



May 5, 2004

Jennifer Asbill
304 Harve
Springdale, AR 72762

Re: Advisory Opinion # 483-04-10

Dear Ms. Asbill:

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

- a) You are employed by UA Fayetteville as the Project/Program Coordinator for the Center for Students with Disabilities office.
- b) You schedule sign language interpreters for classes on campus.
- c) You and your husband, Ron own a business, Interpreter Solutions, which serves as a referral service for the deaf and hard of hearing.
- d) You are requesting an advisory opinion to determine if there is an ethical conflict.

Arkansas Code Annotated §19-11-705(a) prohibits a state employee from “direct or indirect participation” in any matter pertaining to any contract in which a business has a financial interest, if the employee or any member of the employee’s immediate family has a financial interest in the business. “Direct or indirect participation” includes but is not limited to “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.” In addition, “financial interest” is defined as ownership or more than 5% interest in the business. If you participate in a contract between UAF and Interpreter Solutions, that appears clearly to be a conflict.

Arkansas Code Annotated §19-11-705(c) allows the Director of Finance and Administration to “waive” a conflict” if the interests of the state so require”. In your statement you have indicated that “there are no other interpreter referral agencies in the Northwest Arkansas area”. In the interests of allowing state agencies to contract for these services we are issuing a waiver of the conflicts in this instance.

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

Sincerely,

Richard A. Weiss
Director

cc: Darrell Wagoner
Tom Gay, Office of Atty. Gen.