



**Arkansas Attorney General's Office**

**Public Integrity Division**

**Case: 2019-120**

**Investigator: Special Agent JayP Massiet**

**Suspect: Pope County Judge/ Quorum Court members**

**Address: Pope County Arkansas**

**Charge: Violation of FOIA**

**Special Agent JayP Massiet  
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PUBLIC INTEGRITY DIVISION



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## CASE REPORT

### INCIDENT # 2019-120

<b>OFFENSE(S):</b>	<b>STATUTE #</b>	<b>OFFENSE</b>	<b>CLASSIFICATION</b>
	25-19-104	Violation of FOIA	
<b>AGENT:</b>	Special Agent JayP Massiet	323 Center Street Little Rock Arkansas 72201	
<b>INCIDENT LOCATION:</b>	Pope County, Arkansas		
<b>DATE/TIME:</b>	Year of 2019		
<b>VICTIM(S)</b>			
<b>NAME</b>	STATE OF ARKANSAS		
<b>DOB</b>			
<b>ADDRESS</b>			
<b>PHONE #</b>			
<b>SUSPECT(S)</b>			
<b>NAME</b>		<b>DOB</b>	
<b>ADDRESS</b>		<b>SID#</b> <b>FBI#</b>	
<b>PHONE #</b>		<b>SSN</b>	
<b>WITNESSES:</b>	<i>See Witness List</i>		
<b>EVIDENCE:</b>	<i>See Evidence List</i>		

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## CASE SUMMARY

### INCIDENT # 2019-120

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On September 10, 2019, Citizens of Pope County had penned a letter with special attention to Jeff Phillips, Prosecuting Attorney for Pope County Arkansas, with complaints that the Pope County Judge and certain members of the Quorum Court had held a series of Pope County business meetings in violation of FOIA. The purpose of these closed-door meetings was to discuss a decision to award a letter of support for a particular casino, Cherokee Nation, in Pope County, absent public discussion in any form of public setting.

Attached to this letter were notarized affidavits citing evidence of said meetings. Apparently, some of these decision-making meetings were conducted by the County Judge and certain Quorum Court members without the knowledge of citizens of Pope County and state and local news media outlets and other potential casino operators.

Based on the above mentioned information, an investigation was initiated into possible FOIA violations.

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**WITNESS LIST**  
INCIDENT # 2019-120

TYPE	NAME	CONTACT INFORMATION
W	Hans and Anna Stiritz	
W	Joe Pearson	
W	Larry Walker	
W	Mark Tripp	
W	Jane Harrell	
W	Roger and Janet Fryar	
W	Cliff Goodin	
W	Jamie Jackson	
W	Bill Sparks	



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**WITNESS LIST**  
 INCIDENT # 2019-120

TYPE	NAME	CONTACT INFORMATION
W	Jim Knight	
W	Mark Gotcher	
W	James Kusturin	
W	Chris Cloud	
W	Craig Cloud	
W	Laura Van Ripper	
W	Clayton McCall	

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## EVIDENCE LIST

### INCIDENT # 2019-120

ITEM	DESCRIPTION
1	Two-page letter written by Hans Stiritz to PAO Jeff Phillips
2	Two-page affidavit from JP Joe Pearson re: May 7 <sup>th</sup> meeting
3	One-page affidavit from JP Joe Pearson re: August 8 <sup>th</sup> meeting
4	Two-page affidavit from Roger Fryar re: May 7 <sup>th</sup> meeting
5	Two-page affidavit from Janet Fryar re: may 7 <sup>th</sup> meeting
6	Two-page affidavit from Jane Harrell re: May 7 <sup>th</sup> meeting
7	Two-page affidavit from Anna Stiritz re: May 7 <sup>th</sup> meeting
8	Two-page affidavit from Cliff Goodin re: May 7 <sup>th</sup> meeting
9	One-page affidavit from Larry Walker re: May 8 <sup>th</sup> information
10	(7) pages of individual receipts from Old Bank Bar and Grill from August 1, 2019 by Quorum Court members
11	Single receipt from Old Bank Bar and Grill from August 13, 2019 By William Wetzel
12	Memo to File from School Superintendent Mark Gotcher
13	Prosecutor Subpoena for August 1, 2019 records from Old Bank Bar and Grill
14	Prosecutor Subpoena for August 13, 2019 records from Old Bank Bar and Grill
15	(8) Photos of JP's at the Old Bank Bar and Grill Restaurant
16	One USB flash drive containing information from the Old Bank Bar and Grill August 1 <sup>st</sup> and August 13 <sup>th</sup> information
17	One USB flash drive-investigative witness interviews

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INVESTIGATIVE INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> On September 10, 2019. I received a request to initiate an investigation into possible FOIA violation(s) committed by the Pope County Judge and certain members of the Pope County Quorum Court. On this same date I met with Special Prosecutor Jason Barrett who explained the basis for this investigation.

Citizens of Pope County penned a letter with special attention to Jeff Phillips, Prosecuting Attorney for Pope County Arkansas, for complaints that the Pope County Judge and members of the Quorum Court held a series of Pope County business meetings in violation of FOIA. The purpose of these closed-door meetings was to discuss a decision to award a letter of support for a particular casino in Pope County absent public discussion. Attached to this letter were notarized affidavits citing evidence of said meetings. Apparently, some of these meetings were conducted without the knowledge of citizens of Pope County and news media outlets.

Initial Investigative Action==> Based on information received in the letter, one such possible meeting was conducted at an eating establishment known as The Old Bank Bar and Grill located in the City of Russellville. Special Prosecutor Jason Barrett presented a subpoena to obtain video evidence along with any receipts from that particular day. On September 10, 2019, I spoke with Laura Van Ripper, general food and beverage manager of The Old Bank Bar and Grill who agreed to meet with me on September 11, 2019.

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On September 11, 2019, I met with Laura Van Ripper along with General Business Manager Sabrina Edwards to serve the subpoena for records. After I explained to both managers of the purpose of my visit, Sabrina said she knew which meeting I was referring to calling it the "Secret Quorum Court meeting" and then explained which quorum court members she saw sitting at the table. Sabrina said she would also look for any receipts for the August 1<sup>st</sup> meeting and submit those along with the video. Sabrina said she would inspect all receipts for she felt that this meal was paid for by the Cherokee Nation Casino group.

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On September 12, 2019, I received a call from Laura Van Ripper stating that the video and receipts were ready. On September 13<sup>th</sup>, I met with Laura Van Ripper and received one thumb drive and multiple food and beverage receipts for the date in question.

Upon returning to the office, I developed an initial interview list beginning with Hans and Anna Stirtz. On September 17, I made contact with Hans Stirtz who agreed to meet with me on September 23, 2019, in the city of Russellville.

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WITNESS INFORMATION  
INCIDENT # 2019-120

Source of Activity==> Hans Stiritz wrote a letter on behalf of concerned citizens of Pope County, to Jeff Phillips, Prosecuting Attorney for Pope County, expressing concerns that the Pope County Judge and certain members of the Quorum Court held a series of Pope County business meetings in violation of FOIA.

On September 23, 2019, I met with Hans and his wife Anna Stiritz to discuss their concerns. Hans and Anna agreed to have this interview audio taped. Present for this interview was Hans and Anna Stiritz and Special Agent JayP Massiet. As the interview began, Hans explained that although he was the person who wrote the letter, it was Anna who had firsthand knowledge of the meeting(s) in question. Therefore; this interview was with Anna with Hans occasionally interjecting information. The following is a summary of this interview.

Interview with Hans and Anna Stiritz==> After I explained the purpose of the interview, Anna explained that she had received a text message from JP (Justice of the Peace/ Quorum Court Member) Joe Pearson, who was out of town at the time, informing her that he had received a text message from JP Ernie Enchelmayer that there was going to be a special meeting that evening of May 7<sup>th</sup>. According to Joe, he began to think about what Ernie had told him about this meeting and then asked Anna to call the courthouse and inquire about any special meetings including special committee meetings. Anna said she called the court house and was told the only meeting scheduled was the regular June (2019) meeting. Anna said after she received this information, she called Joe and told him what she had learned. Joe's response to what Anna had learned was that "they" (certain Quorum Court members) were planning another secret meeting. Anna said she then told Joe that they would attend this meeting. Anna then explained that what was bizarre about this meeting, was that it was to be held at Shiloh Park which is located out in the country. Anna said that as she and Hans were walking to their car, Joe called her again and told her the meeting had been changed from Shiloh Park to the courthouse because other JPs had learned that members of the pubic were going to attend this meeting at the park. If the meeting was held at the courthouse the meeting would appear legitimate. Joe then instructed Anna to go to the courthouse instead.

Anna said she arrived at the courthouse a few minutes before 6pm and found that the doors to the courthouse, were locked. Anna said the door was eventually opened by Jane Harrell who assists her and other concerned citizens monitor FOIA practices of the Quorum Court. Anna added that this entire matter was strange because the courthouse doors were locked and the lights were off. Normally, with an actual meeting, the doors would have been unlocked, the lights in the hallway would have been on, the county clerk would have been present as well as possibly a bailiff, contrary to what was happening here.

Hans interjected here stating that there was information that the JPs did not attempt to make a proper press notice and will claim that this was not an actual meeting adding that Johnny Story at the local radio station would have been the one person that should have been notified in addition to the local paper. Anna said she called The Courier the next day and found that they were not notified of the meeting adding that if notification was made it was not completed in a timely manner. Anna continued on to say that when Ernie Enchelmayer was questioned about the media notification, he claimed the radio station was called at 5pm. After it was explained to him that it was supposed to be a two-hour notice, he argued that it is only

required to be a one-hour notice. Anna said his comment made this meeting suspicious because the one-hour notice coincides with when people learned of the meeting change.

Anna continued on to say that as she went into the Quorum Court meeting room, she saw present in the room, Jane Harrell, Chris Goodin, Jim Knight, Roger and Janet Fryar and JP Doug Skelton. Anna said that within five to six minutes, other JPs came into the room and sat down adding that as the other JPs entered the room and sat down, they all looked very uncomfortable. Anna said that a few minutes later, Ben Cross appeared at the door, looked into the meeting room and then left after telling the JPs that he wanted to show them some remodeling that had been completed. It was when Ben left the room, the JPs followed leaving them (citizens) alone in the meeting room. Anna said as they were in the room wondering what was happening, JP Caleb Moore came into the room and invited the citizens to join them upstairs for BBQ which had been delivered by JP Ray Black.

Anna said that everyone but Jane Harrell went upstairs as invited. Anna said that all specifics of the meeting was audiotaped by Jim Knight who would most likely release this audio with a subpoena.

Anna said she also briefly taped this meeting because Doug Skelton is a fiery uncontrolled person who was screaming at them telling them that they were wrong and there was no way they were going to send this out for a vote, their ordinance was illegal, they were not going to follow it, referring to county ordinance 2018-42 which states that they (the Quorum Court) cannot write a letter of support without a vote.

Anna was asked, when the citizens met with the JPs upstairs, did it appear that the JPs were discussing casino business. Anna said the JPs sat as if they were waiting for a heated discussion from the citizens. Anna then recalled that during the time between when the JPs left the meeting room to when the public was invited, Jim Knight was having a conversation with Caleb Moore in the hallway where Caleb was heard saying "Don't bust me, don't bust me." Jim Knight replied to Caleb telling him that he knew this was illegal. Caleb responded back asking how are they supposed to discuss this in private if they cannot get together. Anna said Jim Knight will be forthcoming with the conversation he had with Caleb, if requested under subpoena.

Anna continued on to say that as they were all in the upstairs meeting room, the atmosphere was volatile to the point that she decided to audio tape the conversations. It was while she was taping, JP Doug Skelton who was angry, calmed himself down and the conversation turned into a question and answer type of conversation with the casino being the topic of the discussion. With this, Anna was asked, if the conversation of casino business being discussed between citizens and members of the quorum court, did this not constitute an illegal meeting and why was this not stopped. Anna replied that she did not stop the meeting because the JPs were already there to have their meeting and she is a citizen not subject to FOIA adding that she did not want anything to happen outside her presence.

As we were discussing what was being said during this conversation/meeting, Anna suddenly remembered that JP Joe Pearson, who had asked her to witness this "meeting" suddenly spoke up and angrily stated to the other JPs, telling them that they had summoned him from personal matters to attend a secret meeting, now you're pretending we're not having a meeting. JP Joe Pearson demanded to know what is going on.

