

STATE OF ALABAMA
ETHICS COMMISSION

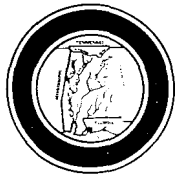


ANNUAL REPORT

FISCAL YEAR

1998-99

STATE OF ALABAMA
ETHICS COMMISSION



COMMISSIONERS

Hekn Shores be, Esq., Chairman
John H. Watson, Vice-Chairman
Lewis G. Odom Jr., Esq.
Russell Jskscm Drake, Esq.
J. Harold Sorrells

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The Honorable Don Siegelman
Governor
State of Alabama
Montgomery, Alabama 36 130

Dear Governor Siegelman:

On behalf of the Alabama Ethics Commission, I respectfully present to you and the Alabama Legislature our Annual Report for the fiscal year 1998-99 in compliance with Section 36-25-3(c) Code of Alabama, 1975. Included in this annual report 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:

*The Center for Public Integrity, a Washington-based government watchdog group, announced our Commission was ranked second in the nation in providing information to the public about legislators' private income and assets, conflict of interest, and financial disclosure laws.

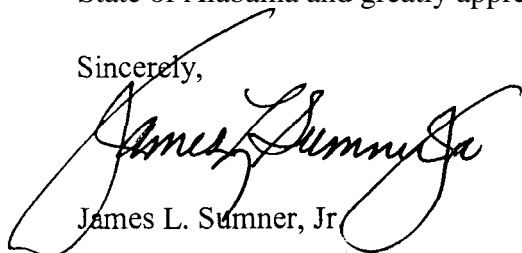
* Our Alabama Ethics Commission Web Site was officially launched which includes all Advisory Opinions since 1995, on-line sample forms, guidelines, and general contact information.

Educational Programs presented throughout the state nearly doubled those of last year-148 seminars attended by 6,546 public officials and public employees.

* A new process was put into effect eliminating the necessity for out-of-town citizens to drive to Montgomery to request in person a copy of a financial disclosure report of public officials or public employees.

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

Sincerely,



James L. Sumner, Jr

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Annual Report

Fiscal Year

1998-99

of 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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Telephone: 334/242-2997

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James L. Sumner, Jr., Director

ETHICS COMMISSION MEMBERS

COMMISSIONERS	TERM EXPIRES
Camille S. Butrus, Birmingham (Chair, 1998-99)	1999
Helen Shores Lee, Birmingham (Chair, 1999-00)	2000
John H. Watson, Dothan (Vice-Chair, 1999-00)	2001
Lewis G. Odom, Jr., Mobile	2002
Russell Jackson Drake, Birmingham	2003
J. Harold Sorrells	2004

ETHICS COMMISSION STAFF

James L. Sumner, Jr., Director
Hugh R. Evans, III, Assistant Director and General Counsel
Charles A. Aldridge, Chief Special Agent
Pennie Buckelew, Departmental Programs Manager*
Marie P. Malinowski, Chief, Administrative Division
Julie Davis, Administrative Support Assistant III/Recording Secretary
Theresa Davis, Legal Research Assistant
Trena Blair Edwards, Clerk
David Green, Special Agent
Malinda Wallace Henderson, Clerk/Lobbyist Liaison/Secretary to the Director*
Loren Hoercher, Accountant II
Evelyn Mahone, Clerk
Bob O'Connor, Special Agent
Art Price, Special Agent
Tijuana Flowers Tetter, Clerk
Audrey Thomas, Administrative Support Assistant III
Joan Ward, Administrative Support Assistant II
Dawn Webb, Administrative Support Assistant I/Receptionist/Lobbyist Records
 *Retired/Resigned/Transferred Staff

ETHICS COMMISSIONERS

Camille S. Butrus

Camille S. Butrus was elected Chairman of the Alabama Ethics Commission at the August, 1998 meeting of the Commission. Mrs. Butrus is from Birmingham, Alabama and is past-Assistant to the Treasurer of Jefferson County. She is now a civic volunteer. Mrs. Butrus began her term on Alabama's Ethics Commission in September, 1994 and her term ended in August, 1999. She is married to Paul Butrus, an insurance executive, and they have one son, Greg, who practices law with Balch & Bingham in Birmingham.

Helen Shores Lee

Helen Shores Lee was elected Chairman at the August, 1999 Commission Meeting and her term will end in August, 2000. Mrs. Lee, the daughter of renowned Civil Rights Attorney Arthur Shores, is from Birmingham, Alabama. Mrs. Lee was born in 1941, received her undergraduate degree in 1962 from Fisk University in Nashville, Tennessee, received her graduate degree in Clinical Psychology in 1971 from Pepperdine University in Los Angeles, California and her Juris Doctorate in 1987 from Cumberland School of Law. Mrs. Lee has been with the law firm of Shores, Lee since 1987. Prior to joining that firm she was City Magistrate for the City of Birmingham. From 1977 until 1984, she was Director of Consultation and Education and Director of Clinical Outreach Services for Jefferson County Department of Health, Western Mental Health Center. Mrs. Lee is a member of the American Bar Association, Alabama Bar Association, Birmingham Bar Association, Magic City Bar Association, National Bar Association and the Phi Alpha Delta International Law Fraternity. Mrs. Lee is married to Bob Lee.

John H. Watson

John H. Watson was elected Vice-Chairman at the August, 1999 Commission Meeting. His term will expire August 31, 2001. Mr. Watson is chairman of Smith's, Inc. of Dothan, Alabama, a mechanical contractor, and is also involved in several other businesses. Mr. Watson graduated from Newton High School and in 1960 graduated from Auburn University with a Bachelor's Degree in Mechanical Engineering. He is a registered professional engineer in the state of Alabama. He served with the "Army Engineer Corps" and was honorably discharged as Captain in 1962. His hobbies are tennis and Auburn University football and basketball. Mr. Watson is married to the former Gail Pearson of Ozark, Alabama and they have two children and four grandchildren. John Watson is an elder in the Evergreen Presbyterian Church and is a member of several boards. He served on the boards for Houston Academy, Dothan Boys Club, Hawk-Houston Boys Club, Alabama Research Institute, Alabama Industrial Relations, and he is past-Chairman of the Board of the Dothan-Houston County Chamber of Commerce. Mr. Watson has served on the Board of Regions Bank of Dothan for 25 years and in 1999 became a member of the Board of Regions Financial Corporation. He is a founding member of the Auburn Athletic Council, on the Board of the Alabama Institute for the Deaf and Blind, and a member of the Dothan Rotary Club where he is a "Paul Harris Fellow."

Lewis G. Odom, Jr.

On March 5, 1998, Lewis G. Odom, Jr. was confirmed by the Alabama Senate to serve on the Alabama Ethics Commission. His term will end August 31, 2002. Mr. Odom was born in 1926 in Mobile, Alabama and retired from the law firm of Miller, Hamilton, Snider & Odom in 1994 after 13 years. Mr. Odom graduated from Murphy High School in 1943, attended Millsaps College, Tulane University and received his law degree from The University of Alabama in 1949. He is a

Lewis G. Odom, Jr. (Continued)

member of the Alabama State Bar and the District of Columbia Bar. Mr. Odom is married to the former Janelle Silvey of Gadsden, Alabama and they have two children and three grandchildren. Mr. Odom was Staff Director and General Counsel of the U.S. Senate Committee on Banking, Housing & Urban Affairs and Administrative Assistant to the late Senator John Sparkman. Mr. Odom helped organize and was the first Chairman of the Board of the Exchange National Bank of Montgomery (The Colonial Bank). He was Chairman of the Montgomery Housing Authority; he served in Washington, D.C. in senior positions with the Federal Deposit Insurance Corporation, including Deputy to the Chairman, and the Office of the Comptroller of Currency (administrator of national banks) as Senior Deputy Comptroller. Mr. Odom is past chairman of the Mobile Board of Water & Sewer Commissioners, former Chairman of the Mobile Museum Board, member of Trinity Episcopal Church, member of the Board of Directors of the Murray House (assisted living facility) and the former Alabama Chancellor for the Episcopal Diocese of the Central Gulf Coast. He is a veteran of World War II and served during the Korean conflict as an Air Force Judge Advocate General officer.

Russell Jackson Drake

On March 5, 1998 Russell Jackson Drake was confirmed by the Alabama Senate to serve on the Alabama Ethics Commission. His term will expire August 31, 2003. Mr. Drake received his law degree from the University of Alabama. After graduation from law school he worked for the Selma Inter-Religious Project, a civil rights group which specialized in promoting economic development among Alabama's poorest Black Belt counties. He is active in the Episcopal Church for the Diocese of Alabama and through Christ Church, he was one of the founding members of Operation Warm-up, an overnight shelter for the homeless, and was a founder of, and volunteer at, The Soup Bowl where free meals are served on weekdays. Mr. Drake served as President of the Tuscaloosa County Bar Association and has been active in the Alabama Trial Lawyers Association. He has authored several law review articles and was a member of the State Democratic Executive Committee from 1986 through 1994 and served as general counsel to the Democratic Party of Alabama until recently. He has participated in several landmark decisions in Federal Court such as *Wyatt v. Stickney* (the landmark mental health case) and has handled several cases which have impacted Alabama law such as *DeStafney v. University of Alabama* (which adopted a new standard to judge state employees' liability). Mr. Drake is with the law firm of Whatley Drake, LLC.

