

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**DECEMBER 7, 2006**

The Tobacco Control Board met on Thursday, December 7, 2006, 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 Case, Mr. John Hauge, Mr. Ronald Rivers, and Mr. Vince Macy and 3 - Members absent, Mr. Kevin Dedner, Mr. Gene McKissic and Ms. Kristen Nutt.

The Chairman, Mr. Ron Rivers, called the meeting to order and opened with a "Welcome" to those in attendance. There wasn't any "Old Business" to discuss and he moved on to "New Business". Mr. Arnie Jochums, the Board Attorney, gave a Court Update. The Chairman then introduced Mr. Brent Gasper, serving as Hearing Officer, and Ms. Lydia Williams, as Court Reporter. The meeting was turned over to Mr. Gasper to proceed with the Disciplinary Hearing segment on the agenda.

Mr. Gasper called the following cases before the Board with Mr. Jochums acting as legal representation for the agency

**Case 2006-0329                      Supermarket Investors, Inc. dba  
Buy-Rite Discount Tobacco Barn #6247  
Little Rock, AR**

**VIOLATION:    §4-75-708(a) & (b)    Selling below minimum using  
another manufacturer's coupon,  
\$500 fine and 1-day suspension of  
permit.**

With one (1) abstention, there would not be a quorum. Therefore, this case was moved to the January 4, 2007, board meeting.

**Case 2007-0103                      Fire Ball Express                      Magnolia, AR**

**VIOLATION:                      §4-75-708(a) & (b)                      Selling below minimum  
using another  
manufacturer's coupon,  
\$500 fine and 1 – day  
suspension of permit.**

Mr. Brian Johnson, the owner, represented the store location in this matter.

A motion was made and approved to find Fire Ball Express in violation of §4-75-708(a) & (b) Selling below state minimum using another manufacturers coupon, issue a \$500.00 fine and wave the 1-day suspension of permit with 5– Yes votes and 3 – Members absent .

**Mr. Roland Darrow continued by presenting the following cases to the Board for consideration:**

**Case 2007-0068                      Petromark, Inc. dba                      Bentonville, AR  
White Oak Station #28**

**VIOLATION:                      §5-27-227(a)(1)                      Selling to a Minor, 4<sup>th</sup> Offense,  
\$1,000 fine and 7-day suspension.**

**§26-57-226                      Selling on a suspended permit,  
\$750 fine and 7-day suspension.**

The business location was represented by Mr. Steve Turner.

After all testimony was heard, a motion was made and approved to find White Oak Station #28 in violation of §5-27-227(a)(1) Sale to a Minor, issue a \$1,000 fine and 7-day suspension, in violation of §26-57-226 Selling on a suspended permit, issue a \$750 fine and 4-day suspension of permit with 5 – Yes votes and 3 – Members absent.

**Case 2007-0094**

**Minit Shop – Oakhurst**

**Crossett, 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 Mr. Michael Chisholm, the business owner and President.

A motion was made and approved to find Minit Shop – Oakhurst in violation of §5-27-227(a)(1) Selling to a minor, issue a \$400 fine and 1-day suspension of permit with 5 – Yes votes, and 3 – Members absent.

**Case #2007-0086**

**E-Z Mart**

**Wilton, AR**

**VIOLATION: §5-27-227(a)(1)**

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

Mr. George DeLoach, Loss Prevention, represented E-Z Mart in this matter.

After all testimony was presented, a motion was made and approved to find E-Z Mart in violation of §5-27-227(a)(1) Selling to a minor, issue a \$400 fine and 1-day suspension of permit with 5 – Yes votes and 3 – Members absent.

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

Mr. Rivers asked for a motion to approve the Board meeting minutes for November 2, 2006. The motion was made and approved with 5 – Yes votes and 3 – Members absent.

The Chairman asked Mr. Chad Gallagher, the Director, to present the report for “New Retail Permits Issued”. Mr. Gallagher asked for a motion to approve the “New Retail Permit applications issued from November 2, 2006, through December 6, 2006, as listed. A motion was made to accept the Director’s recommendation to approve the “New Retail Permit Applications issued from November 2, 2006 through December 7, 2006 with 5 – Yes votes and 3 – Members absent.

The Director then presented a wholesale permit application, including 2-Sales Representative forms, for Smokin Honeys of Arkadelphia, AR. The application was complete and recommended for approval.

A motion was made to approve the Wholesale Tobacco Permit application for Smokin Honeys with 5 – Yes votes and 3 – Members absent.

Mr. Gallagher continued with his “Address to the Board” by presenting the Complaints Report dated November 2, 2006 through December 7, 2006.

He reported the General Revenue Budget had been approved by the Joint Budget Committee. The next step is working the budgets through the upcoming Legislative Session.

The Director shared information about his position with the agency since the election of a new Governor, Mr. Mike Beebe.

He announced the agency office would be closed for the following holidays----

Monday, December 25<sup>th</sup> for Christmas Eve  
Tuesday, December 26<sup>th</sup> for Christmas Day  
Monday, January 1<sup>st</sup> for New Year’s Day

He then called on Mr. Greg Sled, Enforcement Agent Supervisor for Sales to Minors. Mr. Sled gave a report on the Sales to Minors activity in the field and shared information concerning future training sessions for the retail community.

Mr. Gallagher asked the Board to review the “Notice of Hearing and Offers of Settlement List” dated December 7, 2006. He asked for a blanket approval of this report, which was made and approved to that effect with 5 – Yes votes and 3 – Members absent.

Mr. Rivers continued with “Open Forum for Board Member Discussion”. He appointed Ms. Kristen Nutt to serve on the “Rules and Regulations Committee” filling that Open Position. He asked for two (2) volunteers to Chair the “Legislative Committee” and “Rules and Regulations Committee”. Mr. Vince Macy agreed to Chair the “Legislative Committee” and Mr. John Hauge will Chair the “Rules and Regulations Committee”.

The Director then discussed the general idea of a Legislative request and the board members folders contained information on “How A Bill Becomes A Law”. He asked that if any board member had a legislative idea they wanted to bring before the Legislative Committee to please let him know.

With the 86<sup>th</sup> General Assembly beginning in January, it’s time to sign board members up for Lobbyist-In-A-Box, which is an online tool to track bills introduced during the Legislative Session. He asked anyone wanting to be signed up through the agency to notify Janis Campbell within the next two (2) weeks.

This was followed by “Open Forum for Comments from the Audience”.

Announcements included the next meeting date of the Board on Thursday, January 4, 2007.

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

Minutes prepared by

*Janis L. Campbell*  
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December 15, 2006