

MAINE STATE LEGISLATURE

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*Conflict of Interest
Director, Bureau of Rehabilitation / Board of Maine Institution for the Blind*

Department of Human Services

STATE HOUSE, AUGUSTA, MAINE

Date January 5, 1977

To C. Owen Pollard, Director, Bureau of Rehabilitation

From Thomas E. Geyer, Assistant Attorney General

T. E. G.

Subject Conflict of Interest

The question you pose in your memorandum of November 2, 1976 is whether there is a conflict of interest in your serving on the Board of the Maine Institution for the Blind at the same time you are the Director of the Bureau of Rehabilitation.

The Law Court, in Opinion of the Justices, Me. 330 A.2d 912 (1975) at 917, stated that "...questions concerning whether there is a "conflict of interests" violative of law are not susceptible of generalized answers. Essentially, each case will be "law" only unto itself." Therefore the answer to your question applies only to the facts of your particular situation as you describe them in your memorandum.

These facts indicate that as Director of the Bureau of Rehabilitation, you have as one of your administrative duties the general supervision of the disbursement of Bureau funds to private, provider agencies. As a member of the Board of the Maine Institution for the Blind, you are placed in the position of seeking grants from the Bureau and entering into various contracts with that state agency. Although you have no pecuniary interest in serving as a member of the Board, and it is a non-profit organization, I feel this dual role of yours does create a conflict. Even though you may abstain from the decision-making processes of the Board which concern the Bureau of Rehabilitation, there is always the possibility of a third party provider raising the conflict issue if that provider is in competition with the Institution for grants from and contracts with the Bureau. Such a situation developed recently between another agency of the Department and a disgruntled, private provider which was not awarded a particular state contract.

For the foregoing reasons, it would be in your best interests and those of the Bureau for you to resign from your position as a member of the Board of the Maine Institution for the Blind, advising the Governor of your reasons for doing so.

TEG:bjw