

## **POLICY REGARDING CONFLICTS OF INTEREST**

### **Office of Public Guardianship Commission**

The Office of Public Guardianship Commission (“Commission”) oversees the Office of Public Guardianship (“Office”), pursuant to the Office of Public Guardianship Act, 13-94-101, *et seq.*, C.R.S. The Commission adopts this policy in accordance with the Agency Standards of guardianship practice set forth by the National Guardianship Association. The purpose of this policy is to ensure that the Commission and all its constituent members remain free of actual conflicts of interest, as well as appearances of partiality or impropriety. This high standard is imposed to ensure that the public maintains utmost confidence in the Commission’s decisions, determinations, and recommendations.

#### **1) Definitions**

- a) For purposes of this policy, “family” means:
  - i) a Commissioner’s spouse;
  - ii) a Commissioner’s dependents; or
  - iii) any other individual sharing a household and expenses with a Commissioner.
  
- b) For purposes of this policy, “financial interest” means an ~~an~~ substantial interest held by a Commissioner which is:
  - i) an ownership interest in a business;
  - ii) a creditor interest in an insolvent business;
  - iii) an employment or prospective employment for which negotiations have begun;
  - iv) an ownership interest in real or personal property;
  - v) a loan or other debtor interest;
  - vi) a directorship or officership in a business; or
  - vii) a personal and material economic interest in a transaction.
  
- c) For purposes of this policy, “personal interest” means any relationship or activity that impairs, or potentially impairs, the ability of a Commissioner to make impartial decisions in carrying out Commission business.

## 2) Avoiding Conflicts of Interest

- a) Each Commissioner shall exercise care that the Commissioner's independent judgment in the discharge of Commission responsibilities is not impaired as a result of conflicts ~~among~~between the interests of the Commission, the Office, and/or the Commissioner's own financial interest or personal interest, or ~~at~~the financial interests or personal interests of ~~members of~~ the Commissioner's family.
- b) Commissioners shall not use confidential information acquired during the performance of Commission responsibilities to further their own financial interests or personal interests, or any financial interests or personal interests of their family.
- c) Commissioners shall not exploit their membership on the Commission to speak publicly in favor of a political candidate, party, or issue, or to make donations or solicit funds for a political candidate, party, or issue.

## 3) Handling Conflicts of Interest

- a) If a Commissioner believes that he or she has a conflict of interest, the Commissioner shall disclose the conflict to the Commission and shall refrain from participating in the matter to which the conflict relates. The minutes of the meeting where the disclosure is made shall reflect the disclosure and the fact that the Commissioner has abstained from participation in the matter.
- b) If the Office receives a complaint that comes before the Commission, and that presents an actual conflict or appearance of conflict with a Commissioner, that Commissioner shall refrain from participating in the resolution of the complaint to which the conflict relates, including any investigation, discussion, or voting on the matter.

~~If a Commissioner believes that he or she has a conflict of interest, the Commissioner shall disclose the conflict to the Commission and shall refrain from participating in the matter to which the conflict relates. The minutes of the meeting~~

~~where the disclosure is made shall reflect the disclosure and the fact that the Commissioner has abstained from participation in the matter.~~

~~If the Office receives a complaint that comes before the Commission, and that presents an actual conflict or appearance of conflict with a Commissioner, that Commissioner shall refrain from participating in the resolution of the complaint to which the conflict relates, including any investigation, discussion, or voting on the matter.~~

~~Commissioners shall not, while holding himself or herself out as a member of the Commission, speak publicly in favor of a political candidate, party, or issue, or make donations or solicit funds for a political candidate, party, or issue.~~

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