



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

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May 1, 2019

Cameron Cooper
State Representative, District 44
Cameron.cooper@arkansashouse.org

RE: Advisory Opinion No. 2019-05

Dear Rep. Cooper:

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 Pathfinder, Inc. ("Pathfinder") 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, Pathfinder is a non-profit entity that does some contractual business with the State, including the Arkansas Department of Human Services ("DHS"). The majority of the services Pathfinder provides involve the Medicaid program where services are provided on an entitlement basis, rather than through competitive contracts.
2. You have recently been elected to the Arkansas House of Representatives, serving District 44.
3. You are currently employed as a "Residential Manager" for a Pathfinder residential program in Searcy, Arkansas. You have worked at Pathfinder for seventeen (17) years.
4. DHS is currently contracting with DHS for therapeutic counseling for individuals with co-occurring behavioral health needs.
5. You were not involved in the contracting process and you have no ownership interest in Pathfinder.
6. According to attached correspondence from Mike McCreight, the Executive Director of Pathfinder, you did not receive any monetary incentives related to contract decisions by the legislature. McCreight confirms that you were not involved in the contracting process.


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), DHS's contract with Pathfinder does not violate the statute's wording regarding participating directly or indirectly in the procurement process. There is no indication that you were involved in the procurement process in any way, directly or indirectly. Mike McCreight, the Executive Director of Pathfinder, has confirmed that you were not involved 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