

FILED

JUL 27 2016

BEFORE THE ARKANSAS ETHICS COMMISSION

ARKANSAS ETHICS
COMMISSION
BY 

Case No. 2016-CO-022

**In Re: Brad Judd
Respondent**

FINAL ORDER

Came for a final adjudication hearing on July 22, 2016, the complaint filed in this matter against the Respondent, Brad Judd, 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. At all times relevant to this case, the Respondent was a candidate for Hempstead County Judge during the 2016 election cycle.
3. Pursuant to Ark. Code Ann. § 21-8-701(c)(1)(A), candidates for elective office during the 2016 election cycle were required to file a written Statement of Financial Interest (“SFI”) for calendar year 2014, by no later than November 16, 2015. The Respondent filed a SFI for calendar year 2014 on June 3, 2016, making it two hundred (200) days late.
4. Pursuant to Ark. Code Ann. § 21-8-705(a), candidates for elective office during the 2016 election cycle were required to file a written SFI for calendar year 2015, by no later than February 1, 2016. The Respondent filed a SFI for calendar year 2015 on February 29, 2016, making it twenty-eight (28) days late.

5. In accordance with Ark. Code Ann. § 21-8-703(a)(1), the SFI of a candidate for County Judge is required to be filed with the County Clerk.

6. In accordance with Ark. Code Ann. § 7-6-209, a candidate for county office is required to file certain campaign contribution and expenditure (“C&E”) reports with the county clerk. Pursuant to Ark. Code Ann. § 7-6-209(a), such a candidate is required to file a Final C&E Report no later than thirty (30) days after the end of the month in which the candidate’s name has appeared on the ballot.

7. In accordance with Ark. Code Ann. § 7-6-209(a), the Respondent was required to file a Final C&E Report for the 2016 primary election on or before May 2, 2016. The Respondent filed a Final C&E Report for the 2016 primary election on June 3, 2016, making it thirty-two (32) days late.

8. On March 7, 2016, the Commission received a complaint against the Respondent based upon his apparent failure to file SFIs for calendar years 2014 and 2015 and C&E Reports for the 2016 primary election all in his capacity as a candidate for Hempstead County Judge during the 2016 election cycle. As previously stated, the Respondent made the required filings thus becoming a late filer instead of a non-filer.

9. On March 31, 2016, 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 (i) Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to file a SFI for calendar year 2014, (ii) Ark. Code Ann. § 21-8-705 by failing to file a SFI for calendar year 2015, and (iii) Ark. Code Ann. § 7-6-209(a) by failing to file C&E Reports all in connection with the 2016 election cycle.

10. On April 15, 2016, staff presented the preliminary results of its investigation to the Commission and was instructed to complete the investigation. The Respondent was notified of the Commission's decision by letter dated April 19, 2016, which was sent by first class mail.

11. On May 10, 2016, the Respondent was notified by letter, via first class mail, that the matter would be presented to the Commission at its regular monthly meeting on May 20, 2016, for the purpose of determining whether or not probable cause existed for the finding of a violation.

12. On May 20, 2016, 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 (i) Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to file a SFI for calendar year 2014, (ii) Ark. Code Ann. § 21-8-705 by failing to timely file a SFI for calendar year 2015, and (iii) Ark. Code Ann. § 7-6-209(a) by failing to file a Final C&E Report all in connection with the 2016 election cycle.

13. On May 23, 2016, 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 a \$250 fine, and requiring that the Respondent file the disclosure forms 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 July 12, 2016, 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 22, 2016. 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 on July 22, 2016. Said hearing was conducted in accordance with Ark. Code Ann. § 25-15-213.

16. Upon considering the evidence presented at the hearing, the Commission found, by a vote of 4-0, with Commissioner Trusty not present, that the Respondent violated (i) Ark. Code Ann. § 21-8-701(c)(1)(A) by failing to timely file a SFI for calendar year 2014, (ii) Ark. Code Ann. § 21-8-705 by failing to timely file a SFI for calendar year 2015, and (iii) Ark. Code Ann. § 7-6-209(a) by failing to timely file a Final C&E Report all in connection with the 2016 election cycle.

17. With respect to said violation, the Commission determined that the Respondent should be issued a Public Letter of Caution and fined \$250. Said fine is due no later than thirty (30) days from the date of this Order.

IT IS, THEREFORE, CONSIDERED, DECIDED and ORDERED by the Commission that the Respondent, Brad Judd, shall be issued a Public Letter of Caution and is hereby fined \$250 for (i) failing to timely file a SFI for calendar year 2014, (ii) failing to timely file a SFI for calendar year 2015, and (iii) failing to timely file a Final C&E Report in his capacity as a candidate for Hempstead County Judge during the 2016 election cycle, and that said fine shall be paid within thirty (30) days from the date of this Order.

IT IS SO ORDERED this 22 day of July, 2016.



ROBERT McCORMACK, Chairman
Arkansas Ethics Commission