



Arkansas
Secretary
Of State

Charlie
Daniels

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Secretary of State
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Charlie Daniels

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THE ARKANSAS REGISTER

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ATTORNEY GENERAL OPINIONS

Opinion No.: 2003-085

Bradford, Jay
State Representative

RE: Is it within the discretion of the court to apply a portion of the probation fee imposed on the defendant, pursuant to provisions of ACA 5-4-332, to defray the expenses relating to the billing, collection and recordkeeping required to collect the installment payment of fines? **RESPONSE:** A.C.A. § 16-13-704(b)(1) sets forth the sole fee that may be charged for the collection of an installment fine. In my opinion, irrespective of what the municipal and traffic courts currently do, the Code does not support charging a defendant a “probation fee” if the defendant is not placed on probation. A release without supervision following a plea or an adjudication of guilt fails to qualify as “probation.”

Opinion No.: 2003-107

Ormond, Charles L.
State Representative

RE: Is it lawful for the Legislature to enact laws that allow a private or non-elected body to issue rules and regulations that public institutions must follow or adopt? **RESPONSE:** Nothing precludes the government from acknowledging the rule-making authority of an organization like the Arkansas Athletic Association, whose school-district members have voluntarily elected to participate in its activities. See, e.g., A.C.A. § 6-22-107 (noting the character of the AAA as a voluntary association of member districts). However, to the extent that rules are adopted by the AAA they must satisfy constitutional principles as applied and may not impinge on due process or equal protection rights.

Opinion No.: 2003-110

Edwards, Marilyn
State Representative

RE: Is the City of Fayetteville legally authorized to empower its Code Compliance Officers with the right to issue criminal citations for violation of garbage and rubbish laws and ordinances for criminal prosecutions in the Fayetteville District Court? **ANSWER:** No, as to state law violations and, generally, yes as to violations of municipal codes, ordinances or regulations. See A.C.A. § 12-9-108.

Opinion No.: 2003-111

Proctor, Willard, Jr.
Circuit Judge, 6th Jud. Dist, 5th Div

RE: Does a court reporter have authority to prepare a transcript for a private citizen in a criminal case where the record has been sealed or expunged? **RESPONSE:** When a record has been sealed according to statute, including when a case has been nolle prossed, a court reporter should not produce a transcript to any private citizen other than the individual for whom the record has been sealed. Under the facts as you have recited them, that individual would be the defendant, not the alleged victim. Under the stringent standard for sealing judicial records without specific statutory authority to do so, a court would need to determine based upon the contents of the transcript whether to authorize its release.

Opinion No.: 2003-112

Gibbons, David
Pros Att’y, 5th Judicial District

RE: Q1) Does a second-class city have authority

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to terminate its city court and still maintain a police department? Q2) Would an agreement between the City of Hector and Pope County that would allow misdemeanors that occur within Hector city limits to be prosecuted in Pope County District Court by the Pope County Deputy Prosecuting Attorney on behalf of the City of Hector with all fines, court costs and other monies distributed as if the arrests were made by a Pope County Deputy Sheriff, violate Arkansas law? Q3) What impact, if any, does Act 1032 of 2003 have on the above agreement? RESPONSE: Q1) Yes. See Am. 80, 19(B)(2). Q2) As described, they seem generally consistent with Ark. law. However, the provision concerning fee distribution should be evaluated for consistency with the laws governing the administration of justice funds. Q3) Act 1032 of 2003 has no impact.

Opinion No.: 2003-114

Lamoureux, Michael
State Representative

RE: Q1) If a city of the first class with a civil service commission adopts an ordinance delegating the authority to appoint and remove the heads of the police and fire department to the city's civil service commission, is the mayor's recommendation required by the civil service commission to exercise the delegated ability to hire and fire the police or fire chiefs? Q2) Does ACA 14-42-110(a)(2) conflict with ACA 14-51-212 or 14-51-301(c)? RESPONSE: Q1) No. Such a requirement would render the delegation meaningless. Q2) No.

