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THE SENATE
STATE OF ARKANSAS

CHAIR:
JOINT RETIREMENT & SOCIAL SECURITY

MEMBER:
JOINT AUDIT
JOINT BUDGET
INSURANCE & COMMERCE
PUBLIC HEALTH, WELFARE & LABOR

July 11, 2022

Jimmy Hickey, Jr.
President Pro Tempore
3216 East 35th Street
Texarkana, Arkansas 71854

Senator Hickey,

As you are aware, the Senate Ethics Committee met June 22, 2022, to commence its investigation of the petition filed by you regarding possible violations of the Senate's Code of Ethics by Senator Alan Clark, as required by Senate Rule 24.09(b). The Committee met over the course of several days and adopted findings and recommendations regarding the petition on Monday, June 27, 2022.

Senate Rule 24.10(e) requires that "Within twenty (20) calendar days of the conclusion of its hearing, the committee shall provide a written copy of its findings and recommendations to the President Pro Tempore for consideration by the full Senate." In accordance with this requirement, I have attached for your use and information the Senate Ethics Committee's Findings and Recommendations regarding the Petition against Senator Alan Clark, which includes the following:

- Written report of Senate Ethics Committee findings and recommendations;
- Exhibits A.1-A.4; and
- Exhibits B.1.-B.9.

Please let me know if you have any questions or concerns regarding the attached documents.

Sincerely,

A handwritten signature in blue ink that reads "Kim Hammer".

Senator Kim Hammer, Chair
Senate Ethics Committee

Senate Ethics Committee
Report to the Senate of the Ninety-Third General Assembly

Findings and Recommendations: *Sen. Jimmy Hickey, Jr. Petition of Ethical
Violation Allegations against Sen. Alan Clark*

To: Senator Jimmy Hickey, Jr.,
President Pro Tempore of the Senate

Ms. Ann Cornwell,
Secretary of the Senate

I. Senate Ethics Committee Investigation and Hearing Procedure.

On Wednesday, June 15, 2022, Senator Jimmy Hickey, Jr. filed a petition alleging violations of Senate Ethics Rule 24.03 and Rule 24.06(1)(c) by Senator Alan Clark. The petition was provided to Senator Alan Clark, as the respondent to the ethics petition, and to Ms. Ann Cornwell, as the Secretary of the Senate, in accordance with the requirements of Senate Rule 24.09(b).

Senator Kim Hammer, Chair, called a meeting of the Senate Ethics Committee on Wednesday, June 22, 2022, at 9:00 a.m., in Room 309 of the State Capitol Building to commence its investigation of the petition and hold a hearing, as required under Senate Rule 24.09(b). Senator Joyce Elliott, Vice-Chair, was unable to attend the first two (2) days of the Committee's proceedings and therefore did not participate in any of the investigation hearings due to her initial absence. Senator Missy Irvin participated in the hearings via Zoom. Senator Mark Johnson, as the Respondent to one of the petitions being taken up by the Committee, was prohibited from serving on the Committee under Senate Rule 24.09(c). Senator David Wallace was selected as Senator Mark Johnson's replacement on the Committee by the Senate Rules Committee, in accordance with Senate Rule 24.09(c)(ii).

Following opening remarks by Senator Hammer on June 22, 2022, regarding the purpose of the meeting and the procedure to be followed, a determination was made by the chair to go into executive session pursuant to Senate Rule 24.08(5). The public was dismissed from the room at that time.

The Committee heard testimony from both Senator Jimmy Hickey, Jr. and Senator Alan Clark, and asked questions of both parties. In addition, the Committee heard from the following witnesses called by Senator Hickey: Senator Bart Hester, Chair, Senate Efficiency Committee (via Zoom); Ms. Ann Cornwell, Director/Secretary of the Senate; and Ms. Leigh Ann Golden-Smith, Senate Constituency Services Office. Both parties and all witnesses were placed under oath. Senator Hickey, Senator Clark, and members of the Committee asked questions of the witnesses. The Committee heard closing statements and conducted extensive deliberations following the hearing on June 22 and again on Monday, June 27, 2022.

Attached for your information are the following exhibits, which were provided to the Committee members for their consideration during the hearing and deliberation process:

- Exhibit A.1., June 15, 2022 Petition, filed by Sen. Hickey;
- Exhibit A.2., June 16, 2022 letter from Sen. Hammer to the Senate Ethics Committee;
- Exhibit A.3., June 16, 2022 letter from Sen. Hammer to Sen. Hickey;
- Exhibit A.4., June 16, 2022 letter from Sen. Hammer to Sen. Clark;
- Exhibit B.1., Text Exchange between Sen. Hickey and Sen. Hester¹;
- Exhibit B.2., Text Exchange between Sen. Hickey and Ann Cornwell;
- Exhibit B.3., Email from Ann Cornwell to Sen. Hickey including Senate staff written statements;
- Exhibit B.4., Documentation related to Appointment and Reimbursement of Arkansas Boys State members, including: Member appointment letter; Boys State and Girls State Committee Rosters; June 3, 2022 Boys State Sign-in Sheets; and a memo from Ms. Cornwell regarding the practice for Senate reimbursement of per diem and mileage for Girls State and Boys State members;
- Exhibit B.5., June 20, 2022 Email from Sen. Alan Clark, Response to Ethics Complaint;
- Exhibit B.6., Memo from Ms. Ann Cornwell, Secretary of the Senate, to the Senate Ethics Committee regarding the cover language on the per diem and mileage sign-in sheet;
- Exhibit B.7., Sen. Alan Clark's signed 2022 Ethics Acknowledgement Form;
- Exhibit B.8., Sign-in Sheet, Legislative Joint Auditing, City/County Subcommittee Meeting, June 2, 2022; and
- Exhibit B.9., Senator Hickey Witness List.

Upon conclusion of the hearing procedure and committee deliberations, the public was allowed to reenter the meeting room, at which time Senator Hammer recognized Senator Mathew Pitsch for a motion. Senator Pitsch's motion was as follows:

In response to a petition filed with the Senate Ethics Committee, pursuant to Rule 24, on June 15, 2022, by Senator Jimmy Hickey, Jr., the Committee finds that Senator Alan Clark, in his written and oral testimony, admitted he did not attend the Boys State meeting on June 3, 2022, and that he knowingly sought reimbursement from public funds by requesting another Senator sign his name on the sign-in sheet for that meeting. As such, the Committee finds that Senator Clark violated:

- *Senate Rule 24.03, as it relates to failure to comply with statutory provisions of Arkansas Code § 10-2-212 and § 10-2-217; and*
- *Senate Rule 24.06(1)(c).*

As a result of these findings, the committee recommends the following penalties:

- *A letter of reprimand be issued to Senator Clark by the Senate;*
- *Senator Clark shall be removed from any committee chair or vice-chair positions that he currently holds for the remainder of the 93rd General Assembly;*

¹ Testimony provided by both Sen. Bart Hester and Sen. Jimmy Hickey, Jr. verified that any reference to "AC" in the text exchange is referring to Sen. Alan Clark, and any reference to "MJ" in the text exchange is referring to Sen. Mark Johnson.

- *Senator Clark shall not be eligible for per diem and mileage for attendance at interim committee meetings for the remainder of the 93rd General Assembly; and*
- *Senator Clark should not be considered by future President Pro Tempores of the Senate for appointment to serve in the future on Boys State, Girls State, or the Senate Ethics Committee.*

I move that these findings and recommendations be adopted by this committee to be included in a written report to be submitted to the President Pro Tempore of the Senate in compliance with Senate Rule 24.10 for consideration by the full Senate; and that the Committee shall meet again to approve the final report.

Senator Pitsch’s motion was seconded by Senator Dan Sullivan. Senator Stephanie Flowers then made a substitute motion that in addition to the penalties stated in Senator Pitsch’s motion, the committee include as a penalty loss of seniority for Senator Clark in its recommendations to the Senate. The substitute motion did not receive a second, and so the Committee returned to Senator Pitsch’s original motion, which passed unanimously by voice vote.

The Committee convened again on Tuesday, July 5, 2022, to review the language of a draft report of its findings and recommendations to the Senate. The Committee instructed staff on final revisions to the draft document and voted to authorize Senator Hammer, as chair, to approve the final version of the report with those revisions and to release the report to Senator Jimmy Hickey, Jr., President Pro Tempore of the Senate of the Ninety-Third General Assembly.

This report is submitted to the Senate of the Ninety-Third General Assembly of the State of Arkansas in accordance with Senate Rule 24.10(f):

“Within twenty (20) calendar days of the conclusion of its hearing, the committee shall provide a written copy of its findings and recommendations to the President Pro Tempore for consideration by the full Senate. The report of the committee shall include recommendations regarding penalties to be imposed on the respondent, if any. The findings of the committee are not binding on the Senate, but are merely recommendations.”