Anna said she later spoke with JP Joe Pearson who told her the reason he attended this meeting was that he wanted to ensure the other JPs were not conducting secret meetings because he doesn't receive phone calls, or emails and has been left out of other meetings.

In reference to information supplied from affidavits, Anna and Hans were asked if they have ever received a "tour" of the courthouse as others had stated. Anna said that if there was a tour, it happened between the time the JPs left the room and the invitation for the BBQ.

Anna and Hans said this meeting lasted approximately ninety minutes. After which JP Caleb Moore pulled her aside in the stairwell asking her not to FOIA him and don't go telling all her friends that the Quorum Court is doing bad stuff.

Anna said the next day she called Clay McCall, Pope County Attorney, asking if he was aware that the Quorum Court met illegally last night to which he responded to her with a surprised reaction. Anna said she further explained to Clay that she was calling him because she feels he is not condoning these meetings but she also felt he needed to be aware of the meeting. Anna said his reaction was that he was surprised that it happened, grateful that she called and left her with the impression that it would not happen again. Anna said at that point that she felt she had her duty as a citizen. Anna added that Larry Walker called the clerk's office the next day and asked the court clerk for the minutes for the previous night's meeting and was told there were no minutes because there was no meeting.

Keeping in mind that individuals should remain neutral in discussing casino vendors, Anna and Hans were asked, when did the County Judge and the County Attorney change and favor one casino gaming group over the others. Anna said Ben Cross came out publicly by submitting an editorial stating that the Cherokee Casino group looked better, and if he were to submit a letter, which he is not going to do, it would be for the Cherokee Casino group.

During this interview, Anna mentioned that the JPs had said they had received a thirty-five-million-dollar development fee. Anna was asked to explain what this fee was it to be used for. Anna and Hans corrected the amount stating that it was a thirty-eight-million-dollar fee which was to be used for non-public entities. Ben Cross and the JPs are requiring the Cherokee's to give cash to River Valley Art Center which one board member is the wife of JP Ernie Enchelmayer. Two million dollars to an unknown charitable foundation who will disperse the money however they want. Also, to an organization, citizens for a better Pottsville, which is an organization that may not exist. Ironically, JP Caleb Moore is from Pottsville. Anna said that the Cherokee group are required to pay this money to get the casino license.

Anna and Hans wanted to emphasize that during conversations they had with JP Caleb Moore, he continues to state that the Quorum Court has met and made decisions regarding certain casino issues. The question still remains, when did the Quorum Court meet and make these decisions, because there has not been any public forum to discuss or reveal this decision process.

Anna and Hans were shown still photos of individuals at the Old Bank Bar and Grill. Anna and Hans identified these individuals as JPs Doug Skelton, James Kusturin, Rueben Brown, Blake Tarpley, Caleb Moore and Ernie Enchelmayer adding that they do not recognize any representative from the Cherokee Gaming group.

*This will conclude this interview. The above is a summary of this interview. A copy of the interview between Hans and Anna Stiritz and Special Agent JayP Massiet will be included in this file.*



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ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> An interview was conducted with Larry Walker based on an affidavit he submitted with information regarding the meeting of Quorum Court members on May 7<sup>th</sup>, at the Pope County Courthouse. On September 27, 2019, I conducted an interview with Larry Walker at his place of employment. Larry Walker agreed to have this interview audio taped. Present for this interview was Larry Walker and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with Larry Walker==> Larry Walker began the interview by explaining that although the Cherokee Casino group has been selected as the casino group of choice, if someone were to say that all five casino groups have been vetted, this may not be a true statement because there has not been a public vetting process. Larry said there are public statements released by the Warner Gaming group and the Choctaw Gaming group where they have expressed their disappointment with the vetting process because they have been asked to submit their final proposals while simultaneously being told by the County Judge that the Cherokee Gaming group has been selected as the casino of choice, adding that there has not been any open and transparent process before the people as they had been told. Larry said he has spoken to certain JPs such as Bill Sparks, Jamie Jackson and Joe Pearson, who have stated that they were unaware of any vetting process, in fact they did not see the signed written agreement with the Cherokee gaming group until the day of the August 12<sup>th</sup> meeting. Larry said there has been a group of JPs who have been against the current process and have been left out of many of the closed door meetings because of their opposition. An example of this would be information from a Matt Brady who will provide information that JP Ernie Enchelmayer personally told him that they had acquired the eight votes needed to choose the Cherokee Casino group as their choice. Chris Cloud who is a school board member can relay this same information received from JP Ernie Enchelmayer.

In reviewing Larry's affidavit, Larry said that on May 8<sup>th</sup> at approximately 9am, he contacted the court clerk at the Pope County Clerk's office asking for the minutes from the previous night's meeting which would have been the meeting at the courthouse on May 7<sup>th</sup>. Larry said he was told that there was no scheduled meeting therefore there would be no minutes. Larry said that after he explained to the clerk that nine of the justices and some citizens were at this meeting, she replied that she would speak with the County Judge and call him back. Larry said that later in the day, at approximately 2pm, Ben Cross called explaining to him that they were at the court house last night but it was to give a tour to several of the JPs adding that he had notified the press in advance of the meeting. Larry said he then called the Courier and they did not have information regarding the meeting. He then called Johnny Story who is a member of the media who has to be notified of such meetings. Johnny said he had received a text message from Ben Cross at 4:35pm of the 6pm meeting, which was not a two-hour advance notice as required by FOIA. Larry was asked if Johnny Story was aware of the meeting at Shiloh Park to which he replied that Johnny Story did not know about the meeting.

In regards to the May 7<sup>th</sup> meeting, Larry said on the day of the meeting he had received a text message from JP Joe Pearson who asked that some citizens to go to the Shiloh Park pavilion at 6pm because the Quorum Court is meeting at the park to discuss something, possibly financial matters related to the casinos. Larry continued on to say that at approximately 4pm, they received another text message from JP Joe Pearson explaining that the other JPs have learned the public had become aware of the meeting at the park, therefore the meeting will now be at the courthouse at 6pm. Larry said that raises the question, that if the purpose of the meeting was to give a tour of the courthouse annex, how would this have been

accomplished from Shiloh Park which is located approximately ten to fifteen minutes from the courthouse.

Larry said other information he received about the meeting was that Jim Knight had a conversation with JP Caleb Moore with Caleb telling Jim that yes, he did call this meeting but then asked Jim, "not to rat him out on this." Jim's response to Caleb was that he needed to come clean on this meeting, and he needed to be more transparent to the community. Apparently, Caleb entered the meeting room and recanted what he had just told Jim and informed the citizens in the room that this was not a meeting but if they wanted to ask about the casinos they could.

Larry said he was told that later on during the evening, JP Caleb Moore approached Anna Stiritz asking her not to FOIA him on this matter.

I asked Larry if he had any information regarding the meeting at the Old Bank Bar and Grill to which he said he had heard rumors. I then presented photos of a group of JPs asking if he could identify these individuals. Larry identified Doug Skelton, James Kusturin, Blake Tarpley, Caleb Moore, Ernie Enchelmayer and Rueben Brown.

Larry said he wanted to share a story which he has first-hand information. On June 11<sup>th</sup> the JPs had a special called meeting to discuss casino matters. The County Judge spoke informing the public that regarding the local ordinance, where the process would be a vote sometime in November, until then nothing will be happening. The County Judge added that between now and then they promise an open and transparent process, fully out in the open where the citizens can engage and talk. Contrary to this, Larry explained that during the August 12<sup>th</sup> meeting, Ben Cross wanted to dispel a rumor that the casinos promised him a condo in Aspen where he could go and live the rest of his life. Larry added that if the Judge does not want rumors to go around, then the Judge needs to watch what he says in public. Larry provided an example by telling me that on June the 6<sup>th</sup>, there was a monthly regular scheduled meeting. During this meeting it was mentioned that there will be a special meeting set for June 11<sup>th</sup>. Larry said after the meeting had concluded, he was outside in the parking lot speaking with JP Jim Sparks who expressed his anger that a special meeting was being scheduled in a few days without any notice. Larry said that as he and Bill are out in the parking lot, Ben Cross approached them and began to tell him, "Larry I will tell you what, I can make this whole thing go away right now. I'll walk into my office, I'll sign a letter of support. Tomorrow morning I'll drive it down to the racing commission myself and hand it to them and this thing will be done. It'll be over. There's nothing anybody can do about it because I'm the only one that has that power. The people may hate me, they may fire me but I'll tell you what, that's okay, because I'll live the rest of my days in Colorado living off the casino's money." Larry added that this was a direct quote from Ben Cross which Bill Sparks will confirm.

Larry provided another example and said that during the June 11<sup>th</sup> meeting, he is in the hallway with their attorney Travis Story, talking with Reuben Brown and Tim Whittenburg. Ben Cross approached the four of them and began to tell Larry, "Larry, my office is right here. I'll just walk into my office. I will sign the letter of support right now and end this whole thing right now. And I'll live the rest of my days on the casino's money in Colorado."

Larry continued on to say that he received information from JP Blake Tarpley that Ben Cross was putting pressure on the other JPs, informing them that if they did not vote in favor of the economic development agreement that night, they would be held personally liable if they were sued and they voted against it.

Larry then spoke of another issue where James Kusturin's family had moved to the Ft. Smith area selling his home in Russellville while maintaining his position as a voting member of the Quorum Court.

Larry also expressed some concern of possible influence by the Cherokee Casino group based on a 2018 email written by JP Caleb Moore. Larry read an email from Caleb that essentially said that he was disappointed with the County Judge [Jim Ed Gibson] for going against the will of the people and the

Quorum Court for a casino being brought to Pope County by writing a letter of support for a casino being brought to Pope County. Caleb also stated that he will do everything within his power to fight against a casino being brought to Pope County. Then near the end of January 2019, Caleb was asking the new County Judge [Ben Cross] to have a vote from the people to reconsider the casino by the end of January. Larry also read public statements that show that JP Caleb Moore assisted and was for the local ordinance being placed on the November ballot. Larry then read a statement where it has shown that the city of Pottsville which lies within JP Caleb Moore's district overwhelmingly voted 5-0 against the City Mayor writing a letter of support for a casino in their area. A question is then asked, what happened to JP Caleb Moore that he now encourages a casino group into the county which and is totally against the constituents in his district.

Larry then provided information from emails, Quorum Court transcripts and first-hand knowledge that Ben Cross told people that he had been summoned to appear before the racing commission to give a status report on casino matters and that he had the approval of ALL Quorum Court members. Larry said this was not true for he was approached after this particular meeting by JP Bill Sparks questioning Ben's comment regarding ALL Quorum Court members because he was not part of that group and had no knowledge of what Ben was referring to. Larry said he attended the meeting at the Racing Commission where the commission denied all the casino applications. Larry said he saw where the Racing Commission went from denying the casino applications to the next (unrelated) issue on their agenda. It was at this time Ben Cross interrupted the commission and asked if he could address the commission board. Larry said it was obvious Ben Cross was not on the agenda for the Racing Commission, contrary to what Ben had told everyone, that he was asked by the Racing Commission to speak about the casino issue.

Larry provided the above list of examples to demonstrate that Ben Cross is spinning his stories. The question now is, what is the agenda of County Judge Ben Cross.

*This will conclude this interview.*

*The above is a summary of this interview. A copy of this interview between Larry Walker and Special Agent JayP Massiet will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION

WITNESS INFORMATION  
INCIDENT # 2019-120

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Source of Activity==>Justice of the Peace Joe Pearson prepared an affidavit explaining his knowledge of a meeting held by Quorum Court members that was in violation of FOIA rules. I spoke with Joe Pearson and after explaining the purpose of my call, he agreed to meet with me at his residence.

On September 23, 2019 I met with JP Joe Pearson at his place of residence. JP Joe Pearson agreed to have this interview audio taped. Present for this interview was JP Joe Pearson and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with JP Joe Pearson==> After explaining the purpose of this interview, JP Joe Pearson said he was called by Larry Walker who represents the group known as Citizens for a Better Pope County, asking him to complete an affidavit as to what had occurred in regards to the meeting on May 7, 2019. In review of his affidavit, Joe stating that he had received a telephone call from JP Ernie Enchelmayer informing him that a meeting of the JPs would be held at Shiloh Park. Joe said that because Ernie is the budget chairperson, he thought this may be a budget meeting but had concerns this meeting was being held to discuss and pick a casino vendor.