J. Harold Sorrells

J. Harold Sorrells was confirmed by the Alabama Senate to serve on the Alabama Ethics Commission on May 6, 1999. His term will expire August 31, 2004. Mr. Sorrells is Owner and President of MS J Trucking, Incorporated in Opp, Alabama. Following graduation with honors from Opp High School, he served four years with the United States Navy. For 36 years he was affiliated with Deaton Truck Lines in Birmingham. Mr. Sorrells is married to the former Jeanette McCullough, and they have three daughters and three grandchildren. Presently he is serving on the boards of the Alabama Truckers' Association, Mizell Memorial Hospital, Opp Chamber of Commerce, SouthTrust Bank of Covington County, and the First Baptist Church in Opp. He is also a member of the Highway 331 Committee and Opp Rotary Club and in 1995 was named a "Paul Harris Fellow."

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, 76-460, 79-697, 82-429, 86-321, 92-342, 95-194, and 97-651. The major objectives of this law are 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.

The members of the Alabama Ethics Commission are appointed by the Governor, Lieutenant Governor and Speaker of the Alabama House of Representatives with confirmation required by the Alabama Senate.

Duties and responsibilities of the Commission in implementing the Ethics Law include preparing and furnishing required disclosure forms; preparing and publishing reporting procedures; making reports and statements filed with the Commission available for review by the public; investigating alleged violations of the Ethics Law; preparing and publishing Advisory Opinions; presenting educational programs on matters of Ethics in government service; preserving statements and reports for six years; and promulgating rules and regulations.

SIGNIFICANT EVENTS

I. Meetings

In Fiscal Year 1998-99, the Alabama Ethics Commission met on **12** occasions.

II. Educational Programs

In Fiscal Year 1998-99, **148** Educational Programs were presented throughout the State to various entities. This was an increase of 71 seminars or 92% over the previous year. A total of **6,546** state, county, and municipal officials and employees attended these seminars. **One** educational article was published, **four** informational documents were distributed, and **four** Quarterly Ethics Seminars were presented in Montgomery. These seminars are open to all public officials/employees and are in addition to the seminars requested by state, county, and municipal entities. We feel this is particularly a good opportunity for departments/agencies to send new employees to be certain they understand the Ethics Law.

III. Complaints/Cases

In FY 1998-99, **262** complaints were filed with the Alabama Ethics Commission; **293** complaints were closed, by the staff, after preliminary review; **45** cases were presented to the Alabama Ethics Commission for consideration and ruling and of these, **12** were closed, **25** were handled administratively, and **8** were forwarded to appropriate legal authorities for further action.

IV. Indictments

In Fiscal Year 1998-99, the Alabama Ethics Commission had **one** case referred back, no cases are pending Grand Jury action, **one** resulted in indictment, and **two** are presently pending trial (this number may include cases from previous years).

V. Advisory Opinions

In Fiscal Year 1998-99, the Ethics Commission issued **46** formal Advisory Opinions and **118** informal Advisory Opinions. Informal opinions are only issued 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. The full text of all formal opinions is printed and made available for purchase.

VI. Monthly Digest of Advisory Opinions

In Fiscal Year 1998-99, the Commission distributed a Monthly Digest of Advisory Opinions to the Governor, Attorney General, Cabinet Members, Examiners of Public Accounts, Department Heads, League of Municipalities, the Association of County Commissions and others.

VII. Statements of Economic Interests

In Fiscal Year 1998-99, Statements of Economic Interests were mailed from the Ethics Commission office to approximately 25,000 public officials, public employees and candidates for elective office throughout the State. Another 5,000 were mailed upon request or to late filers.

VIII. Registered Lobbyists

The Alabama Ethics Law requires that all lobbyists register with the Commission. **In Fiscal Year 1998-99, 535** lobbyists registered, representing **629** principals.

IX. Forms Viewed by the Public

In Fiscal Year 1998-99, on 4,537 occasions, forms (Statements of Economic Interests and Lobbyists/Principals) were viewed by the public. This was an increase of **71%** over the previous year.

X. General Fund Deposits

In Fiscal Year 1998-99, the Alabama Ethics Commission deposited \$1,980.00 for copies of forms, **\$705.00** for Lobbyists Lists, **\$5,445.00** for Advisory Opinions publications, **\$43,000.00** for Lobbyists' Registration fees, **\$9,150.00** in fines assessed by the Commission, and **\$12,610.00** in late filing penalties. Also, **\$2,275.00** in restitution, assessed by the Commission, was returned to the appropriate injured entities. This resulted in a total of **\$73,007.00** collected by the Alabama Ethics Commission. Of that total, **\$8,247.00** was returned to the Ethics Commission as a refund against expenditures and **\$64,760.00** was deposited into the General Fund.

XI. Ethics Brief

In Fiscal Year 1998-99, the Commission published four quarterly newsletters intended to inform and update public officials and public employees on rulings of the Ethics Commission. The publication is one of the Commission's efforts to educate those who are governed by the Ethics Law. The mailing list consists of the Governor, Lieutenant Governor, Attorney General, Constitutional Officers, Department Heads, League of Municipalities, Association of County Commissions, Association of School Boards, Alabama State Employees Association, Alabama Public Employees Association League and Legislature.

XII. New Commissioner Appointed

In Fiscal Year 1998-99, the Alabama Senate confirmed a new Commissioner to serve on the Alabama Ethics Commission, Mr. J. Harold Sorrells from Opp, who replaced Mrs. Camille S. Butrus of Birmingham.

XIII. Alabama Ethics Law Ranks Number Two in the Country

In Fiscal Year 1998-99, following closely on the heels of the 25th Anniversary of the enactment of the Ethics Law, our Commission received word that a new study by the non-profit Center for Public Integrity, a Washington-based government watchdog group, ranks Alabama second in the nation in providing information to the public about legislators' private income and assets. The Center reviewed the Ethics laws in all 50 states, and only Washington state outranked Alabama in its conflict-of-interest and financial disclosure laws. Alabama received a score of 96 compared to Washington's 98. Only a total of 22 states require lawmakers to disclose income and investments for all members of their households. The Center stated that Alabama also scored points by consistently requiring officeholders to list financial interests of spouses and dependents. Florida ranked 24th, Mississippi 28th, Tennessee 31st, and Georgia 33rd. The three worst-ranking states, in this study, were Vermont, Michigan and Idaho. In these states lawmakers do not have to file any disclosure reports. As an indication of how tough the criteria were for this study, half of the states

received failing grades. Every Alabama citizen should take great pride in this number two ranking among the 50 states as a significant validation of the financial disclosure provisions of the Ethics Law.

XIV. Filed Documents More Accessible to Out-of-Town Citizens

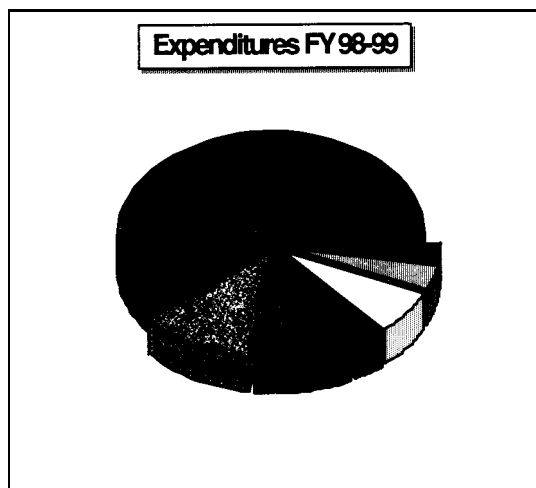
In Fiscal Year 1998-99, in an effort to make documents filed with the Commission more accessible, the Commission instituted a new procedure. A new process was put into effect eliminating the necessity for out-of-town citizens to drive to Montgomery to request in person a copy of a financial disclosure report of public officials or employees. Under the new procedure, the public must complete a form requesting copies be mailed or faxed. These requests, of course, must be made through proper channels and include name, address, phone number, and business affiliation. As in the past, the process continues to enable public officials and employees to learn who has reviewed their reports. Those requesting reports must pay for postage or fax fee and 50-cents per page. As most reports contain six to eight pages, the charge would be much less than a trip to Montgomery.

XV. Launch of Web Site for Alabama Ethics Commission: www.ethics.alalinc.net

In Fiscal Year 1998-99, our Alabama Ethics Commission Web Site was officially launched. Individuals will now have access to the following information: (1) All Advisory Opinions of the Ethics Commission since the change of law in 1995 are available and are fully text-searchable; (2) Forms are available, i.e., Statement of Economic Interests (Sample), Lobbyist Registration Form, Quarterly Statement of Lobbying Activities and Principal's Form, Statement of Termination of Lobbying Activities, and Request for Access to Commission Records; (3) Guidelines for Public Officials/Employees and Lobbyists/Principals are available which address frequently-asked questions; and (4) General contact information is available, i.e., mailing, street and E-mail addresses, phone and facsimile numbers, staff directory, and names of current Commission members. We are enthusiastic about having these opinions, forms, and information readily available to the public on our Web Site and encourage its use.

Expenditures for Fiscal Year October 1, 1998 - September 30, 1999

Expenditure	FY 98-99
Personnel Costs	623,632.74
Employee Benefits	124,987.61
Travel In-State	\$045.00
Travel Out-of-State	1,001.11
Repairs and Maintenance	14,163.00
Rentals and Leases	82,195.01
Utilities	34,260.00
Professional Services (Court Reporters, Personnel Fees, etc.)	70,202.00
Supplies and Operating Expenses	41,183.00
Transportation Equipment Operations	8,000.00
Equipment Purchases	21,932.36
Total Expenditures (Includes \$75,000 emergency fund for Y2K expenses.)	1,026,601.83



The annual cost of the Alabama Ethics Commission (based on state population of 4.2 million) is 23 cents per person.

The annual cost of the Alabama Ethics Commission (based on 200,000 public officials and public employees covered by the Ethics Law) is \$4.76 per person.

COMMISSION MEETING HIGHLIGHTS

October 14, 1998, Montgomery, Alabama

The Commission, chaired by Camille S. Butrus, considered eight Advisory Opinions and heard nine cases. Of the nine cases heard, six were handled administratively, two were closed, and one was continued.

