



May 19, 2005

Jacquelyn Twillie
1415 S. University Ave.
Little Rock, AR 72204

Re: Advisory Opinion #483-05-03

Dear Ms. Twillie:

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 were employed by Arkansas Development Finance Authority (ADFA) as an Environmental Compliance Specialist in the HOME Department until March of 2005.
- b) You were required to review properties throughout the state to determine if they met certain criteria for ADFA supported American Dream Downpayment Assistance ("ADDI") payments to the buyers who made application for such grants.
- c) You are now doing business as a realtor and aiding particular buyers in making application for ADDI funds.
- d) You are requesting an advisory opinion to determine if a conflict exists under the Ethics in Public Contracting Law, ACA §§19-11-701 et. seq.

Arkansas Code Annotated §19-11-709(b)(2) provides a "One-year representation restriction regarding matters for which a former employee was officially responsible". However, in the case of ADDI grants, your job was environmental evaluation of the property, whereas the official decision about who should receive the grant was made by another individual.

In addition, the services you perform for buyers, i.e. point out and explain the ADFA ADDI program, do not rise to the level of the 'sale of commodities or services' envisioned by ACA §19-11-709(d)(i), and therefore no one year representation restriction exists under that section of the statute. However, you are prohibited from exerting any direct influence by contacting personnel at ADFA for the purpose of convincing the agency to provide ADDI grants for buyers of your sellers' real property.

We can not advise as to whether your current employment conflicts with ADFA rules regarding any restrictions on former employees. We recommend you contact ADFA directly.

This advisory opinion is issued in accordance with ACA §715(b) and compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the ACT and EO 98-04.

Sincerely,

Richard A. Weiss
Director

cc: Joe Giddis
Layne Anderson, ADFA