

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**OCTOBER 7, 2010**

The Arkansas Tobacco Control Board met on Thursday, October 7, 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, and Dr. Laura Sisterhen, with 1 – Member absent, Dr. Tommy Wagner and 1 – Open Position.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He then asked for a motion to approve the September 2, 2010 board meeting minutes. A motion was made and approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

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

The Hearing Officer opened the Disciplinary Hearings by calling the following cases before the Board:

Mr. Roland Darrow, Staff Attorney, presented the Default List dated October 7, 2010. He did a roll call of those business listed with no one answering as being present. He asked for a motion to approve the Default List as submitted and issue the fines as listed. The motion was approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Consent Order

Mr. Darrow discussed with the Board that an agreement was reached in the matter of Case #2010-280 E-Z Way Food Mart of West Memphis, AR. After discussion a motion was made and approved to accept the agreement reached with E-Z Way Food Mart in West Memphis with the agreement being in violation of §26-57-248 Possession of untaxed tobacco, a \$1,500 fine and destruction of confiscated product, in violation of §26-57-213 Failure to maintain invoices, a \$250 fine, in violation of §26-57-228 Purchasing from an unlicensed dealer, a \$250 fine and 5 – day suspension of permit, and in violation of Rule 4.1 No server awareness forms, a \$500 fine. The motion passed with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Case #2010-356

Anderson Brothers #1  
Harrison, AR

VIOLATION:

§5-27-227(a)(1) Selling to a minor, 4<sup>th</sup>  
Offense, No Recommended Penalty

Mr. Doug Anderson, part-owner, was present to represent the business location.

After testimony, a motion was made and approved to find Anderson Brothers #1 in violation of §5-27-227(a)(1) Selling to a Minor, a \$750 fine and 4 – day suspension of permit. Plus all employees are to attend the next regional training session held by the AR Tobacco Control in that area. The motion passed with 5 – Yes votes, 1 – No vote, 1 – Member absent and 1 – Open position.

Case #2010-328 PDQ North of Russellville, AR was on the agenda as having had a 3<sup>rd</sup> offense for Selling to a Minor. PDQ North has a Certified Training Program on file with this agency. Therefore, this offense will be treated as a 2<sup>nd</sup> Offense under this program and the case will be rescheduled.

This was the conclusion of the Disciplinary Hearings. Mr. Kirkpatrick turned the meeting back over to Mr. Lightle, the Chairman.

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 September 1, 2010 through October 7, 2010" with 6 – Yes votes, 1 – Member absent and 1 – Open position.

The Director asked the Board to review the "Accepted Offers of Settlement for Board Approval" report dated October 7, 2010 and asked for approval. A motion was made to approve the "Accepted Offers of Settlement" report dated October 7, 2010 with 6 – Yes votes, – Member absent and 1 – Open position.

Mr. Thomas called on Mr. Greg Sled, the Deputy Director, to give an update on enforcement activity. Mr. Sled stated there was an 8.79% violation rate this last month for Sales to Minors. He provided a chart to the Board showing enforcement activity from October 2008 through September 2010. There will be training sessions offered by the agency from October 4 through October 28 at various locations around the state.

Mr. Sled stated Director Thomas will be meeting with the PEER Committee on October 7<sup>th</sup>, the Personnel Committee, and the AR Legislative Council on October 15<sup>th</sup>. The agency will need these committees approval to establish a fund and personnel positions for the FDA Grant. The deadline to have this program operating is November 30<sup>th</sup>.

The Director received a letter of praise from Ms. Amy Hess, Special Agent In Charge, with the Memphis Division of the Federal Bureau of Investigation. She expressed her appreciation for the cooperation and success they have had while working with the agency on a continuing investigation. She stated in her letter dated August 23, 2010, "Our partnership with your organization and personnel is important to the mission of the FBI. We value this relationship and look forward to future endeavors".

Mr. John Hauge, a board member and business owner in Pine Bluff, commended the enforcement staff on a "job well done" in the Pine Bluff area.

Mr. Lightle then asked for a "Court Update". Mr. Arnie Jochums was not present but Mr. Roland Darrow stated there wasn't anything to report, other than, there will be a Section 17 Forfeiture Rule change at the November 7, 2010 board meeting for the Board to consider.

Mr. Lightle announced the next meeting date of November 4, 2010. All business of the Board had been conducted and the meeting adjourned.

Minutes prepared by

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Janis L. Campbell

October 26, 2010