

In General

W.A. Drew Edmondson

News and Views from the Oklahoma Office of the Attorney General

State Marks 10-Year MSA Anniversary

Henry honors Edmondson for historic victory over big tobacco

Governor Brad Henry proclaimed Nov. 23, 2008, "A Healthier Oklahoma Day," at a ceremony marking the 10-year anniversary of the Master Settlement Agreement (MSA) with the nation's largest tobacco manufacturers, and he honored Attorney General Edmondson for his role in negotiating the historic agreement.

The governor's proclamation, which was read at the capitol ceremony by Gerald Adams, Chief of Staff for Governor Henry, offered "gratitude to Attorney General Edmondson for his leadership and vision on this critical issue."

Edmondson and Adams were joined at the ceremony by Dr. Robert McCaffree, Chief of Staff at the Oklahoma VA Medical Center and Tracey Strader, Executive Director of the Oklahoma Tobacco Settlement Endowment Trust (TSET).

The 10-year anniversary of the MSA was Nov. 23.

"The funding generated by the MSA is helping make a positive difference in the lives of Oklahomans," said Gov. Henry. "By directing the proceeds to health care needs, particularly smoking cessation efforts, we are making our state healthier. I applaud Attorney General Drew Edmondson for the leadership role



Attorney General Edmondson participates in a panel discussion regarding the 1998 Master Settlement Agreement.

he has played in this important effort."

Edmondson was one of eight attorneys general chosen to negotiate the settlement with the nation's largest tobacco manufacturers including R.J. Reynolds, Phillip Morris, Lorillard and Brown and Williamson.

"This is a great, great milestone for the State of Oklahoma," Edmondson said. "When we first filed suit against the tobacco companies in 1996, they had never lost a case in court. They were thought to be invulnerable. When the MSA was signed in 1998, it was met with skepticism. The statistics tell the story

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Drew's Views

A message from the Attorney General



State's Consumer Protection Day Stresses Prevention

Each year, thousands of Oklahomans fall victim to the crime of identity theft in one form or another. One of my goals as attorney general has always been to protect consumers. We go after the bad guys. We pursue cases when the evidence allows, and we try to reach a just and swift resolution.

When it comes to identity theft though, the resolution is rarely swift, and justice is often out of reach.

There are several problems with identity theft prosecutions. First, by the very nature of the crime, the perpetrators are anonymous. They aren't using their own names to commit identity theft; they are using the good names of other people. Secondly, the Internet makes it easy for identity thieves to remain anonymous. Identity theft is a crime that can be committed by someone from the comfort of their home computer, and that computer may not be in Oklahoma or even in this country.

None of these facts serve as comfort to victims of identity theft. These consumers must spend weeks, if not years, trying to repair the damage done by this crime. Credit accounts must be canceled. Credit reports must be monitored. Reclamation

must begin immediately and be ongoing. Once the damage is done, only diligence can undo it.

That's why for the past five years, my office has hosted Consumer Protection Day at the Capitol. This event brings together law enforcement and consumer agencies from across the state in an effort to stop identity theft before it starts. The participating agencies share tips and information with attendees, and Shred -It, an Oklahoma City document destruction company, provides free document shredding. Since the event's inception, consumers have shredded more than 31 tons of personal and financial documents to keep sensitive information out of the hands of thieves..

The event also recognizes a consumer advocate who has worked to assist consumers in the fight against fraud. This year, we honored Judith Rice with the second-ever Brad Edwards Consumer Champion Award. Rice was nominated for her work at Legal Aid Services.

By honoring advocates and educating consumers, we are sending a message to criminals -- that while the fight against fraud may be an uphill battle, we are ready to climb that mountain, one step at a time.

Court Sets Execution Date for Coffman Killer

The Oklahoma Court of Criminal Appeals Feb. 27 set May 5, 2009, as the execution date for Cleveland County death row inmate Donald Gilson. Attorney General Edmondson asked the court to set the execution date after the U.S. Supreme Court denied Gilson's final appeal on Feb. 23.

Gilson was convicted and sentenced to be executed for the 1995 beating death of his girlfriend's son, eight-year-old Shane Coffman. Coffman's body was found in a freezer

behind Gilson's trailer in Newalla on Feb. 9, 1996. Investigators believe Coffman died sometime around Aug. 17, 1995. A medical examiner's report revealed Coffman suffered acute fractures to his left jaw and right cheek in addition to a cracked upper incisor and fractures of the left collarbone, several ribs, a shoulder, a leg and his spine.

