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Report of state documents issued during March 06, 2025 Board Meeting

**AGENCY NAME:** Arkansas Tobacco Control

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February 06, 2025 Board Meeting Minutes	2/6/25	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  
February 06, 2025**

The Arkansas Tobacco Control Board met on Thursday, February 06, 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 seven (7) Board members present.

- **Board Members Present:** Chairman Gary Proffitt, Dr. Patricia Knott, David Hendrix, Jr., Mr. Brent Summerhill, Mr. Kerry Lott, Mr. Brandon McKinney, and Dr. Mark Wren arrived at 10:25.

**CALL TO ORDER.**

- Chairman Gary Proffitt called the ATC Board meeting to order and opened the meeting welcoming the guests, staff, and introduced new board member, Dr. Mark Wren.

**BOARD MEETING MINUTES**

Chairman Gary Proffitt requested a motion to approve the board meeting minutes from November 07, 2024. A motion was made by Mr. Mr. Kerry Lott and seconded by Mr. Brent Summerhill to approve the November 07, 2024, minutes. It passed with six (6) yes votes and zero (0) opposing votes.

**WHOLESALE PERMIT APPLICATIONS**

Chairman Proffitt presented seven (7) new Wholesale Tobacco and Vapor product Permit applications to the Board for approval.

- ❖ 7 DAZE, LLC. - ONTARIO, CA
- ❖ SV3, LLC. dba MI-ONE BRANDS - PHOENIX, AZ
- ❖ AR NOVELTY, LLC. dba AR NOVELTY - LITTLE, AR
- ❖ NEPA WHOLESALE, INC. - WEST PALM BEACH, FL
- ❖ LAC WHOLESALE, LLC. dba LAC WHOLESALE - SHREVEPORT, LA
- ❖ NTC, CO. dba NTC - MEMPHIS, TN
- ❖ WARNER WIRELESS GEARS, LLC. - HOUSTON, TX

- A motion was made by Mr. David Hendrix, Jr. to approve the wholesale applications and seconded by Mr. Brent Summerhill. The motion passed with six (6) yes votes and zero (0) opposing votes, Dr. Mark Wren not participating.

## **NEW RETAIL PERMITS ISSUED**

- Director Christy Bjornson requested the Board members to review and approve the list of one hundred and nine (109) new permits (those permits other than wholesale permits) issued from November 1, 2024, through January 31, 2025.
- A motion was made to accept and approve the list of one hundred and nine (109) new permits issued by Mr. Kerry Lott and seconded by Mr. Brandon McKinney. The motion passed with six (6) yes votes and zero (0) opposing votes, Dr. Mark Wren not participating.

## **ACCEPTED OFFERS OF SETTLEMENT**

- Director Christy Bjornson requested the Board members to review and approve the list of Accepted Offers of Settlement for the months of November 2024, December 2024, and January 2025. A motion was made to accept the Accepted Offers of Settlement by Mr. Brent Summerhill and seconded by Dr. Patricia Knott. The motion passed with six (6) yes votes and zero (0) opposing votes, Dr. Mark Wren not participating.

## **DEFAULT OFFERS OF SETTLEMENT**

- ATC Attorney Cameron Coker requested the Board members to review and approve the list of Default Offers of Settlement for the months of November 2024, December 2024, and January 2025. A motion was made to accept the Default Offers of Settlement by Mr. David Hendrix, Jr. and seconded by Mr. Kerry Lott. The motion passed with six (6) yes votes and zero (0) opposing votes, Dr. Mark Wren not participating.

## **EVIDENCE DESTRUCTION ORDER**

- ATC Attorney Cameron Coker presented a list of evidence for older cases that needed to be destroyed. A motion was made by Mr. Brent Summerhill, to approve that the evidence be destroyed, and the motion was seconded by Mr. Brandon McKinney. The motion was passed with six (6) yes votes and zero (0) opposing votes, Dr. Mark Wren not participating.

## **ADMINISTRATION ACTIVITY**

- Director Christy Bjornson informed the board of the upcoming Merchant Education Meeting that will take place on February 10 and 14, 2025, in Little Rock, February 28, 2025, in Hot Springs, and March 14, 2025, in Forrest City. Director Bjornson 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

- CID Director David Potter introduced our new Enforcement Agent that will cover Region 6, Scott Snyder, and reported for following results for compliance checks.

November – 30 / 389 = 7.71 %

December – 20 / 318 = 6.29 %

January – 24 / 437 = 5.50 %

FY 2025 – 206 / 3,203 = 6.43 %

Results for Inspections for the month of November 2024, with 32 inspections revealed 13 stores had 26 violations. 41 % of stores had violations. December 2024, with 37 inspections revealed 14 stores had 19 violations. 38 % of store had violations. January 2025, with 61 inspections revealed 14 stores with violations. Totaling 28 violations and 23% of the stores had violations.

## FDA ACTIVITY

Jody Dotson reported for the months of November 2024, December 2024, and January 2025, FDA Agents completed 496 routine inspections with 28 potential violations resulting in a 5.65 % violation. FDA Agents completed 189 follow-up Inspections with 16 potential violations resulting in an 8.47 % violation rate for the months of November 2024, December 2024, and January 2025.

## FULL HEARNING

- ❖ Case No. 2024-01059  
**E-Z MART, INC. – Permit No. 04378-04**  
AMMAR ASSAKAF  
1500 WEST KEISER AVE  
Osceola, Arkansas 72370

**Violations:** (1) Possession of Unstamped/Untaxed Tobacco - A.C.A. § 26-57-245(a)(1)  
(2) Buying Tobacco Products from and Unlicensed Dealer - A.C.A § 26-57-228 (7 Counts)  
(3) No Server Awareness Form Signed by Clerk – 26 CAR § 200-207  
(4) Permit Not Posted - 26 CAR § 200-207

In light of the evidence and testimony submitted before the Board, a motion was made by Mr. Brent Summerhill and was seconded by Mr. David Hendrix, Jr. The Board finds that the Petitioner is in violation of seven (7) counts of Ark. Code Ann. § 26-57-228 and imposes a civil penalty in the amount of \$5,000.00 per violation for a total of a civil penalty

in the amount of \$35,000.00 and a seventy (70) day permit suspension. The Board also finds that the Petitioner is in violation of Ark. Code Ann. § 26-57-245 and imposes a \$33,300.00 civil penalty and orders that all confiscated untaxed tobacco be destroyed pursuant to Ark. Code Ann. § 26-57-249(b). The Board further finds that the Petitioner is in violation of Ark. Code Ann. § 26-57-213(c)(4) and 26 CAR § 200-401 and imposes a warning. Finally, the Boards finds that the Petitioner is in violation of 26 CAR § 200-206 and imposes a civil penalty in the amount of \$5,000.00. The motion passed with seven (7) yes votes and zero (0) opposing votes.

### **LEGAL UPDATE**

ATC Attorney Cameron Coker said there was no legal update at this time.

### **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 March 06, 2025. A motion was made by Mr. David Hendrix, Jr. and seconded by Mr. Brent Summerhill to adjourn. It was approved with seven (7) yes votes and zero (0) opposing votes. The meeting was adjourned.

**Minutes prepared by:**

**Sharee Felts**  
Sharee Felts

**Dated:** February 6, 2025