

1                                   **VIRGINIA TOBACCO INDEMNIFICATION**  
2                                   **AND COMMUNITY REVITALIZATION COMMISSION**

3                                   701 East Franklin Street, Suite 501  
4                                   Richmond, Virginia 23219

5  
6  
7  
8  
9                                   **Executive Committee Meeting**

10                                  Tuesday, April 26, 2011

11                                  1:00 p.m.

12                                  5th Floor East Conference Room

13                                  General Assembly Building

14                                  Richmond, Virginia

1 **APPEARANCES:**

2 The Honorable Terry G. Kilgore, Chairman

3 The Honorable Frank M. Ruff, Vice Chairman

4 The Honorable Kathy J. Byron

5 The Honorable Joseph P. Johnson, Jr.

6 The Honorable Daniel W. Marshall, III

7 Ms. Connie Greene Nyholm

8 The Honorable Edward Owens

9 The Honorable Phillip P. Puckett

10 The Honorable W. Roscoe Reynolds

11 The Honorable William C. Wampler, Jr.

12 The Honorable Thomas C. Wright, Jr.

13

14

15 COMMISSION STAFF:

16 Mr. Neal Noyes, Executive Director

17 Mr. Ned Stephenson, Deputy Director

18 Mr. Timothy S. Pfohl, Grants Program Administration

19 Manager

20 Ms. Stephanie S. Kim, Director of Finance

21

22

23 COUNSEL FOR THE COMMISSION:

24 Mr. Francis N. Ferguson, Esquire

25

1 DELEGATE KILGORE: I'm going to call the meeting  
2 to order and ask Neal to call the roll, please.

3 MR. NOYES: Delegate Byron?

4 DELEGATE BYRON: Here.

5 MR. NOYES: Secretary Cheng?

6 SECRETARY CHENG: (No response.)

7 MR. NOYES: Senator Hawkins?

8 SENATOR HAWKINS: (No response.)

9 MR. NOYES: Delegate Johnson?

10 DELEGATE JOHNSON: Here.

11 MR. NOYES: Delegate Kilgore?

12 DELEGATE KILGORE: Here.

13 MR. NOYES: Delegate Marshall?

14 DELEGATE MARSHALL: Here.

15 MR. NOYES: Ms. Nyholm?

16 MS. NYHOLM: Here.

17 MR. NOYES: Mr. Owens?

18 MR. OWENS: Here.

19 MR. NOYES: Senator Puckett?

20 SENATOR PUCKETT: Here.

21 MR. NOYES: Senator Reynolds, by phone?

22 SENATOR REYNOLDS: Here.

23 MR. NOYES: Senator Ruff?

24 SENATOR RUFF: Here.

25 MR. NOYES: Senator Wampler?

1 SENATOR WAMPLER: Here.

2 MR. NOYES: Delegate Wright?

3 DELEGATE WRIGHT: Here.

4 MR. NOYES: We have a quorum, Mr. Chairman.

5 DELEGATE KILGORE: Do I have a motion we  
6 approve the Minutes of our last meeting, 2-23-11 Executive  
7 Committee Meeting?

8 DELEGATE JOHNSON: So moved.

9 DELEGATE MARSHALL: Second.

10 DELEGATE KILGORE: All those in favor say aye?  
11 (Ayes.) Opposed? (No response.) The Minutes are approved.  
12 That motion carries, and the Minutes are approved.

13 Mr. Executive Director. The purpose of this meeting is to  
14 discuss --

15 MR. NOYES: -- A section having to do with  
16 proprietary information, a section that has to do with the legal  
17 proceedings.

18 DELEGATE KILGORE: I think Senator Puckett has  
19 that motion.

20 SENATOR PUCKETT: Mr. Chairman, I move that  
21 we go into Executive Session in accordance with the  
22 provisions of the Virginia Freedom of Information Act, Section  
23 2.2-3711(A) (7) of the Code of Virginia for the purpose of  
24 consultation with legal counsel pertaining to probable  
25 litigation.

