

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2004-EC-002 Issued January 16, 2004

The Arkansas Ethics Commission has received a written advisory opinion request from John W. Measel, Jr., Ph.D., Director of the Arkansas School for Mathematics and Sciences. Therein, Dr. Measel relates that the Board of Trustees of the Arkansas School for Mathematics and Sciences has become a Board of Visitors as the school has been merged with the University of Arkansas system. The question presented is whether or not members of the newly established Board of Visitors are required to file a Statement of Financial Interest.

Pursuant to Ark. Code Ann. § 21-8-701(a)(5), any public appointee to any state board or commission who possesses regulatory authority or is authorized to receive or disburse state or federal funds is required to file a Statement of Financial Interest on an annual basis. A member of a state board or commission who is authorized to receive expense reimbursement is required to file a Statement of Financial Interest because such authorization allows the member to "receive" state funds.

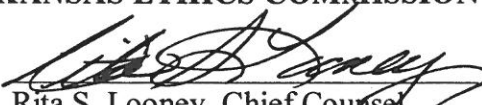
By virtue of Act 1305 of 2003, the Board of Trustees of the Arkansas School for Mathematics and Sciences was required to relinquish all responsibility, control and supervision concerning the school to the Board of Trustees of the University of Arkansas. According to the written request of Dr. Measel, however, members of the newly established Board of Visitors will continue to receive mileage reimbursement for meetings. Accordingly, appointees to the Board of Visitors for the Arkansas School for Mathematics and Sciences will be required to file an annual Statement of Financial Interest for 2004 by January 31, 2005, and each year thereafter. Also, in their capacity as members of the Board of Trustees during calendar year 2003, the members of the Board will be required to file a Statement of Financial Interest for 2003 by January 31, 2004.

While the amount received through reimbursement to these Board members may be minimal, the Commission is without authority to carve out an exception for such receipt of state funds. If an exception were to be created, it would be up to the Legislature, not the Commission, to fashion such an exception.

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