



**State of Arkansas
Department of Finance
And Administration**

DFA – ARKANSAS TOBACCO CONTROL
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**BOARD MEETING MINUTES
June 06, 2024**

The Arkansas Tobacco Control Board met on Thursday, June 6, 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 via Zoom, Mr. Brandon Mickinney, David Hendrix, Jr., Mr. Brent Summerhill, and Dr. Shabbir Dharamsey (left after the hearings).

CALL TO ORDER.

- Chairman Gary Proffitt called the ATC Board meeting to order and opened the meeting welcoming the guests and staff.
- There were two hearings set for today's Board Meeting. As a result, a hearing officer, Mr. Craig Smith, and court reporter, Ms. Nicole Neal, were present.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from May 02, 2024. A motion was made by Dr. Shabbir Dharamsey and seconded by Mr. David Hendrix, Jr. to approve the May 02, 2024, minutes. It 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 fifty-eight (58) new permits (those permits other than wholesale permits) issued from May 1, 2024 through May 30, 2024.
- A motion was made to accept and approve the list of fifty-eight (58) new permits issued by Mr. David Hendrix, Jr. and seconded by Mr. Brent Summerhill. The motion passed with five (5) 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 May 2024. A motion was made to accept the Accepted Offers of Settlement by Dr. Shabbir Dharamsey and seconded by Mr. David Hendrix, Jr. The motion passed with six (6) yes votes and zero (0) opposing votes.

ENFORCEMENT ACTIVITY

- CID Director David Potter reported the following results for compliance checks:

March FY 24 - 30 / 374 = 8.02 %

April FY 24 - 29 / 341 = 8.50 %

May FY 24 - 20 / 410 = 4.89 %

FY 2024 - 331 / 4,413 = 7.50 %

Results for Inspections for the month of May 2024, with 59 inspections totaled 31 violations = 33.9 %

FDA ACTIVITY

Deputy Director Ray Owens reported for the month of May 2024 FDA Agents completed 399 routine inspections with 31 potential violations resulting in a 7.77% violation rate. FDA Agents completed 28 follow-up inspections with 0 potential violations resulting in a 0% violation rate for the month of May 2024.

LEGAL UPDATE

- ATC Attorney Cameron Coker discussed our new method of handling Default cases going forward.

FULL HEARINGS

- ❖ Case No. 2023-12043
AUGUSTA EXPRESS, LLC - Permit No. 05308-04
Amit Budhwani
105 HWY 64 East
Augusta, AR 72006

Violations (1) Selling Below Minimum - A.C.A. § 4-75-708(a)
(2) No Server Awareness Form - ATC Rule 4.1
(3) Failure to Maintain Invoices for 3 Years - A.C.A. § 26-57-213

In light of the evidence and testimony submitted before the Board, a motion was made by Mr. Brent Summerhill and seconded by Dr. Shabbir Dharamsey to keep the recommended penalty of \$2,000.00 civil penalty and fifteen (15) day permit suspension for violation of A.C.A. § 26-57-213, a \$100.00 civil penalty for the violation of ATC Rule 4.1., and a \$ 200.00 civil penalty for the violation of A.C.A. § 4-75-708(a). Motion passed with five (5) yes votes and zero (0) opposing votes. *Chairman Gary Proffitt recused himself from this particular hearing. *

LENIENCY HEARINGS

- ❖ Case No. 2023-12861
AMEER'S TOBACCO VAPE 3, LLC. - Permit No. 23805-01
Mohamed Aldilam
4656 N. Highway 7
Hot Springs Village, AR 71909

Violations: (1) Buying Tobacco Products from an Unlicensed Dealer - A.C.A. § 26-57-228

In light of the evidence and testimony submitted before the Board, a motion was made by Mr. Brent Summerhill and seconded by Mr. David Hendrix, Jr. to keep the recommended penalty of \$1,000.00 civil penalty, ten (10) day permit suspension, to be held in abeyance pending no further violations for two years, for the violation of violation of A.C.A. § 26-57-228. Motion passed with six (6) yes votes and zero (0) opposing votes.

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 July 11, 2024. A motion was made by Chairman Gary Proffitt and seconded by Mr. David Hendrix, Jr. to adjourn. It was approved with five (5) yes votes and zero (0) opposing votes. The meeting was adjourned.

Minutes prepared by:

Sharee Devore

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Dated: June 21, 2024