

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**DECEMBER 1, 2005**

The Tobacco Control Board met on Thursday, December 1, 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 5 - Board members present - Dr. J. Neal Beaton, Mr. John Hauge, Mr. Ken Milburn, Mr. Vince Macy and Mr. Ronald Rivers, 3 - Members absent - Mr. Mark Carter, Mr. Brian Bree, a new member who couldn't attend until January 5<sup>th</sup> , and Mr. Gene McKissic.

Mr. Ken Milburn, Chairman, called the meeting to order and opened with a "Welcome" to those attending. He introduced Mr. Charlie Moulton, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter.

Mr. Milburn turned the meeting over to Mr. Moulton to proceed with the Disciplinary Hearing segment of the meeting. He called the following cases before the Board:

### **Default Judgment List**

**Dated: December 1, 2005**

Mr. Roland Darrow, Attorney, proceeded with a roll call of the stores listed on the Default Judgment Lists dated December 1, 2005, with no one responding as being present. He asked for a motion to find those listed in Default, issue maximum fines on all Sales to Minors cases and issue the recommended fines on all other cases as listed.

A motion was made and approved to accept the recommendation of counsel to find those listed in default, issue the maximum penalty on all Sales to Minors cases, and issue the recommended fines on all other cases with 5 - Yes votes and 3 - Members absent.

**Case 2005-0117                      The Tobacco Leaf                      Bentonville, AR**

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

Mr. Robert Montgomery, the owner, represented the store location.

After hearing all testimony a motion was made to find The Tobacco Leaf in violation of §5-27-227(a)(1) and §26-57-257, levy a fine of \$400 and wave the suspension of permit with 5 – Yes votes and 3 – members absent.

Next Mr. Darrow presented Auto Stop Wynne’s Retail Permit Application. No one was present to represent the business. The Board was in agreement to contact the owner again and move the application to a later meeting date.

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

The Chairman asked for a motion to approve the board meeting minutes for November 3, 2005. A motion was made and approved to that effect with 5 – Yes votes and 3 Members absent.

Mr. Davis, the Director, asked for approval of “New Retail Permit Applications issued from November 3, 2005, through December 1, 2005, as listed.”

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

Next the Director Addressed the Board. He stated the Complaints Report could not be provided due to a computer problem.

The board members had received a letter from Attorney General Mike Beebe regarding a court date for True North Management LLC dba Amoco of Forrest City. Mr. Arnie Jochums explained that the board

members did not need to attend, as the Board and agency would be represented by Mr. Maurice Gilmore.

Mr. Davis gave the Board an update on the "Open Positions". Mr. Clifton Johnson had been replaced by Mr. Brian Bree, who will begin serving at the January 5<sup>th</sup> meeting. He could not begin serving until then due to prior commitments.

The agency office would be closed on the following dates:

December 23 <sup>rd</sup>	Christmas Eve Holiday
December 26 <sup>th</sup>	Christmas Day Holiday
January 2 <sup>nd</sup>	New Year's Day Holiday

The Director then asked Mr. Greg Sled, Sales to Minors Enforcement Agent Supervisor, to report on the activity of the agents in the field.

Mr. Arnie Jochums, attorney for the Board, gave an update on Court activity.

At the November 3, 2005, meeting Mr. Maurice Gilmore explained 4 - Opinion Request Letters along with the response letter from the Director. After discussion at that meeting the Board agreed they needed more time to review the Opinion Request letters and Director's response. They would bring the correspondence back up at the December 1, 2005, meeting.

The following motions were made regarding the Director's response to 4 - Opinion Request Letters, as presented by Mr. Clifton Block representing McLane Company:

**OPINION REQUEST LETTER #1----**

A motion was made and approved to accept the Director's response with 5 - Yes votes and 3 - Members absent.

**OPINION REQUEST LETTER #2----**

A motion was made to accept the Director's response with 5 - Yes votes and 3 - Members absent.

**OPINION REQUEST LETTER #3----**

A motion was made and approved to accept the Director's response with 5 – Yes votes and 3 – Members absent.

**OPINION REQUEST LETTER #4----**

A motion was made and approved to accept the Director's response with 5 – Yes votes and 3 – Members absent.

The Board also reviewed a marketing plan presented by Mr. Charles Singleton on behalf of Grocery Supply Company. The Board reviewed the plan and requested additional information that could not be supplied at the meeting. The Board was in agreement to table the GSC Marketing Plan until a representative of Grocery Supply Company could appear before the Board to provide additional information.

Mr. Davis reviewed and asked for approval of the “Offers of Settlement accepted by the permittee on the report dated December 1, 2005”. A motion was made and approved to accept the “Offers of Settlement accepted by the permittee as listed on the report dated December 1, 2005,” with 5 – Yes votes and 3 – Members absent.

The Chairman announced Dr. Beaton would no longer be serving on the Board as of January 1, 2006. He was recognized for his years of service. Mr. Milburn had also resigned from the Board, effective January 1, 2006. He has served as the Chairman, since the Board was created on July 1, 1997. Mr. Davis also recognized Mr. Milburn's years of service.

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, January 5, 2005.

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

*Janis L. Campbell*

Minutes prepared by \_\_\_\_\_  
Janis L. Campbell

December 27, 2005