

As a citizen of Pope County, Arkansas, I file this complaint and request that the Arkansas Ethics Commission conduct an investigation concerning the facts and actions detailed below for the purpose of determining whether or not there has been a violation of laws under the Commission's jurisdiction.

I. Violation of Arkansas Ethics and Conflicts of Interest Law for Public Officers and Employees; A.C.A. §21-8-300 et seq

A. Arkansas Ethics Commission – Jurisdiction

A.C.A. §21-8-303(a) states that while it is the duty and responsibility of the prosecuting attorneys of the state of Arkansas "...to supervise compliance with and prosecute persons who violate the provisions this subchapter...the Arkansas Ethics Commission shall also have authority to investigate and address alleged violations..."

B. Definitions

The allegations contained in this subsection fall under statutory code A.C.A. §21-8-300 et seq, and concern misconduct on the part of a public servant. A.C.A. §21-8-301(5) defines a "public servant" as either a public appointee, public employee, or public official. "Public official" is defined as "a person holding an elective office of any governmental body, whether elected or appointed to the office." A.C.A. §21-8-301(4)(A). Lastly, the term "government body" is defined as including the "...establishment of the executive, judicial, or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof." A.C.A. §21-8-301(1).

The allegations herein concern Pope County Justice Ernie Enchelmayer and misconduct on the part of Mr. Enchelmayer in his role as a member of the Pope County Quorum Court. The Pope County Quorum Court serves as the legislative branch of Pope County government and Mr. Enchelmayer was elected to the Quorum Court in November 2018. Mr. Enchelmayer meets the definition of a "public official" in accordance with A.C.A. §21-8-300 et seq, and

the Pope County Quorum Court meets the definition of a “governmental body” in accordance with the same.

C. Violation of A.C.A. §21-8-304(a) – Prohibited Activities

A.C.A. §21-8-304(a) provides that “[N]o public servant shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.” The Arkansas Ethics Commission defines special privileges or exemptions as “a particular benefit or advantage unfairly extended to a person beyond the common advantages of others...”

Upon information and belief, Mr. Enchelmayer has been involved in a series of illegal meetings with Pope County Judge Ben Cross and other members of the Pope County Quorum Court, along with representatives of Cherokee Nation Business to discuss the issuance of a resolution by the Quorum Court in favor of Cherokee Nation Business in its application for a casino license in Pope County. **See attached Exhibit A - Letter to Prosecutor Jeff Phillips and attached Affidavits.** Further Mr. Enchelmayer was instrumental in securing the 8-4 motion in favor of a resolution supporting the Cherokee for a casino license during the August 13, 2019, Special Quorum Court Meeting. During this same special called meeting of the Quorum Court, Mr. Enchelmayer endorsed the economic development plan of Cherokee Nation Business. This plan, of which Mr. Enchelmayer voted “yes”, provides for a direct payment of \$10,000 to the River Valley Arts Center, an entity on whose board Mr. Enchelmayer’s wife currently serves as vice-president. **See attached Exhibit B.** Mr. Enchelmayer has used his position as a member of the Quorum Court to provide an entity, on whose board his wife currently serves as an officer, with a direct and particular benefit in the form of an “economic development fee”. It is likely that this benefit was bestowed upon the River Valley Arts Center unfairly due to Mr. Enchelmayer’s position as a Quorum Court member.

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The allegations herein concern Pope County Justice Caleb Moore and misconduct on the part of Mr. Moore in his role as a member of the Pope County Quorum Court. The Pope County Quorum Court serves as the legislative branch of Pope County government and Mr. Moore was elected to the Quorum Court in November 2018. Mr. Moore meets the definition of a

“public official” in accordance with A.C.A. §21-8-300 et seq, and the Pope County Quorum Court meets the definition of a “governmental body” in accordance with the same.

