



STATE OF ALABAMA ETHICS COMMISSION



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ADVISORY OPINION NO. 99-57

Jackie L. Bradford
Superintendent
Russellville Parks & Recreation
Post Office Box 1148
Russellville, Alabama 35653

Conflict Of Interests/Director Of City Parks & Recreation Department Running For County Commission Seat.

The Director of the Russellville Parks & Recreation Department may run for a seat on the Franklin County Commission; provided, all campaign activities be conducted on his own time, whether after hours or on annual leave; and, that no public equipment, facilities, time, materials, human labor or other public property under his discretion or control, as Director of the Russellville Parks & Recreation Department, be used to assist him in either running his campaign or in performing the duties of County Commissioner, if elected to that seat.

In addition, should the Director of the Russellville Parks & Recreation Department be elected to a seat on the Franklin County Commission, all activities relating to his duties as a County Commissioner, must be conducted on his own time.

As election issues are involved, it is suggested that the requestor of this opinion

contact the Office of the Attorney General to determine the applicability of *The Fair Campaign Practices Act*.

Dear Superintendent Bradford:

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 the Director of the City of Russellville Parks & Recreation Department run for a seat on the Franklin County Commission?

FACTS AND ANALYSIS

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

Jackie L. Bradford currently serves as the Director of the Russellville Parks & Recreation Department. He is currently thinking about running for a position on the Franklin County Commission. The position of Franklin County Commissioner is a part-time compensated position and the position of the City Parks & Recreation Department is a full-time position.

There is no interaction between the County Commission and the Parks & Recreation Department, nor does the Franklin County Commission allocate funding to the City of Russellville Parks & Recreation Department.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(8) defines a conflict of interests as:

"(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."

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."

Based on the facts as provided and the above law, it would not violate the Alabama Ethics Law for the Director of a City Parks & Recreation Department to run for and hold the position of County Commissioner; provided, that all activities relating to his service as a County Commissioner be conducted on his own time; and, that there be no use of City time, labor, equipment, etc., to assist him in either campaigning for the office or fulfilling the duties of the office, if elected.

Additionally, as election issues are involved, it is suggested that the requestor of this opinion contact the Office of the Attorney General to determine the applicability of *The Fair Campaign Practices Act*.

CONCLUSION

The Director of the Russellville Parks & Recreation Department may run for a seat on the Franklin County Commission; provided, all campaign activities be conducted on his own time, whether after hours or on annual leave; and, that no public equipment, facilities, time, materials, human labor or other public property under his discretion or control, as Director of the Russellville Parks & Recreation Department, be used to assist him in either running his campaign or in performing the duties of County Commissioner, if elected to that seat.