



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

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April 16, 2019

Russell A. Wood  
Wood Law Firm, P.A.  
501 East 4<sup>th</sup> Street, Suite 4  
Russellville, AR 72801

RE: Advisory Opinion No. 2019-03

Dear Mr. Wood:

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.*, regarding whether it would violate State ethical standards for American Outdoor Sports, Inc (“AOS”) 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. According to the request, AOS is a law enforcement dealer and provides firearms and equipment to law enforcement agencies and law enforcement personnel across the state.
2. You represent and own AOS. Mr. Robby Sims (“Sims”) is your partner in AOS and is currently a part-time police officer with Arkansas Tech University (“ATU”) in Russellville, Arkansas.
3. AOS has two invoices for purchases made by ATU. The first is a firearm purchase for \$3,644.96, and the second is an equipment purchase for \$2,151.00.<sup>1</sup> These are small procurements pursuant to Ark. Code Ann. §19-11-231.
4. Sims has no role in the decision-making process for law enforcement equipment at ATU.
5. According to attached correspondence from Chief Joshua McKinney from the ATU Department of Public Safety, Sims has no supervisory responsibilities for the Department of Public Safety.

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

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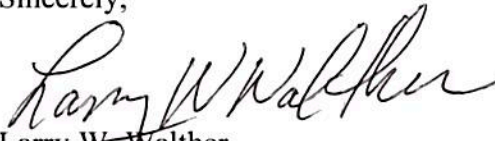
<sup>1</sup> The orders are for less than \$10,000.00 and therefore do not trigger any scrutiny under Executive Order 98-04.

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), ATU's purchases from AOS do not violate the statute's wording regarding participating directly or indirectly in the procurement process. The procurement was via the small procurement process, and there is no indication that Sims was involved in ATU'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.*

Sincerely,



Larry W. Walther  
Director

cc: Edward Armstrong, Office of State Procurement