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AUG 15 2023

BEFORE THE ARKANSAS ETHICS COMMISSION

ARKANSAS ETHICS
COMMISSION

BY

WFS

In Re: LONNY GOODWIN
Respondent

Case No. 2022-CO-097

FINAL ORDER

Came for a final adjudication hearing on July 21, 2023, the complaint filed in this case against the Respondent, Lonny Goodwin, 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 Senate - District 4 during the 2022 election cycle.

3. The Commission is charged with enforcing Ark. Code Ann. § 7-6-207(a) which provides 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:

(A) For each quarter during a calendar year in which a candidate is not listed on any ballot for election, a quarterly report of all contributions received and expenditures made during that quarter. The quarterly report shall be filed no later than fifteen (15) days after the end of each quarter;

(B) Beginning with the month of January of a calendar year in which a candidate may be listed on any ballot for election, a monthly report of all contributions received and expenditures made during that month. However, for any month in

which certain days of that month are included in a preelection report required under subdivision (a)(1)(C) of this section or a final report required under subdivision (a)(1)(D) of this section, no monthly report for that month shall be due. In the case of a primary or runoff election, those days of the month occurring after the date of the election shall be carried forward and included in the next monthly report. The monthly report shall be filed no later than fifteen (15) days after the end of each month, except that the final report, covering the month during which an election is held, shall be filed within thirty (30) days after the end of the month in which the last election is held at which the candidate seeks nomination and after the end of the month in which the general election is held. With respect to a special election, the candidate shall file monthly reports under this section beginning with the month in which the special election candidate's total campaign contributions or expenditures exceed five hundred dollars (\$500);

(C) No later than seven (7) days prior to any preferential primary election, runoff election, general election, or special election in which the candidate's name appears on the ballot, a preelection report of all contributions received and expenditures made between the period covered by the previous report and the period ten (10) days before the election. In case of a runoff election, the report shall cover all contributions received and expenditures made during that period of time that begins after the date of the election from which the runoff arose and ends ten (10) days before the runoff election;

(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);

(E)(i) No later than thirty (30) days after the end of the month in which the candidate has withdrawn, a final report of all contributions received and expenditures made that have not been disclosed on reports previously required to be filed.

(ii) If a candidate withdraws from the campaign, the candidate shall notify the Secretary of State in writing of the withdrawal; and

(F) If a candidate keeps remaining campaign funds after an election, the candidate shall continue filing the reports required by this subsection.

(2) Upon receiving the first report from any candidate, or upon receipt of the candidate's notice of filing for office, the Secretary of State shall provide the candidate with information on the deadlines for filing remaining quarterly,

monthly, and preelection reports and shall furnish each candidate with the appropriate instructions for complying with the deadlines.

(3) A report is timely filed if it is filed in electronic form through the official website of the Secretary of State on or before the date that the report is due.

4. The Commission is also charged with enforcing Ark. Code Ann. § 7-6-228(c)

which provides as follows:

(c)(1)(A) Campaign signs, campaign literature, and other printed campaign materials shall clearly contain the words “Paid for by” followed by the name of the candidate, committee, or person who paid for the campaign sign, campaign literature, or other printed campaign materials.

(B) The candidate printing the campaign sign, campaign literature, or other printed campaign materials shall be responsible for including the language required by subdivision (c)(1)(A) of this section.

(2) Subdivision (c)(1)(A) of this section applies only to campaign signs, campaign literature, and other printed campaign materials created by or sponsored by a political candidate, the campaign of a political candidate, a political action committee, or an independent expenditure committee.

5. On November 7, 2022, the Commission received a complaint against the Respondent in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle. Briefly restated, the essential allegations of the complaint are as follows:

(a) The Respondent failed to file required quarterly/monthly Campaign Contribution and Expenditure (“C&E”) reports.

(b) The Respondent failed to include the necessary “paid for by” disclaimer on his campaign materials.

6. On November 9, 2022, 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. Ark. Code Ann. § 7-6-207(a) and/or Ark. Code Ann. § 7-6-228(c) in his capacity as a candidate

for State Senate - District 4 during the 2022 election cycle by failing to file required C&E reports and by failing to include the necessary “paid for by” disclaimer on his campaign materials.

