

ARKANSAS ETHICS COMMISSION

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June 20, 2014

Hon. Mike Maggio
Circuit Judge
Twentieth Judicial Circuit - Division 2
Faulkner County Courthouse
801 Locust Street
Conway, Arkansas 72034

Re: Case No. 2014-CO-015

Dear Judge Maggio:

On March 27, 2014, the Ethics Commission sent you a letter containing a copy of the citizen complaint filed against you in the above-referenced case. In that letter, you were notified that an investigation was being commenced regarding the issues of whether or not, in connection with your campaign for the Arkansas Court of Appeals during the 2014 election cycle, you violated (i) Ark. Code Ann. § 7-6-203(a) by accepting campaign contributions in excess of two thousand dollars (\$2,000) per election from any person, and/or (ii) Ark. Code Ann. § 7-6-203(e) by accepting a campaign contribution from a prohibited political action committee.

Please be advised that the results of staff's investigation were presented to the Commission for a determination concerning probable cause at the Commission meeting held on today's date. At that time, the Commission decided, by a vote of 4-0 (with Commissioner Bird not present), that probable cause exists for finding that you violated (i) Ark. Code Ann. § 7-6-203(a) by accepting campaign contributions in excess of two thousand dollars (\$2,000) per election from any person.

In making this finding of probable cause, the Commission was mindful that Rule 4.1 of the Code of Judicial Conduct prohibits a judicial candidate from personally being involved in soliciting or accepting campaign contributions other than through a campaign committee. However, Rule 4.4 provides that a judicial candidate is not relieved from ensuring that his or her campaign committee complies with the applicable campaign finance laws.

Evidence gathered during the course of the investigation reflected that your campaign committee accepted a contribution from the Thomas Group PAC for \$250, the Go Good Government PAC for \$250, and the DBH2 PAC for \$1,000, after it had already accepted \$2,000 from each of these three PACs. These second contributions were all in excess of the \$2,000 contribution limit. In total, in the evidence reflected that your campaign committee received a total of \$1,500 in excessive contributions from these three (3) PACs. The evidence also reflected that these excessive contributions have since been returned.

With regard to possible contributions from Prohibited PACs, evidence gathered during the course of the investigation further reflected that the PACs which contributed to your campaign were all registered before you accepted contributions from them. Moreover, evidence gathered indicated that the DBH2 PAC did not accept more than \$5,000 from any person in a calendar year and the reporting of an \$8,000 contribution to the PAC on its Quarterly Report for the 3rd Quarter of 2013 was made in error.

In accordance with Section VI (15) of the Commission's Rules of Practice and Procedure, the Commission is hereby issuing you this written Offer of Settlement. The proposed sanction is the issuance of a Public Letter of Caution and the imposition of a fine in the amount of \$750.00. Payment of the fine shall be due within thirty (30) days of the date of your acceptance of this offer.

By signing the written Offer of Settlement, you are agreeing that the Commission make a finding that you violated Ark. Code Ann. § 7-6-203(a) in connection with your campaign for the Arkansas Court of Appeals during the 2014 election cycle by accepting campaign contributions in excess of two thousand dollars (\$2,000) per election from the Thomas Group PAC, the Go Good Government PAC, and the DBH2 PAC.

Pursuant to Section VI (16) of the Commission's Rules of Practice and Procedure, you have ten (10) days from the date of this letter to accept this Offer of Settlement in writing. To do so, you will need to sign this letter in the space provided below and return it to the Commission either in person or by United States mail. A faxed copy of this Offer of Settlement will not suffice.

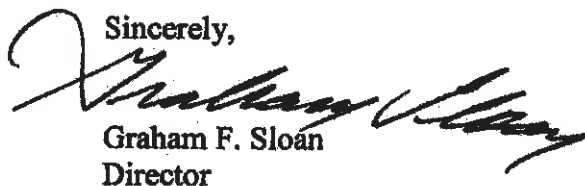
As expressly recognized in the Commission's Rules of Practice and Procedure, the issuance of this Offer of Settlement does not mean that the Commission has found that you committed a violation but rather that probable cause has been found to exist. Please be advised that acceptance of this Offer of Settlement shall be the equivalent of a final adjudication in which the Commission made a finding of a violation and shall constitute final action for purposes of judicial review under the Administrative Procedure Act. Moreover, pursuant to Ark. Code Ann. § 25-19-105(f), an accepted Offer of Settlement is a public document.

You are not required to accept this Offer of Settlement. In lieu of accepting this Offer of Settlement, you have the right to request a public hearing before the Ethics Commission. The request must be in writing and received by the Commission no later than ten (10) days from the date of this letter. If sent by United States mail, the postmark of the request shall be used as the effective date.

If you neither accept this Offer of Settlement nor request a public hearing before the Commission, then this matter will proceed to a final adjudication hearing. You will be given written notice of the place, date, and time of said hearing. In the event a public hearing or final adjudication hearing is conducted and a violation is found, the Commission will not be bound by the terms of this offer.

If you or your attorney, Lauren Hamilton, should have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,



Graham F. Sloan
Director

ACCEPTED BY:



Judge Mike Maggio

Date: 6/25/14

cc: Lauren Hamilton, Attorney at Law