1 DELEGATE KILGORE: I have a motion, is there a  
2 second?

3 DELEGATE MARSHALL: I'll second it.

4 DELEGATE KILGORE: I have a motion and a  
5 second. All those in favor --

6 SENATOR WAMPLER: -- Do you want to include  
7 the other parties remaining --

8 MR. NOYES: -- That's at the discretion of the  
9 Chairman. We have other members of the Commission and  
10 Mr. Skinner. He's here, and he's directly involved in this. He  
11 has brought counsel for his expertise if you have questions.

12 DELEGATE KILGORE: Then we'll ask him to stay.  
13 I have authorized JLARC to stay in the room.

14 MR. NOYES: Other individuals not identified,  
15 please leave and close the door.

16

17 NOTE: Whereupon at 1:08 p.m. the  
18 Executive Committee goes into Executive Session.

19 Whereupon, at 3:15 p.m. the Executive  
20 Session is concluded and the hearing resumes.

21

22 SENATOR PUCKETT: Whereas, the Executive  
23 Committee of the Virginia Tobacco Commission has convened  
24 a closed meeting on this date pursuant to an affirmative  
25 recorded vote and in accordance with the provision of the

1 Virginia Freedom of Information Act; and Whereas, the Code of  
2 Virginia requires a certification by the Committee that such a  
3 meeting was conducted in conformity with Virginia law.

4 Now, therefore, be it resolved that the Committee hereby  
5 certifies that to the best of each member's knowledge, that  
6 only public business matters lawfully exempt from open  
7 meeting requirements under the Act and only such public  
8 business matters as were identified in the motion by which  
9 the closed meeting was convened were heard, discussed or  
10 considered by the Committee in that meeting.

11 DELEGATE KILGORE: We need a roll call.

12 MR. NOYES: Delegate Byron?

13 DELEGATE BYRON: Aye.

14 MR. NOYES: Delegate Johnson?

15 DELEGATE JOHNSON: Yes.

16 MR. NOYES: Delegate Kilgore?

17 DELEGATE KILGORE: Yes.

18 MR. NOYES: Delegate Marshall?

19 DELEGATE MARSHALL: Yes.

20 MR. NOYES: Ms. Nyholm?

21 MS. NYHOLM: Yes.

22 MR. NOYES: Mr. Owens?

23 MR. OWENS: Yes.

24 MR. NOYES: Senator Puckett?

25 SENATOR PUCKETT: Yes.

1 MR. NOYES: Senator Reynolds has left us.  
2 Senator Ruff?

3 SENATOR RUFF: Yes.

4 MR. NOYES: Senator Wampler?

5 SENATOR WAMPLER: Yes.

6 MR. NOYES: Delegate Wright?

7 DELEGATE WRIGHT: Yes.

8 MR. NOYES: So certified, Mr. Chairman.

9 DELEGATE KILGORE: All right. Do we have any  
10 public comment at this time?

11 MR. NOYES: We don't have anyone right now.

12 DELEGATE KILGORE: Anyone here want to speak  
13 from the public? All right.

14 Our next meeting will be May the 16th in Danville,  
15 Virginia.

16 Do I have a motion to adjourn?

17 DELEGATE JOHNSON: So moved.

18 DELEGATE KILGORE: We're adjourned.

19

20 NOTE: The Executive Committee adjourns at  
21 3:20 p.m.

22

23

24

25

## 1 CERTIFICATE OF THE COURT REPORTER

2

3

4

5

6

7

8

9

10

11

12

I, Medford W. Howard, Registered Professional Reporter and Notary Public for the State of Virginia at large, do hereby certify that I was the court reporter who took down and transcribed the proceedings of the **Virginia Tobacco Indemnification and Community Revitalization Commission Executive Committee Meeting when held on Tuesday, April 26, 2011 at 1:00 p.m. in the 5th Floor East Conference Room, General Assembly Building, Richmond, Virginia.**

13

14

15

I further certify this is a true and accurate transcript, to the best of my ability to hear and understand the proceedings.

16

17

18

19

20

21

22

23

24

25

Given under my hand this 27th day of April, 2011.

---

Medford W. Howard

Registered Professional Reporter

Notary Public for the State of Virginia at Large

My Commission Expires: October 31, 2014.