

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

OCT 02 2006

In Re: Citizens Alliance for a
Progressive Arkansas

Case No. 2006-CM-010

ARKANSAS ETHICS
COMMISSION

BY Tjs

FINAL ORDER

Came for a final adjudication hearing on September 22, 2006, the complaint filed in this matter against the Respondent, Citizens Alliance for a Progressive Arkansas, and based upon due consideration of the 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, Citizens Alliance for a Progressive Arkansas, was an approved political action committee (hereinafter "PAC") as that term is defined under Ark. Code Ann. § 7-6-201(1), and as such was subject to the registration requirements of Ark. Code Ann. § 7-6-215.
3. Pursuant to Ark. Code Ann. § 7-6-215(a)(1)(B), a PAC is required to annually renew its registration with the Secretary of State by January 15th of each year, unless the PAC ceases to exist.
4. After filing a PAC registration form and quarterly reporting forms with the Secretary of State during calendar year 2005, the Respondent filed a PAC Quarterly Reporting Form for the first quarter of 2006 on April 17, 2006.
5. In accordance with Ark. Code Ann. § 7-6-215(a)(1)(B), the Respondent was required to renew its PAC registration for calendar year 2006. Because the due date

for filing a PAC registration form fell on a weekend and the next business day was a holiday, the deadline for filing the registration form in question was January 17, 2006.

6. On June 13, 2006, the Commission filed a complaint against Citizens Alliance for a Progressive Arkansas based upon its apparent failure to renew its PAC registration for calendar year 2006. 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. § 7-6-215(a)(1)(B) by failing to renew its PAC registration for calendar year 2006.

7. On July 20, 2006, 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 July 21, 2006, which was sent by first class mail.

8. On August 8, 2006, staff sent the Respondent a letter, via first class mail and certified mail with a return receipt, to notify it that the matter would be presented to the Commission at its regular monthly meeting on August 18, 2006, for the purpose of determining whether or not probable cause existed for the finding of a violation.

9. On August 18, 2006, the Commission considered the results of staff's investigation and found, by a vote of 4-0, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 7-6-215(a)(1)(B) by failing to renew its PAC registration for calendar year 2006.

10. On August 18, 2006, 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 \$250 fine. The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

11. On September 11, 2006, staff sent a letter to the Respondent, via first class mail and certified mail with a return receipt, notifying it that a final adjudication hearing would be held on September 22, 2006. Said letter contained a separate written notice of final adjudication hearing providing the information required in Ark. Code Ann. § 25-15-208(a)(2).

12. The Respondent did not appear at the final adjudication hearing which was held on September 22, 2006. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

13. Upon considering the evidence presented at the hearing, the Commission found, by a vote of 5-0, that the Respondent violated Ark. Code Ann. § 7-6-215(a)(1)(B) by failing to timely annually renew its PAC registration for calendar year 2006. The evidence showed that the Respondent filed the public disclosure form in question on July 18, 2006, making the registration 182 days late.

14. 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, Citizens Alliance for a Progressive Arkansas, shall be issued a Public Letter of Warning and is hereby fined \$250 for failing to timely renew its

annual PAC registration for calendar year 2006, and that said fine shall be paid within thirty (30) days from the date of this Order.

IT IS SO ORDERED this 2nd day of October, 2006.



TED DICKEY, Chairman
Arkansas Ethics Commission