



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

# STATE OF ALABAMA ETHICS COMMISSION

**MAILING ADDRESS**

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

**STREET ADDRESS**

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



James L. Sumner, Jr.  
 Director

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

September 3, 1997

**ADVISORY OPINION NO. 97-81**

Willie Strain  
 Chairperson  
 Alabama Sickle Cell Oversight  
 & Regulatory Commission  
 Post Office Box 1079  
 Tuskegee Institute, Alabama 36087-1079

Ethics Law/Public Officials Subject To  
 Ethics Law.

Members of the Alabama Sickle Cell  
 Oversight & Regulatory Commission, being  
 appointed by the Governor, are public  
 officials as defined by the Ethics Law; and  
 therefore, subject to its provisions.

Members of the Alabama Sickle Cell  
 Oversight & Regulatory Commission, a  
 Commission having statewide jurisdiction  
 and not being merely an advisory board, are  
 required to file Statements of Economic  
 Interests with the Alabama Ethics  
 Commission.

Dear Mr. Strain:

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**

Are board members of the Alabama Sickle Cell Oversight & Regulatory Commission subject to the provisions of the Alabama Ethics Law and, if so, what is required of them in regards to filing requirements?



### FACTS AND ANALYSIS

Willie Strain is the Chairperson of the Alabama Sickle Cell Oversight & Regulatory Commission. The Regulatory Commission was established by Act No. 96-727 which was signed into law on May 28, 1996.

The Regulatory Commission is funded out of the Education Budget of the State. Members of the Commission receive no salaries, but may be reimbursed for actual and necessary expenditures incurred in the performance of their official duties.

The twelve board members are recommended for appointment by each of the Sickle Cell Organizations and the Governor and then are confirmed by the Senate.

Mr. Strain states that the Alabama Sickle Cell Oversight & Regulatory Commission is a board having statewide jurisdiction and is not merely advisory in that it is regulatory in nature.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(25) states:

"(25) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-16-2."

Section 36-25-14(a)(4) states:

"(a) A statement of economic interests shall be completed and filed in accordance with this chapter with the commission no later than April 30 of each year covering the period of the preceding calendar year by each of the following:

(4) Members of the Alabama Ethics Commission; appointed members of boards and commissions having statewide jurisdiction (but excluding members of solely advisory boards)."

Based on the above law and the facts as presented, members of the Alabama Sickle Cell Oversight & Regulatory Commission are public officials as defined by Section 36-25-1(25),



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Code of Alabama, 1975; and are therefore, subject to the provisions of the Alabama Ethics Law.

In addition, as the Alabama Sickle Cell Oversight & Regulatory Commission is a regulatory body having statewide jurisdiction and not being merely advisory in nature, the members of the board are required to file Statements of Economic Interests with the Alabama Ethics Commission regardless of any compensation they may or may not receive from service on the board.

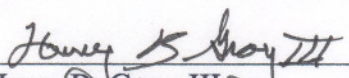
### **CONCLUSION**

Members of the Alabama Sickle Cell Oversight & Regulatory Commission, being appointed by the Governor, are public officials as defined by the Ethics Law; and therefore, subject to its provisions.

Members of the Alabama Sickle Cell Oversight & Regulatory Commission, a Commission having statewide jurisdiction and not being merely an advisory board, are required to file Statements of Economic Interests with the Alabama Ethics Commission.

### **AUTHORITY**

By 4-0 vote of the Alabama Ethics Commission on September 3, 1997.

  
Henry B. Gray, III  
Chair  
Alabama Ethics Commission