

TOBACCO CONTROL BOARD MEETING MINUTES

FEBRUARY 5, 2009

The Tobacco Control Board met on Thursday, February 5, 2009 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 5 - Board members present – Mr. Kevin Case, Mr. Steve Lightle, Mr. Danny Tate, Ms. Carol Dyer and Dr. Tommy Wagner, with 2 – Members absent – Mr. Mr. John Hauge and Mr. Gene McKissic, and 1 – Open Position.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He asked for a motion to approve the January 8, 2009 board meeting minutes. A motion was made to that effect and approved with 5 – Yes votes, 2 – Members absent and 1 – Open position.

“Old Business” concerned a Public Hearing held on Friday, January 30, 2009 at 10:00 a.m. regarding proposed changes to Section 14 of the Rules and Regulations. Mr. Roland Darrow, Staff Attorney, reported there were no additional comments submitted at the Hearing. Therefore, a motion was made and approved to move forward with Section 14 Rules and Regulations with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

The Chairman moved on to “New Business”. He introduced Mr. Greg Kirkpatrick, serving as Hearing Officer, and Ms. Tonia Ray, as Court Reporter. The meeting was turned over to Mr. Kirkpatrick, who continued with the Disciplinary Hearing segment of the meeting. He called on Mr. Roland Darrow who presented the Default List dated February 5, 2009. After a roll call of those listed and no one responding as being present, he asked the Board to find those listed in Default, levy the maximum fines on all Sales to Minors cases and the recommended fine on all other cases. A motion was made and approved to find those listed in default, levy the maximum fines on all Sales to Minors cases and the recommended fine on all others with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Next on the agenda was Case #2009-0141 Levy Super Mart. No one was present to represent this business location. The Board was in agreement to move this case to the end of “New Business”.

A motion was made and approved for board members to receive expense reimbursement for Calendar Year 2009 with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

Mr. Lightle called on the Director, Mr. J.R. Thomas, to continue with “New Retail Permits Issued”. Mr. Thomas asked the Board to review and approve the report dated January 8, 2009 through February 4, 2009. A motion was made and approved to that effect with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

Next on the agenda was a new wholesale application for Acadia Wholesale and Tobacco Co., Inc. dba Church Point Wholesale, Church Point, LA, which included 1 – Wholesale Cigarette Application, 1 – Wholesale Tobacco Application, and 1 – Sales Representative Permit application.

Mr. Charles Gouthiere was present to represent the company. After reviewing the application and discussion, a motion was made to deny the wholesale permit application for Church Point Wholesale with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Thomas followed by presenting the “Accepted Offers of Settlement for Board Approval” report dated February 5, 2009. The Board was asked to review the report and approve. A motion was made and approved to accept the “Offers of Settlement” report dated February 5, 2009 with 5 – Yes votes, 2 – Members absent and 1 – Open position.

After discussion the Board voted to not meet on Thursday, March 5, 2009 and move all business to the April 2, 2009 meeting date with 5 – Yes votes, 2 – Members absent and 1 – Open position.

The Disciplinary Hearing segment of the agenda was reopened by Mr. Kirkpatrick with the following case being called before the Board:

Case #2009-0141	Levy Super Mart	North Little Rock
VIOLATION:	§5-27-227(a)(1)	Selling to a minor, 2nd Offense, \$200 fine

There was no one present to represent the business location.

After hearing testimony a motion was made and approved to find Levy Super Mart in violation of §5-27-227(a)(1) Selling to a minor and levy the Director's recommendation of a \$200 fine with 5 – Yes votes, 2 – Members absent and 1 – Open position.

The Hearing Officer closed the Disciplinary Hearings and turned the meeting back over to the Chairman. Mr. Lightle called on the Director to continue. Mr. Thomas then called on Mr. Greg Sled, the Enforcement Agent Supervisor, to give an update on enforcement activity and merchant education.

The Chairman then asked if there were any "Court Updates". Mr. Arnie Jochums of the Attorney General's Office didn't have anything to report. Mr. Roland Darrow, Staff Attorney, didn't have any Court activity to report.

The Director let the Board know the agency office would be closed on Monday, February 16th, for the Presidents' Day holiday.

An announcement was made for the next meeting date of April 2, 2009.

All business of the Board had been conducted. A motion was made to adjourn the meeting and was approved by all.

Minutes prepared by

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March 19, 2009