



## **Colorado Opioid Abatement Council** **Conflict of Interest and Self-Dealing Policy**

### **I. Purpose**

This Colorado Opioid Abatement Council (“COAC”) Conflict of Interest and Self-Dealing Policy is intended to ensure that the distribution and use of funds complies with the requirement of the Colorado Opioid Settlement Memorandum of Understanding that the COAC adopt a formal conflict of interest policy.

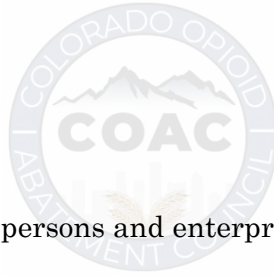
### **II. Executive Summary**

This Policy provides policies, procedures, restrictions, and prohibitions addressing self-dealing (issues involving financial gains) and conflicts of interest (issues involving personal motivations and loyalties). This Policy incorporates statutory requirements that apply to members of the COAC; it remains the individual responsibility of every member of the COAC to comply with any additional statutory requirements.

This Policy also is intended to protect the integrity and reputation of COAC members and staff when making decisions, dispersing and using funds, and overseeing the distribution and use of funds by Regional Councils.

### **III. Definitions**

- 1) For purposes of this policy, “family” means:
  - a. COAC member’s spouse;
  - b. a COAC member’s dependents; or
  - c. any other individual sharing a household and expenses with a COAC member.
- 2) For purposes of this policy, “financial interest” means an interest held by a COAC member which is:
  - a. an ownership interest in a business;
  - b. a creditor interest in an insolvent business;
  - c. an employment or prospective employment for which negotiations have begun;
  - d. an ownership interest in real or personal property;
  - e. a loan or other debtor interest;
  - f. a directorship or officership in a business; or
  - g. a personal and material economic interest in a transaction.
- 3) For purposes of this policy, “personal interest” means any relationship or activity that impairs, or potentially impairs, the ability of a COAC member to make impartial decisions in carrying out COAC business.



#### **IV. Applicability**

This Policy applies to the following persons and enterprises:

- 1) COAC members and their immediate family members (spouse, domestic partner, parents, siblings, children and grandchildren, spouses of children and grandchildren)
- 2) Businesses and/or organizations (including non-profits) in which any person listed above own at least 20% of the voting power or at least 20% of the profits interest
  - a. Governmental entities in which any person listed above are employees or elected officials

#### **V. General Principles**

COAC members are expected to demonstrate their commitment to the goals and aims of the COAC when conducting COAC business. Members may not use their positions on the COAC for personal gain or to benefit another person or organization at the expense of the COAC or its reputation. Members should be especially sensitive to potential conflicts and appearances of impropriety that may impact the public trust. Members shall disclose any potential conflict(s) to the COAC as a whole prior to the COAC's consideration of a grant, contract, or other distribution of funds.

##### **Section A: Self-Dealing**

Neither the COAC nor any member of the COAC will engage in acts of self-dealing. Examples of self-dealing include but are not limited to:

- Voting on dispersal of COAC funds that satisfy personal pledges;
- Voting on dispersal of COAC funds that are earmarked for the direct benefit of the governmental entity, business or non-profit where the member is employed or has personal business;
- Accepting free or reduced cost tickets, seats, or other items of value from grantees or organizations benefitted by dispersing of COAC funds, if such special discounts are not available to the general public;
- Using COAC funds to pay staff or staff's family members or businesses for goods, property, or personal services.

##### **Section B: Conflicts of Interest**

COAC members are statutorily prohibited from performing an "official act" that may have a "direct economic benefit on a business or other undertaking in which such member has a

direct or substantial financial interest.” See § 24-18-108.5, C.R.S. “Official act” includes not only votes and decisions, but also recommendations or “any other action, including inaction, which involves the use of discretionary authority.” § 24-18-102, C.R.S. “Business or other undertaking” is broad, and can include individuals carrying on a business, whether or not for profit. *Id.* The following situations, while not exhaustive, are illustrative of prohibited conflicts of interest:

- 1) The COAC member or family member is or may be a direct recipient of funds provided pursuant to the Settlement Memorandum of Understanding;
- 2) The COAC member or family member currently is an elected or appointed official, a board member or advisor, or a paid or volunteer worker for an organization that is requesting or receiving funds provided pursuant to the Settlement Memorandum of Understanding;
- 3) An entity that employs a COAC member or a family member, that the member represents as an elected or appointed official, or that the member is doing business with (or is in negotiations to do business with), is a recipient or applicant for funds provided pursuant to the Settlement Memorandum of Understanding.

## **VI. Procedures**

### **1) Duty to Disclose**

In connection with any actual, potential, or perceived conflict of interest, a COAC member or staff must disclose the existence of the interest, recuse from any official action, and be given the opportunity to disclose all material facts to the COAC. However, a COAC member is not required to disclose the nature of the conflict if the fact of the conflict is disclosed.

### **2) Procedures for Addressing the Conflict of Interest**

- a. The COAC member may disclose the conflict of interest at the COAC meeting, but after the disclosure, the COAC member shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest; such person shall not have further discussion with any member of the COAC while a determination is being made.
- b. Nothing in this Policy is or shall be construed to prohibit a COAC member from voluntarily recusing themselves from a discussion or decision based on a potential conflict of interest.

### **3) Violation of the Conflicts of Interest Policy**

- a. If the COAC has reasonable cause to believe a member has failed to disclose an actual or potential conflict of interest, it shall inform the member of the

basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

- b. If, after the member's response and after further investigation and discussion as warranted, the COAC determines that the member has failed to disclose an actual or potential conflict of interest, appropriate corrective action may be taken by the appointing authority and/or the COAC.
- 4) Annual Statements –

At the beginning of each calendar year, or at the time a new COAC member is appointed, each member of the COAC shall sign a statement which affirms that such person:

- a. Has received a copy of this Policy,
- b. Has read and understands this Policy, and
- c. Has agreed to comply with this Policy.
- d. Agrees to report any conflict that may arise.

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### Approval

The Colorado Opioid Abatement Council approved the Conflict of Interest and Self-Dealing Policy via unanimous vote on February 1<sup>st</sup>, 2023.



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**Colorado Attorney General Philip J. Weiser**  
*Colorado Opioid Abatement Council Chair*

*Signature Date: 4/24/2023*