

THE UNIVERSITY OF MICHIGAN  
REGENTS COMMUNICATION

Approved by the Regents

September 22, 2006

ACTION REQUEST

Subject: Regental Action Required Under the State of Michigan Conflict of Interest Statute

Action Requested: Authorization for the University to Enter into a Purchasing Contract with Woolly Acres Nursery (University of Michigan Employee Jeffrey Walters, Owner)

Background:

The University of Michigan's Matthei Botanical Gardens wishes to enter into a contract with Woolly Acres Nursery to provide plants. Jeffrey Walters, a Collections/Natural Areas Manager, is the Owner of Woolly Acres Nursery. Woolly Acres Nursery was selected because they are able to provide the variety and sizes of plants required at competitive prices.

The proposed purchase falls under the State of Michigan Conflict of Interest Statute as Jeffrey Walters is a University employee and is a party to the purchase by virtue of his position as Owner of Woolly Acres Nursery. 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 its Matthei Botanical Gardens and Woolly Acres Nursery.
- ii) The product to be provided is plants, over a time period of 3 years, at a total cost of \$3,000.00.
- iii) The pecuniary interest arises from the fact that Jeffrey Walters, University of Michigan employee, is Owner of Woolly Acres Nursery.

Jeffrey Walters has met state law requirements with the disclosure of his pecuniary interest, and his 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 payment between the University of Michigan and Woolly Acres Nursery, subject to requirements, if any, that either the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,



Timothy P. Slotow  
Executive Vice President & Chief Financial Officer

September 2006