

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

**In Re: Bud Lidzy
Respondent**

Case No. 2008-CM-003

NOV 20 2008
Arkansas Ethics
COMMISSION
BY TJK

FINAL ORDER

Came for a final adjudication hearing on November 21, 2008, the complaint filed in this matter against the Respondent, Bud Lidzy, and based upon due consideration of the testimony and 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. The Respondent is a citizen of Arkansas. At all times relevant to this case, the Respondent was a candidate for State Representative – District 29.
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. In accordance with Ark. Code Ann. § 7-6-207(a)(1)(D), the Respondent was required to file a final C&E report for the 2008 primary election on or before June 30, 2008.
5. On August 21, 2008, the Commission filed a complaint against the Respondent based upon his apparent failure to file a final C&E report for the 2008 primary election. That same day, the Commission sent the Respondent 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. § 7-6-207 by failing to file a final C&E report for the 2008 primary election.

6. On September 19, 2008, 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 September 23, 2008, which was sent by first class mail and certified mail with a return receipt requested. In addition, in that letter the Respondent was notified that the matter would be presented to the Commission at its regular monthly meeting on October 24, 2008, for the purpose of determining whether or not probable cause existed for the finding of a violation.

7. On October 24, 2008, 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. § 7-6-207 by failing to file a final C&E report for the 2008 primary election in his capacity as a candidate for State Representative – District 29.

8. On October 31, 2008, staff sent a letter to the Respondent, 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 a \$300 fine, and requiring that the Respondent file the disclosure report in question. The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

9. On November 10, 2008, staff sent a letter to the Respondent, via service by the Saline County Sheriff's office, notifying him that the time to accept the written Offer of Settlement had expired and, therefore, a final adjudication hearing would be held on November 21, 2008. Said letter contained a separate written notice of final adjudication hearing providing the information required in Ark. Code Ann. § 25-15-208(a)(2).

10. The Respondent appeared at the final adjudication hearing which was held on November 21, 2008. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.


11. Upon considering the testimony and evidence presented at the hearing, the Commission found, by a vote of 5-0, that the Respondent violated Ark. Code Ann. § 7-6-207 by failing to file a final C&E report for the 2008 primary election.

12. With respect to said violation, the Commission determined that the Respondent should be issued a Public Letter of Caution and fined \$150. Said fine is due no later than thirty (30) days from the date of this Order. The Respondent should further be ordered to file with the Secretary of State a final C&E report for the 2008 primary election within fifteen (15) days from the date of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Bud Lidzy, shall be issued a Public Letter of Caution and is hereby fined \$150 for failing to file a final C&E report for the 2008 primary election, and that said fine shall be paid within thirty (30) days from the date of this Order. **FURTHER**, the Respondent is required to file with the Secretary of State a final

C&E report for the 2008 primary election within fifteen (15) days from the entry of this Order.

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



LARRY ROSS, Chairman
Arkansas Ethics Commission