

ARKANSAS TOBACCO CONTROL MEETING MINUTES

NOVEMBER 6, 2014

The Arkansas Tobacco Control Board met on Thursday, November 6, 2014 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 5 – Board members present. Those attending were Mr. Kevin Case, Dr. Shabbir Dharamsey, Ms. Carol Dyer, Mr. John Hauge, Dr. J.J. Lacey Jr., Chairman Mr. Steve Lightle. We had 1 member absent – 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. Nicole Hartwick, serving as Court Reporter.

Mr. Lightle asked for a motion to approve the board meeting minutes from September 4th, 2014. The minutes were approved with a blanket vote of 6 yes votes, 1 member absent and 1 open position. Confirmation of the canceled meeting for the October 2rd, 2014 meeting was also approved with 6 yes votes, 1 member absent and 1 open position.

The default list dated October 2nd and also another dated November 6th, 2014 were read aloud by Attorney Roland Darrow. Both were approved with a voice vote of 6 yes votes, 1 member absent and 1 open position.

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

CONSENT ORDERS

Case #2014-471 Permit 10195-01 Circle N. Exxon Mariana, AR

Violations: §5-27-227 (a)(1) Sales to Minor (2nd offense)

A consent order was presented to the board levying a fine of \$250 and requiring that all store employees must attend ATC Merchant Education Training within six (6) months.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

Case #2014-408 Permit #4834-03 Valley Exxon Caddo Valley, AR
Violations: §5-27-227 (a)(1) Sales to Minor (2nd offense)

A consent order was presented to the board levying a fine of \$250 and requiring that all store employees must attend ATC Merchant Education Training within 6 months.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

Case #2013-678 Permit #0537-08 Bull Market West Memphis, AR
Violations: §26-57-335 (d)(2) Selling Individual Cigarettes

A consent order was presented to the board levying a fine of \$1,000 and imposing a 14 day suspension.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

Case #2013-681 Permit #0554-05 7th Street Food Mart West Memphis, AR
Violations: §26-57-335 (d)(2) Selling Individual Cigarettes

A consent order was presented to the board levying a fine of \$1,000 and imposing a 14 day suspension.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

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**Case #2013-680 Permit #4380-01 The Fadel Corp. West Memphis, AR
Violations: §26-57-335 (d)(2) Selling Individual Cigarettes**

A consent order was presented to the board levying a fine of \$1,000 and imposing a 14 day suspension.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

**Case #2013-679 Permit #0549-02 Ingram Blvd. Citgo West Memphis, AR
Violations: §26-57-335 (d)(2) Selling Individual Cigarettes**

A consent order was presented to the board levying a fine of \$1,000 and imposing a 14 day suspension.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

**Case #2014-533 Permit #01123-01 Brookshire Food Store Pine Bluff, AR
Violations: §5-27-227 (a)(1) Sales to Minor (2nd offense)**

A consent order was presented to the board levying a fine of \$250 and requiring that all employees must attend ATC Merchant Education Training within 6 months.

A motion was made to approve the Consent Order as presented with 6 yes votes, 1 member absent and 1 open position.

FULL HEARING

**Case #2014-311 Permit #03295-02 ASY Enterprises LLC Russellville, AR
Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)**

Attorney Roland Darrow was contacted by the respondent prior to the meeting. The respondent wanted to change his plea and accepted the offer from the Director. Mr. Darrow allowed this and informed the Board that the case would be on the "Accepted Offers of Settlement for Board Approval" list next month.

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The Disciplinary Hearings were concluded and the meeting was turned back over to the Chairman, Mr. Steve Lightle.

Director Thomas asked the Board to review the “The New Retail Permits” report dated from September 4th through November 5th, 2014 and approve as submitted. A motion was made to approve with 6 yes votes, 1 member absent and 1 open position.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated October 2nd and November 6th, 2014. A separate motion was made on each report to approve the “Accepted Offers of Settlement” reports. Each motion passed with 6 yes votes, 1 member absent and 1 open position.

Deputy Director Sled gave a brief update on the Sales to Minor division activities. He then gave a introduction of the two newest employees Chris Crary, CID Agent and Christi Harper, Administrative Specialist welcoming them to the agency.

Deputy Director Owens gave a brief on the activities on the FDA Division.

Director Thomas gave a brief update concerning rule making and the new constitutional amendment that will take effect this next legislative session. He then addressed Attorney General Mark Orenberger and asked for him to further explain the new amendment.

Director Thomas informed the board of the new merchant training that will be available via website for all merchants. He went on to add that he is not sure when this will be in effect or when the website will be available.

In closing, Attorney Roland Darrow presented the board with the option of postponing the January 1st board meeting due to it falling on a holiday. A motion was made to cancel the January 1st meeting and passed with 6 yes votes, 1 member absent and 1 open position.

Mr. Lightle announced the next Board Meeting will be December 4th, 2014 and today’s meeting was adjourned.

Minutes prepared by

Christi Harper

November 7, 2014