

# ARKANSAS ETHICS COMMISSION

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## ADVISORY OPINION NO. 2005-EC-011 Issued July 22, 2005

The Arkansas Ethics Commission has received a written advisory opinion request from Dawn M. Dutcher, an employee of the Office of Emergency Medical Services and Trauma Systems (Office of EMS) at the Arkansas Department of Health. The question asked is whether or not it would be a conflict of interest for her to be a candidate for and/or elected to the position of Treasurer of the Arkansas Emergency Medical Technicians Association (AEMTA) Board.

According to the opinion request, the AEMTA is a statewide volunteer membership association of emergency medical technicians and paramedics. The AEMTA board members are voted into their positions by the association members.

A review of the statutes under the Ethics Commission's jurisdiction reflects that there is no statute which expressly addresses the ability of a state employee to hold a leadership position in a statewide professional association. Two provisions which do address potential conflicts of interest on the part of state employees are Ark. Code Ann. § 21-8-304(a) and (b).

The first such provision, § 21-8-304(a), states that no state employee shall use or attempt to use his or her official position to secure special privileges or exemption for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship or for those with whom he or she has a substantial financial relationship that is not available to others except as may be otherwise provided by law.

The second, § 21-8-304(b), states that no public official or state employee shall accept employment or engage in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position which is declared by law or regulation to be confidential.

It is the Commission's opinion that the mere fact that a state employee holds an elective office in a volunteer association does not, in itself, constitute a conflict of interest

under either of these provisions. However, a state employee holding such a position should be mindful of the provisions set forth above.


Additionally, while Arkansas law requires that appointees to state boards or commissions file a written Statement of Financial Interest on an annual basis, the Commission is not aware of a provision which requires such a filing by the officers of a volunteer association. Although some of the AEMTA members may be state employees, the association is not a “governmental body”<sup>1</sup> and accordingly, no statement of financial interest is required to be filed by its members or officers.

Based on the facts presented in the opinion request and the applicable statutes referenced herein, it is the Commission’s opinion merely holding the two positions described does not present a conflict of interest contemplated by the statutes under its jurisdiction.

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

**ARKANSAS ETHICS COMMISSION**

By:

  
Rita S. Looney, Chief Counsel

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<sup>1</sup> Ark. Code Ann. § 21-8-402(6) defines “governmental body” as any office, department, commission, council, board, committee, legislative body, agency or other establishment of the executive, judicial, or legislative branch or the state, municipality, county, school district, improvement district, or any political district or subdivision thereof.