Gilson would be the second inmate executed in Oklahoma this year.

JBS Calls off Merger after States, DOJ Object

Attorney General Drew Edmondson Feb. 20 said he is pleased that Brazilian meat company JBS has called off its proposed acquisition of National Beef Packing Company.

Edmondson, the U.S. Department of Justice (DOJ) and the attorneys general of 16 other beef producing states opposed the acquisition out of concern that the merger would significantly reduce competition in the beef industry. JBS is the largest beef packer in the world, and Missouri-based National is the nation's fourth-largest packer.

The states and DOJ last October asked a federal court to block the merger. Citing a "fundamental restructuring of the United States beef packing industry" the filing alleged the merger would eliminate competition in the industry by increasing JBS's share of packing capacity from almost 20 percent to about 35 percent. This filing came after Edmondson last May asked then-U.S. Attorney General Michael Mukasey to review the merger.

The states and DOJ were concerned that a consolidation of this type of market power would likely lessen competition and heighten the possibility of collusion. In 2007, three companies, JBS, Tyson and Cargill, purchased

more than 85 percent of the more than 27 million fed cattle sold.

"Beef cattle are an important and historic thread in the fabric of Oklahoma's economy," Edmondson said. "The states and the federal government were concerned that this merger would drive down the price of cattle at the sale barn and, at the same time, drive up the price of beef at the store."

According to the attorney general, Oklahoma is the fifth largest cattle producing state in the nation. In addition to Oklahoma and the DOJ, the merger was originally opposed by the states of Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, Ohio, Oregon, South Dakota, Texas and Wyoming. The following month, the states of Arizona, Connecticut, New Mexico and Mississippi joined in opposition to the merger.

"We examined this case for several months," Edmondson said, "and we consulted with feedlot owners, cattle producers and others about the merger's practical, economic and legal implications. Our review determined the merger had the potential to negatively impact beef producers and consumers alike."

"Beef cattle are an important and historic thread in the fabric of Oklahoma's economy."

-- Edmondson

Edmondsons Receive Award for Justice Efforts

Attorney General Drew Edmondson and his wife, Linda Edmondson, received the William G. Paul Oklahoma Justice Award at the Oklahoma Bar Association's (OBA) annual conference Nov. 21.

The award is given annually to a person or persons who "greatly advances the cause of Equal Justice for All." The Edmondsons were recognized for their work on behalf of Legal Aid Services, a non-profit organization that provides free legal services for low income and elderly Oklahomans in civil court matters.

"Drew and Linda Edmondson stand for justice in the state of Oklahoma, and Legal Aid is grateful to them for working throughout 2008 to improve access to the courts for low-income and elderly Oklahomans," said Gary A. Taylor, executive director of Legal Aid Services of Oklahoma. "Legal Aid is indebted to Drew and Linda Edmondson, and we congratulate them on receiving the OBA's William G. Paul Oklahoma Justice Award."

The award is named for former American Bar Association president Bill Paul, who successfully led the state's first fundraising drive on behalf of Legal Aid Services. The Edmondsons chaired the group's annual funding drive, and together, they helped raise more

than \$700,000 for the non-profit group.

"Access to our justice system should not be limited to citizens who can afford to hire representation," Attorney General Edmondson said. "Linda and I believe in Legal Aid Services and the access it provides to people who might otherwise never have their day in court. We are grateful for this honor, and will continue to work to equalize the scales of justice for all."



Attorney General Drew Edmondson and his wife, Linda Edmondson

Hull Pleads Guilty in Kiamichi Tech. Case

A Poteau woman pleaded guilty in Oklahoma County District Court Dec. 3 to one misdemeanor count of conspiracy to make an illegal campaign contribution to a Kiamichi school board member.

Barbette Hull was charged in December 2007 in conjunction with state's Multicounty Grand Jury investigation of the Kiamichi Technology Center (KTC) in Poteau.

She was ordered to serve a one-year deferred sentence and pay court costs in exchange for her testimony in the state's ongoing case against Davey Joe Sutton, KTC's former direc-

tor. Sutton was charged in October 2007 with one count of conspiracy against the state. A trial date for Sutton has not been set.

Sutton was previously convicted on two counts of witness intimidation and sentenced to a one-year sentence with six months incarceration in the county jail and six months supervised probation. He also was ordered to pay a \$1,000 fine in that case.

Hull and Sutton were both charged after an investigation by the state's Eleventh Multicounty Grand Jury.