Opinion No.: 2003-116

Nichols, Wayne
State Representative

RE: Does the Arkansas Local Police and Fire

Retirement System have authority to return LOPFI funds received from the City of Tyroneza without city council authorization, or is LOPFI entitled to hold the money even though the City has requested that it be returned? RESPONSE: A court should decide whether it is appropriate that the funds the former mayor transferred should remain in the state-administered LOPFI account. Even if a court were to direct that the funds be returned to the city, I do not believe it would be appropriate for the city to treat them as general revenues, given that insurance turnback funds are earmarked for contributions to LOPFI or, under certain circumstances, to local pension funds.

Opinion No.: 2003-117

Luker, Jim
State Senator

RE: Pursuant to provisions of Act 1188 of 2003, codified at ACA 16-17-129, do Arkansas cities have authority to impose and collect an additional \$5 fee for seat belt violations in light of the language contained in ACA 27-37-706? RESPONSE: Yes. The prohibition of ACA 27-37-706 applies to court costs and fees, not fines.

Opinion No.: 2003-118

Laverty, Randy
State Senator

RE: Pursuant to provisions of Ark. Const. amend 31, does the Harrison Firefighters Pension Board have authority to seek an increase in pension fund millage from .4 to 1 mill with an accompanying sunset clause on the measure? RESPONSE: Current law does not authorize a sunset clause on such measures. See ACA 24-11-812. Legislative clarification may be indicated.

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Opinion No.: 2003-120

Melton, Don
Director, Arkansas State Police

RE: Does the AG concur with the conclusions reached in DF&A Advisory Opinion #483-03-4, regarding State Police Commissioners buying handguns engraved with the Arkansas State Police logo, using state contract number T-00-0129, for personal use? **RESPONSE:** As a matter of policy, this office declines to second-guess advisory opinions rendered by DF&A pursuant to A.C.A. § 19-11-715(b).

Opinion No.: 2003-121

King, Barbara
State Representative

RE: Can a justice of the peace, who is also an attorney at law and is appointed by the circuit court to serve as the attorney for an indigent person or minor within the county, be paid a court-ordered fee for such legal services from a fund appropriated by the quorum court of the county? **RESPONSE:** No. ACA 24-24-2305(c).

Opinion No.: 2003-124

King, Barbara
State Representative

RE: Could an existing municipal office holder, who has an unexpired term, be able to successfully override Sec 4 of Act 1171 of 2003, codified at A.C.A. 14-40-1207? **RESPONSE:** The answer will depend on which of the two cities elected the office holder, and whether the petition for consolidation called for a citywide election of all city officers. Office holders who were elected in the smaller city cannot serve the

remainder of their terms. Office holders who were elected in the larger city can serve the remainder of their terms, unless the petition called for a citywide election, in which case they cannot serve the remainder of their terms.

Opinion No.: 2003-125

Boyd, Travis
State Representative

RE: In light of the Arkansas Supreme Court decision in Hogue v. NLR Housing Authority, 144 S.W.2d 49 (1940), is the real estate owned by the City of Piggott, Arkansas, on which low-income housing is located, exempt from taxation as provided by art. 16, Sec. 5 of the Arkansas Constitution? **RESPONSE:** The question of whether a particular piece of property is tax-exempt is a fact question for the assessor to determine. Although Arkansas case law supports the tax exempt status of publicly-owned low income housing, all the attendant facts must be considered.

Opinion No.: 2003-126

Broadway, Shane
State Senator

RE: May a mental health provider furnish mental health services and treatment to a minor without first obtaining parental consent? **RESPONSE:** Arkansas law does not directly address this question. In the absence of further legislative or judicial guidance, mental health providers have the responsibility to determine whether the minor possesses the maturity and intelligence to grant consent. If so, the service may be provided. An issue that must also be considered is the issue of the constitutional rights of both the parents and the minor.

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Opinion No.: 2003-127

Richards, Henry

Sponsor, CLOTTERY Measure

RE: Request for certification of popular name and ballot title of proposed constitutional amendment to establish a state lottery. **RESPONSE:** Rejected due to procedural irregularities and insufficiency, with instructions to redesign.

