

TOBACCO CONTROL BOARD MEETING MINUTES

MAY 5, 2005

The Tobacco Control Board met on Thursday, May 5, 2005, 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 - Dr. Neal Beaton, Mr. Mark Carter., Mr. John Hauge, Mr. Ken Milburn, Mr. Vince Macy, and Mr. Ronald Rivers, 1 - Board member absent - Mr. Gene McKissic and 1 - Open position.

Mr. Milburn, the Chairman, asked for approval of the meeting minutes for April 7, 2005. A motion was made and approved to that affect with 6 - Yes votes, 1 - Member absent, and 1 - Open position.

Mr. Maurice Gilmore asked for approval of "New Retail Permit Applications issued from April 7, 2005, through May 4, 2005." A motion was made and approved to that affect with 6 - Yes votes, 1 - Member absent, and 1 - Open position.

Mr. Gilmore, serving as Interim Director, reviewed the Complaints Report from April 7, 2005, through May 5, 2005. He announced he would be out of the office the week of May 23rd through the 27th. The office would be closed for Memorial Day holiday on Monday, May 30th and the office would reopen on Tuesday, May 31st.

Next Mr. Greg Sled, Enforcement Agent Supervisor, reported on the activity of the enforcement agents.

Mr. Arnie Jochums, Board Attorney, gave the Board a "Court Update".

Mr. Gilmore reviewed and asked for approval of the “Offers of Settlement accepted by the permittee on the report dated May 5, 2005. A motion was made and approved to accept the “Offers of Settlement accepted by the permittee as listed on the report dated May 5, 2005, as presented by the Director” with 6 – Yes votes, 1 – Open position and 1 – Member absent.

Mr. Gilmore continued with “Legislation” on the agenda. He brought the Board up to date on bills of interest to the Board and agency.

Next on the agenda was “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, June 2, 2005.

The Chairman then announced the Board would go into a Public Hearing.

There were 3 written comments submitted to the Board by the following:

Mr. Clifford P. Block
Griffin & Block, PLLC
Representing McLane Company, Inc.

David Bourne, MD, MPH
Medical Director, Tobacco Prevention and Education Program
Arkansas Department of Health

Ms. Stacy Croom
Program Support Coordinator
Tobacco Prevention and Education Program
Arkansas Department of Health

There were 3 oral comments to the Board for consideration as follows:

Ms. Ann Hines, Vice-President
Arkansas Oil Marketers Association

Mr. Grant Fortson
Lax, Vaughan, Fortson, McKenzie & Rowe, P.A.
Representing a group of Cigarette Wholesalers doing
business in Arkansas.

Mr. Clifford P. Block
Griffin & Block, PLLC
Representing McLane Company

The Chairman read the written comments into the record submitted by David Bourne, MD, and Ms. Stacy Croom. A copy of the written comments by McLane Company, Inc. were submitted to the agency office and included in the Board folder along with a copy of the proposed Rules and Regulations of the Board. He asked if anyone would like to address the Board with their oral comments.

Ms. Anne Hines, Mr. Grant Fortson and Mr. Clifford Block each addressed the Board.

After all presentations were made, the Board started working through the proposed Rules and Regulations and after discussion the following motions were made:

A motion was made and approved to remove Section 15.2 "F" Cost Survey with 6 – Yes votes, 1 – Member absent and 1 – Open position.

A motion was made and approved to accept the changes recommended by Arnie Jochums, as written, regarding Section 15.3 "I" with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

A motion was made and approved to accept the Rules and Regulations with changes as noted and send it on to the Legislative Council with 6 – Yes votes, 1 – Member absent, and 1 – Open position.

A motion was made and approved to deny the petitions as submitted by McLane Company and Mr. Grant Fortson, representing a group of Arkansas Wholesalers, because of action on the proposed Rules and Regulations taken today, May 5, 2005 with 6 – Yes votes, 1 – Member absent and 1 – Open position.

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

Janis L. Campbell

Minutes prepared by _____
Janis L. Campbell

May 20, 2005