

STATE OF ALABAMA ETHICS COMMISSION



ANNUAL REPORT
FISCAL YEAR
2010-2011

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Annual Report

**Fiscal Year
2010-2011**

for the

Alabama Ethics Commission

is presented to the

Governor

and the

Alabama Legislature

in compliance with

Section 36-25-3(c), Code of Alabama, 1975

Alabama Ethics Commission

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James L. Sumner, Jr., Director



STATE OF ALABAMA ETHICS COMMISSION



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COMMISSIONERS

Braxton L. Kittrell, Jr., Esq., Chair
Josephine M. Venable, Vice-Chair
Anthony Humphries
Dr. Jewell W. Henderson
Rebekah Elgin-Council

James L. Sumner, Jr.
Director

March 30, 2012

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The Honorable Robert J. Bentley, Governor
State of Alabama
Montgomery, Alabama 36130

Dear Governor Bentley:

On behalf of the Alabama Ethics Commission, I respectfully present to you and the Alabama Legislature our Annual Report for fiscal year 2010-2011, in compliance with Section 36-25-3(c), Code of Alabama, 1975. Included are details of our actions during the year as we strive to fulfill the responsibilities with which we are charged.

Our Commissioners and Staff are very proud of our accomplishments during this fiscal year, and following are some of the highlights:

- **226** Complaints were filed with the Commission
- **26** Cases were presented to the Commission
- **10** Formal and **147** Informal Opinions were rendered by the Commission
- **\$10,985.37** collected in Fines and Restitution
- **56,712** Statement of Economic Interests forms filed with **87.1%** filed electronically
- **572** Lobbyists registered with **772** Principals represented; **83.04%** filed on-line
- **65** Ethics Seminars presented and **475** DVDs provided for In-House Ethics Training
- **\$67,750.00** deposited into the General Fund

Our Commissioners and Staff are committed to fulfilling our responsibilities to the citizens of the state of Alabama to the fullest extent possible and greatly appreciate your support of the Alabama Ethics Commission.

Sincerely,


James L. Sumner, Jr.

PURPOSE, POWERS AND DUTIES


The Alabama Ethics Commission was established in 1973 by Act No. 1056 of the Alabama Legislature which has subsequently been amended by Acts 75-130, 79-460, 79-698, 82-429, 86-321, 92-342, 95-194, 96-261, 97-651, 2000-797, 2001-474 and Act Nos. 2010-462, 2010-763, 2010-764, 2011-259, 2011-632 and 2011-674.

The Mission of this law is to ensure that public officials are independent and impartial; that decisions and policies are made in the proper governmental channels; that public office is not used for private gain; and, most importantly, that there is public confidence in the integrity of government.

With confirmation from the Alabama Senate, members of the Alabama Ethics Commission are appointed by the:

Governor
Lieutenant Governor
Speaker of the Alabama House of Representatives

Duties and Responsibilities of the Commission

Furnish Disclosure Forms	Publish Procedures	Make Statement of Economic Interests Forms Available to Public
Investigate Alleged Violations		Issue and Publish Advisory Opinions
Present Educational Programs	Preserve Statement of Economic Interests Forms	Promulgate Rules and Regulations

Commissioners



Linda Lloyd Green Vice-Chair

Term Expired 2006

Successor Not Confirmed Until 2010

Linda L. Green was confirmed by the Alabama Senate on January 17, 2002 to serve a term which expired August 31, 2006. Mrs. Green continued to serve until her successor was confirmed on December 15, 2010. She was elected Chairman at the August 3, 2005 Commission meeting and then again on August 4, 2010. Mrs. Green was born in 1951 in Huntsville, Alabama and graduated from Huntsville High School in 1969. She has a B.S. degree from the University of Alabama and an M.S. degree from Auburn University. She also holds FINRA licenses -- Series 7, Series 24 and Series 63. Beginning in 1976 to 1993, Mrs. Green worked for Parisian, Inc. where she served in a number of roles before managing each of the two stores in Huntsville. From 1993 to 2004 she worked for Colonial Bank where she served as

CEO and President of the Northern Region and from 2004 to 2007 as EVP for Colonial BancGroup as Wealth Management Director. She currently works with Renasant Bank as the President for Madison County. Her professional and civic activities include serving on the UAH Foundation as Treasurer and a member of the Executive Committee, past Chair for Volunteers of America, Madison County Veterans Memorial Board member, and Crestwood Hospital Women's Advisory Group. Her past involvement is varied, including serving as a board member for Intergraph Corporation, Vice-Chair and Chair of the Alabama Space Science Exhibit Commission, the Von Braun Center Board of Control, the Alabama State Banking Board, 1998 Chair for the Huntsville/Madison County Chamber of Commerce, the Board of Directors of United Way, and numerous other civic and charitable organizations. Mrs. Green is married to Randy Green, and they have one son, daughter-in-law, and grandson.

