

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

AUG 31 2006

Case No. 2006-CO-019

**ARKANSAS ETHICS
COMMISSION**

BY 

**In Re: Drew Pritt
Respondent**

FINAL ORDER

Came for a final adjudication hearing on August 18, 2006, the complaint filed in this matter against the Respondent, Drew Pritt, 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 Lieutenant Governor.
3. Pursuant to Ark. Code Ann. § 7-6-207, candidates for state or district office are required to file campaign contribution and expenditure ("C&E") reports with the Secretary of State.
4. On May 17, 2006, the Commission received a complaint against the Respondent concerning his apparent failure to file reports of contributions and expenditures as required by law in connection with his campaign for Lieutenant Governor. The allegations of the complaint were that the Respondent failed to disclose outstanding debt information on C&E reports and failed to file C&E reports for April and May of 2006.

5. On May 18, 2006, 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 the Respondent violated Ark. Code Ann. § 7-6-207 by failing to file reports of contributions and expenditures as required by law in connection with his campaign for Lieutenant Governor.

6. On June 16, 2006, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation. In addition, the Commission directed that staff expand the scope of the investigation to include the issue of whether or not the Respondent violated Ark. Code Ann. § 7-6-207 by failing to timely file reports of contribution and expenditures in connection with the Respondent's campaign for Lieutenant Governor during the 2006 election cycle. The Respondent was notified of the Commission's decision by letter dated June 21, 2006.

7. On July 11, 2006, staff sent a letter to the Respondent, via first class mail and certified mail with a return receipt requested, to notify him that the results of the investigation would be presented to the Commission at its regular monthly meeting on July 20, 2006, for purposes of determining whether or not probable cause existed for the finding of a violation.

8. On July 20, 2006, 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. § 7-6-207 by: (i) filing his January 2006 C&E report seven (7) days late; (ii) filing his February 2006 C&E report one (1) day late; (iii) failing to include the thirty-day period between January 16 and February 15, 2006 on

a C&E report; (iv) failing to file a C&E report for March of 2006; and (v) failing to file a C&E report for April of 2006.

9. On July 25, 2006, the Commission sent the Respondent a letter, via first class mail, 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 Caution and the imposition of a one hundred fifty dollar (\$150) fine. In addition, the Respondent was required to file C&E reports for the thirty-day period between January 16 and February 15, 2006, the month of March of 2006, and the month of April of 2006. The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

10. On August 8, 2006, the Respondent was sent a letter, via first class mail, notifying him that a final adjudication hearing would be held on August 18, 2006. 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 neither accepting the written Offer of Settlement nor requesting a public hearing within the time required.

11. The Respondent did not appear at the final adjudication hearing which was held on August 18, 2006. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

12. Upon consideration of the evidence presented at the hearing, the Commission found, by a vote of 4-0, that the Respondent violated Ark. Code Ann. § 7-6-207 by: (i) failing to timely file C&E reports for January and February of 2006; (ii)

failing to provide reporting for the thirty-day period between January 16 and February 15, 2006 on a C&E report; and (iii) failing to file C&E reports for March and April of 2006.

13. With respect to the Respondent's violation of Ark. Code Ann. § 7-6-207, the Commission determined that the Respondent should be issued a Public Letter of Warning and fined \$250. Said fine is due and payable within thirty (30) days from the entry of this Order. The Respondent should further be ordered to file with the Secretary of State C&E reports for the thirty-day period between January 16 and February 15, 2006, the month of March of 2006, and the month of April of 2006, all within fifteen (15) days from the date of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Drew Pritt, shall be issued a Public Letter of Warning and is hereby fined \$250 for: (i) failing to timely file C&E reports for January and February of 2006; (ii) failing to provide reporting for the thirty-day period between January 16 and February 15, 2006 on a C&E report; and (iii) failing to file C&E reports for March and April of 2006. Further, the Respondent is required to file with the Secretary of State C&E reports for the thirty-day period between January 16 and February 15, 2006, the month of March of 2006, and the month of April of 2006, all within fifteen (15) days from the entry of this Order.

IT IS SO ORDERED this 31st day of August, 2006.



TED DICKEY, Chairman
Arkansas Ethics Commission