

ARKANSAS ETHICS COMMISSION

910 West Second Street, Suite 100
Post Office Box 1917
Little Rock, Arkansas 72203-1917
(501) 324-9600 Fax (501) 324-9606
Toll Free (800) 422-7773

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ADVISORY OPINION NO. 99-EC-020 **Issued November 19, 1999**

The Ethics Commission has received an advisory opinion request from Rodney Baker, who was appointed to serve on the Task Force on Non-Baccalaureate Post-Secondary Education.¹ Mr. Baker is employed as Director of Governmental Affairs at Farm Bureau. In the request, Mr. Baker seeks clarification concerning the contents of the annual Statement of Financial Interest filed by persons who serve on state boards and commissions.

Mr. Baker recently attended the Arkansas Society of Association Executives trade show where he participated in a drawing and won a one-night stay and dinner for two at the Excelsior Hotel. Additionally, while attending the Arkansas Forestry Association convention, he purchased two chances for a shotgun and won. In his advisory opinion request, Mr. Baker makes it clear that he was attending both events as a representative of Farm Bureau and not as a member of the Task Force on Non-Baccalaureate Post-Secondary Education. Mr. Baker's advisory opinion request centers around whether the two (2) items he won should be reported as gifts on his Statement of Financial Interest.

The persons required to file a Statement of Financial Interest are listed in Ark. Code Ann. § 21-8-701(a). Section 21-8-701(a)(5) states that "[a]ny public appointee 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" must file a written Statement of Financial Interest. Public appointee is defined at Ark. Code Ann. § 21-8-402(14)(A) as "an individual who is appointed to a governmental body." Governmental body is defined at Ark. Code Ann. § 21-8-402(6) and means "any office, department, commission, council, board, committee, legislative body, agency or other establishment of the executive, judicial, or legislative branch of the state...."

Based upon the law and a review of Act 1160 of 1999, which established the task force in question, the Commission concludes that board members of the Task Force on Non-Baccalaureate Post-Secondary Education are not required to file an annual Statement of

¹ The Task Force on Non-Baccalaureate Post-Secondary Education was established by Act 1160 of 1999 and is charged with developing strategies to improve the state's continuing education system other than the four-year colleges and universities.

Financial Interest. Act 1160 does not authorize members of the board to receive or disburse state funds (even as reimbursement for reasonable expenses). Further, Act 1160 does not permit the board to exercise regulatory authority as contemplated in Ark. Code Ann. § 21-8-701(a).

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

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By: JoAnn M. Adcock
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Staff Attorney