

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**JUNE 5, 2014**

The Arkansas Tobacco Control Board met on Thursday, June 5, 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, Dr. J.J. Lacey Jr., Chairman Mr. Steve Lightle, Mr. Sam Stathakis Jr. and Dr. Tommy Wagner. We had 2 members absent – Dr. Laura Sisterhen and Mr. John Hauge.

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 April 3, 2014. The minutes were approved with a blanket vote of 6 yes votes and 2 members absent. Minutes for the May 1<sup>st</sup>, 2014 meeting were also approved with 6 yes votes and 2 members 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 list dated June 5, 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 #2013-340      Permit #8275-05      Liah Food, Inc.      Dermott, AR**

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

A consent order was presented to the board for fines levied of \$2,500.

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

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**Case #2014-87      Permit #6283-02      Sultan, Inc.      Ward**

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

A consent order was presented to the board for fines levied of \$2,000.00 plus a 30 day suspension & ATC Merchant Education Training class for all employees within six months of date of this order. Also permit is hereby revoked with revocation being held in abeyance pending successful completion of 365 day of probation beginning the date of this order being approved.

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 #2014-57      Permit #1065-02      Big Jims / Big Red      White Hall**

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

Testimony was heard from the owner Benjamin Jones and a motion was made to find Big Jims / Big Red in violation of §5-27-227. A fine was levied of \$400 plus 2 day suspension plus merchant training for all employee's within 6 months.

The motion was approved with 6 yes votes and 2 members absent.

**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**

Was delayed until later in the meeting waiting on their arrival.

**Case #2014-352      Permit #2719-02      Qattoum Inc.      N. Little Rock**

Attorney Ms. Sonia Eileen Fonticiella Rios was present along with Yousef Qattoum requesting FY2014 permit to be issued that will expire on 6/30/14 in order for Mr. Qattoum to sell the business. A motion was made to approve the permit with 6 yes votes and 2 members absent.

**LENIENCY HEARINGS**

**Case 2013-592 Permit 11861-01 A J's Grocery West Helena**

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

Mr. Kahid Alqurshi- Owner and Mr. Isaac Wilburn - Bookkeeper were present to appear before the board in this matter.

After hearing testimony, a motion was made to find A J's Grocery in violation of §26-57-235. The board levied a penalty of \$1000.00 plus 30 days suspension plus merchant training for employees within 6 months. The motion was approved with 6 yes votes and 2 members absent.

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

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

Mr. Kahid Alqurshi- Owner and Mr. Isaac Wilburn - Bookkeeper were present to appear before the board in this matter.

After hearing testimony, a motion was made to find Stop and Shop in violation of §26-57-235. The board levied a penalty of \$1000.00 plus 30 days suspension plus merchant training for employees within 6 months. The motion was approved with 6 yes votes and 2 members absent.

**Case #2014-164 Permit #11936-01 GES Inc. DBA Food Giant #3444 Bryant**

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

Mr. Lloyd Brown – store manager and Mr. Gary Profit – Vice President of GES, Inc. were present to appear before the board in this matter. After hearing testimony a motion was made to find Food Giant #3444 in violation of §5-27-227. A fine was levied of \$400 plus merchant training for all employee's within 6 months. A 2 day suspension will be held in abeyance for a 1 year probation period. Also requested to be added to our approved training program.

The motion was approved with 6 yes votes and 2 members absent.

**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**  
**§26-57-213                            Failure to maintain invoices for 3 years**

Respondents failed to appear. Agent Scifries gave testimony and fine was levied at \$100 for ATCB Rule 4.1, \$2350 plus 10 days suspension for §26-57-245 and \$500 plus 5 days for §26-57-213. A total fine of \$2950.00 plus 15 days suspension.

A motion was approved with 6 yes votes and 2 members absent.

**Case #2014-187 and 2014-288      Permit #7844-04    Wishbones General Store**

**Violations: §5-27-227 (a)(1)    Sales to Minor (3rd offense)**  
**§5-27-227 (a)(1)    Sales to Minor (4th offense)**

The owners Mr. Julian McKinney and Mrs. Betty McKinney were present to appear before the board in this matter. After testimony was given a fine was levied for \$500 for the 3<sup>rd</sup> offense and \$750 plus merchant training for all employees within the next 6 months for the 4<sup>th</sup> offense. A total of \$1250 and merchant training. A motion was approved with 5 yes votes, 1 abstention, and 2 members absent.

The Disciplinary Hearings were concluded and the meeting was turned back over to Chairman, Mr. Steve Lightle.

The Board was ask to review the "Use & Benefit Order" that was in their packet and it was approved with 6 yes votes and 2 members absent.

The Board was then presented with 2 Wholesale applications for review requesting a permit for new ownership. Wholesalers were Merchants Wholesale Grocer and SCC Inc. DBA Warehouse Distributors. Super Food Services out of Lima, Ohio's application for a Wholesale Permit was also approved with 6 yes votes and 2 members absent.

The Director, Mr. Thomas asked the Board to review the "New Retail Permits" report dated from April 3, 2014 through June 4, 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 May 1, 2014. A motion was made to approve the "Accepted Offers of Settlement" report with 6 yes votes and 2 members absent. In a separate vote they also approved the "Accepted Offers of Settlement for Board Approval" report dated June 5, 2014 with 6 yes votes and 2 members absent.

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Director Thomas informed the board that they were approved to receive a \$60 Stipend which they did accept with 6 yes votes and 2 members absent.

The next meeting date was discussed and a decision was made to skip July's meeting due to the 4<sup>th</sup> of July Holiday so the next meeting will be August 7, 2014. All the board members were in agreement to adjourn.

Minutes prepared by

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Pat Dykes

June 9, 2014