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April 1, 2026

ADVISORY OPINION NO. 2026-02

April Danielson
Wallace Jordan Ratliff & Brandt LLC

800 Shades Creek Parkway
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Birmingham, AL 35209

Public Official / Business with which a
Public Official is Associated

The Ethics Act does not prohibit a public official from establishing a consulting firm to provide financial planning, budgeting, capital project planning, and strategic advisory services to municipalities in Alabama, other than the municipality where the public official serves, provided the public official avoids using his position, including any confidential information obtained from his position and any public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to benefit his associated business and does not solicit or receive anything, including an opportunity for his associated business for the purpose of corruptly influencing an official action.

The Ethics Act does not prohibit a public official who is a mayor from using his title in his biographical information describing his experience and qualifications provided he is not using that title to promote his business.

services which is to be paid in whole or in part out of state, county, or municipal funds entered into by a public official, public employee, a member of the household of the public employee or the public official, and any business with which the person is associated shall be filed with the commission within 10 days after the contract has been entered into.

Dear Ms. Danielson:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request. This opinion applies prospectively only.

FACTS

Mr. James Stewart, the Mayor of Irondale, a part-time position, is seeking to establish a professional consulting firm that will provide financial planning, budgeting, capital project planning, and strategic advisory services to small municipalities in Alabama and potentially adjacent states. He states that he will not seek to provide consulting services to the City of Irondale or any municipality that directly competes with or has a significant business relationship with Irondale, and he will not use any City of Irondale resources for his private business and will conduct all business activities on his personal time at a separate location. He also states that he will not use or disclose any confidential information obtained from his public position, disclose the nature of his business activities, and recuse himself from any City Council matters that could affect his business.

QUESTIONS PRESENTED

1. Is it permissible for Mr. James Stewart, individually, to operate a municipal consulting business while serving as part-time Mayor of Irondale? Are there any specific types of consulting services or clients that would be inappropriate because of his official position as Mayor?
2. Given the safeguards described above, are there any additional restrictions or safeguards that should be implemented?

3. Is it permissible to include Mr. Stewart's title as "Mayor of Irondale" in biographical information describing his experience and qualifications so long as it is stated that no official endorsement is made by the city of Irondale concerning the consulting services to be rendered?
4. Are there any specific disclosure, compliance, and/or reporting requirements beyond the completion of the annual online standard public official financial disclosure statements that should be met with the Alabama Ethics Commission?

ANALYSIS

Mayor Stewart is a public official. The Ethics Act prohibits Mayor Stewart from using his position to obtain personal gain for himself, a family member, or a business with which he is associated.¹ Should he establish the consulting firm in question, it will become a business with which he is associated.

Provided Mayor Stewart avoids using his position as Mayor, including any confidential information obtained from his position and any public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to benefit his associated business, the Ethics Act does not prohibit him from establishing a consulting firm and providing the services described.² In conducting his business activities, he must also avoid soliciting or receiving anything, including opportunities for his business, for the purpose of corruptly influencing an official action.³

There is no prohibition against Mayor Stewart from including his title in his biographical information describing his experience and qualifications provided he is not using that title to promote his business.

Besides the Statement of Economic Interest filing, Mayor Stewart is required to file a copy of any contract to provide goods or services, which is to be paid in whole or in part with state, county, or municipal funds with the Ethics Commission within 10 days after it is entered into.⁴

CONCLUSION

The Ethics Act does not prohibit a public official from establishing a consulting firm to provide financial planning, budgeting, capital project planning, and strategic advisory services to

¹ Ala. Code § 36-25-5(a).

² Ala. Code § 36-25-5(c), 8.

³ Ala. Code § 36-25-7.

⁴ Ala. Code § 36-25-11.

municipalities in Alabama, other than the municipality where the public official serves, provided the public official avoids using his position, including any confidential information obtained from his position and any public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to benefit his associated business and does not solicit or receive anything, including an opportunity for his associated business for the purpose of corruptly influencing an official action.

The Ethics Act does not prohibit a public official who is a mayor from using his title in his biographical information describing his experience and qualifications provided he is not using that title to promote his business.

A copy of any contract to provide goods or services which is to be paid in whole or in part out of state, county, or municipal funds entered into by a public official, public employee, a member of the household of the public employee or the public official, and any business with which the person is associated shall be filed with the commission within 10 days after the contract has been entered into.

AUTHORITY

By 3/0 vote of the Alabama Ethics Commission on April 1, 2026.



J. David Dodd
Chair
Alabama Ethics Commission