



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

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December 4, 2018

Weston Lewey
Kevin Lewey
Delta OfficeWorks
703 Garland Street
Forrest City, AR 72335

RE: Advisory Opinion No. 2018-09

Dear Mr. Lewey and Commissioner Lewey:

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 WesKev, Inc. d/b/a Delta OfficeWorks (“WesKev”) 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. Mr. Kevin Lewey is 49% owner and President of WesKev.
2. Mrs. Weston Lewey is 49% owner of WesKev and is married to Kevin Lewey. Mrs. Lewey has no operational interest in WesKev.
3. Mrs. Lewey is currently a member of the Arkansas State Parks, Recreation and Travel Commission (“Parks”).
4. The Office of State Procurement (“OSP”) is in the process of renewing the Statewide Furniture Contract, SP-13-0230R.
5. Mr. Lewey disclosed that his wife is currently a Commissioner at Parks on the Contract and Grant Disclosure form.
6. Neither Mr. nor Ms. Lewey had any direct or indirect participation in OSP’s procurement of the Statewide Furniture Contract, SP-13-0230R.

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), WesKev’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 a cooperative procurement program, and there is no indication that Mr. Lewey or Mrs. Lewey participated in OSP'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