

**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 MONSTR Sense Technologies, LLC (University of Michigan Employee, Steven Cundiff, Member and Owner, and Eric Martin, Member and Owner).

Background:

The University of Michigan Physics Department seeks approval to transact with MONSTR Sense Technologies, LLC for an optical co-linear multidimensional coherent spectrometer.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Steven Cundiff is a University employee as Professor with the Physics Department and would be party to the contract as member and owner of MONSTR Sense Technologies, LLC, and Eric Martin is a University employee as Research Fellow with the Physics Department and would be party to the contract as member and owner of MONSTR Sense Technologies, LLC.

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 University of Michigan Physics Department and MONSTR Sense Technologies, LLC.
- ii) The agreement is for a one time purchase at a total cost not to exceed \$75,000. MONSTR Sense Technologies, LLC 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 employees, Steven Cundiff is member and owner, and Eric Martin is member and owner of MONSTR Sense Technologies, LLC.

Steven Cundiff and Eric Martin have met state law requirements with the disclosure of their pecuniary interest and formal appointment arrangements with the University of Michigan. Requirements, if any, that may be applicable by the supervisors of Steven Cundiff and Eric Martin, 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 MONSTR Sense Technologies, LLC subject to requirements, if any, that the supervisors of Steven Cundiff, and Eric Martin or the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin E. Hegarty', with a long horizontal flourish extending to the right.

Kevin E. Hegarty
Executive Vice President and Chief Financial Officer

February 2020