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ADVISORY OPINION NO. 2012-EC-002 Issued February 17, 2012

The Arkansas Ethics Commission has received a written advisory opinion request from Jack Gillean, Chief of Staff in the Office of the President at the University of Central Arkansas ("UCA"). The question asked is whether the chairs of the various academic departments at UCA are required to file a Statement of Financial Interest ("SFI").

According to the opinion request, the chairs of the academic departments in question serve as the administrative head of each department. As such, they are responsible for the department's budget, the hiring and disciplining of employees within that department, and overseeing the administration of the academic unit.

Ark. Code Ann. § 21-8-701 requires several different categories of persons to file a SFI on an annual basis. The fourth category on that list is "[a]ny agency head, department director, or division director of state government." Ark. Code Ann. § 21-8-701(a)(4).

The provision in question applies to a broad group of people, including not only the director of a department of state government, but if the department is organized into divisions, then the director, i.e. head of each division within the department. Additionally, the head of any state agency¹ is required to file a SFI, as are the directors or heads of any divisions within the agency. Essentially, the question asked herein is whether "*chairs* of the various academic departments" of a state university are considered within the referenced category, i.e., are they considered either "agency heads, department directors, or division directors of state government."

¹ The term "state agency," is defined elsewhere in the statutes under the Commission's jurisdiction to include "every board, commission, department, division, institution, and other office of state government whether located within the legislative, executive, or judicial branch of government and *including state-supported colleges and universities.*" (Emphasis supplied.) See Ark. Code Ann. § 21-1-401(2).

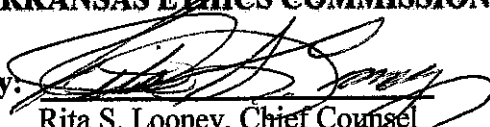
In interpreting this provision, the Commission notes that the question of whether a statute should be construed narrowly or broadly turns upon the interests with which the statute deals. "As a general rule, statutes enacted for the public benefit are to be interpreted most favorably to the public." *Laman v. McCord*, 245 Ark. 401, 432 S.W. 2d 753 (1968). It seems clear that statutes (such as Ark. Code Ann. § 21-8-701) which require public servants to disclose potential conflicts of interest are passed wholly in the public interest and should be liberally interpreted.

Accordingly, it is the opinion of this Commission that Ark. Code Ann. § 21-8-701(a)(4) requires the filing of a SFI by persons in charge of departments or divisions within a university, regardless of the title given to those persons. As the person responsible for the supervision of employees and the administration of department budgets, the chairs of the various academic departments at UCA are within the referenced category of persons required to file a SFI.

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

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By:


Rita S. Looney, Chief Counsel