

**THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION**

Approved by the Regents  
January 21, 2010

ACTION REQUEST

Subject: Regental Action Required Under the State of Michigan Conflict of Interest Statute

Action Requested: Authorization for the University to make a Payment to David S. Rosen Photographs (University of Michigan Employee Dr. David S. Rosen, Sole Proprietor)

Background:

The University of Michigan Health System's Department of Pediatrics ("Pediatrics") seeks approval to make a payment to David S. Rosen Photographs ("Dr. Rosen") for photography services and custom prints. Dr. Rosen photographed the children of faculty members in Pediatrics and provided gallery wrapped canvas prints for use as artwork in the hallways and waiting area of Pediatrics. Dr. Rosen was selected because of substantial discounts.

The proposed payment falls under the State of Michigan Conflict of Interest Statute as Dr. David S. Rosen is a University employee and would be a party to the contract as sole proprietor of David S. Rosen Photographs. However, the Statute allows the University to enter into such contracts if the following conditions are met:

- a) The public servant promptly discloses any pecuniary interest in the contract to the official body which has power to approve the purchase, which disclosure shall be a matter of record in its official proceedings.
- b) The purchase is approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure.
- c) The official body discloses the following summary information in its official minutes:
  - i) The name of each party involved in the contract.
  - ii) The terms of the purchase, including duration, financial consideration between the parties, facilities or services of the public entity included in the purchase, and the nature and degree of assignment of employees of the public entity for fulfillment of the purchase.
  - iii) The nature of any pecuniary interest.

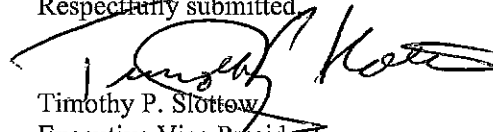
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties involved in the agreement are the Regents of the University of Michigan and its Health System's Department of Pediatrics and David S. Rosen Photographs.
- ii) The payment is for photography services and eight canvas prints ranging in size from 24"x24" to 30"x40". Dr. Rosen offered a 15% discount and the total due is \$3,468.
- iii) The pecuniary interest arises from the fact that Dr. David S. Rosen is a University of Michigan employee as Professor in the Department of Pediatrics and is sole proprietor of David S. Rosen Photographs.

Dr. Rosen has met state law requirements with the disclosure of his pecuniary interest and formal appointment arrangements with the University of Michigan. Requirements, if any, that may be applicable under the Medical School's or OVPR's Conflict of Interest Committee's procedures are separately analyzed and managed.

We recommend that the Board of Regents approve the agreement between the University of Michigan and David S. Rosen Photographs subject to requirements, if any, that either the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,



Timothy P. Slottow  
Executive Vice President  
and Chief Financial Officer

January 2010