



ARKANSAS TOBACCO CONTROL

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Asa Hutchinson
Governor

Steve Goode
Director

BOARD MEETING MINUTES APRIL 4, 2019

The Arkansas Tobacco Control Board met on Thursday, April 4, 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 8 Board members present. Those attending were Chairman Kevin Case, Dr. Brad Mayfield, Mrs. Carol Dyer, Dr. Patricia Knott, Mr. Sam Stathakis, Jr., Mr. Jay Hickey and Dr. Shabbir Dharamsey arriving late.

Chairman Kevin Case welcomed those attending in the audience. Court Reporter and Hearing Officer were not present due to no hearings scheduled.

Mr. Case asked for a motion to approve the board meeting minutes from March 7, 2019. A motion was made to approve the March 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**

MIDWAY LIQUOR - FAYETTEVILLE **PERMIT #2708-04**

CASE #2019-1323

SALE TO MINOR – 2ND OFFENSE

On February 22, 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 Midway Liquor located at 908 East Rolling Hills, Suite D, Fayetteville, 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

**MED CENTER SHELL INC. – LITTLE ROCK
PERMIT #8852-02**

CASE #2019-1341

SALE TO MINOR – 2ND OFFENSE

On February 24, 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 Med Center Shell located at 4100 West Markham, 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.

The Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order, and that Respondents; failure to comply with any provision herein shall constitute a violation of a Board's Order for which the Board may impose additional disciplinary action.

A motion was made to approve both of the Consent Orders. The motion was seconded and passed with 7 yes votes and 1 absent.

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 May 2nd, 2019.

WHOLESALE APPLICATIONS

Mr. Case ask for approval of the wholesale permit application for LTI Wholesale, Inc. located in Raleigh, NC.

The Wholesale application was approved with 7 yes votes and 1 absent.

Director Goode asked the Board members to review the list of 57 new permits issued from March 7, 2019 through April 3, 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 April 4, 2019 which were approved by the board with 8 yes votes.

Deputy Director Greg Sled reported to the board for the enforcement department of the agency that for FY 2019, 5094 have completed a compliance check with 315 violations which is a 6.18% violation rate. 88.7% of the permitted businesses have been checked so far for FY2019. On April 2nd Mandy Miller held a Merchant Training Class in Hot Springs and has another one scheduled in Mt. Home on April 17th. She will also be attending the Business Alliance Trade Show in Little Rock on April 25th. Our enforcement agents have also completed 54 store inspections with 42 violations at 27 different locations. We will have a new CID Agent starting on April 15th, 2019.

Deputy Director Ray Owens reported that FDA performed 415 checks with 35 violations which gave them a 8.4% violation rate for the month of March.

Attorney Lindsey Burnette reported updates on 1 appeal case that is still open.

Director Goode gave reports with discussion on new bills during the Legislative Session.

ADJOURNMENT

In closing, Chairman Case stated that the next Board Meeting will be May 2, 2019. A motion was made and seconded to adjourn. It was approved with 8 yes votes. The meeting was adjourned.

Minutes prepared by

Pat Dykes

April 11, 2019

Pat Dykes