

**STATE OF ALABAMA  
ETHICS COMMISSION**



**ANNUAL REPORT  
FISCAL YEAR  
2005-2006**



# STATE OF ALABAMA ETHICS COMMISSION



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#### COMMISSIONERS

Nancy Edwards Eldridge, Chair  
John H. Cooper, Esq., Vice-Chair  
Cameron McDonald Vowell, Ph.D.  
Michael K.K. Choy, Esq.  
Linda L. Green

James L. Sumner, Jr.  
Director

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The Honorable Bob Riley, Governor  
State of Alabama  
Montgomery, Alabama 36130

Dear Governor Riley:

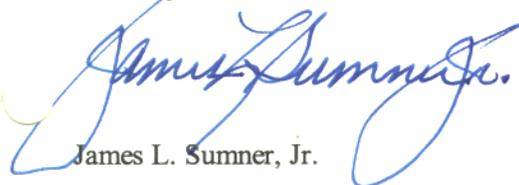
On behalf of the Alabama Ethics Commission, I respectfully present to you and the Alabama Legislature our Annual Report for fiscal year 2005-2006, in compliance with Section 36-25-3(c), Code of Alabama, 1975. Included are details of our actions during the year as we strive to fulfill the responsibilities with which we are charged.

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

- In fiscal year 2005-2006, we received and investigated **224** complaints, issued **23** formal Advisory Opinions and **44** informal Advisory Opinions.
- Following the previous budget constraints and staff reduction, 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 it from our Web Site.
- Our Educational Programs presented throughout the state totaled **40**, and these seminars were attended by **3,027** public officials and public employees, compared to 42 seminars presented and 2,327 attendees the previous year, and a high of 56 seminars with 2,842 attendees in 2000-2001. The decrease the last three years in seminars resulted from the necessary reduction in our travel expense within the state of Alabama to conduct Ethics Seminars for state, county and municipal entities. To provide needed information for public officials and employees, we prepared a package containing a video tape of an Ethics Seminar previously presented by James L. Sumner, Jr., Director, and Hugh R. Evans, III, General Counsel, to enable the entities to conduct Ethics seminars for their incoming personnel.
- Our Web Site continues to receive a very substantial number of visits. Included are all of our fully text-searchable Advisory Opinions since 1995, the full text of the Alabama Ethics Law, on-line Statement of Economic Interests forms, on-line Candidate Statement of Economic Interests forms that can also be completed on-line and then printed, Annual Report, Guidelines for Public Officials/Employees and Lobbyists/Principals, all Lobbyist and Principal forms required for registration, quarterly lobbyist and principal report forms, the current Registered Lobbyist List, and general contact information.

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.

## CONTENTS

	<u>Page</u>
Brief Biographical Information of the Ethics Commissioners. . . . .	1
Purpose, Powers and Duties of the Commission. . . . .	3
Significant Events of the Year. . . . .	4
Expenditures for the Fiscal Year 2005-2006. . . . .	8
Commission Meeting Highlights. . . . .	9
Digest of Advisory Opinions Presented During the Fiscal Year. . . . .	10
Annual Totals Comparison. . . . .	17
Ethics Commissioners. . . . .	18
Ethics Commission Directors. . . . .	20

**Annual Report**

**Fiscal Year**

**2005-2006**

**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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**Web Site: [www.ethics.alalinc.net](http://www.ethics.alalinc.net)**

**James L. Sumner, Jr., Director**

## ETHICS COMMISSION MEMBERS

### COMMISSIONERS

### TERM EXPIRES

Linda L. Green, Huntsville	(Chair, 2005-06)	2006
Nancy Edwards Eldridge, Andalusia	(Vice Chair, 2005-06)	2007
John H. Cooper, Esq., Birmingham		2008
Cameron McDonald Vowell, Ph.D., Birmingham		2009
Michael K. K. Choy, Esq., Birmingham		2010