II. Senate Ethics Committee Findings.

A. Findings of Fact.

The Senate Ethics Committee finds:

1. Boys State 2022 was held at the State Capitol Building on Friday, June 3, 2022. The Boys State Senate met in the Senate Chamber beginning at 9:00 a.m. and concluded when the presiding officer gavelled out at 11:32 a.m. Senator Mark Johnson and Senator Alan Clark were both members of the Boys State Committee for the Ninety-Third General Assembly. (See, Exhibit B.4., pp.1-3, regarding Senate appointments to Arkansas Boys State 2022)

2. At the end of the chamber proceedings on June 3, 2022, Senator Mark Johnson approached Senate staffer, Ms. Leigh Ann Golden-Smith, and asked for the Senator sign-in sheets. Because she had observed Senator Mark Johnson signing the sheet earlier in the day, Ms. Golden-Smith asked if he had already signed in. "Senator Mark Johnson said he wanted to sign in on behalf of his friend Senator Alan Clark, who he said was not at the Capitol today." Ms. Golden-Smith advised Senator Mark Johnson the sign-in sheets were no longer near the line desk and recommended he speak with Ms. Sabrina Lewellen or Ms. Ann Cornwell. (See, Exhibit B.3., p.4, Written Statement of Ms. Leigh Ann Golden-Smith, June 6, 2022)
3. Senator Mark Johnson approached Senate staffer, Ms. Sabrina Lewellen, and asked her if the sheets in her hand were the sign-in sheets and stated that he needed to sign for Senator Clark. Ms. Lewellen replied, "Sir, do you mean Senator Clarke Tucker? He was here earlier and has signed in already." Senator Mark Johnson replied, "No. Alan Clark." (See, Exhibit B.3., p.3, Written Statement of Ms. Sabrina Lewellen, June 3, 2022)
4. Ms. Lewellen responded, "I didn't see him today. Could he have signed in at Audit?" Senator Mark Johnson took the sheet, and Ms. Lewellen observed Senator Mark Johnson sign Senator Alan Clark's name on the sign-in sheet. Senator Mark Johnson then said, "He forgot to sign in." Senator Mark Johnson then walked away. (See, Exhibit B.3., p.3)
5. Ms. Lewellen walked up to Senate staffer, Ms. Lesley Rogers, and said, "I did not see Senator Alan Clark today. Did you see him?" Ms. Rogers said, "No, ma'am. I did not." Ms. Lewellen exited the Senate Chamber and handed Senate staffer, Ms. Ann Cornwell, all of the sign-in sheets for Friday, June 3, 2022. Ms. Lewellen advised Ms. Cornwell that Senator Mark Johnson had signed in for Senator Alan Clark, but that none of the Senate staff observed him in the chamber. (See, Exhibit B.3., p.3)
6. Ms. Cornwell approached Senator Bart Hester, Senate Efficiency Chair, as he was leaving the chamber to make him aware she just received a sign-in sheet showing a signature for Senator Alan Clark. However, she was informed that Senator Mark Johnson had signed Senator Alan Clark's name and it did not have the required signature of the acting Boys State Chair.
7. After discussion, Senator Bart Hester, directed Ms. Cornwell not to pay Senator Alan Clark for the Boys State proceedings on Friday, June 3, 2022. (See, Exhibit B.4., p.5, Arkansas Senate Sign-In Sheet for Boys State Meeting, June 3, 2022)
8. The afternoon of Friday, June 3, 2022, Senator Bart Hester, contacted Senator Jimmy Hickey, Jr., President Pro Tempore of the Senate, regarding this matter. Senator Jimmy Hickey, Jr. concurred with Senator Hester that Senator Alan Clark should not be compensated for the June 3, 2022 meeting. (See, Exhibit B.1., Text Exchange between Sen. Jimmy Hickey, Jr. and Sen. Bart Hester, June 3, 2022)
9. On Friday evening, June 3, 2022, Senator Bart Hester advised Senator Jimmy Hickey, Jr. that he called Senator Alan Clark. Senator Alan Clark told Senator Bart Hester that he

“woke up sick and could not attend” the Boys State meeting on June 3, 2022, and he asked Senator Mark Johnson to sign his name on the sign-in sheet for that meeting. (See, Exhibit B.1., p.3.)

10. On Monday, June 6, 2022, Senator Jimmy Hickey, Jr. contacted Ms. Ann Cornwell and advised her in writing not to pay Senator Alan Clark. (See, Exhibit B.2., Text Exchange between Sen. Jimmy Hickey, Jr. and Ms. Ann Cornwell, June 6, 2022)
11. Due to Senator Hickey’s and Senator Hester’s directions to Senate staff, Senator Clark was not paid any per diem or mileage by the Senate for the June 3, 2022 Boys State meeting.
12. In both his written statement to the Senate Ethics Committee and in his oral testimony to the Committee, Senator Clark stipulated to all of the allegations in the petition filed by Senator Jimmy Hickey, Jr. (See, Exhibit B.5., Sen. Alan Clark, Response to Ethics Complaint, June 20, 2022)
13. Senator Clark stated in both his written and oral testimony to the Committee that he did not attend the Boys State meeting in the Senate chamber on Friday, June 3, 2022. (See, Exhibit B.5.)
14. Senator Clark stated in both his written and oral testimony to the Committee that he did ask Senator Mark Johnson to sign his name on the sign-in sheet for the meeting. (See, Exhibit B.5.)
15. In addition to the facts alleged in the petition and stipulated to by Senator Clark, Senator Clark stated in both his written and oral testimony to the Committee that on June 2, 2022, he attended a Legislative Joint Auditing Committee meeting. The Committee finds that he signed in for that meeting to receive mileage and per diem for his attendance on June 2, 2022. Exhibit B.8., Legislative Audit City/County Subcommittee Sign-in Sheet; See also, Exhibit B.5., Senator Alan Clark, Response to Ethics Complaint, June 20, 2022.
16. In addition to the facts alleged in the petition and stipulated to by Senator Clark, as set forth as numbers 1-10 of the Committee’s findings, above, Senator Clark stated in both his written and verbal testimony that on June 3, 2022, he attended a meeting at the Republican Party of Arkansas offices at noon, and then went to lunch “with Senator Sullivan and someone else” after the meeting. Exhibit B.5., p.3.
17. Senator Clark, like all members of the Senate of the Ninety-Third General Assembly, completed the Ethics Acknowledgement Form, affirming that he “received a copy of the aforementioned Senate Rule and the Senate Code of Ethics. I acknowledge and understand Senate Rule 24.14 and the Senate Code of Ethics. My signature below serves as my annual commitment to uphold the intent of Senate Rule 24.14 and the Senate Code of Ethics.” (See, Exhibit B.7., Sen. Alan Clark’s 2022 Ethics Acknowledgment Form)

B. Committee Analysis.

In both his written and oral testimony to the Committee, Senator Alan Clark provided the following justification for his decision to ask Senator Mark Johnson to sign the per diem and mileage sign-in sheet for him, even though Senator Clark did not attend the Boys State meeting in the Senate chamber on Friday, June 3, 2022:

Senator Clark stated that he was ill on June 3, 2022, but that he “had driven over here, spent the night for the express intent of attending the Boys State meeting I just as well go sign in. I had incurred the expenses. Whatever you might think of that, it was my thought. On occasion, members drive across town or from the 4 corners of the state, get caught in traffic and other obstructions, or meetings end early and they still sign in with permission of the chair. They traveled with the intent of attending the meeting. That is how it has been done. Had I done that we would not be here.” Exhibit B.5., p.2.

While Senator Clark stipulated to the ten (10) points submitted by Senator Hickey in his petition (*See, Exhibit A.1.*), Senator Clark in his written statement disagreed with the interpretation of those facts and whether they rose to the level of an ethical violation. In stipulating to the facts, Senator Clark also stated in writing that he did “not wish to put our staff through any more stress or anxiety over this.” Exhibit B.5., p.1.

The Committee did not find Senator Clark’s reasoning persuasive for the following reasons:

1. Senator Clark had attended the meeting of the Legislative Joint Auditing Committee’s City/County Subcommittee the previous day, Thursday, June 2, 2022, for which he received mileage and per diem. (*See, Exhibit B.8.*) The per diem and mileage reimbursement received for attendance at that meeting would have covered any expenses incurred by Senator Clark for his travels to Little Rock, and he stated that his decision to stay overnight was related to the onset of illness, which is a personal reason rather than a legislative reason;
2. Senator Clark stated in his written and oral testimony to the Committee that immediately following the end of the Boys State meeting, he attended another public meeting in downtown Little Rock for the Republican Party of Arkansas, and then went to lunch with at least one other legislator, indicating to the Committee members that the Boys State meeting alone, which he did not attend, was not his only purpose in being in Little Rock on that day (*See, Exhibit B.5.*);
3. Despite his statements that he did not wish to cause any anxiety to the Senate staff in relation to this matter, the act of asking another Senator to sign his name on the sign-in sheet precipitated the Staff’s involvement, placing them in the uncomfortable position of having to report to Senator Hester, the Senate Efficiency Chair, that they had witnessed a Senator signing Senator Clark’s name on the sign-in sheet when no staff member had observed Senator Clark in attendance at the meeting on June 3, 2022;
4. Senator Clark questioned in his written and oral testimony whether his actions rose to the level of an ethical violation; however, Senate staff testified to the Committee that they felt

duty-bound to report the action to Senate leadership for determination regarding handling of the issue;

5. Although Senator Clark was clear in his written and verbal testimony to the Committee that he did not wish to place Senate staff in a difficult position and intended, with his stipulation to the facts alleged in the petition, to remove the necessity of Senate staff participating in the Committee proceedings, when given the opportunity to question witnesses during the Committee's hearing on June 22, 2022, Senator Clark proceeded to cross-examine Senate staff. During this cross-examination, Senator Clark asked questions of staff that were unrelated to the staffs' written statements provided to the Committee, and instead placed staff in the position of having to attempt to interpret or define what it means to "attend" a meeting, by asking a staff member's opinion on whether a member could be considered to be in attendance if he or she was outside of the State Capitol building;
 6. The members of the Committee found this cross-examination and the responsive testimony of the Senate staff to be compelling. This exchange weighed heavily in the decision making of the Committee. The Committee found that the Senate staff members' testimony was substantiated through testimony and exhibits provided to the Committee; and
 7. Most importantly, Senator Clark stipulated to all allegations in the petition and stated in both his written and oral testimony that he did not attend the June 3, 2022 Boys State meeting in the Senate chamber for which he asked Senator Mark Johnson to sign him in. Although Senator Clark attempted to bring into question what it means to "attend" a meeting, Senator Clark's admissions that he never entered the State Capitol building throughout the entirety of the Boys State meeting on June 3, 2022, in no way qualifies as attendance.
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III. Senate Ethics Committee Recommendations.