Opinion No.: 2003-128

Parks, Marvin

State Representative

RE: Pursuant to provisions of A.R.C.P., Rule 4, is a person authorized to serve legal summons if he is approved for service by at least one judge within the judicial district? **RESPONSE:** Ark. R. Civ. P. 4 authorizes any judge in a particular county to appoint an adult to serve process within the county in any legal matter. However, if a judicial district comprises more than one county, an adult may serve process outside the county in which the matter is pending only if he has been appointed to do so by the court having jurisdiction or by a court in the county where the process is to be served. In my opinion, Rule 4 supersedes any legislation that might suggest a different scope of authority.

Opinion No.: 2003-130

Anderson, Keven

State Representative

RE: May a duly-elected district judge conduct bail bond hearings, review probably cause affidavits for search warrants, review probably cause affidavits for arrest warrants, conduct extradition hearings, and conduct indigency hearings regarding the appointment of the public defender to represent criminal defendants in a matter that is filed in another

district court in the same county or in Benton County Circuit Court? **ANSWER:** This cannot be answered under the office's longstanding policy to decline to issue opinions on matters currently in litigation.

Opinion No.: 2003-132

Thompson, Robert

Attorney, Paragould Housing

RE: Pursuant to provisions of the Freedom of Information Act (FOIA), is there a compelling public interest in the release of records contained in the personnel file of the former executive director of the Paragould Housing Authority evidencing the performance or lack of performance of official duties of her position? **RESPONSE:** All of the documents requested by the newspaper constitute "employee evaluation/job performance records" under the FOIA. While there may well be a compelling public interest in their disclosure, they should not be disclosed before the executive director has had a full opportunity to exhaust any available administrative appeal.

Opinion No.: 2003-133

Smith, Roger

State Representative

RE: Do provisions of Act 481 of 2003 provide for retroactive payments back to July 1, 2001 for the added 15% in benefit payments to disabled retirees? **RESPONSE:** Yes.

Opinion No.: 2003-134

Malone, Percy

State Senator

RE: Does A.C.A. 14-47-135 apply to all appointed positions that the board of directors must vote to confirm or select to fill upon recommendation from

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the city manager, regardless of being advisory or created by ordinance? Q2) If there are exceptions to this statute, what are they? RESPONSE: A conclusive response would require reference to the position in question, but generally the prohibition applies to all appointive positions, including advisory positions and ones created by ordinance. See Op. 90-160.

Opinion No.: 2003-135

Yeager, Lynda Thomas, PHR
Director, City of Conway Human Resources

RE: Request for guidance in responding to a request for personnel records, copies of email transmissions and other public records in response to a Freedom of Information Act (FOIA) request. Also, can the city sue a citizen for costs incurred when that citizen fails to pick up requested copies? **ANSWER:** Most of the questions asked do not involve personnel or evaluation records and cannot be answered in the context of this opinion. Regarding the procedure for providing copies of records in response to a FOIA request, there is probably no recourse if the requester does not retrieve the copies. The risk of nonpayment, where the estimated cost is less than \$25, appears to be inherent in the statute.

Opinion No.: 2003-136

Higginbotham, Steve
State Senator

RE: In light of provisions of ACA 27-35-102 and, more specifically 27-35-210, is an individual required to have a permit in order to move farm equipment that is 20 feet wide or more along county roads at night? **RESPONSE:** In my opinion, it is illegal to move wide loads on farm tractors on an Arkansas state highway at night without first obtaining a permit to do

so from the State Highway Commission. A.C.A. § 27-35-210 (Supp. 2001). I believe this statute supersedes A.C.A. § 27-35-102, which purports to exempt "implements of farm husbandry from any of the statutory weight, length and width restrictions.

Opinion No.: 2003-137

Yeager, Lynda Thomas, PHR
Director, Conway Human Resources

RE: Request for assistance in determining whether records relating to the city's contract with an outside investigator are disclosable in response to a Freedom of Information Act (FOIA) request. **RESPONSE:** I do not have authority to respond, because the records in question are not personnel or performance evaluation records, as required under ACA 25-19-105(c)(3)(B).

