

APPROVED ARKANSAS TOBACCO CONTROL MEETING MINUTES

OCTOBER 3, 2013

The Arkansas Tobacco Control Board met on Thursday, October 3, 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 6 – Board members present with Dr. Wagner arriving shortly after the meeting began. Those attending were Mr. John Hauge, Dr. J.J. Lacey Jr., Mr. Sam Stathakis, Jr., Dr. Laura Sisterhen, Dr. Tommy Wagner and the Chairman, Mr. Lightle. We had 2 members absent – Mr. Kevin Case & Ms. Carol Dyer.

Mr. Lightle began the meeting with a “Welcome” to those attending. He then introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, Ms. Lydia Heroman, as Court Reporter.

Mr. Lightle asked for a motion to approve the September 5, 2013 board meeting minutes. The minutes were approved with a blanket vote of 5 yes votes and 3 members absent.

Mr. Lightle asked if there was any “Old Business” to discuss which there wasn’t so we moved on to “New Business”.

The default list dated October 3, 2013 was read aloud by Attorney Roland Darrow and was approved with a blanket vote of 6 yes votes and 2 members absent.

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

FULL HEARINGS OR BOARD MANDATED

Case #2013-337 Permit #5653-02 Flash Market #388 Gassville

Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)

Thomas Martin, operations manager of corporate office was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Flash Market #388 in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 4th offense. The board levied a penalty of \$1000.00 plus 7 days suspension plus merchant training for employees. The motion was approved with 6 yes votes and 2 members absent.

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Case 2013-270 - Skippy's Food Mart and **Case 2013-471 Borderline Enterprises** were both continued until the November meeting.

Case #2013-302 Permit #6629-01 Pilot Travel Center #145 Springdale

Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)

Luke Fields, General Manager and Mike Payne, Regional Manager were present to appear before the board in this matter.

After hearing testimony, a motion was made to find Pilot Travel Center #145 in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 4th offense. The board levied a penalty of \$1000.00 plus 7 days suspension plus merchant training for employees. The motion was approved with 6 yes votes and 2 members absent.

Case #2013-310 Permit #11052-01 Flash Market #383 Choctaw

Violations: §5-27-227 (a)(1) Sales to Minor (4th offense)

Thomas Martin, Operations Manager from corporate office was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Flash Market #383 in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 4th offense. The board levied a penalty of \$1000.00 plus 7 days suspension plus merchant training for employees. The motion was approved with 6 yes votes and 2 members absent.

LENIENCY HEARINGS

Case #2013-282 Permit #8048-02 Tobacco Warehouse #8 Batesville

Violations: §5-27-227 (a)(1) Sales to Minor (3rd offense)

James Mathew Lafitte was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Tobacco Warehouse #8 in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 3rd offense. The Board levied a penalty of \$400 plus 2 days suspension plus merchant training for their employees. The motion was approved with 6 yes votes and 2 members absent.

Case #2013-332 Permit #3850-01 Midtown Liquor Store Mountain Home

Violations: §5-27-227 (a)(1) Sales to Minor (3rd offense)

John Simmons, owner was present to appear before the board in this matter. After hearing testimony, a motion was made to find Midtown Liquor Store in violation of §5-27-227 (a)(1) - selling tobacco to a minor for their 3rd offense. The Board levied a penalty of \$400 plus merchant training for their employees. The motion was approved 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 asked 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 dated from September 4 through October 2, 2013 and approve as submitted. A motion was made to approve with 6 yes votes and 2 members absent.

The Director then asked the Board to review the "Accepted Offers of Settlement for Board Approval" report dated October 3, 2013. A motion was made to approve the "Accepted Offers of Settlement" report with 6 yes votes and 2 members absent.

Mr. Thomas then called on Deputy Director Greg Sled from the Enforcement Division and Deputy Director Dr. Casey Rockwell from the FDA Division to give their updates of activity for this month.

The Chairman asked for a Court Update. Mr. Mark Orenberger, Assistant Attorney General gave a brief update on new laws that have gone into effect since our last board meeting. Mr. Darrow also reported on cases that have been appealed to Circuit Courts.

The next meeting date will be November 7, 2013. All the board members were in agreement to adjourn.

Minutes prepared by

October 4, 2013

Pat Dykes