November 4, 1998, Montgomery, Alabama

At the November 1998 meeting, the Ethics Commission considered nine Advisory Opinions and heard seven cases. Six cases were handled administratively and one was closed. The Commission also approved the budget request for Fiscal Year 1999-2000.

December 2, 1998, Montgomery, Alabama

The Commission considered five Advisory Opinions and heard four cases. The four cases were all handled administratively.

January 13, 1999, Montgomery, Alabama

Eight Advisory Opinions were considered at this meeting of the Commission and five cases were heard. Of the five cases heard, one was sent to the Attorney General, three were handled administratively, and one was closed.

February 3, 1999, Montgomery, Alabama

The Commission considered six Advisory Opinions and heard one case that was handled administratively.

March 3, 1999, Montgomery, Alabama

There were no Advisory Opinions acted on by the Commission as more information was needed and three cases were heard. One case was sent to the Attorney General and two were handled administratively.

April 7, 1999, Montgomery, Alabama

The Ethics Commission considered three Advisory Opinions and heard eight cases. Of the eight cases, one was referred to the District Attorney of the appropriate Judicial Circuit, two were handled administratively, and five were closed.

May 5, 1999, Montgomery, Alabama

The Ethics Commission, at this meeting, considered six Advisory Opinions and heard six cases. Of those cases, four were handled administratively, one was closed, and one was continued.

June 2, 1999, Montgomery, Alabama

Five Advisory Opinions were considered by the Commissioners and six cases were heard during this meeting. Two cases were referred to the Attorney General and four cases were handled administratively.

July 7, 1999, Montgomery, Alabama

At this meeting of the Ethics Commission, six Advisory Opinions were considered and three cases were heard. Of these three cases, one was sent to the Attorney General and two were closed.

August 4, 1999, Montgomery, Alabama

At the August meeting of the Commission, seven Advisory Opinions were considered and three cases were heard. Of these three, one was referred to the District Attorney of the appropriate Judicial Circuit, and two were handled administratively. At this time, the Commission elected Commissioner Helen Shores Lee as Chairman and Commissioner John H. Watson as Vice Chairman. The Commissioners presented Commissioner Camille S. Butrus with a "Plaque of Appreciation" for her service on the Commission. The meeting dates for 2000 were approved.

September 1, 1999, Montgomery, Alabama

The Commission considered one Advisory Opinion and heard five cases. Of those five cases, one was referred for review and appropriate legal action to the Attorney General, three were handled administratively, and one was closed. This was the first meeting for Commissioner J. Harold Son-ells.

DIGEST OF ADVISORY OPINIONS

1998

AO No. 98-44 Reconsideration

A former city engineer may not contract back with the city for a period of two years after retirement or otherwise leaving public service, as he held a position of authority with the city, in that, he had the authority to make recommendations regarding the hiring of personnel; was personally involved in the negotiation, design, review, study and approval of many significant projects; therefore, holding a position of authority with the city.

AO No. 98-50

Withdrawn

AO No. 98-51

A retired Advocate II for the Department of Mental Health/Mental Retardation Rights Protection/Advocacy Program may not, for a period of two years after leaving the Department of Mental Health/Mental Retardation, accept employment with the Mobile Mental Health Center, based on the fact that he has personally participated in the direct regulation, audit or investigation of the Mobile Mental Health Center, as well as been involved in the certification process. The above notwithstanding, a retired Advocate II for the Department of Mental Health/Mental Retardation Rights Protection/Advocacy Program is not prohibited from accepting employment with a mental health center (excluding the Mobile Mental Health Center) when he has not personally participated in the direct regulation, audit or investigation of that mental health center.

AO No. 98-52

Employees of hospitals, mental retardation facilities and nursing homes operated by the Department of Mental Health/Mental Retardation including, but not limited to, contract employees, are not subject to the Alabama Ethics Law based on the exclusions contained in Sections 36-25-1(13) and 36-25-1(23) of the Alabama Ethics Law. Employees and Board members of Health Care Authorities established under the Health Care Authorities Act of 1982 are exempt from the Alabama Ethics Law by Section 22-21-334. Employees of University Hospitals such as the University of South Alabama and University of Alabama at Birmingham are exempt from the provisions of the Alabama Ethics Law; provided, all their job responsibilities deal directly with the hospital and not the university. Professors, whose job responsibilities include both classroom time as well as hospital teaching time, are not exempt from the provisions of the Alabama Ethics Law. This exemption is strictly limited to those full-time employees of the Mental Health/Mental Retardation facilities, hospitals and health care authorities and does not exempt those other employees of the Department of Mental Health/Mental Retardation.

AO No. 98-53

A retired public employee, who was not in a position of authority, including hiring, contractual or purchasing authority, may be placed on a reemployment register for part-time or temporary employment with the agency from which he or she retired.

AO No. 98-54

Retired circuit and district court judges, retired circuit and district court clerks and other retired state judicial employees (excluding staff of the Administrative Office of Courts) are not considered as having been employed by the Administrative Office of Courts, the Administrative Director of Courts, or the Chief Justice and may, therefore, enter into a contract with the Administrative Office of Courts, the Administrative Director of Courts, or the Chief Justice after retiring from public service. For purposes of the Alabama Ethics Law, a person is considered as having participated in the negotiation of contracts when they personally and meaningfully participated in the negotiation of that contract. The Ethics Commission will address this issue on a case-by-case basis with the specific facts and details surrounding that individual's participation in that contract negotiation process. Retired circuit or district court judges, retired circuit or district court clerks, or other state judicial employees (excluding staff of the Administrative Office of Courts) may volunteer their services to the Judicial Circuit or Court System with which they formerly served; provided, they are only reimbursed for actual expenses. Retired circuit or district court judges, retired circuit or district court clerks, or other state judicial employees (excluding staff of the Administrative Office of Courts) may volunteer their services to a Judicial Circuit or Court System other than that on which they formerly served and may be reimbursed by payment of per diem, a mileage allowance, other travel expenses, or salary as provided for by contract.

AO No. 98-55

Retired employees of the Alabama Department of Forensic Sciences may be compensated for testifying in court cases in which they participated before their retirement. Retired employees of the Alabama Department of Forensic Sciences, who were not in a position of authority, including hiring, contractual or purchasing authority, may be used to conduct peer reviews and train new employees, and may be compensated for their services.

AO No. 98-56

A Special Investigator assigned to the Office of the Attorney General's Environmental Division, who does not hold a position of authority, including hiring authority or the authority to grant or approve contracts or make purchases, may contract with the Attorney General's Office to complete work already begun and to investigate matters after his employment with the Office of the Attorney General ends.

AO No. 98-57

A member of the Board of Directors of both a Gas District and Disposal Authority may resign from the Board of the Gas District and Disposal Authority and apply for the positions of General Manager of the Gas District and Executive Director of the Disposal Authority after his resignation; provided, he had no part in the creation of the vacancies; that he did not resign with any advance understanding or agreement that he would be hired to fill the vacancies; or, that he did not lobby his fellow Board members prior to his resignation in an effort to obtain the employment. The Mayor of Ashland, who serves as a member of the Board of Directors of both a Gas District and Disposal Authority, must resign his position as Mayor as well as his positions

on the Board of Directors of the Gas District and the Disposal Authority prior to his applying for the positions of General Manager of the Gas District and Executive Director of the Disposal Authority. The former General Manager of the Gas District and Executive Director of the Disposal Authority may not, for a period of two years after retiring from those positions, be hired as a consultant or as a part-time employee by either the Gas District or the Disposal Authority.

AO No. 98-58

A former police investigator with the Alabama Department of Agriculture and Industries, who is now practicing law, may represent clients in matters in which he did not personally participate as a state employee and may represent clients over which he exercised regulatory authority while employed as a state officer in litigation that does not involve the State of Alabama.

AO No. 98-59

A retired Departmental Operations Specialist of the State Licensing Board for General Contractors may accept employment with the Camber Corporation which has previously contracted with the State Licensing Board, as she had no decision-making authority over the contractual process, but merely demonstrated to Camber Corporation the system in use at the time. A retired Departmental Operations Specialist of the State Licensing Board for General Contractors may not, for a period of two years after leaving the State Licensing Board for General Contractors, represent the Camber Corporation before the State Licensing Board for General Contractors.

AO No. 98-60

Withdrawn

AO No. 98-61

A contractor for the Department of Corrections may purchase and donate to the Department of Corrections a double-wide mobile home with furnishings to house work release inmates at the contractor's chicken processing plant; provided, the offer or acceptance of the mobile home is not conditioned on any official action on the part of the Department of Corrections, or any understanding that more work release inmates will be provided to the contractor.

AO No. 98-62

Ex officio representatives on the Alabama Youth Services Board may be considered for employment as the Executive Director of the Alabama Department of Youth Services and may accept that employment; provided, they did not vote for their own appointment as director; that they did not resign as an ex officio representative of the Board with advance knowledge that they would be appointed as director; and, provided further, that they have had no conversations or discussions with other board members concerning their application for the vacancy prior to their resignation; that they had no part in creating the vacancy and did not lobby their fellow board members in an effort to obtain the employment.

1999

AO No. 99-01

An off-duty state trooper may be paid to serve as an instructor at a police academy; provided, all work done as an instructor is done on his own time, whether after hours or annual leave, etc.; and, that no public equipment, facilities, time, materials, human labor or other public property under his discretion or control is used in assisting him in his service as an instructor or in obtaining the opportunity with the police academy.