Opinion No.: 2003-138

Wilkins, IV, Henry "Hank"
State Senator

RE: Can a state employee serve in the legislature, as in the case of Sen. Tracy Steele who is employed by the state as Director of the Arkansas Martin L. King, Jr. Commission? Please also address the issue as to all state employees. **RESPONSE:** As a general matter, the dual service of Senator Steele does not run afoul of the Arkansas Constitution and is expressly permitted, although regulated by a 1999 act of the General Assembly. See ACA 21-1-402. An individual who serves in such dual positions should always be cognizant, however, of any potential conflicts of interest that might arise on a case-by-case basis. I cannot address the question regarding all state employees because each case must be reviewed on its own facts. Particular statutory provisions may impact the issue in a given case.

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Opinion No.: 2003-140

Jones, Steve
State Representative

RE: Is it legal that funds raised through an advertising and promotions commission be used to subsidize funding for a local bus service as set forth in the Advertising and Promotion Commission Act, subchapters 6 and 7? **RESPONSE:** The answer will depend upon whether this funding falls within the purposes set forth in ACA 26-75-606.

Opinion No.: 2003-142

Parks, Marvin
State Representative

RE: Is it a common practice for a pharmacy to bill Medicaid for more than the actual bill? **RESPONSE:** This question has arisen from an intensely fact-oriented dispute between a constituent and his pharmacy. As such, it should not be addressed in a formal Attorney General's opinion. I will forward the file to the Public Protection and Medicaid Departments of this office for further action

Opinion No.: 2003-143

Chesterfield, Linda
State Representative

RE: Does the dual role of State Senator and Director of the Martin L. King, Jr. Commission cause a conflict of interest? **RESPONSE:** See Opinion 2003-138.

Opinion No.: 2003-144

Simon, Raymond
Director, AR Dept of Education

RE: Pursuant to provisions of ACA 26-80-201 et seq., is the Department of Education ("Department") required to give effect to those portions of the existing Ark. Const. amend. 74 enabling statutes that have been found unconstitutional in the Lake View case? Q2) Is the Department required to credit a school district's debt service funding supplement toward satisfying the Amendment 74 twenty-five (25) mill requirement? Q3) Is the Department required to credit a school district's dedicated maintenance and operation mills toward satisfying the Amendment 74 twenty-five (25) mill requirement? Q4) Are there any other relevant changes in the Department's legal obligations in calculating the total millage necessary for school districts to comply with the uniform rate of tax in consideration of the Arkansas Supreme Court Lake View decision? **RESPONSE:** Q1) No. The Department should not ignore the fact that the supreme court has expressly declared this statute unconstitutional. Q2) Although I believe it would be constitutionally suspect to credit debt service funding supplements against the uniform rate of tax, no court has yet ruled to this effect. In my opinion, the Department would meet its statutory obligations if it advised the school districts of the possible constitutional problems and left the quorum courts to determine whether to treat the supplements as credits. Q3) I believe the Department should credit against the uniform rate of tax millages devoted to the purposes set forth at A.C.A. § 26-80-110(b)(1) through (4). However, without further judicial clarification, I am unable to opine whether a district should credit millages devoted to the repayment of revolving loans pursuant to A.C.A. § 16-80-110(b)(5). Again, I believe the Department would fulfill its obligations merely by informing the districts of the constitutional issues and leaving the quorum courts to determine whether to treat such mills as credits. Q4) No.

ADOPTED RULES AND REGULATIONS

BOARD OF DENTAL EXAMINERS

Docket No.: 038.00.03--001
Effective Date: 6/23/03
Contact Person: William Trice, III
Telephone: (501) 372-4144

Article XIV: Minimum Continuing Education for Dentists and Dental Hygienists

BOARD OF PUBLIC ACCOUNTANCY

Docket No.: 019.00.03--002
Effective Date: 6/14/03
Contact Person: Leveta Ray
Telephone: (501) 682-5533

Rule 3.3 (b): Requirements to sit as a first-time applicant

DEPARTMENT OF COMMERCE

State Plant Board

Docket No.: 003.11.03--003
Effective Date: 7/1/03
Contact Person: Terry Walker
Telephone: (501) 225-1598

Pest Control Enforcement Response Regulations

Docket No.: 003.11.03--004
Effective Date: 7/1/03
Contact Person: Mary Smith
Telephone: (501) 225-1598

Regulations for the Sale of Planting Seed in Arkansas

DEPARTMENT OF COMMUNITY CORRECTION

Docket No.: 159.00.03--002
Effective Date: 6/22/03
Contact Person: G. David Guntharp
Telephone: (501) 682-9568

