

**PINNACLE LAW FIRM**  
A PROFESSIONAL LIMITED-LIABILITY COMPANY  
212 CENTER ST., 11<sup>TH</sup> FLOOR  
LITTLE ROCK, ARKANSAS 72201

Matthew D. Campbell  
matt@pinnaclelawfirm.com

P: (501) 396-9246  
F: (501) 421-0189

September 27, 2013

Arkansas Ethics Commission  
910 W. Second St., Suite 100  
Little Rock, AR 72203

**VIA HAND DELIVERY**

Attn: Graham Sloane, Director

Re: Case No. 2013-CO-026

Dear Mr. Sloan:

By way of this letter and the enclosed documents, as described below, I am responding to the request in your September 6, 2013 letter, in which you wrote:

In accordance with Section VI(3) of the Ethics Commission's Rules of Practice and Procedure, I am requesting that you submit any and all evidence which you may have concerning allegation numbers 1 through 8 set forth in this letter.

Regarding allegation number 1, I have no additional information to provide, as all necessary information relevant to that allegation is contained in Lt. Gov. Darr's 2011 and 2012 CC&E reports.

Regarding allegation number 2, part (i), I have included the following documentary evidence:

- Screenshots, provided to me by John Diamond via a FOIA request to the University of Arkansas, showing that Lt. Gov. Darr used his office phone number and mailing address in connection with his purchase of four Razorbacks season tickets in 2011, which were listed as a "fundraiser" on his October 2010 CC&E report. Page 3 of this exhibit shows that the ticket purchase was made by telephone, with the phone number given (shown on page 1) as (501) 682-2144, which is Lt. Gov. Darr's office phone. These screenshots are marked collectively as "Exhibit 1."

Regarding allegation number 2, part (ii), I have included the following:

- Mileage reimbursement requests, detailing Mr. Darr's extensive use of his elected position to secure reimbursement for commuting mileage, which is not reimbursable, as well as mileage for driving that overlaps with campaign-fund expenditures. These requests are available at <http://www.bluehogreport.com/wp-content/uploads/Darr%202013%20Mileage.pdf>. (If the link does not work, please advise and I will provide printed copies.) A brief summary of the expenditures follows:
  - On May 16 and 17, 2011, Mr. Darr traveled from Little Rock to Fort Smith and back and was reimbursed for the 320 miles (\$134.40) on the trip. On the way, there was a "fundraiser" for \$132.12 at the 7-Up Kwik Stop in Ola, AR, that his campaign paid for.
  - On June 7, 2011, Mr. Darr claimed 426 miles (\$178.92) for reimbursement based on a trip from Little Rock to Rogers and back. On June 7, 2011, there was a "fundraiser" at Love's Country Store in Ozark, AR, for \$120.06.
  - On June 17, 2011, Darr claimed 219 miles (\$91.98) for reimbursement for a trip from Little Rock to Rogers, plus an 8-mile reimbursement (\$3.36) for driving from Rogers to Springdale on that trip. That same day, a "fundraiser" was held at Pilot in Russellville, AR, for \$109.21.
  - There was a July 24-26, 2011, trip to Austin, TX, to meet with Gov. Rick Perry. Mr. Darr claimed 1,030 in mileage (\$432.60). Along the way, his campaign paid \$155.31 for food at Vince Young's Steakhouse<sup>6</sup> and \$100.98 for "supplies" at Prime Mart in Austin.
  - There was also a July 28, 2011, trip from Little Rock to Blytheville and back, for which Mr. Darr claimed 380 miles of reimbursement (\$159.60), while his campaign picked up the tab for \$123.86 in "supplies" at Walmart along the way.
  - After buying "supplies" on 8/29/11 at the Kum & Go in Springdale, AR, for \$111.97, which his campaign paid for, Mr. Darr drove from Little Rock to Benton and back on August 31, then was reimbursed for 48 miles (\$20.16).
  - Mr. Darr drove from Little Rock to Fayetteville on September 1, 2011, for 188 reimbursed miles (\$78.96) plus another 15 (\$6.30) from Fayetteville to his home in Springdale, while his campaign had an expense for \$111.08 worth of "supplies" at the Pilot in Russellville on 8/31.
  - On September 13, 2011, Mr. Darr drove from Springdale to Fayetteville and back, requesting reimbursement for 19 miles (\$7.98). His campaign paid \$123.84 for "supplies" at the Kum & Go in Lowell, AR, that same day.
  - Mr. Darr drove from Springdale to Little Rock and back on September 14, 2011, for a meeting, claiming 400 miles (\$168.00) for reimbursement, and his campaign notes "supplies" for \$105.00 at the Fastrip in Springdale around that same time.
  - Mr. Darr attended the 125th Anniversary of his alma mater, Ouachita Baptist University, on September 20, 2011. The day before, he went to Walker Bros., a clothing store in Fayetteville, with his campaign paying for \$119.62 in "supplies" as well as for \$105.86 more in "supplies" at the Love's in Ozark, AR. He then billed the state for the 138 round-trip miles (\$57.96) between Little Rock and Arkadelphia on September 20.