7. On November 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 November 21, 2022.

8. On May 9, 2023, 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 May 19, 2023, for purposes of determining whether or not probable cause existed for the finding of a violation.

9. On May 19, 2023, the Commission sent the Respondent a letter, via first-class mail, to notify him that the 210 days within which the Ethics Commission is required to complete its investigation and take final action on a complaint and the 240 days within which the Ethics Commission is required to conduct a public or final adjudication hearing and take final action on a complaint were both being extended by sixty (60) days.

10. On May 19, 2023, the Commission considered the results of staff’s investigation and found, by a vote of 4-0, with Commissioner Irby not present, that probable cause existed for finding that the Respondent violated Ark. Code Ann. § 7-6-207(a) in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle by failing to timely file two (2) C&E reports and Ark. Code Ann. § 7-6-228(c) in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle by failing to include the necessary “paid for by” disclaimer on his printed campaign materials.

11. On May 19, 2023, the Commission sent the Respondent a letter, via first-class mail, which notified 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 imposition of a fifty dollar (\$50.00) fine.

12. Pursuant to the terms of the written Offer of Settlement, the Respondent had ten (10) days to either sign and return the offer or request a public hearing. The written Offer of Settlement went on to state in the event that he did neither of those things, this matter would proceed to a final adjudication hearing.

13. On July 11, 2023, 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 21, 2023. 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 July 21, 2023. 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" - Letters to the Respondent and to the Complainant notifying them 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 "3" - Written Offer of Settlement
- Exhibit "4" - Transmittal letter to Respondent and enclosed Notice of Final Adjudication Hearing

- Exhibit “5” - Respondent’s signature card, the Secretary of State’s Acceptance of Registration, and Respondent’s C&E reports filed with the Secretary of State
- Exhibit “6” - The Commission’s 2022 Reporting Calendar for Candidates for State or District Office
- Exhibit “7” - Photographs of Respondent’s push card and banner

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 Johnson and seconded by Commissioner Lopez to find (i) that the Respondent, in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle, violated Ark. Code Ann. § 7-6-207(a) by failing to timely file two (2) C&E reports for the 2022 election cycle and Ark. Code Ann. § 7-6-228(c) by failing to include the required “paid for by” disclaimer on his printed campaign materials; and (ii) that as sanctions for those violations, the Respondent be issued a Public Letter of Caution and be fined fifty dollars (\$50.00).

The foregoing motion passed by a vote of 3-0, with Commissioner Irby not voting since he attended the hearing electronically and was not physically present and Commissioner Pitts not present.


17. The Respondent committed a violation of Ark. Code Ann. § 7-6-207(a) by failing to timely file two (2) C&E reports for the 2022 election cycle in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle. The Respondent filed his September monthly C&E report on November 18, 2022, making it thirty-two (32) days late. The Respondent filed his preelection C&E report on November 18, 2022, making it seventeen (17) days late.

18. The Respondent committed a violation of Ark. Code Ann. § 7-6-228(c) by failing to include the required “paid for by” disclaimer on his printed campaign materials in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle.

19. With respect to the Respondent's violation of Ark. Code Ann. § 7-6-207(a) and Ark. Code Ann. § 7-6-228(c), the Commission found that a Public Letter of Caution shall be issued and that a fine of fifty dollars (\$50.00) shall be imposed and be due and payable within thirty (30) days from the entry of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Lonny Goodwin, shall be found to have violated Ark. Code Ann. § 7-6-207(a) and Ark. Code Ann. § 7-6-228(c) in his capacity as a candidate for State Senate - District 4 during the 2022 election cycle by failing to timely file two (2) C&E reports for the 2022 election cycle (i.e., his September monthly C&E report and his preelection C&E report) and by failing to include the required "paid for by" disclaimer on his printed campaign materials; that the Respondent shall be issued a Public Letter of Caution; and that the Respondent shall be fined fifty dollars (\$50.00), with that amount due and payable within thirty (30) days from the entry of this Order.

IT IS SO ORDERED this 15th day of August, 2023.



SCOTT IRBY, Chairman
Arkansas Ethics Commission