

TOBACCO CONTROL BOARD MEETING MINUTES

JANUARY 8, 2009

The Tobacco Control Board met on Thursday, January 8, 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 6 - Board members present – Mr. Kevin Case, Mr. John Hauge, Mr. Gene McKissic, Mr. Danny Tate, Ms. Carol Dyer and Dr. Tommy Wagner, with 1 – Member absent – Mr. Steve Lightle and 1 – Open Position.

Mr. John Hauge served as Acting Chairman, as Mr. Steve Lightle was absent. Mr. Hauge began the meeting with a “Welcome” to those attending. He introduced Ms. Carol Dyer with the American Heart Association, who replaces Mr. Mark Carter. She’ll be serving in the Open – Public At Large position.

Mr. Hauge then asked for a motion to approve the December 4, 2008 board meeting minutes. A motion was made to that effect and approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

“Old Business” concerned a Wholesale Cigarette and Wholesale Tobacco Application for Briggs Tobacco Specialty Co., Inc. in Memphis, TN. Their application was tabled at the December 4, 2008 meeting. After discussion by the Board a motion was made and approved to deny the permit application for Briggs Tobacco Specialty Co., Inc. with 6 –Yes votes, 1 – Member absent and 1 – Open position.

The Acting Chairman moved on to “New Business”. He introduced Mr. Greg Kirkpatrick, serving as Hearing Officer, and Ms. Lydia Williams, 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, Staff Attorney, who presented the Default List dated January 8, 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 and accept the list, levy the maximum fines on all Sales to Minors cases and the recommended fine on all others with 6 – Yes votes, 1 – Member absent and 1 – Open position.

§26-57-228 Purchasing from an unlicensed dealer, issue a \$500 fine and no suspension of permit with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Case # 2009-0147 All In One Stop Bella Vista, AR

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 4th offense, \$1,000 fine and 7- day suspension of permit.

The store location was represented by Mr. David Johnson, the owner.

After hearing testimony, a motion was made and approved to find All In One Stop in violation of §5-27-227(a)(1) Selling to a Minor, issue a fine of \$1,000 and 2 – day suspension of permit with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Case # 2009-0097 White Oak Station #28 Bentonville, AR

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 5th offense, \$2,000 fine and 30-day suspension of permit.

The store owner, Mr. Steve Turner, was present to represent the store location.

A motion was made to find White Oak Station #28 in violation of §5-27-227(a)(1) Selling to a Minor, impose the recommended fine of \$2,000 and suspension of permit for 7 – days. All employees are to attend Arkansas Tobacco Control Board training within six (6) months. The motion was approved with 5 – Yes votes, 1 – No vote, 1 – Member absent and 1 – Open position.

Mr. Kirkpatrick closed the Disciplinary Hearing segment of the agenda and turned the meeting back over to the Acting Chairman.

Mr. Hauge 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 December 4, 2008 through January 7, 2009. A motion was made and approved to that effect 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 January 8, 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 January 8, 2009 with 5 – Yes votes, 2 – Members absent and 1 – Open position.

The Director 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 but did tell the Board a Public Hearing date had been set for Friday, January 30, 2009 for the rule changes approved by the Board at the December 4, 2008 board meeting.

The Director reminded board members their Statement of Financial Interest was due to the Secretary of State office by January 30, 2009. Packets were provided to each board member, who needed to comply with the requirement. He also let the Board know the agency office would be closed on Monday, January 19th, for the Martin Luther King Jr. and Robert E. Lee holiday.

An announcement was made for the next meeting date of February 5, 2009.

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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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January 22, 2009