



Petal Alderman Craig Bullock may have ethical fouls in business dealings with the Petal Sports Association

When it comes to Petal sports, alderman Craig Bullock may be batting cleanup: his company, A1 Graphics, is said to have provided uniforms for the Petal Sports Association (PSA), a joint venture with the City of Petal. PSA financial reports for the period beginning March 1, 2018, and ending June 1, 2019, show seven payments from PSA totaling almost \$7,700 to A1 Graphics for umpire shirts, tournament t shirts, coaches' shirts and uniforms, and tournament signs. These figures would not include any uniforms or team gear PSA teams may have purchased directly from A1 Graphics.

The PSA website states that in 2017-18, there were 1,526 players in all sports the organization offered; the numbers increased by 193 in 2018-19 for a total of 1,719 players.

During a recent budget discussion, current PSA President Derek Hall provided statistics for the period since the Petal-PSA agreement came into play:

- 3,010 regular players
- 313 regular season teams

- 1842 regular season games
- 46 All Star or select teams
- 1,256 volunteers, coaches and commissioners
- 32 tournaments bringing in players for hundreds of games

Mississippi ethics laws prohibit public servants from engaging in conflicts of interest, with some exceptions. This case involves a complicated set of circumstances, so the only true answer will be found in an opinion from the Mississippi Ethics Commission. Perhaps Mayor Marx will request one.

Here's the pertinent law from Miss. Code Ann. § 25-4-01(3):

(1) No public servant shall use his official position to obtain, or attempt to obtain, pecuniary benefit for himself other than that compensation provided for by law, or to obtain, or attempt to obtain, pecuniary benefit for any relative or any business with which he is associated.

(2) No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member.

The 2017 agreement describes the transaction between PSA and the City of Petal as a joint venture. It was approved by the Board of Alderman December 5, 2017, with the motion made by Alderman Amacker and seconded by Alderman Stringer. Aldermen Bullock, Moore and Stringer voted aye, and Aldermen Amacker and Ducker voted nay.

PSA is a nonprofit, but a nonprofit organization that receives public funds is considered a business under Mississippi law. Does the PSA-Petal agreement to form a joint venture change the playing field? Has Alderman Bullock benefited financially, directly or indirectly, from a local government

contract that he helped to authorize? Beyond that, would Bullock be involved in a conflict of interest if he were to benefit financially from Forrest County's \$100,000 contribution to PSA? According to Mayor Marx, that money is said to be earmarked for uniforms and equipment for children registered in PSA sports programs.

Here's more from the state's conflict of interest law:

(3) No public servant shall:

(a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.

(d) Perform any service for any compensation during his term of office or employment by which he attempts to influence a decision of the authority of the governmental entity of which he is a member.

(e) Perform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

There are exceptions to the law.

A public servant may be a contractor or vendor with government, as long as it's not the governmental entity with which he or she is associated. However, the public servant must have submitted the lowest of at least three legitimate competitive bids, or the goods or services in question must be reasonably available from two or fewer businesses, and the transactions must comply with the state's public purchase

laws.

HPNM has not determined whether PSA conducted competitive bids for uniforms. However, PSA has purchased from Play It Again Sports and Magnolia Graphics, and the City of Petal has purchased sports supplies from numerous other sources, so the second exception – that the goods or services must be reasonably available from two or fewer businesses – can be eliminated.

A 2016 Ethics Commission opinion clarifies a situation similar to Bullock's. In Opinion No. 16-020-E, dated April 1, 2016, Ethics Commissioner Tom Hood responded to a question as to whether a city employee can work also for a nonprofit that provides bookkeeping services to several city departments. In that case, the employee could do so because he or she did not have a material financial interest in the business. *Miss. Code Ann. § 25-4-105(3)(a)*

The ethics commission opinion states:

Nonetheless, the city employee is prohibited from using his or her official position with the city to obtain, or attempt to obtain, a pecuniary benefit for the non-profit agency. As set forth in Section 25-4-105(1), a public servant cannot use his or her position in government to obtain, or attempt to obtain, any pecuniary benefit for himself or herself or a 'business with which he [or she] is associated.' The term 'business with which he [or she] is associated' includes... 'any business from which [the public servant or the public servant's] relative derives more than Two Thousand Five Hundred Dollars (\$2 ,500.00) in annual income.'

Hood noted that a nonprofit organization that receives public funds is considered a business with which the city employee is associated. *Miss. Code Ann. 25-4-103c* To avoid violating state ethics law, Hood warned, the employee must recuse himself or herself completely from any matter that comes

before the city that could bring monetary benefit to the nonprofit.

“A total and complete recusal requires that the city employee not only avoid debating, discussing or taking action concerning the matter during official meetings or deliberations, but also avoid discussing the matter with any other city employees,” he wrote. “This restriction includes casual comments, as well as detailed discussions, made in person, by telephone or by any other means.”

The Ethics Commissioner said that official minutes should state the city employee left the room before the matter came up for discussion and did not return until after the discussion and any vote had ended. He also said the city employee cannot use city equipment and resources to support or further any private business interest.

Craig Bullock voted in support of the Petal-PSA agreement, participated in budget discussions and posted in social media about the PSA budget decisions. Perhaps he failed to recuse himself because he did not believe his business ties with PSA represented a conflict of interest. Perhaps the Ethics Commission, if asked for an opinion, would rule that no conflict of interest exists. Or, perhaps Bullock – knowingly or not –violated state law major league.

A1 Graphics traditionally has identified as a signs and banner service but teamed with t shirt purveyor Southern Cotton in September 2017, right about the same time the City of Petal began approving hires for its new Athletic Department.

Earlier this year Bullock facilitated an in-kind donation to David Bassett’s campaign through his company, A1 Graphics. The contribution was reported as “anonymous” and hid the true donor to Bassett’s campaign.

State campaign finance laws require that contributions exceeding \$200 be reported as itemized receipts. Reports of

itemized receipts must provide the type of contributor, the contributor's name and address, the amount the contributor donated for the reporting period and for the year-to-date, and the date of the contribution. *Miss. Code Ann. § 23-17-53*