Commissioners



Braxton L. Kittrell, Jr., Esq.
Term Expires 2012

Braxton L. Kittrell, Jr., was confirmed by the Alabama Senate May 8, 2008, to serve a term on the State of Alabama Ethics Commission ending August 31, 2012. He was elected Vice-Chair at the August 4, 2010 Commission meeting, and elected Chair on February 2, 2011. Kittrell received a J.D. degree from the University of Alabama in 1967 and began practicing law in Mobile in 1969. He was elected Circuit Judge for the 13th Judicial Circuit (Mobile County) in 1976, and served in that office from January, 1977 until he retired in April of 1999. He served as Presiding Circuit Judge from January 18, 1989 until his retirement. Kittrell was a member of the Judicial Inquiry Commission of the State of Alabama from 1987-99, and served as its Chairman from 1995-99. He was president of the International Academy of State Trial Judges (1982-83); he served as Chairman of the Regional Planning and Advisory Board for Region 6,

Alabama Law Enforcement Planning Agency (1980-83) and as a member of the Executive Committee of the State Supervisory Board of the Alabama Law Enforcement Planning Agency (1980-83). He served as Chairman of the Sentencing and Corrections Committee of the American Bar Association, Judicial Administration Division from 1993-97, and as a member of the Executive Committee of the National Conference of State Trial Judges of the American Bar Association from 1995 through 1998. He also served as President of the Alabama Association of Circuit Judges (1996-97), and as a member of the Alabama Supreme Court Court Advisory Committee on Criminal Procedure (1997-99). He presently holds membership in the American, Alabama and Mobile Bar Associations, the Alabama Association of Circuit Judges, the International Academy of State Trial Judges, the American Judicature Society and serves on the board of directors of the Alabama Forest Resources Center.

Commissioners



Josephine M. Venable **Term Expires 2013**

Josephine M. Venable was confirmed by the Alabama Senate on May 28, 2008 for a term which began September 1, 2008 and will expire August 31, 2013. She was elected Vice-Chair at the February 2, 2011 Commission meeting. Mrs. Venable is a native of Clio, Alabama where she graduated from Barbour County High School. She received a Bachelor of Science degree with Education Certification in Physics, Chemistry and Biology from the University of Alabama in 1961. She taught advanced science and biology in Montgomery before moving with her husband, the late Honorable Jack B. Venable, to Washington, D. C. In 1970 they purchased The Tallassee Tribune in Tallassee, Alabama at which time Mrs. Venable became Co-Owner and Associate Publisher. After the death of her husband, she continued the newspaper as Publisher and Editor. She sold The Tribune in 2007 and remains

as Editor Emeritus. She has been an active member of the Alabama Press Association for many years, being named to various committees. Mrs. Venable has served her community as President of the Tallassee Chamber of Commerce and Secretary/Treasurer of the Tallassee Industrial Development Board. She has also served as Chairman of the Community Hospital Board of Directors as well as Chairman of the Alabama Council of Hospital Trustees. She continues her service with the board of Community Hospital as a member of the Executive and Finance Committees. She is a member of the Advisory Board, Elmore Division, BankTrust. Mrs. Venable is a member of First United Methodist Church of Tallassee having served in many areas including Board of Trustees and Lay Leader. She has been named to numerous other community boards and committees. Mrs. Venable and her late husband have two children, daughter Cameron, son-in-law Steve and son Ben.

Commissioners



Anthony Humphries **Term Expires 2014**

Anthony Humphries was confirmed by the Alabama Senate on April 23, 2009, to serve a term on the Alabama Ethics Commission that began on September 1, 2009, and ends on August 31, 2014. Mr. Humphries graduated from Good Hope High School in Cullman County in 1973. He received a B.A. degree in Political Science from Auburn University in 1977 and graduated from the Graduate School of Banking at LSU in 1988. He, along with a group of business leaders in Calhoun County, organized a new community bank in 2005. Mr. Humphries has served as the Bank's President & CEO and as a member of the Bank's Board of Directors since September 2005. He has over 30 years of banking experience in the Calhoun County market. He also served on Governor Riley's cabinet as Superintendent of the Alabama Banking Department from 2003 to 2005. Mr. Humphries began his banking career with SouthTrust Bank, gaining experience as he progressed from management trainee to Assistant Vice President, Vice President and Senior Vice President/Senior Lending Officer. After 6 years with

SouthTrust, he was hired by AmSouth Bank where he served as the Senior Vice President/Commercial Banking Sales Manager for 13 years. In 1997, he returned to SouthTrust Bank as the market CEO.

Mr. Humphries volunteers his time with several organizations throughout Calhoun County and the surrounding areas. He is on the Board of Directors of the First National Bankers Bank-Alabama, the Community Bankers Association of Alabama, the Northeast Alabama Regional Medical Center, the Anniston Museum of Natural History Foundation, the Knox Concert Series and the Anniston Country Club. He is a former Chairman of the Calhoun County Chamber of Commerce and serves now as Chairman of its Transportation Task Force. Mr. Humphries is the Vice Chairman of the McClellan Development Authority, the entity charged with the redevelopment of the former Fort McClellan. He is a member of the Anniston Rotary Club and the Oxford Quarterback Club and serves as a Trustee for the Women's Missionary Union (WMU). He is an active member of the First Baptist Church of Oxford where he serves as a Deacon. He is married to the former Cristy Chase and has two sons and one granddaughter.

