



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

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January 11, 2017

Steve Eggensperger  
500 Woodlane Street, Suite 120  
Little Rock, AR 72201  
Steve.eggensperger@governor.arkansas.gov

RE: Advisory Opinion No. 2017-02

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Dear Mr. Eggensperger,

This letter is in response to your request for an advisory opinion, in accordance with Ark. Code Ann. § 19-11-715(b), concerning a possible conflict of interest between yourself and the Arkansas Department of Human Services (DHS), regarding Peregrine Integrated Management, Inc. (Peregrine), in which you have a 30% ownership interest. I appreciate your inquiry. Public service is a position of trust. Thus, it is paramount that public employees strive to avoid even the mere appearance of a conflict of interest under Ark. Code Ann. § 19-11-705 or a violation of the public services code of ethics under Ark. Code Ann. § 21-8-304.

This opinion is based upon the following facts that have been presented to me. It should be noted that if one or more of these facts are later shown to be incorrect, that could result in a revised opinion.


1. You are currently employed as a Military, Veteran, and Public Safety Liaison with the Office of Governor Hutchinson.
2. Your employment in that capacity began in August of 2016.
3. Peregrine submitted a response to a Request for Qualifications (RFQ) solicited by DHS for a variety of services to include business process review and reengineering, project management services, and data analytics.

Ark. Code Ann. § 19-11-705 prohibits state agencies, including state-supported institutions of higher education, from contracting with a business in which an employee or an employee's immediate family member has a financial interest if the employee participates, either directly or indirectly, in the procurement of such contracts. "Employee" is defined broadly to include volunteer members of state boards and commissions. Ark. Code Ann. § 19-11-701(8). "Direct or indirect participation" is defined under Ark. Code Ann. § 19-11-705(a)(2), and includes, without limitation, "involvement through decision, approval, disapproval, recommendation, preparation of any part of a procurement request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity." The position of employment and an employee's participation in the procurement process, both directly and indirectly, are examined on a case-by-case basis.

Under the facts as stated above, I find no conflict of interest or breach of ethical standards, owing to your assertion that you are employed with the Office of Governor Hutchinson and not with DHS. Additionally, it is assumed that neither you nor a member of your immediate family had direct or indirect participation with the agency's approval, disapproval, recommendation, or preparation of the contract or any participation in any other advisory capacity insofar as the contract is concerned.

This advisory opinion is issued in accordance with Ark. Code Ann § 19-11-715(b). Compliance with the above course of conduct is deemed to constitute compliance with Arkansas law and Executive Order 98-04.

Sincerely,



Larry W. Walther  
Director and Chief Fiscal Officer of the State