

STATE OF ALABAMA ETHICS COMMISSION



**ANNUAL REPORT
FISCAL YEAR
2007-2008**



STATE OF ALABAMA ETHICS COMMISSION



COMMISSIONERS

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Michael K. K. Choy, Esq., Vice-Chair
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The Honorable Bob Riley, Governor
State of Alabama
Montgomery, Alabama 36130

Dear Governor Riley:

On behalf of the Alabama Ethics Commission, I respectfully present to you and the Alabama Legislature our Annual Report for fiscal year 2006-2007, 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:

- In fiscal year 2006-2007, we received and investigated **198** complaints, issued **15** formal Advisory Opinions and **61** informal Advisory Opinions.
- We continued the process with regard to our Statements of Economic Interests by again asking the nearly 1,000 state, county and municipal entities to provide their public officials, employees and candidates for elective office with a copy of an enclosed Statement of Economic Interests form or enclosed instructions to download the form from our Web Site.
- Our Educational Programs presented throughout the state totaled **52**, and these seminars were attended by **2,511** public officials and public employees, compared to 40 seminars presented and 3,027 attendees the previous year. To provide additional ethics training for public officials and employees, we have prepared a seminar package containing a video tape, or DVD depending upon the entity's preference, of an Ethics Seminar previously presented by James L. Sumner, Jr., Director, to enable the entities to conduct Ethics seminars for future incoming personnel.
- During 2007, we were able to purge a very significant volume of Statement of Economic Interests forms and Lobbyist/Principal forms from previous years. A total volume of **322** cubic feet of obsolete Statement of Economic Interests forms records were destroyed by our agency. A total of **101** cubic feet of permanent records, i.e., previous Statement of Economic Interests forms of state elected/appointed officials and agency heads along with Lobbyist and Principal forms were transferred to the State of Alabama Department of Archives and History for permanent retention.

●Our Educational Programs presented throughout the state totaled **40**, and these seminars were attended by **3,637** public officials and public employees. Also the Department of Postsecondary Education videotaped one of our Ethics seminars and placed it on their Web Site for their employees throughout the state to view. Over **10,000** employees of the two-year colleges viewed this seminar and received certificates from the Department of Postsecondary Education. To provide additional ethics training for public officials and employees, we have prepared a seminar package containing a prerecorded ethics seminar and other related materials to enable the entities to conduct Ethics seminars for incoming personnel.

●This was another record lobbyist year, **663** lobbyists registered and **775** principals were represented. The growth in registered lobbyists in the **10-year period** from **1999 to 2008** was significant (from 535-663). The total number of principals employing lobbyists in the 10-year period from 1999 to 2008 was also significant (from 629-775).

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.

Annual Report
Fiscal Year
2007-2008
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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James L. Sumner, Jr., Director

ETHICS COMMISSION MEMBERS

COMMISSIONERS

TERM EXPIRES

John H. Cooper, Esq., Birmingham (Chair, 2007-2008)	2008
Cameron McDonald Vowell, Ph.D., Birmingham (Vice Chair, 2007-2008)	2009
Michael K. K. Choy, Esq., Birmingham	2010
Linda L. Green, Huntsville	2006
Nancy Edwards Eldridge, Andalusia	2007
Braxton L. Kittrell, Jr., Mobile	2012
Josephine M. Venable	2013

ETHICS COMMISSION STAFF

James L. Sumner, Jr., Director

Hugh R. Evans, III, General Counsel

Julie Davis, Executive Secretary/Recording Secretary

Theresa Davis, Legal Research Assistant

Charles A. Aldridge, Chief Special Agent

David Green, Special Agent

Vicki Wilson, Special Agent

Barbi Lee, Fiscal Officer

Vicky Manning, Accounting Technician

Josh Roper, Laborer

Marie P. Malinowski, Chief, Administrative Division

Julie Kerce, ASA I

Cathy Taylor, Clerk

Joan Ward, ASA II

Loretta Webb, Clerk

Janice Wolfe, ASA I/Receptionist

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ETHICS COMMISSIONERS

John H. Cooper, Esq.

John H. Cooper, Esq. was confirmed by the Alabama Senate on May 4, 2004, to serve a term on the State of Alabama Ethics Commission to expire on August 31, 2008. He was elected Chair at the August 1, 2007, Commission Meeting. Mr. Cooper was born in 1953 in St. Louis, Missouri and graduated from S.R. Butler High School in Huntsville, Alabama, in 1971. He received a Bachelor of Arts degree in Political Science from the University of Alabama in Huntsville, a J.D. from the University of Alabama School of Law, and an L.L.M. Degree in Taxation from New York University School of Law. In 1980, Mr. Cooper joined the law firm of Sirote & Permutt, P.C., as an associate and became a shareholder in 1983. He has served as President and CEO of Sirote & Permutt since 1999. Mr. Cooper has served as an adjunct professor in the University of Alabama School of Law and in the law school's graduate tax program since 1982, where he teaches Advanced Corporate Tax. He is past president of the Alabama Chapter of the Arthritis Foundation. Currently, Mr. Cooper serves as Chairman of the Board of Directors of the Greater Birmingham Habitat for Humanity and is a member of the Vestavia Hills School Board. Mr. Cooper is married to Rhonda S. Cooper, and they have three daughters.

