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April 1, 2026

ADVISORY OPINION NO. 2026-03

Ike Bright
Assistant Executive Director
Alabama Onsite Wastewater Board

P.O. Box 303552
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Public Employee / Regulating a Business
with which a Public Employee is Associated
/ Revolving Door

The Ethics Act does not prohibit a former employee of the Alabama Department of Public Health from accepting part-time employment with a non-profit entity when they have not personally participated in the direct regulation, audit, or investigation of the non-profit entity.

The Ethics Act does not prohibit an employee of the Alabama Onsite Wastewater Board from accepting part-time employment with a non-profit entity provided he conducts all activities related to his part-time employment on his own time and does not otherwise use his position, including any confidential information obtained from his position or any public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to benefit himself or his private employer.

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. Bright is currently employed with the Alabama Onsite Wastewater Board (AOWB) as the Assistant Executive Director. He has held this position since December 16, 2025. Prior to taking this position, he worked as an environmentalist with the Alabama Department of Public Health (ADPH) until December 15, 2025. BlackBelt Unincorporated Wastewater Program (BBUWP), a non-profit entity, has offered him a part-time position as a field inspector, ensuring the onsite systems installed meet Alabama standards.

BBUWP is a non-profit entity that, through grant money and donations, pays for and maintains onsite sewage systems for property owners. The applications and permits are submitted to ADPH for review by the property owners not BBUWP. The BBUWP does not design nor install onsite sewage systems.

Mr. Bright's part-time work with BBUWP, if allowed, would occur only on the weekend and would not interfere with his duties at AOWB. While in his position with ADPH, he reviewed applications and permitted Onsite Sewage Systems for individuals whose onsite sewage systems were paid for by the BBUWP. Mr. Bright does not interact with BBUWP in his current position.

QUESTIONS PRESENTED

1. Does the Ethics Act prohibit a former employee of the Alabama Department of Public Health who is a current employee of the Alabama Onsite Wastewater Board from accepting part-time employment with a non-profit entity who paid for Onsite Sewage Systems where the applications and permits were reviewed by the individual when they were employed by the Department of Public Health?

ANALYSIS

Ala. Code § 36-25-13(f) states:

No public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such employment

solicit or accept employment with such private business, corporation, partnership, or individual.

[F]or purposes of the Ethics Law, regulate involves a scenario where a public official or public employee has the discretionary authority to determine or influence how a private entity conducts its business with the government, and whether or not that private entity is complying with established guidelines and principals.¹

Since the applications and permits for the Onsite Sewage Systems were submitted by the individual property owners rather than the BBUWP, Mr. Bright has not personally participated in the direct regulation of BBUWP while at ADPH. Therefore, the Ethics Act does not prohibit him from accepting the offer of employment with BBUWP.

Public employees are prohibited from using their positions to obtain personal gain for themselves, a family member, or a business with which they are associated.² They may not use public equipment, facilities, time, materials, human labor, or other public property under their discretion or control for the private benefit or business benefit of any person, which would materially affect their financial interest.³ They also may not use or disclose confidential information that could result in financial gain for any person or business.⁴

Should Mr. Bright accept the part-time position with BBUWP, it will become a business with which he is associated. Therefore, he must ensure that he does not use his position, including any confidential information obtained from his position or any public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to benefit himself or BBUWP.

CONCLUSION

The Ethics Act does not prohibit a former employee of the Alabama Department of Public Health from accepting part-time employment with a non-profit entity when they have not personally participated in the direct regulation, audit, or investigation of the non-profit entity.

The Ethics Act does not prohibit an employee of the Alabama Onsite Wastewater Board from accepting part-time employment with a non-profit entity provided he conducts all activities related to his part-time employment on his own time and does not otherwise use his position, including any confidential information obtained from his position or any public equipment,

¹ Advisory Opinion No. 2006-20.

² Ala. Code § 36-25-5(a).

³ Ala. Code § 36-25-5(c).

⁴ Ala. Code § 36-25-8.

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including any confidential information obtained from his position or any public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to benefit himself or his private employer.

AUTHORITY

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



J. David Dodd
Chair
Alabama Ethics Commission