As such, it is the recommendation of the Senate Ethics Committee to the Senate of the Ninety-Third General Assembly that the Senate of the Ninety-Third General Assembly of the State of Arkansas concur in and uphold the recommendations of its Senate Ethics Committee, as follows:

A. Senate Code of Ethics Violations.

1. The Senate Ethics Committee finds that Senator Alan Clark violated Senate Rule 24.03, and recommends that the Senate of the Ninety-Third General Assembly of the State of Arkansas find Senator Clark to be in violation of the Senate's Code of Ethics with regard to Rule 24.03, which reads as follows:

24.03 Compliance with Law

Senators shall comply with all constitutional and statutory provisions relating to elected office. Violation of any constitutional or statutory provision shall be grounds for administering penalties as provided in the Code of Ethics. Any penalty imposed by the Senate shall not bar any other civil or criminal proceedings.

The Committee finds and recommends concurrence by the Senate that Rule 24.03 was violated due to Senator Clark's failure to comply with the following statutory provisions, as evidenced by the findings of fact, stated above, and the exhibits provided as attachments to this report:

- a. Arkansas Code §10-2-212, regarding per diem and mileage reimbursement for members of the General Assembly, states at subsection (c), "A member of the General Assembly shall not file with the House of Representatives or Senate claims for per diem or mileage reimbursement in excess of the maximum amount prescribed by law."
- b. Arkansas Code §10-2-217, regarding compensation for members of interim committees and for performance of other interim duties, provides "It is the intent of this section to establish uniform per diem and mileage allowances *for attendance by members* of the General Assembly at meetings of interim committees of the General Assembly and for performing other interim legislative duties as members of the General Assembly where authorized by law." Arkansas Code § 10-2-217(c) (emphasis added). "Other interim legislative duties as authorized by law" under Arkansas Code § 10-2-217(b)(2)(A) includes "Service by members of the General Assembly in connection with the legislative program of Boys State and Girls State, as authorized by § 10-2-121".

Conclusion: *Senator Clark did not attend the Boys State meeting on Friday, June 3, 2022, but attempted to collect per diem and mileage reimbursement for which he was not eligible under the law by asking another Senator to sign Senator Clark's name on the sign-in sheet for the meeting, in violation of Senate Rule 24.03, specifically with regard to the provisions of Arkansas Code § 10-2-212 and § 10-2-217.*

2. The Senate Ethics Committee finds that Senator Alan Clark violated Senate Rule 24.06(1)(c), and recommends that the Senate of the Ninety-Third General Assembly of the State of Arkansas find Senator Clark to be in violation of the Senate's Code of Ethics with regard to Rule 24.06(1)(c), which reads as follows:

24.06 Prohibited Conduct and Conflicts of Interest

It is the policy of the Senate that a Senator may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his or her duties in the public interest.

(1) A Senator shall not knowingly:

[. . .]

(c) Seek, accept, use, allocate grant, or award public funds for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement or travel allowances from public funds;

The Committee finds and recommends concurrence by the Senate that Senator Clark violated Senate Rule 24.06(1)(c), as evidenced by the findings of fact, stated above, and the exhibits provided as attachments to this report.

Conclusion: *By asking that his name be signed on the per diem and mileage sign-in sheet for the Boys State meeting on Friday, June 3, 2022, a meeting that he did not attend, Senator Alan Clark knowingly sought award of per diem and mileage reimbursement from public funds for which he was not eligible, in violation of Senate Rule 24.06(1)(c).*

B. Penalties.

Under Senate Rule 24.11, the Senate Ethics Committee may recommend the Senate take disciplinary action against a Senator found to be in violation of the Senate's Code of Ethics, and may recommend that the disciplinary action be carried out by imposing one or more of the following penalties:


- (a) Letter of caution;
- (b) Loss of committee assignment(s);
- (c) Loss of leadership assignment(s);
- (d) Loss of seniority;
- (e) Temporary suspension;
- (f) Expulsion;
- (g) Other measures to be determined by the members of the Senate.

The Committee, in discussing the range of penalties that it may recommend, specifically discussed the possibility of loss of seniority; however, following consultation with legal counsel regarding the issue of validity of a penalty that would extend beyond the Ninety-Third General Assembly, the Committee chose not to include this as a recommendation to the full Senate. The Senate Ethics Committee recommends that upon a determination by the Senate of the Ninety-Third General Assembly that Senator Alan Clark has violated the Senate Code of Ethics, the Senate impose the following penalties against Senator Clark:


- 1. A letter of reprimand be issued to Senator Clark by the Senate;***
- 2. Senator Clark shall be removed from any committee chair or vice-chair positions that he currently holds for the remainder of the 93rd General Assembly;***
- 3. Senator Clark shall not be eligible for per diem and mileage for attendance at interim committee meetings for the remainder of the 93rd General Assembly; and***

4. *Senator Clark should not be considered by a future President Pro Tempore of the Senate for appointment to serve in the future on Boys State, Girls State, or the Senate Ethics Committee.*

Respectfully Submitted,



Senator Kim Hammer,
Chair, Senate Ethics Committee



Senator Missy Irvin



Senator Stephanie Flowers



Senator Mathew Pitsch



Senator David Wallace



Senator Clarke Tucker



Senator Dan Sullivan

JIMMY HICKEY, JR.
PRESIDENT PRO TEMPORE

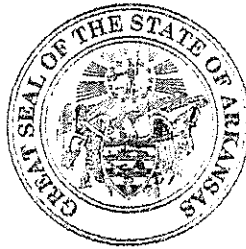
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MEMBER:
JOINT BUDGET
INSURANCE & COMMERCE
JOINT PERFORMANCE REVIEW
JOINT RETIREMENT & SOCIAL SECURITY
REVENUE & TAXATION

THE SENATE
STATE OF ARKANSAS

June 15, 2022

Senator Kim D. Hammer, Chairman
Senate Ethics Committee
Arkansas Senate
State Capitol Building, Room 320
Little Rock, Arkansas 72201

Dear Mr. Chairman:

In accordance with Senate Rule 24.09, I, Senator Jimmy Hickey, Jr., have good reason to believe that Senator Alan Clark has violated the Senate's Code of Ethics. I am formally petitioning the Senate Ethics Committee to meet to conduct an investigation. The Senate Code of Ethics provisions that I allege Senator Alan Clark has violated are listed below:

24.03 - Compliance with Law

Senators shall comply with all constitutional and statutory provisions relating to elected office. Violation of any constitutional or statutory provision shall be grounds for administering penalties as provided in the Senate Code of Ethics. Any penalty imposed by the Senate shall not bar any other civil or criminal proceedings.

24.06 - Prohibited Conduct and Conflicts of Interest

24.06 (1)(c) A Senator shall not knowingly: Seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement or travel allowances from public funds;

**Exhibit
A.1**

PAGE TWO

Petition – Senator Hickey

June 15, 2022

In accordance with Senate Rule 24.09, a description of the alleged unethical activities are:

1. Boys State 2022 was held at the State Capitol Building on Friday, June 3, 2022. The Boys State Senate met in the Senate Chamber from approximately 9:00 a.m. to 11:30 a.m. Senator Mark Johnson and Senator Alan Clark are both members of the Boys State Committee for the 93rd General Assembly.
2. At the end of the chamber proceedings, Senator Mark Johnson approached Senate staffer Ms. Leigh Ann Golden-Smith and asked for the senator sign-in sheets. Because she had observed him signing the sheet earlier during the day, she asked if he had already signed in. Senator Mark Johnson said he wanted to sign in on behalf of his friend Senator Alan Clark, who he said was not at the Capitol today. Ms. Golden-Smith advised Senator Mark Johnson the sign-in sheets were no longer near the line desk and recommended he speak with Ms. Sabrina Lewellen or Ms. Ann Cornwell.
3. Senator Mark Johnson approached Senate staffer Ms. Sabrina Lewellen, and asked her if the sheets in her hand were the sign-in sheets and that he needed to sign for Senator Clark. Ms. Lewellen replied, "Sir, do you mean Senator Clarke Tucker? He was here earlier and has signed in already." Senator Mark Johnson replied, "No. Alan Clark."
4. Ms. Lewellen responded, "I didn't see him today. Could he have signed in at Audit?" Senator Mark Johnson took the sheet and Ms. Lewellen observed Senator Mark Johnson sign Senator Alan Clark's name on the sign-in sheet. He then said, "He forgot to sign in." Senator Mark Johnson then walked away.
5. Ms. Lewellen walked up to Senate staffer Ms. Lesley Rogers and said, "I did not see Senator Alan Clark today. Did you see him?" Ms. Rogers said, "No ma'am I did not." Ms. Lewellen exited the Senate Chamber and handed Senate staffer Ms. Ann Cornwell all of the sign-in sheets for Friday, June 3, 2022. Ms. Lewellen advised her that Senator Mark Johnson had signed in for Senator Alan Clark, but that none of the Senate staff observed him in the chamber.
6. Ms. Cornwell approached Senator Bart Hester, Senate Efficiency Chairman, as he was leaving the chamber to make him aware she just received a sign-in sheet showing a signature for Senator Alan Clark. However, she was informed that Senator Mark Johnson had signed Senator Alan Clark's name and it did not have the required signature of the acting Boys State Chairman.
7. After discussion, Senate Efficiency Chairman Bart Hester directed Ms. Cornwell not to pay Senator Alan Clark for the Boys State proceedings on Friday.

