

**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 Arbor Medical Innovations, LLC (University of Michigan Employees, Steven Harte, Member, Grant Kruger, Member, Partner, Owner, and Stockholder).

Background:

The University of Michigan Department of Anesthesiology seeks approval to transact with Arbor Medical Innovations, LLC for customization of one Mast and fifteen AcuWand devices.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Steven Harte is a University employee as Associate Professor with the Department of Anesthesiology and would be party to the contract as member of Arbor Medical Innovations, LLC, and Grant Kruger is a University employee as Associate Research Scientist with the Department of Mechanical Engineering and would be party to the contract as member, partner, owner, and stockholder of Arbor Medical Innovations, 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.

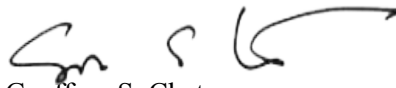
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Anesthesiology Department and Arbor Medical Innovations, LLC.
- ii) The agreement is for a duration of one year at a total cost not to exceed \$10,920. Arbor Medical Research Innovations, 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 Harte is a member and Grant Kruger is member, partner, owner, and stockholder of Arbor Medical Innovations, LLC.

Steven Harte and Grant Kruger 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 Harte and Grant Kruger, under the Medical School's or OVRP'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 Arbor Medical Innovations, LLC subject to requirements, if any, that the supervisors of Steven Harte and Grant Kruger or the Medical School's or OVRP's Conflict of Interest Committee may impose.

Respectfully submitted,



Geoffrey S. Chatas
Executive Vice President and Chief Financial Officer

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