Joe said that on May 7<sup>th</sup>, he was initially going to skip the meeting but he had concerns of the content of the meeting. Therefore; he sent a text message to Anna Stiritz asking her to call the County Clerk's Office to request the next scheduled Quorum Court meeting. Anna called Joe informing him that according to the county clerk, there was no meeting scheduled for May 7<sup>th</sup> adding that the next scheduled meeting would be the June meeting. Joe then asked Anna to inform as many people as she could about this meeting.

Joe said later that day, he received a voicemail from JP Ernie Enchelmayer informing him that the meeting had been changed from Shiloh Park to the courthouse. Joe said he then called Anna and told her to tell other citizens that the meeting location had been changed.

Joe said he arrived at the courthouse at approximately 6pm and found the doors were locked, which if this was a legal meeting, the courthouse doors would have been unlocked. Based on information from other submitted affidavits, it was written that upon entering the courthouse, the lights of the courthouse were off. As with the locked doors, Joe was asked, if this was a legal meeting, would the lights to the courthouse been on. Joe agreed the lights would have been on.

Joe said he knocked on the doors and was let in by someone but could not recall who let him enter the courthouse. Joe said he entered the Quorum Court meeting room and saw that there were several JPs and members of the public in the room. Joe said he inquired about press notification and was told by JP Enchelmayer that proper notice had been sent out.

Joe was asked to name which JPs were present for this meeting. Joe stated that Doug Skelton, Ernie Enchelmayer, Ray Black, Caleb Moore, Jackie Heflin and others were there.

Joe continued on to say that sometime after he arrived, County Judge Ben Cross entered the meeting room asking the JPs to come with him for he wanted to show them the location of his new offices. Joe said he followed along and noticed that there was some confused looks on the faces of some of the JPs because citizens had arrived for this meeting. Joe said there was also discussion among the JPs asking "what do

we do.” Joe said Ben’s response to this question was, “just go eat and go home.” Joe said someone made the statement of, “how did they know” referring to the public, but he cannot remember who made the statement. Joe said Ben then went downstairs and announced that they were going to have barbeque upstairs and he then left the building.

Joe was asked if he received a tour of Ben’s new offices or did he feel that the “tour” was a ruse to separate the JPs from the public. Joe said he could not say for sure but that was the effect.

Joe was asked if there appeared to be enough barbeque for everyone in attendance or enough for just the JPs adding that if this was an authorized meeting, should there have been enough food for everyone. Joe said it appeared that there was just enough food for the JPs.

Joe was asked if anyone questioned the meeting or the [tour]. Joe said he doesn’t know how the conversation started but it was like the citizens were sitting there waiting and the JPs sitting there wondering as to how or why the citizens got there.

Joe was asked, who was supposed to lead this meeting. Joe said he assumed that the County Judge would lead the meeting but he left the building.

Joe was asked if any JPs were excluded from this meeting to which he said that everyone was notified of the meeting adding that two JPs later made statements to the newspaper that they knew of the meeting but did not attend.

It was pointed out to Joe that obviously the JPs were not gathered together to see Ben’s new office and eat barbeque. Joe interrupted stating, “it would be pretty hard to see his new office from Shiloh Park” the original location of this nights meeting.

Based on written affidavits, it was read that the topic of casino business had been discussed during this meeting. Joe was asked who initiated the casino discussion. Joe said JP Enchelmayer acted as if he did not know what was on the agenda, even though he was the person who called the meeting and it appeared the other JPs did not know why they were called to the courthouse. Joe said he initiated the discussion because he lost his temper asking the other JPs, why haven’t they started the meeting, when are they going to start because he could have been with his family, adding that he was told there was going to be a meeting. Joe said he made sure to inform the other JPs that he was the person who called the public about this particular meeting. Joe said that after he pressed the issue, Jim Knight started the conversation asking the JPs what was it they wanted to discuss and asked about the progress of the casino issues.

Joe was asked how long this meeting lasted to which he said he was not sure because he was so angry. When asked as to why he was angry, Joe said the same Quorum Court and the same County Judge who were upset with the previous County Judge for conducting behind the door meetings, were following into the same pit, with him wondering why they were afraid to have a public meeting to discuss casino matters.

Joe was asked if he had knowledge about a meeting held on August 1<sup>st</sup> at the Old Bank Bar and Grill to which he stated that he had heard of such meetings. I then displayed a still photo of the interior of the restaurant asking Joe to identify the individuals pictured. Joe identified Doug Skelton, James Kusturin, Reuben Brown, Ernie Enchelmayer and Caleb Moore adding that he did not recognize anyone from the Cherokee Casino group. Joe said he was not aware that these individuals had met here on this date.

Joe was then asked about a meeting on August 6<sup>th</sup> between Ben Cross and the Gulfside Casino group. Joe said JP Caleb Moore told him that the County Judge had met with the Gulfside Casino group adding that he was afraid they would be stuck with the Gulfside group after the court findings. There was some concern that a few of the JPs felt pressure that if they did not choose a casino group, they would be forced into a “shotgun wedding” with the Gulfside group. According to Caleb, the majority of the Gulfside

meeting was the discussion of lawsuits. Joe said this meeting was obviously a concern for him because it violated FOIA rules.

Joe said he would have favored to have been left out of this entire situation but he also felt obligated to inform the public and then make a subsequent statement of truth [affidavit].

*This will conclude this interview. The above is a summary of this interview. A copy of this interview between JP Joe Pearson and Special Agent JayP Massiet will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

Source of Activity==> I received information that a Mark Tripp may possess information of closed-door meetings in violation of FOIA rules conducted by the Pope County Judge and certain Quorum Court members. On September 27, 2019 I conducted an interview with Mark Tripp who agreed to have this interview audio taped. Present for this interview was Mark Tripp and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with Mark Tripp==> I explained to Mark Tripp the purpose of this interview which was the investigation of possible meetings conducted by the County Judge and members of the Quorum Court in violation of FOIA rules. Mark Tripp began by saying that he had been told about a meeting that was to be held at Shiloh Park which was later changed to the courthouse. He was also told about the meeting/get together at the Old Bank Bar and Grill and the meeting at Fat Daddy's restaurant which was held after the grand opening storefront for the Legends Casino group.

Mark then told me that he had received direct information from JP James Kusturin that he had been at the courthouse where he stumbled upon a meeting that was occurring in the County Judge's office. James told Mark that as he walked in the office, he was asked if he was there for the meeting, without letting on, James replied that he could be. James continued to tell Mark that it appeared that a group from Gulfside Casino were meeting at the time in the County Judge's office.

I told Mark that I had received information about a meeting at the Old Bank Bar and Grill. I then presented still photos of a group of men sitting at a table in the restaurant and asked Mark if he could identify these individuals. Mark identified Doug Skelton, Blake Tarpley, Ernie Enchelmayer, Caleb Moore and Reuben Brown.

Mark spoke of issues with an FOIA request he submitted asking for all proposals from each gaming group. Mark said he received only one proposal because based on a conversation he had with the County Attorney, his request did not specify between verbal and written agreements, therefore he only received the written agreement. Mark said he has since received a copy of the Gulfside Casino proposal which was not included in his original FOIA request. Mark said another concern he had would be when the County Judge made a statement to a reporter that he had laid out all the casino proposals on his desk for viewing and not one city council member came to his office to view them. Mark said this was a false statement because he submitted an FOIA request and only one proposal was given to him.

Mark stated he later spoke with a representative from the Hard Rock gaming group who told him that they had a conversation with the County Judge and were told that they could submit their proposal but they would not receive a letter of recommendation.

Mark was asked if he had any information in regards to the previous County Judge, Jim Ed Gibson and the Gulfside Casino Group. Mark blames his naivete and said he did not pay attention to this issue because he did not think the casino issue would ever happen. Mark added that an example of this would be when the Gulfside Casino group spent a lot of time getting to know the community, the Quorum Court would continue to say No to their efforts. In fact, a resolution passed in July 2018 which was drafted by JP James Kusturin which stated not to go against the will of the people.



Mark said he provided the above statement, because whether the information he has is from direct knowledge or secondhand information, this entire process has made it difficult to determine what is legitimate and transparent and what is not.

*This will conclude this interview.*

*The above is a summary of the interview between Mark Tripp and Special Agent Massiet. A copy of this interview will be included in this file.*

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ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> Information had been received that Jim Knight was present during the May 7<sup>th</sup> meeting at the county courthouse which had been originally scheduled at Shiloh Park. I spoke with Jim Knight who agreed to meet with me and discuss this matter. I met with Jim Knight on September 27, 2019 at his place of business. After I explained the purpose of this interview, Jim Knight agreed to have this interview audiotaped. The following is a summary of this interview.

Interview with Jim Knight==> After it was explained for the purpose of this interview, I discussed information that was developed regarding a meeting held on May 7<sup>th</sup>. Jim said he was notified of this particular meeting by receiving over thirty text messages of an illegal meeting of the Quorum Court that had been moved to the courthouse. Jim said he did attend this meeting and then explained that upon arrival to the courthouse, he found the doors to the building locked. Jim said he knocked on the door and was let into the building by one of the Quorum Court members. Upon entering the building, Jim said the lights in the hallway were off. Jim was then asked, if this had been a sanctioned meeting, would the doors have been locked and the lights off. Jim replied that it was more apparent that this was a meeting that had not been announced in the appropriate manner with the normal public and press coverage.

Jim said that upon entering the meeting room, there were nine to ten JPs in the room along with some members of the public. Jim added that this meeting quickly turned into a representation of a barbeque but added that this was not a barbeque. Jim said it was apparent to him that the JPs had heard at the last second that they had been discovered and they were trying to cover their tracks.

Jim was asked, if at any time, did Ben Cross invite the JPs to a tour of the courthouse. Jim said Ben Cross did this with members of the Quorum Court, with others asking themselves if they should wait until Ben returns to start the meeting. Jim said someone then saw Ben leave the building. The Quorum Court members were then told they should start the meeting because Ben had left the building. It was then the public was invited to the barbeque.

When I explained to Jim that one particular JP has claimed that he has been excluded from meetings and future meetings concerning the casinos, Jim interjected that Ben Cross jokingly calls the Quorum Court, the government of the few, because there are JPs who are included and some that are excluded from their meetings.

Jim was asked if he was present when one of the JPs voiced his displeasure for being called away from his family to attend this meeting. Jim said the comment made by the JP was made in frustration and anger with him asking other JPs what were they doing here for he was told they were here for a meeting and all they were doing is sitting there looking at each other.

Jim was asked if this meeting turned into a discussion of the casino issue. Jim said this meeting eventually turned into a twenty to thirty-minute discussion of casino matters. Jim was asked if the county clerk was present for this meeting. His reply was that the clerk was not present therefore; there are no minutes for this meeting.

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Jim was then asked if he had knowledge of a meeting at the Old Bank Bar and Grill which was attended by certain Quorum Court members. Jim said he has secondhand information adding that it is widely

known that this meeting did exist. I then presented a photo of a group of men seated at a table in the restaurant and Jim was able to identify these men as Quorum Court members.

Jim was asked about other meetings the JPs may have had. Jim replied that he only has secondhand knowledge.

I then read a paragraph of a resolution which stated that, *We the Pope County Quorum Court, have considered the qualification and suitability of five potential casino operators.* I then asked Jim, as a representative of a group known as *Citizens for a Better Pope County*, does he feel that there have been five casinos that have been allowed to submit applications and have been considered as this resolution states. Jim's reply to this question was, "absolutely not." Jim was asked if he felt if the Cherokee Gaming group have been shown some form of favoritism. Jim said he has spoken to three of the four other gaming groups who have expressed their frustration that they have not been provided the opportunity to submit their own proposals.

Jim was asked about the possibility that Ben Cross has been individually polling JPs with casino issues. Jim's response was that he has personally received information from JPs that this is exactly what has been happening, although at this time Jim could not recall any specifics, but they did express to him that they were being polled.

