

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.

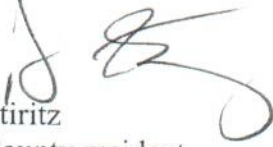
The following provides a timeline of illegal meetings taking place between local officials of Pope County, Arkansas from May 2019 through the present:

- 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,



Hans 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.

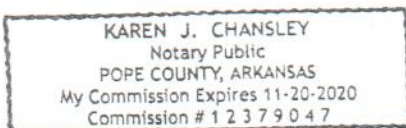
Joseph R Pearson

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 20 19.

(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)

KAREN J. CHANSLEY  
Notary Public  
POPE COUNTY, ARKANSAS  
My Commission Expires 11-20-2020  
Commission # 12379047

Notary Signature Karen J. Chansley

My Commission Expires 11-20-2020

**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.

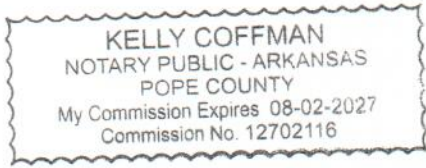
Executed this 12<sup>th</sup> day of Aug 2019.

Jane Harrell

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of Aug 20<sup>19</sup>20.

(Legible Notary Seal)



Notary Signature Kelly Coff

My Commission Expires 8-2-2027



**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.

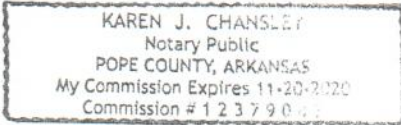
Ben Cross  
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STATE OF ARKANSAS  
COUNTY OF POPE

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 17th day of Aug 2019.

Cliff Goodin

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STATE OF ARKANSAS  
COUNTY OF POPE

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

(Legible Notary Seal)

KAREN J. CHANSLEY  
Notary Public  
POPE COUNTY, ARKANSAS  
My Commission Expires 11-20-2020  
Commission # 12379047

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)

KAREN J. CHANSLEY  
Notary Public  
POPE COUNTY, ARKANSAS  
My Commission Expires 11-20-2020  
Commission # 12379047

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.

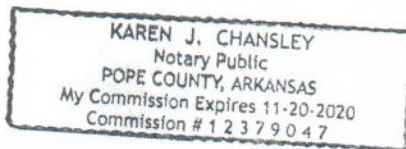
Executed this 12 day of Aug 2019.

Joseph R Pearson

STATE OF ARKANSAS  
COUNTY OF POPE

Subscribed and sworn before me this 12 day of August 1919

(Legible Notary Seal)



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