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ARKANSAS ETHICS  
COMMISSION

BY \_\_\_\_\_

**BEFORE THE ARKANSAS ETHICS COMMISSION**

**In Re: Larry Sanders  
Respondent**

**Case No. 2004-CO-012**

**FINAL ORDER**

Came for a final adjudication hearing on October 15, 2004, the complaint filed in this matter against the Respondent, Larry Sanders, 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. The Respondent is a citizen of the State of Arkansas. At all times relevant to this case, the Respondent was a candidate for Garland County Sheriff.

3. The Commission is charged with enforcing Ark. Code Ann. § 7-1-103(a)(7) which provides as follows:

All articles, statements, or communications appearing in any newspaper printed or circulated in this state or on radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall be preceded or followed by the words "Paid Political Advertisement" or "Paid Political Ad" in conspicuous letters.

4. On June 30, 2004, the Commission received a complaint against the Respondent concerning certain campaign ads which ran in *The Sentinel Record* between May 7, 2004, and June 8, 2004. The allegations of the complaint were that the

Respondent violated Ark. Code Ann. § 7-1-103(a)(7) because the words "Paid Political Advertisement" or "Paid Political Ad" were omitted from the ads.

5. On July 2, 2004, the Commission sent the Respondent a letter, via certified mail with a return receipt requested, to notify him that an investigation was being commenced concerning the allegations of the complaint. The letter went on to state that the focus of the investigation would be whether or not he violated Ark. Code Ann. § 7-1-103(a)(7) in connection with the running of the ads in question.

6. On July 16, 2004, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation. On July 19, 2004, staff sent a letter to the Respondent, via first class mail, to notify him that the results of the investigation would be presented to the Commission at its regular monthly meeting on August 20, 2004, for purposes of determining whether or not probable cause existed for the finding of a violation.

7. On August 20, 2004, the Commission considered the results of staff's investigation and determined, by a vote of 5-0, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 7-1-103(a)(7) in connection with the running of the campaign ads in issue because those ads did not contain the words "Paid Political Advertisement" or "Paid Political Ad."

8. On August 23, 2004, the Commission sent the Respondent a letter, via first class mail and certified mail with a return receipt requested, notifying him of the finding of probable cause. In accordance with the Commission's Rules of Practice and Procedure, said letter contained a written Offer of Settlement which proposed that a violation be found but that no sanction be imposed based upon a showing of good cause

in that the Respondent relied upon incorrect advice of the publisher that the ads in question did not have to contain the words "Paid Political Advertisement" or "Paid Political Ad." The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

9. On October 5, 2004, the Respondent was sent a letter notifying him that a final adjudication hearing would be held on October 15, 2004. Said letter contained a separate written notice providing the information required in Ark. Code Ann. § 25-15-208(a)(2). This final adjudication hearing was scheduled as the result of the Respondent to neither accepting the written Offer of Settlement nor requesting a public hearing.

10. The Respondent appeared with counsel at the final adjudication hearing which was held on October 15, 2004. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

11. Upon consideration of the evidence presented at the hearing, the Commission found, by a vote of 4-0, that the Respondent committed an unintentional violation of Ark. Code Ann. § 7-1-103(a)(7) in connection with the running of certain campaign ads which did not contain the words "Paid Political Advertisement" or "Paid Political Ad." Those ads consisted of fifty-three (53) personal endorsement ads which ran in *The Sentinel Record* between May 7, 2004, and June 8, 2004. Although the Respondent's campaign did not directly pay for the running the ads, they were prepared by an advertising agency hired by the Respondent to design media advertising and were reported as in-kind contributions to the Respondent's campaign.

12. With respect to the violation of Ark. Code Ann. § 7-1-103(a)(7), the Commission determined that no sanction be imposed based upon a showing of good

cause in that the Respondent relied upon incorrect advice of the publisher that the ads in question complied with the law.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Larry Sanders, committed an unintentional violation of Ark. Code Ann. § 7-1-103(a)(7) in connection with the running of certain campaign ads which did not contain the words "Paid Political Advertisement" or "Paid Political Ad," but that no sanction be imposed based upon a showing of good cause in the form of incorrect advice of the publisher that the ads in question complied with the law.

IT IS SO ORDERED this 22<sup>nd</sup> day of October, 2004.



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LACY J. KENNEDY IV, Chairman  
Arkansas Ethics Commission