

TOBACCO CONTROL BOARD MEETING MINUTES

JANUARY 3, 2008

The Tobacco Control Board met on Thursday, January 3, 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 Conference Room "C". There were 7 - Board members present - Mr. Mark Carter, who arrived after the meeting began, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Ronald Rivers, Mr. Vince Macy, Dr. Tommy Wagner and 1 - Member absent - Mr. Gene McKissic.

Mr. Ronald Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance. He introduced and welcomed Dr. Tommy Wagner to the Board. He asked for a motion to approve the December 6, 2007 board meeting minutes, which was made and approved with 6 - Yes votes and 2 - Members absent. Next he asked for a motion to approve the December 13, 2007 Conference Call meeting minutes, which was made and approved with 6 - Yes votes and 2 - Members absent.

Old Business included an Open Position on the Rules and Regulations Committee. The Chairman asked Dr. Wagner to serve on this committee, to which he agreed.

Mr. Rivers moved on to New Business. He explained each January the Board had to consider approval for receiving expense reimbursement. A motion was made and approved the receive expense reimbursement for calendar year 2008 with 6 - Yes votes and 2 - members absent.

Next he moved on to 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 January 3, 2008. No one responded as being present. He asked the Board to approve the Default List dated January 3, 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 cases were called before the Board represented by Mr. Roland Darrow:

Romancing the Stone-----

Case 2008-0078	Fort Smith, AR
Case 2008-0079	Fayetteville, AR
Case 2008-0060	Little Rock, AR
Case 2008-0061	North Little Rock, AR
Case 2008-0081	Hot Springs, AR
Case 2008-0082	Hot Springs, AR
Case 2008-0083	Pine Bluff, AR
Case 2008-0080	Eureka Springs, AR

VIOLATION:	§5-27-227(a)(1)	Selling to a Minor, 1st Offense, 1 - Count Issued a Warning
	§26-57-248(a)	Possession of untaxed tobacco, Destruction of confiscated product, 1st Offense, 8 - Counts
	§26-57-228	Purchasing from an unlicensed dealer, 1st Offense, 8 – Counts
	R & R 4.1	No Server Awareness forms, 1st Offense, 1 – Count Issued a Warning

Mr. Darrow explained to the Board that a settlement was reached with Romancing the Stone regarding all store locations. A motion was made to approve the settlement for Romancing the Stone store locations of a \$9,000 fine, revocation of all permits and destruction of confiscated product with 6 – Yes votes and 2 – Members absent.

Case 2008-0210

Quik-M's Convenience

Rison, AR

VIOLATION:

§5-27-227(a)(1)

**Selling to a minor,
4th Offense, \$1,000
fine and 7-day
Suspension of permit**

The business location was represented by Mr. Ray Morrison, the owner.

A motion was made to find Quik-M's Convenience Store in violation of §5-27-227(a)(1) Selling to a Minor, a \$500 fine and 7 – day suspension of permit. All employees are required to attend regional training at least once in the calendar year, if not the fine reverts back to the Director's original recommendation of \$1,000 fine and 7 – day suspension of permit with 7 - Yes votes and 1 – Member absent.

Case 2008-0174

Lee's Shell Superstop #29

Little Rock, AR

VIOLATION:

§5-27-227(a)(1)

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

Mr. Yow Diong, Store Manager, represented the store location.

After testimony and discussion, a motion was made and approved to find Lee's Shell Superstop #29 in violation of §5-27-227(a)(1) Selling to a Minor and §26-57-257, fine respondent \$750 and a 7 – day suspension of permit. The 7 – day suspension will be suspended, if all employees attend regional training within the calendar year. If training

is not attended, the penalty will revert back to a 7 – day suspension of permit with 6 – Yes votes, 1 – No vote, and 1– Member absent.

Case 2008-0216

C-Way Convenience

Warren, AR

VIOLATION:

§5-27-227(a)(1)

**Selling to a minor, 6th
Offense, \$2,000 fine &
60 - day Suspension of
permit.**

The business location was not represented by anyone.

After testimony was presented, a motion was made and approved to find C-Way Convenience in violation of §5-27-227(a)(1) Selling to a Minor and §26-57-257, issue a fine of \$2,000 and revocation of permit with 7 – Yes votes and 1 – Member absent.

Case 2008-0098

Circle N #59

Monticello AR

VIOLATION:

§5-27-227(a)(1)

**Selling to a Minor, 2nd
Offense, \$200.00 fine**

No one was present to represent the business location.

After all testimony was presented, a motion was made and approved to find Circle N #59 in violation of §5-27-227(a)(1) Selling to a Minor and §26-57-257, a \$500 fine and 2 – day suspension of permit with 5 – Yes votes, 2 – No votes and 1 – Member absent.

Mr. Bob Tanner, owner of Bob's Market in Jasper, AR, requested to be heard by the Board regarding a previous decision. On November 8, 2007 Bob's Market was found to be in violation of §5-27-227(a)(1) Selling to a Minor. A fine of \$1,000 and 7 – day suspension of permit was levied.

After Board discussion with Mr. Tanner, a motion was made to amend the previous order of November 8, 2007 and find Bob's Market still in violation of §5-27-227(a)(1) Selling to a Minor. Due to special conditions, the 7 – day suspension of permit will be lifted provided all employees attend regional merchant training within the calendar year with 5 – Yes votes, 2 – No votes and 1 – Member absent.

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

Mr. Rivers asked Mr. J.R. Thomas, the Director, to continue. The Director presented the New Retail Permits Report and asked for approval. A motion was made and approved to accept the "New Retail Permits" issued from December 6, 2007 through January 3, 2008 with 7 – Yes votes and 1 – Member absent.

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 January 3, 2008 with 7 – Yes votes and 1 – Member absent.

The Director shared information with the Board that a Public Hearing regarding Rule 15 of the Rules and Regulations of the Board would be held on Thursday, January 24, 2008 at 10:00 a.m. in Conference Room "C" of the Main Street Mall Building. Mr. Roland Darrow, Staff Attorney, will serve as Hearing Officer.

Each board member was given a packet containing the instructions and forms for a "Statement of Financial Interest", which is due to the Secretary of State's Office by January 31, 2008. He also announced the agency office would be closed in observance of the Martin Luther King, Jr. holiday on Monday, January 21, 2008.

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.

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Mr. Arnie Jochums, Assistant Attorney General, and Mr. Roland Darrow, Staff Attorney, continued with a "Court Update"

Mr. Rivers announced the next meeting date of February 7, 2008.

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

Minutes prepared by *Janis L. Campbell*
Janis L. Campbell

January 16, 2008