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November 1, 2000

**ADVISORY OPINION NO. 2000-58**

George H. Howell, Esq.  
Howell, Sarto & Howell  
Member, Board of Directors  
City of Prattville Airport Authority  
147 East Main Street  
Prattville, Alabama 36067

Conflict Of Interests/Member Of The City Of  
Prattville Airport Authority Board Of  
Directors Providing Legal Services For The  
Airport Authority.

A member of the Board of Directors of the  
City of Prattville Airport Authority, who is  
an attorney, may not be compensated to  
perform legal work on behalf of the Airport  
Authority.

Dear Mr. Howell:

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.

**QUESTION PRESENTED**

May a member of the Board of Directors of the City of Prattville Airport Authority, who is also an attorney, perform legal work in conjunction with airport expansion on behalf of the Airport Authority?

**FACTS AND ANALYSIS**

The facts as have been presented to this Commission are as follows:

George H. Howell is an attorney licensed to practice law in the State of Alabama. He is also a member of the Board of Directors of the City of Prattville Airport Authority, a public municipal corporation.

Mr. Howell states that the Airport Authority is expanding the runway and airport facilities. This necessitates the acquisition of additional property and the certification of title according to the requirements of the Federal Aviation Administration. Mr. Howell states that he has been asked by the Board to perform legal work in conjunction with this airport expansion, but has not voted on the request for performance of the legal work.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(24) defines a public official as:

“(24) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2.”

Section 36-25-1(13) defines governmental corporations and authorities as:

“(13) GOVERNMENTAL CORPORATIONS AND AUTHORITIES. Public or private corporations and authorities, including but not limited to, hospitals or other health care corporations, established pursuant to state law by state, county or municipal governments for the purpose of carrying out a specific governmental function. Notwithstanding the foregoing, all employees, including contract employees, of hospitals or other health care corporations and authorities are exempt from the provisions of this chapter.”

Section 36-25-5(a) states:

“(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family

member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.”

Section 36-25-1(8) defines a conflict of interest as:

“(8) CONFLICT OF INTEREST. A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.”

Section 36-25-9(c) states:

“(c) No member of any county or municipal agency, board, or commission shall vote or participate in any matter in which the member or family member of the member has any financial gain or interest.”

While Mr. Howell may provide legal services to the Airport Authority pro bono, he may not be compensated for doing the same, as this would create a conflict of interests, as well as a use of office for personal gain.

Based on the above law and the facts as provided, a member of the Board of Directors of the City of Prattville Airport Authority, who is an attorney, may not be compensated to perform legal work on behalf of the Airport Authority.


### CONCLUSION

A member of the Board of Directors of the City of Prattville Airport Authority, who is an attorney, may not be compensated to perform legal work on behalf of the Airport Authority.

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**AUTHORITY**

By 4-0 vote of the Alabama Ethics Commission on November 1, 2000.



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John H. Watson

Chair

Alabama Ethics Commission