

ARKANSAS TOBACCO CONTROL MEETING MINUTES

MARCH 1, 2012

The Arkansas Tobacco Control Board met on Thursday, March 1, 2011 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 5 - Board members present –Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Dr. Laura Sisterhen, Dr. Tommy Wagner, and 3 – Members absent – Mr. Kevin Case, Ms. Carol Dyer, and Mr. Danny Tate.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the January 5, 2012 and February 2, 2012 board meeting minutes. A motion was made and approved with 5 – Yes votes and 3– 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:

Default List

Mr. Roland Darrow, Staff Attorney, read off the Default List with no one responding as being present. He asked the Board to find those cases in default and issue the maximum fine on the Sales to Minors cases as listed. A motion was made to that effect and approved with 5 – Yes votes and 3 – Members absent.

Consent Orders

**Case #2011-344
Diamond Wholesale
Van Buren, AR**

The agency received a request to reconsider a previous Consent Order that was approved by the Board at the January 5, 2012 meeting. A motion was made and approved to not reconsider the Consent Order decision for Diamond Wholesale with 5 – Yes votes and 3 – Members absent.

**Case #2011-378
Bottle Heads Booze
Kingsland, AR**

Mr. Darrow presented the Consent Order to the Board for consideration. A motion was made and approved to accept the Consent Order as presented with 5 – Yes votes and 3 – Members absent.

**Case #2011-354
Garfield Bus Stop
Garfield, AR**

Mr. Darrow also presented this Consent order for the Board's consideration. A motion was made and approved to accept the Consent Order as presented with 5- Yes votes and 3 – Members absent.

Case #2011-412 Shell Superstop #34 Little Rock, AR

VIOLATION: §5-27-227(a)(1) Selling single cigarettes, 3rd Offense, \$400 fine and 2-day suspension, Merchant education for all employees within 6 months.

Mr. Prabhu Govindarajulu, the owner, was present to represent the business location. After testimony, a motion was made and approved to find Shell Superstop #34 in violation of §5-27-227(a)(1) Selling to a

Minor, issued a \$400 fine and 2-day suspension of permit and all employees must attend ATC merchant education within 6 months. This was approved with 5 – Yes votes and 3 – 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 January 5, 2012 through February 29, 2012” with 5 – Yes votes and 3 – Members absent.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated February 2, 2012 and March 1, 2012. A motion was made to approve the “Accepted Offers of Settlement” report dated March 1, 2012 with 5 – Yes votes and 3 – Members absent.

Mr. Thomas then called on Deputy Director Greg Sled to give his update on enforcement activity and merchant education. He reported there have been 2600 inspections for the year to date for a 7.4% compliance rate. There would be merchant education on March 15th in Bentonville and on March 27th in North Little Rock. The agency would be participating in a trade show on March 1st with Coulson Oil Company and March 29th & 30th with the Arkansas Oil Marketers. On January 27th through 29th the agency performed a Task Force in West Memphis finding 33% of the store locations checked had untaxed tobacco.

The Director then asked for the FDA program report. Filling in for Dr. Casey Carder was Mr. Ray Owens, FDA Coordinator, who gave the report on her behalf. Since January 1st there had been 493 inspections, 453 of those were closed and 40 were still pending. There were 42 violations in the state out of the 493 checks. He also reported the FDA has a web-site now set up for the retailers and wholesalers to use for informational purposes.

The Chairman asked for a Court Update. Mr. Arnie Jochums, Assistant Attorney General, didn’t have anything to report. Mr. Darrow, Staff Attorney, reported Clem Wholesale has appealed the Board’s decision and they have filed a petition for Judicial Review. He will be requesting a Hearing before the Court on Star One Food Mart and Easy Mart both in Forrest City, and Bottle Mart Liquor & Cigars in Texarkana.

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Mr. Lightle announced the next meeting date of April 5, 2012. All business of the Board had been conducted. A motion was made and approved to adjourn with 5 – Yes votes and 3 – Members absent.

Minutes prepared by

Janis L. Campbell

March 30, 2012