ARKANSAS TOBACCO CONTROL

101 E. Capitol Ave., Suite 401

Little Rock, AR 72201

Phone: 501-682-9756

Fax: 501-682-9760

<http://www.atc.arkansas.gov>



Asa Hutchinson

Governor

Steve Goode

Director

BOARD MEETING MINUTES

MAY 2, 2019

The Arkansas Tobacco Control Board met on Thursday, May 2, 2019 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. Those attending were Chairman Kevin Case, Dr. Brad Mayfield, Mrs. Carol Dyer, Dr. Patricia Knott, Mr. Sam Stathakis, Jr. and Dr. Shabbir Dharamsey arriving late. Mr. Jay Hickey did not attend.

Chairman Kevin Case welcomed those attending and introduced Jason Johnson serving as the Hearing Officer and Nicole Hartwick serving as Court Reporter.

Mr. Case asked for a motion to approve the board meeting minutes from April 4, 2019. A motion was made to approve the April minutes and it was passed with 6 yes votes and 2 absent.

The Chairman then opened the Disciplinary Hearings and asked Attorney Lindsey Burnette to present the following:

**DEFAULT LIST**

Attorney Lindsey Burnett read off the list of violators on the default list that have failed to respond to their Offer of Settlement and found that none had appeared for the meeting. She reported to the board that a hearing for these in default will be heard at our next meeting on June 13th, 2019.

**LENIENCY HEARING**

**IN THE MATTER OF CASE NO. 2019-0331**

**MAHEBOOB BUDHWANI & AL-KARIM CORP.**

**DBA SUNSHINE FOOD MART – SHERWOOD, AR**

**PERMIT #4311-03**

Sardar Shaw appeared before the board representing Sunshine Food Mart located in Sherwood, AR requesting leniency for the violation of Failure to Maintain Invoices that occurred on January 14, 2019.

After hearing testimony from Mr. Shaw, a decision was made to levy the recommended fine by the director of $1000.00 plus a 5-day suspension. A motion was made and approved by the board with 7 yes votes and 1 absent.

**WHOLESALE APPLICATIONS**

Mr. Case ask for approval of 4 wholesale permit applications:

 Flavors 15.LLC – Miamisburg, OH Tobacco / Vapor Permit

 Harold Levinson Associates, LLC – Farmingdale, NY Tobacco / Vapor Permit

 White Oak Station, LLC – Fayetteville, AR Tobacco / Vapor Permit

 Midwest Wholesale, LLC – Schaumburg, IL Tobacco/Vapor & Cigarette Permit

The Wholesale applications were approved with 7 yes votes and 1 absent.

Director Goode asked the Board members to review the list of 25 new permits issued from April 4, 2019 through May 1, 2019. The new permits issued were approved by the board with 7 yes votes and 1 absent.

Director Goode then asked the board members to review the list of Accepted Offers of Settlement dated May 2, 2019 which were approved by the board with 7 yes votes and 1 absent.

Deputy Director Greg Sled introduced our new CID Agent – William LeMaster that started on April 15th. He then reported to the board for the enforcement department of the agency that for the month of April we conducted 320 compliance checks that resulted in 23 violations which is a 7.19% violation rate and for FY 2019, 5393 have completed a compliance check with 336 violations which is a 6.23% violation rate. Mandy Miller will be conducting a Merchant Training Class in Searcy on May 8th and has another one scheduled in Mt. Harbor on May 16th. Our enforcement agents have also completed 88 store inspections with 49 violations. He also gave a brief update on felony arrest made on a criminal investigation in Forrest City that occurred on April 8th and another one in Osceola on April 16th.

Deputy Director Ray Owens reported that FDA performed 317 routine inspections with 16 violations which gave them a 5% violation rate for the month of April and for the Federal FY19 they have completed 2760 routine inspections.

Attorney Lindsey Burnette reported the 1 appeal case is still in process and is soon to be resolved.

Director Goode gave a report with discussion on Act 580.

**ADJOURNMENT**

In closing, Chairman Case stated that the next Board Meeting will be June 13, 2019. A motion was made and seconded to adjourn. It was approved with 7 yes votes and 1 absent. The meeting was adjourned.

Minutes prepared by Pat Dykes

May 3, 2019 Pat Dykes