

**FILED**

OCT 31 2022

**BEFORE THE ARKANSAS ETHICS COMMISSION**

ARKANSAS ETHICS  
COMMISSION

BY



**In Re: Arkansans for a Unified Natural State  
Respondent**

**Case No. 2022-CM-006**

**FINAL ORDER**

Came for a final adjudication hearing on October 21, 2021, the complaint filed in this matter against the Respondent, Arkansans for a Unified Natural State, 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. On July 9, 2021, the Respondent filed a Ballot Question Committee Statement of Organization. The Statement of Organization reflected that Respondent was expressly advocating the qualification of referendum measures for Acts 736, 250, and 626 of 2021 to be on the ballot for the 2022 general election. The Statement of Organization reflected that the Respondent did not have a bank account.
3. In connection with gathering signatures to have the referendum measures in question placed on the ballot, the Respondent had received nonmoney (in-kind) contributions in excess of five hundred dollars (\$500.00) as of July 23, 2021.
4. The Commission is charged with enforcing the Disclosure Act for Public Initiatives, Referenda, and Measures Referred to Voters (Ark. Code Ann. § 7-9-401, *et seq.*). The

reporting requirements of that Act are set forth in Ark. Code Ann. § 7-9-409 which provides, in pertinent part, as follows:

(a)(1) The first financial reports shall be filed no later than fifteen (15) days following the month in which the five-hundred-dollar threshold of § 7-9-406 is met and thereafter no later than fifteen (15) days after the end of each month until the election is held.

5. In accordance with Ark. Code Ann. § 7-9-409(a)(1), the Respondent was required to file a report for the month of July on or before August 15, 2021.

6. On February 9, 2022, the Commission initiated a complaint against the Respondent based upon its apparent failure to file a July monthly report. That same day, the Commission sent the Respondent a letter, via certified mail with a return receipt requested, to notify it that an investigation was being commenced regarding the issue of whether or not it violated Ark. Code Ann. § 7-9-409(a) by failing to properly comply with the reporting requirements.

7. On February 18, 2022, 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 February 25, 2022.

8. On August 9, 2022, the Commission sent the Respondent a letter, via first-class mail, to notify it that the results of the investigation would be presented to the Commission at its regular monthly meeting on August 19, 2022, for purposes of determining whether or not probable cause existed for the finding of a violation.

9. On August 19, 2022, 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. § 7-9-409 by failing to file a monthly financial report covering its activities prior to and during July of 2021.

10. On August 22, 2022, staff sent a letter to the Respondent, via first-class mail, notifying it 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 a final financial report within thirty (30) days from August 22, 2022. The Respondent was given ten (10) days to accept the written Offer of Settlement or request a public hearing before the Commission.

11. On August 31, 2022, staff sent a letter to the Respondent, via first-class mail, notifying it that the time deadlines in this case had been extended by sixty (60) days, in accordance with Ark. Code Ann. § 7-6-218(b)(5)(A)(iii).

12. On October 11, 2022, staff sent a letter to the Respondent, via first-class mail, notifying it that the time to accept the written Offer of Settlement had expired and, therefore, a final adjudication hearing would be held on October 21, 2022. Said letter contained a separate written notice of final adjudication hearing providing the information required in Ark. Code Ann. § 25-15-208(a)(2).

13. The Respondent did not appear at the final adjudication hearing which was held during the Commission's confidential session on October 21, 2022. 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
- Exhibit "2" - Written Offer of Settlement
- Exhibit "3" - Letter notifying Respondent that the time deadlines in this case had been extended by sixty (60) days, in accordance with Ark. Code Ann. § 7 6 218(b)(5)(A)(iii)
- Exhibit "4" - Letter accompanying Notice of Final Adjudication Hearing and Notice of Final Adjudication Hearing

- Exhibit “5” - Final action letter dismissing Case No. 2021-CO-008
- Exhibit “6” - Affidavit of non-filing of the Arkansas Ethics Commission

15. In the Affidavit introduced as Exhibit “6”, Tanita Womack, of the Arkansas Ethics Commission, verified that the Respondent had not yet filed any monthly BQC financial reports or a final BQC financial report.

16. 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 Lopez and seconded by Commissioner Pitts to find the Respondent in this case: (i) violated Ark. Code Ann. § 7-9-409 by failing to file any BQC financial reports despite meeting the five hundred dollar (\$500.00) threshold for reporting; (ii) shall be issued a Public Letter of Caution, fined two hundred fifty dollars (\$250.00), and ordered to file a report of all its contributions and expenditures; and (iii) shall file the report and pay the fine within thirty (30) days. The motion passed by a vote of 3-0, with Commissioner Johnson not voting (since she attended the hearing electronically and was not physically present) and Commissioner Irby not present.


17. The Respondent committed a violation of Ark. Code Ann. § 7-9-409 by failing to file any BQC financial reports despite meeting the five hundred dollar (\$500.00) threshold for reporting.

18. With respect to the Respondent’s violation of Ark. Code Ann. § 7-9-409, the Commission found that a Public Letter of Caution shall be issued, that a fine of two hundred fifty dollars (\$250.00) 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 report of all its contributions and expenditures within thirty (30) days from the entry of this Order.

**IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED** by the Commission that the Respondent, Arkansans for a Unified Natural State, shall be found to have violated Ark.

Code Ann. § 7-9-409 by failing to file any BQC financial reports despite meeting the five hundred dollar (\$500.00) threshold for reporting; that the Respondent shall be issued a Public Letter of Caution; that the Respondent shall be fined two hundred fifty dollars (\$250.00), 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 report of all its contributions and expenditures within thirty (30) days from the entry of this Order.

**IT IS SO ORDERED** this 31st day of October, 2022.

  
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LORI KLEIN, Chairman  
Arkansas Ethics Commission