



## ARKANSAS TOBACCO CONTROL

101 E. Capitol Ave., Suite 401

Little Rock, AR 72201

Phone: 501-682-9756

Fax: 501-682-9760

Web Address: <http://www.atc.ar.gov>



Asa Hutchinson  
Governor

Steve Goode  
Director

### BOARD MEETING MINUTES MAY 7, 2015

The Arkansas Tobacco Control Board met on Thursday, May 7, 2015 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 8 – Board members present. Those attending were Mr. Kevin Case, Dr. Shabbir Dharamsey, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle Chairman, Dr. J.J. Lacey Jr., Dr. Brad Mayfield and Mr. Sam Stathakis Jr.

Mr. Lightle began the meeting with a “Welcome” to those attending. He then introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, Ms. Sarah Farris with the Attorney General’s Office and Mrs. Lydia Williams-Heroman serving as Court Reporter.

Mr. Lightle asked for a motion to approve the board meeting minutes from April 2th, 2015. The minutes were approved with 8 yes votes.

The there was no Defaulted List for this month.

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

## **CONSENT ORDERS**

**Case #2014-512     Five Star Convenience**

**McGhee, AR**

The respondent was charged with Possession of Untaxed Tobacco, Failure to Maintain Invoices and No Server Awareness Forms. The respondent received a fine of \$4400 and a 10 day suspension for the first violation. The second violation the respondent received a fine of \$500 with a 5 day suspension. For the third violation they received a fine of \$100. The suspension days are to be served concurrently. In addition, all the confiscated tobacco product in regards to the charges above will be destroyed. Total of \$5000 and 10 days suspension.

A motion was made to find the respondent guilty of both the above charges. The motion passed with 8 yes votes.

**Case #2014-549     Brar & Son, Inc. BDA Stop & Go 102**

**Rogers, AR**

The respondent was charged with Possession of Untaxed Tobacco, Purchasing from an Unlicensed Dealer and Failure to Maintain Invoices. The respondent received a fine of \$7000 plus a 10 day suspension for the first offense, a \$250 fine plus a 5 day suspension for the second and a \$250 fine plus a 5 day suspension for the third offense. The suspension days are to be served concurrently. In addition, all the confiscated tobacco product in regards to the charges above will be destroyed. Total of \$7,500 fine and 10 days suspension.

A motion was made to find the respondent guilty of both the above charges. The motion passed with 8 yes votes.

**Case #2015-93     Eden's Quick Check**

**Bradford, AR**

The respondent was charged with Sales to Minor 2<sup>nd</sup> offense violation. The respondent received a fine of \$250 and all employees are required to attend Arkansas Tobacco Control Merchant Training within 6 months of May 7, 2015.

A motion was made to find the respondent guilty of both the above charges. The motion passed with 8 yes votes.

The respondent was charged with Sales to Minor 2<sup>nd</sup> offense violation. The respondent received a fine of \$250 and is required to have all employees attend Arkansas Tobacco Control Merchant Training within 6 months of May 7, 2015.

A motion was made to find the respondent guilty of the above charge. The motion passed with 8 yes votes.

**Opinion No. 2015-001**

Attorney Roland Darrow presented the Director's opinion in response to the request by Merchants Wholesale Grocer, Inc. concerning its proposed retail marketing plan and whether it complied with the Unfair Cigarette Sales Act. The opinion stated in essence that it was impossible to render an opinion as any determination was extremely fact dependent based on the mix of non-cigarette items a rebate was extended on to a retailer who also purchased cigarettes from Merchants Wholesale Grocer, Inc. and the amount of the rebate and without that specific information, it was impossible to judge whether or not the rebate would violate the combination sale statute.

A motion was made to approve and adopt the Director's opinion and it passed with 8 yes votes.

Director Goode addressed the Board to review and approve the "The New Retail Permits" report dated from April 2<sup>nd</sup> through May 6<sup>th</sup>, 2015. After review, a motion was made to approve The New Retail Permits. The motion passed with 8 yes votes.

Director Goode then asked the Board to review and approve the "Accepted Offers of Settlement for Board Approval Reports" dated May 7<sup>th</sup>, 2015. After review, a motion was made to approve the Accepted Offers of Settlement Reports. The motion passed with 8 yes votes.

Deputy Director Sled gave a brief update on the Enforcement division activities and Deputy Director Larry Owens gave a brief on the activities in the FDA Division.

**ADJOURNMENT**

In closing, Mr. Lightle announced the next Board Meeting will be June 4th, 2015, and then the meeting was adjourned.

Minutes prepared by

*Christi Harper*

May 28, 2015

Christi Harper