

TOBACCO CONTROL BOARD MEETING MINUTES

JUNE 4, 2009

The Tobacco Control Board met on Thursday, June 4, 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. Steve Lightle, Mr. Danny Tate, Ms. Carol Dyer, and Dr. Tommy Wagner with 1 - Member absent – Mr. Gene McKissic and 1 – Open Position.

Mr. Steve Lightle, the Chairman, began the meeting with a “Welcome” to those attending. He then asked for a motion to approve the May 7, 2009 board meeting minutes. A motion was made and approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

There was no “Old Business” and the meeting moved on to “New Business”. Mr. Lightle introduced Mr. Greg Kirkpatrick, serving as Hearing Officer, and Ms. Lydia Williams-Heroman, 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 June 4, 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 and levy the maximum fines on all Sales to Minors cases. A motion was made to that effect and was approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

Mr. Kirkpatrick called the following cases before the Board-----

Case # 2009-0286	King’s Korner	Springdale, 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 the owners Glen and Tammie Calhoun.

After testimony and discussion by the Board, a motion was made and approved to find King's Korner in violation of §5-27-227(a)(1) and §26-57-256, Selling to a minor, \$1,000 fine, 3 – day suspension of permit and training to be completed in 90 – days, if not the suspension will revert back to a 7 – day suspension of permit with 6 – Yes votes, 1 – Member absent and 1 – Open position.

BULL MARKET

WEST MEMPHIS, AR

A request was made to come before the Board to request a retail permit. Mr. Mansoor Sayed and Mr. Shaker Alwadi were present to represent the business location. An Enforcement Agent testified the business location had sold cigarettes and tobacco products on two different occasions without a permit. After hearing all testimony, a motion was made and approved to deny a permit for Bull Market in West Memphis, Arkansas with 6 – Yes votes, 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 Chairman.

Mr. Lightle 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 May 7, 2009 through June 4, 2009. A motion was made to approve the “New Retail Permit Applications” report. The motion failed, as there was not a second.

A second motion was made to approve the “New Retail Permit Applications” report issued from May 7, 2009 through June 4, 2009 with the exception of the listing for Richard Harsa – Merchants Wholesale with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

Mr. Thomas followed by presenting the “Accepted Offers of Settlement for Board Approval” report dated June 4, 2009. The Board was asked to review the report and approve. A motion was made and approved to accept the “Accepted Offers of Settlement for Board Approval” report dated June 4, 2009 with 6 – Yes votes, 1 – Member 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 reminded the Board of a Hearing scheduled in Judge Moody’s Court on June 15, 2009 on Advisory Opinions.

Mr. Roland Darrow, Staff Attorney, didn’t have any Court activity to report.

The Chairman pointed out the meeting date in July would fall on the 2nd day of the month. He asked the board members if they wanted to meet in July or move any business of the Board to the August 6th meeting date. After discussion everyone was in agreement to move any business of the Board to August.

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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June 10, 2009