AR 1.4 - Community Correction Center Criteria and Standards

Docket No.: 159.00.03--003
Effective Date: 6/22/03
Contact Person: G. David Guntharp
Telephone: (501) 682-9568

AR 1.9 - Research and Evaluation

Docket No.: 159.00.03--004
Effective Date: 6/22/03
Contact Person: G. David Guntharp
Telephone: (501) 682-9568

AR 7.27 - Volunteer Program

ADOPTED RULES AND REGULATIONS

DEPARTMENT OF WORKFORCE EDUCATION

Docket No.: 172.00.03--002
Effective Date: 6/20/03
Contact Person: Peggy Wakefield
Telephone: (501) 682-1500

Arkansas Technical Careers Student Loan Forgiveness Program

EDUCATION DEPARTMENT

Attorney's Office

Docket No.: 005.23.03--001
Effective Date: Proposed
Contact Person: Scott Smith
Telephone: (501) 682-4227

PROPOSED RULE: Guidelines Procedures, and Enforcement of the Arkansas Public School Choice Act

Office of Accountability

Docket No.: 005.19.03--002
Effective Date: 6/11/03
Contact Person: Scott Smith
Telephone: (501) 682-4227

Emergency Rule: ADE 153 - Amendment to Rules Governing the Standards of Accreditation

Docket No.: 005.19.03--003
Effective Date: Proposed
Contact Person: Annette Barnes
Telephone: (501) 682-4393

PROPOSED RULE: Standards for Accreditation of Arkansas Public Schools

Docket No.: 005.19.03--004
Effective Date: Proposed
Contact Person: Dr. Charles Watson
Telephone: (501) 682-4247

PROPOSED RULE: Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program

Technical Assistance

Docket No.: 005.25.03--001
Effective Date: Proposed
Contact Person: Patricia Martin
Telephone: (501) 682-5124

PROPOSED RULE: Rules and Regulations Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program

Docket No.: 005.25.03--002
Effective Date: Proposed
Contact Person: Jim Boardman
Telephone: (501) 371-5005

ADOPTED RULES AND REGULATIONS

PROPOSED RULE: Distance Learning -- To set guidelines for the Arkansas Distance Learning Development Project and the operation of distance learning in the public schools

GAME & FISH COMMISSION

Docket No.: 002.00.03--004
Effective Date: 6/6/03
Contact Person: James Goodhart
Telephone: (501) 223-6327

Approved 2003-2004 Statewide Hunting Seasons and Calendar Adjustments

HUMAN SERVICES

Administrative Services

Docket No.: 016.14.03--006
Effective Date: 5/30/03
Contact Person: Bill Tyler
Telephone: (501) 682-9631

DHS HIPAA Policies 4001, 4004, 4005, 4006, 4007, 4008, 4009 and Forms 4003, 4004, 4005, and 4006

Docket No.: 016.14.03--007
Effective Date: 5/30/03
Contact Person: Bill Tyler
Telephone: (501) 682-9631

DHS 1083 - Document & Records Retention

Children and Family Services

Docket No.: 016.15.03--003
Effective Date: 5/29/03
Contact Person: Vivian Jackson
Telephone: (501) 682-1577

Emergency Rule: Arkansas Revised Uniform Adoption Act (Act 650) amendments and Title IV-E; DCFS Forms CFS-25, CFS-304, CFS-409, CFS-413, CFS-420, CFS-425, CFS-426, CFS-427, CFS-428A, CFS-428B, CFS-428C, CFS-429, CFS-431, CFS-432, CFS-433, CFS-434, CFS-467, CFS-468, CFS-470, and CFS-471

Medical Services

Docket No.: 016.06.03--005
Effective Date: 7/1/03
Contact Person: Tommy Wingard
Telephone: (501) 682-6117

Procedures for Determination of Medical Need for Nursing Home Services

Docket No.: 016.06.03--006
Effective Date: 6/15/03
Contact Person: Will Taylor
Telephone: (501) 682-8362

State Plan Transmittal #2003-006 -- Attachment 3.1A Page 10a

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Docket No.: 016.06.03--007
Effective Date: 6/15/03
Contact Person: Suzette Bridges
Telephone: (501) 683-4122

