

DISCLOSURE BY BOARD MEMBER
Pursuant to Ark. Code Ann. § 19-11-718

Please print or type

WHERE TO FILE:

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For assistance in completing
this form contact:

Arkansas Ethics Commission
Phone (501) 324-9600
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NAME OF BOARD MEMBER _____
(Last) (First) (Middle)

NAME OF COVERED BOARD: _____

DATE BOARD MEMBER BECAME AWARE OF POTENTIAL CONFLICT OF INTEREST IN A PROCUREMENT MATTER BEFORE THE COVERED BOARD: _____

DESCRIPTION OF PROCUREMENT MATTER REQUIRING ACTION: _____

DESCRIPTION OF POTENTIAL CONFLICT OF INTEREST IN A PROCUREMENT MATTER BEFORE THE COVERED BOARD: _____

State of Arkansas } ss
County of _____

SUBSCRIBED and SWORN to before me this _____ day of _____, 20____.

My commission expires:

Notary Public

Ark. Code Ann. § 19-11-718. Special state employees — Conflicts of interest.

(a) As used in this section:

(1)(A) "Conflict of interest" means a special state employee's direct or indirect pecuniary or other interest in a matter before a covered board. **(B)** "Conflict of interest" includes without limitation the following: (i) An offer of employment from an entity that is involved in a procurement matter with the covered board or is involved in a discussion of a procurement matter with the covered board; (ii) Being an officer or employee of a business, association, or nonprofit organization that is involved in a procurement matter with the covered board or is involved in a discussion of a procurement matter with the covered board; and (iii) Receiving compensation from an entity that is involved in a procurement matter or is involved in a discussion of a procurement matter with the covered board;

(2)(A) "Covered board" means: (i) A commission, board, bureau, office, or other state instrumentality created within the executive branch; and (ii) An entity that is created by regulation, statute, legislative direction, executive order, or other informal means if the entity has decision-making authority over procurement criteria, contracts, appointment of individuals to negotiate procurement directly or indirectly, or the approval of procurements. **(B)** "Covered board" does not include the following: (i) The constitutional departments of the state; (ii) The elected constitutional offices of the state; (iii) The General Assembly, including the Legislative Council, the Legislative Joint Auditing Committee, and supporting agencies and bureaus of the General Assembly; (iv) The Supreme Court; (v) The Court of Appeals; (vi) The circuit courts; (vii) Prosecuting attorneys; (viii) The Administrative Office of the Courts; (ix) An institution of higher education; (x) A municipal government; (xi) A county government; (xii) An interstate agency; or (xiii) A legislative task force or committee if the legislative task force or committee only advises the General Assembly; and

(3)(A) "Special state employee" means a person appointed to a covered board, regardless of whether the person: (i) Receives compensation for his or her services; (ii) Receives reimbursement for travel expenses; (iii) Receives per diem; or (iv) Was appointed formally or informally. **(B)** "Special state employee" does not include a constitutional officeholder or an exofficio or nonvoting member of an entity described in subdivision (a)(2)(A) of this section.

(b) A special state employee shall disclose a conflict of interest in a procurement matter before the covered board:

(1) Either: (A) In writing to the head of a covered board; or (B) Orally or in writing at a public meeting of the covered board if the disclosure is included in the minutes of the public meeting; and

(2) By filing a conflict of interest disclosure report with the Secretary of State within five (5) business days of the date the special state employee becomes aware of the conflict of interest.

(c) A special state employee shall not vote on, receive or read confidential materials related to, participate in discussion of, or attempt to influence the covered board's decision on a procurement matter if the special state employee has a conflict of interest in the procurement matter.

(d) A special state employee who is a lobbyist registered under § 21-33 8-601 shall recuse himself or herself from a procurement matter before the covered board if: (1) The special state employee receives compensation as a lobbyist from an entity involved in the procurement matter; or (2) The procurement matter involves a person or entity that is a competitor of a lobbying client of the special state employee.

(e) A special state employee or former special state employee shall not: (1) Represent an entity other than the state in a matter in which he or she participated in making a decision, rendering approval or disapproval, making a recommendation, or rendering advice on behalf of the covered board; or (2) Assist or represent a party for contingent compensation in a matter involving a covered board other than in a judicial, administrative, or quasi-judicial proceeding.

(f) A former special state employee shall not lobby the members or staff of a covered board of which he or she is a former member for one (1) year after the cessation of the special state employee's membership on the covered board.

(g) A contract entered into by a covered board, including a renewal, extension, or amendment of a contract entered into by a covered board, shall include a statement that no special state employee has been influenced by the vendor in the course of the procurement.