

TOBACCO CONTROL BOARD UNAPPROVED MEETING MINUTES

APRIL 5, 2007

The Tobacco Control Board met on Thursday, April 5, 2007, 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 7 - Board members present - Mr. Mark Carter, who arrived after the meeting began, Mr. Kevin Case, Mr. John Hauge, Mr. Gene McKissic, who arrived after the meeting began, Mr. Ronald Rivers, Mr. Vince Macy and Ms. Kristen Nutt. One board member was absent - Mr. Kevin Dedner.

Mr. Ron Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance.

There was no "Old Business" to bring back before the Board. The Chairman asked for Mr. Arnie Jochums to give his report on "Court Activity". Next he asked for a motion to approve the March 1, 2007 board meeting minutes. A motion was made and approved to that effect with 5 - Yes votes and 3 - Members absent.

Mr. Rivers then introduced Mr. Brent Gasper serving as the Hearing Officer, and Ms. Lydia Williams, as Court Reporter. The meeting was turned over to Mr. Gasper to proceed with the Disciplinary Hearings.

Mr. Roland Darrow, Attorney for the Board, introduced the "Default Judgment List" to the Board and conducted a roll call of those businesses listed. No one answered as being present to represent any business on the list. Therefore, Mr. Darrow asked a motion be made to approve the "Default Judgment List", as presented, issue the maximum fines on all Sales to Minors violations and issue the recommended fines on all others.

A motion was made and approved to that effect with 5 - Yes votes and 3 - Members absent.

Case 2007-0163 C-Way Convenience Store Warren, AR

**VIOLATION: §5-27-227(a)(1) Selling to a minor, 5th
Offense, \$2,000.00
Fine and 10 – day
Suspension of permit.**

The business location was represented by Mr. Jacob Callaway, the store owner, and Ms. Judy Cargile, the store manager.

After hearing the testimony a motion was made and approved to find C-Way Convenience Store in violation of §5-27-227(a)(1) Selling to a minor, issue a \$2,000.00 fine and 10 – day suspension of permit with 5 – Yes votes, 2 – No votes and 1 - Member absent.

This concluded the Disciplinary Hearing segment of the agenda and the Hearing Officer turned the meeting back over to the Chairman.

Mr. Rivers called on Mr. J.R. Thomas to continue with his report of “New Retail Permits Issued”. Mr. Thomas asked for a motion to approve the “New Retail Permit applications issued”, as presented. A motion was made and approved to that effect with 7 – Yes votes and 1 – Member absent.

The Director presented the “Notice of Hearing and Offers of Settlement Accepted by the Permittee Report”. After review by the Board, a motion was made and approved to accept the “Notice of Hearing and Offers of Settlement Accepted by the Permittee”, as listed on the report with 7 – Yes votes and 1 – Member absent.

Mr. Thomas continued with his “Address to the Board” by reviewing the Complaints Report dated March 1, 2007 through April 5, 2007.

He noted the Board Rulings Report from November 3, 2005 through March 1, 2007 in each member's folder for their information.

He shared information with the Board about the approval of the Administrative and Sales to Minors Budgets for Fiscal Years 2008 and 2009 during the Legislative Session for the next Biennium.

He then called on Mr. Greg Sled, Enforcement Agent Supervisor, to give his monthly report on the Sales to Minors activity in the field and future training sessions being held by the agency for the retail community.

Mr. Rivers continued with "Open Forum for Board Member Discussion" followed by "Open Forum for Comments from the Audience".

Announcements included that there would not be a board meeting on Thursday, May 3rd. The next meeting date of the Board would be Thursday, June 7, 2007.

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

Minutes prepared by

Janis L. Campbell

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