Official Notice DMS-2003-O-4, DMS-2003-E-3, DMS-2003-II-3, DMS-2003-KK-4, DMS-2003-Q-4, DMS-2003-R-6, DMS-2003-OO-4

Docket No.: 016.06.03--008
Effective Date: 6/15/03
Contact Person: Carolyn Patrick
Telephone: (501) 682-8359

DMS-836 -- TEFRA Waiver Program Premium Notification Form

Docket No.: 016.06.03--009
Effective Date: 6/15/03
Contact Person: Carolyn Patrick
Telephone: (501) 682-8359

Official Notice DMS-2003-CA-1, DMS-2003-L-1, DMS-2003-Y-1 -- Primary Care Physician (PCP) Referral Requirement for Mental Health Admissions

LABOR DEPARTMENT

Employment Security Department

Docket No.: 010.02.03--001
Effective Date: 7/1/03
Contact Person: Allan Pruitt
Telephone: (501) 682-3152

Regulation 5 - Posting of Notice to Workers

Docket No.: 010.02.03--002
Effective Date: 7/1/03
Contact Person: Allan Pruitt
Telephone: (501) 682-3152

Regulation 6(B) - Contribution Payments and Reports, Payments in Lieu of Contributions

Docket No.: 010.02.03--003
Effective Date: 7/1/03
Contact Person: Allan Pruitt
Telephone: (501) 682-3152

Regulation 14(b) - Claim Filing

Docket No.: 010.02.03--004
Effective Date: 7/1/03
Contact Person: Allan Pruitt
Telephone: (501) 682-3152

Regulation 14 (c) - Registration and Reporting

Docket No.: 010.02.03--005
Effective Date: 7/1/03
Contact Person: Allan Pruitt
Telephone: (501) 682-3152

Regulation 15 - Notice of Claims Filed and Benefits Charged, Employer Response and Non-Charge Rights

ADOPTED RULES AND REGULATIONS

LIVESTOCK & POULTRY COMMISSION

Docket No.: 125.00.03--002
Effective Date: 6/19/03
Contact Person: Karen Gray
Telephone: (501) 907-2411

Exhibition Health Requirements for Livestock, Poultry and Exotic Animals

Docket No.: 125.00.03--003
Effective Date: 6/19/03
Contact Person: Karen Gray
Telephone: (501) 907-2411

Arkansas Tuberculosis Regulations

Docket No.: 125.00.03--004
Effective Date: 6/19/03
Contact Person: Karen Gray
Telephone: (501) 907-2411

Arkansas Health Requirements Governing the Entry of Livestock, Poultry, and Exotic Animals



INSURANCE DEPARTMENT

03-001

(Order)

In the Matter of the Examination of
Farmers Home Mutual Fire Insurance Company

03-002

(Adoption Order)

In the Matter of the Examination of
Security Alliance Insurance Company

03-004

(Order)

In the Matter of the Illegal Insurance Activities of
**Custom Rail Employer Welfae Trust Fund,
Medical Benefits Administrators of Maryland,
Inc., and Ronald J. Wilson**

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(Order)

In the Matter of the Examination of
American Dental Providers of Arkansas, Inc.

03-006

(Order)

2002 Proposed Merger of
**White River Valley insurance Company, with
Citizens Fidelity Insurance Company**

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(Order of Suspension)

In the Matter of the Certificate of Authority of
Acceptance Insurance Company

03-009

(Adoption Order)

In the Matter of the Examination of
**Farmers Mutual Insurance Company
of Little Rock**

03-010

(Order)

In the Matter of the 2003 Proposed Acquisition or
Change of Control of
**Security Alliance Insurance Company,
a Domestic Arkansas Insurer, by Citizens, Inc.,
a Colorado Corporation**

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(Order)

In the Matter of
Curtis Keith Holt

03-012

(Order)

In the Matter of the Examination of
Logan County Farmers Mutual Aid

03-013

(Adoption Order)

In the Matter of the Examination of
Arkansas Title Insurance Company

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(Consent Order)

In the Matter of
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In the Matter of
Misty Michelle Akin