AO No. 99-02

A city council member, who owns an advertising agency, may contract to provide marketing assistance for a Regional Football League, whose games will be played at a city-owned facility, or be hired to serve as general manager of the football team; provided, he did not use his position as a city councilman to obtain the opportunity; and that, he did not vote, attempt to influence or otherwise participate in any contract negotiations between the city and/or the Ladd-Peebles Stadium Board and the Regional Football League for the use of the stadium.

AONo. 99-03

An employee of the State of Alabama Insurance Department, which is a regulatory agency, may receive cash in lieu of stock, when the insurance company in question, converts from a mutual company to a stock company, or may sell the stock at market value upon receipt of the stock, but may not maintain ownership in the stock after the company converts from a mutual company to a stock company. As other Code sections are involved, it is suggested that the requestor contact the Office of the Attorney General for an opinion as relates to Section 27-2-13(a), Code of Alabama, 1975.

AO No. 99-04

A police officer may not also serve as coroner in the county in which he resides and is employed, as it would be difficult to separate his duties as a police officer from those of coroner without the use of public equipment, facilities, time, materials, human labor, or other public property under his discretion or control in one position to assist him in carrying out the duties or functions of the other position, thereby resulting in a benefit being obtained.

AO No. 99-05

The Assistant Superintendent for Business of the Decatur City Board of Education may not, for a period of two years after retiring from the Decatur City Board of Education, contract back with the Board of Education to provide consulting services, as his job responsibilities with the Board of Education included the preparation and issuance of invitations for competitive bids, the receipt and analysis of competitive bids, and recommendations to the Board of Education concerning the awarding of contracts.

AO No. 99-06

A former nurse with the Department of Public Health may accept employment with a General Property and Casualty Insurance Agency as a consultant/nurse in the company's Healthcare Risk Management Division, as she did not regulate the agency while employed by the Department of Public Health, nor would she have any interaction with the Department of Public Health in the private employment.

AO No. 99-07

The director of a County Department of Planning and Community Development may administer a Community Development Block Grant for a municipality within the same county, when the county is not eligible for the Community Development Block Grant, and where the county has no planning authority within the city's jurisdiction; provided, all work regarding the CDBG Grant is done on his own time, whether after-hours, weekends, annual leave, etc.; and, that no county equipment, facilities, time, materials, human labor or other county property under his discretion or control is used to assist him in gaining the opportunity or in administering the CDBG Grant.

AO No. 99-08

A parcel of property, of which a mayor is co-owner, may be considered for re-zoning by the City Planning Commission; provided, that all procedures outlined in the city's zoning ordinance are strictly adhered to; that the mayor does not vote, attempt to influence, or otherwise participate in the zoning decision; and, that he otherwise receives no special treatment from the Planning Commission.

AO No. 99-09

An employee of the Alabama State Docks, who registered for a prize while picking up supplies for the State Docks, may accept the prize, as the opportunity was available to all members of the public and the employee did not use his position to win the prize.

AO No. 99-10

Withdrawn

AO No. 99-11

Withdrawn

AO No. 99-12

A County Commissioner may not contract with the Commission on which he serves to teach county employees how to operate county machinery.

AO No. 99-13

A member of the Utilities Board of the City of Bay Minette, Alabama, who is also the sole owner of an automobile dealership, may bid on cars and trucks purchased by the board for use by its employees; provided, that all business be competitively bid and the bids be opened publicly; that the member not participate in the drawing of the specifications, nor in the enforcement of the contract; that the member not vote, attempt to influence, or otherwise participate in the decision; that the member otherwise receives no special treatment from the Utilities Board; and, that copies of contracts entered into between the dealership and the Utility Board be filed with the Ethics Commission within ten days after the contracts have been entered into.

AO No. 99-14
Withdrawn

AO No. 99-15A

A bank, whose senior vice president has been appointed to the city council and to serve as chairman of the city council's finance committee, may continue to bid to purchase the City's debt offerings from underwriters on the secondary market in accordance with applicable law. The bank may complete any existing work as underwriter for the City in accordance with existing terms and conditions and may bid to serve as underwriter for the City's future debt offerings; provided, that all future business obtained by the bank is done by competitive bid; that the council member not participate in the bank's preparation and submission of bids to the city or exercise oversight on behalf of the City of Hoover as to whether bids comply with bid requirements or bid performance; that no confidential information obtained in the course of his service as a member of the city council or finance committee is used in any manner that would provide a benefit to the bank; that the council member not influence, attempt to influence or vote on the city council regarding the city's decision to award bids to the bank; and, that a copy of each contract regardless of the amount shall be filed with the Commission within ten (10) days after the contract has been entered into. As relates to the bank's continued depository relationship with the city, all work obtained by the bank must be by competitive bid. The council member and those under his supervision at the bank shall not attempt to influence or otherwise participate in the depository banking business with the city; and further, the council member shall not use his position on the city council or on the finance committee to influence or attempt to influence the placement of city deposits at the bank.

AO No. 99-15B

A bank, whose senior vice president has been appointed to the city council and serves as chairman of the city's finance committee, may continue to do business with the city board of education in the same manner as before such appointment and bid for future business with the city's board of education, as the only nexus between the city council and the board of education is that the city council appoints its membership.

AO No. 99-16

Public officials and public employees may not solicit free athletic tickets to sporting events or other social occasions as this would be a use of one's official position or office to obtain personal gain. However, public officials and public employees may accept free athletic tickets to sporting events or other social occasions, when they are offered with no understanding that the tickets are given in exchange for official action, and provided further, that these tickets are not season tickets, which are considered to be a "thing of value" as they are continuous in nature.

AO No. 99-17
Withdrawn

AO No. 99-18

An investigator with the Montgomery County District Attorney's Office may form a corporation and conduct continuing legal education seminars for various law enforcement agencies around the State of Alabama; provided, that his conducting of the continuing education seminars is not a part of his job responsibilities with the District Attorney's Office; and further, that all work done involving the continuing education seminars is done on his own time, whether it is after hours,

annual leave, etc.; and, that no public equipment, facilities, time, materials, human labor or other public property under his discretion or control is used to assist him in either obtaining the opportunities or in performing the duties regarding those opportunities.

AONo. 99-19

The Tallassee City Board of Education may purchase commercial property in the City of Tallassee to be used as its offices from a current member of the board, as the purchase price is less than the fair market value of the property. However, the transaction must be an arms-length transaction and the City Board Member may not vote, attempt to influence or otherwise participate in any official action by the board in connection with the purchase of the property.

AONo. 99-20

A former member of the Board of Directors of both a Gas District and Disposal Authority, who resigns from the Boards of the Gas District and Disposal Authority and applies for the positions of General Manager of the Gas District and Executive Director of the Disposal Authority after his resignation, may retire from the Gas District as General Manager and continue to be employed as Executive Director of the Disposal Authority. The Superintendent of the Gas District, who possesses supervisory authority over maintenance department employees and who is also responsible for the scheduling of appliance and house piping installations; directing and scheduling the maintenance and construction functions of the Gas System; transportation and operations equipment, tools, materials and consumer goods inventory; responding to all emergency situations; and who guarantees compliance with Department of Transportation and Public Service Commission regulations, may not, upon his retirement, and for a period of two years, accept part-time employment with the Gas District, as he held a position of authority prior to his retirement.

AONo. 99-21

A retired Executive Assistant Agriculture Commissioner of the Department of Agriculture and Industries may accept part-time employment with the Board of the Alabama Agriculture Development Authority to perform services; provided, that he did not use the position of Executive Assistant Agriculture Commissioner, prior to his retirement, to obtain the part-time employment; that he did not use any confidential information obtained in the course of his public service to assist him in obtaining the part-time employment; and, that he did not exercise any regulatory authority or oversight of the Board. A retired Executive Assistant Agriculture Commissioner of the Department of Agriculture and Industries may not, for a period of two years after leaving the employ of the Department of Agriculture and Industries, represent the Board of the Alabama Agriculture Development Authority before the Department of Agriculture and Industries.

AONo. 99-22

The City of Eufaula may allow its employees to elect to purchase their work boots from a business owned and operated by the spouse of a city council member; provided, the city council member not use his position to influence or direct the City of Eufaula or its employees to purchase the work boots from his spouse's business, nor vote or participate in any discussions concerning city employees purchasing work boots from his spouse's business; and provided further, that he not vote in the approval of invoices for the purchases of the work boots from his spouse's business.

AO No. 99-23

The Industrial Development Board may purchase property from a member of the City Council on behalf of an industrial prospect and, in turn, lease the project back to the industrial prospect, as the purchase price is at or below the fair market value of the property. However, the transaction must be an arms-length transaction and the City Council member may not vote, attempt to influence or otherwise participate in any official action by the Council in connection with the purchase of the property.

AO No. 99-24

A county engineer, who performed ministerial functions in the awarding of a competitively bid contract to a hot-mix company to perform services for the county, may accept employment with that hot-mix company, as his involvement in the bid process was limited to sending requests for proposals to interested bidders and determining the identity of the low bidder. A county engineer, who is allowed to accept employment with a hot-mix company doing business with the county, may not, for a period of two years, represent the hot-mix company before the county engineer's office or the county Commission. As this Advisory Opinion is fact specific to the above referenced circumstances, it is recommended by this Commission that other individuals similarly situated, request an Advisory Opinion for themselves on their particular set of circumstances.

AO No. 99-25

The Deputy Director of the Birmingham Airport Authority may pursue business opportunities at other airports as a consultant; provided, he not use public equipment, facilities, time, materials, human labor or other public property under his discretion or control to assist him in obtaining the opportunities or in conducting the consulting business. In addition, the Deputy Director of the Birmingham Airport Authority may not enter into business ventures with firms that conduct business with the Birmingham Airport.

