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April 14, 2016

Mr. Matthew Campbell
Post Office Box 7469
Little Rock, Arkansas 72217

Re: Case No. 2016-CO-032

Dear Mr. Campbell:

This letter serves to confirm receipt of a copy of your citizen complaint against Asa Hutchinson. That complaint was filed against him in his capacity as Governor of Arkansas.

It has been determined that said complaint meets the requirements set forth in subparagraph A(3) of Section V of the Ethics Commission's Rules of Practice and Procedure. Accordingly, an investigation is being commenced.

Briefly restated, the essential allegation of your complaint is that Governor Hutchinson "appeared at two campaign events in support of State Sen[ator] Eddie Joe Williams on Monday, February 29, 2016, beginning at 7:30 a.m. and continuing until roughly 11:00 a.m. [and] [i]n so doing...devot[ed] time during normal business hours to Sen[ator] Williams' campaign" for State Senate – District 29 during the 2016 election cycle.

The focus of the investigation with regard to the above allegation will be whether or not, in his capacity as Governor, Governor Hutchinson violated Ark. Code Ann. § 7-1-103(a)(2)(A)(i) by devoting any time or labor during usual office hours toward the campaign of any other candidate for office in connection with appearing at two campaign events in support of State Senator Eddie Joe Williams on or about Monday, February 29, 2016. That statute provides as follows:

It shall be unlawful for any public servant, as defined in § 21-8-402, to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office.

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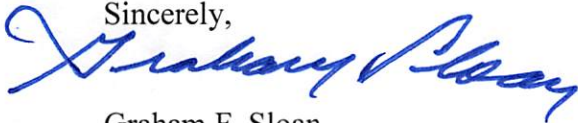
As used in Ark. Code Ann. § 7-1-103(a)(2)(A)(i), the term “public servant” is defined in Ark. Code Ann. § 21-8-402(18) to mean “all public officials, public employees, and public appointees[.]” In addition, the term “public official” is defined in Ark. Code Ann. § 21-8-402(17) to mean “a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office[.]”

It is noted that the term “candidate” as used in Ark. Code Ann. § 7-1-103(a)(2)(A)(i) is not defined. However, it is defined in Ark. Code Ann. § 7-6-201(2) and § 200(b) of the Ethics Commission’s Rules on Campaign Finance & Disclosure (“RCF&D”) to mean “any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office[.]” In turn, the term “public office” is defined in Ark. Code Ann. § 7-6-201(16) and § 200(v) RCF&D to mean “any office created by or under authority of the laws of the State of Arkansas or of a subdivision thereof that is filled by voters, except a federal office[.]”

In accordance with Section VI(3) of the Ethics Commission’s Rules of Practice and Procedure, I am requesting that you submit any and all evidence which you may have concerning the allegation set forth on page 1 of this letter.

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

Sincerely,



Graham F. Sloan
Director