

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**MAY 1, 2008**

The Tobacco Control Board met on Thursday, May 1, 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 6 - Board members present - Mr. Mark Carter, Mr. Kevin Case, Mr. Kevin Dedner, Mr. John Hauge, Mr. Gene McKissic, and Dr. Tommy Wagner with 2 - Members absent - Mr. Ronald Rivers and Mr. Vince Macy.

Mr. Mark Carter served as Chairman. He called the meeting to order and opened with a "Welcome" to those in attendance. He asked for a motion to approve the April 3, 2008 board meeting minutes, which was made and approved with 6 - Yes votes and 2 - Members absent.

There was no "Old Business" to conduct. The Chairman moved on to New Business and the Disciplinary Hearings segment of the agenda. He introduced Mr. Brent Gasper, serving as Hearing Officer along with Ms. Valarie Fortner and Ms. Lydia Williams, as Court Reporter.

Mr. Gasper opened the Disciplinary Hearings and asked Mr. Roland Darrow, Staff Attorney, to proceed. Mr. Darrow read the Default List dated April 3, 2008. No one was in attendance, therefore, Mr. Darrow asked the Board to find those listed in default, issue the maximum fines on all Sales to Minors cases and the recommended fines on all other cases. A motion was made and approved to that effect with 6 - Yes votes and 2 - Members absent.

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

**Case 2008-0307                    S & A BUSINESS, INC. dba  
BROADWAY FOOD STORE  
LITTLE ROCK, AR**

**VIOLATION:                    §5-27-227(a)(1)                    Selling to a minor, 3<sup>rd</sup>  
Offense, \$400 fine and  
2-day suspension of  
permit.**

The business location was represented by Ms. Aisha Kattom, owner.

After testimony was presented, a motion was made and approved to find Broadway Food Store in violation of §5-27-227(a)(1) Selling to a Minor, \$400 fine and 2 – day suspension of permit with 6 – Yes votes and 2 – Members absent.

**Case 2008-0281                    TOBACCO TOWN dba TOBACCO ROW  
RUSSELLVILLE, AR**

**VIOLATION:                    §4-75-708(a) & (b)                    Advertising below  
minimum, \$100 fine.**

**§26-57-262                    Selling export  
cigarettes.**

The business location was represented by Mr. Jay Martin, Attorney.



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

The Director, Mr. J.R. Thomas, continued on with the New Retail Permits Report and asked for approval. A motion was made and approved to accept the "New Retail Permits issued from April 3, 2008 through April 29, 2008" with 6 – Yes votes and 2 – Members absent.

Mr. Thomas moved on to the "Offers of Settlement Report" and asked for approval. After Board review, a motion was made and approved to accept the "Accepted Offers of Settlement for Board Approval" report dated May 1, 2008 with 6 – Yes votes and 2– Members absent.

The Director called on Mr. Greg Sled, the Sales to Minors Enforcement Agent Supervisor, to give the monthly report on agent activity around the state and merchant education.

Mr. Arnie Jochums, Assistant Attorney General, and Mr. Roland Darrow, Staff Attorney, continued with a "Court Update".

Mr. Jochums reported he and Mr. Thomas appeared before the Legislative Council and Joint Interim Committee for a review of Rule 15 that morning, May 1, 2008. The next step is to file the proper records with the Secretary of State's Office and the State Library. This Rule will become effective 10 days after this filing.

He also stated the only case still pending is with McLane Company regarding the Board's Advisory Opinion. He expects McLane to file an amended complaint.

Mr. Darrow reported the Sav-A-Trip appeal was scheduled for April 24<sup>th</sup>, 2008. After the Judge's review, he determined there was no merit to the appeal and dismissed it.

Mr. Carter announced the next meeting date of June 5, 2008.

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All business of the Board had been conducted. Mr. Carter made a motion to adjourn the meeting with all in agreement.

Minutes prepared by

*Janis L. Cambell*

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May 28, 2008