Cameron McDonald Vowell, Ph.D.

Cameron McDonald Vowell, Ph.D., was confirmed by the Alabama Senate on April 6, 2004 for a term which began September 1, 2004 and expires August 31, 2009. Dr. Vowell was elected Vice Chair at the August 1, 2007, Commission Meeting. She has been active in community affairs since graduation from Hollins College in 1968. She has her Ph.D. in biochemistry from UAB and an MA in environmental sciences from the University of Texas at Dallas. She served for fourteen years on the Alabama Air Pollution Control Commission and its successor agency, the Alabama Environmental Commission. She served for nine years on the national Board of Governors of The Nature Conservancy and she currently serves on the Board of her *alma mater*, Hollins University. Dr. Vowell has worked with a number of groups which encourage philanthropy for causes affecting women and girls, including the Women's Fund, an endowment for projects benefitting women and girls. She has served for 11 years on the board of the Community Foundation of Greater Birmingham and on the boards of the Alabama Symphony, Gateway/Family and Child Services, and the Black Warrior/Cahaba Land Trust. Dr. Vowell has accepted appointments for boards, commissions and committees from city, state and county governments. Her most recent activity is in the field of geriatrics. She serves on the Board of Counselors of the Center for Aging at UAB, and is active in promoting attention to geriatric issues across the community. Dr. Vowell and her husband Scott, Presiding Circuit Judge of Jefferson County, have one son.

Michael K. K. Choy, Esq.

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 ends on August 31, 2010. 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 a shareholder with the law firm of Haskell Slaughter Young & Rediker, LLC, where he practices civil litigation. He is a former Alabama State Bar Examiner, as well as a former 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.

Linda Lloyd Green

Linda L. Green was confirmed by the Alabama Senate on January 17, 2002 to serve a term which expired August 31, 2006. Mrs. Green has continued to serve until her successor is confirmed. She was elected Chairman at the August 3, 2005 Commission meeting. 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. During this time she served in a number of roles before managing each of the two stores in Huntsville. From 1993 to 2007 she worked for Colonial Bank where she served as CEO and President of the Northern Region and EVP Colonial BancGroup - Wealth Management Director. She currently works with SouthPoint Bank as the Huntsville Market Chairman. Her professional and civic activities include serving as a member of the Board of Directors of Intergraph Corporation from May 2001 to November 2006, Treasurer and Executive Committee of UAH Foundation and Chairman of Volunteers of America. Her past involvement is varied, including 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 and daughter-in-law.

Nancy Edwards Eldridge

Nancy Edwards Eldridge was confirmed by the Alabama Senate to serve on the Alabama Ethics Commission on April 11, 2002. Her term expired on August 31, 2007, but she continued to serve until May 8, 2008. She was elected Chair at the August 2, 2006, Commission meeting. Mrs. Eldridge is currently the practice manager for Covington Pediatrics. After graduating from Auburn University in 1975, with a B.S. degree in Housing, Interior Furnishing and Equipment, she moved to Conroe, Texas. She was Assistant to the Vice President of Texas Commerce Bank and acquired her Texas Real Estate Broker's License. In 1984, Mrs. Eldridge founded Landmark Properties, a residential construction company. Mrs. Eldridge moved to Andalusia, Alabama in 1992 and opened the Snap Dragon Interiors and Gifts in 1993. She is married to Charles Eldridge and they have four children, Jonathan, Billy, Charles Thomas, and Michael. She is a member of First United Methodist Church of Andalusia, serving as Worship Committee Chairman, member of Staff Parish Relations Committee and Children's Choir Director. Mrs. Eldridge has served on the area Little League Board, Andalusia High School Athletic Boosters, and parent representative with Southern Association of Colleges and Schools.

Braxton L. Kittrell, Jr.

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. 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.

Josephine M. Venable

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. 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.

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 and Act. No. 2001-474. 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; issuing and publishing Advisory Opinions; presenting educational programs on matters of Ethics in government service; preserving statements and reports for four years; and promulgating rules and regulations.

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

SIGNIFICANT EVENTS

I. Meetings

In Fiscal Year 2007-2008, the Alabama Ethics Commission continued the frequency of Commission Meetings and met on **six** occasions rather than the previous monthly meetings.

II. Educational Programs

In Fiscal Year 2007-2008, **40** Educational Programs were presented throughout the State and were attended by **3,637** state, county and municipal public officials and employees.

The semiannual Ethics Seminars were presented in Montgomery with a total attendance of **124**. These seminars are open to all public officials/employees and are in addition to the seminars requested by state, county, and municipal entities, as well as professional and civic organizations.