Jim was asked if there have been certain JPs being excluded from meetings to discuss casino business. Jim replied that this was a certainty but was not initially the case. Jim added that when certain reluctant JPs began notifying the public about the meetings, they were then excluded from casino meetings.

*This will conclude this interview.*

*The above is a summary of the interview between Jim Knight and Special Agent Massiet. A copy of this interview will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



INVESTIGATIVE INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> Based on information received during the course of witness interviews, it was found necessary to request a subpoena for video and records of receipts for a possible meeting of Quorum Court members at the Old Bank Bar and Grill on August 13, 2019. On September 30, 2019, I received the requested subpoena and then spoke with General Manager Laura Van Ripper and made arrangements to serve this subpoena on Wednesday October 2, 2019.

On this same date, I spoke with Jane Harrell and after explaining the purpose of my call, we agreed to meet on October 2, 2019 at her place of employment.

On October 1, 2019, I spoke with Roger Fryar and after explaining the purpose of my call, we agreed to meet on October 2, 2019 at his place of residence.

On October 2, 2019 at 9:30 am I met with Laura Van Ripper and served her with the subpoena requesting video and records of receipts for Quorum Court activities that occurred on August 13, 2019.

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ARKANSAS ATTORNEY GENERAL'S OFFICE  
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INVESTIGATIVE INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> I had received a message from Laura Van Ripper, general food and beverage manager at the Old Bank Bar and Grill, stating that information requested on the subpoena for records served on October 2, 2019 was ready for pick up. On October 9, 2019, I met with Laura and received a thumb drive with the requested records.

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

Source of Activity==> Jane Harrell prepared an affidavit explaining her knowledge of a meeting held by quorum court members that was in violation of FOIA rules. I spoke with Jane Harrell and after explaining the purpose of my call, agreed to meet with me at her place of employment. On October 2, 2019, I met with Jane Harrell who agreed to have this interview audio taped. Present for this interview was Jane Harrell and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with Jane Harrell==> After I explained to Jane Harrell the purpose of this interview, Jane said she had received a text message from a group known as Citizens for a Better Pope County, who learned of a possible secret Quorum Court meeting taking place at the Pope County Courthouse. Jane was asked, what made this group feel that this particular meeting was a *secret* meeting. Jane said the meeting was not publicized and was not on the court clerk's calendar which was verified by Anna Stiritz who personally called the County Clerk and found that this meeting was not on the schedule.

Jane referred to an email she received at 4:02pm which stated that JP Joe Pearson made it known that a meeting was being held at Shiloh Park and he had asked that citizens attend this meeting. Jane said she then received another email at 4:51pm which stated that the meeting had been changed from the park to the Pope County courthouse.

Jane said that after receiving this information, she went to the courthouse as she had been asked and upon arrival found the doors to the courthouse locked. Jane was asked, if this was a sanctioned meeting, would the doors to the courthouse been locked to which she said the doors would have been unlocked adding that she has never had to knock or wave to someone to gain access into the building.

Jane said she could not remember who allowed her into the building but upon entry she found the lights off, which normally would have been on. Jane said it was here that JP Doug Skelton motioned her into the meeting room. Jane said this situation seemed awkward and uncomfortable with no one knowing what to do with Justices standing in the hallway, coming in and out of the County Judge's office adding that at any other time, the lights would have been on in the building and the Justices would have been seated.

Jane was asked, did the Justices express a demeanor of, what are these people doing here and what do we do now, to which she agreed adding that this situation was very abnormal from a regular Quorum Court meeting.

Jane said through her affidavit, that Judge Cross then entered the room and told the Justices present that he wanted to take them on a tour of the courthouse. Jane said this was bizarre because her thoughts were how would this tour have been conducted at the park the original location of the meeting.

Jane said through her affidavit, fifteen to twenty minutes later, the Justices returned to the meeting room. Jane was asked if any of the Justices were left with them in the room when Judge Cross began his tour. Jane said it was the just citizens in the room because she can recall they discussed amongst themselves as to who would stay to monitor the meeting. Jane said she had to leave for personal reasons but before she left, Ray Black arrived with barbeque and invited everyone to join them for food.

Through her affidavit, Jane identified Justices that were in attendance to this meeting. Based on this information, I displayed still photos of a group of men at the Old Bank Bar and Grill and asked if she could identify these individuals seated at the table. Jane identified JP Doug Skelton and JP Ernie Enchelmayer but was unable to identify any other person at the table.

*This will conclude this interview.*

*The above is a summary of the interview between Jane Harrell and Special Agent Massiet. A copy of this interview will be included in this file.*



  
**ARKANSAS ATTORNEY GENERAL'S OFFICE**  
**PUBLIC INTEGRITY DIVISION**

**WITNESS INFORMATION**  
**INCIDENT # 2019-120**

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Source of Activity==> Janet and Roger Fryar each prepared an affidavit explaining their knowledge of a meeting held by Quorum Court members that was in violation of FOIA rules. I spoke with Roger Fryar who said that he and his wife Janet would be willing to meet with me at their place of residence. This meeting would take place on October 2, 2019.

On October 2, 2019, I met with Janet and Roger Fryar who agreed to have this interview audio tape. Present for this interview was Janet and Roger Fryar and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with Janet and Roger Fryar==> After I explained the purpose of this interview, I explained that I would conduct this interview first with Roger but would add Janet simultaneously because the two affidavits they submitted were similar.

Roger said he and Janet were notified of a text message that JP Joe Pearson had sent out notifying citizens of a meeting at the courthouse. Roger said that upon arriving at the courthouse, County Judge Ben Cross opened the door to the courthouse for them and it was then they saw that the lights were off in the hallway. Roger was asked, if this was a regular meeting, would the lights have been off or on. Roger said normally the lights would have been on. Roger continued to say that it was after he arrived at the courthouse that he learned that this meeting was originally scheduled for Shiloh Park. It was here he spoke with other JPs who told him that they were interrupted from personal matters to attend this meeting and were in the dark as to what this meeting was about.

In his affidavit, Roger listed the JPs that were present for this meeting. Roger was asked if he observed any representatives from any casino group. Roger and Janet replied that they did not.

Roger stated in his affidavit that Ben Cross entered the meeting room and invited the JPs for a tour of the courthouse which was strange because none of the citizens were invited for this tour. Roger continued in his affidavit that fifteen to twenty minutes later, the justices returned to the meeting room except for Ben Cross. It was then they were all invited upstairs for barbeque and discussion of casino issues. Roger and Janet were asked, has food ever been offered in previous Quorum Court meetings to which they replied, No, that there was only enough food for the JPs.

Roger and Janet were asked if the subject of the relocation of the meeting from Shiloh Park to the courthouse and the "tour" ever discussed. Roger said that from the beginning, the entire situation was awkward, as if the JPs were "kids caught with their hand's in the cookie jar."

Roger was asked, who initiated the discussion of the casino issue in the upstairs meeting room. Roger replied that it was JP Doug Skelton who said something to the effect that they might as well talk about it. Janet said the conversation was mostly asking why the citizens were against the casino and the JPs stating their stance on the issue.

Roger asked if the atmosphere of this gathering was of a meeting or just a tour and dinner. Janet said she finally spoke up and asked the JPs if this was an illegal meeting. JP Ernie Enchelmayer replied that this was not an illegal meeting explaining that they had notified all the legal authorities adding that this was

considered a modified legal meeting, with a few of the other JPs expressing their agreement with what Ernie had stated. It was then asked, if this was a legal meeting, was the County Clerk present to take minutes. Roger and Janet replied that she was not present for this meeting.

During this interview, I asked Roger and Janet if they had ever seen any representatives from various casino groups to which they stated that they had. I then displayed still photos of a group of men seated at a table in the Old Bank Bar and Grill restaurant. Roger and Janet recognized some JPs but did not recognize any representative from any casino group.

Roger and Janet were asked if they had any knowledge of any other "secret" meetings to which they replied that any other information they possess is from what they had been told.

At this time, Roger said he wanted to pass on information he had regarding the previous County Judge, Jim Ed Gibson and the Gulfside Casino group. Roger said Jim Ed would not share any information with anyone except for Randy Horton the ex-Mayor of Russellville and possibly JP Doug Skelton in regards to the lobbying that occurred with the Gulfside Casino group. Roger said he submitted an FOIA request to JP Doug Skelton who refused to honor the FOIA request. Roger said he submitted an FOIA request to the Arkansas Economic Development Committee which explains the tier concept for Arkansas Counties adding how strange it was that Pope County was changed to a Tier 2 county. Roger further explained that Randy Horton had an interview with River Valley Now where Randy mentioned how he had gone to AEDC at the State Capitol before the passage of amendment 100. As Randy entered the office of AEDC, representatives from Gulfside Casino group was coming out which is opposite of what AEDC gave him in his FOIA request. Roger said he did not pursue this matter but it has bothered him because he was told by AEDC they have had no contact with any casino group but yet Gulfside Casino group was there. Roger said he mentions this information because of the sudden reversal of opinion by the current county administration who had been opposed to any casino in Pope County. Now, they are backing the Cherokee Casino group. Roger said he has spoken to a representative with River Valley Now media group who has it on good authority that the racing commission has pressured Ben Cross to make a decision on the casino issue. Apparently, a local pastor has spoken to Ben Cross who verified this information, that he had been given an ultimatum to make a decision. Roger said this may explain why suddenly, certain JPs have changed their stance on the casino issue. Roger said that within a nine-month period, certain JPs went from passing a resolution stating they are against casinos and were not going to make any decisions without a vote, to suddenly passing a resolution welcoming the Cherokee Casino group.

Roger continued on to say that another concerning issue is the lack of transparency such as how the thirty-eight-million-dollar development fee was determined. Roger said he had hoped that Amendment 100 would provide guidance including public oversight and input, but none of this has happened.

Roger and Janet also expressed concern how the vetting process or the lack of, has been conducted by this current administration knowing that not all casino groups have been able to submit proposals before the Cherokee Gaming group was selected.

At the conclusion of the interview, Roger recommend that I speak with school superintendent Mark Gotcher, for he may possess information regarding private meetings.

*This will conclude this interview.*

*The above is a summary of the interview between Roger and Janet Fryar and Special Agent Massiet. A copy of this interview will be included in this file.*

  
**ARKANSAS ATTORNEY GENERAL'S OFFICE**  
**PUBLIC INTEGRITY DIVISION**

**WITNESS INFORMATION**  
**INCIDENT # 2019-120**

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Source of Activity==> Cliff Goodin prepared an affidavit explaining his knowledge of a meeting held by Quorum Court members that was in violation of FOIA rules. I spoke with Cliff Goodin who agreed to meet with me to discuss this matter. On October 2, 2019, I met with Cliff Goodin at his place of employment. Cliff agreed to have this interview audiotaped. Present for this interview with Cliff Goodin and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with Cliff Goodin==> After I explained to Cliff Goodin of the purpose of this interview, Cliff said he had received a text message from a member of a group known as Citizens for a Better Pope County which stated that certain members of the Quorum Court would be having a meeting at a pavilion at Shiloh Park scheduled for 4pm. Cliff said he received another text later in the day which stated that the meeting had been changed from the park to the county courthouse now scheduled for 6pm.

Referring to his affidavit, Cliff said that upon arrival to the courthouse, he attempted to gain entry but the doors were locked. Cliff agreed that if this would have been a sanctioned meeting, normally these doors would have been unlocked. Cliff said as he knocked on the door, it was JP Doug Skelton who let him into the building. Cliff said that as he entered the building, he noticed that the hallway lights were off, which normally these lights would have been on. Cliff said he was then motioned to the meeting room by JP Doug Skelton.

Cliff was asked, with the doors to the building locked and the hallway lights off, what were his thoughts. Cliff said it seemed strange to him because there were five to seven JPs present and no court clerk who is always present during a public meeting.

Cliff said that as time passed, the County Judge arrived and began to describe his day and then invited the JPs [only] to a tour of the remodeling of the courthouse. Cliff said he thought the County Judge was using this opportunity to get the JPs away from members of the public to devise a different strategy. Cliff was asked what he meant by, different strategy. Cliff said he feels that the JPs were embarrassed because they were caught in a meeting which had not been given public notice.