Commissioners



Rebekah Elgin-Council **Term Expires 2011**

Rebekah Elgin-Council was confirmed by the Alabama State Senate on December 15, 2010, to serve a term on the Alabama Ethics Commission that began on December 15, 2010, and ends on August 31, 2011. Mrs. Elgin-Council is a native of Oneonta, Alabama, where she graduated from Appalachian High School. She received a Bachelor of Arts degree in English and Public Relations from the University of Alabama in 1993 and a Master of Business Administration from the University of Alabama at Birmingham in 1998. Mrs. Elgin-Council has been employed with Blue Cross and Blue Shield of Alabama since 1994, and has served in roles within customer service, internal audit

and claims operations before assuming her current role of Director, Marketing Operations. Her current professional and civic activities include serving as a member of the Junior League of Birmingham, Birmingham AIDS Outreach Board Member, United Way of Central Alabama's Women's Leadership Council, member of the Indian Cultural Society at the Birmingham Museum of Art and a mentor for the University of Alabama's C&BA Women's Initiative. She is married to Bryan Council.

Commissioners



Dr. Jewell Winlock Henderson **Term Expires 2015**

Dr. Jewell Winlock Henderson was confirmed by the Alabama Senate on May 5, 2011, to serve a term on the Alabama Ethics Commission that began on September 1, 2010, and ends on August 31, 2015. Dr. Henderson is a native of Tuscaloosa and the oldest daughter of the late Mr. Minor and Mrs. Annie Winlock. Her early childhood was spent in a family of six siblings. After attending school in Tuscaloosa and graduating from Druid High School, she attended Alabama State University, Montgomery, Alabama for two years as a Business Administration/Accounting Major. Jewell completed her undergraduate degree in Business Administration at Tennessee State University in Nashville, Tennessee. Upon graduation, she moved to southern California where she resided for 40 years and ultimately relocated to Montgomery, Alabama in 2003. Upon her return to Montgomery, she accepted a posi-

tion as Assistant Professor in Educational Foundation, Leadership and Technology in the College of Education at Auburn University in Auburn, Alabama and served in the position from 2003 until 2008. She was responsible for teaching doctoral level classes and serving on doctoral level dissertation committees.

While residing in California, Dr. Henderson earned a Master's Degree in School Administration from Loyola Marymount University in Los Angeles, California. Her Doctoral Degree in Public Administration (DPA) was earned in 1990 from the University of LaVerne in LaVerne, California. She served as a mathematics classroom teacher at several middle schools, a regional advisor with a dropout prevention focus with the Los Angeles Unified School District, a high school dean and an elementary school principal with the West Covina Unified School District (both in Los Angeles County). In addition, she served as an Assistant Inspector General for the

Commissioners

Department of Transportation as a Financial Auditor from 1982 to 1987, examining/auditing grants awarded by the U. S. Department of Transportation in Region IX.

Currently she is President of C & J Enterprises, LLC (Educational Consultants responsible for designing and delivering unique, professional development services to school districts). The emphasis is on improvement of classroom instruction in mathematics for all students, providing in-service for potential teachers preparing to take the ETS Praxis examination, and individual consultation to doctoral students concerning their research and dissertations.

Dr. Henderson's professional affiliations include National Council Teachers of Mathematics, Phi Delta Kappa, Council for Leaders in Alabama Schools (CLAS), Association for Supervision and Curriculum Development (ASCD), Institute of Electrical and Electronic Engineers (IEEE) and the National Middle School Association.

Her community involvement includes Class XXI Leadership Montgomery, One Montgomery, the Fortitude Foundation, Montgomery Education Foundation and Delta Sigma Theta Sorority.

She was married for 30 years to the late Charles A. Henderson.

Commissioners



**Michael K. K. Choy, Esq.
Chair**

Term Expires 2010

Michael K.K. Choy, Esq. was confirmed by the Alabama Senate on May 3, 2005, to serve a term on the Alabama Ethics Commission that began on September 1, 2005 and ended on August 31, 2010. He continued to serve until his successor was confirmed on May 5, 2011. Mr. Choy was born in Queens, New York on July 29, 1958. He graduated from Holy Family Catholic High School in Birmingham in 1976. He received his Bachelor of Arts degree in Political Science from the University of Alabama at Birmingham in 1980, and received his Juris Doctorate from the Cumberland School of Law at Samford University in Birmingham in 1984. He was a law

clerk to the Honorable U.W. Clemon, Chief Judge of the United States District Court for the Northern District of Alabama. After seven years as In-House Counsel with BellSouth Corporation, Mr. Choy entered private practice. He is presently managing member of the Law firm CHOY LICHENSTEIN LLC where he practices civil litigation. He is a former Alabama State Bar Examiner, and a current member of the State Bar's Character and Fitness Committee. Mr. Choy is a Trustee for the J. Craig and Page T. Smith Scholarship Foundation, which benefits Alabama high school seniors who are first in their family to attend college. He has two daughters.

Director



James L. (Jim) Sumner, Jr.

Currently, Mr. Sumner is the Director of the Alabama Ethics Commission. He was appointed to the position by the Commission in April, 1997. Mr. Sumner holds an additional appointment as a Deputy Attorney General.

