

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**MARCH 6, 2008**

The Tobacco Control Board met on Thursday, March 6, 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 7 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. John Hauge, Mr. Gene McKissic, who arrived after the meeting began, Mr. Ronald Rivers, Mr. Vince Macy and Dr. Tommy Wagner and 1 - Member absent - Mr. Kevin Dedner.

Mr. Ronald Rivers, the Chairman, called the meeting to order and opened with a "Welcome" to those in attendance. He asked for a motion to approve the January 24, 2008, Public Hearing minutes, which was made and approved with 6 - Yes votes and 2 - Members absent. Next he asked for a motion to approve the February 7, 2008 board meeting minutes, which was made and approved with 6 - Yes votes and 2 - Members absent.

The Chairman moved on to New Business and 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 and asked Mr. Roland Darrow, Staff Attorney, to proceed.

The following Leniency Cases were called before the Board by Mr. Roland Darrow:

**Case 2008-0225**

**EXXON MART  
NORTH LITTLE ROCK, AR**

**VIOLATION:**

**§26-57-226**

**Selling on a suspended permit, \$750 fine and 7-day suspension of permit.**

The business location was represented by Mr. Mohammed Yafai, the owner, and Mr. Chris Stewart, Attorney for the Respondent.

After testimony was presented, a motion was made and approved to find Exxon Mart in violation of §26-57-226 Selling on a suspended permit, issue a \$750 fine and 7-day suspension of permit with 6 – Yes votes and 2 – Members absent.

**Case 2008-0253**

**QUICK STOP  
LITTLE ROCK, AR**

**VIOLATION:**

**Rule & Regulation 4.2 Selling individual  
cigarettes, 2<sup>nd</sup>  
offense, \$500 fine and  
5 – day suspension of  
permit.**

The business location was represented by Mr. Mehor Bishara, the manager.

After testimony was presented, a motion was made and approved to find Quick Stop in violation of Rule and Regulation 4.2 Selling individual cigarettes, issue a \$500 fine, 5-day suspension of permit and destruction of confiscated product with 6 – Yes votes, 1 - Abstention and 1 – Member absent.

**Case 2008-00258**

**TRI-STAR BP  
JONESBORO, AR**

**VIOLATION:**

**§5-27-227(a)(1) Sale to Minor, 3<sup>rd</sup> Offense,  
\$400 fine, 2 – day  
suspension of permit.**

The business location was represented by Mr. Sirja Hamed, the manager.

After hearing all testimony, a motion was made and approved to find Tri-Star BP in violation of §26-57-257 and §5-27-227(a)(1) Selling to a minor, impose the recommended fine of \$400 and 1 – day suspension of permit with 6 – Yes votes, 1 – No vote and 1 – Member absent.

**Case 2008-0242**

**THE WHITE RABBIT  
FAYETTEVILLE, AR**

**VIOLATION:**

**§26-57-248(a) Possession of untaxed product, \$362.50 and Destruction of confiscated product.**

**§26-57-228 Purchasing from unlicensed dealer, \$500 fine and 5 – day suspension of permit.**

The business location was represented by Ms. Barbara Villeges, the owner.

After all testimony was presented, a motion was made and approved to find The White Rabbit in violation of §26-57-248(a) Possession of untaxed product, levy a \$362.50 fine and destruction of product, and in violation of §26-57-228 Purchasing from an unlicensed dealer, issue a \$500 fine and no suspension of permit with 7 – Yes votes and 1 – Member absent.

**FEBRUARY 7, 2008**

**RULING ON LORD'S FOOD WORLD AND LORDS USA ENTERPRISES, INC.**

At the February 7, 2008 board meeting, the Board heard Case # 2008-0139 and Case # 2008-0140. Since that ruling was handed down, it was determined the owner, Mr. Majeed Giwani, did not receive notice of the Hearing date. A motion was made and approved to set aside the decision at last month's meeting on Lord's Food World and Lord's USA Enterprises, Inc. with 6 – Yes votes, 1 – No vote and 1 – Member absent.

The following cases were represented by Mr. Arnie Jochums, Assistant Attorney General-----

**CASE 2008-0139**

**LORD'S FOOD WORLD  
LITTLE ROCK, AR**

<b>VIOLATION:</b>	<b>§26-57-248(a)</b>	<b>Possession of untaxed tobacco, Destruction of confiscated product, \$8,250 fine</b>
	<b>§26-57-228</b>	<b>Purchasing from an unlicensed dealer, \$500 and 5-days suspension of permit</b>
	<b>§26-57-213</b>	<b>Failure to maintain invoices, \$500 fine and 5-days suspension of permit</b>

Mr. Majeed Giwani, the owner, was present to represent the business. Once testimony and discussion concluded, a motion was made and approved to find Lord's Food World in violation of §26-57-248(a)



