

TOBACCO CONTROL BOARD MEETING MINUTES

FEBRUARY 7, 2008

The Tobacco Control Board met on Thursday, February 7, 2008, 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 Suite 401. There were 6 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Ronald Rivers, Dr. Tommy Wagner and 2 - Members absent - Mr. Gene McKissic and Mr. Vince Macy.

Mr. Ronald Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance. He asked for a motion to approve the January 3, 2008, board meeting minutes, which was made and approved with 6 - Yes votes and 2- Members absent.

Old Business included information to board members about the Public Hearing held on Thursday, January 24, 2008 at 10:00 a.m. The Hearing was in regard to proposed Rules and Regulations changes—SECTION 15 Unfair Cigarette Sales. The new regulation completely replaces the existing SECTION 15 and specifies the process for establishing a "Cost of Doing Business" that is different than the presumptive costs established by 4-75-702(4)(b) and (5)(b). The public comment period ends Thursday, February 28, 2008.

Mr. Rivers moved on to New Business and the Disciplinary Hearings segment of the agenda. He introduced Mr. Brent Gasper, serving as Hearing Officer and Ms. Faith Grigsby, as Court Reporter.

Mr. Gasper opened the Disciplinary Hearings and asked Mr. Roland Darrow, Staff Attorney, to proceed. Mr. Darrow called the roll from the Default Judgment List dated February 7, 2008. No one responded as being present. He asked the Board to approve the Default List dated February 7, 2008, issue maximum fines on all Sales to Minors cases, and recommended fines on all other cases. A motion was made to accept the Default List and the Director's recommendation to issue the maximum

finer on all Sales to Minors cases and issue the recommended fines on all others with 6 -Yes votes and 2 - Members absent.

The following case was called before the Board represented by Mr. Roland Darrow:

Case 2008-0141

**FERGUSON SUPERETTE & DELI
MARSHALL, AR**

VIOLATION:

§5-27-227(a)(1)

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

The store location was represented by Mr. Kenneth Ferguson, Ms. Roberta Ferguson and Mr. Vance Ferguson, co-owners.

After testimony was presented, a motion was made and approved to find Ferguson Superette & Deli in violation of §5-27-227(a)(1), issue a fine of \$200 and no suspension of permit with 6 - Yes votes and 2 - Members absent.

The following cases were represented by Mr. Arnie Jochums, Assistant Attorney General-----

CASE 2008-0139

**LORD'S FOOD WORLD
LITTLE ROCK, AR**

VIOLATION:	§26-57-248(a)	Possession of untaxed tobacco, Destruction of confiscated product, \$8,250 fine
	§26-57-228	Purchasing from an unlicensed dealer, \$500 and 5-days suspension of permit
	§26-57-213	Failure to maintain invoices, \$500 fine and 5-days suspension of permit

No one was present to represent this business location.

Once testimony and discussion concluded, a motion was made and approved to find Lord's Food World in violation of §26-57-248(a) Possession of untaxed tobacco, levy a fine of \$16,500 and destruction of confiscated product, in violation of §26-57-228 Purchasing from an unlicensed dealer, issue a \$500 fine and 5 – day suspension of permit and in violation of §26-57-213 Failure to maintain invoices, levy a \$500 fine and 5 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

Case 2008-0140

**LORD'S USA ENTERPRISES, INC.
LITTLE ROCK, AR**

VIOLATION:

- | | |
|----------------------|---|
| §26-57-248(a) | Possession of untaxed tobacco, Destruction of confiscated product, \$2,137.50 fine |
| §26-57-228 | Purchasing from an unlicensed dealer, \$500 and 5-days suspension of permit |
| §26-57-213 | Failure to maintain Invoices, \$500 fine and 5-days suspension of permit |

The business location was not represented at this Hearing.

A motion was made and approved to find Lord's USA Enterprises, Inc. in violation of §26-57-248(a) Possession of untaxed tobacco, levy a fine of \$4,275 and destruction of confiscated product, in violation of §26-57-228 Purchasing from an unlicensed dealer, issue a \$500 fine and 5 – day suspension of permit and in violation of §26-57-213 Failure to maintain invoices, levy a \$500 fine and 5 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

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

