



# STATE OF ALABAMA ETHICS COMMISSION



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December 19, 2018

## ADVISORY OPINION NO. 2018-16

Mr. Doug Key  
APCO Employees Credit Union  
750 17th Street North  
Birmingham, Alabama 35203

### Revolving Door/Two-year Waiting Period

A public employee who directly regulated, audited, or investigated a private business, corporation, partnership, or individual may solicit or accept employment from that business, corporation, partnership, or individual once two years have passed, either since the public employee's separation from service from the agency, or the last time the employee personally participated in the direct regulation, audit, or investigation of the private business, corporation, partnership, or individual.

Dear Mr. Key:

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 Peter Ukeje be employed with Alabama Power Credit Union after December 31, 2018?

### **FACTS AND ANALYSIS**

Mr. Peter Ukeje may be employed with Alabama Power Credit Union after December 31, 2018. The Alabama Credit Union Administration previously employed Mr. Peter Ukeje. He retired from the Alabama Credit Union Administration as a Bank Examinations Coordinator. Mr. Ukeje served as the examiner for the 2016 examination of Alabama Power Credit Union. He retired from Alabama Credit Union Administration on December 31, 2016.

The applicable "Revolving Door" provision of the Ethics Act states:

Ala. Code §36-25-13

(f) 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.

As an examiner, Mr. Ukeje personally participated in the direct regulation, audit, or investigation of a private business, Alabama Power Credit Union (APCO), in 2016. Based on his regulation of the APCO, he was restricted from being employed by them for a period of two years, either from the time of his retirement, or the last time he personally participated in their regulation. On December 31, 2018, two years will have passed from his direct regulation of APCO; therefore, he may solicit or accept employment with APCO any time after December 31, 2018.

### **CONCLUSION**

A public employee who directly regulated, audited, or investigated a private business, corporation, partnership, or individual may solicit or accept employment from that business, corporation, partnership, or individual once two years have passed, either from the public employee's separation from service from the agency, or the last time the employee personally participated in the direct regulation, audit, or investigation of the private business, corporation, partnership, or individual.

### **AUTHORITY**

By 5-0 vote of the Alabama Ethics Commission on December 19, 2018.

  
Jerry L. Fielding, Ret. Sr. Circuit Judge  
Chair  
Alabama Ethics Commission