

TOBACCO CONTROL BOARD MEETING MINUTES

MAY 7, 2009

The Tobacco Control Board met on Thursday, May 7, 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 5 - Board members present – Mr. Kevin Case, Mr. John Hauge, Mr. Gene McKissic, Mr. Steve Lightle, and Ms. Carol Dyer, with 2 – Members absent – Mr. Danny Tate and Dr. Tommy Wagner 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 April 2, 2009 board meeting minutes. A motion was made and approved with 5 – Yes votes, 2 – Members 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 May 7, 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 and approved to find those listed in Default, and levy the maximum fines on all Sales to Minors cases with 5 – Yes votes, 2 – Members absent and 1 – Open position.

Ralph's Fina Augusta, Arkansas

Mr. Gamal Kamhan, the owner, requested to come before the Board to request a retail permit. Mr. Kamhan's business location was represented by Mr. Mohammed Ahmed and Ms. Whitfield.

Mr. Kamhan's representative was requesting a Retail Cigarette and Tobacco Permit be issued for this 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 not to permit Ralph's Fina in Augusta, Arkansas with 5 – Yes votes, 2 – Members absent and 1 – Open position. The representatives were told Mr. Kamhan could reapply again but he would need to come before the Board in person.

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 April 2, 2009 through May 6, 2009. A motion was made and approved to that effect with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

Mr. Thomas followed by presenting the "Accepted Offers of Settlement for Board Approval" report dated May 7, 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 May 7, 2009 with 5 – Yes votes, 2 – Members 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. Mr. Sled also introduced Ms. Bobbi Lynn Clayton, who began employment on April 6, 2009 as an Enforcement Agent and will cover the Southeastern area of the state.

The Chairman then asked if there were any "Court Updates". Mr. Arnie Jochums of the Attorney General's Office shared there is 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. He reviewed three bills that were passed during the State of Arkansas, 87th General Assembly, Regular Session, 2009. They were as follows:

House Bill 1402 – Act 697 An Act to create the Arkansas Cigarette Fire Safety Standard Act; and to create the Cigarette Fire Safety Standard Fund.

House Bill 1858 - Act 785 To amend various Arkansas Laws concerning the regulation of tobacco products.

House Bill 1913 – Act 939 To establish a forfeiture procedure for tobacco products and to establish a Tobacco Control Fund.

The Director reminded board members the agency office would be closed on Monday, May 25, 2009 for the Memorial Day holiday.

An announcement was made for the next meeting date of June 4, 2009.

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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May 19, 2009