From October, 1987 to April, 1997, Mr. Sumner served as Assistant to the Vice Chancellor for External Affairs of the University of Alabama System. The UA System is comprised of campuses in Tuscaloosa, Birmingham and Huntsville. At that time, the System had over 43,000 students, 18,500 employees and an annual budget exceeding \$1.35 billion.

From January to October, 1987, Mr. Sumner served as Vice President/Legislative Affairs for the Alabama Hospital Association.

Mr. Sumner was the Executive Assistant to the Lieutenant Governor and served as Chief of Staff in the Lieutenant Governor's Office from January, 1983 to January, 1987.

From January, 1979 to May, 1982, Mr. Sumner served as Corporate Secretary and in-house counsel of Royal Cup, Inc. of Birmingham, the largest coffee roaster in the South.

Mr. Sumner served as an Assistant Attorney General from October, 1974 to January, 1979.

Mr. Sumner is a native of Jasper, Alabama

and attended Jasper public schools and Walker County High School.

He was graduated from the University of Alabama in 1970 with a Bachelor of Science Degree.

In 1974, Mr. Sumner received his Doctor of Jurisprudence Degree from Cumberland School of Law at Samford University.

Before joining the Attorney General's staff, Mr. Sumner served for three years as Administrative Assistant to the Chairman of the Democratic Party in Alabama, Robert S. Vance. Vance was later appointed by President Carter to the U. S. Court of Appeals for the Eleventh Circuit.

Mr. Sumner holds membership in the American Bar Association and the Alabama State Bar Association.

In 2007, Mr. Sumner was awarded the Douglass Cater Public Service Award by the Department of Political Science and Public Administration at Auburn University at Montgomery.

Mr. Sumner was named 2011 James T. Pursell, Sr. Distinguished Fellow in Ethics by the College of Business at Auburn University.

He is married to Deanna Benefield Sumner of Huntsville and they have three adult children: Matthew, Amelia and Aaron.

ETHICS COMMISSION STAFF

Legal Division

Hugh R. Evans, III, General Counsel

Julie Davis, Executive Secretary and Recording Secretary

Theresa Davis, Legal Research Assistant

Investigative Division

Charles A. Aldridge, Chief Special Agent

Tony Goubil, Special Agent

Vicki Wilson, Special Agent

Finance & Administrative Division

Barbi Lee, Chief

Austin Gilmore, Laborer

Julie Kerce, ASA I

Vicky Manning, Accountant Technician

Loretta Webb, Clerk

Janice Wolfe, ASA I/Receptionist

ANNUAL COMPARISONS FISCAL YEARS 2010 AND 2011

	Fiscal Year 2010	Fiscal Year 2011
Commission Meetings Held	7	6
Educational Programs Presented	33	65
Statements of Economic Interests Forms Received	52,256	56,712
Forms Viewed by the Public	2,165	2,507
Formal Advisory Opinions	12	10
Informal Advisory Opinions	40	147
Registered Lobbyists	654	572 ¹
Principals Represented by Lobbyists	751	772
Complaints Filed with Ethics Commission	236	226
Complaints Closed After Preliminary Inquiry	261	232 ²
Cases Presented to Commissioners	19	26
Cases Closed by Ruling of Commissioners	2	2
Cases Forwarded to District Attorney or Attorney General	2	3
Administrative Penalties Assessed by Ethics Commission	13	20
Fines Collected by Ethics Commission	\$ 7,525.00	\$10,250.00
Restitution Collected	\$4,027.88	\$ 735.37
Lobbyists' Fees Collected	\$49,300.00	\$57,500.00
Copies of Forms & Lobbyists' Lists Fees Collected	\$ 1,901.00	\$ 158.50
General Fund Deposits	\$56,863.40	\$67,750.00
Staff Members	14	13

