

## **TOBACCO CONTROL BOARD MEETING MINUTES**

**NOVEMBER 8, 2007**

The Tobacco Control Board met on Thursday, November 8, 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. Gene McKissic, who arrived after the meeting began, and Mr. Ronald Rivers. There was 1 - member absent - Mr. Vince Macy and 1 - Open Position.

The Chairman, Mr. Ronald Rivers, called the meeting to order and opened with a "Welcome" to those in attendance. Next he asked for a motion to approve the August 2, 2007 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open Position.

He asked for a motion to approve the September 6, 2007 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open position.

He also asked for a motion to approve the October 4, 2007 board meeting minutes, which was made and approved with 5 - Yes votes, 2 - Members absent and 1 - Open position.

"Old Business" on the agenda concerned 4 - Opinion Letters written by the Director, Mr. J.R. Thomas, regarding requests made by Mr. Clifford Block on behalf of Mc Lane Company. After the Board reviewed the documents, a motion was made to approve all 4 - Opinion Letters with 5 - Yes votes, 2 - Members absent and 1 - Open position.

Mr. Rivers moved on to the Disciplinary Hearings segment of the agenda. He introduced Ms. Teena Watkins, serving as Hearing Officer and Ms. Lydia Williams, as Court Reporter. Ms. Watkins opened the Disciplinary Hearings.

The following cases were called before the Board represented by Mr. Roland Darrow, Staff Attorney:

**Default Judgment List                      Dated November 8, 2007**

Mr. Darrow read the Default List to the audience and asked if anyone was present to represent the store location. No one responded. He recommended the Board find those listed in Default and levy the recommended penalties.

A motion was made and approved to accept the Default List as presented, find those listed in default and impose the recommended penalties with 5 – Yes votes, 2 – Members absent and 1 – Open position.

<b>Case 2007-0454</b>	<b>Satterfield Oil Co. #1</b>	<b>Conway, AR</b>
<b>VIOLATION:</b>	<b>§5-27-227(a)(1)</b>	<b>Selling to a Minor, 4<sup>th</sup> Offense, \$1,000 fine and 7-day suspension of permit.</b>

The store location was represented by Mr. M.M. Satterfield III, known as Branch, who was the owner.

After all testimony was presented and Board discussion, a motion was made and approved to find Satterfield Oil Company #1 in violation of §5-27-227(a)(1) Selling to a minor, accept the recommendation of the Director to levy a \$1,000 fine and 7-day suspension of permit with 5– Yes votes, 1 – Abstention and 1 – Member absent.

**Case 2007-0481**

**The Tobacco Leaf**

**Bentonville, AR**

**VIOLATION:**

**§5-27-227(a)(1)**

**Selling to a minor,  
4<sup>th</sup> Offense, \$1,000  
fine and 7-day  
Suspension of permit**

The business location was represented by Mr. Robert Montgomery, the owner.

A motion was made to find The Tobacco Leaf in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, levy a fine of \$250 and no suspension of permit with 5 - Yes votes, 1 - No vote, 1 - Member absent and 1 - Open position.

**Case 2008-0012**

**Bob's Market**

**Jasper, AR**

**VIOLATION:**

**§5-27-227(a)(1)**

**Selling to a minor,  
4<sup>th</sup> Offense, \$1,000  
fine and 7-day  
suspension of permit.**

No one was present to represent the store location. The Board was in agreement to proceed with the Case, since contact was made about the meeting date and time.

After testimony and discussion a motion was made and approved to find Bob's Market in violation of §5-27-227(a)(1) Selling to a minor and §26-57-257, issue a fine of \$1,000 and 7 - day suspension of permit with 6 - Yes votes, 1 - Member absent and 1 - Open Position.

The following two (2) Cases were presented together-----

**Case 2007-0521                      Tystar Express                      Mountain Home, AR**

**VIOLATION:                      §26-57-226                      Selling on an expired permit, \$250 fine.**

**Case 2007-0522                      Tystar Express                      Bull Shoals, AR**

**VIOLATION:                      §26-57-226                      Selling on an expired Permit, \$250 fine**

No one was present to represent the business locations. The Board was in agreement to continue.

After testimony was presented a motion was made and approved to find both store locations for Tystar Express in Mountain Home and Bull Shoals in violation of §26-57-226 Selling on an expired permit and levy a \$500 fine to each location with 6 – Yes votes, 1 – Member absent and 1 – Open position.

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

Mr. Rivers called on Mr. J.R. Thomas, the Director, to continue. The Director presented the New Retail Permits Report and asked for approval. A motion was made to approve the New Retail Permit applications issued from August 2, 2007 through November 8, 2007. The motion was approved with 6 – Yes votes, 1 – Member absent and 1 – Open position.

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 November 7, 2007 with 6 – Yes votes, 1 – Member absent and 1 – Open position.

The Director shared information with the Board about the agency office relocating to the fourth floor in the Suite now occupied by the Student Loan Authority. The tentative move in date is January 2008.

Mr. Thomas 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. Sled also gave the Board a report of Federal Synar Results by each state. Arkansas is ranked first in Federal Fiscal Year 2006 for having a Sales to Minors violation rate of 2.2%.

Mr. Roland Darrow, Staff Attorney, and Mr. Arnie Jochums, an Assistant Attorney General, gave their Court activity reports.

Mr. Rivers announced the next meeting date of December 6, 2007.

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

Minutes prepared by \_\_\_\_\_ Janis L. Campbell \_\_\_\_\_

November 20, 2007