



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
<http://www.state.ar.us/dfa>

March 8, 2004

John C. Wyvill, Commissioner
Arkansas Rehabilitation Services
Arkansas Dept. of Workforce Education
1616 Brokwood Dr.
P.O. Box 3781
Little Rock, AR 72203

Re: Advisory Opinion #483-04-01

Dear Mr. Wyvill:

This letter is in response to your request for an advisory opinion in accordance with §19-11-715(b) of the Arkansas Code Annotated of 1987. Your request for an Advisory Opinion is based on the following facts:

- a) Chelsea Brown, a former employee (as of October 2003) has become a partner in Transitional Living Services and wishes to contract with Arkansas Rehabilitation Services.
- b) You are seeking an advisory opinion as to whether she can “engage in contractual services”.

You point out in your letter that state law prohibits this activity. Specifically, ACA §19-11-709 (b)(2) prohibits an employee “knowingly to act as a principal or as an agent for anyone other than the state in matters which were within the former employee’s official responsibility where the state is a party”. A former state employee is defined as one who has ceased employment for less than a year. In addition, ACA §19-11-709 (d) indicates that it is a “breach of ethical standards for any former employee, unless the former employee’s last annual salary did not exceed ten thousand five hundred dollars (\$10,500) to engage in selling or attempting to sell commodities or services, including technical or professional consultant services to the state for one (1) year following the date employment ceased. (2) The term sell as used in this subsection means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person”. In the case at hand, Ms. Brown is within one year of cessation, therefore she and Transitional Living Services are prohibited from contracting with the state until October of 2004. *

This advisory opinion is issued in accordance with Arkansas Code Annotated §19-11-715(b) and the review requirements of Executive Order 98-04 and the compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Act/Executive Order.

Sincerely,

Richard A. Weiss
Director

cc: Sharon Eichhorn
Tom Gay, Office of Atty. Gen.