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April 1, 2026

ADVISORY OPINION NO. 2026-04

R. Preston Bolt, Jr.
Hand Arendall Harrison Sale

104 Saint Francis Street
Suite 300
Mobile, AL 36602

Public Employee / Regulating a Business
with which a Public Employee is Associated

The Ethics Act does not prohibit a public official from making targeted fundraising pitches on behalf of a non-profit that is not a business with which he is associated provided the public official does not use public equipment, facilities, time, materials, human labor, or other public property under his discretion or control in a way that would materially affect the financial interest of any person or business, including the nonprofit, does not solicit the funds from any lobbyist, and does not solicit funds or accept funds for the purpose of corruptly influencing any official action.

The Ethics Act does not prohibit a business with which a public official is associated from contracting with the entity where the public official serves provided the public official is not involved in contract negotiations, discussions, or drafting and does not vote, attempt to influence, or otherwise participate in discussions

associated business or the terms of any contract between their public entity and associated business. A copy of any contract that a business with which a public official is associated enters into which is to be paid in whole or in part with state, county, or municipal funds must be filed with the Ethics Commission within 10 days after it is entered into.

Dear Mr. Bolt:

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 only to the restrictions of the Ethics Act and applies prospectively only.

FACTS

The Alabama Port Authority is an Authority of the State of Alabama established pursuant to Chapter 1 of Title 33 of the Alabama Code (1975) (the “Port Authority”). The Port Authority is governed by a nine-member board of directors whose duties are set forth in Ala. Code § 33-1-8(g), which includes setting policies for the Port Authority. Pursuant to the Port Authority’s bylaws, its board of directors is further responsible for approving (i) the disposition of all property, equipment, and facilities of the Port Authority, (ii) the acquisition, construction, improvement, renovation, maintenance, and management of property of the Port Authority, and (iii) all contracts for the acquisition of materials or services proposed to be entered into by the Port Authority.

William S. (Sandy) Stimpson serves on the board of directors. Mr. Stimpson is the former Mayor of Mobile, Alabama and is very involved in the local community. As part of his community involvement, Mr. Stimpson has been an advocate for the National Maritime Museum of the Gulf (Maritime Museum) and involved in supporting fundraising efforts on behalf of the Maritime Museum. Mr. Stimpson is not on the Maritime Museum’s Board, but he would like to continue his efforts to support the Maritime Museum and reach out to contact potential donors to the Museum, which may include calling on customers and/or potential customers of the Port Authority. Neither Mr. Stimpson nor any of his family members is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the Maritime Museum.

Mr. Stimpson’s son, Sands M. Stimpson is fifty percent owner of the Sub Chapter S

Corporation Southeast Machine Works (SEMW). SEMW has been doing machine and fabrication work for the Port Authority as a contractor and as subcontractor with other companies engaged in maintenance and repair work for the Port Authority. SEMW started doing business with the Port Authority in May of 2020.

Some of the work SEMW has performed has been procured through the competitive bid process. However, at other times, the Authority has reached out to SEMW to explain the scope of work and to request a price, and then an award decision is rendered after SEMW submits its pricing.

All of the work that SEMW has and/or is currently performing for the Port Authority was started and/or contracted for before Sandy Stimpson was nominated to the board of directors. SEMW would like to continue its working relationship with the Port Authority, whether as a contractor or subcontractor, and Mr. Stimpson would like to ensure that there are no ethical concerns raised by this continued relationship.

QUESTIONS PRESENTED

1. May Mr. Stimpson make targeted fundraising pitches on behalf of a non-profit, including the Maritime Museum, without causing any violation of the Alabama Ethics Law provided Mr. Stimpson does not use official resources or personnel to aid in fundraising, Mr. Stimpson does not mention his position during any fundraising pitches, Mr. Stimpson does not solicit the funds from any lobbyist, and Mr. Stimpson does not solicit funds or accept funds that are for the purpose of corruptly influencing any official action.
2. May Mr. Stimpson's son's company continue to do work with the Port Authority without causing any violation of the Alabama Ethics Law by the Port Authority, Mr. Stimpson, or any other person or party provided that Mr. Stimpson is not involved in contract negotiations, discussions, drafting, or otherwise involved in the decision-making process if SEMW is hired, any transaction involving SEMW is subject to competitive bidding and/or a request for proposal process consistent with the Port Authority's procurement procedures, Mr. Stimpson does not vote, attempt to influence, or otherwise participate in any aspect of the transaction and does not discuss any potential transaction between SEMW and the Port Authority with any board members or Port Authority staff, and Mr. Stimpson does not use any confidential information obtained in the course of his service on the Port Authority board to assist SEMW in being a successful bidder.

ANALYSIS

Since neither Mr. Stimpson nor any of his family members is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the Maritime Museum, the Maritime is not a business with which he is associated.¹ Therefore, the Ethics Act does not prohibit him from continuing to volunteer to advocate for the Maritime Museum and support their fundraising efforts.

However, as a public official, he must avoid soliciting anything, including a donation to the Maritime Museum, from a lobbyist other than a campaign contribution.² He may not solicit contributions to the Maritime Museum for the purpose of corruptly influencing an official action.³ He also may not use public equipment, facilities, time, materials, human labor, or other public property under his discretion or control in a way that would materially affect the financial interest of any person or business, including the Maritime Museum.⁴

Regarding SEMW's business with the Port Authority, the Commission addressed a similar issue in Advisory Opinion 2017-09, which held that a business with which the Mayor of Hoover was associated could continue to contract with the City of Hoover provided that the Mayor had no involvement in future contract negotiations, discussions, or drafting and did not otherwise participate in the decision-making process, including attempting to influence any aspect of the transaction, and that a copy of any contract between his associated business and the City be filed with the Ethics Commission within 10 days after it is entered into.

Here, as in Advisory Opinion 2017-09, SEMW may continue to work with the Port Authority provided Mr. Stimpson is not involved in contract negotiations, discussions, or drafting and does not vote, attempt to influence, or otherwise participate in discussions regarding the hiring or retaining of SEMW or the terms of any contract between the Port Authority and SEMW. Because Mr. Stimpson is a public official and his son is a family member as that term is defined in Ala. Code § 36-25-1, a copy of any contract between SEMW and the Port Authority, and any other contract SEMW enters into which is to be paid in whole or in part with state, county, or municipal funds, must be filed with the Ethics Commission within 10 days after it is entered into.⁵

CONCLUSION

¹ Ala. Code § 36-25-1(a)(2).

² Ala. Code § 36-25-23(c).

³ Ala. Code § 35-25-7.

⁴ Ala. Code § 35-25-5(c).

⁵ Ala. Code § 36-25-11.

CONCLUSION

The Ethics Act does not prohibit a public official from making targeted fundraising pitches on behalf of a non-profit that is not a business with which he is associated provided the public official does not use public equipment, facilities, time, materials, human labor, or other public property under his discretion or control in a way that would materially affect the financial interest of any person or business, including the nonprofit, does not solicit the funds from any lobbyist, and does not solicit funds or accept funds for the purpose of corruptly influencing any official action.

The Ethics Act does not prohibit a business with which a public official is associated from contracting with the entity where the public official serves provided the public official is not involved in contract negotiations, discussions, or drafting and does not vote, attempt to influence, or otherwise participate in discussions regarding the hiring or retaining of his associated business or the terms of any contract between their public entity and associated business. A copy of any contract that a business with which a public official is associated enters into which is to be paid in whole or in part with state, county, or municipal funds must be filed with the Ethics Commission within 10 days after it is entered into.

AUTHORITY

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



J. David Dodd
Chair
Alabama Ethics Commission