1 With passage of Act No. 2010-764, agency Directors or their designee are no longer required to register as Lobbyists.

2 Includes complaints/cases that were received prior to October 1, but closed during the current fiscal year.

Expenditures for Fiscal Year 2011 October 1, 2010 - September 30, 2011

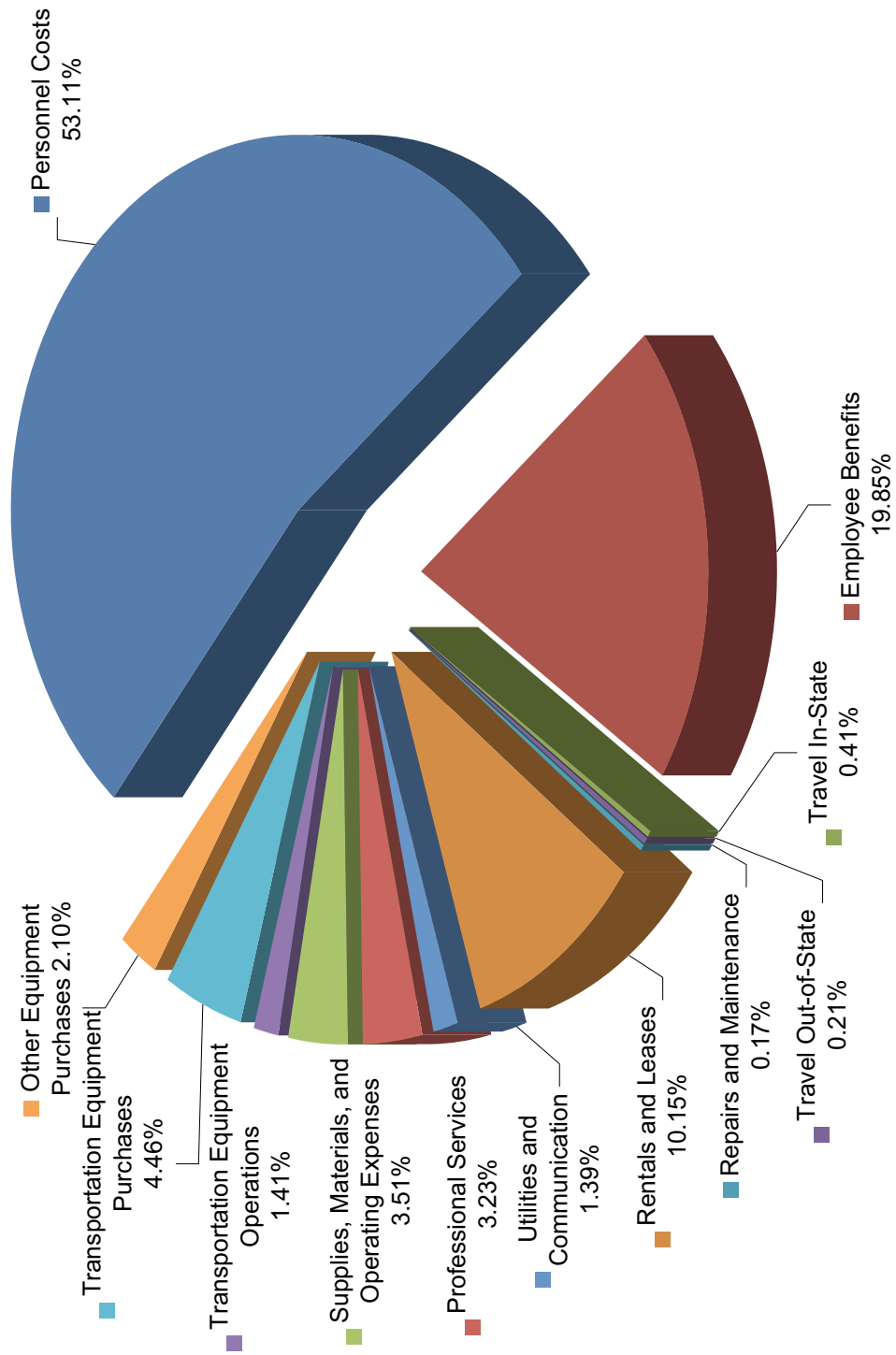
EXPENDITURE	Fiscal Year 2010-2011	13th Accounting Period	Outstanding Purchase Orders	Rollover to FY 12	TOTAL
Personnel Costs	769,432.51	0.00	0.00	207,047.49	976,480.00
Employee Benefits	286,469.40	1,015.60	0.00	78,100.00	365,585.00
Travel In-State	5,485.45	514.55	0.00	7,000.00	13,000.00
Travel Out-of-State	2,986.09	0.00	0.00	3,013.91	6,000.00
Repairs and Maintenance	1,693.62	806.38	0.00	6,000.00	8,500.00
Rentals and Leases	128,695.29	16,681.56	1,623.15	54,000.00	201,000.00
Utilities and Communication	15,937.64	2,749.20	1,413.16	39,000.00	59,100.00
Professional Services	28,113.66	18,066.34	632.00	147,000.00	193,812.00
Supplies, Materials, and Operating Expenses	48,800.36	1,907.34	77.30	184,298.00	235,083.00
Transportation Equipment Operations	13,881.16	2,470.32	4,061.52	19,587.00	40,000.00
Transportation Equipment Purchases	64,643.40	0.00	0.00	106,414.60	171,058.00
Other Equipment Purchases	30,463.00	0.00	0.00	49,537.00	80,000.00
	1,396,601.58	44,211.29	7,807.13	900,998.00	2,349,618.00

The annual cost of the Alabama Ethics Commission (based on state population of 4.8 million) is 48.9 cents per person.

The annual cost of the Alabama Ethics Commission (based on 308,605 public officials and public employees covered by the Ethics Law) is \$ 7.61 per person.

Original FY 11 Budget Appropriation	1,784,401.00
Rollover from FY 10	349,310.00
Supplemental Appropriation	617,537.00
Insurance Proceeds - Auto	13,010.00
Total FY 10 Appropriation	2,764,258.00
Proration - 15%	(414,640.00)
NET FY 11 Budget Appropriation	2,349,618.00
Total FY 11 Expenditures	(1,448,620.00)
Rollover to FY 12	(900,998.00)
13th Acct Period Overage	994.85
Reversion to General Fund	994.85

Expenditures by Percentage



SIGNIFICANT EVENTS FOR FY 2011



Governor Bob Riley signing the Ethics Reform package in a Signing Ceremony at the State Capitol on December 20, 2010. Surrounding Governor Riley are the legislative sponsors of the bills and a visiting troop of Cub Scouts from Birmingham.