AO No. 99-26

A Public Health employee, whose main duties include surveying nursing homes for compliance with state and federal regulations, may market a product to the nursing home industry and other health care related industries. However, he may not market the product to nursing homes or health care related industries over which he has regulatory authority. In addition, the Public Health employee may not use public equipment, facilities, time, materials, human labor or other public property under his discretion or control to either assist him in obtaining the opportunities or in providing the services.

AO No. 99-27

A retired assistant principal of the Alexander City Board of Education's school system may contract with the Alexander City Board of Education to service technology equipment and train employees in technology use; provided, the services are not performed for Benjamin Russell High School, where he served as the assistant principal, for a period of two years after retirement, as he held a position of authority at the high school.

AO No. 99-28

A public employee of the Alabama Development Office (ADO), who is on official business with the ADO and wins a door prize of two coach class airline tickets, may not use the tickets for personal travel when the tickets were won while he was being paid by the State of Alabama and

performing the official duties of his office. A public employee of the Alabama Development Office (ADO), who wins a door prize of two coach class airline tickets, may donate those tickets to charity or use them for official ADO travel.

AONo. 99-29

A Support Engineer with the Department of Transportation may provide engineering software training to Wilcox County personnel on a consulting basis; provided, the employee did not use his position with the Department of Transportation to obtain the outside employment; that the providing of the engineering software training to the Wilcox County personnel is not already a part of his regular job duties with the Department of Transportation, and further, as long as the Department of Transportation is not providing this service; that all work involving the engineering software training is done on his own time, whether it is after hours, on annual leave or on weekends; that he not use any public equipment, facilities, time, materials, human labor or other public property under his discretion or control at the Department of Transportation to assist him in performing the outside engineering software training; and provided further, that he not perform such consulting services for an entity or individuals over which or whom he exercises any regulatory authority.

AONo. 99-30

The Commissioner of the Alabama Department of Insurance may become a member of a not-for-profit corporation, as there is no personal benefit accruing to him, and any benefits received by membership accrue to the State of Alabama. The Alabama Commissioner of Insurance may serve as a member of the board of a not-for-profit corporation, as there is no personal benefit accruing to him, and any benefits received by membership accrue to the State of Alabama.

AONo. 99-31

A city councilman, who is the owner and operator of a surveying and engineering firm, may design plans and specifications for a new town hall at no cost to the town of which he serves as councilman; provided, that no particular course of action is required as a condition to the receipt of the volunteer services.

AONo. 99-32

A former Child Welfare Program Manager with the Jefferson County Department of Human Resources may provide consultation services to social service agencies under contract with the State of Alabama, as he had no involvement in the contractual process; provided however, that he not use public equipment, facilities, time, materials, human labor or other public property under his discretion or control to assist him in obtaining the opportunities or in conducting the consulting services. A former Child Welfare Program Manager with the Jefferson County Department of Human Resources may not represent social service agencies before the Jefferson County Department of Human Resources for a period of two years after his resignation.

AONo. 99-33

Retired deans of a community college may not accept part-time employment with that community college, for a period of two years after retirement or otherwise leaving public service, as they held positions of authority at the community college.

AO No. 99-34

A GIS Database Supervisor with the Storm Water Management Authority, Inc. for Jefferson County, Alabama, may act as a consultant in municipalities outside the jurisdiction of his employer; provided, that he not use or cause to be used any public equipment, facilities, time, materials, human labor or other public property under his discretion or control to either assist him in performing his private consulting work or in obtaining the opportunities.

AO No. 99-35

Members of the City Council of Carbon Hill may not vote on issues relating to matters regarding the City Utility Board who have family members employed by the City Utility Board.

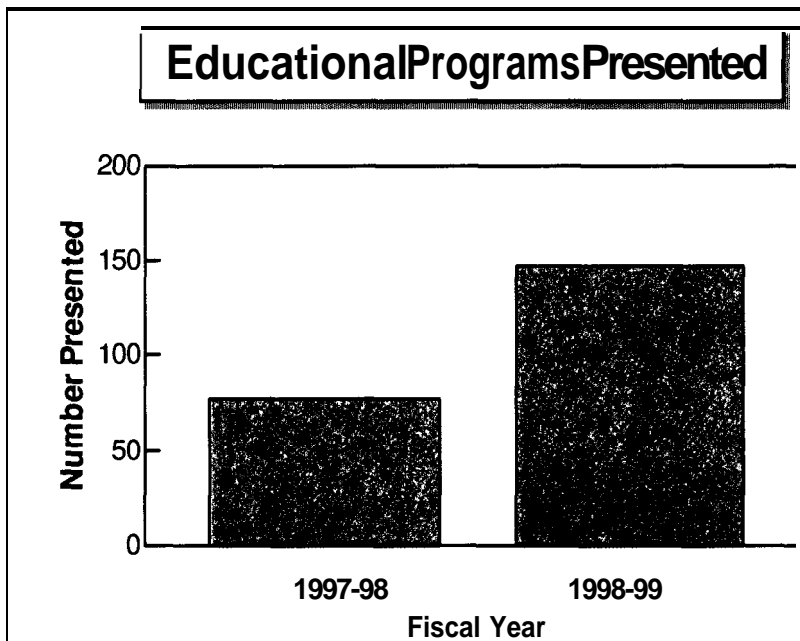
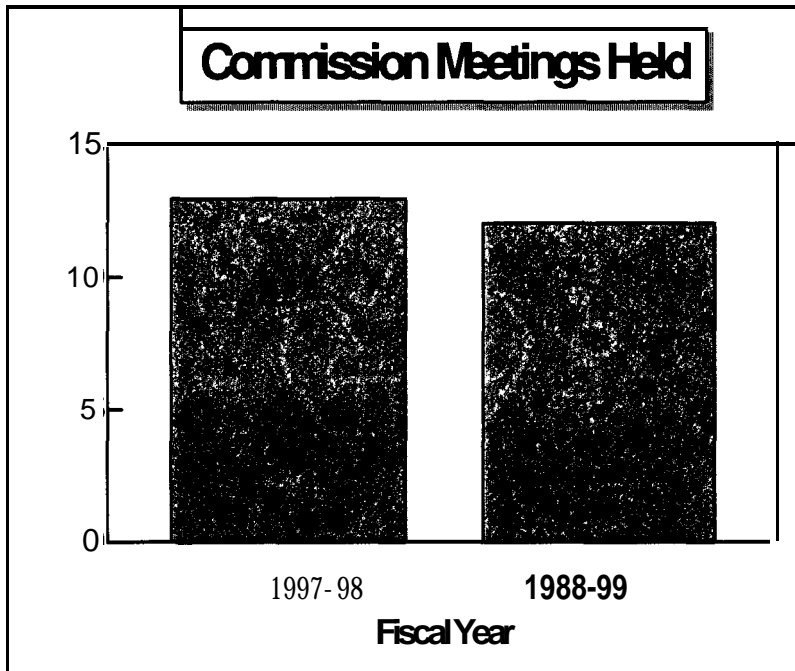
AO No. 99-36

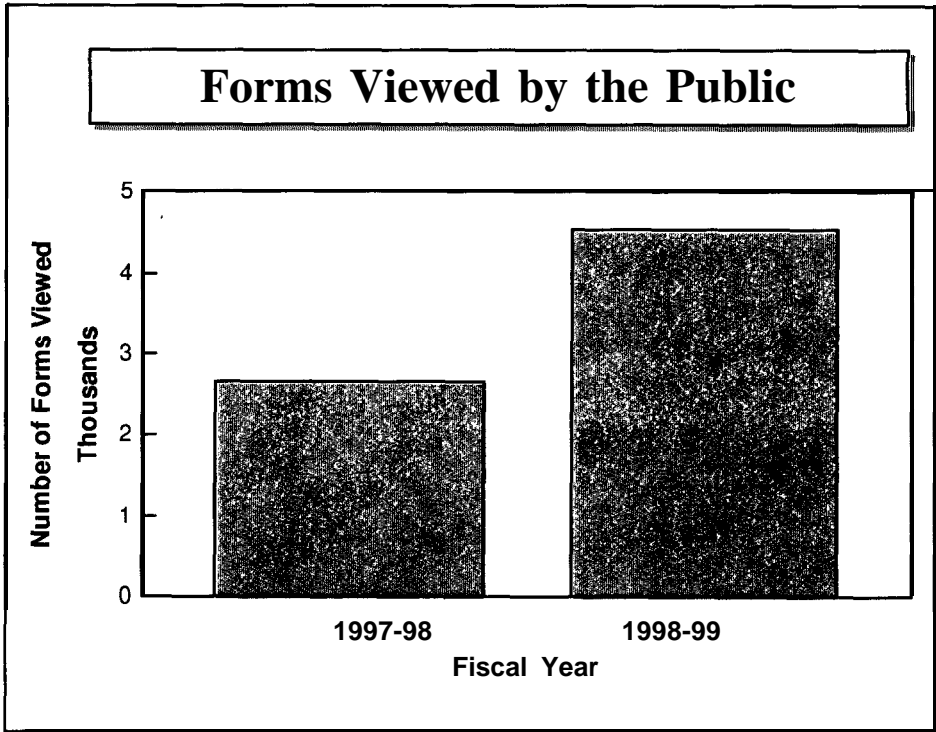
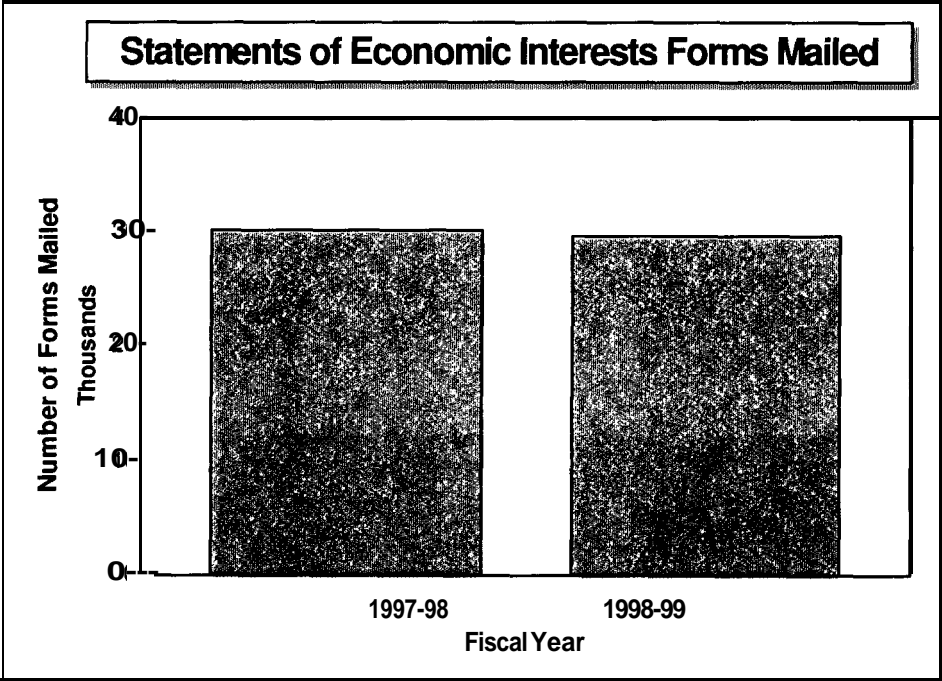
To the extent that this Advisory Opinion is inconsistent with that of Advisory Opinion No. 99-04, then Advisory Opinion No. 99-36 controls. A sworn police officer, who also serves as the elected coroner for the county, may continue to hold both positions; provided, he or she not use any public equipment, facilities, time, materials, human labor or other public property under his or her discretion or control to assist him or her in performing the duties of coroner; and further provided, that while he or she is on-duty as a police officer, the deputy coroner handle all coroner's matters and the coroner is not paid per call. It should be noted that this Advisory Opinion applies specifically to the facts as provided by the requestor of this opinion. Should a county coroner in another county have a situation where the facts are different, this Advisory Opinion would not apply.

