



NC ALE

National ALE Alliance Member



Dale R. Folwell, CPA
STATE TREASURER OF NORTH CAROLINA
DALE R. FOLWELL, CPA

**MINUTES
NC ALE PROGRAM BOARD OF TRUSTEES**

The regular quarterly meeting of the NC ALE Program Board of Trustees was called to order at 9:30 a.m., August 15, 2018, by the Chair, State Treasurer Dale R. Folwell, CPA. The meeting was held in the Dogwood Conference Room of the Longleaf Building at 3200 Atlantic Avenue, Raleigh, NC, 27604. The Chair indicated there would be a public comment period for organizations and individuals to address the Board later in the agenda.

Members Present

The board members present were: Treasurer Dale R. Folwell, CPA, Chair, and Ray Grace (via telephone). Kody Kinsley, Department of Health and Human Services Secretary's designee (via teleconference). John Lyon and Melinda Plue (via telephone). Ben Wright (via teleconference).

Members Absent

No members were absent.

Guests Present

The guests attending were: Chris Catanese from Ascensus (via telephone).

Department of State Treasurer Staff Present

The staff members present were: Mary Buonfiglio, Reid Chisholm, Chris Farr, Patti Hall, Brian Jackson, Robert Jansen, Catherine Jarboe, Rekha Krishnan, Karah Manning, Loren de Mey, Maja Moseley, Laura Rowe, and Steve Toole.

Ethics Awareness and Identification of Conflicts or Potential Conflicts of Interest

The Chair noted that a copy of each Board member's most recent Statement of Economic Interest (SEI) evaluation issued by the State Board of Elections and Ethics Enforcement can be found in the meeting materials appendix. The Chair recognized Ms. Rowe who stated that the evaluations are provided for board members' review and for recording in the meeting minutes pursuant to the requirements of the State Government Ethics Act. Ms. Rowe who encouraged all members to review the evaluations to inform and remind them of the identified actual or potential conflicts of interest. No conflicts of interest were identified by the board members.

Approval of minutes

The Chair entertained a motion to approve the minutes of May 16, 2018, NC ALE Program Board of Trustees meeting and Mr. Grace so moved. Mr. Wright seconded and the motion passed unanimously.

Communication and outreach update

The Chair recognized Ms. Jarboe who shared the communications efforts during the quarter. She highlighted the social media campaign focused on sharing of the Program news and the network of stakeholders. In addition, Ms. Jarboe provided updates regarding past and upcoming outreach events, webinars, and presentations.

"Train the Trainer" Project update

The Chair recognized Ms. Buonfiglio who noted that the "Train the Trainer" project is designed to spread awareness of NC ABLE. The Train the Trainer project is meant to develop a network of subject matter experts to better meet the increasing demands for in-person NC ABLE Program presentations across the state, and to develop local experts to speak to the Program's features in order to increase enrollment and provide education to eligible citizens. Ms. Buonfiglio added that a draft curriculum has been created with cost-effective implementation anticipated in partnership with nonprofit organizations, and a three-year project duration is expected.

Mr. Wright recommended a brief NC ABLE Program summary document to be provided to parents during Individualized Education Program meetings and transition out of high school. Ms. Buonfiglio noted that we have the NC ABLE Program brochure available in both English and Spanish, and this resource could serve in this capacity.

Budget proposal

Ms. Buonfiglio noted the revenue and expenditure assumptions for the current fiscal year 2018-2019 and noted the line item sharing the estimated account maintenance charge of five dollars per account. She also explained that the largest expenditure is the Supplemental Retirement Staff reimbursement, and provided an overview of expense categories. The Chair inquired whether an administrative fee holiday could be considered and Ms. Buonfiglio replied that the idea can be discussed with the Program recordkeeper, Ascensus, and possibly built into an enrollment campaign. Mr. Catanese added that a consideration of a "fee holiday" must ensure lack of competition with other states in the National ABLE Alliance, as agreed upon. The Chair entertained a motion to approve the 2018-2019 NC ABLE Program Administrative Budget and Mr. Grace so moved. Mr. Kinsley seconded and the motion passed unanimously.

