

TOBACCO CONTROL BOARD MEETING MINUTES

OCTOBER 7, 2004

The Tobacco Control Board met on Thursday, October 7, 2004, 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 5 - Board members present - Mr. Mark Carter, Mr. John Hauge, Mr. Ken Milburn, Jr., Mr. Vince Macy, Mr. Ronald Rivers, 1 - Open position and 2 - Board members absent - Mr. Gene McKissic and Dr. Neal Beaton.

The Chairman opened the meeting with a "Welcome" to those attending. He asked for a motion to approve the August 4, 2004, Collaborative Legislative Group meeting minutes, August 5, 2004, board meeting minutes, and the September 2, 2004, board meeting minutes. A motion was made and approved with 5 - Yes votes, 2 - Members absent, and 1 - Open position.

Mr. Charlie Davis, the Director, asked for approval of "New Retail Permit Applications issued from August 5, 2004, through October 6, 2004" after reviewing the report with the Board. A motion was made and approved to that effect with 5 - Yes votes, 1 - Open position, and 2 - Members absent.

The Director then presented the following Tobacco Wholesale Permit Change of Ownership application:

Santa Fe Natural Tobacco	Santa Fe, New Mexico
	Oxford, North Carolina

Santa Fe Natural Tobacco is now owned by Reynolds American, Inc. The application was complete and he asked for approval.

A motion was made and approved to accept the tobacco wholesale change of ownership application for Santa Fe Natural Tobacco in Santa Fe, NM, and Oxford, NC with 5 - Yes votes, 1 - Open position, and 2 - Members absent.

Page 3

The business was represented by Mr. George DeLoach.

After testimony and discussion a motion was made and approved to find E-Z Mart in violation of §5-27-227(a)(1), issue a \$600.00 fine, and wave the suspension with 5 – Yes votes, 2 –Members absent, and 1 – Open position.

Case 2004-1390
Jason LaFrance, Contact

USA Drug #1003

Little Rock, AR

VIOLATION: §5-27-227(a)(1) Sale to Minor, 2nd Offense, \$200 fine and 1-day suspension of permit

USA Drug was represented by Mr. Dyer Custer, Company Auditor.

After hearing the facts of the case and board member discussion, a motion was made and approved to find USA Drug in violation of §5-27-227(a)(1) and issue a \$200.00 fine and 1-day suspension of permit with 5 – Yes votes, 2 - Members absent, and 1 – Open position.

Case 2004-1324
Andrea Stephens, Owner

Circle “S” Convenience Store
England, AR

VIOLATION: §5-27-227(a)(1) Sales to Minor, 1st Offense, Warning

The store was represented by Mr. Shawn Stephens, co-owner.

After all testimony was heard by the Board, a motion was made to find Circle “S” Convenience Store in violation of §5-27-227(a)(1) and issue a Warning with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

**Case #2005-0029 Crackerbox, Inc. #25 Mayflower, Arkansas
Rhonda Gardner, Contact**

VIOLATION: §5-27-227(a)(1) Sale to a Minor, 2nd Offense, \$200
fine, 1-day suspension of permit.

The store location was represented by Mr. Louis Gardner.

After hearing all testimony a motion was made and approved to find Crackerbox, Inc., #25 in violation of §5-27-227 (a)(1) and issue a \$200.00 fine and wave the 1-day suspension of permit with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

**Case # 2004-0877 Jackie Don's Charleston, Arkansas
Jackie Don Furr, Owner**

VIOLATION: §5-27-227(a)(1) Sale to a Minor, 2nd Offense, \$200 fine
and 1 – day suspension of permit.

Mr. Furr was not present for the Hearing, but faxed a letter into the Board for consideration.

After hearing the facts in this case and taking Mr. Furr's written correspondence into consideration, a motion was made and approved to find Jackie Don's in violation of §5-27-227(a)(1) and issue a \$200 fine and 1 – day suspension of permit with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

Case #2004-1354 Rick's One Stop Havana, Arkansas
Ricky Bryant, Owner

VIOLATION: §5-27-227(a)(1) Selling to a Minor, 1st Offense,
Warning

The store was represented by Ricky Bryant, the owner, and Rita Gentry.

Once all the testimony was presented, a motion was made to find Rick's One Stop in violation of §5-27-227(a)(1) and issue a warning with 5 – Yes votes, 2 – Members absent, and 1 – Open position.

Case #2004-1333 Landmark One Stop LLC Little Rock, AR
Richard Johnston, Contact

VIOLATION: §5-27-227(a)1) Sale to a Minor, 2nd Offense, \$200 fine,
1 – day suspension of permit

The store location was represented by Ms. Becky Johnston.

After hearing all parties and their testimony, a motion was made and approved to find Landmark One Stop LLC in violation of a 2nd Offense of §5-27-227(a)(1), levy a \$200 fine and wave the 1 – day suspension of permit.

The Hearing segment of the meeting was concluded and Ms. Watkins turned the meeting back over to the Chairman, Mr. Ken Milburn. The Chairman continued the meeting with a “Collaborative Legislative Group Update” followed by “Open Forum for Board Member Discussion and “Open Forum for Comments from the Audience”.

Page 7

The next meeting of the Board will be held on Thursday, November 4, 2004.

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

Minutes prepared by _____
Janis L. Campbell

October 18, 2004