

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2010-EC-004 Issued November 19, 2010

The Arkansas Ethics Commission has received a written advisory opinion request from Robert Coon, a partner of the Impact Management Group, a public affairs and public relations firm headquartered in Little Rock, Arkansas. In his request, Mr. Coon states that he is currently serving on the Arkansas Service Commission ("the Commission") which is a unit of the Division of Volunteerism within the Arkansas Department of Human Services. The Commission manages and oversees the AmeriCorps program in Arkansas.

Mr. Coon states that from his experience in serving on the Commission, he believes that the Commission would benefit from professional assistance with its public relations services. Accordingly, he seeks an advisory opinion regarding whether his firm can donate public relations services to the Commission.

The Commission was established on November 24, 2003, by Executive Order 03-05 signed by then Governor Mike Huckabee, pursuant to the National and Community Service Trust Act of 1993. The Trust Act required the chief executive officer of the state to establish a state commission on national and community service in order to carry out programs under the Act. Section 6 "Administration and Expenses" of Executive Order 03-05 specifically states as follows:

The Division of Volunteerism, Department of Human Services shall provide necessary administrative and staff support services to the Commission. The Commission is authorized to accept funds and in-kind services from other state and federal entities, as authorized by the Arkansas Budget Act. Members of the Commission and staff shall receive necessary travel and subsistence expenses in accordance with state and federal law. This executive order is effective immediately.

As specifically stated, the Commission is authorized to accept funds and in-kind services from other *state and federal* entities. However, there is no specific authorization in the Order regarding acceptance of funds and in-kind services from *private* entities. It appears

that services such as those which are the subject of this opinion request would likely be considered a gift from the offering entity, i.e., Impact Management Group, Inc. to the Commission.

Arkansas Code Ann. § 21-8-804 provides that the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Commissioner of State Lands, and Attorney General, in their official capacity, may accept gifts, grants and donations of money or property on behalf of the state for any lawful public purpose. Pursuant to Arkansas Ethics Commission's Rules on Gifts § 309, a public official accepting a gift, grant, or donation of money on behalf of a governmental entity is required, on a quarterly basis, to disclose to the Ethics Commission:

- (i) The gift, grant, or donation of money or property received;
- (ii) The person donating the gift, grant, or donation of money or property; and
- (iii) The estimated value of the gift, grant, or donation of money or property.

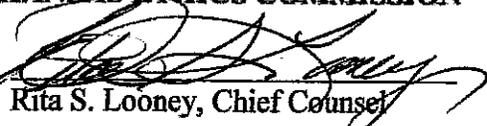
The item received shall not be of such a personal nature that its use is limited to a specific person or persons, shall be available to be enjoyed by the public at large, and shall become property of the governmental entity to which it was donated. Ark. Code Ann. § 21-8-804 (b).

As referenced above, the Commission has been established within the Department of Human Services, which is an agency in the executive branch of Arkansas government. Accordingly, it would be permissible for the Governor to accept the services offered to the Commission on behalf of the state, provided he disclosed the gift of services to the Arkansas Ethics Commission in accordance with § 309 of the Rules on Gifts.

This advisory opinion is issued by the Ethics Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

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By:


Rita S. Looney, Chief Counsel