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ARKANSAS TOBACCO CONTROL

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Steve Goode
Director

BOARD MEETING MINUTES AUGUST 1, 2019

The Arkansas Tobacco Control Board met on Thursday, August 1, 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, Mr. Sam Stathakis, Jr., Dr. Patricia Knott and Dr. Shabbir Dharamsey arriving late. Mr. Jay Hickey did not attend.

Chairman Kevin Case welcomed those attending in the audience. The Hearing Officer and Court Reporter were not present for today's meeting.

Mr. Case asked for a motion to approve the board meeting minutes from June 6, 2019. A motion was made to approve the June 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:

CONSENT ORDERS

**IN THE MATTER OF
SHIRIN FARISTA & GAS & GO LLC.
PERMIT #00884-03**

CASE #2018-6128

SALE TO MINOR – 4TH OFFENSE

On September 14, 2018 Respondents' clerk sold a tobacco product to a minor for a fourth time within forty-eight months, in violation of A.C.A. §5-27-227(a)(1).

For Respondent's violation of Ark. Code Ann. §5-27-227(a)(1) Respondent is fined \$700.00 and a 5 day suspension as a civil penalty.

**IN THE MATTER OF
TRACY SMITH AND RIVERSIDE EXPRESS
PERMIT #08994-01**

CASE #2019-3385

SALE TO MINOR – 2ND OFFENSE

On May 23, 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 Respondents 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 Riverside Express, 647 Highway 67 South, Pocahontas, Arkansas, who deal with tobacco sales must attend an ATC Merchant Education Training within (6) months of the date of this 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.

**IN THE MATTER OF
GURDEV DOGRA AND SINGH STORE INC. DBA MACON STATION
PERMIT #1989-03**

CASE #2019-3598

SALE TO MINOR – 2ND OFFENSE

On May 30, 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). In addition, Respondents did not have signed server awareness forms on file for every employee dealing with tobacco sales.

For Respondents 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 Macon Station, 22311 Highway 107, Jacksonville, Arkansas, who deal with tobacco sales must attend an ATC Merchant Education Training within (6) months of the date of this 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 all 3 Consent Orders. The motion passed with 6 yes votes and 2 absent.

WHOLESALE APPLICATION

Director Goode ask the board members to review and approve a Wholesale (Change of Ownership) application for Muswick LLC.

A motion was made to approve the application. The motion passed with 7 yes votes and 1 absent.

Director Goode asked the Board members to review the list of 156 new permits issued from June 13, 2019 through July 31, 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 July 11th and Aug 1st, 2019 which were approved by the board with 7 yes votes and 1 absent.

Deputy Director Greg Sled reported to the board for the enforcement department of the agency that for the FY 2019, 6161 have completed a compliance check with 385 violations which is a 6.25% violation rate. Mandy Miller will be conducting a Merchant Training Class in El Dorado on August 13, De Queen on August 15, Mt. Home on August 20, Conway on August 22 and West Helena on August 27th. He reported that renewal season is almost over and at this time 98% of the permits have been renewed. Approximately 1400 renewed on-line and 3100 renewed by mail or in the office.

Deputy Director Ray Owens reported that FDA performed 191 routine inspections with 8 violations and 130 Follow up inspections with 10 violations which gave them a 4.18% violation rate for the month of July. The new FDA Digital Age Calculators are now available on-line.

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

Director Goode talked about the new laws that went into effect as of July 24th and also the new laws that will go into effect on September 1, 2019. He spoke about the progress of the government transformation and some of the duties that are changing.

ADJOURNMENT

In closing, Chairman Case stated that the next Board Meeting will be September 5, 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

August 1, 2019

Pat Dykes

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