



COMMISSIONERS

Helen Shores Lee, Esq., Chairman
John H. Watson, Vice-Chairman
Lewis G. Odom, Jr., Esq.
Russell Jackson Drake, Esq.
J. Harold Sorrells

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

Hugh R. Evans, III
Assistant Director
General Counsel

December 1, 1999

TELEPHONE (334) 242-2997
FAX (334) 242-0248
WEB SITE www.ethics.alalinc.net

ADVISORY OPINION NO. 99-61

Sam Ozment
HC65 Box 61A
Epes, Alabama 35460

Revolving Door/Former Livestock Market
Analyst For The State Of Alabama
Accepting Employment As Manager Of
West Alabama Stockyard.

A former Livestock Market Analyst for the
State of Alabama may accept employment as
the manager of the West Alabama
Stockyard, as he had no regulatory authority
or other business dealings with the stockyard
while employed with the State of Alabama;
provided, that he not represent the West
Alabama Stockyard before the State of
Alabama Department of Agriculture for a
period of two years after leaving public
service.

Dear Mr. Ozment:

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 former Livestock Market Analyst with the State of Alabama
Department of Agriculture accept employment as the manager of the West
Alabama Stockyard?

FACTS AND ANALYSIS

Sam Ozment is a former Livestock Market Analyst with the State of Alabama Department of Agriculture. He served in this position for fourteen years. The job consisted of attending auctions in Livingston, Uniontown, Frisco City and Robertsedale and recording prices and sending this information in to be distributed to news organizations.

Mr. Ozment has recently left public service and is interested in accepting a position as the manager of the West Alabama Stockyard located in Eutaw, Alabama.

Mr. Ozment states that during his employment with the State of Alabama, he was never involved with the West Alabama Stockyard.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(23) defines a public employee as:

"(23) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income."

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."

Section 36-25-13(d) states:

"(d) No public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such employment

solicit or accept employment with such private business, corporation, partnership, or individual.”

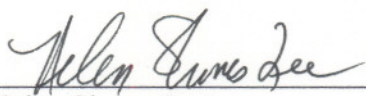
Based on the facts as provided and the above law, a former Livestock Market Analyst with the State of Alabama Department of Agriculture may accept employment with the West Alabama Stockyard, as he had no regulatory authority or other business dealings with the stockyard while employed with the State of Alabama; provided that, for a period of two years after leaving public service, he not represent the West Alabama Stockyard before the Department of Agriculture.

CONCLUSION

A former Livestock Market Analyst for the State of Alabama may accept employment as the manager of the West Alabama Stockyard, as he had no regulatory authority or other business dealings with the stockyard while employed with the State of Alabama; provided, that he not represent the West Alabama Stockyard before the State of Alabama Department of Agriculture for a period of two years after leaving public service.

AUTHORITY

By 5-0 vote of the Alabama Ethics Commission on December 1, 1999.



Helen Shores Lee
Chair
Alabama Ethics Commission