



ARKANSAS TOBACCO CONTROL

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Asa Hutchinson
Governor

Steve Goode
Director

BOARD MEETING MINUTES JUNE 13, 2019

The Arkansas Tobacco Control Board met on Thursday, June 13, 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 6 Board members present. Those attending were Chairman Kevin Case, Dr. Brad Mayfield, Mrs. Carol Dyer, Mr. Sam Stathakis, Jr. and Mr. Jay Hickey. Dr. Patricia Knott and Dr. Shabbir Dharamsey did not attend.

Chairman Kevin Case welcomed those attending and introduced Charlie Moulton serving as the Hearing Officer and Lydia Heroman serving as Court Reporter.

Mr. Case asked for a motion to approve the board meeting minutes from May 2, 2019. A motion was made to approve the May 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 August 1st, 2019.

CONSENT ORDERS

IN THE MATTER OF

**ZYN LLC DBA T-RICKS
PERMIT #8826-06**

CASE #2019-2430

SALE TO MINOR – 2ND OFFENSE

On April 10, 2019 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).

For Respondent' violation of Ark. Code Ann. §5-27-227(a)(1) Respondent is fined \$350.00 as a civil penalty; and any owners, managers, or employees of T-Ricks located at 105 Highway 67 North, Tuckerman, Arkansas who deal with tobacco sales must attend an ATC Merchant Education Training within six (6) months of the date of the order. Respondents shall deliver the most recently filed Federal Form 941 and its accompanying State of Arkansas form to the ATC Trainer at the time of the Merchant Education Training class.

A motion was made to accept the Consent Order. It was approved with 6 yes votes and 2 absent.

DEFAULT HEARING

IN THE MATTER OF

CHRIS EOFF AND CBDDY

CASE #2018-8371

SELLING WITHOUT A PERMIT

Respondent does not hold any permits with Arkansas Tobacco Control to allow for selling e-liquid products to retailers. On or before August 9, 2018, Respondent sold and /or delivered e-liquid products to a permitted retailer: Abby Road North Inc., Permit #10255-03 and also on August 28, 2018 to Bungalow Bill's, Permit #4522-01.

A civil penalty in the amount of \$1000.00 be imposed for the violations of Ark. Code Ann. §26-57-214.

This final Board action is subject to judicial review pursuant to A.C.A. § 25-15-212 et seq. This section provides for review of the Board's decision by a circuit court. Should you desire to seek judicial review of this decision, you are required to file a petition in the Pulaski County Circuit Court or the circuit court of the county in which you live or do business. The petition must be filed within 30 days of the date on which you receive a copy of this Order.

A motion was made to accept the Director's recommendation. The motion was seconded and passed with 6 yes votes and 2 absent.

Director Goode asked the Board members to review the list of 62 new permits issued from May 2, through June 12, 2019. The new permits issued were approved by the board with 6 yes votes and 2 absent.

Director Goode then asked the board members to review the list of Accepted Offers of Settlement dated June 13, 2019 which were approved by the board with 6 yes votes and 2 absent.

Deputy Director Greg Sled reported to the board for the enforcement department of the agency that for the month of May we conducted 530 compliance checks that resulted in 36 violations and for FY 2019, 5923 have completed a compliance check with 372 violations which is a 6.28% violation rate. Mandy Miller will be conducting a Merchant Training Class in Batesville on June 11th, Fort Smith on June 19th and has another one scheduled for Coulson Oil on June 20th. He

reported that the renewal season has started for FY 2020 and at this time 64% of permits have renewed and 31% renewed online.

Director Goode reported for FDA in the absence of Deputy Director Owens that FDA performed 276 routine inspections with 12 violations which gave them a 4.3% violation rate for the month of May.

Attorney Lindsey Burnette reported the 1 appeal case is still pending.

Director Goode ask for approval to process any Wholesale Apps that were received in June or July prior to being approved at the next meeting on August 1st, 2019. He also spoke on the purposed changes that will be taking place due to the state government transformation.

ADJOURNMENT

In closing, Chairman Case stated that the next Board Meeting will be August 1, 2019. A motion was made and seconded to adjourn. It was approved with 6 yes votes and 2 absent. The meeting was adjourned.

Minutes prepared by

Pat Dykes

June 17, 2019

Pat Dykes