

ARKANSAS TOBACCO CONTROL MEETING MINUTES

JANUARY 5, 2012

The Arkansas Tobacco Control Board met on Thursday, January 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 8 - Board members present – Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Mr. Danny Tate, Dr. Laura Sisterhen and Dr. Tommy Wagner.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the December 1, 2011 board meeting minutes. A motion was made and approved with 8 – Yes votes.

At the beginning of each calendar year, the Board considers approval to continue receiving expenditure reimbursement. A motion was made to approve receiving board member expense reimbursement for calendar year 2012. The motion was approved with 8 – Yes votes.

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

Default List

Mr. Roland Darrow, ATC Staff Attorney, presented the Default List dated January 5, 2012. He stated that the two violations listed under Case #2011-0385 – I-40 Kwik Stop in Palestine, AR, should be deleted as the permit holder had accepted the offer of settlement on that matter. The remaining two entries which concerned Case #2011-0376 also dealt with I-40 Kwik Stop in Palestine, AR. Mr. Darrow stated that the permit holder had indicated that he intended to accept the offered penalty and pay the recommended fine by close of business that day. Mr. Darrow asked to Board to find the permit holder in default but only levy the recommended fines as listed on the Default List, a total of \$300.00, unless the fine was not paid by the end of the business day. If the fine went unpaid, Mr. Darrow requested that the Board increase the penalty for the sale-to-minor

After evidence was presented, a motion was made and approved to find Clem Wholesale in violation of the charges as presented with 8 - Yes votes.

A motion was made to revoke the permit of Clem Wholesale with no monetary fine. The motion failed, as there was not a second to the motion.

A motion was made and approved to revoke the permit of Clem Wholesale and levy a monetary fine of \$150,000 with 7 – Yes votes and 1 – No vote.

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 December 1, 2011 through January 4, 2012” with 8 – Yes votes.

Mr. Roland Darrow, Staff Attorney, presented the Wholesale Permit Application for Long Wholesale in Meridian, MS. A motion was made to approve the wholesale permit application for Long Wholesale in Meridian, MS. The motion passed with 8 – Yes votes.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated January 5, 2012. A motion was made to approve the “Accepted Offers of Settlement” report dated January 5, 2012 with 8 – Yes votes.

Mr. Thomas then called on Deputy Director Greg Sled to give his update on enforcement activity and merchant education. Mr. Sled reported there were 362 checks this last month of retail locations with 34 violations. There were no merchant education classes scheduled for January but there would be individual store training sessions.

Mr. Sled then introduced Mr. Terry Wilkins, who was hired to fill the open agent position in the Criminal Investigation Division. He comes to the agency with 30 years of police department experience.

Director Thomas then asked Dr. Casey Carder, Deputy Director of the FDA program, to share her monthly report to the Board. She reported the violation rate is down to 9% for retail store locations. There were only 2 violations that exceeded the Warning level. A new employee has been hired for Little Rock and she will be filling three (3) new positions.

The Chairman asked for a Court Update. Mr. Arnie Jochums, Assistant Attorney General, had nothing to report. Mr. Darrow stated Star One Food Mart in Forrest City and Easy Mart in Forrest City had appealed the Board's decisions in their cases, which were heard at the November 3, 2011 meeting. The record of the proceedings, as well as the response to the petitions, has been filed.

Mr. Lightle announced the next meeting date of February 2, 2012. All business of the Board had been conducted. A motion was made and approved to adjourn with 8 – Yes votes.

Minutes prepared by

Janis L. Campbell

February 15, 2012