## ETHICS COMMISSION STAFF

**James L. Sumner, Jr., Director**  
**Hugh R. Evans, III, General Counsel**  
**Charles A. Aldridge, Chief Special Agent**  
**Barbi Lee, Fiscal Officer**  
**Marie P. Malinowski, Chief, Administrative Division**  
**Julie Davis, Executive Secretary/Recording Secretary**  
**Theresa Davis, Legal Research Assistant**  
**David Green, Special Agent**  
**Art Price, Special Agent**  
**Cathy H. Taylor, Clerk**  
**Joan Ward, Administrative Support Assistant II**  
**Janice Wolfe, Administrative Support Assistant I/Receptionist**

## **ETHICS COMMISSIONERS**

### **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. 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 MS degree from Auburn University. She also holds NASD licenses – Series 7, Series 24 and Series 63. Beginning in 1976, and ending in 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. Since 1993, she has worked for Colonial Bank. From 1993 – 2004 she served as CEO and President of the Northern Region. In May 2004, she was promoted to the position of EVP Colonial BancGroup – Wealth Management Director. Professional and Civic activities include serving as a member of the Board of Directors of Intergraph Corporation, Treasurer and Executive Committee of UAH Foundation and Vice-Chair 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 will expire on August 31, 2007. 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.

### **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 begin on May 5, 2004, and expire on August 31, 2008. He was elected Vice-Chair at the August 2, 2006, 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 C.E.O. 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 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.

## 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, 97-651 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.

<b>Furnish Disclosure Forms</b>	<b>Publish Procedures</b>	<b>Make Statements Available to Public</b>
<b>Investigate Alleged Violations</b>		<b>Issue And Publish Advisory Opinions</b>
<b>Present Educational Programs</b>	<b>Preserve Statements</b>	<b>Promulgate Rules And Regulations</b>

## SIGNIFICANT EVENTS

### I. Meetings

**In Fiscal Year 2005-2006**, following the 2003-2004 budget constraints, the Alabama Ethics Commission continued the change in the frequency of Commission Meetings and met on **six** occasions rather than the previous monthly meetings.

### II. Educational Programs

**In Fiscal Year 2005-2006**, **40** Educational Programs were presented throughout the State and were attended by **3,027** state, county and municipal public officials and employees. **Two** semiannual Ethics Seminars were presented in Montgomery with a total attendance of **84**. 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 civic and professional organizations. We feel this is particularly a good opportunity for departments/agencies to send new employees to ensure they understand the Ethics Law.

Following the 2003 budget constraints, it was necessary to reduce our Ethics Seminars travel expense for state, county and municipal entities, as well as civic organizations. In an effort to provide needed information for public officials and employees, we prepared a package for these entities to conduct an Ethics video presentation for their personnel. The package contains a video tape of an Ethics Seminar presented by James L. Sumner, Jr., Director, and Hugh R. Evans, III, General Counsel, and copies of Guidelines for Public Officials/Public Employees for Compliance under Alabama's Ethics Law, *Alabama Ethics Law, Code of Alabama, 1975*, "Top Ten List of Ways to Avoid Violating the Alabama Ethics Law" and instructions for downloading various Alabama Ethics Commission forms to be copied for their attendees.

### III. Complaints/Cases

**In Fiscal Year 2005-2006**, **224** complaints were filed with the Alabama Ethics Commission; **271** complaints were closed by the staff after preliminary review, **27** cases were presented to the Commission for consideration and ruling and of these, **five** cases were closed, **13** were handled administratively, **six** 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 2005-2006**, the Ethics Commission rendered **23** formal Advisory Opinions and **44** 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 no longer published in bound volumes due to budget constraints, but can be accessed on our Web Site.

**V. Digest of Advisory Opinions**

**In Fiscal Year 2005-2006**, following each Commission meeting, the Ethics Commission distributed 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.

