

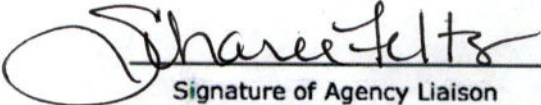


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BOARD MEETING MINUTES

September 12, 2024

The Arkansas Tobacco Control Board met on Thursday, September 12, 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 five (5) Board members present.

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

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 August 01, 2024. A motion was made by Dr. Shabbir Dharamsey and seconded by Mr. Kerry Lott to approve the August 01, 2024, minutes. It passed with five (5) yes votes and zero (0) opposing votes.

WHOLESALE PERMIT APPLICATIONS

Chairman Proffitt presented six (6) new Wholesale Tobacco and Vapor product Permit applications to the Board for approval.

- ❖ **SNS DISTRIBUTION, LLC. dba CLOUD 9 FORT SMITH - FORT SMITH, AR**
 - ❖ **JY LABS, INC. - PLANO, TX Cigar Bros USA, Inc. - El Cajon, CA**
 - ❖ **RDSU, LLC. dba TEXARKANA C-STORE WHOLESALE - TEXARKANA, TX**
 - ❖ **ANDREW TRANSPORT SERVICES, INC. dba PRIVADO CLUB - ORLANDA, FL**
 - ❖ **MV ROGERS DISTRIBUTION, LLC. - ROGERS, AR**
 - ❖ **PERFORMANCE FOOD GROUP, INC. dba CORE-MARK US, LLC. - FORT WORTH, TX**
- A motion was made by Mr. Kerry Lott to approve the wholesale applications and seconded by Dr. Shabbir Dharamsey. The motion passed with five (5) 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 seventy-eight (78) new permits (those permits other than wholesale permits) issued from August 1, 2024 through August 31, 2024.
- A motion was made to accept and approve the list of seventy-eight (78) new permits issued by Mr. David Hendrix, Jr. and seconded by Mr. Kerry Lott. 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 August 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 five (5) yes votes and zero (0) opposing votes.

CONSENT ORDERS FOR BOARD APPROVAL

- Ameer's Tobacco & Vape 2, LLC. - 2024-02977
 - Ameer's Tobacco & Vape 2, LLC. - 2024-06025
 - Ameer's Tobacco & Vape, LLC. - 2024-03033
 - Ameer's Tobacco & Vape, LLC. - 2024-06026
 - Ameer's Tobacco & Vape 4, LLC. - 2024-02894
 - Ameer's Tobacco & Vape 3, LLC. - 2024-03276
- Chairman Gary Proffitt asked the board to review the Consent Orders for the cases above for a blanket approval. A motion was made by Dr. Shabbir Dharamsey to approve the Consent Orders and seconded by Mr. David Hendrix, Jr. The motion passed with five (5) yes votes and zero (0) opposing votes.

ENFORCEMENT ACTIVITY

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

June FY 24 - 24 / 374 = 6.42 %

July FY 25 - 26 / 577 = 4.51 %

August FY 25 - 27 / 574 = 4.70 %

FY 2025 - 53 / 1,151 = 4.60 %

Results for Inspections for the month of August 2024, with 50 inspections totaled 36 violations = 42 %.

FDA ACTIVITY

CID Director David Potter gave the report in Deputy Director Jody Dotson absence, reported for the month of August 2024 FDA Agents completed 103 routine inspections with 2 potential violations resulting in a 1.94 % violation. FDA Agents completed 113 follow-up Inspections with 4 potential violations resulting in a 3.54 % violation rate for the month of August 2024.

LEGAL UPDATE

ATC Attorney Cameron Coker updated the Board on the new policy regarding the elimination of leniency hearings. No requirement in the law to have such a hearing. Offers of settlement are now going out with the option to accept the offered settlement or request a hearing on the merits of the allegations. Permit holders are also free to contact ATC to try and reach a negotiated settlement before having a hearing.

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 October 03, 2024. A motion was made by Dr. Shabbir Dharamsey and seconded by Mr. Brandon McKinney to adjourn. It was approved with five (5) yes votes and zero (0) opposing votes. The meeting was adjourned.

Minutes prepared by:

Sharee Felts

Sharee Felts

Dated: September 12, 2024