



**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
November 02, 2023**

The Arkansas Tobacco Control Board met on Thursday, November 2, 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, Dr. Patricia Knott, 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 was one hearing set for today's Board Meeting. As a result, a hearing officer, Mr. Craig Smith, and court reporter, Mrs. Nicole Hartwick, were present.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from October 05, 2023. A motion was made by Mr. Sam Stathakis and seconded by Mr. Kerry Lott to approve the October 05, 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.

- ❖ **World Wholesale, Inc. – Elmhurst, IL**
 - ❖ **Summit Food Services, LLC. – Sioux Falls, SD**
 - ❖ **Smoke Town Wholesale, LLC. – Dallas, TX**
 - ❖ **Legacy Distributors, LLC. – Marion, AR**
 - ❖ **Abby Road AR, LLC. – Little Rock, AR**
- A motion was made by Mr. Brent Summerhill to approve the wholesale application and seconded by Dr. Shabbir Dharamsey. 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 thirty-eight (38) new permits (those permits other than wholesale permits) issued from October 1 2023 through October 31 2023
- A motion was made to accept and approve the list of thirty-eight (38) new permits issued by Mr Sam Stathakis and seconded by Dr Patricia Knott The motion passed with six (6) yes votes and zero (0) opposing votes

DEFAULT JUDGMENTS

- Director Greg Sled presented the October 2023 default judgements list to the Board to review and approve
 - A motion was made to approve the Default Judgments by Mr Brent Summerhill and was seconded by Mr Kerry Lott 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 October 2023 A motion was made to accept the Accepted Offers of Settlement by Mr Brent Summerhill and seconded by Dr Shabbir Dharamsey The motion passed with six (6) yes votes and zero (0) opposing votes

MOTIONS

- A motion was made for a previously requested Salary Resolution Letter that will be sent to the Governors Office A motion was made by Mr Sam Stathakis and was seconded by Mr Kerry Lott The motion passed with six (6) yes votes and zero (0) opposing votes
- A motion was made that Director Sled will compose a letter to present for approval to the Arkansas Tobacco Control Board regarding increase of agent salaries A motion was made by Dr Shabbir Dharamsey and was seconded by Mr Sam Stathakis The motion passed with seven (7) yes votes and zero (0) opposing votes

ENFORCEMENT ACTIVITY

- Director Sled reported for following results for compliance checks

August FY 24 - 27 / 456 = 5.92 %
September FY 24 - 40 / 455 = 8.79 %
October FY 24 - 37 / 375 = 9.87 %
FY 2024 - 144 / 1,852 = 7.78 %

Results for Inspections for the month of October 2023 with 6 out of 24 inspections totaled 8 violations = 25 %

FDA ACTIVITY

Deputy Director Ray Owens reported for the month of October 2023 FDA Agents completed 270 inspections with 19 potential violations resulting in a 7.04% violation rate for the month

LEGAL UPDATE

- ATC Attorney Sarah Debusk gave an update on the AEBA case appeal

LENIENCY HEARINGS

Case No 2023-09222
COLLEGE STATION LIQUOR
Phoebe Eyrosima
5323 Asher Avenue
Little Rock Arkansas 72204

Violations (1) Selling tobacco products on expired permit A C A § 26 57 226

In light of the evidence and testimony submitted before the Board a motion was made by Dr Shabbir Dharamsey and seconded by Mr Kerry Lott to raise the civil penalty to \$1000.00 instead of \$ 500 civil penalty and add a seven (7) days permit suspension for the violations presented above 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 December 07 2023. A motion was made by Mr Brent Summerhill 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

Sharee Devore

Dated November 20, 2023