

**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 Red Poppy Floral Design, LLC  
(University of Michigan Employee, Tracy Swinburn, Owner)

Background:

The University of Michigan's Department of Social Work seeks approval to transact with Red Poppy Floral Design, LLC. The department is hosting a business meeting with their counterparts in Flint and need to provide floral centerpieces for each table.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Tracy Swinburn is a University employee as Program Manager at the Dearborn College of Arts, Sciences and Letters - Social Sciences and the School of Public Health and would be party to the agreement as Owner of Red Poppy Floral Design, LLC.

However, the Statute allows the University to enter into such contracts 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 Red Poppy Floral Design, LLC.
- ii) The agreement is to purchase floral centerpieces for a business meeting with the School of Social Work's counterparts in Flint for a total cost of \$148.40.
- iii) The pecuniary interest arises from the fact that Tracy Swinburn, a University of Michigan employee, is Owner of Red Poppy Floral Design, LLC.

Tracy Swinburn has met state law requirements with the disclosure of her pecuniary interest and formal appointment arrangements with the University of Michigan. Requirements, if any, that may be applicable under the Medical School's or OVP'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 Red Poppy Floral Design, LLC subject to requirements, if any, that either the Medical School's or OVP's Conflict of Interest Committee may impose.

Respectfully submitted,

  
Timothy P. Slottow  
Executive Vice President  
and Chief Financial Officer

December 2011