

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**AUGUST 2, 2007**

The Tobacco Control Board met on Thursday, August 2, 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 5 - Board members present - Mr. Mark Carter, Mr. Kevin Dedner, Mr. John Hauge, Mr. Gene McKissic, and Mr. Ronald Rivers. There were 2 - members absent - Mr. Kevin Case and Mr. Vince Macy and 1 - Open Position.

Mr. Ronald Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance. Next he asked for a motion to approve the July 12, 2007 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open Position.

There was no "Old Business" to discuss. Mr. Rivers moved on to the Disciplinary Hearings segment of the agenda. He introduced Ms. Teena Watkins, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter. Ms. Watkins opened the Disciplinary Hearings.

The following cases were called before the Board and represented by Mr. Roland Darrow, Staff Attorney:

### **Default Judgment List**

Mr. Darrow read the Default List to the audience and asked if anyone was present to represent the store location. No one responded. He recommended the Board find those listed in Default and levy the recommended penalties.

A motion was made and approved to accept the Default List as presented, find those listed in default and impose the recommended penalties with 5 - Yes votes, 2 - Members absent and 1 - Open position.

**Case 2007-0394**

**Garfield Buss Stop**

**Garfield, AR**

**VIOLATION:**

**§26-57-226**

**Selling on a suspended Permit, \$750 fine and 7 – day suspension of permit.**

The store location was represented by Mr. James Chen, the owner.

After all testimony was presented and Board discussion, a motion was made and approved to find Garfield Buss Stop in violation of §26-57-226 Selling on a suspended permit and §26-57-257, issue a 1 – day suspension of permit and no fine with 5 – Yes votes, 2 – Members absent and 1 – Open Position.

**Case 2007-0478**

**One Stop Store, Inc.  
dba BP #4**

**Little Rock, AR**

**VIOLATION:**

**§26-57-226**

**Selling on an expired permit, \$250 fine.**

The business location was represented by Mr. Mwembia Kashala, the co-owner.

A motion was made to find One Stop Store, Inc. dba BP #4 not in violation of §26-57-226 Selling on an expired permit. The motion failed with 2 – Yes votes, 2 – No votes, 1 – Abstention, 2 – Members absent and 1 – Open position.

A second motion was made and approved to find One Stop Store, Inc. dba BP #4 in violation of §26-57-226 Selling on an expired permit and §26-57-257 and issue a Warning with 5 – Yes votes, 2 – Members absent and 1 – Open position.



Mr. Joseph H. Fisher represented the business.

After testimony was presented, a motion was made and approved to find the Howard Johnson Hotel in violation of §26-57-248(a) Possession of an untaxed product, issue a \$400 fine and destruction of confiscated product, in violation of §26-57-228 Purchasing from an unlicensed dealer and §26-57-257, issue a \$500 fine and 5 – day suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open position.

**Case 2007-0441**

**Cracker Box #4**

**Monticello, AR**

**VIOLATION:**

**§5-27-227(a)(1)**

**Selling to a minor, 3<sup>rd</sup>  
Offense, \$400 fine and  
2 – day suspension of  
permit.**

The business location was represented by the owner, Mr. Lewis Gardner.

After testimony and board discussion, a motion was made to find Cracker Box #4 in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, issue a fine of \$400 and no suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open position.

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, the Director, to continue. He began with a discussion of blunt wraps. Next he asked the Board to review the New Retail Permits Report and asked for approval. A motion was made to approve the New Retail Permit applications issued from July 12, 2007 through August 1, 2007. The motion was approved with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Thomas moved on to the Offers of Settlement Report and asked for approval. After Board review a motion was made and approved to accept the "Accepted Offers of Settlement for Board approval" report dated August 2, 2007 with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Kevin Dedner, a Board Member, suggested during discussion that the Legislative Committee look into having legislation drafted to address the issue of blunt wraps being displayed next to candy in retail and convenience stores. This was a concern of other board members as well.

The Director stated Mr. Arnie Jochums, Assistant Attorney General, Mr. Roland Darrow, Staff Attorney, and himself are in the process of drafting new Opinion Letters to replace those the Board previously approved to be withdrawn during the June 7, 2007 board meeting. A report will be given to the Board at the September 6, 2007, meeting regarding this issue.

Mr. Thomas called on Mr. Greg Sled, the Sales to Minors Enforcement Agent Supervisor, to give the monthly report on agent activity around the state and merchant education.

The Director reported the agency office would be closed on September 3, 2007 for the Labor Day Holiday. He's in the process of applying for a grant from the Tobacco Settlement Commission for Public Relations. He would like to be able to set up a booth at convention sites, State Police conferences, etc. to promote the Tobacco Control Board and its activities. He'd also like to purchase equipment for merchant training to be held at the agency office.

Mr. Roland Darrow, Staff Attorney, reported Sav-A-Trip has appealed in Benton County. All records have been filed and he's waiting on Sav-A-Trip to file their Appeal Brief. The case in Marianna Circuit Court with True North Management has reached a negotiated settlement and won't be going to trial.

Mr. Rivers announced the next meeting date of September 6, 2007.

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

Minutes prepared by \_\_\_\_\_ Janis L. Campbell  
August 15, 2007