The Department of Postsecondary Education requested that Jim Sumner present an Ethics Seminar which they video taped and placed on their Web Site for their employees throughout the state to view. Over **10,000** employees of the two-year colleges viewed this seminar and received certificates from the Department of Postsecondary Education.

In an effort to provide needed ethics information for public officials and employees, we prepared a package for these entities to conduct Ethics video presentations for their personnel. The package contains a prerecorded ethics seminar presented by James L. Sumner, Jr., Director, and copies of various related materials. This year **14** of these video seminars were conducted with over **430** public officials and employees in attendance.

III. Complaints/Cases

In Fiscal Year 2007-2008, **223** complaints were filed with the Alabama Ethics Commission; **196** complaints were closed by the staff after preliminary review (**includes complaints/cases that were received prior to October 1, but closed during the current fiscal year**), **13** cases were presented to the Commission for consideration and ruling and of these, **one** case was closed, **five** were handled administratively, **four** were forwarded to the appropriate District Attorney or the Attorney General for further action, and **three** were continued for further investigation.

IV. Advisory Opinions

In Fiscal Year 2007-2008, the Ethics Commission rendered **33** formal Advisory Opinions and **58** 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 can be accessed on our Web Site at www.ethics.alabama.gov.

V. Digest of Advisory Opinions

In Fiscal Year 2007-2008, the Ethics Commission continued to distribute a Digest of Advisory Opinions to the Governor, Attorney General, Cabinet Members, Examiners of

Public Accounts, League of Municipalities, Association of County Commissions, various department heads and others following each Commission meeting.

VI. Statements of Economic Interests

In Fiscal Year 2007-2008, we continued providing nearly 1,000 state, county and municipal entities with instructions and one copy of the Statement of Economic Interests form. They were requested to provide our office with a listing of their public officials/employees and candidates who were required to file and provide them with a copy of the Statement of Economic Interests form or provide them with instructions to download it from our Web Site, www.ethics.alabama.gov. A total of **52,120** Statement of Economic Interests forms were filed with the Ethics Commission this year, compared to 45,012 the previous year.

VII. Forms Viewed by the Public

In Fiscal Year 2007-2008, **962** requests were received from the public or media organizations to view or purchase copies of Statements of Economic Interests. Of this total, **105** requests were made for lobbyist or principal forms.

VIII. General Fund Deposits

In Fiscal Year 2007-2008, the Alabama Ethics Commission deposited \$2,017.00 for copies of forms, \$240.00 for Lobbyists Lists, miscellaneous refunds against disbursements of \$102.81, \$51,300 for Lobbyists' Registration fees and \$2,600.00 in fines collected by the Commission. Also \$280.00 restitution, assessed by the Commission, was returned to the appropriate injured entities. This resulted in a total of \$56,539.81 collected by the Ethics Commission. Of that total, \$56,259.81 was deposited into the General Fund.

IX. Commissioner Changes

In Fiscal Year 2007-2008, at the August 2007 meeting of the Commission, John H. Cooper, Esq. (Birmingham) was elected Chair and Cameron McDonald Vowell, Ph.D. (Birmingham) was elected Vice Chair. The other three members were Michael K. K. Choy, Esq. (Birmingham), Linda L. Green (Huntsville) and Nancy Edwards Eldridge (Andalusia). At the August 2008 Commission meeting, Cameron McDonald Vowell, Ph.D. (Birmingham) was elected Chair and Michael K. K. Choy, Esq. (Birmingham) was elected Vice Chair. Braxton L. Kittrell, Jr., was confirmed by the Alabama Senate and his term began on May 8, 2008. Josephine M. Venable was confirmed by the Alabama Senate and her term began on September 1, 2008. Linda L. Green (Huntsville) will remain on the Commission until her replacement is confirmed by the Alabama Senate. The Commissioners are appointed jointly by the Governor, Lieutenant Governor, and Speaker of the House of Representatives. They are confirmed by the Alabama Senate and serve five-year terms.

X. New Web Site for Alabama Ethics Commission: www.ethics.alabama.gov

In Fiscal Year 2007-2008, our Web Site continued to receive a very substantial number of visits. In its first year in operation, in fiscal year 1999-2000, it received 321,390 visits, an average of 582 visits per day. This fiscal year there were 781,743 visits with an average number of visits per day of 2,142.

Included on the site are all Advisory Opinions of the Ethics Commission since the change of law in 1995 that are fully text-searchable, downloadable Statement of Economic Interests forms, Lobbyist and Principal Registration Forms, Quarterly Statement of Lobbying Activities and Principal's Forms, Statement of Termination of Lobbying Activities, Guidelines for Public Officials/Employees and Lobbyists/Principals, Request for Access to Commission Records form, current Annual Report, "A Retrospective," a historical overview of the Alabama Ethics Commission, written by our director, James L. Sumner, Jr., that appeared in the July 1999 issue of THE ALABAMA LAWYER, and general contact information, i.e., mailing and street addresses as well as main E-mail address, phone and facsimile numbers, staff directory, and names of current Commission members. The full text of the Alabama Ethics Law is included on our Web Site. Also included are the current Registered Lobbyist List and other pertinent information.

