

**THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION**

ACTION REQUEST

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

Action Requested: Authorization for the University to transact with Enthusiasm Productions, LLC  
(University of Michigan Employee, David Turnley, Owner)

Background:

The University of Michigan Intercollegiate Athletics Department seeks approval to transact with Enthusiasm Productions, LLC (“Enthusiasm Productions”) for the purchase of 148 regular edition copies of “Rise Again,” a picture book documenting the Michigan Football Program under Coach Jim Harbaugh’s second year at the University of Michigan.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as David Turnley is a University employee as Associate Professor-Tenured with the Stamps School of Art & Design and Residential College and would be party to the contract as Owner of Enthusiasm Productions.

However, the Statute allows the University to enter into such agreements 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.

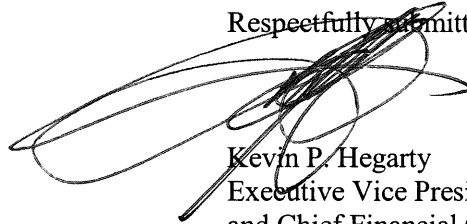
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Intercollegiate Athletics Department and Enthusiasm Productions.
- ii) The agreement is for the purchase of 148 books, titled "Rise Again" at a total cost of \$9,990. The per book cost of \$67.50 represents a ten percent discount off the retail price. Enthusiasm Productions will be supplying all the necessary resources and personnel to fulfill this contract. The remaining base contract terms and conditions are typical to those used in Procurement Services standard templates for other similar contracts entered into by the Regents.
- iii) The pecuniary interest arises from the fact that University of Michigan employee, David Turnley, is the Owner of Enthusiasm Productions.

David Turnley 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 by the supervisor of David Turnley 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 Enthusiasm Productions subject to requirements, if any, that the supervisor of David Turnley or the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,



Kevin P. Hegarty  
Executive Vice President  
and Chief Financial Officer

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