



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

DFA – ARKANSAS TOBACCO CONTROL
101 E. Capitol Ave., Suite 401
Little Rock, AR 72201
Phone: (501) 682-9756
Fax: (501) 682-9760
<https://www.atc.arkansas.gov>



**BOARD MEETING MINUTES
May 02, 2024**

The Arkansas Tobacco Control Board met on Thursday, May 2, 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, Mr. Kerry Lott, Mr. Brandon Mickinney, David Hendrix, Jr., Mr. Brent Summerhill, 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.
- There were two hearings set for today's Board Meeting. As a result, a hearing officer, Mr. Craig Smith, and court reporter, Mrs. Leslie Stokes, were present.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from March 07, 2024. A motion was made by Dr. Shabbir Dharamsey and seconded by Mr. Brent Summerhill to approve the March 07, 2024, minutes. It passed with six (6) yes votes and zero (0) opposing votes.

WHOLESALE PERMIT APPLICATIONS

Chairman Proffitt presented three (3) new Wholesale Tobacco and Vapor product Permit applications to the Board for approval.

- ❖ **Springhill Wholesale, LLC. - Bryant, AR**
 - ❖ **Express Wholesale dba A to Z Wholesale - Decatur, GA**
 - ❖ **Stephenson Wholesale CO., Inc. dba Indian Nation Wholesale - Durant, OK**
- A motion was made by Mr. David Hendrix, Jr. to approve the wholesale application and seconded by Mr. Kerry Lott. 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 ninety-eight (98) new permits (those permits other than wholesale permits) issued from March 1, 2024 through April 30, 2024.
- A motion was made to accept and approve the list of ninety-eight (98) new permits issued by Mr. David Hendrix, Jr. and seconded by Mr. Kerry Lott. 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 March and April 2024. A motion was made to accept the Accepted Offers of Settlement by Mr. David Hendrix, Jr. and seconded by Dr. Shabbir Dharamsey. The motion passed with six (6) yes votes and zero (0) opposing votes.

ENFORCEMENT ACTIVITY

- CID Director David Potter reported for following results for compliance checks.

February FY 24 - 31 / 433 = 7.16 %

March FY 24 - 30 / 374 = 8.02 %

April FY 24 - 29 / 341 = 8.50 %

FY 2024 - 311 / 4,003 = 7.76 %

Results for Inspections for the month of March 2024, with 19 out of 38 inspections totaled 45 violations = 50.0 % and for the month of April 2024 with 13 out of 24 inspections totaled 30 violations = 54.2 %.

- CID Director David Potter introduced our three new agents: Robert Reedy, Chris Martin, and Mason Berry.

FDA ACTIVITY

Deputy Director Ray Owens reported for the month of March and April 2024 FDA Agents completed 615 routine inspections with 44 potential violations resulting in a 7.2% violation rate for the two-month period. FDA Agents completed 61 follow-up Inspections with 3 potential violations resulting in a 4.92 % violation rate for the two month period.

LEGAL UPDATE

- ATC Director Christy Bjornson introduced our new ATC Attorney Cameron Coker

LENIENCY HEARINGS

- ❖ Case No. 2024-01212
ROSE ONE FOOD, LLC. – Permit No. 10273-03
Rajbir Singh
3100 West Roosevelt Road
Little Rock, AR 72204

Violations: (1) Selling Tobacco Products to Minors A.C.A. § 5-27-227(A)(1)
(2) No Server Awareness Form Signed by Clerk – ATC Rule 4.1.

In light of the evidence and testimony submitted before the Board, a motion was made by Dr. Shabbir Dharamsey and seconded by Mr. Brent Summerhill to keep the recommended penalty of \$3500.00 civil penalty, one (1) day permit suspension, recommended Merchant Education Training for all employees for violation of A.C.A. § 5-27-227(A)(1), and a Warning for the violation of ATC Rule 4.1. Motion passed with six (6) yes votes and zero (0) opposing votes.

DEFAULT HEARING

- ❖ Case No. 2023-10350
A1 WHOLESALE SUPPLY, LLC.. – Permit No. 21131-01
Aleem Wadhwanian
2090 Tucker Industrial Road, Suite A2
Tucker, GA 30084

Violations: (1) Wholesaler Failing to File Monthly Delivery Report A.C.A. § 26-57-265

In light of the evidence and testimony submitted before the Board, a motion was made by Mr. Brent Summerhill and seconded by Mr. Kerry Lott to keep the recommended penalty of \$250.00 civil penalty. 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 June 06, 2024. A motion was made by Mr. Kerry Lott and seconded by Dr. Shabbir Dharamsey. to adjourn. It was approved with six (6) yes votes and zero (0) opposing votes. The meeting was adjourned.

Minutes prepared by:

Dated: May 10, 2024

Sharee Devore
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