

TOBACCO CONTROL BOARD MEETING MINUTES

MARCH 1, 2007

The Tobacco Control Board met on Thursday, March 1, 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 6 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Ronald Rivers and Mr. Vince Macy. Two board members were absent Mr. Gene McKissic and Ms. Kristen Nutt.

Mr. Ron Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance. He introduced and welcomed Mr. J.R. Thomas, the new Director of the Tobacco Control Board. He shared information about Mr. Thomas' law enforcement background and other credentials with the Board. The Director addressed the Board after his introduction

There was no "Old Business" to bring back before the Board. The Chairman moved on to "New Business" and the Disciplinary Hearing segment of the agenda. 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 Hearings.

The following cases were called before the Board:

Mr. Arnie Jochums presented the first case.

Case 2007-0204	Shell Food Mart	West Memphis, AR
VIOLATION:	§26-57-228	Purchasing from an unlicensed dealer, \$500 fine and 5-day suspension of permit.
	§26-57-248(a)	Possession of untaxed tobacco, \$10,650 fine and Destruction of Confiscated Product.

The store location was represented by the store owner, Mr. Akber Roopani.

After all testimony was presented and Board consideration, a motion was made and approved to find Shell Food Mart in violation of §26-57-228 Purchasing from an unlicensed dealer, levy the recommended fine of \$500.00 and 5 – day suspension of permit, and in violation of §26-57-248(a) Possession of untaxed tobacco, issue a \$10,650 fine and Destruction of Confiscated Product with 6 – Yes votes and 2 – Members absent.

Mr. Roland Darrow presented the following cases for Board consideration.

Case 2007-0219 Akers Market & Deli Hot Springs, AR

**VIOLATION: §5-27-227(a)(1) Selling to a minor, 2nd
Offense, \$200.00 fine**

The business location was represented by Ms. Cynthia Shirley, the store owner.

After hearing the testimony a motion was made and approved to find Akers Market & Deli in violation of §5-27-227(a)(1) Selling to a minor and issue a fine of \$100.00 with 5 – Yes votes, 1 – No vote and 2 – Members absent.

Case 2007-0131 Handy Mart Decatur, AR

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

Mrs. Denise Trammell and Mr. Daryle Trammell, the store owners, represented the store location in this matter.

A motion was made and approved to find Handy Mart in violation of §5-27-227(a)(1) Selling to a minor, issue a \$400 fine and no suspension of permit with 6 – Yes votes and 2 – Members absent.

Case 2007-0212

Circle N #50

Pine Bluff, AR

VIOLATION:

§5-27-227(a)(1)

**Selling to a minor, 2nd
Offense, \$200 fine.**

The Operations Manager, Ms. Lee Anne Fitzgerald, represented the store location.

A motion was made and approved to find Circle N #50 in violation of §5-27-227(a) (1) Selling to a minor and issue a Warning with 6 – Yes votes and 2 – No votes.

Case 2007-0189

A-1 Super Stop

Booneville, AR

VIOLATION:

§5-27-227(a)(1)

**Selling to a minor, 4th
Offense, \$1,000 fine,
7 – day suspension of
permit.**

Mr. Bobby Cobb, the owner, represented the store location.

A motion was made and approved to find A-1 Super Stop in violation of §5-27-227(a)(1) Selling to a minor, levy a \$1,000.00 fine and 7 – day suspension of permit with 6 – Yes votes and 2– Members absent.

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

Mr. Rivers asked for a motion to approve the Board meeting minutes for January 4, 2007 and February 1, 2007. A motion was made and approved to that effect with 6 – Yes votes and 2 – Members absent.

Mr. J.R. Thomas followed by presenting the report for “New Retail Permits Issued”. He asked for a motion to approve the “New Retail Permit applications issued from January 4, 2007 through February 28, 2007, as listed”. A motion was made and approved to accept the Director’s recommendation with 6 – Yes votes and 2 – Members absent.

A Wholesale Tobacco Permit Application was requested by Cousins Distributing, Inc. dba Fresh Choice Tobacco Company of Benicia, California. The application was complete and Mr. Thomas recommended it for approval. A motion was made to approve the wholesale tobacco application for Cousins Distributing, Inc. dba Fresh Choice Tobacco Co. with 6 – Yes votes and 2 – Members absent.

The Director then presented the “Notice of Hearing and Offers of Settlement Accepted by the Permittee Report”. After review by the Board, Mr. Thomas asked for approval of the “Notice of Hearing and Offers of Settlement accepted by the permittee, as listed on the report dated March 1, 2007”. A motion was made and approved to that effect with 6 – Yes votes and 2 – Members absent.

Mr. Thomas continued with his “Address to the Board” by reviewing the Complaints Report dated January 4, 2007 through March 1, 2007.

He noted the Board Rulings Report from Fiscal Year 2006 to Date in each member’s folder for their information.

He then called on Mr. Greg Sled, Enforcement Agent Supervisor, to give his monthly report on the Sales to Minors activity in the field and future training sessions being held by the agency for the retail community.

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Mr. Arnie Jochums brought the Board up to date on Court Activity.

Mr. Rivers continued with "Open Forum for Board Member Discussion" followed by "Open Forum for Comments from the Audience".

Announcements included the next meeting date of the Board on Thursday, April 5, 2007.

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

Minutes prepared by

Janis L. Campbell
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March 7, 2007