

ARKANSAS ETHICS COMMISSION

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Vice Chairman

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Sharon K. Trusty
Sybil Jordan Hampton

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Graham F. Sloan
Director

Todd Elder
Senior Staff Attorney

Jill Rogers Barham
Staff Attorney

Teresa Keathley
Director of Compliance

Drew Blankenship
Director of Compliance

April 25, 2014

Mr. Marc Rosson
182 Rosson Road
Gillham, Arkansas 71841

Re: Case No. 2014-CO-017

Dear Mr. Rosson:

On March 27, 2014, the Ethics Commission notified you that it was conducting an investigation regarding the issue of whether or not you violated Ark. Code Ann. §§ 21-8-701(a)(2) and 21-8-701(c)(1)(A) by failing to file a Statement of Financial Interest ("SFI") for calendar year 2013 in your capacity as a candidate for State Representative – District 20 during the 2014 election cycle.

Please be advised that the preliminary results of that investigation were presented to the Commission at its regular monthly meeting on today's date. At that time, the Commission decided, by a vote of 4-0, with Commissioner Trusty not present, to **DISMISS** this matter. The Commission's decision was based upon staff obtaining a file-stamped copy of your SFI from the Secretary of State's office. Apparently, the document in question became temporarily misplaced after it was timely filed on February 26, 2014.

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), this letter serves as notice of the Commission's final action together with the reasons for such action. This letter is a public document and a copy is being sent to the Complainant, Bernard Mize, to notify him of the outcome of these proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham F. Sloan".

Graham F. Sloan
Director

Cc: Bernard Mize

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Director of Compliance

June 5, 2014

Mr. David Ray Wallace
Post Office Box 11
Leachville, Arkansas 72438

Re: Case No. 2014-CO-023

Dear Mr. Wallace:

On April 29, 2014, the Ethics Commission sent you a letter containing a copy of the complaint filed against you in the above-referenced case. In that letter, you were notified that an investigation was being commenced regarding the issue of whether or not violated Ark. Code Ann. § 7-6-203(a)(1)(A) in your capacity as a candidate for State Representative – District 54 by accepting a campaign contribution in excess of the \$2,000 contribution limit in connection with the receipt of a \$5,000 campaign contribution from Labor Smart of Hiram, Georgia during the 2014 election cycle.

Please be advised that the Ethics Commission is receipt of the Consent Order which you signed and returned to us together with a \$500.00 check. The Consent Order has been signed by Chairman Bird and we are sending you a fully executed copy for your records. Pursuant to the Consent Order, you have been issued a Public Letter of Caution and fined \$500.00. We are enclosing a copy of the public letter.

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), this letter serves as notice of the Commission's final action together with the reasons for such action. In that regard, we note that the final action concerning this matter was the issuance of a Public Letter of Caution and the imposition of a \$500.00 fine.

The foregoing action was taken as a result of your signing a Consent Order pursuant to which it was agreed that the Commission make a finding that you violated you violated Ark. Code Ann. § 7-6-203(a)(1)(A) by accepting (i) a campaign contribution in excess of the \$2,000 contribution limit for the 2014 primary election and (ii) a campaign

contribution in excess of the \$2,000 contribution limit for the 2014 general election and that you violated Ark. Code Ann. § 7-6-207(a)(1)(B) by failing to timely file a March monthly campaign and contribution report for the 2014 general election, all in your capacity as a candidate for State Representative – District 54.

This letter is a public document and a copy is being sent to the Complainant, Ms. Candace Walker, to notify her of the outcome of these proceedings.

If you should have any questions or comments concerning this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham F. Sloan". The signature is written in a cursive style with a large initial "G".

Graham F. Sloan
Director

cc: Candace Walker

Enclosures

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Drew Blankenship
Director of Compliance

June 17, 2014

Mr. David Ray Wallace
Post Office Box 11
Leachville, Arkansas 72438

Re: Case No. 2014-CO-023

Dear Mr. Wallace:

It has come to my attention that the final action letter issued in this case on June 5, 2014, incorrectly referenced the Complainant as Candace Walker. This serves to confirm that the Complainant was, in fact, Candace Martin.

I apologize for any inconvenience caused by this clerical mistake.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham F. Sloan".

