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BOARD MEETING MINUTES October 03, 2024

The Arkansas Tobacco Control Board met on Thursday, October 03, 2024, 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 119. There were six (6) Board members present.

- **Board Members Present:** Chairman Gary Proffitt, Dr. Patricia Knott, David Hendrix, Jr., Mr. Brandon McKinney, Mr. Kerry Lott, and Dr. Shabbir Dharamsey.

CALL TO ORDER.

- Chairman Gary Proffitt called the ATC Board meeting to order and opened the meeting welcoming the guests and staff.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from September 12, 2024. A motion was made by Mr. David Hendrix, Jr. and seconded by Mr. Kerry Lott to approve the September 12, 2024, minutes. It passed with six (6) yes votes and zero (0) opposing votes.

FULL HEARINGS

- ❖ Case No. 2024-01936 (Fine Paid & ME Training Complete)
PJ EXPRESS, LLC. - Permit No. 20484-01
Auday Alshohatee (Reyad Mothana Repeated)
311 South Airbase Highway
Blytheville, AR 72315

Violations: (1) Sell to Minor - A.C.A. § 5-27-227(A)(1)
(2) No Server Awareness Form – ATC Rule 4.1

In light of the evidence and testimony submitted before the Board, a motion was made by Dr. Shabbir Dharamsey and was seconded by Mr. David Hendrix, Jr. to increase the penalty to \$ 2,000.00 from the recommended penalty of \$1,400.00 civil penalty and keep the ten (10) day permit suspension for the violation of Sell to Minor - A.C.A. § 5-27-227(A)(1). For the violation of ATC Rule 4.1., increase the civil penalty from the recommended \$100.00 to \$1,000.00. The motion passed with six (6) yes votes and zero (0) opposing votes.

WHOLESALE PERMIT APPLICATIONS

Chairman Proffitt presented five (5) new Wholesale Tobacco and Vapor product Permit applications to the Board for approval.

- ❖ FONTEM US, LLC. - GREENSBORO, NC
 - ❖ PUFF & SMOKE VAPE SHOP, LLC. - RECTOR, AR
 - ❖ NOVELTY KING JONESBORO, INC. dba NOVELTY KING JONESBORO - JONESBORO, AR
 - ❖ NEW AGE WHOLESALE DISTRIBUTION, LLC. dba NEW AGE WHOLESALE DISTRIBUTION - NORTH LITTLE ROCK, AR
 - ❖ VAPOR MAVEN E-JUICE, LLC. dba VAPOR MAVEN E-JUICE - SPRINGDALE, AR
- A motion was made by Mr. David Hendrix, Jr. to approve the wholesale applications and seconded by Dr. Patricia Knott. The motion passed with six (6) yes votes and zero (0) opposing votes.

NEW RETAIL PERMITS ISSUED

- Director Christy Bjornson requested the Board members to review and approve the list of thirty-eight (38) new permits (those permits other than wholesale permits) issued from September 1, 2024 through September 30, 2024.
- A motion was made to accept and approve the list of thirty-eight (38) new permits issued by Mr. David Hendrix, Jr. and seconded by Mr. Brandon McKinney. The motion passed with six (6) yes votes and zero (0) opposing votes.

ACCEPTED OFFERS OF SETTLEMENT

- Director Christy Bjornson requested the Board members to review and approve the list of Accepted Offers of Settlement for the month of September. A motion was made to accept the Accepted Offers of Settlement by Mr. Kerry Lott and seconded by Dr. Shabbir Dharamsey. The motion passed with six (6) yes votes and zero (0) opposing votes.

DEFAULT OFFERS OF SETTLEMENT

- ATC Attorney Cameron Coker requested the Board members to review and approve the list of Default Offers of Settlement for the month of September 2024. A motion was made to accept the Default Offers of Settlement by Dr. Shabbir Dharamsey and seconded by Mr. Kerry Lott. The motion passed with six (6) yes votes and zero (0) opposing votes.

ADMINISTRATION ACTIVITY

- Director Christy Bjornson introduced our new Training Instructor, Lashunda Stokes. Her first training class will be held on October 25, 2024 at the 1515 Building in Little Rock. The times will be at 10:00 am and 1:30 pm.

ENFORCEMENT ACTIVITY

- CID Director David Potter introduced our new Budget Specialist, Niharika Parsa, and reported for following results for compliance checks.

July FY 25 - 26 / 577 = 4.51 %

August - 27 / 574 = 4.70 %

September - 33 / 445 = 7.42 %

FY 2025 - 86 / 1,596 = 5.39 %

Results for Inspections for the month of September 2024, with 28 inspections totaled 10 violations = 25 %.

FDA ACTIVITY

Jody Dotson reported for the month of September 2024 FDA Agents completed 208 routine inspections with 9 potential violations resulting in a 4.33 % violation. FDA Agents completed 46 follow-up Inspections with 0 potential violations resulting in a 0 % violation rate for the month of September 2024.

LEGAL UPDATE

ATC Attorney Cameron Coker updated the Board on the law regarding wholesalers and retailers, under the same ownership, being permitted at the same location in response to a question posed at the previous meeting. There is no legal prohibition against wholesalers and retailers being permitted at the same location as long as their ownership is exactly the same. Previous directors and attorneys have, as a policy matter, not allowed retailers and wholesalers under the same ownership to be permitted at the same location while others have. Moving forward it will be ATC policy to allow this practice while allowing retailers and wholesalers, under the same ownership, who have been permitted at separate locations to keep their existing permits.

OPEN FORUM

- Chairman Gary Proffitt asked if there were any questions or comments from the Board members. There were no questions or comments made at that time.

ADJOURNMENT

In closing, Chairman Gary Proffitt stated that the next ATC Board meeting is scheduled for November 07, 2024. A motion was made by Chairman Gary Proffitt and seconded by Mr. Kerry Lott to adjourn. It was approved with six (6) yes votes and zero (0) opposing votes. The meeting was adjourned.

Minutes prepared by:

Sharee Felts

Sharee Felts

Dated: October 03, 2024