- October 25, 2011, Mr. Darr drove from Springdale to Ozark and back, reimbursing himself for 160 miles (\$67.20). The campaign paid for \$105.59 in “supplies” at the Kum & Go in Springdale.
- Mr. Darr drove from Springdale to Hot Springs and back, for 396 miles in reimbursement (\$166.32), on November 22, 2011. The campaign paid for \$105.28 in “supplies” at the Kum & Go in Springdale.
- An article from the Arkansas Times, “Exhibit 2,” noting that Mr. Darr – who used his title, official address, and state-issued phone to order four Arkansas Razorbacks season tickets – did not have to pay the standard contribution to the Razorback Foundation due to his position as an elected official.

Regarding allegation number 3, I have no additional information to provide, as all necessary facts are contained in Mr. Darr’s CC&E reports or are facts known personally to Mr. Darr.<sup>1</sup>

Regarding allegation number 4, I have no additional information to provide, as all necessary facts are contained in Mr. Darr’s filings, are available from the Department of Finance & Administration (“DF&A”), or are facts known personally to Mr. Darr or employees of DF&A.

Regarding allegation number 5, part (i), I note that State Senator Bill Pritchard reported in his January 17, 2012 CC&E filing a “Ticketed Event” for Mark Darr on 10/24/11, for which he spent \$375. Mr. Darr reported the contribution as occurring on 11/18/11. Moreover, Mr. Darr’s CC&E reports do not show a pattern of donations around this time that would suggest that a ticketed event was ever held.

Regarding allegation number 5, part (ii), I have no additional information to provide, as all necessary facts are contained in Mr. Darr’s CC&E filings.

Regarding allegation number 6, I have no additional information to provide, as all necessary facts are contained in Mr. Darr’s CC&E filings, in documents provided with my initial complaint, or in documents provided with this follow-up letter.

Regarding allegation number 7, I have no additional information to provide, as all necessary facts are contained in Mr. Darr’s CC&E filings and the cancelled check, already provided, from Strong Arkansas PAC, dated 11-14-12.

Regarding allegation number 8, parts (i)-(iv), I have no additional information to provide, as all necessary facts are contained in Mr. Darr’s CC&E filings or in documents otherwise previously provided in my original complaint or with this letter.

---

<sup>1</sup> I note, however, that Mr. Darr’s statements since this story came to light regarding his confusion and ignorance in filling out CC&E reports suggests that he did not bother to consult the election law handbook available from the Ethics Commission, which would have prevented many of the mistakes that he made. His failure to research the law as it pertained to his campaign should not obviate him of any liability for signing a statement under penalty of perjury, or there is no point to the threat of the penalty, as anyone could simply claim ignorance of the rules as an excuse for failure to follow the law.

If there any questions concerning the information in this letter, or if you need me to provide printed copies of the requests for reimbursement from the state, please do not hesitate to contact me. Additionally, please let me know when a hearing date is set on this matter so that I may plan accordingly.

Sincerely,

Matthew D. Campbell