Administrative update

The Chair recognized Mr. Catanese who focused on several sections of the administrative report, including: contributions, account types by eligibility and disability, as well as accounts by investment fund, and portfolio performance. He also noted that unfunded accounts are closed in ninety days. Ms. Buonfiglio inquired whether better expectations can be set with enrollees regarding account funding and Mr. Catanese replied that Ascensus is taking a proactive approach regarding this issue both during enrollment and as a follow-up after an account closing. At the Chair's request, Mr. Catanese offered to provide the total administrative cost of opening and closing of a NC ABLE Program account as a follow-up to his report. Mr. Kinsley recommended that Ascensus capture the funds' aggregated expenses and add this data to the "NC ABLE Accounts by Fund" section of the Quarterly Administrative Update.

Board of Trustees Comments

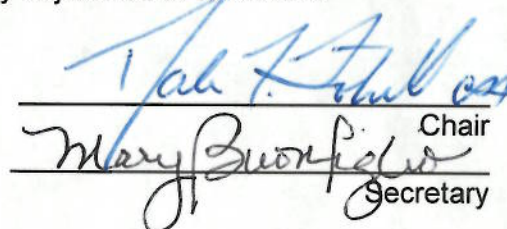
The Chair asked the Board if there were any comments prior to adjournment of the meeting. Mr. Kinsley was welcomed by the Chair and board members.

Public comments

No public comments were offered.

Adjournment

There being no further business before the Board, Mr. Kinsley moved to adjourn, which was seconded by Mr. Wright, and the meeting was unanimously adjourned at 10:19 a.m.


The image shows two handwritten signatures in blue ink. The top signature is for the Chair, and the bottom signature is for the Secretary. To the right of the bottom signature, the words "Chair" and "Secretary" are printed vertically.

Chair
Secretary



STATE ETHICS COMMISSION

1324 MAIL SERVICE CENTER
RALEIGH, NC 27699-1324
WWW.ETHICSCOMMISSION.NC.GOV

April 25, 2017

The Honorable Dale R. Folwell
Department of State Treasurer
325 N. Salisbury Street
Raleigh, NC 27603

Via Email

Re: Evaluation of Your Statement of Economic Interest
North Carolina State Treasurer

Dear Treasurer Folwell:

Our office is in receipt of your 2017 Statement of Economic Interest as North Carolina State Treasurer. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest, but did find the potential for a conflict of interest. The potential conflict identified does not prohibit your service.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

You disclosed that you and your spouse own threshold amounts of stock in publicly traded stocks including Apple, Inc., and Valeant. Therefore, you have the potential for a conflict of interest and should exercise appropriate caution in the performance of your public duties, should these entities, or any entity in which you and/or your spouse have a financial interest come before you for official action.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

The Honorable Dale R. Folwell

April 25, 2017

Page 2 of 2

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

A handwritten signature in blue ink that reads "Gretchen D. Aycock". The signature is fluid and cursive, with the first name "Gretchen" being more prominent and the last name "Aycock" following in a similar style. The initials "D." are written between the first and last names.

Gretchen D. Aycock
SEI Attorney

cc: Laura Rowe, Ethics Liaison

Attachment: Ethics Education Flyer



STATE ETHICS COMMISSION

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GEORGE L. WAINWRIGHT, JR.
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

December 13, 2016

Mr. Richard O. Brajer, Secretary
Department of Health and Human Services
2001 Mail Service Center
Raleigh, NC 27699-2001

Re: Evaluation of Statement of Economic Interest Filed By Dale C. Armstrong
ABLE Program Board of Trustees

Dear Mr. Brajer:

Our office is in receipt of Dale C. Armstrong's **2014 Statement of Economic Interest and No Change Forms for the years 2015 and 2016** as a member of the Achieving a Better Life Experience (ABLE) Board of Trustees ("the Board"). We have reviewed them for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest or the potential for a conflict of interest.

The ABLE Board of Trustees was established to implement a private savings account program (ABLE accounts) for the purpose of supporting individuals with disabilities. The Board is authorized to contract for investment advice, retain professionals, develop a marketing plan, establish methods for dispersing funds, and set administrative costs for the program, as well as develop and implement investment strategies.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Armstrong fills the role of designee for the Secretary of DHHS on the Board.

