

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2005-EC-003

Issued March 18, 2005

The Arkansas Ethics Commission has received a written advisory opinion request from Ralph M. Clifton, the City Attorney for Brinkley, Arkansas. The question asked is whether or not a person who has been appointed to a state office, board, or commission and files a statement of financial interest ("SFI") in connection with that position is still required to file another statement with the city clerk for any city or municipal office that he or she holds during the same year.

The categories of persons required to file a SFI are listed in Ark. Code Ann. § 21-8-701(a). The first category on that list is "[a] public official."¹ The fifth category is "[a]ny public appointee² to any state board or commission who is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds."

The place for filing a SFI varies depending upon the reason for filing. Pursuant to Ark. Code Ann. § 21-8-703(a)(3), municipal public servants and candidates for municipal office required to file a SFI shall file with the city clerk or recorder.

In accordance with Ark. Code Ann. § 21-8-703(a)(1), state or district public servants who are required to file a statement of financial interest make their filings with the Secretary of State. Public appointees are specifically included in the definition of public servant set forth in Ark. Code Ann. § 21-8-402(18).

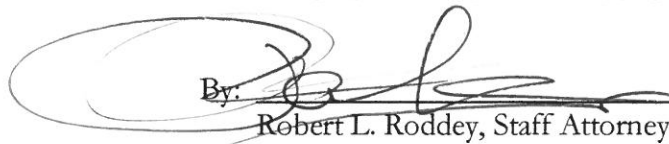
It is the Commission's opinion that a person who is required to file a SFI in both his or her status as a municipal public servant and his or her status as a public appointee to a state board or commission (which is authorized or charged by law with the exercise of regulatory authority or which is authorized to receive or disburse state or federal funds) must file the SFI with both the city clerk or recorder and the Secretary of State.

¹ The term "public official" is defined in Ark. Code Ann. § 21-8-402(17) to mean: a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office.

² The term "public appointee" is defined in Ark. Code Ann. § 21-8-402(15) to mean an individual who is appointed to a governmental body. It does not include an individual appointed to an elective office.

This advisory opinion is issued by the Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

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By: 
Robert L. Roddey, Staff Attorney