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In the Matter of the Report of Examination of
Ozark National Life Insurance Company

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In the Matter of the Report of Examination of
Aviation Title Insurance Company

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In the Matter of
John D. Fowlkes

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(Consent Order)

In the Matter of
Ellen Faye Settle

INSURANCE DEPARTMENT

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(Emergency License Suspension Order)
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(Emergency License Suspension Order)
In the Matter of
Cassandra Ann Kimble

03-022

(Emergency License Suspension Order)
In the Matter of
Stephen Matthew Avery

03-022A

(Order to Vacate)
In the Matter of
Stephen Matthew Avery

03-023

(Emergency License Suspension Order)
In the Matter of
Helen Marie Markovich

03-024

(Emergency License Suspension Order)
In the Matter of
John Anthony Markovich

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(Consent Order)
In the Matter of
Dennis Burton Barnett

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(Adoption Order)
In the Matter of the Report of Examination of
Delta Dental Plan of Arkansas, Inc.

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(Consent Order)
In the Matter of
Foster F. Gray

03-031

(Consent Order)
In the Matter of
Barbara Jean Taylor

03-033

(Consent Order)
In the Matter of
Drew C. Young, Jr.

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In the Matter of the Certificate of Authority of
Legion Insurance Company

03-036

(Order of Continued Suspension)
In the Matter of the Certificate of Authority of
Villanova Insurance Company

03-037

(Order of Continued Suspension)
In the Matter of the Certificate of Authority of
Northwestern National Insurance Company

03-038

(Order of Suspension)
In the Matter of the Certificate of Authority of
Casualty Reciprocal Exchange

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(Order of Suspension)
In the Matter of the Certificate of Authority of
Reciprocal Exchange

03-040

(Order of Cancellation)
In the Matter of the Certificate of Authority of
Connecticut Surety Company

INSURANCE DEPARTMENT

03-042

(Consent Order)
In the Matter of
Christopher Earl Powers

03-043

(Emergency License Suspension Order)
In the Matter of
Michelle S. Leary

03-044

(Revocation Order)
In the Matter of
Isophene Wiley

03-045

(Adoption Order)
In the Matter of the Report of Examination of
**Farm Bureau Mutual Insurance
Company of Arkansas, Inc.**

03-046

(Consent Order)
In the Matter of
Neal K. Wade

03-047

(Order of Cancellation)
In the Matter of the Certificate of Authority of
International Indemnity Company

03-048

(Order of Continued Suspension)
In the Matter of the Certificate of Authority of
Old Southwest Life Insurance Company

03-049

(Order of Suspension)
In the Matter of the Certificate of Authority of
**Reciprocal Alliance Risk Retention Group,
A Tennessee Insurer**

03-050

(Order of Suspension)
In the Matter of the Certificate of Authority of
**American National Lawyers Insurance
Reciprocal Risk Retention Group,
A Tennessee Insurer**

03-051

(Order of Suspension)
In the Matter of the Certificate of Authority of
**Doctors Insurance Reciprocal Risk
Retention Group, A Tennessee Insurer**

03-052

(Order)
In the Matter of
Dewrie R. Buggs

03-053

(Order of Cancellation)
In the Matter of the Certificate of Authority of
**Heritage Warranty Mutual Insurance
Risk Retention Group, Inc.,
A Hawaiian Insurance Company**

03-054

(Order of Cancellation)
In the Matter of the Certificate of Authority of
California Compensation Insurance Company

03-055

(Order of Cancellation)
In the Matter of the Certificate of Authority of
Pennsylvania Casualty Company

03-056

(Order of Cancellation)
In the Matter of the Certificate of Authority of
Commercial Compensation Casualty Company

03-057

(Order of Continued Suspension)
In the Matter of the Certificate of Authority of
Fidelity Mutual Life Insurance Company

03-058

(Order of Continued Suspension)
In the Matter of the Certificate of Authority of
Lawrenceville Property and Casualty Company

03-059

(Order of Cancellation)
In the Matter of the Certificate of Authority of
Acceleration National Insurance Company

