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JUL 22 2020

BEFORE THE ARKANSAS ETHICS COMMISSION

ARKANSAS ETHICS
COMMISSION

BY

[Signature]

**In Re: James Stiefvater
Respondent**

Case No. 2019-CM-012

FINAL ORDER

Came for a final adjudication hearing on July 17, 2020, the complaint filed in this matter against the Respondent, James Stiefvater, 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 the State of Arkansas who, at all times relevant to this case, was a Perry County Constable.

3. The Commission is charged with enforcing Ark. Code Ann. § 21-8-701 which provides, in pertinent part, as follows:

(a) The following persons shall file a written statement of financial interest:

(1) A public official, as defined in § 21-8-402(17);

(c)(1)(A) The statement of financial interest for the previous calendar year shall be filed by January 31 of each year, except that a candidate for elective office shall file the statement of financial interest for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office[.]

4. In accordance with Ark. Code Ann. § 21-8-701(c)(1)(A), the Respondent was required to file a Statement of Financial Interest ("SFI") for calendar year 2018 on or before January 31, 2019.

5. On December 12, 2019, the Commission filed a complaint against the Respondent based upon his apparent failure to file a SFI for calendar year 2018. 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. § 21-8-701 by failing to file a SFI for calendar year 2018 in his capacity as Perry County Constable.

6. On December 20, 2019, 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 December 27, 2019.

7. On January 16, 2020, the December 12th letter was returned to the Commission marked "unclaimed". Accordingly, the Commission forwarded the complaint to the Perry County Sheriff's Department for service upon Mr. Stiefvater. The Perry County Sheriff's Department served Mr. Stiefvater the complaint on February 20, 2020.

8. On March 10, 2020, 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 March 20, 2020, for purposes of determining whether or not probable cause existed for the finding of a violation.

9. On March 20, 2020, the Commission considered the results of staff's investigation and found, by a vote of 4-0, with Commissioner Younger not present, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 21-8-701 in his capacity as Perry County Constable by failing to file a SFI for calendar year 2018.

10. On March 20, 2020, 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 the requirement to 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 June 30, 2020, 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 July 17, 2020. 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 during the Commission's confidential session on July 17, 2020. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

13. At the hearing, the following exhibits were introduced into evidence:

- Exhibit "1" - Probable Cause Report
- Exhibit "2" - Written Offer of Settlement
- Exhibit "3" - Letter accompanying Notice of Final Adjudication Hearing
- Exhibit "4" - Notice of Final Adjudication Hearing
- Exhibit "5" - Affidavit of Perry County Clerk

14. In the Affidavit introduced as Exhibit "5", Persundra Hood, the Perry County Clerk, verified that the Respondent had not yet filed his SFI.

15. At the conclusion of the final adjudication hearing, the Commission conducted its deliberations and then returned to public session. When it returned to public session, the Commission voted on the following matter:

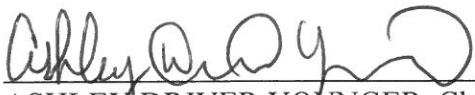
A motion was made by Commissioner Irby and seconded by Commissioner Fletcher to find the Respondent violated Ark. Code Ann. § 21-8-701 by failing to file a SFI for calendar year 2018 in his capacity as Perry County Constable, and shall be issued a Public Letter of Caution and ordered to file a SFI for calendar year 2018 within thirty (30) days. The motion passed by a vote of 3-0, with Commissioner Younger not present and Commissioner Klein not voting since she was attending the meeting by telephone and not physically present.

16. The Respondent committed a violation of Ark. Code Ann. § 21-8-701 by failing to file a SFI for calendar year 2018 in his capacity as Perry County Constable.

17. With respect to the Respondent's violation of Ark. Code Ann. § 21-8-701, the Commission found that a Public Letter of Caution shall be issued, and that the Respondent shall be ordered to file a SFI for calendar year 2018 within thirty (30) days from the entry of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, James Stiefvater, shall be found to have violated Ark. Code Ann. § 21-8-701 in his capacity as Perry County Constable; that the Respondent shall be issued a Public Letter of Caution; and that the Respondent shall be ordered to file a SFI for calendar year 2018 within thirty (30) days from the entry of this Order.

IT IS SO ORDERED this 22nd day of July, 2020.


ASHLEY DRIVER YOUNGER, Chairman
Arkansas Ethics Commission