



## Office of Chief Counsel

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September 10, 2019

Mr. Kelley Linck  
Chief of Governmental Relations & Legislative Affairs  
Arkansas Department of Human Services  
P.O. Box 1437, Slot S-201  
Little Rock, AR 72203

### **RE: Employment Transition to Private Sector**

Dear Kelley,

This memorializes our consultation with regard to your planned departure from employment with the Department of Human Services (DHS) as Chief of Governmental Relations & Legislative Affairs to work in the private sector. You provided your official notice in writing to your supervisor, Secretary Cindy Gillespie indicating your final day with DHS would be October 4, 2019. In an effort to protect both DHS and you personally, it was necessary to take steps to ensure compliance with state law and DHS policy governing potential conflicts of interest as well as avoiding any appearances of impropriety.

The organization you are joining, Mullenix & Associates, LLC, has a publically available client list. For your remaining time with DHS, any responsibilities you have in connection with these organizations should be handled by DHS staff, independent from your participation. To avoid any conflict of interest or appearances of impropriety, you should avoid involvement in any decision, approval, disapproval, recommendation, rendering of advice, or investigation in any matter which is the subject of your official responsibilities, where the state is a party or has a direct and substantial interest with one of the clients or competitors of Mullenix & Associates.

Additionally, to confirm your prior discussions with the ethics officer, please remain aware of your ongoing obligations under state law with regard to ethical standards governing former state employees. Arkansas Code Ann. § 19-11-709 provides in pertinent part:

**(c) Disqualification of Partners. (1) When Partner Is a State Employee.** It shall be a breach of ethical standards for a person who is a partner of an employee knowingly to act as a principal or as an agent for anyone other than the state in connection with any:

- (A) Judicial or other proceeding, application, request for a ruling, or other determination;
- (B) Contract;
- (C) Claim; or

(D) Charge or controversy,

in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the state is a party or has a direct and substantial interest.

**(2) When a Partner Is a Former State Employee.** It shall be a breach of ethical standards for a partner of a former employee knowingly to act as a principal or as an agent for anyone other than the state where such former employee is barred under subsection (b) of this section.

I wish you well in your new position. Please feel free to contact me if I can offer further assistance in any way.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Sterling". The signature is fluid and cursive, with a large initial "D" and "S".

David Sterling, Chief Counsel  
Office of Chief Counsel  
Arkansas Department of Human Services

cc: Cindy Gillespie, DHS Secretary