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DEC 13 2021

BEFORE THE ARKANSAS ETHICS COMMISSION

ARKANSAS ETHICS
COMMISSION
BY [Signature]

In Re: Roderick Greer Talley
Respondent

Case No. 2021-CO-002

FINAL ORDER

Came for a final adjudication hearing on November 19, 2021, the complaint filed in this case against the Respondent, Roderick Greer Talley, 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 34 during the special election held March 3, 2020, and the general election held November 3, 2020.

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 . . .[.]

(2) Any incumbent officeholder who filed the statement of financial interest by January 31 of the year in which the election is held shall not be required to file an additional statement upon becoming a candidate for reelection or election to another office at any election held during the year.

4. 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)[.]

5. On March 22, 2021, the Commission received a complaint against the Respondent in his capacity as a candidate for State Representative - District 34 during the special election held March 3, 2020, and the general election held November 3, 2020. Briefly restated, the essential allegations of the complaint are as follows:

(a) The Respondent failed to file a Statement of Financial Interest ("SFI") for calendar year 2018 in connection with the two elections in question.

(b) The Respondent failed to file required Campaign Contribution and Expenditure ("C&E") reports for the two elections in question.

6. On April 7, 2021, 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 allegations set forth above. The letter went on to state that the focus of the investigation with regard to those allegations would be whether or not he violated Ark. Code Ann.

§ 21-8-701 and/or Ark. Code Ann. § 7-6-207 in his capacity as a candidate for State Representative - District 34 during the special election held March 3, 2020, and the general election held November 3, 2020, by failing to file a SFI for calendar year 2018 and by failing to file required C&E reports for the two elections in question. The letter was sent to the Respondent at three (3) different addresses.

7. On April 16, 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 April 16, 2021.

8. On September 13, 2021, the Respondent was physically present at the Pulaski County Courthouse, and the Commission had the Respondent personally served with the following documents:

- (a) A copy of the complaint and corresponding letter dated April 7, 2021.
- (b) A letter dated September 13, 2021, notifying him that this case had been placed on the agenda for the Commission meeting on October 15, 2021, for purposes of determining whether or not probable cause existed for the finding of a violation.
- (c) A notice of a final adjudication hearing on November 19, 2021, pursuant to a finding that probable cause exists for a violation in this case.
- (d) A letter notifying him that the time deadlines in this case had been extended by sixty (60) days.

9. The Commission did not have an address for the Respondent on file and, so, the September 13th letter (referenced in Paragraph 8b) addressed the possible issuance of an Offer of Settlement as follows: "We do not currently have an address for you on file, but if one is provided, we will mail you the Offer of Settlement. Otherwise, it will be available for pick up at the Commission's office on Monday, October 18, 2021."

10. On October 15, 2021, 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 and Ark. Code Ann. § 7-6-207 in his capacity as a candidate for State Representative - District 34 during the special election held March 3, 2020, and the general election held November 3, 2020, by failing to file a SFI for calendar year 2018 and by failing to file required C&E reports for those two elections.

11. On October 18, 2021, staff issued a letter to the Respondent which notified him of the Commission's finding of probable cause. In keeping with the Commission's letter dated September 13, 2021, the October 18th letter was available for the Respondent to pick up at the Commission's office. 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 two hundred dollar (\$200.00) fine, and the requirement to file a SFI for calendar year 2018, a final C&E report for the special election held March 3, 2020, and a final C&E report for the general election held November 3, 2020. The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

12. In the letter dated September 13, 2021, the Respondent was notified that, if an Offer of Settlement was issued (October 18th letter) and not accepted within ten (10) days, a final adjudication hearing [would] be held in this case at the Commission meeting scheduled at 9:00 a.m. on November 19, 2021 . . . and that the hearing [would] be held at the Commission's office located at 501 Woodlane Street, Suite 301N, in Little Rock, Arkansas.

13. 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.

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

- Exhibit “1” - Probable Cause Report (which included all documents personally served on the Respondent on September 13, 2021)
- Exhibit “2” - Written Offer of Settlement
- Exhibit “3” - Notice of Final Adjudication Hearing and letter to complainant accompanying Notice of Final Adjudication Hearing
- Exhibit “4” - Affidavit of non-filing of the Arkansas Secretary of State
- Exhibit “5” - Affidavit of non-filing of the Arkansas Secretary of State

15. 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.

16. In the Affidavit introduced as Exhibit “5”, Kiara Ramirez, of the Arkansas Secretary of State’s office, verified that the Respondent had not yet filed any C&E reports for the special election held March 3, 2020, or the general election held November 3, 2020.

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 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 34 during the special election held March 3, 2020, and the general election held November 3, 2020, by failing to file a SFI for calendar year 2018 and required C&E reports for either of those elections, and shall be issued a Public Letter of Caution, fined Five Hundred Fifty Dollars (\$550.00), and ordered to file a SFI for calendar year 2018, a final C&E report for the special election held March 3, 2020, and a final C&E report for the general election held November 3, 2020, all within thirty (30) days. The motion passed by a vote of 3-0, with Commissioners Eastwood and Johnson not 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 a candidate for State Representative - District 34 during the special election held March 3, 2020, and the general election held November 3, 2020.

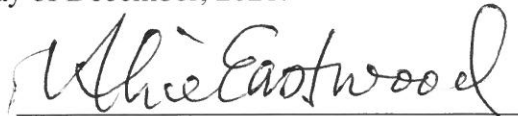
19. The Respondent committed a violation of Ark. Code Ann. § 7-6-207 by failing to file required C&E reports for the special election held March 3, 2020, and the general election held November 3, 2020, in his capacity as a candidate for State Representative - District 34.

20. 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 Five Hundred Fifty Dollars (\$550.00) 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, a final C&E report for the special election held March 3, 2020, and a final C&E report for the general election held November 3, 2020, all within thirty (30) days from the entry of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Roderick Greer Talley, 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 34 during the special election held March 3, 2020, and the general election held November 3, 2020, by failing to file a SFI for calendar year 2018 and required C&E reports for the two elections in question; that the Respondent shall be issued a Public Letter of Caution; that the Respondent shall be fined Five Hundred Fifty Dollars (\$550.00), 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, a final C&E report for the special election held

March 3, 2020, and a final C&E report for general election held November 3, 2020, all within thirty (30) days from the entry of this Order.

IT IS SO ORDERED this 13th day of December, 2021.

A handwritten signature in cursive script that reads "Alice Eastwood". The signature is written in black ink and is positioned above a horizontal line.

ALICE EASTWOOD, Chairman
Arkansas Ethics Commission