PAGE THREE

Petition – Senator Hickey

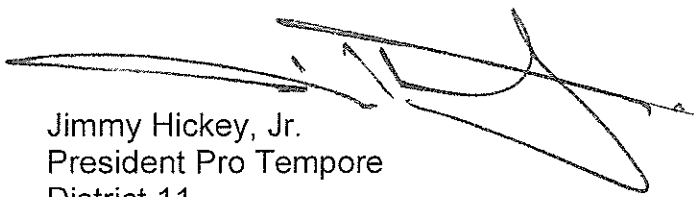
June 15, 2022

8. The afternoon of Friday, June 3, 2022, Senate Efficiency Chairman Bart Hester contacted Senator Jimmy Hickey, Jr. President Pro Tempore of the Senate regarding this matter. Senator Jimmy Hickey Jr. concurred with Senator Bart Hester that Senator Alan Clark should not be compensated.
9. On Friday evening, June 3, 2022, Senator Bart Hester advised Senator Jimmy Hickey Jr. that he called Senator Alan Clark. Senator Alan Clark told Senator Bart Hester he asked Senator Mark Johnson to sign his name.
10. On Monday, June 6, 2022, Senator Jimmy Hickey, Jr. contacted Ms. Ann Cornwell and advised her in writing not to pay Senator Alan Clark.

Per Senate Rule 24.01, the holding of public office is a public trust created by the confidence which the electorate places in the integrity of Senators who serve in the Arkansas Senate. Members of the Senate are expected to carry out their duties in a manner that brings honor and integrity to the body. Therefore, based on the aforementioned description of activities, Senator Alan Clark has violated Senate Rule 24.03 and 24.06(1)(c).

Per Senate Rule 24.09, this petition has been submitted to the respondent and the Secretary of Senate.

Respectfully,



Jimmy Hickey, Jr.
President Pro Tempore
District 11

KIM DAVID HAMMER

SENATOR
33RD DISTRICT
PHONE: 501-840-3841
kim.hammer@senate.ar.gov

1201 MILITARY ROAD PMB #285
BENTON, ARKANSAS 72015



THE SENATE
STATE OF ARKANSAS

CHAIR:
JOINT RETIREMENT & SOCIAL SECURITY

MEMBER:
JOINT AUDIT
JOINT BUDGET
INSURANCE & COMMERCE
PUBLIC HEALTH, WELFARE & LABOR

June 16, 2022

Senator Joyce Elliott, Vice-Chair, Senate Ethics Committee
Senator Stephanie Flowers
Senator Mathew Pitsch
Senator Dan Sullivan
Senator Clarke Tucker
Senator Dave Wallace
Senator Missy Irvin

Dear Member of the Senate Ethics Committee,

As the chair of the Committee, this letter is to inform you that on Wednesday, June 15, 2022, I was provided with two (2) allegations of violations of the Senate's Code of Ethics, in accordance with Rule 24.09 of the Senate Rules. The allegations were made by Senator Jimmy Hickey, Jr. ("Claimant") alleging violations of the Senate's Code of Ethics, specifically Senate Rule 24.03 – Compliance with Law, and Senate Rule 24.06(1)(c) – Prohibited Conduct and Conflicts of Interest, against Senator Alan Clark and Senator Mark Johnson ("Respondents").

Under Rule 24, consideration of allegations of a violation of the Senate's Code of Ethics are to be brought by filing a written petition, followed by an investigation and hearing in the Senate Ethics Committee (*See* Senate Rule 24.09). After the committee's investigation is concluded and a recommendation made to the Senate, the full Senate shall meet to vote on the recommendation of the committee (*See* Senate Rule 24.10). It is imperative that all allegations of violations of the Senate's Code of Ethics be taken seriously and treated in a uniform and consistent manner as set forth in the rules adopted by the Senate.

Senate Ethics Committee Hearing

As such, it is the obligation of the Senate Ethics Committee, under Rule 24.09(2), to meet to consider the allegations set forth in the petition "within ten (10) business days of receipt of the petition." ***By this letter, I am calling a meeting of the Senate Ethics Committee to consider Senator Hickey's allegations on Wednesday, June***

Exhibit

A.2

22, 2022 at 9:00 a.m. in Room 309. Separate hearings will be held for the allegations against each Respondent, with the hearing on the allegations against Senator Clark beginning at 9:00 a.m., and the hearing on the allegations against Senator Mark Johnson following the first hearing at the call of the chair.

I anticipate that we will need to meet all day on June 22 and possibly into Thursday, June 23. I want to offer all parties the opportunity to present information they feel is relevant to the Committee in making its determination and the members of the Committee the time needed to conduct a thorough investigation and deliberations, while still concluding the hearing process expeditiously. Please be prepared to stay until the hearings are completed. Lunch will be provided and I would ask that we all remain together in the quiet room during the lunch break, so as to avoid the possibility of interactions with the parties or witnesses to the hearings.

Filing and Availability of Documents by Claimant and Respondents

All parties will be given the opportunity to file written responses and provide supporting documents related to the allegations. ***The original allegations of violation, as well as any responses filed by the Respondents, will be available for review by members of the Senate Ethics Committee on Tuesday, June 21, 2022 between 8:30 a.m. and 4:30 p.m., in Room 315 of the State Capitol Building.***

The documents related to the hearing of the Senate Ethics Committee are confidential and considered the working papers of the members of the Committee. Only members of the Ethics Committee and parties to the allegations will be permitted to view the documents prior to the Committee meeting. When viewing the documents, members should not take the documents from Room 315, nor should you divulge to anyone who is not a member of the Committee any information regarding the contents of the documents or record or take photographs of the documents when viewing them.

In addition to the time available for reviewing the documents on June 21, members of the Committee may arrive at 8:00 a.m. on Wednesday, June 22, to have an additional hour prior to the hearings to review the documents related to the allegations. All documents will be provided to members of the Committee as part of the meeting packet.

Once recommendations are made by the Committee to the Senate, the documents related to the Committee's hearing will be provided to all members of the Senate.

Hearing Procedure

Senate Rule 24.09 (4) requires that the proceedings of the Senate Ethics Committee be conducted in public "unless the [committee] is in executive session". It is my intention to convene the meeting at 9:00 a.m. on Wednesday, explain the procedure to the committee and everyone present, and then proceed with the process set forth below.

Rule 24.10 sets out the procedure for the committee's hearing on the petition, which is the procedure that will be followed at the meeting on June 22. The claimant (Senator Hickey) shall appear at both hearings to present his petition. The respondents (Senator Clark and Senator Mark Johnson) may also be present at the hearing that pertains to the allegations related to him, and the following procedures will apply:

- Claimant shall state the basis of his allegations against the Respondent;
- Respondent will have the opportunity to respond, but is not required to under the rule;
- Both parties are permitted to bring witnesses, if they desire, and any witnesses will be placed under oath by the chair;
- Committee members will be permitted to ask questions of the parties and any witnesses;
- At the conclusion of the testimony, both parties will be afforded the opportunity to make closing statements.
- Any action by the Committee is required to be taken in public.

Staff

During the course of this process, Steve Cook, Legal Counsel for the Senate, Marty Garrity, Director of the Bureau of Legislative Research, and Jill Thayer, BLR Legal Counsel, will be assisting the committee, due to the possibility that Senate staff may be called as witnesses during the hearing process. As such, I would ask that if you need staff assistance or have questions related to this process, you contact either Mr. Cook, Director Garrity, or Ms. Thayer, rather than Senate staff.

It is my hope to conduct this hearing and investigation process with the utmost regard for the integrity of this Committee and of the processes and procedures set forth in Senate Rule 24. As such, I strongly encourage you, as members of the Ethics Committee, to refrain from private conversations with any of the parties regarding the issues to be considered during the hearing process of the Committee.

Sincerely,

A handwritten signature in black ink that reads "Kim D. HAMMER". The signature is written in a cursive style with a horizontal line extending to the right.

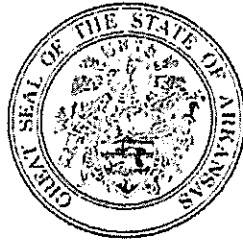
Senator Kim Hammer, Chair
Senate Ethics Committee

Attachment: Senator Rule 24

KIM DAVID HAMMER

SENATOR
33RD DISTRICT
PHONE: 501-840-3841
kim.hammer@senate.ar.gov

1201 MILITARY ROAD PMB #285
BENTON, ARKANSAS 72015



THE SENATE
STATE OF ARKANSAS

CHAIR
JOINT RETIREMENT & SOCIAL SECURITY

MEMBER:
JOINT AUDIT
JOINT BUDGET
INSURANCE & COMMERCE
PUBLIC HEALTH, WELFARE & LABOR

June 16, 2022

Senator Jimmy Hickey, Jr.
President Pro Tempore

Dear Senator Hickey,

As you know, on Wednesday, June 15, 2022, I was provided with an allegation of violations of the Senate's Code of Ethics, in accordance with Rule 24.09 of the Senate Rules. The allegations were made by you ("Claimant") alleging violations of the Senate's Code of Ethics, specifically Senate Rule 24.03 – Compliance with Law, and Senate Rule 24.06(1)(c) – Prohibited Conduct and Conflicts of Interest, against Senator Alan Clark and Senator Mark Johnson ("Respondents").

Under Rule 24, consideration of allegations of a violation of the Senate's Code of Ethics are to be brought by filing a written petition, followed by an investigation and hearing in the Senate Ethics Committee (*See* Senate Rule 24.09). After the committee's investigation is concluded and a recommendation made to the Senate, the full Senate shall meet to vote on the recommendation of the committee (*See* Senate Rule 24.10). It is imperative that all allegations of violations of the Senate's Code of Ethics be taken seriously and treated in a uniform and consistent manner as set forth in the rules adopted by the Senate.

Senate Ethics Committee Hearing

As such, it is the obligation of the Senate Ethics Committee, under Rule 24.09(2), to meet to consider the allegations set forth in the petition "within ten (10) business days of receipt of the petition." ***The Senate Ethics Committee will meet to consider Claimant's allegations on Wednesday, June 22, 2022 at 9:00 a.m. in Room 309.*** Separate hearings will be held for the allegations against each Respondent, with the first hearing on the allegations against Senator Clark beginning at 9:00 a.m., and the hearing on the allegations against Senator Mark Johnson following the first hearing at the call of the chair.

