



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
www.dfa.arkansas.gov

June 4, 2018

William D. Remy
Arkansas Liquified Gas Co.
242 East First, P.O. Box 36
Booneville, AR 72927

RE: Advisory Opinion No. 2018-04

Dear Mr. Remy:

This letter is in response to your request for an advisory opinion and/or waiver of a conflict of interest pursuant to Ark. Code Ann. §19-11-701 *et seq.*, and Executive Order 98-04 (“EO 98-04”) regarding whether it would violate State ethical standards for Arkansas Liquified Gas Co. Inc. (“ALG”) to contract with the State. This opinion is based upon the following facts that have been presented to me in your request, which I am relying upon. It should be noted that if one or more of these facts are later shown to be incorrect, it could result in a revised opinion.

1. You, Mr. William D. Remy, are 50% owner and Secretary for ALG.
2. You are currently a member of the Arkansas Liquified Petroleum Gas Board (“ALPGB”), and will be a member under your current term until 2021.
3. The Arkansas Department of Parks and Tourism (“ADPT”) recently solicited bids for liquified petroleum gas for Mt. Magazine State Park. The value of the contract will be approximately \$45,000.00 over the contract term of one (1) year.
4. The solicitation was an Invitation for Bid for a contract under \$75,000.00.
5. You disclosed that you are a member of the ALPGB on the Contract and Grant Disclosure form.
6. You had no direct or indirect involvement in ADPT’s procurement process. ADPT confirms this.


Ark. Code Ann. §19-11-705 (a)(1)(A) prohibits state employees from participating directly or indirectly in any particular matter pertaining to any state agency contracts in which an employee or an employee's immediate family member has a financial interest. “Direct or indirect participation” is defined to include, but not be 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. *See* Ark. Code Ann. §19-11-705 (a)(2).

Based on the above facts, and reviewing the matter under Ark. Code Ann. §19-11-705 (a)(1)(A), ALG’s proposed contract work with the State does not violate the statute’s wording regarding participating directly or indirectly in the procurement process. The procurement was via

the Invitation for Bid process, ALG is the apparent low bidder, and there is no indication that you were involved in ADPT's procurement process in any way, directly or indirectly.

This advisory opinion and written approval is issued in accordance with Ark. Code Ann. § 19-11-715(b) and Ark. Code Ann. § 19-11-715(c). Compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Ark. Code Ann. §19-11-701 *et seq.*, and Executive Order 98-04.

Sincerely,



Larry W. Walther
Director

cc: Edward Armstrong, Office of State Procurement