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February 4, 2026

ADVISORY OPINION NO. 2026-01

J. Bradford Boyd Hicks
Stone Crosby, P.C.

8820 U.S. Highway 90
Daphne, AL 36526

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

The Ethics Act prohibits a public employee or his associated business whose office regulates construction in his county, including issuing building permits, from seeking a building permit from his public employer.

The Ethics Act does not prohibit a public employee or his associated business from contracting with a private business on construction projects outside of the jurisdiction of his office provided he does not use his public position, including any confidential information or public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to obtain personal gain for himself or his business, and he does not solicit or receive anything, including opportunities for his business, for the purpose of corruptly influencing his official action.

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 prospectively only.

FACTS

Eddie Harper is the Building Official and department head for the Baldwin County Building Department. The Baldwin County Building Department oversees building in unincorporated Baldwin County:

The Baldwin County Building Department issues permits and inspects construction (including new construction, additions, alterations, repairs, remodels, demolitions, manufactured homes, modular homes/buildings, swimming pools/spas, agricultural structures, accessory structures, marine accessories, mechanical/HVAC, electrical, plumbing, etc.) throughout the County's building permit jurisdiction as required by the International Code Council (ICC) I-Codes.

The Building Department enforces the building codes, ordinances, and resolutions adopted by the Baldwin County Commission (including the ICC I-Codes with amendments, Building Code Modifications, Floodplain Development Ordinance, Beach and Dune Protection and Management Regulations, etc.).¹

From time to time, the Baldwin County Building Department contracts with municipalities to perform the building inspections for that municipality.

Mr. Harper is the Registered Agent, Managing member, and 50% owner in Harper Development, LLC. Mr. Harper's spouse, Amanda Harper, is also a Managing Member and 50% owner of Harper Development, LLC. Harper Development, LLC holds an active Home Builder License with the State of Alabama Home Builders Licensure Board. Harper Development, LLC, contracts with LaDale Properties, LLC on construction projects. The sole role of Harper Development, LLC for these projects is to use Harper's building license to obtain the building permit for LaDale Properties LLC to carry out the construction. Harper Development, LLC receives a fee from LaDale Properties, LLC every time Harper Development, LLC uses their building license to obtain a building permit for LaDale Properties.

QUESTIONS PRESENTED

¹ <https://baldwincountyal.gov/departments/building-inspection>

1. Is it permissible for Mr. Harper to contract with LaDale Properties, LLC, for building projects located within Baldwin County jurisdictional boundaries or within municipalities with which his office has a contract if (a) he would not be the building official inspecting the property once it is built but rather someone else in his office would perform the inspection and/or (b) he will not do any of the actual work on the project that would eventually be inspected by his office?
2. Is it permissible for Mr. Harper to jointly contract with LaDale Properties, LLC, for building projects in municipalities with which his office has not contracted to perform inspections or in other counties and states that are not within his jurisdiction as Building Official?

ANALYSIS

The Ethics Act prohibits a public employee or his associated business whose office regulates construction in his county, including issuing building permits, from seeking a building permit from his public employer.

(a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board, or commission.²

These restrictions, however, do not apply to building projects that are outside the jurisdiction and regulation of the Baldwin County Building Department.

Therefore, the Ethics Act does not prohibit Mr. Harper or Harper Development, LLC, from contracting with LaDale Properties, LLC, for construction projects that are not within the jurisdiction of or otherwise regulated by the Baldwin County Building Department provided he does not use his public position with Baldwin County, including any confidential information or public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to obtain personal gain for himself or his business, and he does not solicit or

² Ala. Code § 36-25-9.

⁴ Ala. Code § 36-25-1(2).

Baldwin County Building Department has contracted to perform any regulatory function, including issuing building permits.

Therefore, Ala. Code § 36-25-9(a) prohibits Harper Development, LLC, from applying for permits within the Baldwin County jurisdictional boundaries or in municipalities with which the Baldwin County Building Department has a contract. These restrictions, however, do not apply to building projects that are outside the jurisdiction and regulation of the Baldwin County Building Department.

Therefore, the Ethics Act does not prohibit Mr. Harper or Harper Development, LLC, from contracting with LaDale Properties, LLC, for construction projects that are not within the jurisdiction of or otherwise regulated by the Baldwin County Building Department provided he does not use his public position with Baldwin County, including any confidential information or public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to obtain personal gain for himself or his business, and he does not solicit or receive anything, including opportunities for his business, for the purpose of corruptly influencing his official action.

CONCLUSION

The Ethics Act prohibits a public employee or his associated business whose office regulates construction in his county, including issuing building permits, from seeking a building permit from his public employer.

The Ethics Act does not prohibit a public employee or his associated business from contracting with a private business on construction projects outside of the jurisdiction of his office provided he does not use his public position, including any confidential information or public equipment, facilities, time, materials, human labor, or other public property under his discretion or control, to obtain personal gain for himself or his business, and he does not solicit or receive anything, including opportunities for his business, for the purpose of corruptly influencing his official action.

AUTHORITY

By 3/0 vote of the Alabama Ethics Commission on February 4, 2026.


Chair
Alabama Ethics Commission