

TOBACCO CONTROL BOARD MEETING MINUTES

APRIL 7, 2005

The Tobacco Control Board met on Thursday, April 7, 2005, for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 9:00 a.m. in Conference Room "C". There were 6 - Board members present - Dr. Neal Beaton, Mr. Mark Carter., Mr. John Hauge, Mr. Gene McKissic, Mr. Vince Macy, and Mr. Ronald Rivers, 1 - Board member absent - Mr. Ken Milburn, Jr. and 1 - Open position.

The Chairman, Mr. Ken Milburn was ill. The Vice-Chairman, Mr. Ronald Rivers, conducted the meeting. Mr. Rivers called the meeting to order and opened the meeting with a "Welcome" to those attending.

He introduced Mr. Charlie Moulton, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter. Mr. Moulton opened the Disciplinary Hearing segment of the meeting and called the following cases before the Board for consideration:

Default Judgment List

Dated April 7, 2005

Mr. Roland Darrow, Attorney, proceeded with a roll call of the stores listed on the Default Judgment List with no one responding as being present. He asked for a motion to find those listed in Default.

A motion was made to approve the Default Judgment List dated April 7, 2005, issue maximum fines on all Sales to Minors cases and issue the recommended fines on all other cases. The motion passed with 6 - Yes votes, 1 - Member absent, and 1 - Open position.

The two following store locations were heard at the same time.

Tobacco Superstore #54

Lake Village, Arkansas

**VIOLATION: §5-27-227(a)(1) Sale to Minor, 2nd Offense
\$200 fine and 1-day
suspension of permit**

Tobacco Superstore #63

Batesville, Arkansas

**VIOLATION: §5-27-227(a)(1) Sale to Minor, 3rd Offense
\$400 fine and 2-day
suspension of permit**

Mr. Larry Cobb represented the store locations.

A motion was made and approved to find Tobacco Superstore #54 in violation of §5-27-227(a)(1) and issue a Warning with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

Another motion was made and approved to find Tobacco Superstore #63 in violation of §5-27-227(a)(1) with a \$200 fine and wave the suspension of permit with 6 – Yes votes, 1 – Member absent and 1 – Open position.

The Disciplinary Hearing segment of the agenda was closed by the Hearing Officer and the meeting was turned back over to the Vice-Chairman.

Mr. Rivers asked for approval of the meeting minutes for March 3, 2005. A motion was made and approved to that affect with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

Mr. Maurice Gilmore asked for approval of “New Retail Permit Applications issued from March 2, 2005, through April 6, 2005.” A motion was made and approved to that affect with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

Next Mr. Gilmore presented a wholesale permit application to the Board for approval. A motion was made to approve a wholesale permit application for Long Wholesale, Inc. in Meridian, MS, with 6 – Yes votes, 1 – Member absent and 1 – Open position.

The Interim Director reviewed the Complaints Report from March 3, 2005, through April 7, 2005. The Sales to Minors reports and activity of the enforcement agents was reviewed by Mr. Greg Sled, Enforcement Agent Supervisor.

Mr. Arnie Jochums, Board Attorney, gave the Board a “Court Update”.

Mr. Gilmore reviewed and asked for approval of the “Offers of Settlement accepted by the permittee on the report dated April 7, 2005”. A motion was made and approved to accept the “Offers of Settlement accepted by the permittee as listed on the April 7, 2005, report” with 6 – Yes votes, 1 – Open position and 1 – Member absent.

Mr. Gilmore continued with “Legislation” on the agenda. He brought the Board up to date on bills of interest to the Board and agency.

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Next on the agenda was “Open Forum for Board Member Discussion” followed by “Open Forum for Comments from the Audience”.

Announcements included the next meeting date of the Board on Thursday, May 5, 2005.

All business of the Board had been conducted and the meeting was adjourned.

Minutes prepared by _____
Janis L. Campbell

April 12, 2005