For many years, the Ethics Commission and various legislative sponsors had offered and proposed both major and minor amendments to the Ethics Law, with little to show for our efforts. In December, 2010, Governor Bob Riley called the Legislature into Special Session for the sole purpose of enacting monumental ethics and campaign finance reforms. Included in this package were three bills amending the Ethics Law, including for the first time subpoena power for the Commission. The passage of this legislation on December 16, 2010 forever changed the role and scope of the Alabama Ethics Commission. At the signing ceremony, Commission Director Jim Sumner made the following statement:

“Today is truly a historic day for all who believe that government exists solely to benefit the public it serves instead of those who serve in government and those who attempt to influence its decisions.”

Legislative

SIGNIFICANT EVENTS FOR FY 2011

ADVISORY OPINIONS:

- 10 Formal Advisory opinions were drafted by the General Counsel and rendered by the Commission
- 147 Informal Advisory opinions were provided by the General Counsel.
[These opinions are issued only when the question asked deals with a matter of black letter law or where the Commission has previously addressed the matter with a formal opinion.]
- All formal opinions may be read in their entirety at our website www.ethics.alabama.gov.

DIGEST OF ADVISORY OPINIONS

AO NO. 2010-09

A member of the Baldwin County Commission may not vote, attempt to influence or otherwise participate in issues relating to the business dealings between the Baldwin County Sewer Service, LLC and the Baldwin County Commission, when the Baldwin County Sewer Service, LLC is owned in large part by Wolf Creek Industries, Inc., which is the 100% owner of Magnolia River Management, which employs the member of the Baldwin County Commission, as Wolf Creek Industries' part ownership of the Baldwin County Sewer Service makes it a business with which the Commission member is associated.

AO NO. 2010-10

Biologist Aides for the Marine Resources Division (MRD) of the Alabama Department of Conservation and Natural Resources may hold charter fishing boat licenses issued by the Department, as they do not perform regulatory services for the Department of Conservation and Natural Resources.

Biologist Aides for the Marine Resources Division (MRD) of the Alabama Department of Conservation and Natural Resources, who hold charter fishing boat licenses, may not use confidential information obtained in the course of their employment as Biologist Aides, to assist them in operating their charter fishing boat businesses.

Legal Division

SIGNIFICANT EVENTS FOR FY 2011

AO NO. 2010-11

The Washington County E-911 Board may employ the wife of the Washington County Sheriff, as the Sheriff's Department does not have oversight of E-911 operations, and the E-911 Board operates separately from the Washington County Sheriff's Department and the Washington County Commission, even though the Sheriff has one appointment to the E-911 Board.

AO NO. 2011-01

County officials and employees may attend receptions, breaks, meal functions and other activities such as a golf tournament or fishing event sponsored by participating companies or held in conjunction with, or as a part of, an official conference such as a widely attended event, educational function or economic development function, etc., which is related to the work of the County Commissioners and employees.

Following the conclusion of the day's official conference activities, county officials and employees may interact with representatives of sponsoring companies, or those companies which participate in the conference and may have funds expended for meals and other food and beverages, excluding hospitality, when that evening meal is directly related to the conference; provided however, that the meal is not used as an opportunity to influence official action on the part of the county official/employee.

If the non-participating company or vendor is not participating or attending the conference, they may provide meals or other food and beverages to a public official/public employee attending the conference. However, they may not use the opportunity to lobby or as a sales opportunity.

If the meals and other food and beverages are being provided by a lobbyist, the lobbyist may only expend \$25 per meal on a public official/public employee with an annual limit of \$150.

If the meals and other food and beverages are being provided by a principal, the principal may only expend \$50 per meal on a public official/public employee with an annual limit of \$250.

Public officials/public employees may not participate in strictly social events (unless they pay for their participation just as the general public would) such as golf tournaments, unless the event is part of an educational function, widely attended event or economic development function, etc., and is not, and cannot reasonably be perceived as a subterfuge for a purely social, recreational or entertainment function.

Legal Division

SIGNIFICANT EVENTS FOR FY 2011

AO NO. 2011-02

Individuals and entities that engage in sales activities with the executive, legislative and judicial branches of state government in the ordinary course of conducting their business are not considered to be lobbying, when such activities are solely related to the sales of goods and services as part of their normal job responsibilities, as set out in section 36-25-31(20)(b)(5).

Individuals and entities hired by a company seeking a contract for the sale of goods or services with an executive, legislative or judicial branch of state government who were hired solely for the purpose of influencing an official decision by an executive, legislative or judicial agency of state government are considered to be lobbying and must register. Individuals and entities who merely respond to a request for proposal are not considered to be lobbying and do not have to register as lobbyists.

AO NO. 2011-03(B)

A member of the Florence City Council, who is also an employee of the University of North Alabama, may not vote, attempt to influence or otherwise participate in the sale of property from the City to the University, as a general conflict of interest exists, and he cannot best serve the City's interests and the employer's interests at the same time.

AO NO. 2011-04

Members of the Alabama Legislature may accept a paid invitation to travel to Turkey for cultural and educational excursions that promote dialogue between Turkey and the United States, as the event would be both an educational function and a widely attended event, as defined by the Alabama Ethics Law.