Graham F. Sloan
Director

cc: Candace Martin

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Drew Blankenship
Director of Compliance

July 29, 2014

Mr. Ronnie C. Spence
615 North 12th Street
Paragould, Arkansas 72450

Re: Case No. 2014-CO-024

Dear Mr. Spence:

Please be advised that the Ethics Commission is in receipt of the written Offer of Settlement which you signed and returned to us. Pursuant to the terms of that offer, you have been issued a Public Letter of Caution and fined \$150.00. We are enclosing a copy of the public letter. The \$150.00 fine is due by no later than August 25, 2014.

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), the Commission is sending this letter to give notice of the final action taken in this case together with the reasons for such action. In that regard, the final action in this matter was the issuance of a Public Letter of Caution and the imposition of a \$150.00 fine.

The foregoing action was taken as a result of your signing a written Offer of Settlement pursuant to which it was agreed that the Commission make a finding of a violation that you violated (i) Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to timely file a SFI calendar year 2011 in your capacity as an independent candidate for State Representative – District 57 during the 2012 election cycle; (ii) Ark. Code Ann. § 7-6-207(a)(1)(D) by failing to timely file a final campaign C&E report for the 2012 general election in your capacity as an independent candidate for State Representative – District 57; (iii) Ark. Code Ann. § 7-6-207(a)(1)(B) by failing to timely file a March monthly C&E report, and a September monthly C&E report in connection with the 2012 election cycle in your capacity as an independent candidate for State Representative – District 57; (iv) Ark. Code Ann. § 7-6-207(b)(1)(A), (E), (F), (G), (H) and/or (I) in connection with the disclosure of campaign expenditures on your April monthly and preelection C&E reports in your capacity as an independent candidate for State Representative – District 57; and (v) Ark. Code Ann. § 7-6-

203(h)(4)(C) by failing to timely file a carryover fund report following the 2010 general election in your capacity as an independent candidate for State Representative – District 78.

This letter is a public document and a copy is being sent to the Complainant, Mr. Christopher Morgan, to notify him of the outcome of these proceedings.

If you should have any questions or comments concerning this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham F. Sloan". The signature is fluid and cursive, with a large initial "G" and "S".

Graham F. Sloan
Director

enclosure

cc: Christopher Morgan

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Jill Rogers Barham
Staff Attorney

Teresa Keathley
Director of Compliance

Draw Blankenship
Director of Compliance

July 31, 2014

Mr. Paul Caldwell
214 Center Drive
Lowell, Arkansas 72745

COPY

Re: Case No. 2014-CO-026

Dear Mr. Caldwell:

Please be advised that the Ethics Commission is in receipt of the written Offer of Settlement which you signed and returned to us. Pursuant to the terms of that offer, you have been issued a Public Letter of Caution and fined \$150. We are enclosing a copy of the public letter. It is noted that you filed your amended Campaign Contribution and Expenditure ("C&E") reports on July 21, 2014, in accordance with the written Offer of Settlement. Payment of your fine is due to the Commission on or before August 26, 2014.

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), this letter serves as notice of the Commission's final action together with the reasons for such action. In that regard, we note that the final action concerning this matter was the issuance of a Public Letter of Caution, the imposition of a fine in the amount of \$150, and the requirement that you file amended Campaign Contribution and Expenditure Reports.

The foregoing action was taken as a result of your agreeing that the Commission make a finding that, in your capacity as a candidate for State Representative – District 90 during the 2014 election cycle, you violated (i) Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to timely file a SFI for calendar year 2013 and (ii) Ark. Code Ann. § 7-6-207(b)(1)(A) thru (I) in connection with the disclosure of campaign contributions and expenditures on C&E reports, specifically with regard to mailers "marked 'Paid for by Paul Caldwell for State Representative'".

Evidence gathered during the course of the investigation reflected that you filed your Statement of Financial Interest on May 22, 2014, making it seventy-three (73) days late. Furthermore, evidence gathered indicated that you reported an expenditure from May 6, 2014, on your C&E report as having occurred on May 14, 2014, reporting it the date you

paid the obligation and not the date the amount was readily ascertainable, and reporting it on a Final Report instead of your 10-Day pre-election report.

This letter is a public document. A copy is being sent to the complainant, Matt Manos, to notify him of the outcome of the proceedings.

If you should have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham F. Sloan". The signature is fluid and cursive, with a large initial "G" and "S".

