

FILED

AUG 25 2020

ARKANSAS ETHICS
COMMISSION

BEFORE THE ARKANSAS ETHICS COMMISSION BY



**In Re: Billy Weems
Respondent**

Case No. 2019-CM-021

FINAL ORDER

Came for a final adjudication hearing on August 21, 2020, the complaint filed in this matter against the Respondent, Billy Weems, 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 Yell 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 Yell 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”.

8. On January 31, 2020, the Commission forwarded the complaint to the Yell County Sheriff’s Department for service upon Mr. Weems. On May 19, 2020, the Commission sent an additional copy of the complaint to the Yell County Sheriff’s Department pursuant to its request. The Yell County Sheriff’s Department served Paul Furr, a member of Mr. Weems’ family who was at least eighteen (18) years of age, the complaint on June 3, 2020. This service was made at the Respondent’s residence.

9. On June 2, 2020, the Commission sent the Respondent notice, in accordance with Ark. Code Ann. § 7-6-218(b)(5)(A)(iii), that the two hundred ten (210) days within which the Commission is required to complete its investigation and take final action on a complaint and the

two hundred forty (240) days within which the Commission is required to conduct a public or final adjudication hearing and take final action on a complaint were both extended by sixty (60) days.

10. On June 30, 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 July 17, 2020, for purposes of determining whether or not probable cause existed for the finding of a violation.

11. On July 17, 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 Yell County Constable by failing to file a SFI for calendar year 2018.

12. On July 17, 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.

13. On August 11, 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 August 21, 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).

14. The Respondent did not appear at the final adjudication hearing which was held during the Commission's confidential session on August 21, 2020. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

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

- Exhibit "1" - Probable Cause Report
- Exhibit "2" - Written Offer of Settlement
- Exhibit "3" - Notice of Final Adjudication Hearing and letter accompanying Notice of Final Adjudication Hearing
- Exhibit "4" - Affidavit of Yell County Clerk

16. In the Affidavit introduced as Exhibit "4", Sharon Barnett, the Yell County Clerk, verified that the Respondent had not yet filed his SFI.

17. 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 Eastwood 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 Yell County Constable, and shall be issued a Public Letter of Caution, fined One Hundred Dollars (\$100.00), and ordered to file a SFI for calendar year 2018 within thirty (30) days. The motion passed by a vote of 4-0, with Commissioner Klein not voting since she was attending the meeting by telephone and not physically present.

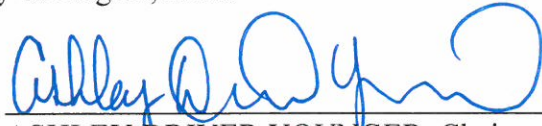
18. The Respondent committed a violation of Ark. Code Ann. § 21-8-701 by failing to file a SFI for calendar year 2018 in his capacity as Yell County Constable.

19. 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, that a fine of One Hundred Dollars (\$100.00) shall be imposed and be due and payable within thirty (30) days from the entry

of this Order, 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, Billy Weems, shall be found to have violated Ark. Code Ann. § 21-8-701 in his capacity as Yell County Constable; that the Respondent shall be issued a Public Letter of Caution; that the Respondent shall be fined One Hundred Dollars (\$100.00), with that amount due and payable within thirty (30) days from the entry of this Order; 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 25 day of August, 2020.



ASHLEY DRIVER YOUNGER, Chairman
Arkansas Ethics Commission