

TOBACCO CONTROL BOARD MEETING MINUTES

JULY 10, 2008

The Tobacco Control Board met on Thursday, July 10, 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 5 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge and Mr. Steve Lightle with 2 - Members absent - Dr. Tommy Wagner and Mr. Gene McKissic and 1 - Open Position.

Mr. Mark Carter served as the Chairman. He called the meeting to order and welcomed those in attendance. He then asked for a motion to approve the June 5, 2008 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open Position.

The Chairman moved on to "New Business" and the Disciplinary Hearings. He introduced Mr. Kevin Wells, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter. Mr. Wells continued by calling the following cases before the Board.

Case # 2008-0286

**Lee's Shell Superstop
Little Rock, AR**

VIOLATION:

**§5-27-227(a)(1) Selling to a Minor, 4th
Offense, \$1000 fine and
7-day suspension of
permit.**

The business location was represented by Mr. Milas Hale, Attorney, and the owner.

After testimony and discussion by the Board, a motion was made and approved to find Lee's Shell Superstop in violation of §5-27-227(a)(1) and §26-57-257 Selling to a Minor, levy a \$1,000 fine and 7-days and all employees must attend a Tobacco Control Board training session within 6 months with 5 - Yes votes, 2 - Members absent and 1 - Open position.

Case #2008-0309

J & J Mart

Jacksonville, AR

VIOLATION:

§26-57-248(a)

Possession of untaxed tobacco, \$1,775 and destruction of confiscated product.

§26-57-228

Purchasing from an unlicensed dealer, \$500 fine and 5-days suspension of permit.

Mr. Song Kim, Co-Owner, represented the store location.

After all testimony was heard and consideration, a motion was made to find J & J Mart in violation of §26-57-248(a) Possession of untaxed tobacco, a \$1,775 fine, destruction of confiscated product and in violation of §26-57-228 Purchasing from an unlicensed dealer, levy a \$500 fine and 5-day suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Case #2008-416

**County Line Superstop #38
Little Rock, AR**

VIOLATION:

§5-27-227(a)(1)

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

The business location was represented by Mr. Toby White, the owner.

After the completion of testimony, a motion was made to find county Line Superstop in violation of §5-27-227(a)(1) and §26-27-257, impose a fine of \$400 and 2-day suspension of permit and all employees attend regional training within 6 months with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Roland Darrow, Staff Attorney, told the Board a settlement had been reached with Mr. Amitkumar Patel, owner of Trumann Mart, in regard to Case #2008-0179 and Case #2008-0268 and with Mr. Amat Patel, owner of Trumann Citgo, regarding Case #2008-0181 and Case #2008-267. Both owners were represented by Mr. Gene Sayre, an Attorney with Jack Nelson Jones Fink Jiles and Gregory in Little Rock, AR. He asked the Board to approve the settlement agreement.

A motion was made to approve the settlement reached with Trumann Mart for a \$5,000 fine and 13-day suspension of permit and with Trumann Citgo for a fine of \$10,000 and 7 – day suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open position.

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

Mr. Carter then asked Mr. Arnie Jochums, Asst. Attorney General, to continue with “Old Business”. He reminded the Board that at the June 5, 2008 meeting they tabled a Wholesale Cigarette and Tobacco Permit Application submitted by Associated Wholesale Grocers, Inc. of Fort Worth, Texas, after a question arose regarding the licensing of “out-of-state” sales representatives versus “in-state” sales representatives.

After discussion, a motion was made to approve the wholesale application for Associated Wholesale Grocers in Fort Worth, Texas with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Next under “New Business” the Board considered a Wholesale Tobacco Application for 3’s Cigar Company LLC in Little Rock, AR. A motion was made to approve the wholesale application for 3’s Cigar Company with 5 – Yes votes, 2 – Members absent and 1 – Open position.

The Director, Mr. J.R. Thomas, presented the “New Retail Permits Issued Report”. After Board review a motion was made to approve the New

Retail Permit Applications issued from June 4, 2008 through July 9, 2008 with 5 – Yes votes, 1 – Members absent and 1 – Open position.
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Mr. Thomas continued with the “Offers of Settlement Report” and asked for approval by the Board. A motion was made to approve the Offers of Settlement dated July 3, 2008 with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Carter asked the Director if there were any “Staff Reports”. Mr. Thomas called on Mr. Greg Sled, Enforcement Agent Supervisor, to give a report on enforcement activity and merchant education.

Mr. Thomas discussed moving the meeting time with the Board. A motion was made and approved to move the meeting time to 10:00 a.m. from 9:00 a.m. with 5 – Yes votes, 2 – Members absent and 1 – Open position.

The meeting continued with “Court Update”. Mr. Jochums stated he would be filing a brief in the near future regarding the McLane lawsuit. Mr. Darrow stated Silver Star has paid their fine and is now in good standing. Sav-A-Trip has almost completed their 30-day suspension of permit.

Mr. Carter announced the next meeting date of August 7, 2008.

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

Minutes prepared by Janis L. Campbell
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July 25, 2008