

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #103**

<b>Policy Title:</b>  <b>CONFLICT OF INTEREST</b>	<b>Effective Date: September 1, 2024</b>	<b>Policy #103</b>
	<b>Supersedes: July 06, 2017</b>	

**PURPOSE:**

This policy provides guidelines for identifying conflicts, disclosing conflicts and the procedures to be followed to assist the Arizona Board of Executive Clemency to manage conflicts of interest and situations that may result in the appearance of a conflict. It governs the activities of the members and staff of the Arizona Board of Executive Clemency ('Board').

**AUTHORITY:**

**A.R.S. §31-402**

**A.R.S. §38-502**

**A.R.S. §38-503**

**PROCEDURE:**

**103.1 Conflict of Interest**

1.1 In accordance with A.R.S. §38-503, any Board member who has, or whose relative has, a substantial interest in matters relating to Board business shall refrain from voting or participating in any decision.

- a. Substantial interest is defined according to A.R.S. §38-502 as '*...any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest*'.

1.2 It is the duty of all Board members and staff to be aware of and to identify conflicts of interest and situations that may result in the appearance of a conflict and to disclose those situations/conflicts/or potential conflicts to the:

- a. Board Chair;
- b. Board Executive Director; and/or
- c. Board Counsel.

1.3 The board has adopted several policies that directly or indirectly address potential conflict of interest concerns. These policies are:

**Board Member Decorum Policy #101**

**Ethical Standards Policy #102**

**Hearing Recusal Policy #104**

## **103.2 Training**

2.1 All new Board members and Board staff shall be trained by the Board's legal counsel and the Board Chair or designee on how to avoid placing themselves in a conflict of interest situation.

2.1.1 Training shall cover the definition of a conflict of interest, including what constitutes a 'substantial interest'.

## **103.3 Procedures to manage conflicts**

3.1 For each interest disclosed, the Executive Director in consultation with the Board Chair, will determine based on the nature of the conflict whether the organization should: (a) take no action or (b) disclose the situation more broadly and invite discussion/resolution by the full Board, or (c) refrain from taking action and otherwise avoid the conflict. In most cases the broadest disclosure possible is advisable so that decision-makers can make informed decisions that are in the best interests of the organization. However, care should always be taken in deciding whether to disclose a conflict to the full Board to prevent undue influence or any appearance of impropriety created with respect to the other Board members.

- a. When the conflict involves a decision-maker, the person with the conflict ("interested party"): (i) must fully disclose the conflict to the Board Chair and the Executive Director; and (ii) may not be involved in the decision of what action to take (e.g., may not participate in a vote).
- b. The person with the conflict will be asked to recuse him/herself from sensitive discussions so as not to unduly influence the discussion of the conflict.
- c. In all cases, decisions involving a conflict will be made only by disinterested persons.
- d. The Executive Director will monitor proposed or ongoing transactions of the organization (e.g., contracts with vendors and collaborations with third parties) for conflicts of interest and disclose them to the Board Chair, whether discovered before or after the transaction has occurred.

## 2.1 Disclosure of Conflicts

- 3.1 Board members and Board staff shall annually disclose and promptly update any disclosures previously made on the Conflict Disclosure Questionnaire form using the current ADOA approved form. They shall identify their interests that could give rise to conflicts of interest, including: substantial business or investment holdings, other transactions or affiliations with businesses, government agencies or any other organizations, and/or those of family members.
- 3.2 Board members and staff are urged to disclose conflicts as they arise and to disclose those situations that are evolving that may result in a conflict of interest.
  - 3.2.1 Board members shall disclose to the Board Chair as soon as they are aware of the conflict/potential conflict or if the appearance of a conflict exists. Staff shall disclose to the Executive Director.
  - 3.2.2 Advance disclosure must occur so that a determination may be made as to the appropriate plan of action to manage the conflict.
- 3.3 Disclosure of a conflict by the Executive Director shall be made to the Board Chair.
- 3.4 Disclosure of a conflict by the Board Chair shall be made to the Executive Director and Board Counsel.

## 2.2 Acknowledgement

- 3.1 Within the first week of employment, all new Board members shall receive a copy of the Board's Policy and Procedure Manual and shall read
- 3.2 Board Policy #101 *Board Member Decorum*, Board Policy #102 *Ethical Standards* and Board Policy #104 *Hearing Recusal*. Upon completion, the Board member will acknowledge that they have fully read and understand each policy by initial and signature on the **Conflict of Interest Statement and Acknowledgement** form. The form shall be placed in the Board member's personnel file.
- 3.3 This policy as well as the other three designated policies above shall be annually reviewed and acknowledged by each Board member at the beginning of the new fiscal year.

### **IMPLEMENTATION:**

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.

# CONFLICT OF INTEREST STATEMENT

## and ACKNOWLEDGMENT

I have received the Board's Policy and Procedures Manual and understand that designated policies are also posted on the Board's website ([www.boec.az.gov](http://www.boec.az.gov)) for review. As a member of the Board, it is my duty to review any policy revisions as updated.

In compliance with Board Policy #103 *Conflict of Interest*, I hereby acknowledge that I have read and fully understand the Board's Policy and Procedures including the following:

Board Member Decorum Policy #101	_____ (initials)
Ethical Standards Policy #102	_____ (initials)
Conflict of Interest Policy #103	_____ (initials)
Hearing Recusal Policy #104	_____ (initials)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name