

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

APR 02 2008

Case No. 2007-CO-065

ARKANSAS ETHICS
COMMISSION

BY

[Signature]

**In Re: Danny Martin
Respondent**

FINAL ORDER

Came for a final adjudication hearing on March 19, 2008, the complaint filed in this matter against the Respondent, Danny Martin, and based upon due consideration of both the evidence 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. The Respondent is a citizen of the State of Arkansas who is a police officer in Prescott, Arkansas, and a candidate for Sheriff of Nevada County in connection with the 2008 election cycle.

3. The Commission is charged with the enforcement of Ark. Code Ann. § 7-1-103(a)(3), which provides, in pertinent part, as follows:

It shall...be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds.

4. On December 10, 2007, the Commission received a complaint against the Respondent concerning his alleged misuse of his police uniform and a city police vehicle. The essential allegation of the complaint was that on December 9, 2007, the Respondent, while in uniform and using a city police vehicle, campaigned for his election to the office of county sheriff.

5. On December 12, 2007, 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 allegation 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. § 7-1-103(a)(3) in connection with the allegation that, while in uniform and using a city police vehicle, he campaigned for his election to the office of county sheriff.

6. On December 21, 2007, 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 December 21, 2007.

7. On February 5, 2008, 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 February 15, 2008, for purposes of determining whether or not probable cause existed for the finding of a violation.

8. On February 15, 2008, the Commission considered the results of staff's investigation and determined, by a vote of 4-1, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 7-1-103(a)(3) by campaigning for the office of county sheriff while in uniform and using a city police vehicle.

9. On February 15, 2008, the Commission sent the Respondent a letter, 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 Caution. The Respondent was given ten (10) days to either accept the written Offer of Settlement or request a public hearing before the Commission.

10. On March 6, 2008, the Respondent was sent a letter, via first class mail and certified mail with a return receipt requested, notifying him that a final adjudication hearing would be held on March 19, 2008. 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. On March 13, 2008, staff received a letter from the Respondent requesting a final adjudication hearing. The Respondent appeared at the final adjudication hearing which was held on March 19, 2008. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

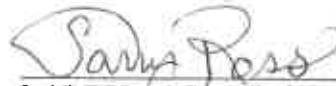
12. Upon consideration of the testimony and evidence presented at the hearing, the Commission found, by a vote of 3-1, that the Respondent violated Ark. Code Ann. § 7-1-103(a)(3) on December 9, 2007, by campaigning for county sheriff while in uniform and using a city police vehicle. The incident in question occurred at the Nevada County Sheriff's Department.

13. With respect to the Respondent's violation of Ark. Code Ann. § 7-1-103(a)(3), the Commission determined that the Respondent should be issued a Public Letter of Caution.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Danny Martin, shall be issued a Public Letter of

Caution for violating Ark. Code Ann. § 7-1-103(a)(3) by campaigning for the office of county sheriff while in uniform and using a city police vehicle.

IT IS SO ORDERED this 2nd day of April, 2008.



LARRY ROSS, Chairman
Arkansas Ethics Commission