Mr. Richard O. Brajer, Secretary

December 13, 2016

Page 2 of 2

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,



Gretchen D. Aycock
SEI Attorney

GDA/bbc

cc: Dale C. Armstrong, Filer
Laura Rowe, Ethics Liaison
Janet R. Cowell, Board Chair

Attachment: Ethics Education Flyer



STATE ETHICS COMMISSION

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GEORGE L. WAINWRIGHT, JR.
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

December 13, 2016

Mr. Raymond E. Grace
Commissioner of Banks
4309 Mail Service Center
Raleigh, NC 27699-4309

via email

Re: Evaluation of Statement of Economic Interest Filed By Raymond E. Grace
ABLE Program Board of Trustees

Dear Mr. Grace:

Our office is in receipt of your **2016 Statement of Economic Interest** as a member of the Achieving a Better Life Experience (ABLE) Board of Trustees ("the Board"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest or the potential for a conflict of interest.

The ABLE Board of Trustees was established to implement a private savings account program (ABLE accounts) for the purpose of supporting individuals with disabilities. The Board is authorized to contract for investment advice, retain professionals, develop a marketing plan, establish methods for dispersing funds, and set administrative costs for the program, as well as develop and implement investment strategies.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

As Commissioner of Banks, you fill the role of an Ex-Officio member on the Board.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the

Mr. Raymond E. Grace
December 13, 2016
Page 2 of 2

public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

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Sincerely,

A handwritten signature in blue ink that reads "Gretchen D. Aycock". The signature is fluid and cursive, with the first name "Gretchen" and last name "Aycock" being more prominent than the middle initial "D".

Gretchen D. Aycock
SEI Attorney

GDA/bbc

cc: Laura Rowe, Ethics Liaison
Janet R. Cowell, Board Chair

Attachment: Ethics Education Flyer



STATE ETHICS COMMISSION

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GEORGE L. WAINWRIGHT, JR.
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

January 27, 2016

The Honorable Patrick L. McCrory
Governor of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Via email

**Re: Evaluation of Statement of Economic Interest Filed By Mr. John H. Lyon, Jr.
Prospective Appointee – ABLÉ Program Board of Trustees**

Dear Governor McCrory:

Our office is in receipt of **Mr. John H. Lyon, Jr.'s** 2016 Statement of Economic Interest as a prospective appointee to the **ABLE Program Board of Trustees ("Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Achieving a Better Life Experience (ABLE) Board of Trustees was established to implement a private savings account program (ABLE accounts) for the purpose of supporting individuals with disabilities. The Board is authorized to contract for investment advice, retain professionals, develop a marketing plan, establish methods for dispersing funds, and set administrative costs for the program, as well as develop and implement investment strategies.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Lyon will fill the role of an individual with experience in investments and finance. He is the President MassMutual Financial, a financial services company. In light of this interest, Mr. Lyon has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should MassMutual Financial come before the Board for official action or otherwise seek to conduct business with the Board.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

A handwritten signature in cursive script that reads "Beth Carpenter".

Beth Carpenter
SEI Unit

cc: Mr. John H. Lyon, Jr.

Attachment: Ethics Education Flyer



STATE ETHICS COMMISSION

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GEORGE L. WAINWRIGHT, JR.
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

February 10, 2016

The Honorable Tim Moore
Speaker of the House of Representatives
16 W. Jones St., Rm. 2304
Raleigh, NC 27601-1096

Via email

Re: Evaluation of Statement of Economic Interest Filed By Ms. Melinda C. Plue
House Appointee – ABLE Program Board of Trustees

Dear Speaker Moore:

Our office is in receipt of **Ms. Melinda C. Plue's** 2016 Statement of Economic Interest as an appointee to the **ABLE Program Board of Trustees ("Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Achieving a Better Life Experience (ABLE) Board of Trustees was established to implement a private savings account program (ABLE accounts) for the purpose of supporting individuals with disabilities. The Board is authorized to contract for investment advice, retain professionals, develop a marketing plan, establish methods for dispersing funds, and set administrative costs for the program, as well as develop and implement investment strategies.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Ms. Plue fills the role of an immediate family member of an "eligible individual" or a guardian of an "eligible individual." She is the Director of Advocacy and Chapter Development of The Arc of North Carolina. In light of this interest, she has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties should The Arc come before the Board for official action or otherwise seek to conduct business with the Board.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

A handwritten signature in dark ink, reading "Beth Carpenter". The signature is fluid and cursive, with the first name "Beth" and last name "Carpenter" clearly distinguishable.

