

TOBACCO CONTROL BOARD MEETING MINUTES

JANUARY 4, 2007

The Tobacco Control Board met on Thursday, January 4, 2007, 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 8 - Board members present - Mr. Mark Carter, who arrived after the meeting began, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Gene McKissic, who also arrived after the meeting began, Mr. Ronald Rivers, Mr. Vince Macy 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". He 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:

Mr. Roland Darrow, Attorney for the Board, requested Big Jax, LLC in Warren, AR be removed from the Default Judgment List dated January 4, 2007. He then read each listing aloud with no one responding as being present. He asked to find those listed in default, accept the recommendation of the Director to levy maximum fines on all Sales to Minors cases and issue the recommended fine on all other cases.

A motion was made and approved to that effect with 6 - Yes votes and 2 - Members absent.

Mr. Arnie Jochums presented the following cases for the Board's consideration:

Case 2007-0145	Papa's Exxon	Conway, AR
VIOLATION:	§26-57-226	Selling on an expired permit, \$250 fine
	R & R 2.6	Permit not conspicuously displayed, \$100 fine
	R & R 4.1	No server awareness form, \$100 fine

The store location was represented by the store owner, Ali Hamad, and his wife, Heba Assad.

After all testimony was presented and Board consideration, a motion was made and approved to find Papa's Exxon not in violation of §26-57-226 Selling on an expired permit, R & R 2.6 Permit not conspicuously displayed, and R & R 4.1 No server awareness forms with 8 – Yes votes.

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.

The business location was represented by Mr. Pat Bearden, District Mgr., and Mr. Michael Woods, the Training Mgr.

After the case was presented a motion was made and approved to find Supermarket Investors, Inc dba Buy-Rite Discount Tobacco Bard #6247 in violation of §4-75-708(a) & (b) Selling below minimum using another manufacturers coupon, fine them \$500 and no suspension of permit with 7 – Yes votes and 1 – Abstention.

Case 2007-0102

Express Stop

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. Mick Sanchez, the owner, represented the store location in this matter.

A motion was made and approved to find Express Stop in violation of §4-75-708(a) & (b) Selling below state minimum using another

manufacturers coupon, levy a \$500.00 fine and wave the 1-day suspension of permit with 8– Yes votes.

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

Case 2007-0117	West End Liquor	West Helena, AR
VIOLATION:	§26-57-248(a)	Possession of untaxed tobacco, \$2,475 fine and destruction of confiscated product.
	§26-57-213	Failure to maintain invoices, \$500 fine and 5-day suspension of permit.
	§26-57-228	Purchasing from an unlicensed dealer, \$500 fine and 5-day suspension of permit.

The Store Manager, Mr. Douglas Brown, represented the store location.

A motion was made and approved to find West End Liquor in violation of §26-57-248(a) Possession of untaxed tobacco, issue a \$500 fine and 1-day suspension of permit and Destruction of Confiscated Product, in violation of §26-57-213 Failure to maintain invoices and issue a Warning, in violation of §26-57-228 Purchasing from an unlicensed dealer and issue a Warning with 6 – Yes votes and 2 – No votes.

Case 2007-0155	Snappy Mart #15	Horseshoe Bend, AR
VIOLATION:	§5-27-227(a)(1)	Selling to a minor, 3rd offense, \$400 fine and 2-day suspension of permit.

Ms. Angela Pate, Operations Manager for Magness Oil Company, represented the store location.

A motion was made and approved to find Snappy Mart #15 in violation of §5-27-227(a)(1) Selling to a minor, issue a \$400 fine and wave the 2-day suspension of permit with 5 – Yes votes and 3 – No votes.

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 December 7, 2006. The motion was made and approved with 8 – Yes votes.

Next he explained each January the Board has to consider approval for receiving expense reimbursement. A motion was made and approved for the Board to receive expense reimbursement for calendar year 2007 with 8 – Yes votes.

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 December 7, 2006 through January 4, 2007, as listed. A motion was made and approved to accept the Director’s recommendation with 8 – Yes votes.

Mr. Gallagher continued with his “Address to the Board” by reviewing the Complaints Report dated December 7, 2006 through January 5, 2007.

He provided three reports for board member information - Board rulings from FY2006 to date, an inspection summary from January through December 2006 and the number of compliance checks per retail location from January through December 2006.

He reminded the Board all members are required to submit a “Statement of Financial Interest” each year by January 31st to the Secretary of State’s Office.

He let the Board know their names had been submitted to be signed up for Lobbyist-In-A-Box – Bill Watch.

He announced the agency office would be closed for the Martin Luther King, Jr. and Robert E. Lee Holiday on Monday, January 15th.

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 future training sessions for the retail community.

Mr. Gallagher asked the Board to review the “Notice of Hearing and Offers of Settlement List” dated January 4, 2007. He asked for a blanket approval of this report, which was made and approved to that effect with 8 – Yes votes.

Mr. Maurice Gilmore brought the Board up to date on Court Activity.

Mr. Rivers continued with “Open Forum for Board Member Discussion”. He announced Ms. Kristen Nutt was appointed to serve on the Rules and Regulations Committee at the December meeting filling that Open Position.

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

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Announcements included the next meeting date of the Board on Thursday, February 1, 2007.

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

Minutes prepared by

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January 9, 2007