

**R81. Alcoholic Beverage Control, Administration.**

**R81-1. Scope, Definitions, and General Provisions.**

**R81-1-29. Disclosure of Conflicts of Interest.**

(1) Authority. This rule is pursuant to 32A-12-306 that prohibits a commissioner from having a conflict of interest in the performance of the commissioner's duties, and 67-16-9 that prohibits a public officer from having personal investments in any business entity which will create a substantial conflict between the public officer's private interests and public duties.

(2) Purpose. This rule provides procedures for a commissioner to disclose an existing or potential conflict of interest to ensure that the decisions of the commission are based on a fair process.

(3) Application of Rule.

(a) A commissioner shall disclose during a meeting of the commission any substantial existing or potential conflict of interest including the existence and nature of a professional, financial, business, or personal interest with an applicant for a license or permit or with a licensee or permittee that may impact the commission member's ability to fairly and impartially vote on a particular issue involving that applicant, licensee or permittee.

(b) A commission member who believes he has a substantial existing or potential conflict of interest that will impact the commissioner's ability to fairly and impartially vote on a particular issue shall recuse himself from voting on that issue.

(c) If a commission member discloses a substantial existing or potential conflict of interest and does not recuse himself from voting on the particular issue, the commission may, by majority vote, disqualify the commission member from participating and voting on the particular issue if the commission believes the conflict of interest is substantial and will impact the commission member's ability to fairly and impartially vote on the issue. The affected commission member may not participate in this vote.

(d) Any declaration of a conflict of interest must be recorded in the minutes of the meeting.

**KEY: alcoholic beverages**

**Date of Enactment or Last Substantive Amendment: September 1, 2010**

**Notice of Continuation: August 31, 2006**

**Authorizing, and Implemented or Interpreted Law: 32A-1-106(9); 32A-1-107; 32A-1-119(5)(c); 32A-1-702; 32-1-703; 32A-1-704; 32A-1-807; 32A-3-103(1)(a); 32A-4-103(1)(a); 32A-4-106(1)(a); 32A-4-203(1)(a); 32A-4-304(1)(a); 32A-4-307(1)(a); 32A-4-401(1)(a); 32A-5-103(1)(a); 32A-6-103(2)(a); 32A-7-103(2)(a); 32A-7-106(5); 32A-8-103(1)(a); 32A-8-503(1)(a); 32A-9-103(1)(a); 32A-10-203(1)(a); 32A-10-206(14); 32A-10-303(1)(a); 32A-10-306(5); 32A-11-103(1)(a); 32A-12-212(1)(b) and (c)**