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October 1, 2025

ADVISORY OPINION NO. 2025-05

Gary Fuller
Mayor
City of Opelika

Public Official / Revolving Door

A former public official may enter into a consulting contract with the City of Opelika or the Opelika Industrial Development Authority after they leave their public position without violating the "Revolving Door" provisions of the Ethics Act.

Dear Mr. Fuller:

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.

FACTS

The City of Opelika operates under a Mayor-Council form of government with the mayor elected at large, and the five city council members elected from single member districts. The mayor does not sit with the council nor have a vote in its proceedings.

The Opelika Industrial Development Authority ("Authority") exists as a public corporation organized under Chapter 92A of Title 11 of the *Code of Alabama* (1975). The business and affairs of the Authority are managed under the direction of a seven-member Board of Directors. The directors are appointed by the Opelika City Council. The purpose of the Authority is to promote and facilitate the growth of industry and commerce within the City of Opelika. The Opelika City Council allocates funds to the Authority to support the Authority's efforts in promoting economic development. The mayor plays a significant role in economic development and often attends meetings of the Board of Directors of the Authority, but he does not have a vote in its proceedings.

in working as a consultant to the City of Opelika or the Authority after his retirement. The proposed consulting work would involve advising on ongoing economic development projects, providing guidance on fostering economic growth, retaining and expanding existing businesses, attracting new businesses, securing funding for economic development initiatives, and acting as liaison between businesses and government agencies.

QUESTIONS PRESENTED

1. May the former Mayor of the City of Opelika, upon his retirement, enter into a consulting contract with the City of Opelika to provide professional or personal services on behalf of the City without violating the “Revolving Door” provisions of the Alabama Ethics Act?
2. May the former Mayor of the City of Opelika, upon his retirement, enter into a consulting contract with the Opelika Industrial Development Authority to provide professional or personal services on behalf of the Authority without violating the “Revolving Door” provisions of the Alabama Ethics Act?

ANALYSIS

The “Revolving Door” provisions of the Ethics Act prohibit former public employees from engaging in certain activities for a period of two years after they leave their public position.

(d) Except as specifically set out in this section, no public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who participates in the negotiation or approval of contracts, grants, or awards or any person who negotiates or approves contracts, grants, or awards shall enter into, solicit, or negotiate a contract, grant, or award with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency. Notwithstanding the prohibition in this subsection a person serving full-time as the director or a department or division chief who has retired from a governmental agency may enter into a contract with the governmental agency of which the person was an employee for the specific purpose of providing assistance to the governmental agency during the transitional period following retirement, but only if all of the following conditions are met:

- (1) The contract does not extend for more than three months following the date of retirement.
- (2) The retiree is at all times in compliance with Section 36-27-8.2.

- (2) The retiree is at all times in compliance with Section 36-27-8.2.
- (3) The compensation paid to the retiree through the contract, when combined with the monthly retirement compensation paid to the retiree, does not exceed the gross monthly compensation paid to the retiree on the date of retirement.
- (4) The contract is submitted to and approved by the Director of the Ethics Commission as satisfying the above conditions prior to the date the retiree begins work under the contract.¹

In Advisory Opinion 2019-11, the Ethics Commission recognized that “[T]he two-year revolving door waiting period under subsection (d) of the Revolving Door law does not apply to agencies or governmental bodies who rehire former employees or contract with former employees or officials to provide personal or professional services on behalf of the agency.”

Here, the services in question constitute personal or professional services provided by Mayor Fuller on behalf of the City or the Authority. Therefore, the Ethics Act does not prohibit him from entering into the consulting contracts in question.

This opinion extends only to the restrictions of the Ethics Act and may not be relied upon by anyone other than the requestor as whether the “Revolving Door” provisions would prohibit similar activity must be evaluated on a case-by-case basis.

CONCLUSION

A former public official may enter into a consulting contract with the City of Opelika or the Opelika Industrial Development Authority after they leave their public position without violating the “Revolving Door” provisions of the Ethics Act.

AUTHORITY

By 3/0 vote of the Alabama Ethics Commission on October 1, 2025.


Chair
Alabama Ethics Commission

¹ Ala. Code § 36-25-13(d).