

Conflict of Interest Disclosure

Arizona's conflict-of-interest requirements exist to limit the possibility of personal influence from impacting a decision of a public agency, including many of the public councils assisting Arizona's courts. [A.R.S. §§ 38-501 to 38-511](#). A volunteer member or an employee may not participate in a matter in which they or a relative have a substantial interest.

To determine whether a "substantial interest" exists, ask:

1. Could a decision affect, either positively or negatively, your interest or that of a relative?
2. Is financial consideration involved, such as a pecuniary or proprietary interest?
3. Is the interest something that is not statutorily designated as a remote interest? See list of "remote interests" at [A.R.S. § 38-502\(10\)](#).

Even in the absence of a substantial interest, a volunteer member or an employee may not participate in a matter if doing so may result in an appearance of impropriety. See [Arizona Code of Judicial Administration Section 1-303](#).

If a conflict of interest may exist, either due to a "substantial interest" or an "appearance of impropriety," identify the public council, meeting date, and agenda item or other matter in which you will not participate.

Council: _____ Meeting Date: _____

Agenda Item: _____

If a "substantial interest" may exist, provide a description in the space below:

If no "substantial interest" exists but your participation may still result in an "appearance of impropriety," check the following statement (no description necessary):

- I will not participate in this agenda item because it may result in an appearance of impropriety even though I do not have a substantial interest to make known.

I will not participate in the matter indicated above.

Name: _____ Date: _____

Signed: _____

Q & A Re Conflict of Interest Disclosure

I'm a volunteer member. Do I have to do this?

We believe you should avoid any question as to a violation of Arizona law by disclosing financial conflicts and refraining from participating in that matter. [A.R.S. §§ 38-501 to 38-511](#). These limitations apply to public officers of government entities, including those appointed by the courts, such as council members. "Any public officer . . . of a public agency who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer . . . in such decision." A.R.S. § [38-503\(B\)](#).

Substantial interest—what does that mean?

If you or a relative are going to make/lose money based on the outcome of the agenda item or will have a property interest affected, then you have a substantial interest. "Substantial interest' means any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest." A.R.S. § [38-502\(11\)](#). See A.R.S. § [38-502\(10\)](#) for the definition of a "remote interest." "Relative' means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse." A.R.S. § [38-502\(9\)](#).

Will my disclosure be public?

Yes. You are to "make known" the "substantial interest." "Make known' means the filing of a paper which is signed by a public officer . . . and which fully discloses a substantial interest or the filing of a copy of the official minutes of a public agency which fully discloses a substantial interest." A.R.S. § [38-502\(3\)](#). Using the Conflict of Interest Disclosure may reduce the amount of information that needs to be included in meeting minutes. Disclosures will be maintained and be made available in response to a public records request as required by law.

I don't have a financial interest, but it wouldn't be right if I participated in a matter. What do I do?

Even in the absence of a substantial interest, you may not participate if doing so may result in an "appearance of impropriety." This standard is referenced throughout the Arizona Code of Judicial Administration, [Section 1-303](#): Code of Conduct for Judicial Employees. This code applies to a non-judicial officer volunteer, as you fall within the broad definition of a "judicial employee." With respect to conflicts, Comment 1 to Rule 2.11 says in part:

Every judicial employee has a legal obligation under A.R.S. § 38-501 et. seq. to diligently identify, disclose and avoid conflicts of interest. . . . Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the court system.