

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

APR 30 2014

Case No. 2013-CO-047

ARKANSAS ETHICS
COMMISSION

BY TJY

In Re: Curtis Graham
Respondent

FINAL ORDER

Came for a final adjudication hearing on April 25, 2014, the complaint filed in this matter against the Respondent, Curtis Graham, and based upon due consideration of both 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. The Respondent is a citizen of the State of Arkansas and, at all times relevant to this case, was an Alderman for the City of Dermott.
3. Pursuant to Ark. Code Ann. § 21-8-701(a)(1), a public official,¹ as defined in Ark. Code Ann. § 21-8-402(17), is required to file a written statement of financial interest ("SFI") on an annual basis. Pursuant to Ark. Code Ann. § 21-8-701(c)(1)(A), the SFI for the previous calendar year is required to be filed by January 31 of each year. The SFI of a municipal public servant is required to be filed with the city clerk or recorder, as the case may be, in accordance with Ark. Code Ann. § 21-8-703(a)(3).

¹ Ark. Code Ann. § 21-8-402(17) defines the term "public official" to mean "a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office[.]"

4. Based upon the foregoing, the Respondent was required to file with the Dermott City Clerk a SFI for (i) calendar year 2010 on or before January 31, 2011, and (ii) calendar year 2011 on or before January 31, 2012.

5. On December 2, 2013, the Commission received a complaint against the Respondent. The essential allegation of the complaint was that the Respondent violated Ark. Code Ann. §§ 21-8-701(a)(1) and 21-8-701(c)(1)(A) by failing to file a SFI for calendar years 2010 and 2011 in his capacity as an Alderman for the City of Dermott.

6. On December 10, 2013, 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 he violated Ark. Code Ann. §§ 21-8-701(a)(1) and 21-8-701(c)(1)(A) by failing to file a SFI for calendar years 2010 and 2011 in his capacity as an Alderman for the City of Dermott. The December 10th letter was returned by the United States Post Office indicating “Unclaimed” and “Unable to Forward”. Based upon the foregoing, the Commission requested service of the complaint by the Chicot County Sheriff and that office duly served the Respondent on February 19, 2014.

7. On January 17, 2014, 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 January 24, 2014.

8. On March 4, 2014, staff sent a letter to the Respondent to notify him that the results of the investigation would be presented to the Commission at its regular

monthly meeting on March 21, 2014, for purposes of determining whether or not probable cause existed for the finding of a violation.

9. On March 21, 2014, the Commission considered the results of staff's investigation and determined, by a vote of 4-0, with Commissioner Anna Bray not present, that probable cause existed for finding that the Respondent violated Ark. Code Ann. §§ 21-8-701(a)(1) and 21-8-701(c)(1)(A) by failing to file a SFI for calendar years 2010 and 2011 in his capacity as an Alderman for the City of Dermott.

10. On March 24, 2014, the Commission sent the Respondent a letter 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 \$100 fine. The Respondent was given ten (10) days to either accept the written Offer of Settlement or request a public hearing before the Commission.

11. On April 3, 2014, staff sent a letter to the Respondent, via first class mail, notifying him that the time to accept the written Offer of Settlement had expired and, therefore, a final adjudication hearing would be held on April 25, 2014. 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 April 25, 2014. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

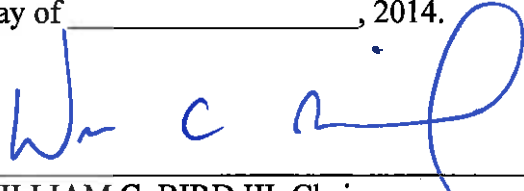
13. Upon considering the evidence presented at the hearing, the Commission found, by a vote of 4-0, with Commissioner Sharon Trusty not present, that the

Respondent violated Ark. Code Ann. §§ 21-8-701(a)(1) and 21-8-701(c)(1)(A) by failing to timely file a SFI for calendar years 2010 and 2011 in his capacity as an Alderman for the City of Dermott. The evidence showed that the disclosure reports in question were filed with the Dermott City Clerk on March 21, 2014.

14. With respect to the Respondent's violation of Ark. Code Ann. §§ 21-8-701(a)(1) and 21-8-701(c)(1)(A), the Commission determined that the Respondent should be issued a Public Letter of Caution and fined \$100. 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, Curtis Graham, shall be issued a Public Letter of Caution and is hereby fined \$100 for failing to timely file his SFI for calendar years 2010 and 2011, and that said fine shall be paid within thirty (30) days from the date of this Order.

IT IS SO ORDERED this 29th day of APRIL, 2014.



WILLIAM C. BIRD III, Chairman
Arkansas Ethics Commission