

STATE OF ALABAMA
ETHICS COMMISSION



James T. Pursell, Chairman
Henry B. Gray III, Vice-Chairman
Camille S. Butrus
Helen Shores Lee, Esq.
H. Dean Buttram, Jr., Esq.

MAILING ADDRESS

P.O. BOX 4840
MONTGOMERY, AL
36103-4840

STREET ADDRESS

RSA UNION
100 NORTH UNION STREET
SUITE 104
MONTGOMERY, AL 36104



E. J. (Mac) McArthur
Director

September 19, 1996

TELEPHONE (334) 242-2997
FAX (334) 242-0248

ADVISORY OPINION NO. 96-87

Michele Board
Legislative Liaison
1002 Felder Avenue
Montgomery, Alabama 36106

Revolving Door/Governor's Former
Legislative Liaison Serving As
Lobbyist Before The Alabama
Legislature.

The two-year revolving door
provision of Section 36-25-13(b)
prevents the Governor's former
Legislative Liaison from serving for
a fee as a lobbyist or otherwise
representing clients in matters before
the Governor's Office.

The two-year revolving door
provision of Section 36-25-13(b)
does not prevent the Governor's
former Legislative Liaison from
serving for a fee as a lobbyist or
otherwise representing clients in
matters before the Alabama
Legislature.

Dear Ms. Board:

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.

QUESTIONS PRESENTED

1. May a public employee, employed by the Governor's Office, serve for a fee as a lobbyist or otherwise represent clients before the Governor's Office?
2. May a public employee, employed by the Governor's Office, serve for a fee as a lobbyist or otherwise represent clients before the Alabama Legislature?

FACTS AND ANALYSIS

Michele Board was employed by the Governor's Office in January 1995 as House Liaison for the Governor and remains in that position to date. Her position in the Executive Branch requires her to represent the Governor before numerous boards, agencies, departments, and legislative bodies.

She is considering leaving her employment with the Governor's Office, and plans to represent various clients as a lobbyist before the Alabama Legislature. She has, therefore, requested this Advisory Opinion.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-13(b) states:

"(b) No public employee shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, or department, of which he or she is a former employee for a period of two years after he or she leaves such employment. For the purposes of this subsection, such prohibition shall not include a former employee of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity."

The above section limits a former employee from appearing before the board, agency, commission, or department of which he or she is a **former employee** for a period of two years after leaving such employment. Therefore, based on the above law and the information as provided to the Ethics Commission, Michele Board may not serve for a fee as a lobbyist or otherwise represent clients in matters before the Governor's Office for a period of two years after

leaving her employment with the Governor's Office.

Further, based on the fact that the former Legislative Liaison was an employee of the Governor's Office and not an employee of the Legislature, there would be no prohibition under Section 36-25-13(b), from the Governor's former Legislative Liaison appearing on behalf of clients and lobbying before the Alabama Legislature.

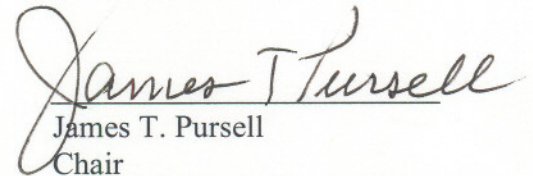
CONCLUSION

The two-year revolving door provision of Section 36-25-13(b) prevents the Governor's former Legislative Liaison from serving for a fee as a lobbyist or otherwise representing clients in matters before the Governor's Office.

The two-year revolving door provision of Section 36-25-13(b) does not prevent the Governor's former Legislative Liaison from serving for a fee as a lobbyist or otherwise representing clients before the Alabama Legislature.

AUTHORITY

By 3 - 0 vote of the Alabama Ethics Commission on September 19, 1996.



James T. Pursell
Chair

Alabama Ethics Commission