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BEFORE THE ARKANSAS ETHICS COMMISSION

ARKANSAS ETHICS
COMMISSION

BY



**In Re: Christopher Ogburn
Respondent**

Case No. 2021-CM-007

FINAL ORDER

Came for a final adjudication hearing on November 19, 2021, the complaint filed in this matter against the Respondent, Christopher Ogburn, 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 candidate for State Representative - District 8.

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:

(2) A candidate for elective office;

(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 November 18, 2019.

5. The Commission is also charged with enforcing Ark. Code Ann. § 7-6-207 which provides, in pertinent part, as follows:

(a) Reports Required.

(1) Except as provided in subsections (c) and (e) of this section, each candidate for state or district office, including a district judge, or a person acting in the candidate’s behalf, shall file with the Secretary of State:

(D) No later than thirty (30) days after the end of the month in which the candidate’s name has appeared on the ballot in any primary election, runoff election, general election, or special election, or when only one (1) candidate qualifies for a particular office or position and no position or name of an unopposed candidate shall appear on a ballot, a final report of all contributions received and expenditures made which have not been disclosed on reports previously required to be filed. A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500)[.]

6. In accordance with Ark. Code Ann. § 7-6-207(a)(1)(D), the Respondent was required to file a final Campaign Contribution and Expenditure (“C&E”) report for the 2020 general election on or before December 30, 2020.

7. On October 9, 2020, and February 4, 2021, the Commission sent Respondent a corrective action letter advising him to file a SFI for calendar year 2018 within ten (10) days.

8. On January 7, 2021, and February 4, 2021, the Commission sent Respondent a corrective action letter advising him to file a final C&E report for the 2020 general election within ten (10) days.

9. On April 27, 2021, the Commission filed a complaint against the Respondent based upon his apparent failure to file a SFI for calendar year 2018 and a final C&E report for the 2020

general election. 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 and/or Ark. Code Ann. § 7-6-207 by failing to file a final C&E report for the 2020 general election.

10. On May 21, 2021, 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 May 21, 2021.

11. On June 8, 2021, 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 June 18, 2021, for purposes of determining whether or not probable cause existed for the finding of a violation.

12. On June 18, 2021, the Commission considered the results of staff's investigation and found, by a vote of 4-0, with Commissioner Klein not present, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 21-8-701 by failing to file a SFI for calendar year 2018 and Ark. Code Ann. § 7-6-207 by failing to *timely* file a final C&E report for the 2020 general election.

13. On June 21, 2021, 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, the imposition of a one hundred and fifty dollar (\$150.00) fine, 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.

14. On November 9, 2021, 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 November 19, 2021. Said letter contained a separate written notice of final adjudication hearing 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 November 19, 2021. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

16. 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 non-filing of the Arkansas Secretary of State
- Exhibit "5" - Final C&E report for the 2020 general election filed with the Arkansas Secretary of State on May 18, 2021

17. In the Affidavit introduced as Exhibit "4", Kiara Ramirez, of the Arkansas Secretary of State's office, verified that the Respondent had not yet filed his SFI for calendar year 2018.

18. 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 and Ark. Code Ann. § 7-6-207 in his capacity as a candidate for State Representative - District 8 during the 2020 election cycle by failing to file a SFI for calendar year 2018 and failing to *timely* file a final C&E report for the 2020 general election, and shall be issued a Public Letter of Caution, fined Three Hundred Dollars (\$300.00), and ordered to file a SFI for calendar year 2018 within thirty (30) days. The motion passed by a vote of 3-0, with Commissioners Eastwood and Johnson not present.

19. 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 a candidate for State Representative - District 8 during the 2020 election cycle.


20. The Respondent committed a violation of Ark. Code Ann. § 7-6-207 by failing to *timely* file a final C&E report for the 2020 general election in his capacity as a candidate for State Representative - District 8 during the 2020 election cycle.

21. With respect to the Respondent's violation of Ark. Code Ann. § 21-8-701 and Ark. Code Ann. § 7-6-207, the Commission found that a Public Letter of Caution shall be issued, that a fine of Three Hundred Dollars (\$300.00) 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, Christopher Ogburn, shall be found to have violated Ark. Code Ann. § 21-8-701 and Ark. Code Ann. § 7-6-207 in his capacity as a candidate for State Representative - District 8 during the 2020 election cycle by failing to file a SFI for calendar year 2018 and failing to *timely* file a final C&E report for the 2020 general election; that the Respondent shall be issued a Public Letter of Caution; that the Respondent shall be fined Three Hundred Dollars (\$300.00), 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 13th day of December, 2021.



ALICE EASTWOOD, Chairman
Arkansas Ethics Commission