

ARKANSAS TOBACCO CONTROL MEETING MINUTES

OCTOBER 1, 2009

The Tobacco Control Board met on Thursday, October 1, 2009 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. Gene McKissic, Mr. Danny Tate, 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 3, 2009 board meeting minutes. A motion was made and approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

There was no “Old Business” and the meeting moved on to “New Business”. Mr. Lightle introduced Mr. Greg Kirkpatrick, serving as Hearing Officer, and Ms. Lydia Williams-Heroman, as Court Reporter. The meeting was turned over to Mr. Kirkpatrick, who continued with the Disciplinary Hearing segment of the meeting. He called on Mr. Roland Darrow, Staff Attorney, who presented the Default List dated October 1, 2009. After a roll call of those listed and no one responding as being present, he asked the Board to find those listed in Default and levy the maximum fines on all Sales to Minors cases. A motion was made to find Neighborhood Grocery in Little Rock in default and levy a \$250 fine with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Kirkpatrick called the following case before the Board-----

Case #2009-0463	Levy Super Mart	North Little Rock, AR
VIOLATION:	§5-27-227(a)(1)	Selling to a Minor, 3rd offense, \$400 fine and 2 - day suspension of permit.

There was no one present to represent the business location in this matter.

After testimony and discussion by the Board, a motion was made to find Levy Super Mart in violation of §5-27-227(a)(1), impose the recommended fine of \$400 and 2 – day suspension of permit for selling to a minor. The motion passed with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Kirkpatrick closed the Disciplinary Hearing segment of the agenda and turned the meeting back over to the Chairman.

Bull Market

West Memphis, AR

The new store owner for Bull Market, Mr. Mohammed Abujamaa, came before the board to request he be issued a permit for this location.

There was discussion with Mr. Abujamaa about previous problems at this location and the previous owner. He assured the Board there would not be a reoccurrence of these issues under his ownership.

A motion was made and approved to issue a permit to Bull Market in West Memphis with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Lightle called on the Director, Mr. J.R. Thomas, to continue with “New Retail Permits Issued”. Mr. Thomas asked the Board to review and approve the report dated September 3, 2009 through October 1, 2009. A motion was made to approve the “New Retail Permit Applications” report and accepted with 6 – Yes votes, 1 – member absent and 1 – Open position.

Mr. Thomas asked the Board to review the “Accepted Offers of Settlement for Board Approval” report dated October 1, 2009 and asked for approval. A motion was made and approved to that effect with 6 - Yes votes, 1 – Member absent and 1 – Open position.

The Director continued with a wholesale permit application for Associated Wholesale Grocers in Oklahoma City, OK. This location was permitted previously but due to lack of business the permit was not

renewed. All requirements of the application had been met. A motion was made to approve the wholesale application for Associated Wholesale Grocers in Oklahoma City, OK with 6 – Yes votes, 1 – member absent and 1 – Open position.

The Chairman introduced and welcomed Ms. Andrea Lea, who is a State Representative. The Director continued with comments on various issues as follows—

Flavored Cigarettes – The FDA has banned the sell of flavored cigarettes and this action has generated dialog around the country. At present, it is not illegal to sell flavored cigarettes in Arkansas.

Electronic Cigarettes – He shared information about the new electronic cigarettes, which are used as a tool to stop smoking.

Salvia - This is commonly planted in flower gardens and beds. The plant is now being processed and smoked with the after effects of mild LSD. At this time, it is legal to sell this product in Arkansas.

Fire Safety Cigarettes – Cigarette manufacturers are changing the paper content to comply with this law. Forty-six states have adopted selling only this type of cigarette. This agency was given the task of regulating Fire Safety Cigarettes during the last Legislative session.

The Director then called on Mr. Greg Sled, the Deputy Director, to give an update on enforcement activity and merchant education.

The Chairman then asked if there were any “Court Updates”. Mr. Roland Darrow stated the agency was still waiting on a ruling from Judge Moody concerning Advisory Opinions. There wasn’t any other Court activity to report.

The Chairman announced the next meeting date of November 5, 2009.

All business of the Board had been conducted and a motion was made and approved to adjourn.

Minutes prepared by

Janis L. Campbell

Janis L. Campbell

October 21, 2009