

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

In Re: City of Little Rock

Case No. 2008-CM-001

NOV 06 2008

ARKANSAS ETHICS
COMMISSION

BY TJS

FINAL ORDER

Came for a final adjudication hearing on October 24, 2008, the complaint filed in this matter against the Respondent, the City of Little Rock, and based upon due consideration of the testimony and evidence presented at that hearing and the applicable law, 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. At all times relevant to this case, the Respondent, the City of Little Rock, was registered as a lobbyist with the Secretary of State pursuant to Ark. Code Ann. § 21-8-601. As a registered lobbyist, the Respondent was subject to the reporting requirements of Ark. Code Ann. § 21-8-603.
3. Pursuant to Ark. Code Ann. § 21-8-603(a)(2), a lobbyist registered to lobby members of the General Assembly is required to file with the Secretary of State a monthly lobbyist activity report within ten (10) days after the end of each calendar month in which the General Assembly is in session. During 2008, the 86th General Assembly met in first extraordinary session March through April. Because the due date for filing the report for April fell on a Saturday, the deadline for filing the April report was May 12, 2008.

4. Pursuant to Ark. Code Ann. § 21-8-603(a)(1), a lobbyist registered to lobby public servants of state government is required to file with the Secretary of State a quarterly lobbyist activity report within fifteen (15) days after the end of each calendar quarter. A quarterly report is not required if the registered lobbyist has filed monthly activity reports for each month of a calendar quarter. The due date for filing the 2nd quarter lobbyist activity report was July 15, 2008.

5. On August 6, 2008, the Commission filed a complaint against the City of Little Rock based upon its apparent failure to file lobbyist activity reports for the month of April of 2008 and the 2nd quarter of 2008. That same day, the Commission sent the Respondent 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)(2) by failing to file a lobbyist activity report for April of 2008, and Ark. Code Ann. § 21-8-603(a)(1) by failing to file a lobbyist activity report for the 2nd quarter of 2008.

6. On August 15, 2008, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation. The Respondent was notified of the Commission's decision by letter dated August 19, 2008, which was sent via first class mail. In that same letter, the Respondent was notified that the matter would be presented to the Commission at its regular monthly meeting on September 19, 2008, for the purpose of determining whether or not probable cause existed for the finding of a violation.

7. On September 19, 2008, the Commission considered the results of staff's investigation and found, by a vote of 5-0, that probable cause existed for finding that the

Respondent violated Ark. Code Ann. § 21-8-603(a)(2) by failing to timely file a lobbyist activity report for the month of April and Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the second quarter of 2008.

8. On September 24, 2008, staff sent a letter to the Respondent, via first class mail, 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 Warning and a \$500 fine. 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 8, 2008, staff sent a letter to the Respondent, via first class mail, notifying it that the time to accept the written Offer of Settlement had expired and, therefore, that a final adjudication hearing would be held on October 24, 2008. Said letter contained a separate written notice of final adjudication hearing providing the information required in Ark. Code Ann. § 25-15-208(a)(2).

10. Mr. Odies Wilson, III, an individual authorized to lobby on behalf of the City of Little Rock, appeared at the final adjudication hearing which was held on October 24, 2008. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

11. Upon considering the testimony and evidence presented at the hearing, the Commission found, by a vote of 3-1, that the Respondent violated Ark. Code Ann. § 21-8-603(a)(2) by failing to timely file a lobbyist activity report for the month of April and Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the second quarter of 2008. The evidence showed that the Respondent filed the lobbyist

activity reports in question on August 21, 2008, making the April monthly report 101 days late and the 2nd quarter report 37 days late.

12. With respect to said violation, the Commission determined that the Respondent should be issued a Public Letter of Warning and fined \$250. Said fine is due no later than thirty (30) days from the date of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, the City of Little Rock, shall be issued a Public Letter of Warning and is hereby fined \$250 for failing to timely file its lobbyist activity reports for the month of April of 2008 and the 2nd quarter of 2008, and that said fine shall be paid within thirty (30) days from the date of this Order.

IT IS SO ORDERED this 6th day of November, 2008.



LARRY ROSS, Chairman
Arkansas Ethics Commission