

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

In Re: Janice L. Roberts
Respondent

Case No. 2004-CM-006
AUG 23 2004
ARKANSAS ETHICS
COMMISSION
BY T-20

FINAL ORDER

Came for a final adjudication hearing on August 20, 2004, the complaint filed in this matter against the Respondent, Janice L. Roberts, and based upon due consideration of the evidence and testimony 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. Janice L. Roberts was a registered lobbyist who lobbied public servants of state government at all times relevant to this case. On January 28, 2004, Janice L. Roberts filed a Lobbyist Registration Form for calendar year 2004 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 such reports are due 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 quarterly lobbyist activity report for the 1st quarter of 2004.

6. On June 7, 2004, the Commission filed a complaint against Janice L. Roberts based upon her apparent failure to timely file a lobbyist activity report for the 1st quarter of 2004. That same day, the Commission sent Janice L. Roberts a letter, via certified mail with a return receipt requested, to notify her that an investigation was being commenced regarding the issue of whether or not she violated Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the 1st quarter of 2004.

7. On June 18, 2004, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation. Janice L. Roberts was notified of the Commission's decision by letter dated June 21, 2004, which was sent by first class mail and certified mail with a return receipt requested. In addition, said letter notified Janice L. Roberts that the matter would be presented to the Commission at its regular monthly meeting on July 16, 2004, for purposes of determining whether or not probable cause existed for the finding of a violation.

8. On July 16, 2004, the Commission considered the results of staff's investigation and found, by a vote of 3-0, that probable cause existed for finding that Janice L. Roberts violated Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the 1st quarter of 2004.

9. On July 19, 2004, staff sent a letter to Janice L. Roberts, via first class mail and certified mail with a return receipt requested, notifying her 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 Caution and a \$150 fine. Janice L. Roberts was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

10. On August 5, 2004, staff sent a letter to Janice L. Roberts, via first class mail, notifying her that a final adjudication hearing would be held on August 20, 2004. 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. Janice L. Roberts appeared at the final adjudication hearing which was held on August 20, 2004. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213:

12. Upon considering the evidence and testimony presented at the hearing, the Commission found, by a vote of 5-0, that Janice L. Roberts violated Ark. Code Ann. § 21-8-603(a)(1) by failing to timely file a lobbyist activity report for the 1st quarter of 2004. The evidence showed that Janice L. Roberts filed the report in question on June 29, 2004, making the report 75 days late.

13. With respect to said violation, the Commission determined that Janice L. Roberts should be issued a Public Letter of Caution 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, Janice L. Roberts, shall be issued a Public Letter of Caution and is hereby fined \$150 for failing to timely file a lobbyist activity report for the 1st quarter of 2004, and that said fine shall be paid within thirty (30) days from the date of this Order.

IT IS SO ORDERED this 23rd day of August, 2004.



LACY J. KENNEDY IV, Chairman
Arkansas Ethics Commission