

IN THE MATTER OF:
James Crawford,
Respondent.

NOTICE OF DISMISSAL

THIS CAUSE, coming before the North Carolina State Ethics Commission ("Ethics Commission" or "the Commission") on May 11, 2012, and pursuant to North Carolina General Statutes §§ 138A-12(f) and 138A-12(I), the Commission finds that:

1. On March 16, 2012, Justin Guillory (Complainant) filed a complaint with the State Ethics Commission (Commission) against Representative James Crawford (Respondent). The complaint alleged that Respondent violated North Carolina General Statutes (N.C.G.S.) § 138A-31(c) by using and permitting the use of state funds in his political advertising. The specific allegations were that Respondent had (a) video-taped one of his political (campaign) advertisements in the chamber of the House of Representatives (House Chamber or Chamber) without paying the State; and (b) allowed legislative employees to participate in the production of this advertisement while they were being paid by the State.
2. N.C.G.S. § 138A-31(c) prohibits a covered person, including legislators, from using or permitting the use of State funds for any advertisement in a newspaper, on radio, television, magazines, or billboards, that contains that covered person's name, picture, or voice, except in limited situations not at issue in this case.
3. Pursuant to N.C.G.S. § 138A-12(d), the Commission reviewed the information presented and, taking all allegations as true and construing both the facts and law in the light most favorable to the Complainant at this stage of the proceeding, determined that the Respondent may have violated the Ethics Act. Therefore, the Commission initiated an inquiry and investigation into the matter. On April 3, 2012, the Respondent was notified accordingly and was provided an opportunity to submit a written response to the Commission, which he did on April 17, 2012.
4. During the course of the probable cause investigation, Commission staff conducted such investigation as it deemed appropriate, including reviewing the complaint with attached documentation; interviewing and discussing the allegations with Respondent; reviewing Respondent's April 17, 2012, response with the attached documentation; interviewing legislative employees; interviewing the Principal Clerk of the House; and reviewing documentation provided by the Respondent and his staff.
5. Among other things, the investigation found that when not in use, the House Chamber is open to the public at no charge during regular business hours. The investigation further found that all legislative employees who participated in the production of

Respondent's campaign advertisement did so on their own time or after taking leave to do so.

6. All relevant information, including the results of staff's investigation, was presented to the Commission on April 27, 2012, and on May 11, 2012, which deliberations and determinations are confidential pursuant to N.C.G.S. § 138A-12(n).

After reviewing all relevant information gathered in the investigation conducted in this matter, the Commission concluded that the Respondent did not use or permit the use of State funds in the production of his campaign advertisement in violation of N.C.G.S. § 138A-31(c) as alleged by the Complainant.

Therefore, the Commission does not find probable cause that the Respondent violated N.C.G.S. § 138A-31(c), or any other provision of the State Ethics Act or other laws over which the Commission has jurisdiction, and pursuant to N.C.G.S. § 138A-12(h) and the rules of the Commission, the complaint is dismissed for lack of probable cause of a violation.

Written notice of a dismissal of a complaint inquiry and investigation will be provided to all appropriate persons or entities listed in N.C.G.S. § 138A-12(l).

Except as expressly provided for in N.C.G.S. § 138A-12(n), the complaint, this notice of dismissal, and all other related information and documentation are confidential and not public records.

This the 22nd day of May, 2012.

NC STATE ETHICS COMMISSION


Robert L. Farmer, Chair

NOTICE OF POSSIBLE APPEAL RIGHTS

You may have the right to appeal this decision. If you wish to do so, you must file a petition with the North Carolina Office of Administrative Hearings at 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within 60 days of the filing of the decision by the North Carolina Ethics Commission. Also, you must serve a copy of your petition on the North Carolina Ethics Commission at 1324 Mail Service Center, Raleigh North Carolina 27699-1324. A petition form may be found on the Office of Administrative Hearings Web Site, www.oah.state.nc.us. The Office of Administrative Hearings charges a filing fee for each petition filed. Please contact the Office of Administrative Hearings, 919-431-3000 to obtain information concerning the filing fee.