Cliff said the JPs were gone for approximately fifteen to twenty minutes and when they returned, Ben Cross stuck his head in the door and told everyone that he was going home. At that time, JP Ray Black, who delivered the barbeque, invited everyone upstairs for the food, stating that they will all eat and talk about whatever anyone wants to discuss. Cliff said that during this time with the JPs, there was general discussion of casino issues and the lack of transparency between the previous County Judge and his relationship with the Gulfside Casino group.

Cliff was asked, if during this meeting, did any JP express his displeasure for being summoned to this meeting. Cliff said he remembered JP Joe Pearson asking who called this meeting, and what are they doing here. Cliff agreed that JP Joe Pearson knew this was a meeting that was not supposed to be happening. Cliff said this meeting lasted over an hour and agreed that with what was being discussed between the JPs and the public, the county clerk should have been present to take minutes. Cliff added that they all knew they were present for an illegal meeting and were glad they were there to witness it. Cliff said this meeting ended when everyone felt they had said what they wanted to say.

Cliff wanted to add that the reason he became involved in these casino matters was because he was motivated by Ben Cross who at the time was running for the office of Pope County Judge. At that time, Ben Cross told him that he had received information from the Attorney General's Office that a group of citizens from Pope County need to file a lawsuit to challenge the ballot title. Cliff continued to say, that when Ben Cross won the election, he stated that he was opposed to a casino in Pope County, because the public voted sixty to forty against it and the ordinance was seventy to thirty against it.

Cliff said that as time passed, Ben Cross is no longer against the casinos, he now favors it. Cliff said there are thirteen members on the Quorum Court. Last year these JPs passed a resolution, with one being absent, which stated that they were opposed to a casino. Cliff said again he cannot understand what changed with this group now that they favor a casino in Pope County. Cliff then named other JPs who are personal friends of his who originally opposed the casinos and now favor it. Cliff said he just cannot understand what changed their minds so quickly.

Prior to the end of the interview, Cliff spoke of other political issues unrelated to the FOIA matter.

*This will conclude this interview.*

*The above is a summary of the interview between Cliff Goodin and Special Agent Massiet. A copy of this interview will be included in this file.*

  
**ARKANSAS ATTORNEY GENERAL'S OFFICE**  
**PUBLIC INTEGRITY DIVISION**

**WITNESS INFORMATION**  
**INCIDENT # 2019-120**

Source of Activity==> Through Hans Stiritz, JP Joe Pearson suggested that I interview JP Jamie Jackson for he expressed the desire to speak with me. On October 9,2019, I met with JP Jamie Jackson at his place of residence. After I explained the purpose of my visit, Jamie agreed to have this interview audiotaped. Present for this interview was JP Jamie Jackson and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with JP Jamie Jackson==> After I explained to JP Jamie Jackson the purpose of this interview, Jamie said he had received information that Ray Black who owns a barbeque business was going to supply food for the Quorum Court members and they were to meet at Shiloh Park for the purpose of a relaxation period. Jamie said he did not go to the meeting adding that at the last minute, he received a phone call from County Judge Ben Cross informing him that the meeting had been changed from Shiloh Park to the courthouse.

I then asked Jamie what time were the JPs to meet at Shiloh Park. Jamie said it was sometime in the afternoon but he was not going to attend this gathering because he knew that every time the JPs meet in this manner, the issue of casinos is the topic. Jamie said he is known to vote against the casino issue therefore; he feels that if there is any discussion about the casinos, it needs to be done at a regular Quorum Court meeting when the public is present, not at a park. Jamie said again he did not attend this meeting but he received information that the issue of the casino would be discussed.

I then presented information from affidavits submitted by concerned citizens that stated that upon arrival to the courthouse, the doors were found to be locked and the hallway lights were off. Jamie was asked that, if this was a sanctioned Quorum Court meeting, would the door have been locked and the lights off. Jamie's reply was that the doors are locked until they go into the building but then the doors are unlocked and the lights are on while they are in the building.

Jamie was asked if he had knowledge of a meeting that occurred on August 1<sup>st</sup> at the Old Bank Bar and Grill. Jamie said he did not attend this meeting at the restaurant because he stayed behind to attend another meeting. It was after his second meeting that he saw Quorum Court members standing outside the restaurant. Based on this information, I presented still photos of the interior of the restaurant and asked Jamie if he could identify who was seated at the table. Jamie identified Doug Skelton, Rueben Brown, Blake Tarpley, and Caleb Moore in the photo. Jamie said that because some of these individuals are his friends, he could only speculate what was discussed at the table but it is of his opinion that a person cannot help but discuss the casino issues, especially when you have just left a Quorum Court meeting.

Jamie was asked if has ever had a private meeting with Ben Cross to discuss casino issues. Jamie said he has explaining that Ben has discussed matters of the vetting process and the progress of the casino issue. Jamie said that based on the conversation he has had with Ben, these conversations would not be considered polling.

I then read the second paragraph of an unnumbered, unsigned resolution which basically states that all five casino groups have been considered. Jamie was asked if this was an accurate statement. Jamie replied that he has only received one proposal which was from the Kehling Family group. Jamie was asked if Ben Cross has met with all five casino groups to which he replied that to his understanding, Ben has met with

all these groups. Jamie agreed that although he does not want a casino in Pope County, being a Quorum Court member, he should have been included in the vetting process, which he hasn't.

Jamie then initiated conversation of the economic development plan. It is of his opinion that this is a form of extortion because before this, no one wanted the casinos. Then, various City Mayors in the county began seeing all the millions of dollars involved in cities where the citizens voted against the casinos. Now, those same City Mayors want a casino. Jamie said it is his understanding that when they break ground, the Cherokee Nation will submit a check per the EDP. Jamie said this economic plan, is good business which creates competition, but from what he understands, this plan was presented only from the Cherokee Nation.

Jamie was asked if he was present for the meeting between the County Judge and School Superintendent Mark Gotcher. Jamie explained that he is angry with JP Doug Skelton for mentioning his name to the newspaper for being at this particular meeting. Jamie explained that he is a full-time employee for Arkansas Game and Fish and is their full-time drone pilot. He can prove that he was not at this meeting because he was on Lake Ouachita for three days, operating the drone looking for the deputy who had drowned in the lake. Therefore; how could he be in this meeting if he was not in Pope County.

Jamie was asked if he had any other information or knowledge about meetings of Quorum Court members that are in violation of FOIA. Jamie replied that he is deliberately kept in the dark about these issues because the other JPs know where he stands, which is a No vote. Jamie added that once the money from the EDP is obtained, he will want to be part of the process to ensure that the money is distributed properly. Jamie then stated that there are Quorum Court members that should not be part of the process because of a conflict of interest. Jamie gave an example of JP Caleb Moore. Calebs's family has already profited from land purchases with the casino groups.

Jamie then spoke of his views regarding the EDP, previous County Judge Jim Ed Gibson and Gulfside Casino Group. At 11:45am, Jamie asked to take a pause in this interview to conduct personal business and continued back at 11:50am.

The interview concluded with Jamie agreeing that some information he has is hearsay because he is deliberately left out of the conversation of the casino process by other JPs.

*This will conclude this interview.*

*The above is a summary of the interview between JP Jamie Jackson and Special Agent Massiet. A copy of this interview will be included in this file.*

  
**ARKANSAS ATTORNEY GENERAL'S OFFICE**  
**PUBLIC INTEGRITY DIVISION**

**WITNESS INFORMATION**  
**INCIDENT # 2019-120**

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Source of Activity==> Through Hans Stiritz, JP Joe Pearson suggested that I interview JP Bill Sparks for he expressed desire to speak with me. On October 9, 2019, I met with JP Bill Sparks at his place of residence. After I explained the purpose of my visit, Bill agreed to have this interview audiotaped. Present for this interview was JP Bill Sparks and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with JP Bill Sparks==> After I explained to Bill the purpose of this interview, Bill was asked if he had knowledge of the meeting that was to be held at Shiloh Park. Bill said that his understanding of this meeting was that it was going to be some form of workshop meeting to discuss strategic planning. Bill said he was not certain if the media had been notified but understood later that they were not notified. Bill said that based on his experience in teaching ethics classes, he felt there would be more to this meeting therefore; he chose not to attend.

In regards to this meeting, Bill said he was notified by Justice Enchelmayer that the meeting had been changed from Shiloh Park to the courthouse because the weather was hot and people would be more comfortable at the courthouse. Based on information written in affidavits and Bill's experience as a Quorum Court member, Bill was asked, would the doors to the courthouse have been locked and the lights off in the hallway if this was a sanctioned meeting. Bills response was that he did not know what doors I was referring to but, there would have been access to the courthouse and the lights would have been on.

Bill was asked if he had any knowledge of a meeting at the Old Bank Bar and Grill. Bill's response was that he was not aware of such meeting. I then displayed photos of a group of men seated at a table in the restaurant. Bill identified these men as Quorum Court members.

Bill was asked if he had any knowledge of any other such meetings. Bill said he was never invited and has been excluded from meetings because of his stance of not wanting a casino in the county.

Bill was asked if he felt if the vetting process was adequate in reviewing the five casino applicants. Bill said that based on his experience, the process would have been that all JP's would gather together and view the applications. Therefore; he could not answer this question because he has not been able to view the proposals

Based on an unnumbered, unsigned resolution where it states that, *we the Pope County Quorum Court, have considered the qualification and suitability of five potential casino operators*, Bill was asked if he felt this was a true statement. Bill stated. No, because he has only observed applications from certain casino groups and he was never asked his opinion as to the suitability of any particular casino group. Bill said he feels there are applicants that feel they have not been treated fairly in submitting their proposal, if they had, he himself may have a different feeling on this matter. Bill said the Cherokee Casino group may be a better option but he would not know this because how the vetting process has been conducted.

Bill was asked his opinion about the economic development agreement. Bill said the casino group will own the county and control the elections. Bill said he is of the opinion that when a company sets forth that amount of money, there are strings attached adding that to his knowledge, no other casino group have been offered the opportunity to counter the economic plan proposed by the Cherokee Casino group.



This interview concluded with discussion about how certain JP's should recuse themselves because of possible financial conflict of interest.

*This will conclude this interview.*

*The above is a summary of the interview between JP Bill Sparks and Special Agent Massiet. A copy of this interview will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

Source of Activity==> During the course of this investigation, information was developed and/or received that Russellville School Superintendent Mark Gotcher possessed information pertinent to this investigation. On October 16, 2019, I met with Mark Gotcher at his place of employment. After I explained to Mark of the purpose of this interview, Mark agreed to have this interview audiotaped. Present for this interview was Mark Gotcher and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with Mark Gotcher==> After explaining the purpose of this interview, Mark Gotcher was asked if he had any information about the May 7<sup>th</sup> meeting that originated at Shiloh Park which was later changed to the courthouse. Mark said that in regards to this particular meeting, the information he has would not be firsthand knowledge.

I then asked Mark to explain the circumstances of the meeting of which he was involved in. Mark began by saying that approximately one year ago, he had a meeting with JP Doug Skelton and the previous Russellville Mayor, Randy Horton. This meeting was just to say that there was an election coming in November with the possibility of a casino coming to Pope County and there may be some money for the school district. Mark said he was encouraged to call other school superintendents who had a casino in their district and attempt to learn what impact the casino had. Based on the time frame Mark was describing above, I asked Mark that if he had any information regarding the previous County Judge and any casino business. Mark said that although it was agreed that he would be present for meetings that may involve the school district, he had very little interaction with Jim Ed Gibson the previous County Judge.

Mark said his substantive involvement came with the election of Ben Cross as the new County Judge and the amendment which was passed in November. Mark said that during this time conversation began to emerge of possible opportunities for the school district such as one million dollars in school scholarships. Mark said he advised them that he would not meet at any table at that time because he wanted to remain neutral and would take direction from the Mayor and the County Judge. Therefore; he declined to meet for any private casino meetings.

Mark continued on to say that recently he and Judge Cross have spoken about the possibility of the casino coming to the area. With that being said, Mark then read from a prepared statement he wrote to explain his actions. In summary, Mark said he and Judge Cross agreed to meet at the Judge's office on May 6<sup>th</sup> to discuss some ideas for the school district in the event a casino was to come to Pope County. Mark said that as he entered Ben's office, he saw that another meeting was concluding. Present for this meeting was Judge Ben Cross and JPs Doug Skelton, Caleb Moore and Ernie Enchelmayer. Mark said a conversation began about possible opportunities for students and the school district that a casino may offer. Mark said this conversation with Judge Cross and the three JPs lasted approximately ten to fifteen minutes when the JPs left leaving Mark and Judge Cross alone in his office. Mark said that during his conversation with Judge Cross, it was discussed in greater detail possible financial benefits for the students of the Russellville School District. Mark said they also discussed all of the casino entities that he had visited and some of the offers they had discussed that would benefit the county. The meeting concluded with them discussing the challenges they both have faced with the casino issue and how it has affected them both personally and professionally. End of written statement.

