

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**MAY 2, 2013**

The Arkansas Tobacco Control Board met on Thursday, May 2, 2013 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., Dr. Laura Sisterhen, Dr. Tommy Wagner, and the Chairman, Mr. Lightle, with 1 - Member absent - Mr. Danny Tate.

Mr. Lightle began the meeting with a "Welcome" to those attending. He then asked for a motion to approve the March 7, 2013 and the April 4, 2013 board meeting minutes. The minutes were approved with 7 - Yes votes and 1 - Member absent.

Mr. Lightle then moved on to "New Business", as there wasn't any "Old Business" to address. He introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, and Ms. Lydia Heroman, as Court Reporter.

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

### **Consent Orders**

**Case #2012-94                      Fourche Valley Tobacco                      Perryville, AR**

A motion was made to approve the Consent Order as presented with 7 - Yes votes and 1 - Member absent.

**Case #2012-249                      Nasco Business, Inc.                      Dumas, AR**

A motion was made to approve the Consent Order as presented with 7 - Yes votes and 1 - Member absent.

**Case #2013-74**

**Mapco Express #3059**

**Conway, AR**

**VIOLATION:**

**§5-27-227(a)(1)**

**Selling cigarettes to a  
minor, 4<sup>th</sup> Offense, No  
recommended penalty.**

Mr. Mathew DeSmit, the Store Manager was present to appear before the Board in this matter.

After hearing testimony, a motion was made to find Mapco Express #3059 in violation of §5-27-227(a)(1) Selling cigarettes to a minor and levy a \$1,000 fine. The motion was approved with 6 – Yes votes, 1 – No vote and 1 - Member absent.

The Disciplinary Hearings were concluded and Mr. Kirkpatrick turned the meeting back over to the Chairman.

Mr. Lightle then presented a retirement award to Ms. Janis Campbell for her 21 years of service working for the state with 17 of those years working for Arkansas Tobacco Control. She retired on May 1, 2013.

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 Permits” report and approve as submitted. A motion was made to approve the “New Retail Permits Issued” list dated March 7, 2013 through May 1, 2013 as submitted with 7 – Yes votes and 1 – Member absent.

Mr. Darrow presented a wholesale permit change of ownership to the Board for Bates Distributing Company out of Russellville, AR and asked for it to be reviewed, as all the requirements of the application had been met. A motion was made to that effect and approved with 7 – Yes votes and 1 – member absent.

Mr. Darrow presented a Wholesale Cigarette & Tobacco permit application to the Board for Shallya Wholesale Distributing LLC out of Benton, AR and asked for approval, as all the requirements of the application had been met. A motion was made to that effect and approved with 5 – Yes votes, 2 – No votes and 1 – member absent.

The Director then asked the Board to review the "Accepted Offers of Settlement for Board Approval" reports dated April 4, 2013 and May 2, 2013. A motion was made to approve the "Accepted Offers of Settlement" reports 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. Mr. Sled stated there were 707 checks in March and 576 checks done in April which leaves a violation rate of 9.1% for this fiscal year. We also have one merchant training class scheduled for May 15<sup>th</sup>, 2013 in Searcy.

Mr. Sled also reported that renewal season has started with 98 permits being renewed on-line on the first day.

Mr. Sled then introduced to the board 2 new employees that have started working in our agency within the last 2 months. Charles Pittman is our new Auditor Investigator and David Potter is our new CID Supervisor. Jim Massie has transferred to the CID division and Charlie Beall has transferred to the enforcement division.

The Director then asked for the FDA program report. Dr. Casey Carder reported there were 20 potential violations with 18 undercover buys and 2 advertising and labeling. Their compliance rate was 10.93% this past month. She has 2 open positions for enforcement agents.

The Chairman asked for a Court Update. Mr. Mark Obrenberger, Assistant Attorney General, didn't have anything to report.

Attorney Roland Darrow gave a report on the legislative updates for changes on several acts that will affect our agency.

A decision was made to not have a board meeting for the month of July since the 1<sup>st</sup> Thursday will be the 4<sup>th</sup> of July with the exception of any emergencies that might arise.

The next meeting date will be June 6, 2013. All the board members were in agreement to adjourn.

Minutes prepared by

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Pat Dykes

May 3, 2013