



State of Arkansas
Department of Finance
And Administration

DFA – ARKANSAS TOBACCO CONTROL
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BOARD MEETING MINUTES October 05, 2023

The Arkansas Tobacco Control Board met on Thursday, October 5, 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 seven (7) Board members present.

- **Board Members Present:** Chairman Gary Proffitt, Mr. Kerry Lott, Mr. Sam Stathakis, Mr. David Hendrix, Jr., Dr. Brad Mayfield, 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. Michael Bynum, and court reporter, Mrs. Nicole Hartwick, were present.

BOARD MEETING MINUTES

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from September 14, 2023. A motion was made by Mr. Sam Stathakis and seconded by Dr. Brad Mayfield to approve the September 14, 2023, minutes. It passed with seven (7) 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.

- ❖ **Bid D Vapor - Carrollton, TX**
- ❖ **Multistream Enterprises dba Moonmist Distribution - Houston, TX**
- A motion was made by Dr. Shabbir Dharamsey to approve the wholesale application and seconded by Mr. David Hendrix, Jr. The motion passed with seven (7) 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 one hundred and forty six (146) new permits (those permits other than wholesale permits) issued from September 1, 2023 through September 30 2023
- A motion was made to accept and approve the list of one hundred and forty six (146) new permits issued by Mr Brent Summerhill and seconded by Mr Kerry Lott The motion passed with seven (7) yes votes and zero (0) opposing votes

DEFAULT JUDGMENTS

- Director Greg Sled presented the September 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 Mr Kerry Lott to approve The motion passed with seven (7) 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 September 2023 A motion was made to accept the Accepted Offers of Settlement by Mr Sam Stathakis and seconded by Dr Brad Mayfield The motion passed with seven (7) yes votes and zero (0) opposing votes
 - A motion was made going forward fifth offense Sale to Minor violations will automatically require a Hearing to be held before the Arkansas Tobacco Control Board A motion was made by Dr Shabbir Dharamsey and was seconded by Mr David Hendrix Jr The motion passed with seven (7) yes votes and zero (0) opposing votes

CONSENT ORDER

- Director Greg Sled presented a consent order for the board to review for Stogies & Style Cigars case 2022 16254 A motion was made by Dr Shabbir Dharamsey and was seconded by Mr Brent Summerhill The motion passed with seven (7) yes votes and zero (0) opposing votes

MOTIONS

- A motion was made that going forward fifth offense Sale to Minor violations will automatically require a Hearing to be held before the Arkansas Tobacco Control Board A motion was made by Dr Shabbir Dharamsey and was seconded by Mr David Hendrix Jr The motion passed with seven (7) 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 the following results for compliance checks:

July FY 24 - 40 / 566 = 7.07 %

August FY 24 - 27 / 456 = 5.92 %

September FY 24 - 40 / 455 = 8.79 %

FY 2024 - 107 / 1,477 = 7.24 %

Results for Inspections for the month of September 2023 with 8 out of 29 inspections totaled 19 violations = 27.6 %

FDA ACTIVITY

Deputy Director Ray Owens was absent from this board meeting.

LEGAL UPDATE

- No update

FULL HEARINGS

Case No. 2023-01472
SNS CLOUD 9 FORT SMITH
Inderjit Sogi
2805 Rogers Avenue
Fort Smith, AR 72901

Violations: (1) Sale to Minor A.C.A. § 5-27-227(a)(1)(A)

In light of the evidence and testimony submitted before the Board, a motion was made by Mr. Sam Stathakis and seconded by Mr. Brent Summerhull to uphold the \$2,000.00 paid civil penalty and the thirty (30) days permit suspension for the violations presented above. Motion passed with seven (7) 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 November 02, 2023. A motion was made by Mr Brent Summerhill and seconded by Mr David Hendrix, Jr to adjourn. It was approved with seven (7) yes votes and zero (0) opposing votes. The meeting was adjourned.

Minutes prepared by

Dated October 15 2023

Sharee Devore

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