AO NO. 2011-05

During the course of a project, a member of the Alabama Road Builders Association may provide a meal for the Alabama Department of Transportation (ALDOT) personnel to discuss problems or issues that have arisen during a specific project in an effort to resolve the problems, as this would be a work session under the Alabama Ethics Law.

Association members may provide a meal to ALDOT personnel in relation to a meeting to discuss future projects, new equipment, materials, proposed construction techniques, etc., as this could be considered a work session; however, hospitality may not be provided in conjunction with this meal, as hospitality would not be an integral part of the meeting.

Legal Division

SIGNIFICANT EVENTS FOR FY 2011

AO NO. 2011-05, cont.

A golf or fishing outing may be provided to ALDOT personnel attending a Road Builders Association meeting, when the meeting is held as an educational opportunity and the overall purpose is to provide information to ALDOT personnel and is not merely a recreational event, and hospitality is an integral part of the overall function.

AO NO. 2011-06

The Baldwin Electric Membership Cooperative (EMC) may donate tickets to or invite guests of the Baldwin County Legislative Delegation to Chamber of Commerce fund raising events, such as a Hospital Gala, when the receipt of the tickets requires no particular course of action on the part of members of the Baldwin County Legislative Delegation.

Members of the Baldwin County Legislative Delegation, when attending events as guests of Baldwin EMC, put on by the Chambers of Commerce, may accept hospitality, meals and other food and beverages which are provided to the public officials as an integral part of an educational function, economic development function, work session or a widely attended event, such as a luncheon, banquet or reception hosted by a civic club, chamber of commerce, charitable or education organization, or trade or professional association.

Baldwin EMC may host an all elected officials dinner on an annual basis, when the purpose of the dinner is to thank the elected officials for their public service and there is no course of action required of the public officials for their attendance.

AO NO. 2011-07

A prospective student-athlete may designate persons who are public officials or members of a household of such persons as recipients of complimentary, non-transferable admissions to an athletic event provided to the prospective student-athlete on an official or unofficial visit when the public official or family member of the public official is there in a representative capacity, as a chaperone, teacher, school administrator, etc., and where the activity is allowed under the NCAA Constitution and Bylaws.

Division I Universities may provide high school, preparatory school or two year college coaches and other school administrators who are public employees or public officials or members of the household of such persons two complimentary, non-transferable admissions to athletic events, when the individual is responsible for teaching or directing an activity in which a prospective student-athlete is involved, and where the activity is allowed under the NCAA Constitution and Bylaws.

Legal Division

SIGNIFICANT EVENTS FOR FY 2011

AO NO. 2011-07, cont.

Student-athletes may designate persons who are public employees or public officials or members of the household of such persons as recipients of the complimentary, non-transferable admissions to an athletic event as guests of the student-athlete, when the public official or public employee is a family member, a family friend or is attending the event in an official or representative capacity, and where the activity is allowed under the NCAA Constitution and Bylaws.

Legal Division

SIGNIFICANT EVENTS FOR FY 2011

COMPLAINTS:

- 226 Complaints were filed with the Ethics Commission
- 232 Complaints were closed by staff after Preliminary Inquiry.
[This number includes complaints received prior to October 1, 2010, but closed during the current Fiscal Year.]

CASE PRESENTATIONS:

- 26 Cases were presented to the Commission
- 2 Cases were Closed with No Probable Cause
- 20 Cases were handled Administratively
- 3 Cases were forwarded to the Attorney General of Alabama or the appropriate District Attorney for further action
- 1 Case was continued for further investigation

FINES AND RESTITUTION:

- \$10,250 in penalties levied and collected by Commission from Investigations
- \$735.37 collected in Restitution recovered for State, County and Municipal Entities from Investigations

Investigative Division

SIGNIFICANT EVENTS FOR FY 2011

STATEMENT OF ECONOMIC INTERESTS:

The Alabama Ethics Law requires a Statement of Economic Interests Form to be filed no later than April 30th of each year covering the preceding calendar year for individuals who fall into one of 24 categories.

In Fiscal Year 2011:

- 56,712 forms filed with the Ethics Commission
- 49,442 forms or 87.1% were filed online
- Electronic Filing Percentage Increase = 12%



LOBBYIST REGISTRATIONS:

The Alabama Ethics Law requires all lobbyists to register with the Commission by January 31st of each year or within 10 days after the first undertaking requiring such registration.

In Fiscal Year 2011:

- 572 Lobbyists registered with the Ethics Commission
- 772 Principals were represented
- 475 people or 83.04% registered electronically
- Electronic Filing Percentage Increase = 5.82%



Top 10 Lobbying Subjects

- | | |
|-------------------------|------------------------|
| 1. Health / Health Care | 6. Energy |
| 2. Education | 7. Insurance |
| 3. Business | 8. Utilities |
| 4. Environmental | 9. Appropriations |
| 5. Economic Development | 10. Telecommunications |

Finance & Administrative Division

SIGNIFICANT EVENTS FOR FY 2011

EDUCATIONAL PROGRAMS:

Act No. 2010-762, which took effect January 1, 2011, required the Ethics Commission to provide training on the State Ethics Law for members of the Legislature, state constitutional officers, cabinet members, executive staff, municipal mayors, council members and commissioners, county commissioners, members of any local board of education, lobbyists and all public employees required to file the Statement of Economic Interests form.