XI. Electronic Filing of Forms

In Fiscal Year 2007-2008, our staff began preparations for 2009 on-line filing of the Statement of Economic Interests form, Lobbyist Registration Statement form, Principal's Statement for Lobbyist Registration form, and Request for Access to Commission Records form. The access form is already in use. Beginning January 1, 2009 the Statement of Economic Interests form and lobbyist and principal forms will be available on our Web Site for completion.

XII. Registered Lobbyists

In Fiscal Year 2007-2008, 663 lobbyists registered, representing 775 principals, another record year. The Alabama Ethics Law requires all lobbyists to register with the Commission by January 31 of each year or within 10 days after the first undertaking requiring such registration. Lobbyists and principals are required to file quarterly reports with the commission. Several years ago with the full support and cooperation of the Secretary of the Senate, the Clerk of the House and the leadership of both houses of the Legislature, "one-stop registration" with the Ethics Commission was established for lobbyists. Both houses ceased to register lobbyists, and now lobbyists and principals register only with the Ethics Commission. This has made the registration process much simpler while ensuring compliance with the law. Each year in mid-December, Lobbyist Registration Packages are mailed to all lobbyists registered the previous year, containing all pertinent information.

During periods when the legislature is in session, Registered Lobbyist lists are prepared and provided on a regular basis to the Secretary of the Senate and the Clerk of the House and are uploaded to our Web Site. These lists, as well as diskettes in Microsoft Word, are available for sale in our office.

The lobbying subject with the most lobbyists continues to be "Education" with 122 lobbyists who had listed education as the category or one of the categories of subject matters on which they intended to lobby. Three business subjects "Business," "General Business" and "Business Issues" totaled 124 lobbyists and "Healthcare" was listed by 99 lobbyists. "Legislative Issues" was listed by 51 lobbyists, "Environmental" was listed by

30 lobbyists, 40 listed "Tax Issues," 45 listed "Economic Development," 41 listed "Utilities" and 40 listed "Insurance."

State entities registered 169 staff members to lobby on their behalf and 25 towns and cities hired lobbyists.

In reviewing the six largest lobbyist firms, the average number of principals was 30. The six largest lobbyist groups employed an average of seven lobbyists.

The growth in registered lobbyists in the 10-year period from 1999 to 2008 was significant, 535 in 1999 compared to 663 in 2008. The total number of principals employing lobbyists this fiscal year was 775 compared to 629 in 1999.

10-YEAR COMPARISON OF REGISTERED LOBBYISTS & PRINCIPALS

<u>YEAR</u>	<u>LOBBYISTS</u>	<u>PRINCIPALS</u>
1999	535	629
2000	551	468
2001	548	481
2002	508	569
2003	600	628
2004	565	631
2005	569	648
2006	597	687
2007	659	781
2008	663	775

Expenditures for Fiscal Year October 1, 2007 - September 30, 2008

EXPENDITURE	FY 07-08	13th Accounting Period	Outstanding Purchase Orders	Rollover to FY 09	TOTAL	Percent
Personnel Costs	758,957.60	0.00	0.00	417.40	759,375.00	58.75%
Employee Benefits	264,704.53	0.00	0.00	6,704.47	271,409.00	20.49%
Travel In-State	4,464.56	0.00	0.00	1,000.00	5,464.56	0.35%
Travel Out-of-State	1,649.42	0.00	0.00	3,000.00	4,649.42	0.13%
Repairs and Maintenance	664.75	768.75	0.00	2,000.00	3,433.50	0.11%
Rentals and Leases	104,631.69	1,689.75	177.85	2,000.00	108,499.29	8.24%
Utilities and Communication	14,614.83	1,068.07	34.72	12,005.02	27,722.64	1.22%
Professional Services	16,407.80	48,091.53	0.00	27,000.00	91,499.33	4.99%
Supplies, Materials, and Operating Expenses	30,016.47	1,523.72	195.42	57,182.50	88,918.11	2.46%
Transportation Equipment Operations	9,722.91	1,279.86	0.00	8,000.00	19,002.77	0.85%
Transportation Equipment Purchases	19,235.00	0.00	0.00	0.00	19,235.00	1.49%
Other Equipment Purchases	11,925.00	0.00	0.00	100,000.00	111,925.00	0.92%
	1,236,994.56	54,421.68	407.99	219,309.39	1,511,133.62	100.00%

The annual cost of the Alabama Ethics Commission (based on state population of 4.6 million) is 28.0 cents per person.

The annual cost of the Alabama Ethics Commission (based on 295,000 public officials and public employees covered by the Ethics Law) is \$ 4.38 per person.

