

**THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION**

**Approved by the
Regents
November 21, 2013**

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, & Roderick
McDonald, Partners)

Background:

The University of Michigan Law School-Office of Development & Alumni Relations seeks approval to transact with Jazz Pie Music for musical performances at law school events from 2013 through 2015.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Christopher Smith is a University employee as Patient Care Tech Associate with the Department of Hematology, and James Dapogny is a University employee as Professor Emeritus at the School of Music Theatre and Dance, and Roderick McDonald is a University employee as Research Laboratory Specialist in Internal Medicine-Pulmonary Care and would be party to the agreement as Partners 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.

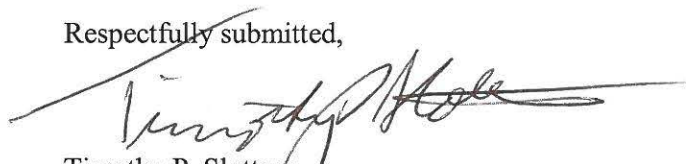
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- 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 at law school events from 2013 through 2015. The total cost during this time period is not to exceed \$3,500.
- iii) The pecuniary interest arises from the fact that University of Michigan employees, Christopher Smith, James Dapogny, and Roderick McDonald are Partners of Jazz Pie Music.

Christopher Smith, James Dapogny, & Roderick McDonald have met state law requirements with disclosure of their 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 Jazz Pie Music 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

November 2013