

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

DEC 22 2003

Case No. 2003-CM-029

ARKANSAS ETHICS
COMMISSION

BY TJS

In Re: Impact Relations Firm, Inc.
Respondent

FINAL ORDER

Came for a final adjudication hearing on December 19, 2003, the complaint filed in this matter against the Respondent, Impact Relations Firm, Inc., and based upon due consideration of the evidence presented at that hearing, the Arkansas Ethics Commission (hereinafter the "Commission") hereby makes the following findings of fact and conclusions of law:

1. The Commission has jurisdiction over this matter pursuant to Ark. Code Ann. § 7-6-218.
2. Impact Relations Firm, Inc. was a registered lobbyist who lobbied public servants of state government at all times relevant to this case. On March 17, 2003, Impact Relations Firm, Inc. filed a Lobbyist Registration Form for calendar year 2003 with the Secretary of State.
3. Pursuant to Ark. Code Ann. § 21-8-602(a), a lobbyist who lobbies public servants of state government is required to register and make other filings with the Secretary of State.
4. Pursuant to Ark. Code Ann. § 21-8-603(a)(1), a registered lobbyist is required to file a quarterly activity report within fifteen (15) days after the end of each calendar quarter.

5. In accordance with Ark. Code Ann. § 21-8-603(a)(1), the Respondent was required to file a lobbyist activity report for the 2nd quarter of 2003.

6. On September 5, 2003, the Commission filed a complaint against Impact Relations Firm, Inc. based upon its apparent failure to timely file a lobbyist activity report for the 2nd quarter of 2003. That same day, the Commission sent Impact Relations Firm, Inc. a letter, via certified mail with a return receipt requested, to notify it that an investigation was being commenced regarding the issue of whether or not it violated Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the 2nd quarter of 2003.

7. On September 19, 2003, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation. Impact Relations Firm, Inc. was notified of the Commission's decision by letter dated September 19, 2003, which was sent by first class mail and certified mail with a return receipt requested. In addition, said letter notified Impact Relations Firm, Inc. that the matter would be presented to the Commission at its regular monthly meeting on October 17, 2003, for purposes of determining whether or not probable cause existed for the finding of a violation. The letter was returned by the United States Post Office to the Commission on October 14, 2003 marked "unclaimed."

8. On October 28, 2003, notice was served on Impact Relations Firm, Inc. by the Jefferson County Sheriff's Department that the matter would be presented to the Commission at its regular monthly meeting on November 21, 2003, for purposes of determining whether or not probable cause existed for the finding of a violation.

9. On November 21, 2003, the Commission considered the results of staff's investigation and found, by a vote of 4-0, that probable cause existed for finding that Impact Relations Firm, Inc. violated Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the 2nd quarter of 2003.

10. On November 24, 2003, staff sent a letter to Impact Relations Firm, Inc., via first class mail and certified mail with a return receipt requested, notifying it of the Commission's finding of probable cause. In accordance with the Commission's Rules of Practice and Procedure, said letter contained a written Offer of Settlement proposing the issuance of a Public Letter of Reprimand. Impact Relations Firm, Inc. was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

11. On December 10, 2003, staff sent a letter to Impact Relations Firm, Inc., via first class mail, notifying it that a final adjudication hearing would be held on December 19, 2003. Said letter contained a separate written notice of final adjudication hearing providing the information required in Ark. Code Ann. § 25-15-208(a)(2).

12. Impact Relations Firm, Inc. did not appear at the final adjudication hearing which was held on December 19, 2003. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

13. Upon considering the evidence presented at the hearing, the Commission found, by a vote of 4-0, that Impact Relations Firm, Inc. violated Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the 2nd quarter of 2003. The evidence showed that Impact Relations Firm, Inc. failed to file the report in question.

14. With respect to said violation, the Commission determined that Impact Relations Firm, Inc. should be issued a Public Letter of Reprimand.

15. Impact Relations Firm, Inc. should further be ordered to file with the Secretary of State a lobbyist activity report for the 2nd quarter of 2003, within fifteen (15) days from the date of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Impact Relations Firm, Inc., shall be issued a Public Letter of Reprimand and that Impact Relations Firm, Inc. shall file with the Secretary of State a lobbyist activity report for the 2nd quarter of 2003, within fifteen (15) days from the date of this Order.

IT IS SO ORDERED this *22nd* day of *December*, 2003.



JACK KEARNEY, Chairman
Arkansas Ethics Commission