Total FY 08 Budget Appropriation	1,552,504.00
Total FY 08 Expenditures	(1,291,824.23)
Rollover to FY 09	(219,309.39)
Reversion to General Fund	<u>41,370.38</u>

COMMISSION MEETING HIGHLIGHTS

October 3, 2007, Montgomery, Alabama

The Commission, chaired by John Cooper, rendered three Advisory Opinions. No cases were heard at this meeting.

December 5, 2007, Montgomery, Alabama

The Commission rendered six Advisory Opinions and heard two cases. One case was handled administratively, and one case was referred to the District Attorney.

February 6, 2008, Montgomery, Alabama

The Commission rendered three Advisory Opinions and heard two cases. One case was referred to the Attorney General's Office and one case was handled administratively.

April 2, 2008, Montgomery, Alabama

The Commission rendered three Advisory Opinions and heard four cases. Two cases were referred to the District Attorney, and two were handled administratively.

June 4, 2008, Montgomery, Alabama

Seven Advisory Opinions were rendered by the Ethics Commission and three cases were heard during this meeting. One case was continued, one was closed and one was handled administratively.

August 6, 2008, Montgomery, Alabama

At the August Commission meeting, 11 Advisory Opinions were rendered and two cases were heard, both were continued. The Commission elected Cameron McDonald Vowell, Ph.D. as Chair and Michael K. K. Choy as Vice-Chair. The Commissioners then presented John Cooper with a "Plaque of Appreciation" for his service on the Commission. Meeting dates for 2009 were approved.

DIGEST OF ADVISORY OPINIONS

2007

AO-15

This opinion is designed to set out the relationship between Alabama Power Company employees, who are also public officials and/or who have family members who are public officials/public employees, and what is and is not considered a “thing of value” in relation to the Ethics Law and those individuals.

AO-16

The Alabama Crime Victims Compensation Commission (ACVCC) may allow its employees to solicit “commitments to purchase” automobile specialty license plates during office hours for the benefit of the Alabama Crime Victims Compensation Fund; provided, that solicitations are not made to clients of the Alabama Crime Victims Compensation Fund; that a general/generic letter is mailed equally to all vendors and community organizations; that vendors conducting business with the Alabama Crime Victims Compensation Commission are not singled-out for donations, nor offered business in return for donations; that lobbyists are not solicited to participate; and, in addition, where there is no personal gain on the part of any employee of the Alabama Crime Victims Compensation Commission. Any general/generic letter sent should include a disclaimer stating that lobbyists who receive this letter disregard it as it was sent to them inadvertently and should be ignored, as lobbyists may not be solicited for anything other than a campaign contribution. These solicitations may be conducted during normal business hours, only to the extent that the Commission’s normal operations are not hindered in any manner. The Alabama Crime Victims Compensation Fund may accept “commitments to purchase” automobile specialty license plates from vendors and clients of the ACVCC; provided, that the clients do so voluntarily and are not solicited to participate.

AO-17B

The language contained in Section 36-25-1(31)(c), which excludes disclosure of a personal gift made to a public official or public employee from a spouse, intended spouse, dependent, adult child, sibling, parent, grandparent, uncle, aunt, nieces, nephews or cousins of the public official or public employee, when read in conjunction with Section 36-25-1(31)(b)(3), which contains no exclusions based on familial or other relationships, requires all hospitality provided to public officials/public employees to be reported to the Ethics Commission, if it exceeds the \$250 threshold reporting requirement, regardless of the nature of the relationship between the provider and the public official/public employee. Therefore, there is no exception for hospitality provided by friends or neighbors.

AO-18

This opinion addresses only the economic development aspect of Section 36-25-1(31)(b)(5), and should not be considered a blanket interpretation of that section. In addition, the term “economic

development" will be strictly construed by the Commission, and will not be allowed to be used as a catchall.

AO-19

Alabama Power Company may award tickets to a concert or other items in recognition of a teacher being selected as "Teacher of the Year" without any reporting requirements under the Ethics Law being triggered; provided, the school system employing the teacher has a policy in place that recognizes and allows this practice.

AO-20

Members of the White Hall Town Council may serve on the board of directors for Cornerstone Community Outreach, Inc. (Cornerstone), a non-profit organization, and may be compensated for their service; provided, they not vote, attempt to influence or otherwise participate in any votes to appropriate funds to, or contract with, Cornerstone, as their service on the board of directors makes Cornerstone a business with which they are associated.

AO-21

A newly-elected member of the Baldwin County Commission may continue to provide accounting services to the Baldwin County E-911 Board whose members are appointed by the Baldwin County Commission; provided, that the County Commissioner does not vote, attempt to influence or otherwise participate in any dealings between the County Commission and the E-911 Board, including, but not limited to appointments by the County Commission to the E-911 Board. Should new or an increased amount of services including, but not limited to compensation be desired from the County Commissioner by the E-911 District, they must be obtained through some type of bid process. Further, a copy of the contract must be filed with the Ethics Commission within ten days after its having been entered into.

