

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 Jazz Pie Music (University of Michigan Employees, Christopher Smith, James Dapogny, and Roderick McDonald, Band Members)

Background:

The University of Michigan Law School, Office of Development and Alumni Relations, seeks approval to transact with Jazz Pie Music for musical performances at the Law School events from 2016 through 2018.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Christopher Smith is a University employee as a Patient Care Technical Associate in the University of Michigan Hospital Pathology Unit, James Dapogny is a University employee as Professor Emeritus in the School of Music, Theatre, and Dance, and Roderick McDonald is a University employee as a Research Associate with Internal Medicine-Pulmonary and would be parties to the agreement as Band Members of Jazz Pie Music.

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.

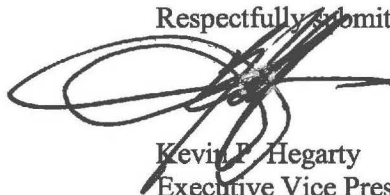
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Law School and Jazz Pie Music.
- ii) The agreement is for musical performances from 2016 through 2018 at a total cost not to exceed \$3,500. Jazz Pie Music 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, Christopher Smith, James Dapogny, and Roderick McDonald, would be parties to the agreement as Band Members of Jazz Pie Music.

Christopher Smith, James Dapogny, and Roderick McDonald 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 Christopher Smith, James Dapogny, and Roderick McDonald 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 Jazz Pie Music subject to requirements, if any, that the supervisors of Christopher Smith, James Dapogny, and Roderick McDonald 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

October 2016