Exhibit
A.3

I anticipate that the Committee may need to meet all day on June 22 and possibly into Thursday, June 23. I want to offer all parties the opportunity to present information they feel is relevant to the Committee in making its determination and the members of the Committee the time needed to conduct a thorough investigation and deliberations, while still concluding the hearing process expeditiously.

Filing and Availability of Documents by Claimant and Respondents

All parties will be given the opportunity to file written responses and provide supporting documents related to the allegations. The documents related to the hearing of the Senate Ethics Committee are confidential and considered the working papers of the members of the Committee. Other than the parties to the allegation, only members of the Ethics Committee will be permitted to view the documents prior to the Committee meeting.

You are permitted to file any supporting documentation related to the allegations in your petition. Written responses and any supporting documentation ***shall be filed no later than 4:00 p.m., Monday, June 20, 2022***, by submitting the documents to me, as chair of the Senate Ethics Committee, with a copy to Director Garrity, as staff for the Committee. ***If you plan to call any witnesses, please provide me with a list of the individuals who will testify by the same deadline as the written responses and supporting documentation.*** A copy of all documentation filed with the Committee will be provided to the parties on Tuesday, June 21, 2022.

Once recommendations are made by the Committee to the Senate, the documents related to the Committee's hearing will be provided to all members of the Senate.

Hearing Procedure

Senate Rule 24.09 (4) requires that the proceedings of the Senate Ethics Committee be conducted in public "unless the [committee] is in executive session". It is my intention to convene the meeting at 9:00 a.m. on Wednesday, explain the procedure to the committee and everyone present, and then proceed with the process set forth below.

Rule 24.10 sets out the procedure for the committee's hearing on the petition, which is the procedure that will be followed at the meeting. As the Claimant, you shall appear at both hearings to present your petitions. The respondents (Senator Clark and Senator Mark Johnson) may also be present at the hearing that pertains to the allegations related to him, and the following procedures will apply:

- Claimant shall state the basis of his allegations against the Respondent;
- Respondent will have the opportunity to respond, but is not required to under the rule;
- Both parties are permitted to bring witnesses, if they desire, and any witnesses will be placed under oath by the chair;
- Committee members will be permitted to ask questions of the parties and any witnesses;
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- Any action taken by the Committee is required to be taken in public.

Staff

During the course of this process, Steve Cook, Legal Counsel for the Senate, Marty Garrity, Director of the Bureau of Legislative Research, and Jill Thayer, BLR Legal Counsel, will be assisting the Committee, due to the possibility that Senate staff may be called as witnesses during the hearing process. As such, I would ask that if you need staff assistance or have questions related to this process, you contact either Mr. Cook, Director Garrity, or Ms. Thayer, rather than Senate staff.

It is my hope to conduct this hearing and investigation process with the utmost regard for the integrity of the Senate Ethics Committee and of the processes and procedures set forth in Senate Rule 24. As such, I ask that you refrain from contacting members of the Senate Ethics Committee regarding the allegations before them prior to the hearing.

Sincerely,

A handwritten signature in black ink that reads "Kim D. Hammer". The signature is written in a cursive style with a long horizontal line extending to the right.

Senator Kim Hammer, Chair
Senate Ethics Committee

Attachment: Senate Rule 24

KIM DAVID HAMMER

SENATOR
33RD DISTRICT
PHONE: 501-840-3841
kim.hammer@senate.ar.gov

1201 MILITARY ROAD PMB #285
BENTON, ARKANSAS 72015



THE SENATE
STATE OF ARKANSAS

CHAIR:
JOINT RETIREMENT & SOCIAL SECURITY

MEMBER:
JOINT AUDIT
JOINT BUDGET
INSURANCE & COMMERCE
PUBLIC HEALTH, WELFARE & LABOR

June 16, 2022

Dear Senator Clark,

As you know, on Wednesday, June 15, 2022, I was provided with an allegation of violations of the Senate's Code of Ethics, in accordance with Rule 24.09 of the Senate Rules. The allegations were made by Senator Jimmy Hickey, Jr., President Pro Tempore of the Senate ("Claimant"), against you ("Respondent") alleging violations of the Senate's Code of Ethics, specifically Senate Rule 24.03 – Compliance with Law, and Senate Rule 24.06(1)(c) – Prohibited Conduct and Conflicts of Interest.

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I anticipate that the Committee may need to meet all day on June 22 and possibly into Thursday, June 23. I want to offer all parties the opportunity to present information they feel is relevant to the Committee in making its determination and the members of the

Exhibit
A.4

Committee the time needed to conduct a thorough investigation and deliberations, while still concluding the hearing process expeditiously.

Filing and Availability of Documents by Claimant and Respondents

All parties will be given the opportunity to file written responses and provide supporting documents related to the allegations. The documents related to the hearing of the Senate Ethics Committee are confidential and considered the working papers of the members of the Committee. Other than the parties to the allegation, only members of the Ethics Committee will be permitted to view the documents prior to the Committee meeting.

You are permitted to file a written response to the allegation petition along with any supporting documentation. Written responses and any supporting documentation ***shall be filed no later than 4:00 p.m., Monday, June 20, 2022***, by submitting the documents to me, as chair of the Senate Ethics Committee, with a copy to Director Garrity, as staff for the Committee. ***If you plan to call any witnesses, please provide me with a list of the individuals who will testify by the same deadline as the written responses and supporting documentation.*** A copy of all documentation filed with the Committee will be provided to the parties on Tuesday, June 21, 2022.

Once recommendations are made by the Committee to the Senate, the documents related to the Committee's hearing will be provided to all members of the Senate.

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Rule 24.10 sets out the procedure for the committee's hearing on the petition, which is the procedure that will be followed at the meeting. The claimant (Senator Hickey) shall appear at both hearings to present his petition. The respondents (yourself and the other Senator) may also be present at the hearing that pertains to the allegations related to each of you, and the following procedures will apply:

- Claimant shall state the basis of his allegations against the Respondent;
- Respondent will have the opportunity to respond, but is not required to under the rule;
- Both parties are permitted to bring witnesses, if they desire, and any witnesses will be placed under oath by the chair;
- Committee members will be permitted to ask questions of the parties and any witnesses;
- At the conclusion of the testimony, both parties will be afforded the opportunity to make closing statements.
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Please let me know if you plan to appear at the meeting.

Staff

During the course of this process, Steve Cook, Legal Counsel for the Senate, Marty Garrity, Director of the Bureau of Legislative Research, and Jill Thayer, BLR Legal Counsel, will be assisting the Committee, due to the possibility that Senate staff may be called as witnesses during the hearing process. As such, I would ask that if you need staff assistance or have questions related to this process, you contact either Mr. Cook, Director Garrity, or Ms. Thayer, rather than Senate staff.

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Sincerely,

A handwritten signature in black ink that reads "Kim D. Hammer". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Senator Kim Hammer, Chair
Senate Ethics Committee

Attachment: Senate Rule 24

TEXT CONVERSATION BETWEEN SEN. BART
HESTER & SENATOR JIMMY HICKEY



Jimmy Hickey, JR

*-NOTE ... I TALKED WITH SENATOR HESTER AND HE
IS ALSO IN AGREEMENT WITH SHARING THIS
WITH COMMITTEE.

New iMessage

Cancel

To: ~~Bart Hester~~

Fri, Jun 3, 1:44 PM

Mark Johnson signed Alan Clark into a boys state today and Alan was not there.

From Bart Hester TO Jimmy Hickey

Ann asked me what to do. I said to not pay Alan and you and I would decide if anything further needed to happen.

Agreed. He does not be to be paid...Hammer is ethics chair. We need to tell him if you don't mind. Thanks

From Hickey

Ok
I will

From Hester

Thanks

From Hickey



iMessage



New iMessage

Cancel

To: ~~Bart Hester~~

~~I will~~

~~Thank~~

Fri, Jun 3, 5:29 PM

I called Alan Clark.

He said he asked MJ to sign him in because AC drive in last night to attend but woke up sick and could not attend but because he drove in he felt he deserved the per diem.



from Hester
to Hickey

another thing to add to new member training
never ever ever never sign in for someone or have them sign in for you



iMessage



New iMessage

Cancel

To: ~~Bart Hester~~

I called Alan Clark.

He said he asked MJ to sign him in because AC drive in last night to attend but woke up sick and could not attend but because he drove in he felt he deserved the per diem.



another thing to add to new member training never ever ever never sign in for someone or have them sign in for you

HA HA

Ha, I drive in for stuff as Pro Temp and don't sign in to anything....about to be your life big boy!!! 😂😂

from Hickey



iMessage



New iMessage

Cancel

To: ~~Bart Hester~~

Sun, Jun 5, 6:16 AM

I have heard that Alan was at a meeting at RPA and was out in Little Rock after that. I haven't verified the "out afterwards" yet. I told Kim that I asked you to call him. Did you talk to Kim?

From Hickey TO HESTER

I have not spoken to Kim.

Alan called me last night and I was not able to take his call. I will call him back today. I hope he says he made a mistake and wants to back up on it.

From HESTER

~~This is extremely unfortunate but we are going to have to address it.~~

- See next Page



iMessage



New iMessage

Cancel

To: Bart Hester

This is extremely unfortunate but we are going to have to address it. This is something that could cause big trouble. If a Democrat did it, I am sure the caucus would flip out. One of those very non fun deals.

From Hester

I agree and It's brutal.

I plan to talk to Alan and I'm asking Ann if there is a written policy. It does not have to be written to know one should not do it but it will clarify.

From Hester

~~Mark is equally culpable in the situation....if not more. I~~

See next page



iMessage



New iMessage

Cancel

To: ~~Bart Hester~~

Mark is equally culpable in the situation....if not more. I just keep thinking about it and not for sure if the one who asked for it to be done is worse or the one who actually did it is worse. Probably same.

From Hickey TO Hester

I agree. I keep thinking about staff member who saw it happen and reported it as well.

