

TOBACCO CONTROL BOARD MEETING MINUTES

JANUARY 5, 2006

The Tobacco Control Board met on Thursday, January 5, 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 6 - Board members present - Mr. Brian Bree, Mr. Mark Carter, who arrived after the meeting started, Mr. Kevin Case, Mr. John Hauge, Mr. Ronald Rivers, and Mr. Vince Macy, 1 - Member absent - Mr. Gene McKissic and 1 - Open Position.

Mr. Ronald Rivers, Chairman, called the meeting to order and opened with a "Welcome" to those attending. He introduced and welcomed two new members to the Board-- Mr. Brian Bree and Mr. Kevin Case. Next he introduced Ms. Misty Borkowski, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter.

Mr. Rivers turned the meeting over to Ms. Borkowski to proceed with the Disciplinary Hearing segment of the meeting. She called the following cases before the Board:

Default Judgment List

Dated: January 5, 2006

Mr. Roland Darrow, Attorney, proceeded with a roll call of the stores listed on the Default Judgment Lists dated January 5, 2006, 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 legal 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, 2 - Members absent and 1 - Open position.

Case 2006-006

Barrow One Stop

Little Rock, AR

VIOLATION:

§26-57-226

**Selling without a permit,
1stOffense, \$750 fine & 7-day
suspension of permit.**

Mr. Michael Reynolds, part owner and manager, represented the store location.

After hearing all testimony a motion was made to find Barrow One Stop in violation of §26-57-226 and §26-57-256, levy a \$500 fine and 2-day suspension of permit with 5 – Yes votes, 1 – No vote, 1 – Member absent and 1 – Open position.

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 December 1, 2005. A motion was made and approved to that effect with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

Mr. Rivers also explained the Board has to approve expenditure expense reimbursement for calendar year 2006 and asked for a motion to that effect. A motion was made to approve expenditure expense reimbursement for all board members for calendar year 2006 and was approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Davis, the Director, presented the “New Retail Permit Applications List issued from December 1, 2005, through January 4, 2006.”

A motion was made and approved to accept the new permit list of “New Retail Permit Applications issued from December 1, 2005, through January 4, 2006” with 6 – Yes votes, 1 – Member absent and 1 – Open position..

Next Mr. Davis explained a “Change of Ownership” Wholesale Permit Application. Mr. Charles C. Parks of Charles C. Parks Company in Gallatin, TN, had passed away. The company had filed the proper documents. The new owners included his widow, son and daughter. Everything was in order and recommended for approval.

A motion was made to approve the change of ownership for the Charles C. Parks Company with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Next the Director Addressed the Board. The Complaints Report covering November 2, 2005, through January 5, 2006, was reviewed.

Each board member that needed to file a Statement of Financial Interest with the Secretary of State’s Office was given a packet with all the proper forms. This is due by January 31st of each year.

Mr. Davis gave an update on the Open Position on the Board. Boards and Commissions is still working on a replacement for Dr. Beaton’s medical position.

The agency office would be closed on Monday, January 16, 2006, for the Dr. Martin Luther King, Jr. and Robert E. Lee 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. Sled also presented a “Retail Tobacco Underage Sales Training Certification Form” to the Board for consideration. After discussion by the Board, a motion was made to form a committee to review the certification form and make recommendations to the Board at the February 2, 2006, board meeting.

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

Mr. Davis reviewed and asked for approval of the “Offers of Settlement accepted by the permittee on the report dated January 5, 2006”. A motion was made and approved to accept the recommendation of the Director to approve the “Offers of Settlement accepted by the permittee as listed on the report dated January 5, 2006,” with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Next on the agenda was “Open Forum for Board Member Discussion”. This was followed by “Open Forum for Comments from the Audience”.

Mr. Cliff Block, representing McLane Southwest, asked the Board to approve their request in his letter dated November 29, 2005, regarding additional guidelines for an Application to Sell Cigarettes At Less Than Presumptive Cost.

After discussion a motion was made to see the proposal and review it before the February 2nd board meeting and bring it before the Board at that time with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Announcements included the next meeting date of the Board on Thursday, February 2, 2006.

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

Minutes prepared by: *Janis L. Campbell*

January 23, 2006