Graham F. Sloan
Director

cc (w/ enc.): Matt Manos, Complainant

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Jill Rogers Barham
Staff Attorney

Teresa Keathley
Director of Compliance

Drew Blankenship
Director of Compliance

August 29, 2014

COPY

Hon. John Burris
State Representative – District 98
Post Office Box 322
Harrison, Arkansas 72602

Re: Case Nos. 2014-CO-028 and 2014-CO-029

Dear Representative Burris:

Please be advised that the Ethics Commission is in receipt of the written Offer of Settlement which you signed on August 28, 2014, and returned to us. Pursuant to the terms of the Offer of Settlement, you have been issued a Public Letter of Caution. We are enclosing a copy of the public letter.

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), the Commission is sending this letter to give notice of the final action taken in this case together with the reasons for such action. In that regard, the final action in this matter was the issuance of a Public Letter of Caution.

The foregoing action was taken as a result of your signing a written Offer of Settlement pursuant to which it was agreed that the Commission make a finding that you unintentionally violated Ark. Code Ann. § 21-8-701(d)(4) in your capacity as State Representative – District 98 by failing to disclose statutorily required information on your Statement of Financial Interests (“SFIs”) for calendar years 2010, 2011, 2012, and 2013. That information included your state retirement account (deferred compensation) on your 2010 SFI and also your personal checking account on all four (4) SFIs in question. It is noted that you have already amended your SFIs to include that information.

It is also noted that the final action taken in this case is a dismissal of the allegations that you violated the statutory provisions of Ark. Code Ann. § 21-8-304(a) and § 21-8-701(d)(3), (6), and (8). With respect to § 21-8-304(a), the Commission determined that the evidence did not support a finding of probable cause that your receipt of reimbursements

from the State for mileage or officeholder expenses or your obtaining a loan from Centennial Bank in the spring of 2014 constituted "special privileges or exemptions."

Evidence gathered during the course of the investigation reflected that no particular benefit or advantage was unfairly extended to you or your father over any of the other House members or their family members whom they pay to perform clerical services on their behalf. The evidence showed that the reimbursements you had received are the same ones made available to all House members, and that they are not prohibited from hiring family members to help them perform their duties as officeholders. Moreover, the evidence showed that you did not exceed the maximum amounts authorized by law, specifically Ark. Code Ann. § 10-2-212 and § 10-2-215, for reimbursable expenses.

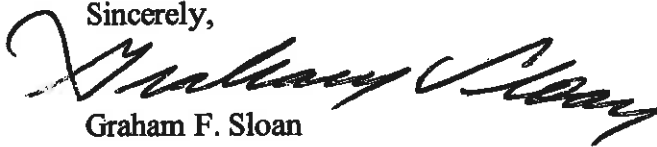
With respect to the bank loan in question, there was evidence that the reason you qualified for it was according to bank policy. That policy takes into account an applicant's loan-to-value, debt-to-income, and credit history or score, and there were no exceptions listed on the paperwork for your loan. Accordingly, the Commission determined that the benefit of your obtaining the loan would have been the same benefit extended to any other loan applicant who had a similar loan-to-value, debt-to-income, and credit history or score as your own.

With respect to § 21-8-701(d)(3), the Commission found that you were not required to list any additional sources of income on your SFIs for 2010, 2011, 2012, and 2013 which had not been previously reported. With respect to § 21-8-701(d)(6) and (8), the Commission also found that you were not required to list any creditors or any guarantors or co-makers on each one of those SFIs.

This letter is a public document and copies are being sent to the Complainants, Mr. David Singer and Mr. Edward George Geier, and Mr. Geier's attorney, Mr. Brian R. Lester, to notify them of the outcome of these proceedings.

If you should have any questions or comments concerning this matter, please do not hesitate to contact us.

Sincerely,



Graham F. Sloan
Director

enclosure

cc (w/enc.): David Singer
Edward George Geier
Brian R. Lester

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Jill Rogers Barham
Staff Attorney

Teresa Keathley
Director of Compliance

Drew Blankenship
Director of Compliance



November 10, 2014

COPY

Hon. Mary L. Broadaway
State Representative – District 57
924 West Court Street
Paragould, Arkansas 72450

Re: Case No. 2014-CO-037

Dear Representative Broadaway:

Please be advised that the Ethics Commission is in receipt of the written Offer of Settlement which you signed and returned to us. Pursuant to the terms of that offer, you have been issued a Public Letter of Caution. We are enclosing a copy of the public letter.

