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# STATE OF ALABAMA ETHICS COMMISSION

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June 5, 1996

## ADVISORY OPINION NO. 96-59

Glenda A. Morgan  
City Clerk  
City of Mobile  
Post Office Box 1827  
Mobile, Alabama 36633-1827

Use Of Position For Personal  
Gain/City Employee Using  
City Facilities For  
Tupperware/Jewelry Parties.

A public employee or a  
public official may not use  
equipment, facilities, time,  
materials, human labor, or  
other public property under  
his or her discretion or  
control for the private benefit  
or business benefit of the  
public official, public  
employee, or any other  
person.

A municipal employee may  
not use municipal facilities to  
conduct Tupperware or  
jewelry parties on lunch  
break or after hours when  
such parties result in financial  
gain to the public employee  
and/or a business with which  
they are associated.

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Dear Ms. Morgan:

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 municipal employee conduct Tupperware/jewelry parties, etc. on lunch break or after hours in municipal offices?

### **FACTS AND ANALYSIS**

From time to time, in the past, employees of the City of Mobile were allowed to conduct Tupperware, jewelry, etc. parties on lunch break or after hours in municipal offices. The City Clerk became concerned about this practice continuing under the revised Ethics Law, and she has requested a formal opinion on whether or not this can continue to be a permitted practice, or whether it would be prohibited under the Ethics Law. This opinion is issued as a result of that request.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-5(c) states:

*"(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy."*

Under the applicable law and the facts as provided, a municipal employee may not use municipal facilities on lunch break or after hours to conduct Tupperware, jewelry, etc. parties when that municipal employee will receive either a personal benefit to himself or a business with which they are associated.

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**CONCLUSION**

A public employee or a public official may not use equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, or any other person.

A municipal employee may not use municipal facilities to conduct Tupperware or jewelry parties on lunch break or after hours when such parties result in financial gain to the public employee and/or a business with which they are associated.

**AUTHORITY**

By 4 - 0 vote of the Alabama Ethics Commission on June 5, 1996.

A handwritten signature in black ink, appearing to read 'H. Dean Buttram, Jr.', written over a horizontal line.

H. Dean Buttram, Jr.  
Chair  
Alabama Ethics Commission