

ARKANSAS TOBACCO CONTROL MEETING MINUTES

APRIL 1, 2010

The Tobacco Control Board met on Thursday, April 1, 2010 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 401. There were 6 - Board members present – Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Mr. Steve Lightle, Mr. Danny Tate, Dr. Laura Sisterhen with 2 – Members absent – Mr. Gene McKissic and Dr. Tommy Wagner.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He then asked for a motion to approve the March 4, 2010 board meeting minutes. A motion was made and approved with 6 – Yes votes and 2 – Members absent.

There was no “Old Business” to consider so the Chairman moved on to “New Business” and “Disciplinary Hearings”. Mr. Lightle introduced Mr. Greg Kirkpatrick, as Hearing Officer, and Ms. Lydia Williams Heroman, serving as Court Reporter.

Mr. Lightle called on Mr. Roland Darrow, Staff Attorney. He stated a negotiated settlement was reached with Mr. Amrik Singh, the owner, of S & P Super Store in the following case:

Case #2009-652	S & P Super Store Alma, AR
VIOLATION:	§26-57-248(a) Possession of untaxed tobacco, \$50.00 fine
	§26-57-213 Failure to maintain invoices, \$500 fine and 2 – day suspension of permit

Mr. Darrow asked the Board to approve a Consent Order regarding this case, which is a \$50.00 fine for §26-57-248(a) and a \$500 fine and 2 – day suspension of permit for §26-57-213. A motion was made and

The following cases were called before the Board:

Sun Fest Market
Holiday Island, AR

The business location was represented by Mr. Steve Kuehn.

The following 2 cases were presented together----

Five Star Food & Fuel LLC
Pine Bluff, AR

VIOLATION: §26-57-213 Failure to maintain invoices, \$500 fine and 5 – day suspension of permit

§26-57-248(a)	Possession of untaxed tobacco, \$2,425 and Destruction of Confiscated Product
§26-57-228	Purchasing from an unlicensed dealer, \$500 and 5 – day suspension of permit

Case #2009-533

Five Star Food & Fuel LLC
Pine Bluff, AR

VIOLATION: R & R 4.2 Selling single cigarettes, \$500 fine and Destruction of Confiscated Product

Mr. Darrow stated a negotiated settlement was reached with the owner, Mr. Smirah Alwazir, of Five Star Food & Fuel. He asked the Board to approve a Consent Order, which is a \$500 fine and 5 – day suspension of permit for §26-57-213, a \$2,425.00 fine for §26-57-248(a), a \$500 fine and 5 – day suspension of permit for §26-57-228 and a \$250 fine for R §4.2.

A motion was made and approved to accept the Consent Order for Five Star Food & Fuel in Pine Bluff, AR with 5 – days of the 10 – day suspension of permit being suspended if no further violation occurs within one year from the date of this Order with 5 – Yes votes and 3 – Members absent.

The owners Mr. Keith Jesse and Mrs. Becky Jesse represented the business location in the following two cases:

Case #2009-591

Greenwood Speed-E-Mart
Greenwood, AR

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 3rd offense, \$400 and 2 – day suspension of permit

Testimony was presented. After discussion there was a motion to find Greenwood Speed-E-Mart in violation of §5-27-227(a)(1) Selling to a minor, levy a \$250 fine and 2 – day suspension of permit. The motion was approved with 5 – Yes votes, 1 – No vote and 2 – Members absent.

Case #2009-602

Greenwood Speed-E-Mart
Greenwood, AR

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 4th offense,
No recommended penalty

After hearing all testimony, a motion was made and approved to find Greenwood Speed-E-Mart in violation of §5-27-227(a)(1) Selling to a minor, \$750 fine and 5 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

Case #2009-607

RNM Food Mart
Eureka Springs, AR

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 4th offense,
No recommended penalty

RNM Food Mart was represented by Mr. B.J. Walker, Attorney,
Mr. Serajuedowla and Mr. Riaz Ahmed.

A motion was made and approved to find RNM Food Mart in violation of §5-27-227(a)(1) Selling to a Minor, \$750 fine and 7 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

Next on the agenda was Family Market in Pine Bluff, AR. After discussion a motion was made and approved to grant a continuance to Family Market until the May 6, 2010 meeting date regarding Case #2009-653 and Case #2009-659 with 6 – yes votes and 2 – Members absent.

The Chairman closed the Disciplinary Hearing segment of the meeting.

Mr. Lightle then called on the Director, Mr. J.R. Thomas, who presented the "New Retail Permit" report. After review, a motion was made to approve the "New Retail Permits Issued" list dated March 4, 2010 through March 31, 2010" with 6 – Yes votes and 2 – Members absent.

A new wholesale permit application was presented for Affiliated Food, Inc. in Amarillo, Texas for 1 – Wholesale Cigarette Permit and 1 – Wholesale Tobacco Permit. A motion was made and approved to accept the Affiliated Food, Inc. wholesale permit application with 6 – Yes votes and 2 – Members absent.

Mr. Thomas asked the Board to review the "Accepted Offers of Settlement for Board Approval" report dated April 1, 2010 and asked for approval. A motion was made to approve the "Accepted Offers of Settlement" report dated April 1, 2010 with 6 – Yes votes and 2 – Members absent.

Mr. Thomas stated the Health Dept. has asked the agency to consider applying for a grant with FDA Enforcement. Under the Grant the agency would be performing FDA retail tobacco inspections. An application will be submitted by the April 27, 2010 deadline.

Mr. Thomas then called on Mr. Greg Sled, the Deputy Director, to give an update on enforcement activity. In the month of March 520 compliance checks were performed with 42 violations. To date 68% of Arkansas retail locations have been checked. He also reported there were several merchant education training sessions scheduled through the spring season.

The Chairman then asked if there were any "Court Updates". There was nothing to report.

The Chairman announced the next meeting date of May 6, 2010. All business of the Board had been conducted and a motion was made and approved to adjourn.

Minutes prepared by

Janis L. Campbell
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April 20, 2010