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Report of state documents issued during May 01, 2025 Board Meeting

**AGENCY NAME:** Arkansas Tobacco Control

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April 03, 2025 Board Meeting Minutes		1	Y	Y	0
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Signature of Agency Liaison



**State of Arkansas  
Department of Finance  
And Administration**

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**BOARD MEETING MINUTES  
April 03, 2025**

The Arkansas Tobacco Control Board met on Thursday, April 03, 2025, 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 three (3) Board members present, and two (2) attended virtually.

- **Board Members Present:** Chairman Gary Proffitt, Dr. Patricia Knott (virtual), Mr. Brent Summerhill (virtual), Mr. Kerry Lott, 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 March 06, 2025. A motion was made by Mr. Brandon McKinney and seconded by Mr. Kerry Lott to approve the March 06, 2025 minutes. It passed with five (5) yes votes and zero (0) opposing votes.

**WHOLESALE PERMIT APPLICATIONS**

- N/A

**NEW RETAIL PERMITS ISSUED**

- Chairman Proffitt requested the Board members to review and approve the list of thirty-one (31) new permits (those permits other than wholesale permits) issued from March 1, 2025, through March 31, 2025.
- A motion was made to accept and approve the list of thirty-one (31) new permits issued by Mr. Kerry Lott and seconded by Mr. Brandon McKinney. The motion passed with five (5) yes votes and zero (0) opposing votes.

**ACCEPTED OFFERS OF SETTLEMENT**

- Chairman Proffitt requested the Board members to review and approve the list of Accepted Offers of Settlement for the month of March 2025. A motion was made to accept the Accepted Offers of Settlement by Mr. Brandon McKinney and seconded by Mr. Kerry Lott. The motion passed with five (5) yes votes and zero (0) opposing votes.

#### **DEFAULT OFFERS OF SETTLEMENT**

- ATC Attorney Cameron Coker requested the Board members to review and approve the list of Default Offers of Settlement scheduled for the April 3, 2025 meeting. A motion was made to accept the Default Offers of Settlement by Mr. Kerry Lott and seconded by Mr. Brandon McKinney. The motion passed with five (5) yes votes and zero (0) opposing votes.

#### **EVIDENCE DESTRUCTION ORDER**

- ATC Attorney Cameron Coker requested the Board members to review and approve the Evidence of Destruction list for the scheduled for the April 3, 2025 meeting. A motion was made to accept the Evidence of Destruction list by Mr. Kerry Lott and seconded by Mr. Brent Summerhill. The motion passed with five (5) yes votes and zero (0) opposing votes.

#### **ADMINISTRATION ACTIVITY**

- ATC Attorney Cameron Coker informed the board of the upcoming Merchant Education Meeting that will take place on April 11, 2025 in Redfield, April 25, 2025 at White Hall Library, and May 09, 2025 in Conway. ATC Attorney Cameron Coker provided an update on the current legislative session regarding tobacco legislation that has been filed and that which has yet to be filed.

#### **ENFORCEMENT ACTIVITY**

- FDA Agent Jody Dotson filled in for Director David Potter and reported for following results for compliance checks.

January - 24 / 437 = 5.50 %

February - 16 / 288 = 5.56 %

March - 31 / 505 = 6.14 %

FY 2025 - 253 / 3,996 = 6.33 %

Results for Inspections for the month of March 2025, with 60 inspections revealed 18 stores with violations. Totaling 23 violations and 30% of the stores had violations.

#### **FDA ACTIVITY**

Jody Dotson reported for the month of March 2025, FDA Agents completed 255 routine inspections with 21 potential violations resulting in a 8.24 % violation. FDA Agents completed 25 follow-up Inspections with 2 potential violations resulting in an 8.00 % violation rate for the month March 2025.

## **LEGAL UPDATE**

ATC Attorney Cameron Coker updated the Board that an appeal of the Board's decision in E-Z Mart, Inc. (ATC Administrative Case No. 2024-01059), which came before the Board on February 6, 2025, has been filed in Mississippi County Circuit Court – Osceola District. The Petition for Judicial Review has been answered by ATC and once the administrative record is filed with the Court, ATC will move to set a briefing schedule. The Court has also entered an order staying enforcement of the Board's decision until during the pendency of the appeal. However, the Court also stated that if there are further violations committed by the Petitioner during the pendency of the appeal, that ATC can move the Court to lift the stay of the enforcement of the Board's order.

## **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 May 01, 2025. A motion was made by Mr. Kerry Lott 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**

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**Dated:** April 3, 2025