From Hester

Yes. They did the correct thing. I figure they have all talked and have made the decision to stand together if they get any heat....just speculation on my part on

see next page



iMessage



New iMessage

Cancel

To: ~~Bart Hester~~

~~actually did it is worse.~~
Probably same.

I agree.
I keep thinking about staff member who saw it happen and reported it as well.

Yes. They did the correct thing. I figure they have all talked and have made the decision to stand together if they get any heat.....just speculation on my part on that however. We have to protect that wholeheartedly.

FROM
Hester
TO
Hester

yes w rod

we do


] - FROM Hester



iMessage



TEXT CONVERSATION BETWEEN MS. ANN
CORNWELL AND SENATOR JIMMY HICKEY.
DOCUMENTATION IS BEING SUPPLIED TO HICKEY
FROM CORNWELL FOLLOWING A TELEPHONE
CONVERSATION EARLIER THE SAME MORNING.



JIMMY HICKEY, JR.

New iMessage

Cancel

To: ~~Ann Cornwell~~

Mon, Jun 6, 9:09 AM

ARKANSAS STATE SENATE
Meeting: BOYS STATE MEETING
Location: SENATE CHAMBER, STATE CAPITOL
LITTLE ROCK, AR 9:00 AM

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL
Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR TRENT GARNER	
RESIDING CHAIR SIGNATURE	
SENATOR ALAN CLARKE	<i>Alan Clarke</i>
RESIDING CHAIR SIGNATURE	
SENATOR SCOTT FLIPPO	<i>Scott Flippo</i>
RESIDING CHAIR SIGNATURE	

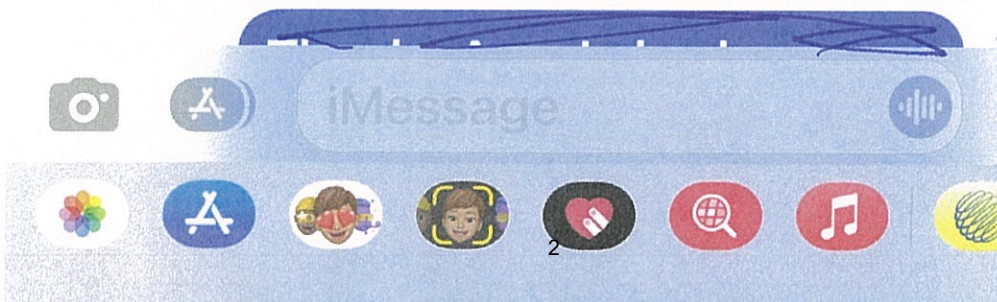
Handwritten note: X-Check! Check! Done!

FROM Ann CORNWELL TO Hickey



Sorry it was Leigh Anne not Lesley. Leigh Ann will document her interaction. Sabrina is also.

FROM Ann CORNWELL TO Hickey

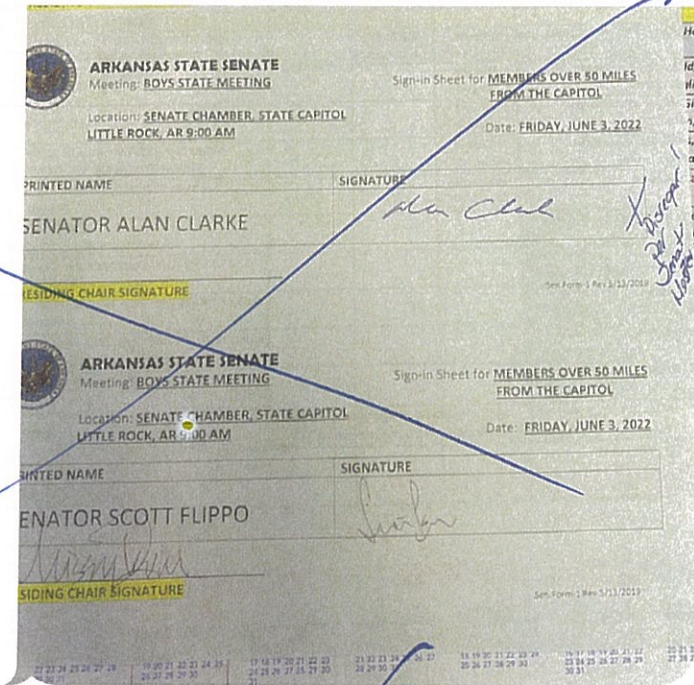


See next Page

New iMessage

Cancel

To: ~~Ann Cornwell~~



~~Sorry it was Leigh Anne not Lesley. Leigh Ann will document her interaction. Sabrina is also.~~

Thanks Ann. I also know we talked about this. I do not want Sen Clark to be paid for the meeting he did not attend.

from Hickey TO CORNWELL



Email I received from ms. CORNWELL ~~set~~ After
I requested she get written statement from the
employees involved. IT was received on 6/6/2022
@ 10:31 AM.

A handwritten signature in blue ink, appearing to be "Jimmy Hickey, Jr.", with a long horizontal line extending to the left from the start of the signature.

Found in Yahoo! Inbox



Ann Cornwell

To: Jimmy Hickey, Jr >

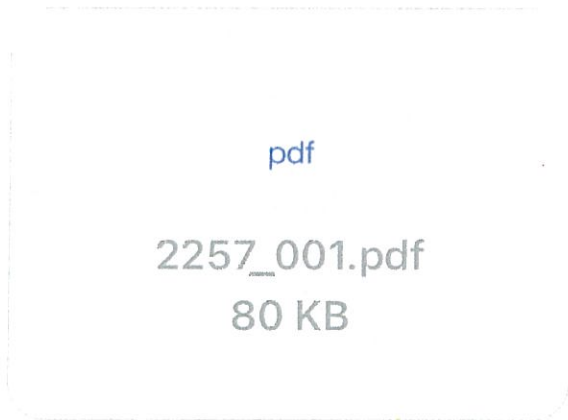
6/6/22



FW: (No-Reply) See Attached File

Attached first is from Sabrina and second from Leigh Ann

From: ROOM320 [mailto:pc_support@arkleg.state.ar.us]
Sent: Monday, June 06, 2022 10:07 AM
To: Cornwell, Ann
Subject: (No-Reply) See Attached File



Friday, June 3, 2022

Boys State 2022 had gaveled out. I had just gathered the Senator sign-in sheets and had moved toward the middle/back of the chamber and was standing at Senator Beckham's seat looking around for my earring that had fallen out during the mock session. Senator Mark Johnson approached me and said:

"Is that the sign in sheet? I need to sign for Sen. Clark"

I said:

"Sir, do you mean Senator Clark Tucker? He was here earlier and has signed in already."

He responded:

"No, Alan Clark."

I said something along the lines of:

"I didn't see him today. Could he have signed it at Audit?"

Senator Mark Johnson took the sheet and signed in for Sen. Clark next to his name and said, "He forgot to sign in." He then walked away.

I walked up to Lesley Rogers and said, "I did not see Senator Clark today. Did you see him?" Lesley said, "No ma'am I did not."

I walked out of the chamber and handed Ann Cornwell all of the sign-in sheets and advised her that Sen. Mark Johnson had signed in for Senator Clark, however none of us saw him today.

MEMORANDUM

TO: Ann Cornwell

FROM: Leigh Ann Golden-Smith

DATE: Monday, June 06, 2022

RE: Boys State / Senator Mark Johnson

At the end of the Boys State event at the State Capitol Building on Friday, June 3, 2022, Senator Mark Johnson approached me and asked for the senator sign-in sheets. I had observed Senator Johnson signing the sheet earlier during the event, so I asked him if he had already signed in for the day, and he said yes. Senator Johnson said he wanted to sign in on behalf of his friend Senator Alan Clark, who he said was not at the Capitol today.

I noticed the sign-in sheets had been near the line desk in the chamber for the duration of the Boys State event, but at the time Senator Johnson asked me for them, they were no longer there. I told Senator Johnson it appeared the sign-in sheets had already been taken up. I recommended he ask Ms. Sabrina Lewellen or Ms. Ann Cornwell for the sign-in sheets. Senator Johnson then approached Ms. Lewellen, and I overheard him ask if she had the sign-in sheets, and when she said yes, he said he wanted to sign in on behalf of Senator Alan Clark. I heard Ms. Lewellen ask if Senator Clark had been at Boys State today, and Senator Johnson said no, but that he was going to sign in on his behalf.

JIMMY HICKEY, JR.

PRESIDENT PRO TEMPORE

SENATOR

11TH DISTRICT

PHONE: 903-824-8861

jimmy.hickey@senate.ar.gov

3216 EAST 35TH STREET

TEXARKANA, ARKANSAS 71854



THE SENATE
STATE OF ARKANSAS

MEMBER:
JOINT BUDGET
INSURANCE & COMMERCE
JOINT PERFORMANCE REVIEW
JOINT RETIREMENT & SOCIAL SECURITY
REVENUE & TAXATION

MEMORANDUM

TO: Senator Trent Garner, Chairman
Senator Missy Irvin
Senator Clarke Tucker
Senator Bart Hester
Senator Scott Flippo
Senator Alan Clark
Senator Ben Gilmore
Senator Mark Johnson

FROM: Jimmy Hickey, Jr., President Pro Tempore of the Senate

DATE: April 1, 2022

SUBJECT: ARKANSAS BOYS STATE - 2022

Pursuant to Arkansas Code 10-2-121, the President Pro Tempore of the Senate is authorized to designate members of the Senate to assist with the annual American Legion Boys State.

Boys State will be held May 29-June 3, 2022, on the campus of the University of Central Arkansas (UCA) at Conway. I am forwarding your names to the Mr. Lloyd Jackson, Director, American Legion Arkansas Boys State, as one of the members to participate in the Boys State Program. Senator Trent Garner will serve as Chairman.