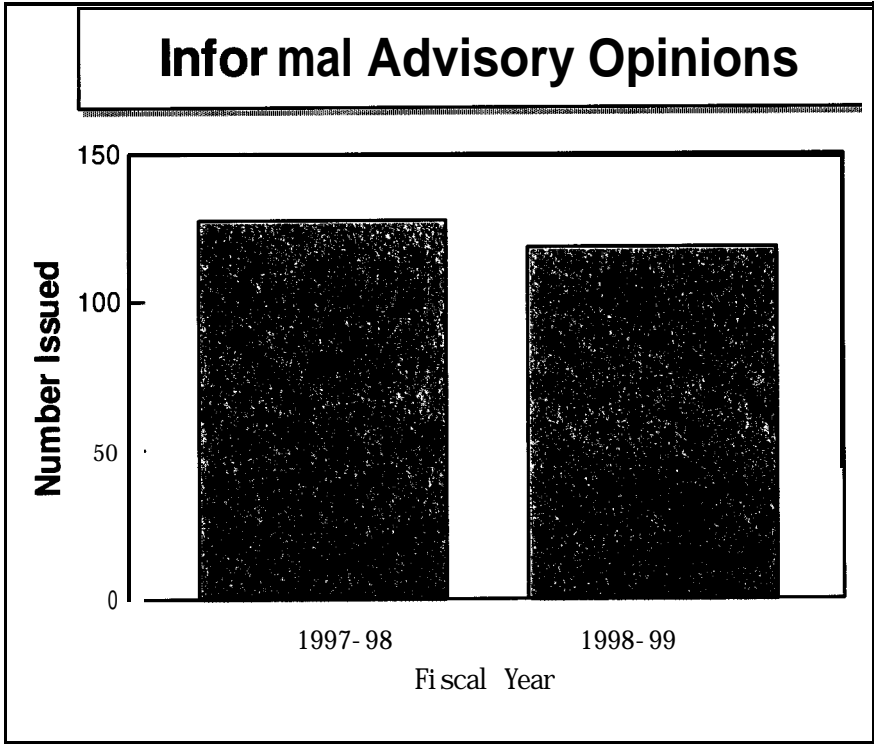
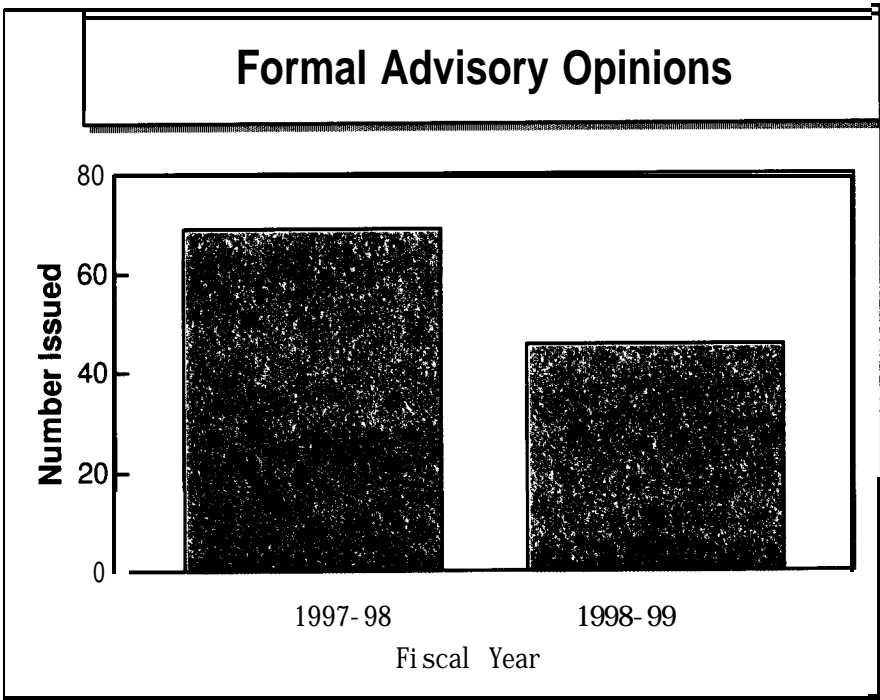
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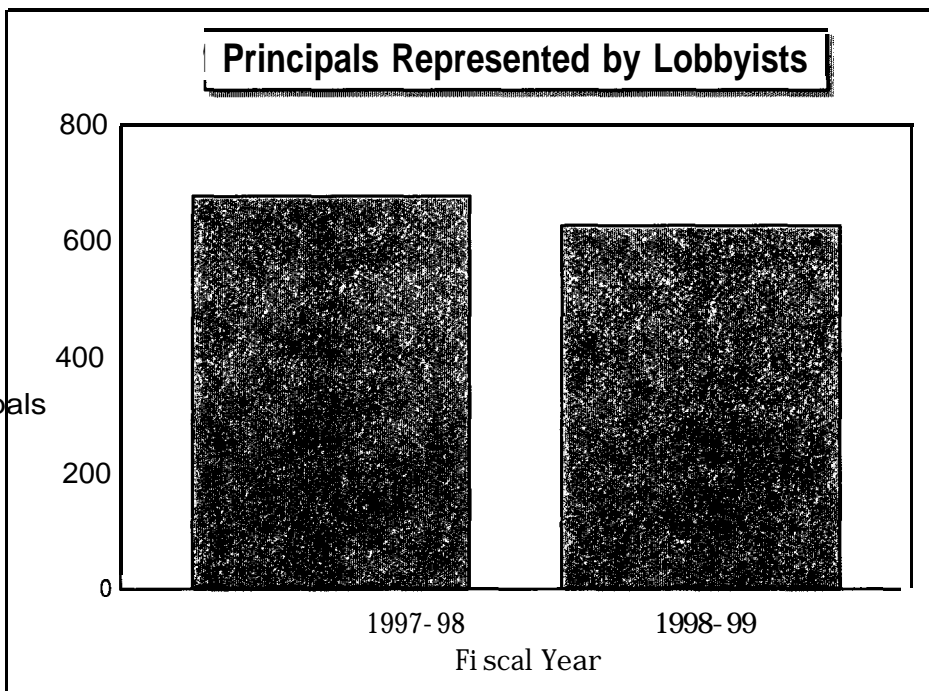
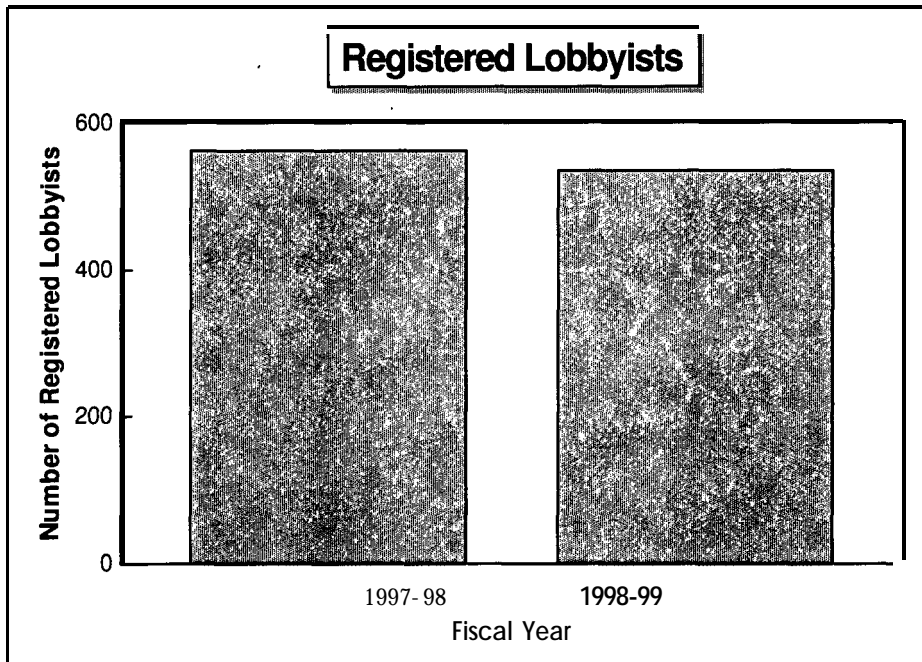
The spouse of the newly appointed Acting Director of the Alabama State Docks, who has previously reported to the Director of the Alabama State Docks, may not continue to provide professional services to the Alabama State Docks, as an unavoidable conflict of interests exists while her husband is the Acting Director of the Alabama State Docks.

