

TOBACCO CONTROL BOARD MEETING MINUTES

JULY 12, 2007

The Tobacco Control Board met on Thursday, July 12, 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 5 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. John Hauge, Mr. Gene McKissic, and Mr. Ronald Rivers. Those absent were Mr. Kevin Dedner and Mr. Vince Macy, and 1 - Open Position.

Mr. Ronald Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance. Next he asked for a motion to approve the June 7, 2007 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open Position.

He asked for another motion to approve the July 9, 2007 conference call meeting minutes. The motion was made and approved with 5 - Yes votes, 2 - Members absent, and 1 - Open Position.

There was no "Old Business" to discuss. Mr. Rivers moved on to the Disciplinary Hearings segment of the agenda. He introduced Mr. Brent Gasper, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter. Mr. Gasper opened the Disciplinary Hearings.

The following cases were called before the Board and represented by Mr. Roland Darrow, Staff Attorney:

Default Judgment List

Mr. Darrow read the Default List to the audience and asked if anyone was present to represent the store location. No one responded. He recommended the Board find those listed in Default and levy the maximum fine on the Sales to Minors case.

A motion was made and approved to accept the recommendation of Counsel to find Twins Food Mart #3, Ozark Mall in Harrison guilty of the Sales to Minors second violation and levy the maximum fine as recommended with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Case 2007-0443 J & P Flash Market #126 Cabot, AR

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

The store location was represented by Mr. Ricky Hunter, the District Manager.

After all testimony was presented and Board consideration, a motion was made and approved to find J & P Flash Market #126 in violation of §5-27-227(a)(1) and §26-57-257, and accept the Director’s recommendation of a \$2,000 fine and 30 – day suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open Position.

Case 2007-0440 J & P Flash Market #108 Batesville, AR

**VIOLATION: §5-27-227(a)(1) Selling to a minor, 3rd
Offense, \$400.00
fine and 2 – day
Suspension of permit.**

The business location was represented by Mr. Ricky Hunter, the District Manager.

After hearing the testimony a motion was made and approved to find J & P Flash Market #108 in violation of §5-27-227(a)(1) Selling to a minor, issue a \$1,000.00 fine and 7 – day suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open Position.

Case 2007-0487 Dave & Lynns Country Store Paragould, AR

**VIOLATION: §5-27-227(a)(1) Selling to a minor, 4th
Offense, \$1,000.00
fine and 7 – day
Suspension of permit.**

Mr. David Aranson , the owner, represented the business location.

After testimony and discussion a motion was made and approved to find Dave & Lynns Country Store in violation of §5-27-227(a)(1) and §26-57-257 Selling to a minor, levy a \$1,000 fine and 3 – day suspension of permit with 5 – Yes votes, 2 - Members absent and 1 – Open Position.

Case 2007-0442 Piggly Wiggly #39 Monticello, AR

**VIOLATION: §5-27-227(a)(1) Selling to a minor, 4th
Offense, \$1,000.00
fine and 7 – day
Suspension of permit.**

Mr. Eddie Lafever, District Manager, and Mr. Terry Taylor, the Store Manager, were present to represent the business location.

After testimony was presented, a motion was made and approved to find Piggly Wiggly #39 in violation of §5-27-227(a)(1) and §26-57-257, accept the Director's recommendation, issue a \$1,000 fine and 7 – day suspension of permit with 5 – Yes votes, 2 – Members absent and 1 – Open position.

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

Mr. Rivers called on Mr. J.R. Thomas, the Director, to continue. Mr. Thomas asked Mr. Arnie Jochums, Assistant Attorney General, to give his Court Update. He reviewed the conference call meeting held on July 9, 2007 and brought the Board up to date on all Court activity.

Mr. Roland Darrow, TCB Staff Attorney, reported on business locations that had appealed Board decisions.

Mr. Thomas called on Mr. Greg Sled to give his monthly report on the Sales to Minors activity.

The Director presented the New Retail Permit Applications Report to the Board and asked for approval. A motion was made and approved to accept the "New Retail Permit Applications issued from June 7, 2007 through July 11, 2007 with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Next he presented a Wholesale Tobacco Application for Churchill's Fine Cigars and Gifts LLC in Hot Springs. The application was complete and recommended for approval.

A motion was made to approve Churchill's Fine Cigars and Gifts Wholesale Tobacco Application. The motion was approved with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Mr. Thomas asked the Board to review and approve the "Notice of Hearing and Offers of Settlement Accepted by the Permittee Report" dated July 5, 2007. A motion was made to that effect with 5 – Yes votes, 2 – Members absent and 1 – Open position.

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Mr. Rivers announced the next meeting date of August 2, 2007.

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

Minutes prepared by *Janis L. Campbell*

July 25, 2007