



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

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January 28, 2005

Bret Brown  
1411 Whirlwind  
Bryant, AR 72022

Re: Advisory Opinion #483-05-01

Dear Mr. Brown:

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 an employee of Pulaski Technical College and your wife owns and operates a business, "Shop, Drop and Roll".
- b) Your wife's business is offering to sell to PTC 5 Evacu-trac chairs at \$1000 per chair.
- c) You are requesting an opinion as to whether PTC's purchase of these chairs from your wife's business could create an ethical conflict.

You have indicated in your letter that the chairs can be bought from the manufacturer, Garaventa in Canada for \$2000 per chair, including shipping. PTC stands to save \$1000 per chair should they purchase the chairs from your wife.

We believe that the ethical conflict is insubstantial and conclude that the state's interest allows purchase of the chairs from your wife's business.

Although this waiver will allow the transaction, 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: Patricia Palmer, PTC