STATE OF ARKANSAS
Department of Finance and Administration

OFFICE OF THE DIRECTOR
1509 West Seventh Street, Suite 401
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-2242
Fax: (501) 682-1029
www.dfa.arkansas.gov

October 17, 2016

Jacquelyn Boyd
2405 King Street
Pine Bluff, AR 71601

RE: Advisory Opinion No. 2016-14

Dear Ms. Boyd,

This letter is in response to your request for an advisory opinion, in accordance with Ark. Code Ann. § 19-11-715(b), concerning a possible conflict of interest between yourself and the University of Arkansas at Pine Bluff (UAPB) regarding the use of your services for the athletic department at UAPB. I appreciate your inquiry. Public service is a position of trust. Thus, it is paramount that public employees strive to avoid even the mere appearance of a conflict of interest under Ark. Code Ann. § 19-11-705 or a violation of the public services code of ethics under Ark. Code Ann. § 21-8-304.

This opinion is based upon the following facts that have been presented to me. It should be noted that if one or more of these facts are later shown to be incorrect, that could result in a revised opinion.

1. You are currently employed by the Department of Human Services, Division of County Operations (DHS-DCO).
2. Your annual income from employment at DHS-DCO exceeds $15,000.
3. You are seeking to work part-time for UAPB in the athletics department.
4. You do not have any familial relations working at UAPB or any other state agency.

Ark. Code Ann. § 19-11-705, prohibits state agencies, including state-supported institutions of higher education, from contracting with a business in which an employee or an employee's immediate family member has a financial interest if the employee participates, either directly or indirectly, in the procurement of such contracts. "Employee" is defined broadly to include volunteer members of state boards and commissions, Ark. Code Ann § 19-11-701(8). "Direct or indirect participation" is defined under Ark. Code Ann. § 19-11-705(a)(2), and includes without limitation, "involvement through decision, approval, disapproval, recommendation, preparation of any part of a procurement request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity." The position of employment and an employee's participation in the procurement process, both directly and indirectly, are examined on a case-by-case basis.

Under the facts as stated above, I find no conflict of interest or breach of ethical standards, owing to your assertion that you have no familial relations working at UAPB. Additionally, neither you nor a member of your immediate family had directly or indirect participation with the contract approval, disapproval, recommendation, preparation or any other advisory capacity.

This advisory opinion is issued in accordance with Ark. Code Ann § 19-11-715(b). Compliance with the above course of conduct is deemed to constitute compliance with Arkansas law and Executive Order 98-04.

Sincerely,

Larry W. Walther
Director

cc: Edward Armstrong, Administrator
DFA Office of State Procurement