

TOBACCO CONTROL BOARD MEETING MINUTES

AUGUST 7, 2008

The Tobacco Control Board met on Thursday, August 7, 2008 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. Mark Carter, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Steve Lightle and Dr. Tommy Wagner, who arrived after the meeting began, with 1 – Member absent – Mr. Gene Mc Kissic and 1 – Open Position.

Mr. Mark Carter served as the Acting Chairman. He called the meeting to order and welcomed those in attendance. He then asked for a motion to approve the July 10, 2008 board meeting minutes, which was made and approved with 5 – Yes votes, 2 – Members absent and 1 – Open Position.

There was no “Old Business”. The Chairman moved on to “New Business” and the Disciplinary Hearings. He introduced Mr. Brent Gasper, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter. Mr. Gasper called on Mr. Roland Darrow to continue.

Mr. Darrow, Staff Attorney, made a roll call of the cases on the Default List dated August 7, 2008. No one responded so he asked the Board to accept the list and issue maximum penalties on all Sales to Minors listings. A motion was made and approved to that effect with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Gasper called the following cases before the Board-----

Case # 2008-0384

Snappy Mart #8

Gassville, AR

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

The business location was represented by Mr. Benny Magness, the owner.

After testimony and discussion by the Board, a motion was made and approved to find Snappy Mart #8 in violation of §5-27-227(a)(1), impose a \$200 fine and no suspension of permit 6 – Yes votes, 1 – Member absent and 1 – Open position.

Case #2008-0462

Smith's Food Center #2

Wickes, AR

VIOLATION: **§26-57-226 Selling on an expired
permit, \$500 fine and
permit suspended with 6
months probation.**

**§26-57-213 Failure to maintain
invoices, \$500 fine and 5 –
day suspension of permit.**

A settlement was reached on this case and no one from the store location was present.

After hearing the details of the settlement, a motion was made to find Smith's Food Center #2 in violation of §26-57-226 Selling on an expired permit, issue a \$500 fine with the fine being suspended pending no further violations for 6 – months, and in violation of §26-57-213 Failure to maintain invoices, levy a \$500 fine and 1 – day suspension of permit. with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Case #2008-410

A/C Stores #1

Searcy, AR

VIOLATION:

§5-27-227(a)(1)

**Selling to a Minor, 2nd
Offense, \$200 fine.**

Mr. Bob Allison, the store owner, was present to represent the store location.

Upon the completion of testimony, a motion was made to find A/C Stores #1 in violation of §5-27-227(a)(1), levy a \$200 fine, as per the Director's recommendation with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Case #2008-0369

Pa Pa's Exxon

Conway, AR

VIOLATION:

§26-57-1303

**Selling contraband
cigarettes, Warning and
Destruction of confiscated
product.**

No one was present to represent the business location.

After hearing the testimony, a motion was made to find Pa Pa's Exxon in violation of §26-57-1303 Selling contraband cigarettes, issue a Warning

and destruction of confiscated product with 6 – Yes votes, 1 – Member absent and 1 – Open position.

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

Mr. Carter called on the Director, Mr. J.R. Thomas to continue with “New Retail Permits Issued”. He asked the Board to review the monthly list and a motion to approve. A motion was made to approve the “New Retail Permit Applications” issued from July 9, 2008 through August 6, 2008 with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Thomas continued with the “Offers of Settlement Report” and asked for approval by the Board. A motion was made to approve the “Offers of Settlement dated August 7, 2008” with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Carter asked the Director if there were any “Staff Reports”. Mr. Thomas called on Mr. Greg Sled, Enforcement Agent Supervisor, to give a report on enforcement activity and merchant education.

The meeting continued with “Court Update”. Mr. Arnie Jochums, Assistant Attorney General, stated he would be filing a brief either on August 7th or August 8th regarding the McLane lawsuit. He then introduced Mr. Eric Estes with the Attorney General’s Office, who is in charge of Tobacco Settlement.

Mr. Roland Darrow, Staff Attorney, stated there were no cases on appeal.

Mr. Carter announced the next meeting date of September 4, 2008.

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

Minutes prepared by

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August 20, 2008