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November 3, 1999

ADVISORY OPINION NO. 99-49

Edward H. Minter, III
Agency Property Manager
Department of Veterans Affairs
Post Office Box 1509
Montgomery, Alabama 36102-1509

Conflict Of Interests/State Chapter Of National Property Management Association Conducting And Attending Meetings On State Time.

State employees, who are members of the Montgomery Chapter of the National Property Management Association, may attend meetings of the Association while on state time, as the meetings involve property/inventory issues, policies and procedures which are directly related to their job responsibilities with the State of Alabama.

Conflict Of Interests/Montgomery Chapter Of The National Property Management Association Using State Hand Mail To Disseminate Announcements And Information To Interested State Employees.

Members of the Montgomery Chapter of the National Property Management Association may use state hand mail to disseminate

announcements and general information relating to inventory and property management issues to interested state employees, as this is directly related to issues in which the State of Alabama has an interest and any benefits received would accrue to the State of Alabama.

Dear Mr. Minter:

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 state employees establish a local chapter of the National Property Management Association and attend meetings during the course of the normal work day while on state time?

2) May state employees establish a local chapter of the National Property Management Association and disseminate announcements and general information to interested state employees through the state hand mail system?

FACTS AND ANALYSIS

The facts as have been presented to this Commission are as follows:

Edward H. Minter, III is the Agency Property Manager for the Department of Veterans Affairs. He states that they are in the process of establishing a chapter of the National Property Management Association here in Montgomery. This is a national and professional organization which provides educational opportunities in asset management.

Mr. Minter states that 95 percent of his membership will be state employees who are assigned inventory and property management duties within their respective agencies.

Mr. Minter further states that the local chapter is strongly supported by the State Auditor's Office in hopes of achieving the highest level of professional performance and accountability of state assets.

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

"(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."

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."

Section 36-25-1(8) states:

"(8) CONFLICT OF INTEREST. A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs."

In the facts as provided, any benefits that may be the result of a local chapter of the National Property Management Association being established would accrue to the State of Alabama, in that, membership in this Association would better assist state employees in inventory and asset management of state property.

As these are matters in which the State of Alabama has an interest, it would not violate the Alabama Ethics Law for state employees, who are members of the local chapter, to attend meetings while on state time or to use state hand mail to disseminate information relating to the Association, as there is no personal gain received by the individual state employee.

Based on the facts as provided and the above law, state employees, who are members of the Montgomery Chapter of the National Property Management Association, may attend meetings of the Association while on state time, as the meetings involve property/inventory issues, policies and procedures which are directly related to their job responsibilities with the State of Alabama.

Further, members of the Montgomery Chapter of the National Property Management Association may use state hand mail to disseminate announcements and general information relating to inventory and property management issues to interested state employees, as this is directly related to issues in which the State of Alabama has an interest and any benefits received would accrue to the State of Alabama.

CONCLUSION

State employees, who are members of the Montgomery Chapter of the National Property Management Association, may attend meetings of the Association while on state time, as the meetings involve property/inventory issues, policies and procedures which are directly related to their job responsibilities with the State of Alabama.

Members of the Montgomery Chapter of the National Property Management Association may use state hand mail to disseminate announcements and general information relating to inventory and property management issues to interested state employees, as this is directly related to issues in which the State of Alabama has an interest and any benefits received would accrue to the State of Alabama.

AUTHORITY

By 5-0 vote of the Alabama Ethics Commission on November 3, 1999.

Helen Shores Lee
Chair
Alabama Ethics Commission