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), this letter serves as notice of the Commission's final action together with the reasons for such action. In that regard, we note that the final action concerning this matter was the issuance of a Public Letter of Caution

The foregoing action was taken as a result of your agreeing that the Commission make a finding that you unintentionally violated (i) Ark. Code Ann. § 7-6-203(e)(1) by accepting \$500 from a prohibited political action committee in connection with a contribution from the McDonald's Local Owner Operators of Ark. PAC and (ii) Ark. Code Ann. § 7-6-207(b)(1)(C) by failing to disclose the correct aggregate contribution amount received from "NUCOR" on "05-15-14" in connection with contributions received during the 2014 election cycle.

Evidence gathered during the course of the investigation reflected that the McDonald's Local Owner Operators of Arkansas PAC had not filed a PAC registration form for 2014 at the time the \$500 contribution was accepted. Evidence also reflected that it has since filed a 2014 registration. With regard to NUCOR PAC, the evidence reflected that you timely reported all contributions from NUCOR PAC but inadvertently listed an incorrect cumulative total after its second contribution. It appears you made efforts to comply with the spirit and intent of the disclosure laws and that you promptly took steps to correct any problems by voluntarily filing amended C&E reports on August 28th and 29th of 2014.

With respect to the contributions allegedly received from other prohibited PACs, Evidence gathered also reflected that Nucor Corporation PAC of Arkansas, AR PAC, and Arkansas Agents PAC were all registered with a resident agent before making the contributions to your campaign, so there was no indication that those PACs were a prohibited PACs for failing to timely file a registration or failing to have a resident agent at the time of the contribution. Furthermore, the evidence reflected that the campaign incorrectly assumed that AFSCME was a PAC, when in fact is a labor union and not engaging in PAC activity, but instead collecting dues to carry out collective bargaining activity.

This letter is a public document. A copy is being sent to the complainant, Tommy R. Grooms, to notify him of the outcome of the proceedings.

If you should have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Graham F. Sloan".

Graham F. Sloan
Director

cc (w/ enc.): Tommy R. Grooms, Complainant

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Teresa Keathley
Director of Compliance

Drew Blankenship
Director of Compliance

November 21, 2014

COPY

Hon. Jason Rapert
State Senator – District 35
Post Office Box 10388
Conway, Arkansas 72034

Re: Case No. 2014-CO-057

Dear Senator Rapert:

On October 23, 2014, the Ethics Commission mailed you a certified letter containing a copy of the citizen complaint filed against you in the above-referenced case. The complaint was brought against you in your capacity as the incumbent candidate for State Senator – District 35 during the 2014 election cycle.

Essentially, the complaint alleged that “two...mail pieces and [your campaign] website...failed to display [a] message that [you] and/or [your] campaign funded [these items]”. In its October 23rd letter, the Ethics Commission notified you that the focus of the investigation would be whether or not, in your capacity as the incumbent candidate for State Senator – District 35 during the 2014 election cycle, you violated Ark. Code § 7-1-103(a)(7) by failing to include a statutorily-required disclaimer on articles, statements, or communications appearing in any newspaper, radio, television, or any other electronic medium intended or calculated to influence the vote of any elector, specifically in connection with two “mail pieces” and your campaign website.

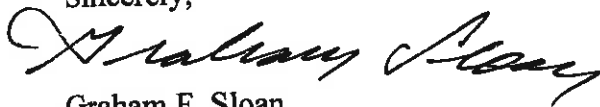
Please be advised that the preliminary results of staff’s investigation were presented to the Ethics Commission at its regular monthly meeting held on today’s date. At that time, the Ethics Commission decided, by a vote of 5-0, to **DISMISS** this complaint. With respect to the allegation, the Ethics Commission concluded that the aforementioned requirement to include a statutorily-required disclaimer on paid political advertising does not apply to “mail pieces” or a campaign “website”. Accordingly, the Ethics Commission’s decision was based upon a finding that the matter alleged in the complaint, even if true, would not constitute a violation of Ark. Code § 7-1-103(a)(7).

Hon. Jason Rapert
November 21, 2014
Page 2

In accordance with Ark. Code Ann. § 7-6-218(b)(1)(C), this letter serves as notice of the Ethics Commission's final action together with the reasons for such action. This letter is a public document and a copy is being sent to the Complainant, Bob Reynolds, to notify him of the outcome of these proceedings.

If you should have any questions or comments concerning this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Graham F. Sloan".

Graham F. Sloan
Director

cc: Bob Reynolds