The following represents the diligence of Ethics Commission staff to comply with this mandate:

- 72,292 Public Officials and Public Employees trained through agency website on-line Ethics Seminar
- 6,063 Individuals Trained on Ethics Law in Live Setting
- 557 Lobbyists Trained on Ethics Law
- 475 DVDs Provided to Entities to Conduct In-House Ethics Training
- 65 Ethics Seminars and Educational Programs Presented

ACCESS TO COMMISSION RECORDS:

- 1,621 Requests Received to Review Statement of Economic Interests Forms
- 886 Requests Received to Review Lobbyists Registrations

SIGNIFICANT EVENTS FOR FY 2011

HAPPY RETIREMENT

During Fiscal Year 2011, the Ethics Family lost two of its members to retirement.

Cathy Taylor retired November 1, 2010 with 25 years of service between the Elmore County Board of Education and the Ethics Commission.

David Green retired January 1, 2011 with over 17 years of service to the State of Alabama.

Congratulations and Best Wishes for a Healthy, Happy Retirement!!!



Cathy at her Retirement Reception on October 28, 2010.



Lindy Beale of RSA speaks during David's Retirement Reception on December 13, 2010.

Legal Division

COMMISSION MEETING HIGHLIGHTS

October 6, 2010, Montgomery, Alabama

The Commission, chaired by Linda L. Green, heard two cases. Both were handled administratively.

December 1, 2010, Montgomery, Alabama

Seven cases were presented to the Commission. Six were handled administratively and one case was closed with no probable cause.

February 2, 2011, Montgomery, Alabama

As the replacement for Chair Linda Green had been confirmed since the previous meeting, thus creating a vacancy in the Chair position, the Commission elected Judge Braxton Kittrell as Chair. As this left a vacancy in the Vice Chair position, the Commission then elected Josephine Venable as Vice Chair. The Commission heard three cases. Two were handled administratively and one was referred to the Attorney General's Office for further action.

April 6, 2011, Montgomery, Alabama

The Commission was presented four cases and all were handled administratively.

June 1, 2011, Montgomery, Alabama

The Commission heard four cases. One was referred to the Attorney General for further action, one was continued for further investigation, and two were handled administratively.

August 3, 2011, Montgomery, Alabama

Six cases were presented to the Commission. One was referred to the local District Attorney for further action, one was closed with no probable cause, and four were handled administratively. Meeting dates for 2012 were approved.

ALABAMA ETHICS COMMISSION COMMISSIONERS

1973-1976	Donald Comer, III	1987-1992	J. Ray Warren
1973-1977	Dr. George E. Bagley	1989-1993	Lee McGriff
1973-1978	Alto Lee, III	1991-1994	Whit Armstrong
1973-1979	Dr. Leslie S. Wright	1992-1995	Frank L. Mason
1973-1975	Connie Entrekin	1992-1996	H. Dean Buttram, Jr.
1977-1980	Maynard Layman	1992-1997	James T. Pursell
1977-1981	Bester Bonner	1993-1998	Henry B. Gray, III
1978-1982	Dr. George E. Bagley	1994-1999	Camille S. Butrus
1979-1982	Reverend John Vickers	1995-2000	Helen Shores Lee, Esq.
1979-1983	Adolph Weil, Jr.	1998-2002	John H. Watson
1979-1984	Neil O. Davis	1998-2002	Lewis G. Odom, Jr., Esq.
1981-1985	William H. Lovin	1998-2003	Russell Jackson Drake, Esq.
1981-1986	Edward C. Sherling, Jr.	1999-2004	J. Harold Sorrells
1983-1988	Jack W. Boykin	2000-2000	Dr. Cordell Wynn
1983-1989	Dr. James J. Hicks	2000-2005	Raymond L. Bell, Jr., Esq.
1984-1991	Dr. Cordell Wynn	2001-2010	Linda L. Green
1985-1992	Dr. Sandra K. Martin McLeod	2002-2008	Nancy Edwards Eldridge
1986-1992	James H. Anderson, Esq.	2003-2008	John H. Cooper, Esq.
		2004-2009	Cameron McDonald Vowell, Ph.D

Commissioners for Fiscal Year 2010-2011

2001-2010	Linda L. Green
2005-2011	Michael K. K. Choy, Esq.
2007-2012	Braxton L. Kittrell, Jr.
2008-2013	Josephine M. Venable
2009-2014	Anthony Humphries
2010-2011**	Rebekah Elgin-Council
2011-2015	Dr. Jewell W. Henderson

***Mrs. Elgin-Council continues to serve until a replacement is confirmed by the Alabama Senate.*

ALABAMA ETHICS COMMISSION DIRECTORS

1997 – Present

James L. Sumner, Jr., *Director*

February – April 1997

Hugh R. Evans, III, *Acting Director*

1994 – 1997

E. J. “Mac” McArthur, *Director*

April – September 1994

Howard McKenzie, *Acting Director*

1974 – 1994

Melvin Cooper, *Director*