AO-22

Hospitality, where the expenditure is made to, or on behalf of, the Birmingham Zoo or any other organization to which a federal income tax deduction is permitted under Section 170 of the Internal Revenue Code of 1986, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, does not have to be reported under the reporting requirements of Section 36-25-1(31)(b)(3); provided, that the public official or public employee does not receive any direct financial benefit, and the expenditure is legitimately made to, or on behalf of, the charitable organization. "Dinner mementos" in the form of paperweights with the Zoo logo, or other similar items, may be accepted by public officials/public employees; provided, that the "dinner memento" is a promotional item created expressly for the purpose of distributing to the general public and is of a nominal value.

AO-23

A retired Environmental Manager for the Department of Public Health in Madison County may accept employment with a private Montgomery-based company upon his retirement, when that company is under contract with the Department of Public Health; when he was not involved in the contractual process between the company and the Department of Public Health; provided, that for a period of two years after his retirement, the former employee does not interact on behalf of the company in any manner, including without limitation of on-line communication, either in person or on-line, with the Department of Public Health.

2008

AO-1

A law firm may pay a referral fee to an attorney who works as a judicial assistant/bailiff/law clerk in the civil division of the Circuit Court of Jefferson County, Alabama, and also maintains a private law practice; provided, that the matter is not related to the attorney's service with the circuit court; that the matter is neither pending, nor arose in the court employing the attorney/judicial assistant; and, where the matter came to the attorney/judicial assistant's attention outside his capacity as a judicial assistant. As the question involves issues beyond the scope of the Alabama Ethics Law, it is suggested that the requestor of this opinion contact the Administrative Office of Courts regarding any internal rules and regulations, as well as the Alabama State Bar Association regarding the applicability of the *Rules of Professional Responsibility* and/or any licensing matters.

AO-2

For a period of two years after leaving her employment as an administrative assistant for a member of the Mobile County Commission and going to work for an entity that contracts with the Mobile County Department of Environmental Services, a former employee may work on the contract between her employer and the Mobile County Department of Environmental Services, but may not represent her new employer in dealings with Mobile County or interact directly with employees of the Mobile County Department of Environmental Services.

AO-3

A member of the Roanoke City Council may request a street to be paved on which her parents and in-laws reside, as well as where she and her husband own a house; provided, that her parents, in-laws and her property are not singled-out for special treatment; that there are a significant number of other residents who will be affected by the paving; and, where other streets in the town are also being paved.

AO-4

Employees of the Mobile County Public School System may solicit contributions for the Large City School Superintendents' conference; provided, that vendors conducting business with the school system are not singled-out for donations, nor offered business in return for donations; where the solicitations are made in a general/generic way, so that specific vendors do not feel coerced into contributing; when all funds will be retained for the purpose of the Large City School Superintendents' conference; and, where there is no personal gain accruing to employees of the school system. In addition, employees of the Mobile County Public School System may not solicit lobbyists to contribute to the Large City School Superintendents' conference.

AO-5

WITHDRAWN

AO-6

State employees attending a technical conference hosted by Microsoft may accept a not-for-resale version of new software, when all individuals attending the function receive the software, and nothing other than their attendance is required for them to receive the software; and further,

where the state employees attending this program are attending as part of their job responsibilities, and with the approval of their department. As this is not a typical "door prize" scenario, and the software may serve a function for the particular department employing an attendee, and as the state employees will be attending while on duty for the state, it is within each department's purview to determine whether or not the software will be maintained by the department for official use, or whether it may be retained by the attendee personally.

AO-7

A member of the Dallas County E-911 Communications District Board may, upon his resignation from the Board, apply for the position of Administrator of the Communications District; provided, that there was no prearranged understanding that he would be hired; that he did not use his influence as a board member to obtain the position; where the Board, after reviewing qualified applicants, determines that the former member is the most qualified applicant for the position; and further, where he was not involved in creating the vacancy. A member of the Dallas County E-911 Communications District Board may not serve simultaneously as a member of the Board, as well as the paid Administrator of the Communications District.

AO-8

A member of the Red Mountain Park Greenway and Recreational Area Commission may not vote, attempt to influence or in any manner participate in any business dealings or transactions between his employer, United States Steel (USS), and the Red Mountain Park Greenway and Recreational Area Commission, on whose Board he serves. For a period of two years after resigning from the Red Mountain Park Greenway and Recreational Area Commission, the Commission member may not represent his employer, USS, in negotiating any land transaction deals, or other matters between the Commission and USS.

AO-9

The Grants Administrator for the Mobile County Commission may serve on the board of directors of a non-profit organization who, from time to time makes applications for assistance from the Mobile County Commission. However, he may not vote, attempt to influence or in any manner participate in that non-profit organization's applications for grants from the Mobile County Commission, including but not limited to reviewing recommendations and making a final determination with respect to the application.

AO-10

Employees of the Board of Education, who also serve on the board of directors for various local community service agencies, may not vote, attempt to influence or otherwise participate in any grants being made to those organizations, as their service on the board of directors makes that organization a business with which they are associated.

