**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-10. Recusal of a Member for a Conflict of Interest.**

**R356-10-1. Authority.**

This rule is authorized by Subsection 63G-3-201(2) which requires an agency to make rules in certain circumstances.

**R356-10-2. Purpose.**

The purpose of this rule is to establish standards and procedures for addressing potential conflicts of interest for members of a public body, commission, or subcommittee established in:

(1) Section 36-29-111;

(2) Title 63M, Chapter 7, Criminal Justice and Substance Abuse;

(3) Section 64-13e-105;

(4) Section 78A-10a-302;

(5) Section 78A-10a-402

(6) Section 78A-10a-502; and

(7) Rule 356-8.

**R356-10-4. Potential Conflicts of Interest.**

A member of a public body, commission, or subcommittee has a potential conflict of interest with respect to a matter to be considered by the public body, commission, or subcommittee if:

(1) the member's participation:

(a) would be prohibited under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; or

(b) constitutes a violation of constitutional due process under the Utah or United States Constitutions;

(2) the member:

(a) has a pecuniary interest in the outcome of the proceeding; or

(b) may gain or lose some benefit depending on how the matter is resolved;

(3) the matter relates to a:

(a) personal interest of a member; or

(b) person or entity closely associated with the member; or

(4) the member or the member's employer is the subject of a complaint before the public body, commission, or subcommittee.

**R356-10-5. Procedures.**

(1) A member, who has a potential conflict of interest with respect to a matter before the public body, commission, or committee, shall:

(a) disclose the conflict of interest when the matter is raised; and

(b) refrain from voting on the matter.

(2) A member who has disclosed a conflict of interest under Subsection (1)(a) may participate in the discussion of the matter to the same extent that any other member of the public is allowed to participate.

**KEY: conflicts of interest**

**Date of Last Change: October 15, 2024**

**Authorizing, and Implemented or Interpreted Law: Title 67, Chapter 16**