**VI. Statements of Economic Interests**

**In Fiscal Year 2005-2006**, following the 2003-2004 budget constraints (that resulted in a reduction of five staff members), the processing and mailing of 30,000+ forms was considered impossible. In order to continue to comply with our legal responsibilities with regard to these forms, it was again necessary to ask the nearly 1,000 state, county and municipal entities to provide their public officials/employees and candidates with a copy of the Statement of Economic Interests form or provide them with instructions to download it from our Web Site, [www.ethics.alalinc.net](http://www.ethics.alalinc.net), using the enclosed instructions.

**VII. Forms Viewed by the Public**

**In Fiscal Year 2005-2006**, on **680** occasions, Statements of Economic Interests forms were viewed or purchased by the public or media organizations as well as **40** copies of lobbyist or principal forms. The Center for Public Integrity in Washington, DC, purchased copies of **140** legislative Statements of Economic Interests and **36** copies of executive branch officials.

**VIII. General Fund Deposits**

**In Fiscal Year 2005-2006**, the Alabama Ethics Commission deposited **\$3,500.50** for copies of forms, **\$255.00** for Lobbyists Lists, a miscellaneous refund against expenditures of **\$33.67**, **\$45,500.00** for Lobbyists' Registration fees and **\$6,350.00** in fines assessed by the Commission. Also, **\$14,767.03** restitution, assessed by the Commission, was returned to the appropriate injured entities. This resulted in a total of **\$70,534.20** collected by the Ethics Commission. Of that total, **\$3,917.17** was returned to the Ethics Commission, as a refund against expenditures, and **\$51,850.00** was deposited into the General Fund.

**IX. Commissioner Changes**

**In Fiscal Year 2005-2006**, at the August 2005 meeting of the Commission, Linda L. Green (Huntsville) was elected Chair and Nancy Edwards Eldridge (Andalusia) was elected Vice Chair. The other three members were John H. Cooper, Esq. (Birmingham), Cameron McDonald Vowell, Ph.D. (Birmingham) and Michael K. K. Choy, Esq. (Birmingham). At the August 2006 Commission meeting Nancy Edwards Eldridge (Andalusia) was elected Chair and John H. Cooper, Esq. (Birmingham) was elected Vice Chair. 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. Web Site for Alabama Ethics Commission: [www.ethics.alalinc.net](http://www.ethics.alalinc.net)**

**In Fiscal Year 2005-2006**, our Alabama Ethics Commission Web Site continued to receive a very substantial number of visits. Included on the site are all Advisory Opinions of the Ethics Commission since the change of law in 1995 that are fully text-searchable, on-line 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 (all lobbyist forms now may be downloaded, completed and printed), 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 in an effort to not only make this available to those interested or having questions, but also to reduce our expenses. (In addition, Statement of Economic Interests forms are included for the convenience of public officials, employees and candidates which may be downloaded or completed on-line and printed.) The Registered Lobbyist List is included on our Web Site and is updated on an ongoing basis. We are enthusiastic about having these opinions, forms, and information readily available to the public on our Web Site and encourage its use.

## **XI. Registered Lobbyists**

**At the end of Fiscal Year 2005-2006**, a total of **597** lobbyists had registered, representing **687** principals, a record year. The Alabama Ethics Law requires that all lobbyists register with the Commission by January 31 of each year or within 10 days after the first undertaking requiring such registration, as well as file quarterly reports. 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 the Lobbyist Code of Ethics from the House of Representatives, "Top Ten List of Ways Lobbyists Can Avoid Violating the Alabama Ethics Law," details regarding Prohibition of Contingency Fee Basis, guidelines, due dates of various forms, registration, quarterly and termination forms.

During periods when the legislature is in session, Registered Lobbyist lists are frequently prepared and provided on a regular basis to the Secretary of the Senate and the Clerk of the House. These lists are also available for sale in our office as well as on diskettes in Microsoft Word. As stated above, the current Registered Lobbyist List appears on our Web Site, and our computer records are updated daily.

Several relatively new subjects for lobbying were noted this year, such as DNA, Alternative Fuels, Biotechnology, Eminent Domain, Right to Keep and Bear Arms, in addition to Civil Justice Reform and Sentencing Reform.

