

ARKANSAS TOBACCO CONTROL MEETING MINUTES

JUNE 7, 2012

The Arkansas Tobacco Control Board met on Thursday, June 7, 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 7 - 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 1 - Member absent – 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 May 3, 2012 board meeting minutes. A motion was made and approved with 7 - Yes votes and 1- Member 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:

Default List

Mr. Roland Darrow, Staff Attorney, made a roll call of the names listed on the Default Judgments for Board Approval list dated June 7, 2012. No one answered as being present. Mr. Darrow asked the Board to approve the list as presented and issue the maximum fines on each case. A motion was made to that effect and approved with 7 - Yes votes and 1 - Member absent.

Consent Order

**Case #2012-087
Fenny's
Fort Smith, AR**

Mr. Darrow presented the Consent Order to the Board. A motion was made and approved to accept the Consent Order for Fenny's of Fort Smith as presented with 7 – Yes votes and 1 – Member absent.

Case #2012-064 North Little Rock Corner Store NLR, AR

VIOLATION: **§26-57-235(d)(1) Cigarettes not in 20 or 25 count pkgs., \$1,000 & 10 days suspension of permit.**

§26-57-235(d)(2) Selling individual cigarettes, 3-counts, \$1,000 & 30 days Suspension of permit per each count.

Mr. Kadiruddin Gilani, the owner, was present to represent the business location.

After testimony, a motion was made and approved to find North Little Rock Corner Store in violation of §26-57-235(d)(1) Cigarettes not in 20 or 25 count packages, issued a \$1,000 fine and 10-day suspension of permit, in violation of §26-57-235(d)(2) 3 counts of Selling individual cigarettes, issued a fine of \$1,000 and 30 – day suspension of permit per count making a total fine of \$4,000 and 100 day suspension of permit and destruction of confiscated product. This motion was approved with 7 – Yes votes and 1 – Member absent.

Case #2012-077

Jordan's Kwik Stop #7

Newport, AR

VIOLATION:

**§5-27-227(a)(1) Selling to a minor, 3rd Off
\$400 fine & 2-day
suspension of permit and
mandatory training.**

Mr. Jackie McClure and Mr. Andy McClure, owners, were present to appear before the board.

After hearing testimony, a motion was made and approved to find Jordan's Kwik Stop #7 in violation of §5-27-227(a)(1) Selling to a minor, issued a \$400 fine and 2 – day suspension of permit with 6 – Yes votes, 1 – No vote and 1 – Member absent.

Snappy Mart #12 and College Station

Mr. Mustafa Tabr along with his Attorney Mr. Skip Davidson appeared before the Board requesting retail permits be granted for Snappy Mart #12 and College Station both of Mountain Home, AR.

After hearing testimony, a motion was made and approved to grant retail permits to Snappy Mart #12 and College Station with 7 – Yes votes and 1 – Member 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 May 3, 2012 through June 6, 2012” 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 June 7, 2012. A motion was made to approve the “Accepted Offers of Settlement” report dated June 7, 2012 with 7 – Yes votes and 1 – Member absent.

Mr. Thomas then called on Deputy Director Greg Sled to give his update on enforcement activity and merchant education. He reported there were 172 routine investigations in May with a 12.69% violation rate. Task Force operations were performed in St. Francis and Crittenden Counties with 40% of the stores checked being in violation. A regional training session was scheduled for Forrest City on June 14th.

The Director then asked for the FDA program report. During the month of May there was a violation rate of 8.07%. Two agents have left the program and ads will be run in the North West and Central areas of the state to replace these vacant positions.

The Chairman asked for a Court Update. It was announced Mr. Arnie Jochums, Assistant Attorney General, will be retiring as of the 29th of June. He has worked with the agency and Board for the last 5 ½ years.

Mr. Darrow, Staff Attorney, reported the Bottle House appeal is under review. The appeals for Star One Food Mart and Easy Mart in Forrest City are under advisement. There is no activity on Clem Wholesale. There is a Hearing on the Motion for Stay of Revocation for Shell Superstop in Blytheville.

A decision was made by the Board not to meet in July. All business of the Board would be moved to the August 2, 2012 meeting. A motion was made and approved to adjourn with 7 – Yes votes and 1 – Member absent.

Minutes prepared by

Janis L. Campbell

June 29, 2012