Poultry Companies Flip-Flop on Ownership

When the City of Tulsa attempted to hold the poultry companies responsible for their pollution five years ago, the poultry companies claimed the city could not sue because the state, not the city, owned the water. Three years after the state filed suit, the companies now claim the water belongs to the Cherokee Nation.

Citing the companies' previously held position, the attorney general's office Dec. 15 asked the court to deny the poultry companies' Oct. 31 motion to dismiss the state's lawsuit. The companies motion argued that the state does not own the water it seeks to protect.

According to the state, the "Defendants unequivocally asserted in the City of Tulsa litigation that the State is the owner of waters encompassed within the historical bounds of the Cherokee Nation."

"When it served them, the poultry companies argued that the state owns the water within Cherokee Nation boundaries," Attorney General Drew Edmondson said. "Now that the state is attempting to hold the companies responsible for their mess, they claim the state does not have an interest in protecting the water because the water belongs to the Cherokee Nation.

The state regulates water and other resources in the Illinois River Watershed through agencies including the Department of Agriculture, the Department of Environmental Quality and the Oklahoma Water Resources Board.

"The state's interest in protecting these resources is well established," Edmondson said. "Ownership of the water is not at issue in this litigation. What is at issue is the poultry companies' continued degradation of a watershed that is shared by thousands of people, Cherokee and otherwise, in eastern Oklahoma."

The state's response also finds "extraordinary irony in the fact that the polluters of the Watershed are now trying to cast themselves as champions of the Cherokee Nation's sovereignty over the Watershed."

"This is not an attempt by the poultry companies to ride to the rescue of the Cherokee Nation," Edmondson said. "The Cherokee Nation is one of the largest and most respected Indian tribes

in the country, and they are more than capable of protecting their own interests."

The companies' motion was filed more than three years after the state filed suit against the poultry companies for allegedly polluting the Illinois River Watershed.

"If the poultry companies truly believed the Cherokee Nation to be a necessary party to this litigation, they would have filed this motion three years ago," Edmondson said. "Instead, the companies continue their pattern of delay. We want our day in court. It seems the companies aren't as eager for that date to arrive."

"When it served them, the poultry companies argued that the state owns the water within the Cherokee Nation boundaries."

-- Edmondson

MSA from page one

though. The number of smokers is down, and the number of smokers who want to quit is up. From a public health standpoint, the success of the MSA is irrefutable.”

The most significant legal reform of the tobacco industry, the MSA imposes sweeping changes in tobacco advertising, bans the tobacco companies from targeting children, allocates funding for tobacco education efforts and provides the states annual payments based on the number of cigarettes sold in the country.

According to the U.S. Department of Agriculture, U.S. consumption has declined by more than 100 billion cigarettes over the past decade. The decline is significant because the U.S. Department of Health and Human Services estimates that 80 percent of lung cancer deaths in women and 90 percent of lung cancer deaths in men can be attributed to smoking.

According to the Oklahoma Behavioral Risk Factor Surveillance System the number of adult smokers has fallen from 28.7 percent in 2001 to 25.2 percent in the first six months of 2008.

“Tobacco is the number one preventable cause of our greatest killers, such as cancer, heart disease and stroke,” said McCaffree. “The MSA has served as a catalyst for the medical community and anti-smoking advocates and emboldened us in our efforts against tobacco addiction.”

Among kids, the decline is even more pronounced. According to the Oklahoma Youth Tobacco survey, in 1999, 33.5 percent of Oklahoma high school students smoked, and in 2007, that number had dropped to 23.4 percent.

“We are most proud of the decline in smoking among our youth,” Edmondson said. “The

MSA really changed the way the tobacco industry markets their products. Gone are the days of cartoon Joe Camel and billboard tobacco ads. Instead, there is money dedicated to countering the tobacco industry’s mass marketing. Kids are hearing the anti-tobacco message. We are seeing results.”

Additionally, the MSA provides a revenue stream to help states offset the cost of treating smoking-related illnesses. Nationally, payments from the MSA are projected to be in excess of \$206 billion over 25 years, and payments will continue as long as cigarettes are sold. To date, Oklahoma has received \$647,884,892.46.

Of the money received by the state, \$368,430,218.09 has been placed in the Oklahoma Tobacco Settlement Endowment Trust fund (TSET), which was created at Edmondson’s urging by a voter-approved constitutional amendment in November 2000. Only the interest and dividend earnings

of the Trust may be spent, and the money must be spent on programs to improve the health of Oklahomans. In this fiscal year, the endowment’s investments earned the largest amount of interest and earnings to date, \$15.5 million, which has been used for tobacco control programs.

