

ARKANSAS TOBACCO CONTROL MEETING MINUTES

OCTOBER 6, 2011

The Arkansas Tobacco Control Board met on Thursday, October 6, 2011 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, Mr. John Hauge, Mr. Steve Lightle, Dr. J.J. Lacey, Jr., Mr. Danny Tate, and 2 – Members absent, Dr. Laura Sister and Dr. Tommy Wagner.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. The Chairman asked for a motion to approve the August 4, 2011 and September 2, 2011 board meeting minutes. A motion was made and approved with 6 – Yes votes and 2– Members absent.

Mr. Lightle then moved on to “New Business” and “Disciplinary Hearings”, as there was no “Old Business” to address. The Chairman introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, and Ms. Lydia Williams Heroman, as Court Reporter.

The Hearing Officer moved on to the Disciplinary Hearings and presented the following cases to the Board for consideration:

At the August 4, 2011 board meeting, Case #2011-189 Joy Mart in North Little Rock came before the Board. The owner was found to be in violation of §5-27-227(a)(1) Selling to a minor, 5th offense, and there was not a recommended penalty by the Director. After hearing testimony, a motion was made and approved to find Joy Mart in violation of §5-27-227(a)(1) Selling to a minor, levied a \$500 fine and revocation of permit.

Mr. Tom Tabor appeared before the Board requesting a permit be issued to McArthur Shell, which is the same business location as Joy Mart. He stated the previous owners and employees have no connection with the business any longer. A motion was made and approved to grant a permit to McArthur Shell with 6 – Yes votes and 2 – Members absent.

The Hearing Officer called on Mr. Roland Darrow to present the Default List dated October 6, 2011. He stated Kountry Express in Mulberry and

Ruby's Fine Wine & Liquor in Hot Springs needed to be removed. He called out the name of each remaining business and asked if anyone was present. There was no response.

He asked the Board to issue the maximum fine on all Sales to Minors cases and issue the recommended penalty on all others as listed. A motion was made and approved to accept the Default List with Kountry Express and Ruby's Fine Wine & Liquor being removed, issue the maximum fine on all Sales to Minor cases and the recommended fine on all others as listed with 6 – Yes votes and 2 – Members absent.

**Case #2011-157 David Sirmon dba D & L Superstop
Dierks, AR**

VIOLATION:	§26-57-248(a)	Possession of Untaxed Tobacco
	§26-57-228	Purchasing from an unlicensed dealer
	§26-57-213	Failure to Maintain Invoices
		No recommended penalty on any violation.

This case came before the Board at the August 4, 2011 board meeting. There was no one present to represent the business location. A motion was made and approved to postpone this case until the September 1, 2011 meeting date. The Board did not meet in September, therefore, it was moved to October 6, 2011.

There was no one present to represent this business location. A motion was made to accept the default judgment recommended by the Director for D & L Superstop, which was a fine of \$20,750 and 10-day suspension of permit. The motion was approved with 6 – Yes votes and 2 – Members absent.

Imperial Trading Company New Albany, MS Cigarette & Tobacco

A motion was made and approved to accept a wholesale cigarette and tobacco permit application for Imperial Trading Company with 6 – Yes votes, 2 – Members absent.

Heathcott Associates, Inc. Little Rock, AR Tobacco Only

After discussion a motion was made to accept the wholesale permit application for Heathcott Associates. There were 3 – Yes votes, 2 – Abstentions and 3 – Members absent. The motion failed. The Board was in agreement to move this application to the November 3, 2011 board meeting.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated September 1, 2011 and October 6, 2011. A motion was made to approve the “Accepted Offers of Settlement” report dated September 1, 2011 and October 6, 2011 with 5 - Yes votes and 3– Members absent.

Mr. Thomas then called on Mr. Greg Sled to give his update on enforcement activity and merchant education. He reported Harp’s of Springdale and Tobacco Station USA have submitted their training programs for consideration of approval. This past month there were 1,152 Sales to Minors compliance checks made with 81 violations for 7.03%. Store checks were made at 185 locations. Merchant Education Training would be held in Clinton, AR on October 13th and in Harrison on October 18th. He showed the Board two samples of ideas for counter mats to be printed and requested their input.

The Director then asked Dr. Casey Carder, Deputy Director of the FDA program, to address the Board. She reported 1200 inspections of retailers had been completed and retailers that had violations would be receiving letters from the FDA sometime in the following weeks. The FDA will also be checking smokeless tobacco products not just cigarettes in the future. Effective October 1, 2011, the agency was approved for another yearly contract. Two types of inspections will be performed-- Advertising Labeling and Sales to Minors. She also announced Ms. Victoria Blaylock Robinett had been hired as a new Enforcement Agent for the FDA program in the Jonesboro area.

Page 6

The Chairman asked for a Court Update. Neither Mr. Arnie Jochums, Assistant Attorney General, nor Mr. Roland Darrow, Staff Attorney, had anything to report.

Mr. Darrow did share information with the Board concerning a new video interpretation system that will be used for anyone who does not speak English well or needs an interpreter. This system can be used in the agency office, during the board meetings, out in the field, etc.

Mr. Lightle announced the next meeting date of November 3, 2011. All business of the Board had been conducted.

Minutes prepared by

Janis L. Campbell

October 21, 2011