After Mark referred to his written statement, I asked Mark, while he was in Judge Cross' office, did he witness any conversation between Judge Cross and the JPs in regards to casino matter. Mark replied, absolutely, explaining that it was specific how it would affect the school district although he did not hear any particular casino group that they were in favor of.

Mark then explained that the Judge and the JPs were having small talk which did not surprise him because he knew all three of the JPs in the room. It was later when he heard of possible secret meetings, did he realize that he had participated in one such meeting which was not following FOIA laws. It was then he called his attorney and after explaining the circumstances of the meeting, was told to prepare a statement. Mark said it was the next day he received a FOIA request from the Arkansas Democrat, the Arkansas Times and a local city paper, all of which were supplied with his written statement.

In review Mark was asked what was discussed with the JPs present in the meeting. Mark said conversation included the lack of participation of the Russellville Mayor, documents showing the change of public sentiment regarding casino issues that even though the county voted against the casino, now the public want a casino. Judge Cross did mention that he had a conversation with the Gulfside Casino group and Jerry Jones of the Legends group. Judge Cross did feel at the time of the conversation that Legends would be the recommendation. Mark said he does not remember any other specific casino group being mentioned other than Legends and Gulfside because Gulfside assumed they were the casino of choice because they had possession of letters of endorsement from previous Mayor Horton and previous County Judge Jim Ed Gibson.

Mark said he left the meeting with Judge Cross feeling that he had a meaningful conversation and he was looking out for the best interest of the school district but he also left the meeting thinking that Legends [Cherokee Nation] might be the recommendation.

Mark was asked if Judge Cross made mention of the River Ridge casino group. Mark said he did not recall that particular name being mentioned but added that while he was on the [Russellville] city committee to discuss casino matters, it was during a public meeting two weeks ago, that he first heard of the River Ridge [Kehl family] casino group.

I explained to Mark that I had received information that the Hard Rock Casino group and the Choctaw casino group had complained they were not given the opportunity to submit their proposals. Mark was asked if Judge Cross mentioned these two groups during their conversation. Mark said he can recall the Hard Rock Casino group being mentioned but does not remember if the Choctaw group was. Mark added this is why the Russellville city committee was designed, to give the public an opportunity to hear a true vetting process. For this reason, River Ridge, the Warner group [Hard Rock] and the Choctaw casino groups submitted their proposals to the city of Russellville.

I then reminded Mark that when this interview began, I explained that I was investigating possible FOIA violations and referred to the FOIA handbook. Mark interjected that he is familiar with FOIA and has conducted his own presentations on FOIA issues. I then mentioned that JP Doug Skelton was quoted as saying that the meeting on May 6<sup>th</sup>, by legal definition, was not an actual meeting. Mark said that his opinion and the reason he wrote out a statement, was because after he realized that there were three Quorum Court members behind closed doors, the appearance of this meeting led him to write his statement. Mark continued to say that as a superintendent, if three of his board members were meeting without his knowledge, it is of his opinion that by definition, this is an illegal meeting even if they are just talking about the football team.

Mark said he spoke with his attorney after the newspaper article came out and thanked him for suggesting that he write a statement. After he ended the call with his attorney, he received a call from Judge Cross who stated that he read the newspaper article. Mark said he told the Judge that he had written his statement upon legal advice from counsel and did so to protect his district and the transparency of what he believes to be true. Mark said the Judge's reply was that he was not upset with him but stated that they

did not have an illegal meeting, they were just talking. Mark said he reminded the Judge that they did discuss the casino issue. The Judge replied that he did not see any harm in us [quorum court] getting together at a steakhouse and thanking them. Mark told Judge Cross that they should have called the media. Judge Cross disagreed.

Mark said he finally told Judge Cross, friend to friend, that he should write a memo to put all his notes together and disclose all private or public meetings, as he was advised to do by his own attorney. Judge Cross thanked him and ended their conversation.

Mark added that Judge Cross did not believe that the meeting that he [Mark] walked into was a meeting. Mark said the conversation he had with Judge Cross was a private conversation that is worthy of this interview because he advised the Judge to write his own memo.

Mark wanted to add that based on the subject of this interview, every meeting of the [city] casino committee has been held in public, the media has been notified, there have been no outside meetings, and has treated every meeting as a FOIA meeting, with the exception that he will not vote publicly on their recommendations.

Mark said that to his knowledge, the meeting on May 6<sup>th</sup> was the only meeting that he walked into.

Mark was asked, what was the meaning of a text message he sent to Ben Cross stating that it was going to be a big day for him. Mark said he knew that Ben was going to bring the resolution to a vote but he cannot remember why he sent the message other than to wish Ben good luck.

*This will conclude this interview.*

*The above is a summary of the interview between Mark Gotcher and Special Agent Massiet. A copy of this interview will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> During the course of this investigation, I received information that a Chris Cloud may possess information that would be useful to this investigation. On October 16, 2019 I made telephone contact with Chris Cloud who after I after explained the purpose of this call, Chris told me that the information he has is all hearsay and would be more valuable coming from the original sources. This call was concluded asking Chris to call me if he receives any viable information.

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



INVESTIGATIVE INFORMATION  
INCIDENT # 2019-120

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Investigative Actions==> On October 21-22, the following investigative actions were conducted.

On October 21<sup>st</sup>, I attempted to make contact with JP Caleb Moore but had to leave a voicemail message asking him to call me.

On October 21<sup>st</sup>, I spoke with JP James Kusturin who said that he would be willing to speak with me and will call me at a later date to confirm a time we could meet.

On October 21<sup>st</sup>, I received a phone call from Pope County Attorney Clayton McCall who stated that he wanted to meet with me to discuss the rules and parameters in conducting an FOIA investigation. We agreed on the date of October 23<sup>rd</sup> to meet at his law office.

On October 22<sup>nd</sup>, I spoke with JP James Kusturin and we agreed to meet at his office on October 23<sup>rd</sup> at 11am.

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> I received a phone call from Pope County Attorney Clayton McCall who wanted to meet with me to discuss the rules and parameters for conducting an FOIA investigation. On October 23, 2019, I met with Clayton McCall at his office and the following is a summary of our conversation.

Conversation with Clayton McCall==> Clayton understood that I was conducting an investigation in regards to possible FOIA violations by the Quorum Court. Clay spoke of recent Supreme Court Decisions and then provided copies of case law for me to refer to. Clay spoke of the meeting in May and said that Ben Cross did call the media advising them that a meeting would be held. Clay then spoke of the gathering of JP's at the Old Bank Bar and Grill and said that this form of meeting was okay as long it did not happen on a regular reoccurring basis. Again, Clay suggested I refer to resent court decisions and rely more on a book, The Arkansas Freedom of Information Act by John J. Watkins and Richard J. Peltz than the booklet that I had been using.

Clay then mentioned that JP James Kusturin did not attend Monday night's meeting and after which someone left a RIP headstone at his doorway. Clay then suggested that the reason James did not attend the meeting was that I had told James not to go to the meeting. I assured him that this was not my place to suggest anything and I did not tell James not to go to the meeting.

As we concluded this meeting, I mentioned to Clay that I was meeting with James later this day. I then left his office to prepare to meet with JP James Kusturin.

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

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Investigative Information=> The following is a summary of my interaction with County Attorney Clay McCall and JP James Kusturin on October 23, 2019.

After my meeting with County Attorney Clayton McCall on October 23, 2019, as I was preparing to meet with JP James Kusturin I received a phone call at approximately 1027hrs, from Pope County Attorney Clay McCall who informed me that he has just spoken to James Kusturin and as acting counsel, he advised James not to speak with me today. Clay said this decision was based on our discussion as to why James did not show for the meeting on Monday night. I then explained to Clay that although he is acting as counsel, I would have to hear directly from James declining an interview with me. I then mentioned to Clay that earlier I had to leave a message for JP Caleb Moore asking him to call me adding that I have yet to hear from him. I asked Clay if he was representing all JP's to which he replied that Caleb should have his own counsel. I ended this call advising Clay that I would be calling James to hear from him canceling our interview.

On this same date, at 1044hrs, I called and spoke with JP James Kusturin and I reminded him that we had both agreed to meet today at 11am for an interview. James said that based on advice from Clay McCall, he is declining to be interviewed today. James said that maybe I could talk with him in two weeks and that he was going to call Clay. This call was then concluded.

On this same date at 1053hrs, I again received a call from Clayton McCall who stated again that I would not be interviewing James today and that I should understand their position.

On this same date, As I drove back into the City of Little Rock, at 1207hrs, I received a telephone call from JP James Kusturin who told me that he did not want to look guilty and feels bad about today's situation. James said he has done nothing wrong and then stated that he did want to meet with me. We agreed to meet on Monday October 28<sup>th</sup> at 2pm.



  
**ARKANSAS ATTORNEY GENERAL'S OFFICE**  
**PUBLIC INTEGRITY DIVISION**

**WITNESS INFORMATION**  
**INCIDENT # 2019-120**

Source of Activity==> On October 23, 2019, I attempted to interview JP James Kusturin but James declined to be interviewed at the recommendation of County Attorney Clayton McCall. As I drove back into the City of Little Rock, at 12:07pm, I received a telephone call from JP James Kusturin who told me that he did not want to look guilty and feels bad about today's situation. James said he has done nothing wrong and then stated that he did want to meet with me. We agreed to meet on Monday October 28<sup>th</sup> at 2pm.

On the date of October 28, 2019, I met with JP James Kusturin at his place of business as per his request. After I explained to James of the purpose of this interview, James agreed to have this interview audio taped. Present for this interview was JP James Kusturin and Special Agent JayP Massiet. The following is a summary of this interview.

Interview with JP James Kusturin==> After I explained to James the purpose of this interview, I asked James to explain the meeting he had stumbled upon at the courthouse. James retrieved his cell phone and referred to text messages between him and Ben Cross. James said that on August 13<sup>th</sup>, he exchanged text messages from Ben Cross regarding casino business and then asked Ben if he would be in the office with Ben providing his days schedule. James said that upon his arrival to the courthouse he met with Ben in his office and reviewed a handwritten economic development package. As he was reading the development package, he could hear a commotion in the secretary's office. It was at this time; JP Doug Skelton walked into Ben's office and took a seat. Doug then asked James what was he doing in Ben's office and then asked him if he was here for the meeting. James said he replied asking, what meeting was he referring to, adding that he was there to review the development package. Doug told James that they were to meet to discuss Gulfside Casino's proposal. James told Doug that he would attend this meeting which was then held in the Quorum Court room. James said present for this meeting was Ben Cross, JPs Doug Skelton, Ernie Enchelmayer, Caleb Moore and possibly Reuben Brown along with representatives from Gulfside Casino and their attorneys. According to James, this meeting was a meeting with Gulfside Casino submitting their take it or leave it proposal.

James was asked, based on his experience as a Quorum Court member, should the media and the public have been notified of this meeting. James replied that his opinion was that he did not feel the media and the public needed to be involved in this meeting because of what was discussed.

James was asked if he had any knowledge regarding the May 7<sup>th</sup> meeting that was to be held at Shiloh Park and later changed to the courthouse. James said he learned of this meeting the next day therefore he did not attend the May 7<sup>th</sup> meeting. James added that he told JP Blake Tarpley that this meeting was not warranted for there was nothing to discuss adding that he was not going to attend the meeting.

Based on submitted affidavits, James was asked, if there is a sanctioned meeting, would the doors to the courthouse be locked or unlocked and would the lights be off or on. James said for a normal meeting the doors would have been unlocked and the lights would have been on. James explained that he does not know if this was a called meeting or a come if you can type meeting, but he does know that he would not attend any meeting held at a park. James said he cannot provide any details of this meeting but from what he heard about the meeting; it was held upstairs of the courthouse with food being served.

