

**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 enter into an agreement with Kevin Rutherford Thomas (University of Michigan Employee, Kevin Rutherford Thomas, Owner).

Background:

The University of Michigan Literature, Science and the Arts, Residential College, Prison Creative Arts Project (PCAP) seeks approval to enter into an agreement with Kevin Rutherford Thomas for photography and video production services for the 25th Annual Exhibition of Art by Michigan Prisoners event.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Kevin Rutherford Thomas is a University employee as Manager of Keene Theater and Media Consultant with the Residential College and would be party to the contract.

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.

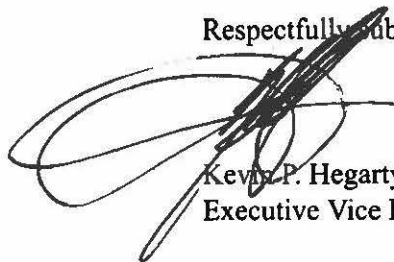
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Residential College and Kevin Rutherford Thomas.
- ii) The agreement is for a duration of one year at a total cost not to exceed \$10,000. Kevin Rutherford Thomas 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 employee, Kevin Rutherford Thomas, is owner of Kevin Rutherford Thomas.

Kevin Rutherford Thomas has met state law requirements with the disclosure of his pecuniary interest and formal appointment arrangements with the University of Michigan. Requirements, if any, that may be applicable by the supervisor of Kevin Rutherford Thomas, 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 Kevin Rutherford Thomas subject to requirements, if any, that the supervisor of Kevin Rutherford Thomas 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 P. Hegarty', is written over a horizontal line. The signature is stylized with loops and a long tail.

Kevin P. Hegarty
Executive Vice President and Chief Financial Officer

December 2019