

**HOUSE CAUCUS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
January 6, 2011

The House was called to order at 1:35 p.m. by House Parliamentarian Tim Massanelli. The following members-elect answered to the roll call:

Allen, Baird, Baker, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, Burris, Catlett, Cheatham, Clemmer, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Gaskill, Gillam, Hall, Hammer, Harris, Hickerson, Hobbs, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, F. Smith, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total90

The following member(s) was absent and did not answer to the roll call:
Altes, Carnine, Carter, Collins, Garner, Hopper, Hutchinson, King, Malone, H. Wilkins.

Total10

A quorum was present.

Speaker-elect Robert Moore addressed the House Caucus.

Representative-elect Wardlaw moved to concur in the Arkansas State Claims Commission report.

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
 FAX (501) 682-2823

NORMAN L. HODGES, JR.
 Director

101 EAST CAPITOL AVENUE
 SUITE 410
 LITTLE ROCK, AR 72201-3823

January 4, 2011

Rep. Robert Moore, Speaker-elect
 Speaker of the House
 House of Representatives
 State Capitol Building
 Little Rock, AR 72201

Re: W. Gammon Vs. F. Smith
 St. House of Reps.-District 54

Dear Rep. Moore:

The Arkansas State Claims Commission has heard and considered evidence and testimony on the above-referenced Arkansas House of Representatives election contest. Based on that evidence and testimony the Claims Commissioners hearing the matter unanimously recommends that the Arkansas House of Representatives seat Mr. Fred Smith as the State Representative from District 54 (see attached).

Please contact me should you have any questions on the recommendation.

Sincerely yours,

/s/ Norman L. Hodges, Jr.
 Director

NLH/es

cc: Speaker Robbie Wills
 Mr. Fred Smith
 Mr. Willie Gammon, Claimant
 Mr. Ronald Wilson, Attorney
 Mr. Bart Ziegenhorn, Attorney

STATE CLAIMS COMMISSION DOCKET

	Attorneys
<u>Willie Gammon Claimant</u>	<u>Ronald Wilson, Attorney Claimant</u>
vs.	
<u>Fred Smith Respondent</u>	<u>Bart Ziegenhorn, Attorney Respondent</u>
State of Arkansas	
Date Filed <u>November 23, 2010</u>	Type <u>Election contest</u>

Based on the evidence and testimony presented to the Claims Commission at hearing, the Claims Commissioners present unanimously recommend the Arkansas House of Representatives seat Mr. Fred Smith as the Representative from House District 54.

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously recommends that the Arkansas House of Representatives seat Mr. Fred Smith as the Representative from House District 54.

Date of Hearing January 4, 2011

Date of Disposition January 4, 2011 /s/ Richard Mays Chairman

Commissioner

/s/Steven Arnold Commissioner

/s/Bill Lancaster Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

The vote was as follows:

AFFIRMATIVE: Allen, Baird, T. Baker, Barnett, Bell, Benedict, Biviano, Bradford, Branscum, Brown, J. Burris, Catlett, Cheatham, Clemmer, Collins-Smith, Cowling, Dale, Deffenbaugh, Dickinson, Edwards, Elliott, English, Eubanks, Fielding, Garner, Gaskill, Gillam, Hall, Hammer, Hickerson, Hobbs, Hubbard, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Rice, Roebuck, Rogers, Sanders, Shepherd, Slinkard, F. Smith, G. Smith, Steel, Steele, Stewart, Stubblefield, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total89

NEGATIVE: Harris

Total1

ABSENT OR NOT VOTING: Altes, Carnine, Carter, Collins, Hopper, Hutchinson, King, Malone, H. Wilkins.

Total9

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

Necessary to the adoption of the motion51

So the Motion was adopted.

Representative Burris moved to delay the seating of House District 83 and to be referred to the Claims Commission.

