

FILED

BEFORE THE ARKANSAS ETHICS COMMISSION OCT 20 2003

ARKANSAS ETHICS
COMMISSION

BY T. D.

Case No. 2003-CM-027

In Re: Glen Hooks
Respondent

FINAL ORDER

Came for a final adjudication hearing on October 17, 2003, the complaint filed in this matter against the Respondent, Glen Hooks, 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. Glen Hooks was a registered lobbyist who lobbied members of the General Assembly at all times relevant to this case. On January 13, 2003, Glen Hooks 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 and, pursuant to Ark. Code Ann. § 21-8-603(a)(2), a registered lobbyist who lobbies members of the General Assembly is required to file a monthly activity report for any month in which the General Assembly is

in session. Such reports are due within fifteen (15) days after the end of each calendar quarter and within ten (10) days after the end of each month, respectively.

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

6. On August 5, 2003, the Commission filed a complaint against Glen Hooks based upon his apparent failure to timely file a monthly lobbyist activity report for the month of May of 2003. That same day, the Commission sent Glen Hooks a letter, via certified mail with a return receipt requested, to notify him that an investigation was being commenced regarding the issue of whether or not he violated Ark. Code Ann. § 21-8-603(a)(2) by failing to timely file a monthly lobbyist activity report for the month of May of 2003.

7. On August 15, 2003, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation and to expand the scope of the investigation to include the issue of whether or not Glen Hooks violated Ark. Code Ann. § 21-8-603 by failing to file a lobbyist activity report for the 2nd quarter of 2003. Glen Hooks was notified of the Commission's decision by letter dated August 18, 2003, which was sent by first class mail and certified mail with a return receipt requested. In addition, said letter notified Glen Hooks that the matter would be presented to the Commission at its regular monthly meeting on September 19, 2003, for purposes of determining whether or not probable cause existed for the finding of a violation.

8. On September 19, 2003, the Commission considered the results of staff's investigation and found, by a vote of 3-0, that probable cause existed for finding that Glen Hooks violated Ark. Code Ann. § 21-8-603 by failing to timely file lobbyist activity reports for the month of May and the 2nd quarter of 2003.

9. On September 19, 2003, staff sent a letter to Glen Hooks, via first class mail and certified mail with a return receipt requested, notifying him 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 \$150 fine. Glen Hooks was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

10. On October 7, 2003, staff sent a letter to Glen Hooks, via first class mail, notifying him that a final adjudication hearing would be held on October 17, 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).

11. Glen Hooks did not appear at the final adjudication hearing which was held on October 17, 2003. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

12. Upon considering the evidence presented at the hearing, the Commission found, by a vote of 5-0, that Glen Hooks violated Ark. Code Ann. § 21-8-603 by failing to timely file lobbyist activity reports for the month of May and the 2nd quarter of 2003. The evidence showed that Glen Hooks filed the reports in question on August 19, 2003, making the reports 70 days late and 35 days late, respectively.

13. With respect to said violation, the Commission determined that Glen Hooks should be issued a Public Letter of Warning and fined \$150. Said fine should be paid within thirty (30) days from the date of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Glen Hooks, shall be issued a Public Letter of Warning and is hereby fined \$150 for failing to timely file lobbyist activity reports for the month of May and the 2nd quarter of 2003, and that said fine shall be paid within thirty (30) days from the date of this Order.

IT IS SO ORDERED this 20th day of October, 2003.



JACK KEARNEY, Chairman
Arkansas Ethics Commission