

David Cronin

From: Randy Larkin
Sent: Thursday, July 06, 2017 4:06 PM
To: David Cronin
Subject: RE: Transportation Commission - Conflict of Interest

David

Under the Kansas Conflict of Interest Act of 1970, codified as amended at 75-4301a *et seq.*, members of the Transportation Commission are subject to the Conflict of Interest laws. Under Section 75-4301a, a "local government officer" is defined as any elected or **appointed officer of any governmental subdivision** or any of its **agencies**. Because the Transportation Commission is an agency of the City, a member appointed to the Transportation Commission is, for the purposes of the statute, a "local government officer." Under K.S.A. 75-4305(a), no "local government officer," who has not filed a statement of substantial interest, shall first, before acting on any matter that will affect any business in which the "local government officer" has a substantial interest (substantial interest is defined at K.S.A. 75-4301a), file a disclosure of substantial interest with the count election office. Under K.S.A. 75-4305(b), a "local government officer" does not act on a matter if he or she abstains from any action on the matter.

So, if a member of the Transportation Commission has a substantial interest in any business appearing before the Transportation Commission, he or she must either (1) file a statement of substantial interest with the county election officer before acting on the matter or (2) abstain from taking any action (hearing, discussing, deliberating, voting, etc.) on the matter.

Violation of the statute is a class B misdemeanor under K.S.A. 75-4306. Penalty for conviction of a crime classified as a class B misdemeanor may result in incarceration not to exceed 6 months, a fine not to exceed \$1,000.00, or both.

If you have any additional questions, please let me know.

Randy

P.S. It sounds like it might be a good idea to schedule the Commission for Open Meetings and Conflicts of Interest training.

From: David Cronin
Sent: Thursday, July 06, 2017 3:37 PM
To: Randy Larkin <rlarkin@lawrenceks.org>
Subject: Transportation Commission - Conflict of Interest

Randy, a Commissioner asked at our last meeting if advisory boards are not subject to conflict of interest policies because they are not policy making bodies? Can you please clarify?

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