Beth Carpenter
SEI Unit

cc: Ms. Melinda C. Plue
Ms. Sandra Johnson, Ethics Liaison
The Honorable Janet Cowell, Chair

Attachment: Ethics Education Flyer



STATE ETHICS COMMISSION

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GEORGE L. WAINWRIGHT, JR.
CHAIRMAN

PERRY Y. NEWSON
EXECUTIVE DIRECTOR

January 27, 2016

The Honorable Phil Berger
President Pro Tempore of the Senate
16 W. Jones Street, Room 2008
Raleigh, NC 27601

Via email

**Re: Evaluation of Statement of Economic Interest Filed By Mr. Benjamin P. Wright, Sr.
Senate Appointee – ABLE Program Board of Trustees**

Dear Senator Berger:

Our office is in receipt of **Mr. Benjamin P. Wright, Sr.'s** 2016 Statement of Economic Interest as an appointee to the **ABLE Program Board of Trustees ("Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Achieving a Better Life Experience (ABLE) Board of Trustees was established to implement a private savings account program (ABLE accounts) for the purpose of supporting individuals with disabilities. The Board is authorized to contract for investment advice, retain professionals, develop a marketing plan, establish methods for dispersing funds, and set administrative costs for the program, as well as develop and implement investment strategies.

The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Wright fills the role of an individual with experience in advocacy for the disabled. He is the President of Dye Creek Capital, Inc., a financial services company. In addition, he is a board member of the National Down Syndrome Society, Special Olympics of Wilmington, and Best Buddies of Wilmington and his spouse is the President of Able to Work USA, Inc. In light of these interest, Mr. Wright has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should Dye Creek Capital, Inc., or any of the organizations listed come before the Board for official action or otherwise seek to conduct business with the Board.

In addition to the conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.

Finally, the State Government Ethics Act mandates that all public servants attend an ethics and lobbying education presentation. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the State Government Ethics Act.

Sincerely,

A handwritten signature in cursive script that reads "Beth Carpenter".

Beth Carpenter
SEI Unit

cc: Mr. Benjamin P. Wright, Sr.
Ms. Sandra Johnson, Ethics Liaison
The Honorable Janet Cowell, Chair

Attachment: Ethics Education Flyer



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 814-0700
Fax: (919) 715-0135

August 7, 2018

Via Email

Secretary Mandy K. Cohen
NC Department of Health and Human Services
2001 Mail Service Center
Raleigh, NC 27699-2001

Re: Evaluation of Statement of Economic Interest Filed By Mr. Kody Kinsley
North Carolina ABLE Program Board of Trustees

Dear Secretary Cohen:

Our office has received a 2018 Statement of Economic Interest from **Mr. Kody Kinsley** as a member of the **North Carolina ABLE Program Board of Trustees ("the Board")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 163A of the North Carolina General Statutes, also known as the Elections and Ethics Enforcement Act (the "Act").

The ABLE Board of Trustees was established to implement a private savings account program (ABLE accounts) for supporting individuals with disabilities. The Board is authorized to contract for investment advice, retain professionals, develop a marketing plan, establish methods for dispersing funds, and set administrative costs for the program, as well as develop and implement investment strategies.

We did not find an actual conflict of interest or the likelihood of a conflict of interest.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 163A-193(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 163A-157.

Secretary Mandy K. Cohen
August 7, 2018
Page 2 of 2

The Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. § 163A-211 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. § 163A-216(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Kinsley will serve as your designee on the North Carolina ABLE Program Board of Trustees.

In addition to the conflicts standards noted above, N.C.G.S. § 163A-212 prohibits public servants from accepting gifts, directly or indirectly: (1) from anyone in return for being influenced in the discharge of their official responsibilities; (2) from a lobbyist or lobbyist principal; or (3) from a person, or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. § 163A-212(e).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 163A-158. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

A handwritten signature in cursive script that reads "Mary Roerden".

Mary Roerden, SEI Unit
NC Board of Elections & Ethics Enforcement

cc: Kody Kinsley
Julie Cronin, Ethics Liaison

Attachment: Ethics Education Flyer and Guide