A planning meeting will be held at the Capitol in Committee Room 149 at 9:00 a.m., Thursday May 12, 2022, for the purpose of organizing and assigning responsibilities to participating Senators. You will receive a reminder a week for this meeting.

Members are scheduled to arrive at UCA at 9:45 a.m., Wednesday, June 1, 2022, and the Senate Chamber at 8:45 a.m., Friday, June 3, 2022, to assist the delegates of Boys State.

Each member participating will be allowed per diem and mileage in accordance with the provisions established by state law.

If for some reason you will be unable to serve, please contact Ann Cornwell or Sabrina Lewellen as soon as possible so I can find a replacement.

Cc: The Honorable Asa Hutchinson, Governor of Arkansas
The Honorable John Thurston, Secretary of State
The Honorable Matthew Shepherd, Speaker of the House of Representatives
Representative Les Warren, Chairman, Boys State, 2022
Lloyd Jackson, Director, American Legion Boys State
Marty Garrity, Director, Bureau of Legislative Research
Roy Ragland, House Chief of Staff
Amber Pool, Assistant Coordinator/Assistant to the Speaker of the House
Ann Cornwell, Director/Secretary of the Senate
Sabrina Lewellen, Assistant Director/Assistant Secretary of the Senate
Lesley Rogers, Constituent Services Manager
Tamara Lewis, Fiscal Officer
John Reed, Senate Information Officer

UPDATED 04-13-2022

2021-2022

PRESIDENT PRO TEMPORE HICKEY

APPOINTMENTS MADE BY THE PRESIDENT PRO TEMPORE OF THE SENATE

1. President Pro Tem appoints six (6) members of the Senate to assist in American Legion Boy's State. (10-2-121)

2022

1. SENATOR TRENT GARNER, CO-CHAIR
2. SENATOR MISSY IRVIN
3. SENATOR CLARKE TUCKER
4. SENATOR BART HESTER
5. SENATOR ALAN CLARK
6. SENATOR BEN GILMORE
7. SENATOR MARK JOHNSON
8. SENATOR SCOTT FLIPPO

2. President Pro Tem appoints six (6) members of the Senate to assist in American Legion Girl's State. (10-2-121)

2022

1. SENATOR KIM HAMMER, CO-CHAIR
2. SENATOR JOYCE ELLIOTT
3. SENATOR JONATHAN DISMANG
4. SENATOR BREANNE DAVIS
5. SENATOR GREG LEDING
6. SENATOR LINDA CHESTERFIELD
7. SENATOR JANE ENGLISH
7. SENATOR RICKY HILL

3. President Pro Tem appoints his first alternate to the Legislative Council. (10-3-301)

1. SENATOR 1ST ALTERNATE

4. President Pro Tem appoints his first alternate to the Legislative Joint Audit Committee if he does not wish to serve. (10-3-401 & 403)

1. JIMMY HICKEY, JR., PRESIDENT PRO TEM

ARKANSAS SENATE

PER DIEM & MILEAGE

TO: Ann Cornwell, Director, Arkansas Senate - Secretary of the Senate

RE: Efficiency Committee, Rules Committee, Boys and Girls State, Ethics Committee, Standing Committees (members under fifty miles)

We, the undersigned members of the above referenced committees, hereby certify that we attended the meeting designated above and if eligible do hereby request payment of per diem and mileage at the rates set by law.



ARKANSAS STATE SENATE

Meeting: BOYS STATE MEETING

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL

Location: SENATE CHAMBER, STATE CAPITOL LITTLE ROCK, AR 9:00 AM

Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR TRENT GARNER	

PRESIDING CHAIR SIGNATURE

Sen.Form-1 Rev 5/13/2019



ARKANSAS STATE SENATE

Meeting: BOYS STATE MEETING

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL

Location: SENATE CHAMBER, STATE CAPITOL LITTLE ROCK, AR 9:00 AM

Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR ALAN CLARKE	<i>Alan Clarke</i>

*X
for
Disregard
Senate
Meeting*

PRESIDING CHAIR SIGNATURE

Sen.Form-1 Rev 5/13/2019



ARKANSAS STATE SENATE

Meeting: BOYS STATE MEETING

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL

Location: SENATE CHAMBER, STATE CAPITOL LITTLE ROCK, AR 9:00 AM

Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR SCOTT FLIPPO	<i>Scott Flippo</i>

Maryanne

PRESIDING CHAIR SIGNATURE

Sen.Form-1 Rev 5/13/2019

331.82



ARKANSAS STATE SENATE

Meeting: BOYS STATE MEETING

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL

Location: SENATE CHAMBER, STATE CAPITOL
LITTLE ROCK, AR 9:00 AM

Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR BEN GILMORE	✓ 30593

1417 Cypress Street Crossatt

PRESIDING CHAIR SIGNATURE

Sen.Form-1 Rev 5/13/2019



ARKANSAS STATE SENATE

Meeting: BOYS STATE MEETING

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL

Location: SENATE CHAMBER, STATE CAPITOL
LITTLE ROCK, AR 9:00 AM

Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR BART HESTER	✓

331 82

PRESIDING CHAIR SIGNATURE

Sen.Form-1 Rev 5/13/2019



ARKANSAS STATE SENATE

Meeting: BOYS STATE MEETING

Sign-in Sheet for MEMBERS OVER 50 MILES FROM THE CAPITOL

Location: SENATE CHAMBER, STATE CAPITOL
LITTLE ROCK, AR 9:00 AM

Date: FRIDAY, JUNE 3, 2022

PRINTED NAME	SIGNATURE
SENATOR MISSY IRVIN	✓

16309 Highway 66
m v

291.89

PRESIDING CHAIR SIGNATURE

Sen.Form-1 Rev 5/13/2019

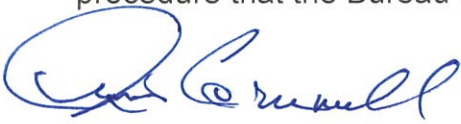
MEMO

TO: Marty Garrity, Director, Bureau of Legislative Research

The Arkansas Senate reimburses only the Senate members who have been appointed to Boys State and Girls State and attend Boys State or Girls State.

Before we reimburse a Senate member, we contact the Bureau of Legislative Research and Legislative Joint Audit to make sure a member is not being reimbursed by either of them for that day.

Members that attend Senate committee meetings have a sign-in sheet to sign and it is also signed by the chair or chair designee presiding over the meeting. This is the same procedure that the Bureau of Legislative Research and Joint Legislative Audit follow.



Ann Cornwell, Director, Arkansas Senate
Secretary of the Senate

Garrity, Marty

From: Alan Clark <alanclarksd13@gmail.com>
Sent: Monday, June 20, 2022 3:58 PM
To: Hammer, Kim; Garrity, Marty; Hammer, Kim
Subject: Response to Ethics Complaint

Chairman Hammer and members of the Ethics Committee,

I apologize for the fact that you have had to take time out of your already busy schedules to deal with this.

I stipulate to the facts in the 10 points Senator Hickey laid out in his letter to the ethics committee "alleging unethical activities" on my part. I would disagree with the interpretation of those facts and whether they rise to an ethical violation and I hope you agree.

Of those 10 points I only have personal knowledge of #1 and the second sentence of #9. I am currently a member of the Boys State Committee and have been a member for the 10 years I have been a senator. Serving on the Boys State Committee is a duty I have relished and enjoyed (#1).

Senator Hester did call me and I did tell him I asked Senator Mark Johnson to sign my name. I had no reason to tell him otherwise (#9).

That is the only question I have been asked concerning this matter and I answered truthfully - as I think everyone would expect me to do. I had no idea there was anything more going on in relation to this until I received a letter about the ethics complaint. I don't blame anyone but myself. But I wish I had known, so that I could have straightened it out.

I stipulate to the other points because I was not there and have no reason to disagree with what happened. In addition, I do not wish to put our staff through any more stress or anxiety over this, regardless of what you decide about this charge. Unless you need to hear from them, which of course is your decision, I would hope my stipulation would free them from the burden of participation.

That is my deepest regret about all of this. No one loves and respects our staff, both as individuals and a group, more than me. I was horrified when I realized after receiving the letter with this charge that my decisions, regardless of how innocent my intentions might have been, created an appearance that forced the staff to take actions that I know were very hard to shoulder.

That being the case, my first actions were a personal, heartfelt, emotional apology and explanation to them. I would hope to never place them in a position like this again. My second regret is to have ever presented an appearance to them, correct or not, that I would exhibit behavior that would intentionally undermine the stature and dignity of the Arkansas State Senate.

My next regret is placing my friend, Senator Mark Johnson, in such a place. Whatever his actions may have looked like that day, his main failing was trusting that a friend and colleague was NOT up to anything out of line. That is something that most of you would have trusted of me, at least until now. That is not a bad character trait to have. I hope that whatever you decide about me, you will dismiss the ethics charges against Senator Johnson.

Now, to what happened.

As far as I can remember - and I think I remember very well, I have never in my almost 10 years in the Senate, asked anyone to sign me in or signed anyone else in. That is not normal behavior for me. I show up. I sign in. I work. I have not abused the system. That is not news to anyone.

Thursday, June 2, I came over to the Capitol for Audit Committee and a Republican Senate Caucus meeting that evening. Afterwards I went to dinner, where I didn't eat much and spent the night in my apartment. I rarely spend the night in my apartment outside of legislative session and by rarely I mean almost never. But Boys State started at 9AM, we were going to meet beforehand at 8:30, I was not feeling great and I wanted to be sure nothing interfered with my attendance.

I love Boys State and especially the Mock Senate Session on Friday mornings. I was especially looking forward to this one since we haven't been doing it due to Covid and because I had made a special connection with some of the Boys State Senators on Wednesday. I was especially looking forward to working with them knowing that they would be paying attention and listening.