Number of Meetings Held

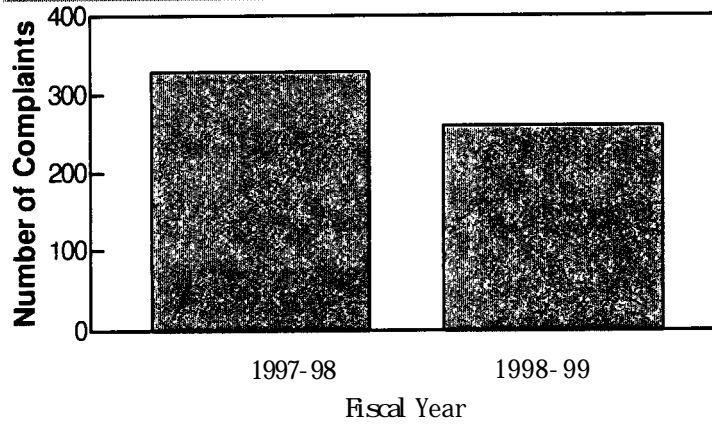




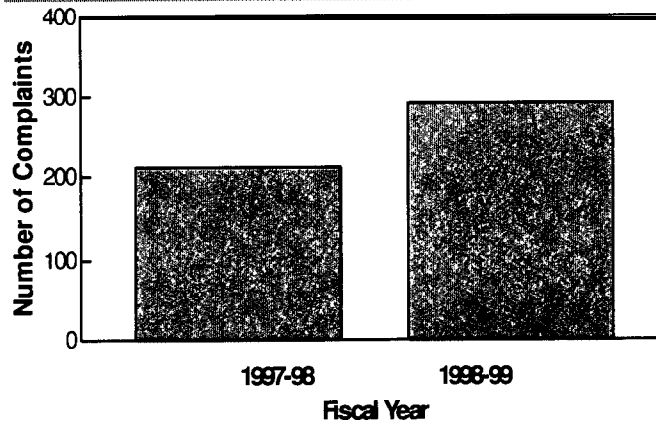




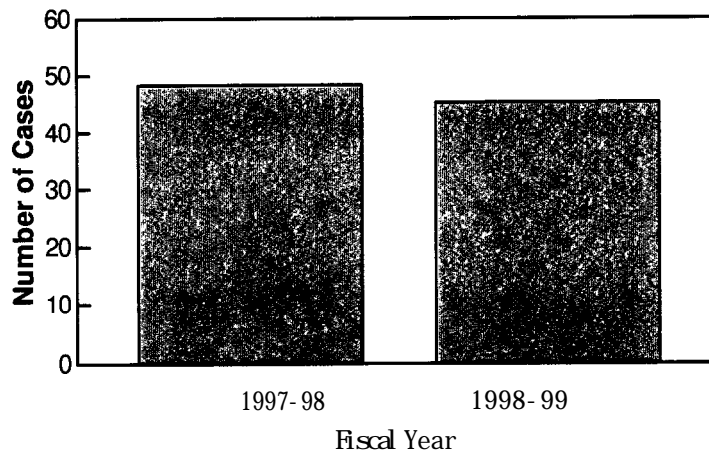
Complaints Filed With Ethics Commission

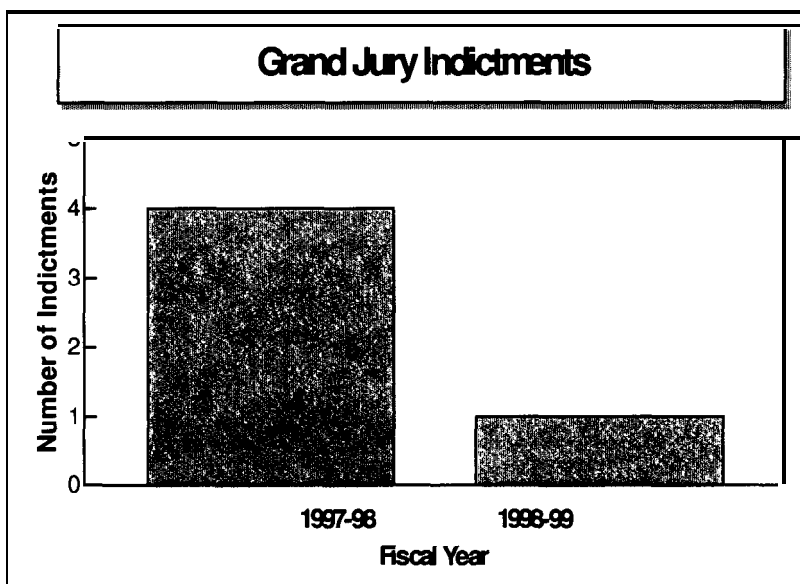
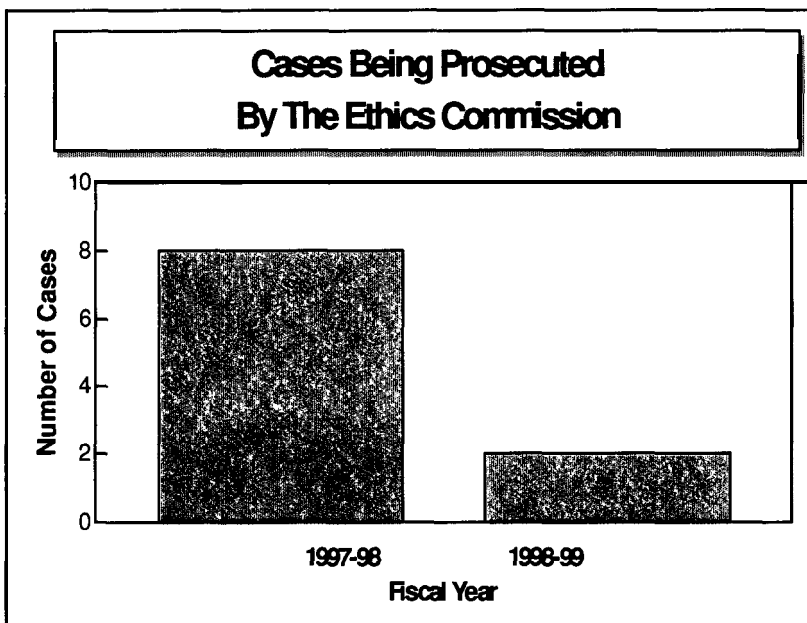
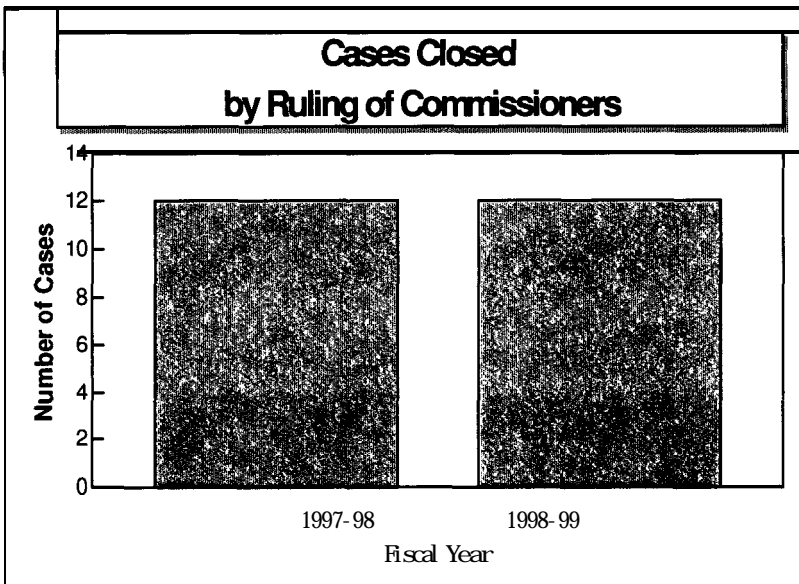


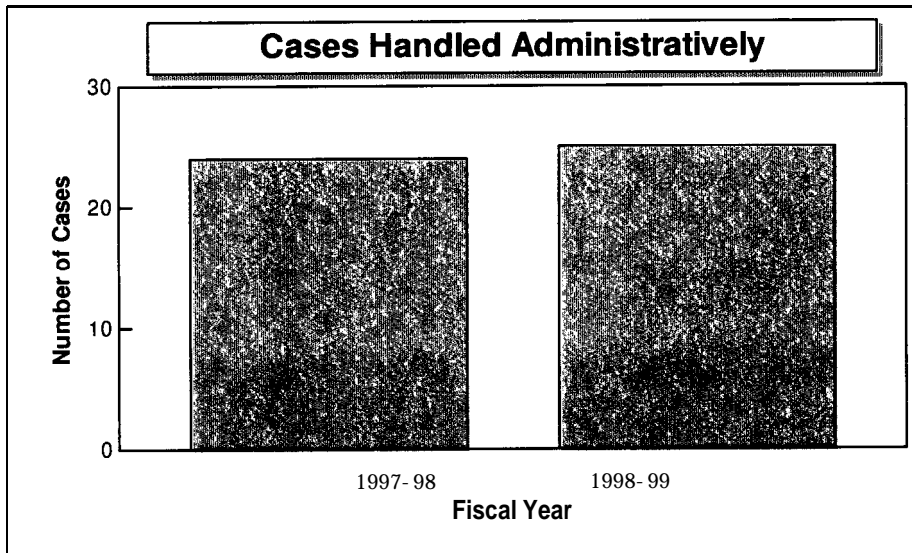
Complaints Closed After Preliminary Inquiry



