



STATE OF ALABAMA  
**ETHICS COMMISSION**



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December 4, 2019

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**ADVISORY OPINION NO. 2019-12**

Rep. Craig Lipscomb  
 State of Alabama House of Representatives  
 Montgomery, Alabama 36130

Public Official/Use of Office for Personal  
 Gain

A member of the Alabama House of Representatives, who is an architect, may provide pro bono architectural services to the Alabama House of Representatives because neither he nor his family nor any business with which he is associated will receive any personal gain from his representation of his associated business before the public body he serves.

Dear Rep. Lipscomb:

The Alabama Ethics Commission is in receipt of your request for a formal Advisory Opinion of this Commission and this opinion is issued pursuant to that request.

**FACTS**

Elected in November of 2018, Rep. Lipscomb is a public official who holds office as a state legislator in the Alabama House of Representatives. Rep. Lipscomb's professional occupation is that of a Registered Architect who engages in the private practice of architectural design through his own company, B. Craig Lipscomb—Architect, LLC.

Rep. Lipscomb has agreed to provide his architectural services at no cost to the House of Representatives for the redesign of the House chamber which is scheduled to begin in early

2020. Neither Rep. Lipscomb nor his company stand to receive any financial gain on this project. Additionally, Rep. Lipscomb's professional work would be done at the direction of Jeff Woodard, as the House Clerk, as well as the Speaker of the House and the Legislative House Council.

### **QUESTIONS PRESENTED**

1. Is pro bono engagement and use of Rep. Craig Lipscomb's professional architectural services for the renovation of the House Chamber at the Alabama State House permitted under the Ethics Code?
2. Are there any prohibitions under the Ethics Code that would prevent or restrict Rep. Lipscomb's activities or interaction with the Clerk's Office or House Leadership regarding this project, or in the future due to the project?
3. What additional guidance and direction can you provide on any applicable restrictions and parameters under the Ethics Code that would apply to the activities and interactions described herein?

### **ANALYSIS**

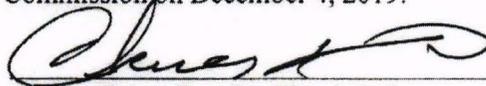
No public official can use their official position or resources, including personnel, for their personal gain or that of a member of their family or any business with which they are associated. See Ala. Code § 36-25-5. There is no prohibition under the Ethics Act for a public official to volunteer their professional services to the State of Alabama as proposed herein. Therefore, as long as Rep Lipscomb does not violate the restrictions of Section 5, then the pro bono services which are contemplated are permitted under the Ethics law. In furtherance of this project and within the restrictions of Section 5 he can interact with the Clerk's Office and House Leadership regarding the project. As the project moves forward, if issues arise which create a question of whether there is use of office for personal gain, then Rep. Lipscomb should seek additional guidance from the Ethics Commission.

### **CONCLUSION**

A member of the Alabama House of Representatives, who is an architect, may provide pro bono architectural services to the Alabama House of Representatives because neither he nor his family nor any business with which he is associated will receive any personal gain from his representation of his associated business before the public body he serves.

**AUTHORITY**

By 5-0 vote of the Alabama Ethics Commission on December 4, 2019.

A handwritten signature in black ink, appearing to read "Charles Price", written over a horizontal line.

Charles Price, Ret. Sr. Circuit Judge  
Chair  
Alabama Ethics Commission