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Mr. Moore works as a real estate agent in his father’s real estate firm – Moore & Company Realtors in Russellville, Arkansas. Upon information and belief, Moore & Company Realtors is involved in a land acquisition deal for the Cherokee Tribe of Oklahoma. The land deal concerns a property tract of 135 acres north of Interstate 40 near Russellville and is the planned location of the Cherokee Nation Business’ casino. Upon information and belief, Mr. Moore has been involved in a series of illegal meetings with Pope County Judge Ben Cross and other members of the Pope County Quorum Court, along with representatives of Cherokee Nation Business to discuss the issuance of a resolution by the Quorum Court in favor of Cherokee Nation Business in its application for a casino license in Pope County. **See attached Exhibit A - Letter to Prosecutor Jeff Phillips and attached Affidavits.** Further Mr. Moore was instrumental in securing the 8-4 motion in favor of a resolution supporting the Cherokee for a casino license during the August 13, 2019, Special Quorum Court Meeting. Mr. Moore has used his position as a member of the Quorum Court to provide his father’s real estate company with a direct and particular benefit in the form of a land sale. It is likely that this benefit was bestowed upon Mr. Moore’s father’s company unfairly due to Mr. Moore’s position as a Quorum Court member.

II. Failure to Disclose Conflict of Interest in Violation of A.C.A. §21-8-800 et seq and Arkansas Ethics Commission Rules on Conflicts

A. Definitions

The allegations contained in this subsection fall under A.C.A. §21-8-800 et seq, and the Arkansas Ethics Commission Rules on Conflicts and concern a legislator’s failure to report a conflict of interest. The term “legislator” means any person who is a member of: (1) The General Assembly; (2) A quorum court of any county; (3) The city council or board of directors of any municipality; or (4) A member of a school district board of directors. Ark. Ethics Comm. Rules on Conflicts, §400(h).

As discussed above, Mr. Moore is a member of the Pope County Quorum Court and thus, meets the definition of a “legislator” in accordance with the Arkansas Ethics Commission Rules on Conflicts.

B. Violation of Arkansas Ethics Commission Rules on Conflicts, §405 – Reporting

§405(a) of the Arkansas Ethics Commission Rules on Conflicts states “[A] legislator who is required to take an action in the discharge of his or her official duties that may affect his or her financial interest or cause financial benefit or detriment to him, or a business in which he or she is an...owner, trustee, partner, or employee, which is distinguishable from the effects of the action on the public generally or a broad segment of the public shall:

- (1) Prepare a written statement describing the matter requiring action and stating the potential conflict; and
- (2) Deliver a copy of the statement to the appropriate official to be filed with the statement of financial interest.

Upon information and belief, Moore & Company Realtors (Mr. Moore's father's real estate company – Mr. Moore is also a real estate agent in his father's company) is involved in a land acquisition deal for the Cherokee Tribe of Oklahoma. The land deal concerns a property tract of 135 acres north of Interstate 40 near Russellville and is the planned location of the Cherokee Nation Business' casino. During the August 13th Special Quorum Court Meeting, Mr. Moore voted "yes" in favor of issuing a resolution in favor of the Cherokee Nation Business in its application for a casino license in Pope County. Although, this action (voting "yes" in favor of Cherokee Nation Business) provides a direct financial benefit distinguishable from the effects of the action on the public generally, to Mr. Moore's real estate firm, Mr. Moore failed to disclose the conflict in accordance with Arkansas law and Ethics Commission rules and regulations.

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The allegations herein concern Pope County Justice Doug Skelton and misconduct on the part of Mr. Skelton in his role as a member of the Pope County Quorum Court. The Pope County Quorum Court serves as the legislative branch of Pope County government and Mr. Skelton was elected to the Quorum Court in November 2018. Mr. Skelton meets the definition of a "public official" in accordance with A.C.A. §21-8-300 et seq, and the Pope

County Quorum Court meets the definition of a “governmental body” in accordance with the same.

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A.C.A. §21-8-304(a) provides that “[N]o public servant shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.” The Arkansas Ethics Commission defines special privileges or exemptions as “a particular benefit or advantage unfairly extended to a person beyond the common advantages of others...”

Upon information and belief, Mr. Skelton (through the use of his law practice – Skelton Law Firm, P.A.) provided legal work to Gulfside Casino Partnership during Gulfside’s pursuit of a letter of support for a casino license in Pope County. Mr. Skelton’s bias in favor of Gulfside Casino Partnership is evidenced as early as January 2019. **See Exhibit A.** Mr. Skelton’s endorsement of a casino operator, who also happened to be paying Mr. Skelton for legal work, is no coincidence. Mr. Skelton used his position as a member of the Quorum Court to secure a particular benefit in the form of legal fees in direct violation of Arkansas Ethics law. The benefit of legal fees was unfairly bestowed upon Mr. Skelton’s law practice due to Mr. Skelton’s position as a member of the Quorum Court.