The vote was as follows:

AFFIRMATIVE: Baird, Bell, Benedict, Biviano, Burris, Cheatham, Clemmer, Dale, Deffenbaugh, English, Eubanks, Gillam, Harris, Hickerson, Hobbs, Hubbard, Jean, Johnston, Lea, Mayberry, D. Meeks, S. Meeks, Rice, Shepherd, Slinkard, Stubblefield, Summers, Westerman

Total28

NEGATIVE: Allen, Baker, Barnett, Bradford, Branscum, Brown, Catlett, Cowling, Dickinson, Edwards, Elliott, Fielding, Garner, Gaskill, Hall, Hammer, Hyde, Ingram, Kerr, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, Mauch, McCrary, McLean, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Roebuck, Rogers, Sanders, F. Smith, G. Smith, Steel, Steele, Stewart, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, B. Wilkins, Williams, Woods, Word, Wren, Wright, Mr. Speaker.

Total61

ABSENT OR NOT VOTING: Altes, Carnine, Carter, Collins, Collins-Smith, Hopper, Hutchinson, King, Malone, H. Wilkins.

Total10

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative29

Necessary to the adoption of the motion51

So the Motion failed.

Representative Edwards moved to recommend the seating of Leslee Milam Post to District 83 with the 88th General Assembly.

The vote was as follows:

AFFIRMATIVE: Allen, Baker, Bradford, Branscum, Brown, Catlett, Cheatham, Collins-Smith, Cowling, Dickinson, Edwards, Elliott, Fielding, Gaskill, Gillam, Hall, Hammer, Hickerson, Hyde, Ingram, Lampkin, Leding, Lenderman, Linck, Lindsey, Love, Lovell, McCrary, McLean, Murdock, Nickels, Overbey, Patterson, Pennartz, Perry, Pierce, Post, Powers, Ratliff, Roebuck, Rogers, F. Smith, G. Smith, Steel, Steele, Stewart, Summers, Thompson, Tyler, Vines, Wagner, Walker, Wardlaw, Webb, Westerman, B. Wilkins, Williams, Word, Wren, Wright, Mr. Speaker.

Total61

NEGATIVE: Baird, Barnett, Bell, Benedict, Biviano, Burris, Clemmer, Dale, Deffenbaugh, English, Eubanks, Garner, Harris, Hobbs, Hubbard, Jean, Johnston, Kerr, Lea, Mauch, Mayberry, D. Meeks, S. Meeks, Rice, Sanders, Shepherd, Slinkard, Stubblefield, Woods.

Total29

ABSENT OR NOT VOTING: Altes, Carnine, Carter, Collins, Hopper, Hutchinson, King, Malone, H. Wilkins.

Total9

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative61

Necessary to the adoption of the motion51

So the Motion was adopted.

STATE OF ARKANSAS

HOUSE OF REPRESENTATIVES

January 6, 2011

To Whom It May Concern:

I inadvertently voted "no" on Rep. John Burris' motion during today's House Caucus. It was, however, my intention to vote "yes".

Sincerely,

/s/ Jonathan Barnett
State Representative

JB/jwa

STATE OF ARKANSAS

HOUSE OF REPRESENTATIVES

January 6, 2011

To Whom It May Concern:

I inadvertently voted "yes" on Representative John Burris' motion to delay the seating of District 83 and refer it to the Claims Commission concerning Representative-elect Leslee Post. It was, however, my intention to vote "no".

Please see that this matter is noted in the journal. Thank you.

Sincerely,

/s/ Eddie L. Cheatham
State Representative

ELC/mlj

STATE OF ARKANSAS

HOUSE OF REPRESENTATIVES

January 6, 2011

To Whom It May Concern:

I inadvertently voted “no” on Representative John Edward’s motion during today’s House Caucus. While I do not believe the motion was necessary, it was, however, my intention to vote “yes”.

Sincerely,

/s/ Jon Woods

State Representative

cc: Speaker-elect of the House Robert S. Moore, Jr.
Representative-elect Leslee Post

JW/jwa

With no objection, House Parliamentarian Tim Massanelli declared the House Caucus adjourned at 2:02 p.m., Thursday, January 6, 2011.

ATTEST:

/s/ Tim Massanelli
House Parliamentarian

/s/ Sherri Stacks
Chief Clerk