and 1 member absent.

Skeye Wholesale – Maumee, OH

The wholesale application was presented to the board for Skeye Wholesale. A motion was made to approve the application. The motion was approved with 7 yes votes and 1 member absent.

The Director, Mr. Thomas asked the Board to review the “New Retail Permits” report dated from October 3, 2013 through February 5, 2014 and approve as submitted. A motion was made to approve with 7 yes votes and 1 member absent.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” report dated November 7, 2013, December 5, 2013, January 9, 2014 and February 6, 2014. A motion was made to approve the “Accepted Offers of Settlement” report with 7 yes votes and 1 member absent.

Mr. Thomas then called on Deputy Director Greg Sled from the Enforcement Division and Deputy Director Dr. Casey Rockwell from the FDA Division to give their updates of activity for this month.

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

The board members were ask to approve their expenses for 2014. The motion was approved with 7 yes votes and 1 member absent.

The next meeting date will be March 6, 2014. All the board members were in agreement to adjourn.

Minutes prepared by

Pat Dykes

February 7, 2014