

ARKANSAS TOBACCO CONTROL MEETING MINUTES

MAY 3, 2012

The Arkansas Tobacco Control Board met on Thursday, May 3, 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 6 - Board members present –Mr. Kevin Case, with Mr. Case leaving early, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey Jr., Dr. Lacey arrived after the meeting began, Dr. Tommy Wagner, and 2 – Members absent – Mr. Danny Tate and Dr. Laura Sisterhen.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the April 5, 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. Kristy Rooney, as Court Reporter.

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

Consent Order

Case #2012-029
7th Street Food Market
West Memphis, AR

Mr. Darrow presented the Consent Order to the Board. A motion was made to approve the Consent Order for 7th Street Food Market in West Memphis with 5 – Yes votes and 3 – Members absent.

tobacco, issue a \$500 fine and destruction of confiscated product, §26-57-213 Failure to maintain invoices, issue a \$100 fine, §26-57-228 Purchasing from an unlicensed dealer, issue a \$100 fine, and dismiss the violation for R & R 4.1 No server awareness form. The motion failed as there were 4 – Yes votes, 1 – No vote, 1 – Abstention and 2 – Members absent.

A second motion was made and approved to find Redlight Market guilty of all charges with no fine being levied because of circumstances and destruction of confiscated product with 5 – Yes votes, 1 – Abstention and 2 – Members absent.

Petition for Reconsideration

At the April 5, 2012 board meeting, Case #2011-417 Shell Superstop #412 in Blytheville, AR came before the Board. Mr. Waqar Salim, the owner, requested a Petition for Reconsideration. He along with his Attorney, Mr. James Harris, came before the Board at the May 3, 2012 meeting. A motion was made and approved to not reconsider the board's earlier decision with 5 – Yes votes, 1 – No vote and 2 – 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 April 5, 2012 through May 2, 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” report dated May 3, 2012. A motion was made to approve the “Accepted Offers of Settlement” report dated May 3, 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 were 150 checks, 13 violations with a violation rate of 7.71%. He was working on the FY2013 budget and negotiating with the Department of Health. The agency was offering Online FY2013 permit renewals for the first time

this year. Fines can also be paid by this method. The reception area in the agency office was being changed and would be completed by the June meeting. Merchant education training was being offered on May 8th in Murphysboro and again on May 31st in Harrison.

The Director then asked for the FDA program report. Dr. Casey Carder stated there are 6 FDA Enforcement Agents in the field and the FDA program is now fully staffed. There were a total of 137 compliance checks performed with 18 violations.

The Chairman asked for a Court Update. Mr. Arnie Jochums, Assistant Attorney General, didn't have anything to report. Mr. Darrow, Staff Attorney, has requested Hearings on the two appeals for Star One Food Mart and Easy Mart in Forrest City. There has been no activity for Clem Wholesale since their appeal was filed.

Mr. Lightle announced the next meeting date of June 7, 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

May 1, 2012