

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

OCT 21 2014

Case No. 2014-CM-002

ARKANSAS ETHICS
COMMISSION

BY

**In Re: Erica Franklin
Respondent**

FINAL ORDER

Came for a final adjudication hearing on October 17, 2014, the complaint filed in this matter against the Respondent, Erica Franklin, 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. The Respondent is a citizen of Arkansas. At all times relevant to this case, the Respondent was an appointee to the Arkansas Coalition for Juvenile Justice.
3. The Respondent was appointed to the Arkansas Coalition for Juvenile Justice on January 30, 2014, and accepted said appointment by filing a Duplicate Official Oath of Office with the Secretary of State on that same date.
4. Pursuant to Ark. Code Ann. §§ 21-8-701(a)(5) and (c)(1)(A), a public appointee to a state board or commission which is (i) authorized or charged by law with the exercise of regulatory authority or (ii) authorized to receive or disburse state or federal funds, is required to file a written statement of financial interest (“SFI”) for the previous calendar year within thirty (30) days after appointment and thereafter on an annual basis by January 31st of each year.

5. In accordance with Ark. Code Ann. § 21-8-701(c)(1)(A), the Respondent was required to file a SFI for calendar year 2013 on or before Monday, March 3, 2014. It is noted that the Respondent's appointment became effective on January 30, 2014; accordingly, the aforementioned 30-day deadline fell on Saturday, March 1, 2014.

6. On July 10, 2014, the Commission filed a complaint against the Respondent based upon her apparent failure to file a SFI for calendar year 2013. That same day, the Commission sent the Respondent a letter, via certified mail with a return receipt requested, to notify her that an investigation was being commenced regarding the issue of whether or not she violated Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to file a SFI for calendar year 2013 in her capacity as an appointee to the Arkansas Coalition for Juvenile Justice.

7. On July 18, 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 July 25, 2014.

8. On September 9, 2014, the Commission sent the Respondent a letter, via first class mail, to notify the Respondent that the results of the investigation would be presented to the Commission at its regular monthly meeting on September 19, 2014, for purposes of determining whether or not probable cause existed for the finding of a violation.

9. On September 19, 2014, the Commission considered the results of staff's investigation and found, by a vote of 5-0, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to file a SFI for calendar year 2013.

10. On September 26, 2014, staff sent a letter to the Respondent, via first class mail, notifying her 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 requiring that the Respondent file the disclosure form in question. The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

11. On October 7, 2014, staff sent a letter to the Respondent, via first class mail, notifying her that the time to accept the written Offer of Settlement had expired and, therefore, a final adjudication hearing would be held on October 17, 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 October 17, 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 5-0, that the Respondent violated Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to file a SFI for calendar year 2013.

14. With respect to said violation, the Commission determined that the Respondent should be issued a Public Letter of Caution and fined \$50. Said fine is due no later than December 31, 2014. The Respondent should further be ordered to file a SFI for calendar year 2013 with the Secretary of State no later than December 31, 2014.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Erica Franklin, shall be issued a Public Letter of Caution and is hereby fined \$50 for failing to file a SFI for calendar year 2013, and that said fine shall be due on or before December 31, 2014. FURTHER, the Respondent is required to file a SFI for calendar year 2013 with the Secretary of State by no later than December 31, 2014.

IT IS SO ORDERED this 21st day of October, 2014.



WILLIAM C. BIRD III, Chairman
Arkansas Ethics Commission