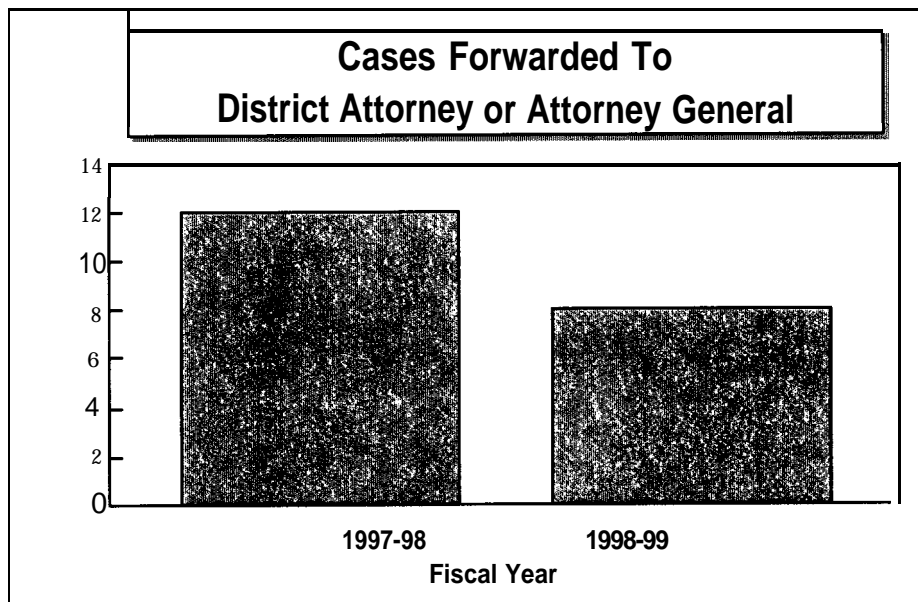
Cases Presented to Commissioners

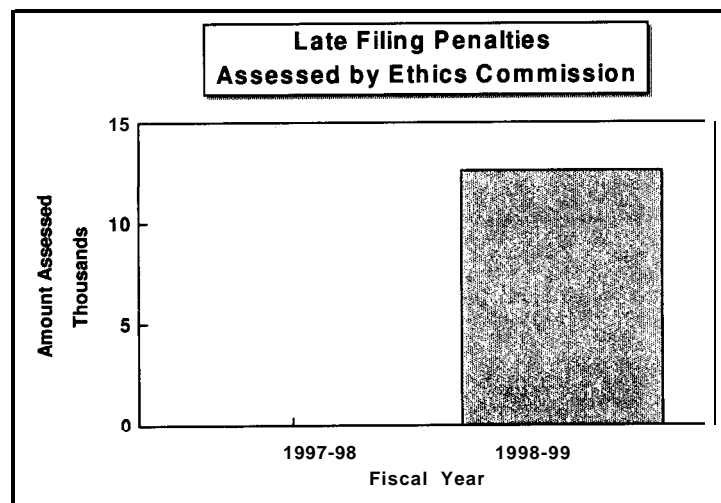
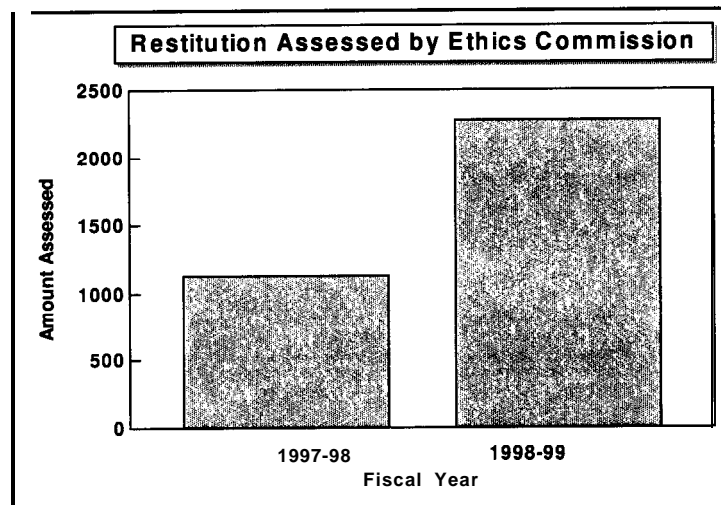
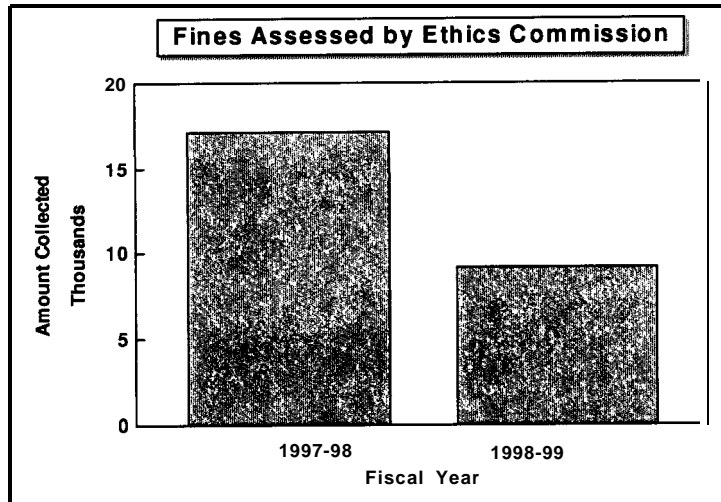


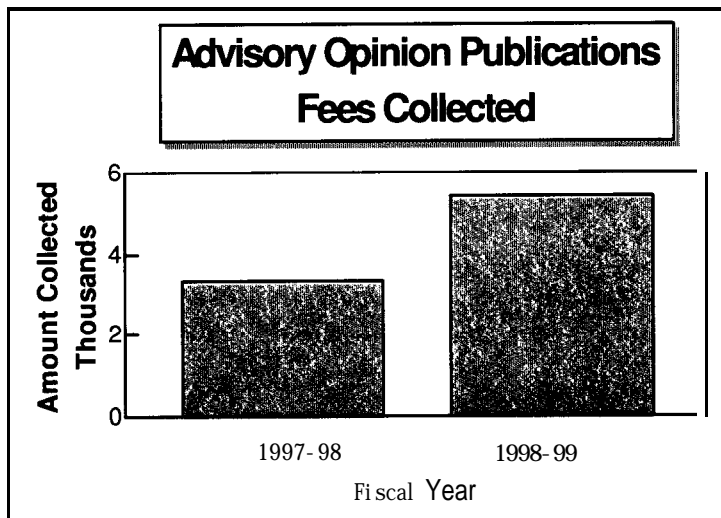
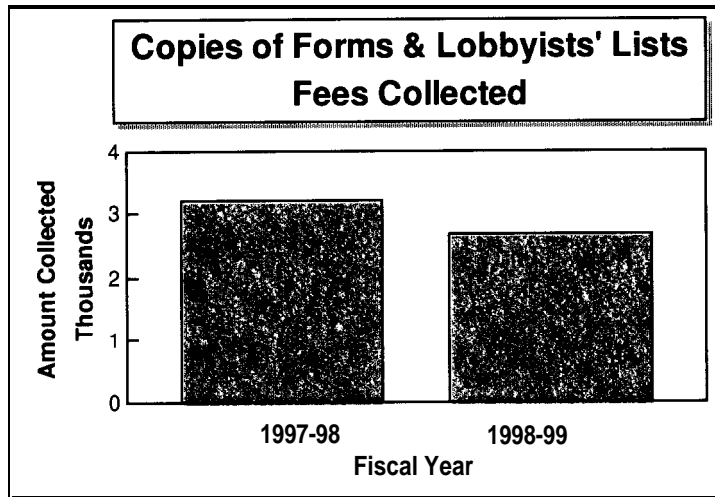
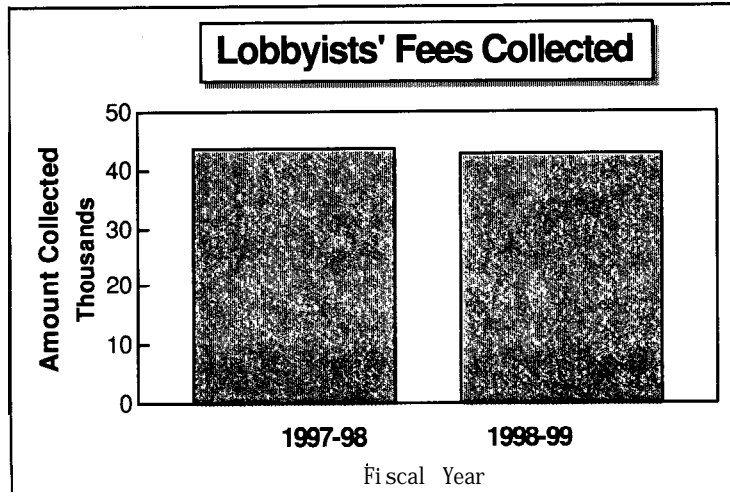




Number of Cases







General Fund Deposits

