

## **UNAPPROVED TOBACCO CONTROL BOARD MEETING MINUTES**

**DECEMBER 13, 2007**

The Tobacco Control Board met on Thursday, December 13, 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 6 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Gene McKissic, who arrived after the meeting began, and Mr. Vince Macy. There was 1 - member absent - Mr. Ronald Rivers and 1 - Open Position.

Mr. Vince Macy, the Vice - Chairman, conducted the meeting. He called the meeting to order and opened with a "Welcome" to those in attendance. He asked for a motion to approve the November 8, 2007 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open Position.

Mr. Macy 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 and asked Mr. Roland Darrow, Board Attorney, to proceed. He called off the names on the Default Judgment List dated December 6, 2007. No one responded as being present.

He asked the Board to approve the Default List dated December 6, 2007, issue maximum fines on all Sales to Minors cases, and issue recommended fines on all other cases. A motion was made and approved to that effect with 5 -Yes votes, 2 - Members absent and 1 - Open position.

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

<b>Case 2007-0494</b>	<b>Silver Star</b>	<b>Jonesboro, AR</b>
<b>VIOLATION:</b>	<b>§5-27-227(a)(1)</b>	<b>Selling to a Minor, 3<sup>rd</sup> Offense, \$400 fine and 2-day suspension of permit.</b>

The store location was represented by Mr. Nihad Ilayan, the owner.

After all testimony was presented and Board discussion, a motion was made and approved to find Silver Star in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, impose the maximum penalty of \$1,000 fine and 7 – days with 5– Yes votes, 2 – Members absent and 1 – Open position.

<b>Case 2007-0509</b>	<b>Silver Star</b>	<b>Jonesboro, AR</b>
<b>VIOLATION:</b>	<b>§5-27-227(a)(1)</b>	<b>Selling to a minor, 4<sup>th</sup> Offense, \$1,000 fine and 7–day Suspension of permit</b>

The business location was represented by Mr. Nhad Ilayan, the owner.

A motion was made to find Silver Star in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, levy the Director’s recommendation of \$1,000 fine 7 – day suspension of permit with 5 - Yes votes, 2 – Members absent and 1 – Open position.

**Case 2008-0074**

**Piggly Wiggly #39**

**Monticello, AR**

**VIOLATION:**

**§5-27-227(a)(1)**

**Selling to a minor,  
4<sup>th</sup> Offense, \$1,000  
fine and 7-day  
suspension of permit.**

Mr. Eddie La Fevor, the District Manager, represented the store location.

After testimony and discussion a motion was made and approved to find Piggly Wiggly #39 in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, accept the Director's recommendation of a \$1,000 and 7 – day suspension of permit with 5 – Yes votes, 2 – Members

**Case 2008-0090**

**Ray's Fast Trax**

**Rogers, AR**

**VIOLATION:**

**§26-57-213**

**Failure to maintain  
Invoices, \$500 & 5 –  
day suspension of  
permit.**

The business location was represented by Mr. Mahdi Baghestani and his son, Mr. Reza Baghestani, the Store Manager.

After testimony was presented, a motion was made and approved to find Ray's Fast Trax in violation of §26-57-213 Failure to maintain invoices and §26-57-257, issue a \$1,000 fine and no suspension of permit with 5 – Yes votes, 1 – Abstention, 1 – Member absent and 1 – Open position.

**Case 2008-0138**

**Golden Beauty Supply Little Rock, AR**

**VIOLATION:**

**§26-57-213**

**Failure to maintain  
Invoices, \$500 & 5 –  
day suspension of  
permit.**

**§26-57-248(a)**

**Possession of untaxed  
tobacco product,  
\$5,150 fine, and  
Destruction of  
confiscated product.**

The business location was represented by Mr. Jim Im and his wife, the owners.

After all testimony was presented, a motion was made and approved to find Golden Beauty Supply in violation of §26-57-213 Failure to maintain invoices, §26-57-257, and §26-57-248(a) Possession of untaxed tobacco product, levy a fine of \$3,000 and revocation of permit, destruction of confiscated product and contact the Director before the anniversary date to request reinstatement of permit with 5 – Yes votes, 1 – No vote and 1 – Member absent.

**Case 2008-0093**

**E-Z Mart #174**

**Fort Smith, AR**

**VIOLATION:**

**§5-27-227(a)(1)**

**Selling to a minor,  
3rd Offense, \$400  
fine and 2-day  
Suspension of permit**

Mr. George De Loach of E-Z Mart represented the store location.

After testimony was presented, a motion was made and approved to find E-Z Mart #174 in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, fine them \$200 and no suspension of permit with 6 – Yes votes, 1 – Member absent and 1 – Open position.

**Case 2008-0009**

**Southfork T/S**

**Gurdon, AR**

**VIOLATION:**

**§26-57-248(a)**

**Possession of untaxed  
tobacco product,  
\$225 fine, and  
Destruction of  
confiscated product.**

Ms. Kim Giles, the General Manager of “C” Stores, represented the store location in this matter.

A motion was made and approved to find Southfork T/S in violation of §26-57-248(a) Possession of untaxed tobacco and §26-57-257, impose a recommended fine of \$225 with the fine suspended and destruction of confiscated product. The fine will remain suspended if there are no violations within a year. The motion was approved with 6 – Yes votes, 1 – Member 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. Macy called on Mr. J.R. Thomas, the Director, to continue. The Director presented the New Retail Permits Report and asked for approval. A motion was made to accept the "New Retail Permit Applications" issued from November 8, 2007 through December 6, 2007. The motion was approved with 6 – Yes votes, 1 – Member 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 December 6, 2007 with 6 – Yes votes, 1 – Member absent and 1 – Open position.

The Director shared information with the Board that the agency office would be closed Monday, December 24<sup>th</sup> for Christmas Eve, Tuesday, December 25<sup>th</sup> for Christmas Day and Tuesday, January 1<sup>st</sup> for New Year's Day.

He then called on Mr. Arnie Jochums, Assistant Attorney General, to discuss "Old Business" regarding a draft of Rule 15 of the Rules and Regulations of the Board. A motion was made and approved to table the draft of Rule 15 until a Conference Call meeting on Thursday, December 13, 2007. A Court activity update followed.

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.

Mr. Macy announced the next meeting date of January 3, 2008.

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

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

December 17, 2007