ORDERS AND NOTICES

LEGISLATIVE AUDIT June 2, 2003

Agency	Period Covered
Southern Arkansas University	6/30/02
Arkansas Tech University	6/30/02
South Arkansas Community College	6/30/02
University of Arkansas at Monticello	6/30/02
University of Arkansas at Pine Bluff	6/30/02
Southeast Arkansas College	6/30/02
University of Arkansas System Combined	6/30/02
University of Arkansas System Administration	6/30/02
University of Arkansas - Fayetteville	6/30/02
University of Arkansas at Little Rock	6/30/02
University of Arkansas Community College at Batesville	6/30/02
University of Arkansas Community College at Hope	6/30/02
Cossatot Community College of the University of Arkansas	6/30/02
Phillips Community College of the University of Arkansas	6/30/02
University of Arkansas at Fort Smith	6/30/02
University of Arkansas Community College at Morrilton	6/30/02
East Arkansas Community College	6/30/02
North Arkansas Community College	6/30/02

ORDERS AND NOTICES

Ozarka College	6/30/02
Rich Mountain Community College	6/30/02
Arkansas State University	6/30/02
Arkansas State University - Beebe	6/30/02
Arkansas State University - Newport	6/30/02
Garland County Community College	6/30/02
Henderson State University	6/30/02
Southern Arkansas University - Tech	6/30/02
Mid-South Community College	6/30/02
Mississippi County Community College	6/30/02
Northwest Arkansas Community College	6/30/02
Black River Technical College	6/30/02
Ouchita Technical College	6/30/02
Pulaski Technical College	6/30/02
Arkansas Valley Technical Institute	6/30/02
Cotton Boll Technical Institute	6/30/02
Crowley's Ridge Technical Institute	6/30/02
Foothills Technical Institute	6/30/02
Great Rivers Technical Institute	6/30/02
Northwest Technical Institute	6/30/02
Arkansas State University - Mountain Home	6/30/02
Quapaw Technical Institute	6/30/02

ORDERS AND NOTICES

Arkansas State Highway and Transportation	6/30/02
Office of the Attorney General	6/30/02
Secretary of State	6/30/02
Arkansas Spinal Cord Commission	6/30/02
Office of Prosecutor Coordinator	6/30/02
Arkansas Public Employee Retirement System	6/30/02
Arkansas Judicial Retirement System	6/30/02
Arkansas Prosecuting Attorney's Association	12/31/01
Arkansas Prosecuting Attorney's Association	12/31/02
Auditor of State	6/30/02
Auditor of State - Disbursing Officer	6/30/02
Department of Education - Arkansas School for the Blind	6/30/02
Department of Correction - Report on Certification of Consumption of Farm Produce	6/30/02
Arkansas State Highway Employees Retirement System	6/30/02
Arkansas State Police Retirement System	6/30/02
Department of Finance and Administration - Revenue Division - Office of Field Audit Collection Section	6/30/02
Department of Finance and Administration - Revenue Division - Motor Fuel Tax Section	6/30/02
Department of Finance and Administration - Revenue Division - Miscellaneous Tax Section	6/30/02
Department of Finance and Administration - Revenue Division - Office of Revenue Legal Counsel	6/30/02
State Board of Disease Intervention Specialists	6/30/01

ORDERS AND NOTICES

Arkansas Board of Dispensing Opticians	6/30/01
Workers' Compensation	6/30/02
Arkansas Educational Telecommunications Network Foundation (Private)	6/30/02
Arkansas National Guard Morale, Welfare and Recreation Fund, Inc. (Private)	12/31/02
Arkansas Employment Security Department (Private)	6/30/02
Arkansas State Board of Public Accountancy (Private)	6/30/02
Arkansas War Memorial Stadium Commission (Private)	6/30/02
Disability Determination for Social Security Administration (Private)	6/30/02
Arkansas Development Finance Authority (Private)	6/30/02
Arkansas Deaf and Hearing Impaired Telecommunications Corporation (Private)	6/30/01
East Arkansas Planning and Development District (Private)	6/30/02
Southwest Arkansas Planning and Development District, Inc. (Private)	6/30/02
West Central Arkansas Planning and Development District, Inc. (Private)	6/30/02
White River Planning and Development District, Inc. (Private)	6/30/02

Secretary of State
Charlie Daniels
Arkansas Register Division
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