



**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
December 07, 2023**

The Arkansas Tobacco Control Board met on Thursday, December 7, 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. Brandon Mickinney, Dr. Patricia Knott, David Hendrix, Jr., 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. Craig Smith, and court reporter, Mrs. Melody Haley, were present.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from November 02, 2023. A motion was made by Mr. Kerry Lott and seconded by Dr. Shabbir Dharamsey to approve the November 02, 2023, minutes. It 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.

- ❖ **International Wholesale Supply – Maryland Heights, MO**
 - A motion was made by Mr. Kerry Lott to approve the wholesale application and seconded by Mr. David Hendrix, Jr. 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 forty-three (43) new permits (those permits other than wholesale permits) issued from November 1 2023 through November 30 2023
- A motion was made to accept and approve the list of forty-three (43) new permits issued by Dr Shabbir Dharamsey and seconded by Mr Kerry Lott The motion passed with six (6) yes votes and zero (0) opposing votes

DEFAULT JUDGMENTS

- Attorney Sarah DeBusk informed the board members that any default judgments will be set for a hearing going forward instead of being presented for approval by the ATC Board

ACCEPTED OFFERS OF SETTLEMENT

- Director Greg Sled requested the Board members to review and approve the list of Accepted Offers of Settlement for November 2023 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

- Director Sled reported for following results for compliance checks

September FY 24 - 40 / 454 = 8.81 %

October FY 24 - 37 / 375 = 9.87 %

November FY 24 - 17 / 288 = 5.90 %

FY 2024 - 161 / 2,139 = 7.53 %

Results for Inspections for the month of November 2023 with 9 out of 24 inspections totaled 42 violations = 37.5 %

FDA ACTIVITY

Deputy Director Ray Owens was absent from the December 2023 board meeting

LEGAL UPDATE

- ATC Attorney Sarah Debusk

LENIENCY HEARINGS

Case No 2023 10646
Mazieniz, LLC dba EXXON TIGERMART – Permit No 02592-03
Nizar Thobaru
2417 West Center Street
Beebe AR 72012

Violations (1) Selling Tobacco Products to Minors A C A § 5 27 227(A)(1)

In light of the evidence and testimony submitted before the Board a motion was made by Dr Shabbir Dharamsey and seconded by Mr David Hendrix Jr to keep the recommended penalty of \$350 00 civil penalty and one (1) day permit suspension 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 January 04 2024 A motion was made by Mr David Hendrix, Jr 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

Sharee Devore

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Dated January 15, 2024