AO-11

A member of the Baldwin County Board of Equalization (BOE), who leases a lot from the Fairhope Single Tax Corporation (FSTC), may participate and vote on the assessment valuation appeals of other FSTC parcels in which he or his family has no financial interest, and where the vote does not affect his lease.

AO-12

The former Mayor of Sheffield, who is running for re-election as Mayor, may, if elected, maintain an ownership interest in the River City Development Company, a company dealing with the City of Sheffield regarding the building of a municipal golf course. However, he may not vote, attempt to influence or in any manner participate in any aspect of any transaction or negotiations between River City Development and the City of Sheffield regarding the golf course.

AO-13

A State Pardons and Paroles Probation Officer may teach a Court Referral Office DUI class in the county in which he supervises probationers; provided, that he does not teach the course if there are people supervised by the State Board of Pardons and Paroles participating in the course, or if the Board of Pardons and Paroles refers individuals to the Court Referral Office course. A State Pardons and Paroles Probation Officer may teach a Court Referral Office DUI class in the county in which he supervises probationers; provided, that he does so on his own time, and that there is no use of Pardons and Paroles time, equipment, human labor or other resources to assist him in teaching the courses or in obtaining opportunities.

AO-14

The former Town Clerk for the Town of Brilliant, Alabama, may, upon her retirement as Town Clerk, accept part-time employment with the Town of Brilliant, when she did not hold a position of authority prior to her retirement.

AO-15

Hospitality, where the expenditure is made to, or on behalf of, the Alabama Sports Foundation, Inc., a 501(c)(3) organization to which a federal income tax deduction is permitted under Section 170 of the Internal Revenue Code of 1986, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, does not have to be reported under the reporting requirements of Section 36-25-1(31)(b)(3); provided, that the public official or public employee does not receive any direct financial benefit, and the expenditure is legitimately made to, or on behalf of, the charitable organization. In addition, while the hospitality provided under this Section is exempt from the reporting requirements of the Ethics Law, it may not last longer than three days and may not otherwise be continuous in nature.

AO-16

Hospitality, where the expenditure is made to, or on behalf of, Regions Charity Classic, a 501(c)(3) organization to which a federal income tax deduction is permitted under Section 170 of the Internal Revenue Code of 1986, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, does not have to be reported under the reporting requirements of Section 36-25-1(31)(b)(3); provided, that the public official or public employee does not receive any direct financial benefit, and the expenditure is legitimately made to, or on behalf of, the charitable organization. In addition, while the hospitality provided under this Section is exempt from the reporting requirements of the Ethics Law, it may not last longer than three days and may not otherwise be continuous in nature. Neither public officials nor public employees may accept a "gift bag" containing consumer items such as clothing, electronic equipment and golf equipment with a value in excess of \$1,000 in conjunction with the receipt of the allowed hospitality. Public officials and public employees who participate in the Pro-Am

events on Wednesday and Thursday, may not accept admission tickets to the Champions Tour professional golf tournament, because their acceptance would make their participation last for more than three days and would be considered continuous in nature.

AO-17

Hospitality, where the expenditure is made to, or on behalf of, the Alabama Sports Foundation, Inc., a 501(c)(3) organization to which a federal income tax deduction is permitted under Section 170 of the Internal Revenue Code of 1986, or any charitable, education or eleemosynary cause of Section 501 of Title 26 of the U.S. Code, does not have to be reported under the reporting requirements of Section 36-25-1(31)(b)(3); provided, that the public official or public employee does not receive any direct financial benefit, and the expenditure is legitimately made to, or on behalf of, the charitable organization. In addition, while the hospitality provided under this Section is exempt from the reporting requirements of the Ethics Law, it may not last longer than three days and may not otherwise be continuous in nature.

AO-18

All governmental agency heads at the state, county and municipal levels of government, including an Assistant County Administrator, are required to report within ten (10) days matters that come to their attention in their official capacity which constitute a violation of the Ethics Law.

AO-19

A copy of a contract to provide services entered into by a public official, public employee, member of the household of the public official/public employee or a business with that person is associated, which is to be paid in whole or in part out of state, county or municipal funds must be filed with the Ethics Commission within ten (10) days after the contract has been entered into, regardless of the amount of that contract, or whether or not the contract was obtained through competitive bid. All issues relating to Section 41-16-21, Code of Alabama, 1975, should be addressed to the Office of the Attorney General.

AO-20

The Conecuh County Probate Judge may not create a new position, known as Recording Clerk, and move his spouse, who currently serves as the Probate Clerk, into the new position at a higher rate of pay without violating the Alabama Ethics Law.

AO-21

A staff interpreter for the Alabama Department of Rehabilitation Services may contract with institutions of higher education to provide interpretation for deaf students attending night classes and other activities not covered by the agreement between those institutions and the Alabama Department of Rehabilitation Services; provided, that all activities related to this are conducted on her own time, whether after-hours, weekends, etc.; and, that there is no use of Alabama Department of Rehabilitation Services' time, materials, labor or other assets to assist her in conducting this outside employment or in obtaining the opportunities. All activities that fall outside of this scenario are governed by the agreement between the institutions of higher education and the Alabama Department of Rehabilitation Services.