I had been fighting off what I thought was a sore throat and head cold all week. Thursday night it turned into something else and I had no cold medicine, cough medicine or anything in my apartment. When I woke up Friday morning it was clear I was running a fever. My mind is never clear when I am feverish. In addition to my already jumbled mind having many thoughts running through it, at that point I also did not feel well, Usually I feel anxious and stressed about not showing up for things even though I am sick, and I tend to do everything but sit back and be sick, unless there is someone there to tell me that is what I need to do. There was not.

Through all of the haze though, I did convince myself that I could not do the Boys State thing because I would be in close contact with the teenagers and I was running a fever. I feared I was contagious. In addition, there were other Senators who could handle it. The next thing that I stressed about was that I had promised Senator Sullivan I would go to a meeting at RPA at noon. I could not remember what the meeting was about and frankly didn't care. But I knew I had promised Senator Sullivan at least 3 times I would be there and I didn't want to let him down. I also didn't want to go. I felt like crap.

So I reset my alarm and laid back down. I got up, got ready for the meeting at RPA. I looked at the time and it was somewhere between 11:20 and 11:30. The Boys State meeting was scheduled to run between 9AM and Noon. I thought to myself that as long as I had driven over here, spent the night for the express intent of attending the Boys State meeting I just as well go sign in. I had incurred the expenses.

Whatever you might think of that, it was my thought. On occasion, members drive across town or from the 4 corners of the state, get caught in traffic and other obstructions, or meetings end early and they still sign in with permission of the chair. They traveled with the intent of attending the meeting. That is how it has been done. Had I done that we would not be here.

I was headed out the door to go sign in when, again, it dawned on me that not only might teenagers be in the building, there was a good chance they were still in the Senate. That is when I decided that it would be better to have someone sign me in rather than go in. I really did think I was doing a good thing. I pulled up the Boys State email to see who was on the Committee because with the fever I really could not remember. I saw Senator Mark Johnson's name and contacted him. I do know that it was exactly 11:31 AM. The meeting was scheduled to go until noon.

Had I known what developed from that moment, I could and would have walked into the building. It is all my fault and I blame no one else. No one else knew I was dressed and outside the building. They

had no way of knowing. I had no way of knowing until I received the notice what had happened or how it had appeared. I cannot stress enough that no one is to blame but me but I was there and headed in to personally sign in. That could have been allowed and most likely would have, or been disallowed and that would have been fine. Whether I should have walked into the building sick is another matter, but it would not have risen to the level of an ethics violation.

I did go to the meeting at RPA at noon. I went strictly because I felt guilty about disappointing Senator Sullivan. I wore a mask. I shouldn't have gone. I went to lunch with Senator Sullivan and someone afterwards. It was probably Senator Johnson but I really don't know. I know it was Senator Sullivan because he paid and I remember feeling guilty that I didn't even object.

I shouldn't have gone to lunch with them either. They asked me. I was starving. I had eaten very little the previous evening and had no food in the apartment. I was not using the best judgment.

I went back to the apartment. I went to bed. Senator Hester called and woke me up. I answered his question and went back to sleep. I remember Jana coming in and asking me questions but nothing other than that until I woke up at about 4PM the next day and driving myself home.

I will stipulate to using bad judgment the whole day.

But please note.

I have NEVER asked anyone to sign me in over a 10 year career.

I was not at home or across town. I was outside the door.

Had I entered the building and signed the sheet, no one would have questioned me signing in, and if they had, they simply wouldn't have paid me.

The only reason for not entering the building and signing in personally was my desire, in my fever-addled mind, to not infect the teenagers.

Had I purposefully been trying to have someone sign me in without attending, I would have done that at 8:30 not 11:31.

I understand how it looked.

I hate how it looked. But things are not always what they appear. They weren't this time.

Several colleagues expressed disbelief that I could be guilty of this. There is good reason for that.

Please keep in mind that if this is an ethics violation, this is where we are setting the bar for all of us.

I ask that you find that while this looks bad and was terrible judgment on my part, there was no ill intent and these actions do not rise to the level of an ethics violation.

I have been as transparent and as honest as I can be. None of this makes me look terribly good but since the charge has been made, I feel you deserve as complete and honest an answer as I can give. I will be happy to answer any questions that you may have. Thank you for your service in a difficult position.

Your friend and colleague,

Alan Clark
Arkansas State Senate



STATE OF ARKANSAS
Arkansas Senate

GENERAL ASSEMBLY
LITTLE ROCK, ARKANSAS 72201

ANN CORNWELL, DIRECTOR

SECRETARY OF THE SENATE

PHONE: 501-682-5951

FAX: 501-682-2917

CELL: 501-837-7777

E-MAIL: ann.cornwell@senate.ar.gov

June 24, 2022

500 WOODLANE AVE.
STATE CAPITOL, ROOM 320
LITTLE ROCK, ARKANSAS, 72201

MEMO

The Senate Ethics Committee:

In researching the language on the per diem and mileage request form I have found that the language was used as far back as 2007.

I have no knowledge when that language started being used or who developed it.

February 2, 2015, the Independent Citizens Commission February 2, 2015, recommended and adopted the Senate continue following the U.S. General Services Administration (GSA) rates for per-diem and mileage.

The commission also recommended and adopted no change to the current expense allowance for committee leadership under Ark. Code Ann, Section 10-2-215, the current additional compensation allowance for committee leadership, Subcommittee Chairs and Vice Chairs.

Legislators over 50 miles receive reimbursement for per diem for each day attending committee meetings. Legislators are also reimbursed for one round trip mileage each day for attending meetings but not if they attend consecutive days. If legislators over 50 miles attend a committee meeting within 50 miles of their home, they will be reimbursed the same as legislators under 50 miles.

Reimbursement for legislators over 50 miles attending committee meetings is not taxable unless attending a meeting within 50 miles of their home.

Legislators under 50 miles receive reimbursement for per diem at a lesser rate for each day attending committee meetings. Legislators are also reimbursed for one round trip mileage each day for attending meetings, but not if they attend consecutive days.

If legislators under 50 miles attend a meeting over 50 miles from their home they will be reimbursed at the same rate of the outside 50 mile legislators.

Reimbursement for legislators under 50 miles attending committee meetings is taxable and paid monthly.

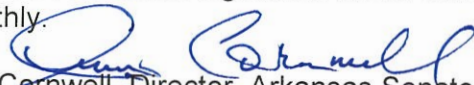
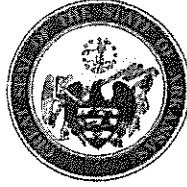

Ann Cornwell, Director, Arkansas Senate
Secretary of the Senate

Exhibit B.6
Submitted 6/24/22
by Ann Cornwell

**ARKANSAS SENATE
93rd GENERAL ASSEMBLY
ETHICS ACKNOWLEDGMENT FORM**



The holding of public office is a public trust created by the confidence which the electorate places in the integrity of Senators who serve in the Arkansas Senate. Members of the Senate are expected to carry out their duties in a manner that brings honor and integrity to the body. It is recognized that the part-time, citizen-based nature of the Arkansas General Assembly may create ethical dilemmas, but this does not nullify or diminish the Senate's expectation that Senators will make every effort to resolve these issues in satisfactory fashion and comply with these rules. This Code of Ethics has been adopted to define the ethical expectations, provide a process for addressing accusations of ethical misconduct, and to provide for sanctions and penalties. The Code is adopted pursuant to authority granted by the Constitution of the State of Arkansas for the Senate to be the sole judge of the qualifications of its members and to determine its own rules and procedures.

Pursuant to Arkansas Senate Rule 24.14, I hereby acknowledge that I have received a copy of the aforementioned Senate Rule and the Senate Code of Ethics. I acknowledge I understand Senate Rule 24.14 and the Senate Code of Ethics. My signature below serves as my annual commitment to uphold the intent of Senate Rule 24.14 and the Senate Code of Ethics. I sign of my own free will.

A handwritten signature in black ink, appearing to be "A. O. H.", written over a horizontal line.

Signature

A handwritten date "1-28-22" in black ink, written over a horizontal line.

Date

Senate Rule 24.14 was adopted by the Arkansas Senate of the 91st General Assembly on May 3, 2017. This document is intended for the Arkansas Senate and any individuals listed on the document. It is the property of the Arkansas Senate. If you are not one of the intended recipients, you are notified that disclosing, copying or distributing is prohibited.

Exhibit B.7
Submitted 6/27/22
by Ann Cornwell

LEGISLATIVE JOINT AUDITING COMMITTEE 2021 - 2022

TO: Legislative Auditor

RE: Request for Per Diem and Mileage for Attending

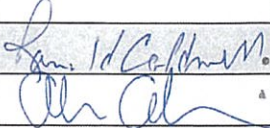
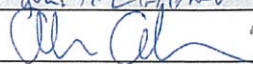
City/County

Meeting held on

Thursday, June 2, 2022

We, the undersigned members of the Senate, hereby request payment of our respective claims for per diem of \$155.00 and 58.5¢ per mile from home to Little Rock and return, as authorized by Ark. Code Ann. 10-2-217 for attending the Legislative Joint Auditing committee meeting on the date(s) reflected above.

Senators

Bob Ballinger		Jimmy Hickey, Jr.	
Charles Beckham		Keith Ingram	
Cecile Bledsoe		Missy Irvin	
Ronald Caldwell		Blake Johnson	
Alan Clark		Greg Leding	
Breanne Davis		Mathew Pitsch	
Jonathan Dismang		Terry Rice	
Scott Flippo		Bill Sample	
Colby Fulfer		Gary Stubblefield	
Trent Garner		James Sturch	
Ben Gilmore		Dan Sullivan	
Jim Hendren		Larry Teague	
Bart Hester		David Wallace	

WITNESS LIST - Senator Jimmy Hickey

Senator Bart Hoster

~~MS~~ MS Ann CORNWELL

MS Sabrina Lewellen

MS Leigh Ann Golden-Smith

MS LESLEY ROGERS

QUESTION - Can other witnesses be called if
needed based on testimony?