



THE ATTORNEY GENERAL
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TENDERED

JUN 05 2018

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June 5, 2018

Chief Justice Dan Kemp
Arkansas Supreme Court
Justice Building
625 Marshall St
Little Rock, AR 72201

FILED UNDER SEAL

Re: Supreme Court Case No. CV-18-356
Arkansas Dep't of Finance & Administration, et al. v. Naturalis Health, et al.

Dear Chief Justice Kemp:

We write to fulfill our obligations of candor and non-misrepresentation to this Court.

In our briefing in this case, we made representations to the Court that the scoring process was not arbitrary and capricious, that each Commissioner followed all the applicable rules, and that no commissioner was biased or committed improprieties. These statements, in different iterations, occur throughout our briefing, the abstract, and the addendum.

Last week, we were presented with additional **allegations** concerning application scoring and other improprieties in the cultivation licensing process. While most of these allegations remain unsubstantiated at the present time, we have learned the following. A commissioner has said that he was offered a bribe by an applicant and that he did not report it. The entity in question is Natural State Agronomics. The commissioner has said he did not accept the bribe. The commissioner gave that entity the second-highest score that he awarded to any entity in the application process. This score was significantly higher than scores awarded to that entity by any other commissioner. It should be noted that there is no specific law or regulation requiring a commissioner to report a bribe attempt, and we have no evidence that the commissioner took the bribe or based his scoring on the offer. Still, we believe we needed to provide these facts to the tribunal.

We believe the Court should seal this letter for two reasons. First, some of this information may technically be attorney-client privileged. We understand our duty of candor

and non-misrepresentation allows us to pierce any potential privilege necessary for the required disclosure, but we believe sealing this document would be in keeping with the spirit of the rules. Second, most of the information shared herein is subject of an ongoing law enforcement investigation. Law enforcement has requested we maintain the confidentiality of this information so as not to prejudice their investigation. Accordingly, in addition to sealing this letter, we believe the Court should issue a protective order limiting the distribution of this letter to only counsel of record for each party. Counsel should be ordered that they may not share this information with their clients or anyone else.

Sincerely,



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