AO-22

A member of the board of directors of Alabama A & M University may enter into a contract with Millennium Media, Inc. to sell customized boxes of cookies at various locations on the campus of Alabama A & M University; provided, that the Trustee did not use his position as a member of the board to obtain the opportunity; and, that he not be involved in any aspect of any contract or agreement between Millennium Media, Inc. and Alabama A & M University.

AO-23

Employees of the Alabama Department of Public Health may accept cash awards from the Alabama Public Health Association; provided, that the Department of Public Health has a policy in place allowing the program.

AO-24

A company owned in part by a former member of the Birmingham Water Works and Sewer Board may merge with a company under contract with the BWWSB without violating the Ethics Law; provided, that the member did not vote on any contracts being awarded to the other company during negotiations regarding the merger. The merged business may continue to do work for the BWWSB, however, for a period of two years after his resignation, the former member of the Board may not represent his company or otherwise interact with the BWWSB on any contracts between his company and the BWWSB. The merged business may serve as subcontractor on projects with the BWWSB, and the former member of the Board may interact with the primary contractor on the project, but may not interact with the BWWSB for a period of two years.

AO-25

An incumbent, a public official or a public employee, who has a current Statement of Economic Interests form on file with the Ethics Commission is not required to file a second form, when qualifying as a candidate for office. The five-day period in which an election official is required to forward the Statement of Economic Interests forms to the Ethics Commission applies only to business days, and does not include weekends or holidays.

<p align="center">ANNUAL COMPARISONS FISCAL YEARS 2006-2007 AND 2007-2008</p>
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	<u>Fiscal Year 2006-2007</u>	<u>Fiscal Year 2007-2008</u>
Commission Meetings Held	6	6
Educational Programs Presented	52	40
Statements of Economic Interests Forms Received	45,012	52,120
Forms Viewed by the Public	983	962
Formal Advisory Opinions	15	33
Informal Advisory Opinions	61	58
Registered Lobbyists	659	663
Principals Represented by Lobbyists	781	775
Complaints Filed with Ethics Commission	198	223
Complaints Closed After Preliminary Inquiry	205*	196*
Cases Presented to Commissioners	14	13
Cases Closed by Ruling of Commissioners	2	1
Cases Forwarded to District Attorney or Attorney General	4	4
Administrative Penalties Assessed by Ethics Commission	7	5
Fines Collected by Ethics Commission	\$3,100.00	\$2,600.00
Restitution Collected	\$2,674.47	\$280.00
Lobbyists' Fees Collected	\$47,800.00	\$51,300.00
Copies of Forms & Lobbyists' Lists Fees Collected	\$2,054.95	\$2,257.00
General Fund Deposits	\$77,344.36	\$56,259.81
Staff Members	14	16

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

ALABAMA ETHICS COMMISSION COMMISSIONERS

Years Served

Commissioner

1973-1976	Donald Comer, III
1973-1977	Dr. George E. Bagley
1973-1978	Alto Lee, III
1973-1979	Dr. Leslie S. Wright
1973-1975	Connie Entrekin
1977-1980	Maynard Layman
1977-1981	Bester Bonner
1978-1982	Dr. George E. Bagley
1979-1982	Reverend John Vickers
1979-1983	Adolph Weil, Jr.
1979-1984	Neil O. Davis
1981-1985	William H. Lovin
1981-1986	Edward C. Sherling, Jr.
1983-1988	Jack W. Boykin
1983-1989	Dr. James J. Hicks
1984-19 91	Dr. Cordell Wynn
1985-1992	Dr. Sandra K. Martin McLeod
1986-1992	James H. Anderson, Esq.
1987-1992	J. Ray Warren
1989-1993	Lee McGriff
1991-1994	Whit Armstrong
1992-1995	Frank L. Mason
1992-1996	H. Dean Buttram, Jr.
1992-1997	James T. Pursell
1993-1998	Henry B. Gray, III
1994-1999	Camille S. Butrus
1995-2000	Helen Shores Lee, Esq.
1998-2002	John H. Watson
1998-2002	Lewis G. Odom, Jr., Esq.
1998-2003	Russell Jackson Drake, Esq.
1999-2004	J. Harold Sorrells
2000-2000	Dr. Cordell Wynn
2000-2005	Raymond L. Bell, Jr., Esq.
2001-2008	Linda L. Green
2002-2008	Nancy Edwards Eldridge
2003-2008	John H. Cooper, Esq.
2004-2009	Cameron McDonald Vowell, Ph.D.
2005-2010	Michael K. K. Choy, Esq.
2007-2012	Braxton L. Kittrell, Jr.
2008-2013	Josephine M. Venable

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