James was asked if he had any knowledge about the meeting at the Old Bank Bar and Grill. As James thought about this, I displayed photos of a group of men seated around a table and asked James if he could identify these individuals. James identified himself, Reuben, Doug, Blake, Caleb and Ernie. James then explained that this was a dinner after a Quorum Court meeting adding that he left the restaurant prior to anyone else leaving. James said he could not tell me what was discussed because he "ate and ran" to get back to Fort Smith.

James was asked, if he felt that some of the JPs have been left out of the vetting process. James replied, "yes, probably so". James added that "we" may not have been totally left out but he feels he has not been provided with all the information. James was asked, has he himself been left out of the process. James replied that what annoyed him was that he would receive information from Russellville City Counselman Mark Tripp before he received any information from the person, he himself was reaching out to. James was asked how would Mark Tripp receive information before he would. James said that maybe Mark is more involved in the political scene more than he. James said he and the other JPs would periodically receive updated text messages from the County Judge on casino issues adding that the Hark Rock Casino group was the only group he has actually spoken with. James was asked if he feels if the vetting process has been adequate. James said that all casino groups except for Hark Rock have been seated at his table in his office to provide proposals. James said he feels they (Quorum Court) have not done anything wrong by excluding the public in the vetting process.

This interview concluded with discussion of contents of the FOIA handbook.

*This will conclude this interview.*

*The above is a summary of the interview between James Kusturin and Special Agent Massiet. A copy of this interview will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

Source of Activity==> During the course of this investigation, I received a call from Jerry Hill who represents the Warner Gaming group (Hard Rock) asking for time to discuss their concerns with the vetting process in Pope County. Arrangements were made for a three-way telephone conversation between myself, Jerry Hill and their procurement attorney Alex Justice. This conversation took place on October 28, 2019. The following is a summary of this telephone conversation.

Jerry said that through information he has received from City Councilman Mark Tripp, he understood there was a current FOIA investigation being conducted and he wanted to share information they had regarding this matter. Jerry said his group became involved in this matter approximately one year ago after the passage of Amendment 100 and have had conversations with the previous City Mayor and the previous County Judge as well as the current City Mayor and the current County Judge for the purpose of learning the procedure for casino applicants adding that they have also had meetings as of early spring of 2019 submitting applications with the Racing Commission.

Jerry said through this entire process, his group has had several meetings with Quorum Court members as well as Ben Cross the County Judge to learn the process to determine who the successful applicant would be. Jerry said the overall issue here is that there has never been a public meeting between May and August 13<sup>th</sup> with the selection of the Cherokee Group. Jerry continued to say they could not understand how this was completed without a public meeting. His personal experience with Pope County is that they (Pope County) were not ready in June and July for the vetting process. Jerry said that as they were waiting for the proposal evaluation process in August, it was around August 7<sup>th</sup>, they began to hear rumors that at the Quorum Court meeting on August 13<sup>th</sup>, Ben Cross was going to announce the selection and endorse the Cherokee Nation group. Jerry said he contacted JP Doug Skelton on the morning of August 8<sup>th</sup> asking about the rumor. Doug's reply was that he was busy and could not talk but basically verified that the rumor was true. Jerry said he then contacted JP Ray Black by text, asking about the validity of the rumor. Ray Black responded by text informing Jerry that there are several folks pushing very hard for this, meaning that there is a push for the Quorum Court to select the Cherokee Nation.

Jerry said he drove to the city of Russellville on May 9<sup>th</sup> to meet with JP Ray Black at his restaurant. Jerry said he was told by Ray that the Quorum Court has received as many as eleven of the thirteen votes needed to pass a resolution in favor of the Cherokee Nation. Ray continued to explain that Ben Cross, Ernie Enchelmayer, Caleb Moore and Doug Skelton have been pushing very hard to convince the other JP's to get onboard and get this done.

Jerry said on this same day he had a meeting at 1pm with Ben Cross. Jerry asked Ben about the rumor that he was going to support the Cherokee proposal. Ben denied the rumor stating that it was not him but the Quorum Court who is supporting the Cherokee Nation. Jerry said that as he was stunned by this news, Ben continued to explain to him that they have been meeting with the Cherokee Nation and he is going to support their resolution because they feel they are the best option for them. Ben also added that you guys at Hard Rock made too much noise and caused too much excitement. Ben also added that Dan Kehl was there this morning and I told him that he was too late for the party. Also, Choctaw, I don't know who they are and Gulfside will never get a casino here, therefore; we are going with the Cherokee. Ben then told Jerry that he needed their proposal by noon on Monday. Jerry said he then asked Ben, why would they submit their final proposal when they are selecting the Cherokee group. Jerry said he did not receive answer but Ben stated that as of Tuesday night he will be done with this proposal matter.

Jerry said he then contacted Alex Justice and Bill Warner advising them of what had occurred. Jerry said a letter was sent to Ben informing him that they would not be submitting a final proposal for the proposal he has in hand will suffice. Alex then interjected that apparently other casino operators have had the same experience with Ben Cross.

I then asked for clarification and asked a question which was, if the Cherokee Nation had been selected, why did Ben need final proposals from the other casino operators. Jerry's assumption was that when all the final proposals were submitted, Ben could inform the press and the Quorum Court that they had received all proposals and the Cherokee Nation was selected.

Jerry said, fast forward to the meeting on August 13<sup>th</sup>, JP Doug Skelton walked into the meeting with people from the Pope County Majority waving a piece of paper yelling that they got the votes. Jerry said he was seated next to the Kehl Group and they both began to wonder as to what was meant by, they got the votes, for there have been no public meetings in any public setting to make any decisions.

Alex interjected that contact with other casino groups has been limited because they are competitors but with conversations they did have, they are all frustrated and feel the county vetting process is flawed.

Jerry said Ben, is the person who two months prior to all this sat in a room with him, Bill Warner, Robert Truner a political consultant and the Mayor of Russellville and explained that the vetting process was going to be a fair process, will be open with public participation, and a third party evaluating the proposals, which everyone thought was a great idea. Jerry added, this is the way it happens in every county and city in the United States except, it didn't happen in Pope County. Both Jerry and Alex said they have never had a situation occur as it did in Pope County where a publicly elected official acted in this manner.

Jerry said they compete for business all over the world and like it or not they do not get every contract because they may not be the right fit which is understandable. But to not even be considered in a reasonable way, there is something wrong with the process adding that other operators feel the same way.

The remainder of the conversation revolved around Kelly Jett and her sudden involvement with the Pope County Majority, a pro casino group.

*The above is a summary of a conversation between James Hill, Alex Justice and Special Agent Massiet. A copy of this interview will be included in this file.*

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



WITNESS INFORMATION  
INCIDENT # 2019-120

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Source of Activity==> On October 31, 2019, I received information from Larry Walker that a Craig Cloud of the Friendship Foundation may have pertinent information in regards to this investigation. On this same date I left a message with Craig Cloud asking him to call me.

On November 6, 2019, I spoke with Craig Cloud who stated that he had received information that JP Doug Skelton had brokered an employment contract with the Legends group. Craig was not sure if this information was pertinent for this investigation. Craig said he would send me a copy of the email he received.

The above is a summary of this conversation.

ARKANSAS ATTORNEY GENERAL'S OFFICE  
PUBLIC INTEGRITY DIVISION



INVESTIGATIVE INFORMATION  
INCIDENT # 2019-120

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This incident will be considered closed/inactive pending review from Special Prosecuting Attorney Jason Barrett to determine if any further action will be taken by Special Agents of the Public Integrity Division.

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ARKANSAS ATTORNEY GENERAL'S OFFICE

PUBLIC INTEGRITY DIVISION



**EVIDENCE INDEX**

INCIDENT: 2019-120

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August 12, 2019

Mr. Jeff Phillips  
Prosecuting Attorney  
Pope County, Arkansas  
312 W. Main Street  
Russellville, Arkansas 72801  
(479) 967-8100

Dear Mr. Phillips:

We are writing to you today in the hopes of bringing to your attention a series of calculated and intentional violations of the open public meetings requirement of the Arkansas Freedom of Information Act, which have taken place in Pope County, Arkansas over the past several months. The general subject of these illegal meetings concerns the issue of a Pope County casino license, with the outcome being a closed-door decision to award a letter of support to a casino operator absent the public discussion required under A.C.A. §25-19-106. It is our belief that these allegations will not be denied, but rather justified as necessary by those involved. With a minimal level of investigation, you will find that every allegation described herein is true.

The following provides a timeline of illegal meetings taking place between local officials of Pope County, Arkansas from May 2019 through the present:

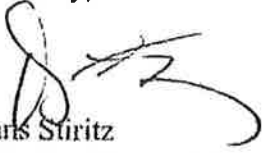
- May 7, 2019 – illegal Quorum Court meeting held at the Pope County Courthouse at 6:00pm. See attached affidavits of Justice Joe Pearson, Anna Stirtz, Roger Fryar, Janet Fryar, Jane Harrell, Cliff Goodin, and Larry Walker. Recorded audio and visual of this meeting can be made readily available upon request;
- August 1, 2019 – following an official meeting of the Quorum Court, more than five Pope County Justices attended drinks and dinner at the Old Bank Grill, hosted by the Cherokee Nation and its leadership. It is likely this meeting resulted in an agreement for a majority of the Quorum Court to issue an exclusive letter of support to the Cherokee Nation to launch their casino gaming operation;
- August 6, 2019 – illegal meeting where Judge Cross and Justices Caleb Moore, Ernie Enchelmayer, and James Kusturin were in attendance, along with representatives of the Gulfside Casino Partnership where the issue of a Pope County casino was discussed. See attached affidavit of Justice Joe Pearson;

While we have provided specific first-hand knowledge of multiple instances, this is not an exhaustive list, rather there are many other instances of the above misconduct. Common sense would dictate that these meetings were not simply unintentional violations of state law, but that they were planned, orchestrated, and designed to solicit a specific and calculated result, with the final act coming Tuesday with a special meeting of the Quorum Court to approve the plan they drafted in private.



The public interest would be best served by your immediate action and investigation. There was an emergency Quorum Court meeting called for this coming Thursday, August 15<sup>th</sup>, but on Friday of last week was moved even sooner to Tuesday, August 13<sup>th</sup>. This expedited action is further subversion of the public interest. Only outside scrutiny can ensure transparency and integrity.

Sincerely,



Harts Stiritz  
Pope County resident  
On Behalf of Concerned Citizens of Pope County

cc:

Honorable Leslie Rutledge  
Office of the Attorney General  
232 Center Street, Suite 1100  
Little Rock, Arkansas 72201

Mr. Duane (DAK) Kees  
U.S. Attorney – AR Western District  
414 Parker Avenue  
Fort Smith, Arkansas 72901

Mr. Larry Jegley  
Prosecuting Attorney  
Pulaski County  
224 S. Spring Street  
Little Rock, Arkansas 72201

**Affidavit of JUSTICE JOE PEARSON**

STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned JUSTICE JOE PEARSON, being duly sworn, hereby swears and affirms:

1. On or around May 6, 2019, I received a phone call from Justice Ernie Enchelmayer who stated that there would be a meeting of the Pope County Justices at the Shiloh Park Pavilion at May 7, 2019;
2. At 2:08pm on May 7, 2019, I texted a local citizen and asked her to contact the Pope County Clerk's Office to request the next scheduled meeting date of the Quorum Court or any of its committees. I asked her to get back to me once she received an answer. Shortly thereafter, this citizen called me and informed me that the Clerk's Office stated that the next meeting date was the June regular meeting, and that there was no meeting scheduled for May 7, 2019. The citizen asked me if this information was correct. I told her that this information was incorrect and that there was a meeting scheduled for May 7, 2019, at the Shiloh Park Pavilion. I informed her that she should inform other citizens of this meeting;
3. I requested that the local citizen contact the Clerk's Office to ask for the meeting schedule because I knew there was a planned meeting on May 7<sup>th</sup> and I wanted to make sure that a citizen could call the Clerk's Office and receive notice of any meetings scheduled by the Quorum Court;
4. At 4:39pm on May 7, 2019, I received a voicemail from Justice Enchelmayer where he stated that the meeting had been moved to the Pope County Courthouse and the time of the meeting would be 6:00pm on the night of May 7<sup>th</sup>;
5. Upon learning that the meeting was being moved to the Courthouse, I immediately informed the citizen described in Paragraphs 2 and 3 of the change of venue. I told her that she should inform others of the meeting location and time;
6. I asked several members of the Quorum Court if proper notice of the meeting had been sent out to the press, where I was assured that proper notice had been sent out for the 6:00pm meeting. I am unable to recall which exact members of the Quorum Court told me that notice of the meeting had been issued to the press;
7. I arrived at the Courthouse for this meeting at approximately 6:00pm;
8. I first attempted to enter the Courthouse through the public entrance, but found the door to be locked;
9. I knocked on the door and someone let me;

10. I entered the Quorum Court meeting room and saw that there were several Justices present, along with some members of the public;
11. After I arrived, more Justices came into the room, along with other citizens, with some walking in and out from time to time. There were approximately 8-15 people total in attendance at any given time on this night
12. Sometime after I arrived, Judge Cross entered the room and stated that he wanted to show the Justices the upstairs space in the Courthouse where he was moving his office;
13. I, along with the other Justices present, followed Judge Cross to his new office space, where he proceeded to show us the room;
14. During this time, one of the Justices inquired as to why citizens of the public were present in the Courthouse;
15. Judge Cross told the Justices to just "eat BBQ and go home", and then Judge Cross left the Courthouse;
16. The other Justices and myself then informed the citizens who were still in the regular meeting room that they could join us upstairs for BBQ;
17. The Justices present and myself discussed the issue of a Pope County casino with the citizens present while everyone ate.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

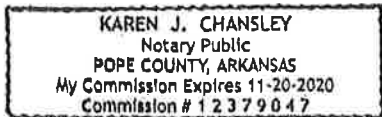
Executed this 12 day of Aug 20 19.