Oklahoma is the only state to have constitutionally protected its tobacco fund.

“In Oklahoma, as the earnings from the endowment’s investments have grown, the board of directors has focused funding on effective programs to reduce tobacco use,” said Strader. “The board’s first effort was to establish the Oklahoma Tobacco Helpline (1-800-QUIT-NOW) which offers free ‘quit coaching’ and nicotine patches and gum to any Oklahoman with a desire to quit tobacco. Next,

“We are most proud of the decline in smoking among our youth ... Kids are hearing the anti-tobacco message. We are seeing results.”

-- Edmondson

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Former Woodward County Sheriff Sentenced

Former Woodward County Sheriff Leslie Morton was sentenced Jan. 12 to a one-year deferred sentence after pleading no contest to five counts of embezzlement in Woodward County District Court.

Morton was charged with nine counts of embezzlement in June 2008 after a Woodward County grand jury investigation found he was using his county-issued vehicle and fuel card for personal use. He

was also ordered to pay \$878.66 restitution and pay court costs and fees.

"The restitution ordered will make the county whole in terms of money lost to Les Morton's alleged practices," said Assistant Attorney General Joel-lyn McCormick. "This concludes the state's case against Les Morton."

Morton was defeated in his 2008 bid for re-election.

Rinehart Donor Pleads Guilty

A man accused in a scheme to funnel illegal campaign contributions to an Oklahoma County commissioner pleaded guilty Dec. 16.

Walter Pelfrey pleaded guilty in Oklahoma County District Court to one count of making excessive campaign contributions to Oklahoma County Commissioner Brent Rinehart. He was sentenced to a

one-year deferred sentence and ordered to pay a \$500 fine.

Pelfrey, Rinehart, political consultant Tim Pope and two other contributors were charged in April 2007 for their roles in a scheme to move illegal campaign contributions through Pope's political action committee to Rinehart's 2004 race for county commissioner.

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key community-based programs were funded across the state to help communities prevent tobacco use and addiction, reduce second-hand smoke exposure and reduce tobacco industry influences in their communities.

"Earlier this year, the board of directors has also been able to fund a statewide media campaign 'Tobacco Stops With Me' which calls on all Oklahomans to take action to reduce the toll of tobacco in Oklahoma," said Strader. "Additionally, the board provided funding to establish the Oklahoma Tobacco Research Center (OTRC). The OTRC will translate research to practice to help ensure that programs funded to fight tobacco addiction in Oklahoma remain among the most effective in the country."

Additionaly, in 2008, the state received its first "strategic contribution" payment, which will be awarded annually over 10 years because of Edmondson's place at the negotiating table.

"The work that's been done over the last 10 years is really just a jumping off point for us," Edmondson said. "Because of the way our trust fund is set up, the money Oklahoma has to spend on cessation programs and counter-marketing will steadily increase while the money available to other states will steadily decline. Ten years from now, I hope we are a state of non-smokers. I believe it is possible."

Tulsa Doc Charged after Undercover Investigation

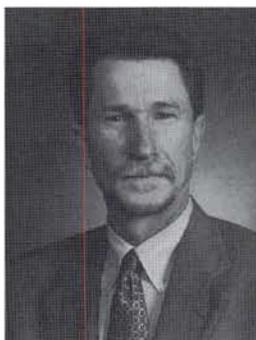
A Tulsa doctor was accused of drug diversion Dec. 18 after a multi-agency undercover operation found he dispensed medications without medical need, Attorney General Edmondson said.

Dr. George J. Blake was charged in Tulsa County District Court with one count of distributing a controlled and dangerous substance. The state alleges Blake prescribed unnecessary medications "not in good faith and outside the course of professional practice."

According to the state's complaint, Blake prescribed controlled substances to undercover agents during numerous office visits without conducting any type of physical examination or

requesting any patient records.

During one office visit, an undercover agent asked Blake for Xanax and Adderall. When Blake asked if the agent had ADHD the agent replied, "Sure, whatever that is." Blake wrote the agent prescriptions for both drugs.



Don Brown
Chief, PAMFCU

Edmondson's Patient Abuse and Medicaid Fraud Control Unit investigated the case in conjunction with the Oklahoma Bureau of Narcotics and Dangerous Drugs, Drug Enforcement Agency, Federal Bureau of Investigation, Department of Health and Human Services Office of Inspector General and Tulsa Police Department.

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