

EXH	MOTION	Maynard
	SECOND	McBroom
	ACTION	APPROVED BY THE REGENTS
NOTE:		JUN 16 2005

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 Approve a Payment for and Enter into a Contract with NeuroNexus Technologies (University of Michigan Employees Daryl Kipke and Jamille Hetke, CEO and Director of Research respectively)

Background:

The University of Michigan's Kresge Hearing Research Institute Otolaryngology Laboratory wishes to receive approval to make payment to NeuroNexus Technologies and enter into a contract for fiscal year 2006 for the purchase of multi-channel recording probes. The probes were formerly manufactured and distributed by The University of Michigan Center for Neural Communication Technologies (CNCT), funded by an NIH grant. When funding was discontinued, several CNCT principals formed NeuroNexus Technologies to manufacture and market the probes. There is no other source for the probes, which are used in three NIH funded projects.

The proposed purchase falls under the State of Michigan Conflict of Interest Statute as Daryl Kipke and Jamille Hetke are University employees and are parties to the purchase by virtue of their positions as CEO and Director of Research, respectively, for NeuroNexus Technologies. 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 Kresge Hearing Research Institute Otolaryngology Laboratory and NeuroNexus Technologies.
- ii) The product provided is multi-channel recording probes. The cost for the product is \$4,576.00 for product already received and \$40,463.00 for product needed for fiscal year 2006.
- iii) The pecuniary interest arises from the fact that Daryl Kipke and Jamille Hetke, University of Michigan employees, are CEO and Director of Research, respectively, of NeuroNexus Technologies

Daryl Kipke and Jamille Hetke have met state law requirements with the disclosure of their pecuniary interest, and their 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 NeuroNexus Technologies, 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

June, 2005