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Report of state documents issued during September 14, 2023 Board meeting
AGENCY NAME: Arkansas Tobacco Control

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Shane Devore
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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 July 13, 2023

The Arkansas Tobacco Control Board met on Thursday, July 13, 2023, 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. Sam Stathakis, Mr. David Hendrix, Jr., Dr. Brad Mayfield, 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 was one hearing set for today's Board Meeting. As a result, a hearing officer, Mr. Charlie Moulton, and court reporter, Ms. Jennifer Barnett, were present.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from June 1, 2023. A motion was made by Mr. Sam Stathakis and seconded by Dr. Brad Mayfield to approve the June 1, 2023, minutes. It passed with six (6) yes votes and zero (0) opposing votes.

WHOLESALE PERMIT APPLICATIONS

Chairman Proffitt presented one (1) new Wholesale Tobacco and Vapor product Permit applications to the Board for approval.

❖ **Correct Commissary, LLC. - Ruston, LA**

- 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 Greg Sled requested the Board members to review and approve the list of ninety-four (94) new permits (those permits other than wholesale permits) issued from June 1, 2023 through June 30, 2023
- A motion was made to accept and approve the list of ninety-four (94) new permits issued by Mr Kerry Lott and seconded by Dr Shabbir Dharamsey The motion passed with six (6) yes votes and zero (0) opposing votes

DEFAULT JUDGMENTS

- Director Greg Sled presented the June 2023 default judgements list to the Board to review and approve
 - A motion was made to approve the Default Judgments by Mr David Hendrix, Jr and was seconded by Dr Shabbir Dharamsey to approve The motion passed with six (6) yes votes and zero (0) opposing votes

ACCEPTED OFFERS OF SETTLEMENT

- Director Greg Sled requested the Board members to review and approve the list of Accepted Offers of Settlement for June 2023 A motion was made to accept the Accepted Offers of Settlement by Mr David Hendrix, Jr and seconded by Mr Sam Stathakis The motion passed with six (6) yes votes and zero (0) opposing votes

ENFORCEMENT ACTIVITY

- Director Sled reported for following results for compliance checks

April - 57/480 = 11.88 %

May - 37 / 368 = 10.05 %

June - 35 / 333 = 10.51 %

FY 2023 - 594 / 6137 = 9.68 %

Results for Inspections for the month of June 2023, with 7 out of 31 inspections totaled 30 violations = 22.58 %

FDA ACTIVITY

Deputy Director Ray Owens reported for the month of June 2023 FDA Agents completed 130 inspections with 2 potential violations FDA June 2023 violation rate was 1.54 %

LEGAL UPDATE

- ATC Attorney Will Olson reported no new legal updates for this month

LENIENCY HEARING

- ❖ Case No 2022-09378
UNITED SOLUTIONS, LLC
dba ROYAL SMOKES , Permit No 19883-01
Praveen Kottha
1910 SW Columbus Road
Bentonville, Arkansas 72713

Violations (1) Purchasing Tobacco Products from an Unlicensed Dealer A C A § 26-57-228
(2) Possession of Untaxed Tobacco A C A § 26-57-245
(3) Failure to Maintain Invoices for a 3 Year Period A C A § 26-57-213

In light of the evidence and testimony submitted before the Board, a motion was made by Mr Sam Stathakis and seconded by Dr Brad Mayfield to approve the \$17,907.10 civil penalty and hold the twenty-one (21) days permit suspension in abeyance for two (2) years pending no further violations, for the violations presented above Motion passed with six (6) yes votes and zero (0) opposing votes

PROPOSED ATC ADMINISTRATIVE RULES

- A motion was presented to the board to approve the Amended Proposed ATC Administration Rules A motion was made by Dr Shabbir Dharamsey and was seconded by Mr Sam Stathakis 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
- Chairman Gary Proffitt asked those in the public audience if there were any questions or comments 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 September 14, 2023 A motion was made by Mr Sam Stathakis and seconded by Mr Gary Proffitt to adjourn It was approved with six (6) yes votes and zero (0) opposing votes The meeting was adjourned

Minutes prepared by

Dated September 1, 2023

Sharee Devore

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