



ARKANSAS TOBACCO CONTROL

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Asa Hutchinson
Governor

Steve Goode
Director

BOARD MEETING MINUTES SEPTEMBER 5, 2019

The Arkansas Tobacco Control Board met on Thursday, September 5, 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. and Mr. Jay Hickey, Dr. Patricia Knott and Dr. Shabbir Dharamsey. Mr. Gary Profitt 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 August 1, 2019. A motion was made to approve the August minutes and it was passed with 7 yes votes and 1 absent.

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

CONSENT ORDERS

IN THE MATTER OF

SHALLYA INTERNATIONAL LLC DBA PHILLIPS 66 SOUTH BEND PERMIT #09543-02

CASE #2019-4309

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 Shallya International LLC dba Phillips 66 South Bend, 4071 Highway 294, Jacksonville, 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.

IN THE MATTER OF

**RIVER MARKET CAFÉ & GIFTS LLC DBA GARDEN SQUARE CAFÉ
PERMIT #10153-03**

CASE #2019-4179

SALE TO MINOR – 2ND OFFENSE

On July 8, 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 River Market Café & Gifts dba Garden Square Café, 400 President Clinton Avenue Units P16 & Q15, Little Rock, 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 both of the Consent Orders. They were approved with 7 yes votes and 1 absent.

LENIENCY HEARING

**IN THE MATTER OF
NARMIN NOORANI and VOTUM MANAGEMENT INC.
HOT SPRINGS, AR
PERMIT #09458-07**

CASE NO. 2019-1117

Narmin and Sonny Noorani appeared before the board representing Votum Management Inc. located in Hot Springs, AR requesting leniency for the violation of Failure to Maintain Invoices that occurred on February 15, 2019.

After hearing testimony from Mr. Noorani and Agent Chris Crary, a decision was made to levy the recommended fine by the director of \$2000.00 plus a 10-day suspension. A motion was made and approved by the board with 7 yes votes and 1 absent.

FULL HEARING

**IN THE MATTER OF
DOCK COLEMAN DBA DRAGON DISCOUNT MART
LITTLE ROCK, AR
PERMIT #13757-01**

CASE NO. 2019-2623

Dock Coleman appeared before the board representing Dragon Discount Mart located in Little Rock, AR for the violation of his permit not being displayed inside his business, not having Server Awareness Forms signed and available for inspection and Purchasing from an Unlicensed Dealer.

After hearing testimony from Mr. Coleman and Auditor/Investigator Glen Perciful, a decision was made to change the penalty to a Warning for not having the permit properly displayed and a Warning for not having his Server Awareness Forms available for inspection. He was charged \$500 with a 2 - day suspension for the violation of Purchasing from unlicensed Dealer. The 2 days are to be held in abeyance for 2 years with no other violations of this kind.

A motion was made and approved by the board with 7 yes votes and 1 absent.

WHOLESALE APPLICATION

Director Goode ask the board members to review and approve a Wholesale Application for A-1 Wholesale & Lighting from Memphis, TN and Record Rack Inc. from Pine Bluff, AR.

A motion was made to approve both of the applications. The motion passed with 6 yes votes and 2 absent.

Director Goode asked the Board members to review the list of 81 new permits issued from August 1 through September 4, 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 September 5, 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 FY2020 we have conducted 1192 compliance checks that resulted in 77 violations which is a 6.46% violation rate.

Mandy Miller will be conducting a Merchant Training Class on September 18th in Forrest City, September 19th in West Memphis, September 24th in Texarkana and September 26th in North Little Rock.

Deputy Director Ray Owens reported to the board for the FDA Division for the month of August they conducted 297 store inspections with 5 violations and 71 follow up inspections with 5 more violations which is a 2.72 % violation rate. He also showed the board members the new digital calculator that has been sent out to all retail stores in the state.

Director Goode spoke on the Vapor checks that have been performed by the Arkansas and FDA Agents. He also talked about the new 21 Tobacco law and increased taxes that took effect on September 1, 2019. Updates on the progress made on the government transformation were also discussed.

ADJOURNMENT

In closing, Chairman Case stated that the next Board Meeting will be October 3, 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

September 9, 2019

Pat Dykes