



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF THE DIRECTOR

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November 22, 2004

Tina Owens
T & O Charter Bus Service
P.O. Box 5716
Pine Bluff, AR 71611

Re: Advisory Opinion # 483-04-14

Dear Ms. Owens:

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) You are the Emolument Accountant at the Arkansas Department of Correction
- b) You arrange transportation (bus) services through your company, T & O Charter Bus Service
- c) You are seeking to do business with state agencies and are requesting an advisory opinion as to whether such would result in an ethical conflict.

Arkansas Code Annotated §19-11-705, **Employee Conflict of Interest**, prohibits employees from selling services to their own agencies. Accordingly, you are prohibited from contracting with ADC. However, you are free to contract with other state agencies as long as the procurement is conducted in a competitive manner using quote or sealed bid. In the event that any contract exceeds \$25,000, a disclosure must be submitted pursuant to EO 98-04.

Although it has been determined that a conflict of interest does not exist, the requirement for the employee to disclose any benefit from a state contract continues. This requirement is found at Arkansas Code Annotated §19-11-706.

The disclosure required shall be made to the Director of Finance and Administration within 30 days after the employee has actual or constructive notice of a benefit received or to be received. Such disclosure shall be made in written report which sets forth:

- a) the name of the state employee and the name of the business involved;
- b) the name of the governmental body with which the business has a contract;
- c) the dollar amount and nature of the contract; and
- d) the nature and extent of the benefit received or to be received.

This advisory opinion is issued in accordance with Arkansas Code Annotated §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 Executive Order #98-04.

Sincerely,

Richard. A. Weiss
Director

cc: Burl Scifres
Joe Giddis