



ARKANSAS TOBACCO CONTROL



Asa Hutchinson
Governor

Steve Goode
Director

BOARD MEETING MINUTES SEPTEMBER 3, 2015

The Arkansas Tobacco Control Board met on Thursday, September 3, 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 7 – Board members present with 1 open position. Those attending were Mr. Kevin Case, Dr. Shabbir Dharamsey, Ms. Carol Dyer, 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. Jana Perry serving as Court Reporter.

Mr. Lightle asked for a motion to approve the board meeting minutes from August 6th, 2015. The minutes were approved with 7 yes votes and 1 open position.

The default list dated September 3rd, 2015 was presented and read aloud by Attorney Roland Darrow. This list was approved with a blanket vote of 7 yes votes and 1 open position.

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

CONSENT ORDERS

**IN RE: MANDY BARTHOLOMEW and
FREDRICK'S ONE STOP
PRAIRIE GROVE, ARKANSAS
PERMIT NO. 04130-02**

CASE NO. 2015-228

On July 21, 2015, Respondents' clerk sold a tobacco product to a minor for a second time within forty-eight months, in violation of A.C.A. § 5-27-227(a)(1).

Respondents being responsible for the actions of said clerk, are in violation of A.C.A. § 527-227(a)(1), and are subject to punishment by the Board, pursuant to A.C.A. § 26-57-256.

The Respondents shall be fined \$250.00 as a civil penalty and all employees of Fredrick's One Stop must attend an ATC Merchant Education Training class within six (6) months of the date of this Order.

The Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order, and that Respondents' failure to comply with any provision herein shall constitute a violation of a Board's Order for which the Board may impose additional disciplinary action.

A motion was made to approve the consent order and was passed with 7 yes votes and 1 open position.

**IN RE: DENNIS BAILEY and
BAILEY'S SUPERSTOP STORE, INC.
FORDYCE, ARKANSAS
PERMIT NO. 00617-01**

CASE NO. 2015-230

On July 22, 2015, Respondents' clerk sold a tobacco product to a minor for a second time within forty-eight months, in violation of A.C.A. § 5-27-227(a)(1).

Respondents being responsible for the actions of said clerk, are in violation of A.C.A. § 527-227(a)(1), and are subject to punishment by the Board, pursuant to A.C.A. § 26-57-256.

The Respondents shall be fined \$250.00 as a civil penalty and all employees of Bailey's Superstop Store, Inc. must attend an ATC Merchant Education Training class within six (6) months of the date of this Order.

The Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order, and that Respondents' failure to comply with any provision herein shall constitute a violation of a Board's Order for which the Board may impose additional disciplinary action.

A motion was made to approve the consent order and was passed with 7 yes votes and 1 open position.

**IN RE: NASER AMDALLAH and
LIAH FOOD INC. DBA BUDDY'S GET IT & GO**

Case #2015-202

Respondents' Attorney H.C. "Jay" Martin filed a Motion to Permit Discovery and Incorporated Brief which was presented to the Board by ATC Attorney Roland Darrow due to Mr. Martin's inability to attend the board meeting today due to a schedule conflict. Mr. Darrow offered arguments against the Board approving the motion. A motion was made to deny the Respondents' motion and was passed with 7 yes votes and 1 open position. Chairman Lightle signed the Order denying the Respondents' motion on behalf of the Board.

IN RE: USE & BENEFIT ORDER

A Use & Benefit Order was presented to the Board so the Agency could use evidence from the listed cases for educational purposes, training and all other appropriate law enforcement uses. A motion was made to approve the Use & Benefit Order and was passed with 7 yes votes & 1 open position.

WHOLESALE APPLICATIONS

Five Wholesale Tobacco, Vapor Product and Alternative Nicotine Product applications that have met the requirements of Section 3 of the A.T.C.B. Rules were presented to the Board for approval and issuance. The application were for:

Vapor Corp. - Dania Beach, FL
My Hometown Vapor LLC, DBA HT Vapor – Little Rock, AR
USA Tobacco Distributing, Inc. – Black Creek, NC
Vapro Supply – Austin, TX
Petromark, Inc. DBA 1st Source – Harrison, AR

A motion was made to approve all four applications and was passed with 7 yes votes and 1 open position.

Chairman Lightle requested that the Board issue a blanket approval of the new permits issued from August 6th through September 2nd, 2015. After the Board reviewed the list of permits, a motion was made to approve the new permits and was passed with 7 yes votes and 1 open position.

Chairman Lightle then requested the Board grant a blanket approval of the accepted offers of settlement received by ATC prior to September 3rd, 2015. After review of the offers accepted list, a motion was made to approve the accepted offers of settlement on the list. The motion passed with 7 yes votes and 1 open position.

Director Good addressed the Board and made a request that the October 1st Board meeting be postponed until October 8th to accommodate Wholesalers whose applications were pending to allow time for them to comply with A.T.C.B. Rule 3.8. All board members and agency staff agreed.

Chairman Steve Lightle announced that John Hauge would no longer be serving as a board member and will hopefully be replaced soon by Governor Hutchinson.

Deputy Director Sled gave a brief update on the Enforcement division activities and also informed the Board that Auditor\Investigator Charles Pittman has resigned to take a position with the DEA.

Deputy Director Larry Owens gave a brief update on the activities in the FDA Division and announced that they are preparing for the FDA auditors to be visiting their office soon.

ADJOURNMENT

In closing, Mr. Lightle announced the next Board Meeting will be October 8th, 2015, and then the meeting was adjourned.

Minutes prepared by

September 3, 2015

Pat Dykes

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