

BEFORE THE ARKANSAS ETHICS COMMISSION

FILED

MAR 13 2019

Case No. 2018-CO-067
ARKANSAS ETHICS
COMMISSION

BY

[Signature]

**In Re: Brett Bottoms
Respondent**

FINAL ORDER

Came for a final adjudication hearing on February 15, 2019, the complaint filed in this case against the Respondent, Brett Bottoms, and based upon due consideration of both the testimony and other 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 who, at all times relevant to this case, was a candidate for Alma City Alderman - Ward 1, Position 1 during the 2018 election cycle.

3. The Commission is charged with enforcing Ark. Code Ann. § 7-6-228 which, at all times relevant to this case, provided, in pertinent part, as follows:

(c)(1) Campaign signs, campaign literature, and other printed campaign materials under this section shall clearly contain the words "Paid for by" followed by the name of the candidate, committee, or person who paid for the campaign sign, campaign literature, or other printed campaign materials.

(2) Subdivision (c)(1) of this section applies only to campaign signs, campaign literature, and other printed campaign materials created by or sponsored by a political candidate or the campaign of a political candidate.

4. On October 1, 2018, the Commission received a complaint against the Respondent in his capacity as a candidate for Alma City Alderman - Ward 1, Position 1 during the 2018

election cycle. Briefly restated, the pertinent allegation of that complaint was that the Respondent failed to include the necessary “paid for by” disclaimer on his campaign signs.

5. On October 4, 2018, 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 set forth above. The letter went on to state that the focus of the investigation with regard to that allegation would be whether or not he violated Ark. Code Ann. § 7-6-228(c).

6. On October 19, 2018, staff presented the preliminary results of its investigation to the Commission at its regular monthly meeting and was instructed to complete the investigation. The Respondent was notified of the Commission’s decision by letter dated October 25, 2018.

7. On November 16, 2018, staff presented the preliminary results of its investigation to the Commission at its regular monthly meeting and was instructed to send the Respondent a proposed Consent Order.

8. On November 21, 2018, the Commission sent the Respondent a letter, via first-class mail, enclosing a proposed Consent Order. The Consent Order proposed that the Commission make a finding that Respondent violated Ark. Code Ann. § 7-6-228(c) in his capacity as a candidate for Alma City Alderman - Ward 1, Position 1 by failing to include the necessary “paid for by” language on campaign signs and issue the Respondent a Public Letter of Caution, which is the lowest level of sanction available to the Commission.

9. The Respondent failed to accept the Consent Order within the time allowed.

10. On January 8, 2019, the Commission sent the Respondent a letter, via first-class mail, to notify him that the results of the investigation would be presented to the Commission at

its regular monthly meeting on January 18, 2019, for purposes of determining whether or not probable cause existed for the finding of a violation.

11. On January 18, 2019, the Commission considered the results of staff's investigation and decided by a vote of 3-0, with Commissioners Younger and Eastwood not present, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 7-6-228(c) by failing to include the necessary "paid for by" language on campaign signs.

12. On January 22, 2019, the Commission sent a letter to the Respondent, via first-class mail, notifying him of the Commission's decision that probable cause existed for finding that he violated Ark. Code Ann. § 7-6-228(c) in his capacity as a candidate for Alma City Alderman - Ward 1, Position 1 by failing to include the necessary "paid for by" language on campaign signs.

13. In accordance with the Commission's Rules of Practice and Procedure, the January 22nd letter contained a written Offer of Settlement proposing that a violation be found and that he be issued a Public Letter of Caution, which is the lowest level of sanction available to the Commission.

14. On February 5, 2019, the Commission sent the Respondent a letter, via first-class mail, advising that since Respondent failed to accept the Offer of Settlement within the time allowed a final adjudication hearing would be held on February 15, 2019. Said letter contained a separate written notice providing the information required in Ark. Code Ann. § 25-15-208(a)(2).

15. The Respondent did not appear at the final adjudication hearing which was held during the Commission's confidential session on February 15, 2019. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

16. The Respondent was a candidate for Alma City Alderman - Ward 1, Position 1 during the 2018 election cycle.

17. As part of his campaign during the 2018 election cycle, the Respondent purchased signs which stated "Elect Brett Bottoms for City Council."

18. The signs in question constituted campaign signs, campaign literature, or other printed campaign materials within the meaning of Ark. Code Ann. § 7-6-228 but did not contain the required "paid for by" disclaimer.

19. The Commission recognizes that Ark. Code Ann. § 7-6-228(c), which requires the "paid for by" language on campaign signs and other printed materials, was added to the law by the General Assembly in 2017 and that 2018 is the first election cycle in which the requirement was in effect.

20. When it returned to public session, the Commission voted on the following matter:

A motion was made by Commissioner Hampton and seconded by Commissioner Klein to find the Respondent violated § 7-6-228(c)(1) and shall be issued a Public Letter of Caution. The motion passed by a vote of 3-0, with Commissioners Younger and Eastwood not present.

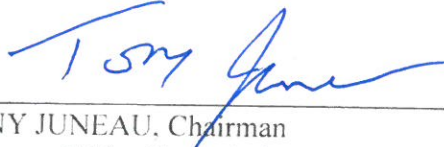
21. The Respondent committed a violation of Ark. Code Ann. § 7-6-228(c)(1) in his capacity as a candidate for Alma City Alderman - Ward 1, Position 1 during the 2018 election cycle by failing to include the necessary "paid for by" language on campaign signs.

22. With respect to the Respondent's violation of Ark. Code Ann. § 7-6-228(c)(1), the Commission found that a Public Letter of Caution shall be issued.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Brett Bottoms, shall be found in violation of Ark. Code Ann. § 7-6-228(c)(1) in his capacity as a candidate for Alma City Alderman - Ward 1, Position 1 during the 2018 election cycle by failing to include the necessary "paid for by" language on campaign signs and

that he shall be issued a Public Letter of Caution, which is the lowest level of sanction available to the Commission.

IT IS SO ORDERED this 10th day of March, 2019.

A handwritten signature in blue ink, appearing to read "Tony Juneau", is written over a horizontal line.

TONY JUNEAU, Chairman
Arkansas Ethics Commission