Joselyn R. Pe...

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 19.

(Legible Notary Seal)



Notary Signature Karen J. Chansley  
My Commission Expires 11-20-2020

**Affidavit of JUSTICE JOE PEARSON**

STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned JUSTICE JOE PEARSON, being duly sworn, hereby swears and affirms:

1. On or around August 8, 2019, an anonymous Pope County Justice informed me that Judge Cross and a group of Justices had met with Terry Green of Gulfside Casino Partnership, along with Gulfside attorney Casey Castleberry and an unnamed Gulfside lobbyist.
2. This anonymous Justice informed me that the majority of the meeting concerned Mr. Green discussing lawsuits. The anonymous Justice told me that we [the Quorum Court] needed to pick a vendor because he was afraid that we would be forced into a partnership with the Gulfside Casino group.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

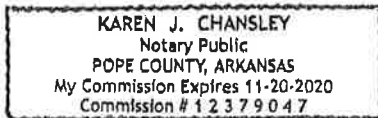
Executed this 12 day of Aug 2019.

Joseph R Pearson

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 2019.

(Legible Notary Seal)



Notary Signature Karen J Chansley  
My Commission Expires 11-20-2020

**Affidavit of ROGER FRYAR**


STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned ROGER FRYAR, being duly sworn, hereby swears and affirms:

1. On May 7, 2019, I, along with several other citizens, learned of a secret Quorum Court meeting taking place at the Pope County Courthouse scheduled for 6:00pm;
2. Upon entering the Courthouse, I saw that the lights were off in the hallway and I walked into the regular meeting room of the Quorum Court;
3. When I walked into the meeting room, I saw that the following Justices were in attendance: Caleb Moore, Ernie Enchelmayer, Reuben Brown, Ray Black, Joe Pearson, Tim Whittenburg, Jackie Heflin, and Doug Skelton;
4. Judge Cross then entered the meeting room and told the Justices present that he wanted to take them on a tour of the Courthouse;
5. Fifteen to twenty minutes later, the Justices returned to the meeting room and stated that BBQ had been ordered and invited myself and the other citizens present to an upstairs room for food and discussion concerning the issue of a Pope County casino;
6. I, along with some of the other citizens present, followed the justices upstairs to eat and discuss the issue of a Pope County casino.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

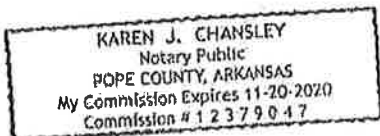
Executed this 12 day of Aug 20, 19.

  
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STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 1919.

(Legible Notary Seal)



Notary Signature Karen J. Chansley  
My Commission Expires 11-20-2020

**Affidavit of JANET FRYAR**

STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned JANET FRYAR, being duly sworn, hereby swears and affirms:

1. On May 7, 2019, I, along with several other citizens, learned of a secret Quorum Court meeting taking place at the Pope County Courthouse scheduled for 6:00pm;
2. Upon entering the Courthouse, I saw that the lights were off in the hallway and I walked into the regular meeting room of the Quorum Court;
3. When I walked into the meeting room, I saw that the following Justices were in attendance: Caleb Moore, Ernie Enchelmayer, Reuben Brown, Ray Black, Joe Pearson, Tim Whittenburg, Jackie Heflin, and Doug Skelton;
4. Judge Cross then entered the meeting room and told the Justices present that he wanted to take them on a tour of the Courthouse;
5. Fifteen to twenty minutes later, the Justices returned to the meeting room and stated that BBQ had been ordered and invited myself and the other citizens present to an upstairs room for food and discussion concerning the issue of a Pope County casino;
6. I, along with some of the other citizens present, followed the justices upstairs to eat and discuss the issue of a Pope County casino.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

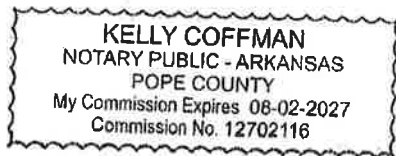
Executed this 12 day of Aug. 20 19.

Janet Fryar

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12<sup>th</sup> day of Aug 2019.

(Legible Notary Seal)



Notary Signature Kelly Coff

My Commission Expires 8-2-27



**Affidavit of JANE HARRELL**

STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned JANE HARRELL, being duly sworn, hereby swears and affirms:

1. On May 7, 2019, I, along with several other citizens, learned of a secret Quorum Court meeting taking place at the Pope County Courthouse scheduled at 6:00pm;
2. Upon arrival at the Courthouse, I attempted to gain entrance through the public door of the Courthouse, but found the door to be locked;
3. I knocked on the door and someone came to the door and opened it;
4. Upon entering the courthouse, I saw that the lights were off in the hallway and Justice Doug Skelton motioned me into the regular meeting room of the Quorum Court;
5. When I walked into the meeting room, I saw that in addition to Justice Skelton, the following Justices were also in attendance: Caleb Moore, Ernie Enchelmayer, and Ray Black. In addition to Moore, Enchelmayer, and Black, there were also other Justices present whose names I did not know;
6. Judge Cross then entered the meeting room and told the Justices present that he wanted to take them on a tour of the Courthouse;
7. Fifteen to twenty minutes later, the Justices returned to the meeting room and stated that BBQ had been ordered and invited myself and the other citizens present to an upstairs room for food and discussion concerning the issue of a Pope County casino;
8. I did not personally go upstairs for the meeting, as I had other plans that night;
9. I then left the Courthouse.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 12<sup>th</sup> day of Aug 20 19.

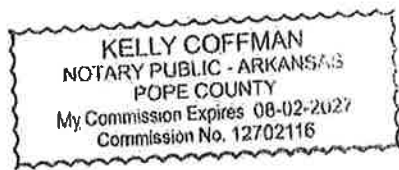
Jane Harrell

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STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12<sup>th</sup> day of Aug 2020<sup>19</sup>.

(Legible Notary Seal)



Notary Signature Kelly Coff

My Commission Expires 8-2-27

**Affidavit of ANNA STIRITZ**


STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned ANNA STIRITZ, being duly sworn, hereby swears and affirms:

1. On May 7, 2019, at approximately 2:15pm, Justice Joe Pearson texted me and asked me to call the County Clerk's Office to see when the next Quorum Court meeting or any subcommittee meeting was scheduled;
2. I called and was told the next meeting was the regular monthly June meeting;
3. I relayed that back to Justice Pearson, who told me that it seemed a secret meeting was set for that afternoon at the Shiloh Park Pavillion;
4. He asked me to come with a few other citizens to witness it;
5. Sometime later that afternoon, Justice Pearson informed me that the meeting location had been changed to the Pope County Courthouse and the time of the meeting was 6:00pm;
6. I went to the courthouse at or around 6:00pm. The doors were locked, but I knocked and someone let me in;
7. I went to the Quorum Court meeting room and found three or four other people there—people I had notified about the meeting.
8. Within a few minutes, 5-6 Justices came in and sat down. Over the next few minutes several more Justices entered the meeting room. County Judge Ben Cross, came to the door, looked in, and left.
9. Within a few minutes, the Justices suggested that we adjourn to an upstairs room and meet there;
10. I took a brief video of the meeting because I was alarmed by the yelling and wanted a record. There were about 8-9 Justices present, and most of the talk was about how the Quorum Court was not willing to send the casino issue out for a vote by the county, and that the Quorum Court had the power to choose the casino operator themselves.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

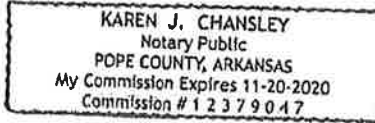
Executed this 12 day of Aug 20 19.

  
\_\_\_\_\_  
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STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 2019.

(Legible Notary Seal)



Notary Signature Karen J. Chansley  
My Commission Expires 11-20-2020

**Affidavit of CLIFF GOODIN**

STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned CLIFF GOODIN, being duly sworn, hereby swears and affirms:

1. On May 7, 2019, I, along with several other citizens, learned of a secret Quorum Court meeting taking place at the Pope County Courthouse scheduled for 6:00pm;
2. Upon arrival at the Courthouse, I attempted to gain entrance through the public door of the Courthouse, but found the door to be locked;
3. I knocked on the door and someone came to the door and opened it;
4. Upon entering the Courthouse, I saw that the lights were off in the hallway and Justice Doug Skelton motioned me into the regular meeting room of the Quorum Court;
5. When I walked into the meeting room, I saw that in addition to Justice Skelton, the following Justices were also in attendance: Caleb Moore, Ernie Enchelmayer, Reuben Brown, Ray Black, Joe Pearson, and Tim Whittenburg;
6. Judge Cross then entered the meeting room and told the Justices present that he wanted to take them on a tour of the Courthouse;
7. Fifteen to twenty minutes later, the Justices returned to the meeting room and stated that BBQ had been ordered and invited myself and the other citizens present to an upstairs room for food and discussion concerning the issue of a Pope County casino;
8. I, along with some of the other citizens present, followed the justices upstairs to eat and discuss the issue of a Pope County casino.

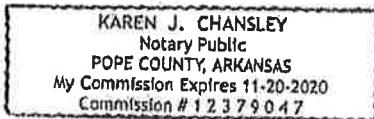
I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 12th day of Aug 2019  
Cliff Goodin

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 192020.

(Legible Notary Seal)



Notary Signature Karen J. Chansley  
My Commission Expires 11-20-2020

**Affidavit of LARRY WALKER**

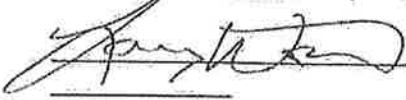
STATE OF ARKANSAS  
COUNTY OF POPE

The undersigned LARRY WALKER, being duly sworn, hereby swears and affirms:

1. On May 8, 2019, at approximately 9:00am, I contacted the Pope County Clerk's office to request minutes from the previous night's Quorum Court meeting;
2. I was told there was no meeting and therefore no minutes existed;
3. At or around 2:00pm that same day, County Judge Ben Cross contacted me and told me that there was a meeting where he gave Quorum Court members a tour of an annex of the Courthouse that would be remodeled;
4. Judge Cross acknowledged that several Justices had stayed behind, but he was unaware of what, if any, discussion took place.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

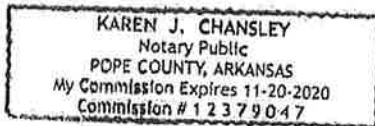
Executed this 12<sup>th</sup> day of August 2019.



STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 2019.

(Legible Notary Seal)



Notary Signature Karen J. Chansley  
My Commission Expires 11-20-2020