The lobbying subject with the most lobbyists was Education with **131** lobbyists who had listed "Education" as the category or one of the categories of subject matters on which they intended to lobby and **83** Education Principals (i.e. colleges, universities, school boards, etc.). The subject of "Education" was followed closely by "Healthcare" with **124**

lobbyists, “Environment” with **83** lobbyists, “General Business” with **80** lobbyists, and “Tax Issues” with **77** lobbyists.

State entities registered **148** staff members to lobby on their behalf. There is no registration fee involved when state entity staff members register for his or her employer/principal.

Twenty-four towns and cities have hired a lobbyist to represent them, and several have hired two lobbyists.

In reviewing the **top five lobbyist firms**, the average number of principals was **32**, while the **top five principals** employed an average of **16** lobbyists. The growth in lobbyists registered in the **11-year period** from **1996 (435) to 2006 (597)** is significant – an increase of **38%**. The total number of principals employing lobbyists this fiscal year is **687**, an increase in the **five-year period** of **118** principals over **2002** – an increase of **20.73%**.

After receiving requests for comparisons over the last ten years of lobbyists registered in Alabama, the following data was compiled:

**TEN-YEAR COMPARISON OF REGISTERED LOBBYISTS & PRINCIPALS**

<b><u>YEAR</u></b>	<b><u>LOBBYISTS</u></b>	<b><u>PRINCIPALS</u></b>
1997	510	(No Principal
1998	561	totals were
1999	535	maintained
2000	551	until 2002.)
2001	548	
2002	508	569
2003	600	628
2004	565	631
2005	569	648
2006	597	687

<b>Expenditures for Fiscal Year</b> <b>October 1, 2005 - September 30, 2006</b>
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Expenditure	FY 05-06	Percent
Personnel Costs	661,989	66.1
Employee Benefits	192,966	19.2
Travel In-State	2,898	.3
Travel Out-of-State	1,101	.1
Repairs and Maintenance	264	.03
Rentals and Leases	89,124	8.9
Utilities	16,093	1.6
Professional Services (Court Reporters, Personnel Fees, etc.)	8,789	.88
Supplies and Operating Expenses	20,850	2.1
Transportation Equipment Operations	7,791	.79
Equipment Purchases		
Transportation Equipment Purchases		
Unallocated Appropriations		
<b>Total Expenditures</b>	<b>1,001,865</b>	<b>100</b>

The annual cost of the Alabama Ethics Commission (based on state population of 4.4 million) is 22.5 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 \$5.01 per person.

# COMMISSION MEETING HIGHLIGHTS

## **October 5, 2005, Montgomery, Alabama**

The Commission, chaired by Linda Green, considered four Advisory Opinions and heard six cases. Two cases were handled administratively, three cases were referred to the District Attorney and one case was closed.

## **December 7, 2005, Montgomery, Alabama**

The Commission considered three Advisory Opinions and heard four cases. One case was closed, two cases were handled administratively, and one case was continued.

## **February 1, 2006, Montgomery, Alabama**

The Commission considered two Advisory Opinions and heard five cases. One case was closed, one case was continued, and three cases were handled administratively.

## **April 5, 2006, Montgomery, Alabama**

The Commission considered five Advisory Opinions and heard five cases. Three cases were handled administratively, one case was continued, and one case was closed.

## **June 7, 2006, Montgomery, Alabama**

Three Advisory Opinions were considered by the Ethics Commission and six cases were heard during this meeting. Three cases were referred to the Attorney General, two cases were handled administratively, and one case was closed.

## **August 2, 2006, Montgomery, Alabama**

At the August Commission meeting, six Advisory Opinions were considered and one case was heard which was handled administratively. The Commission elected Nancy Edwards Eldridge as Chair and John H. Cooper, Esq. as Vice-Chair. The Commissioners then presented Linda L. Green with a "Plaque of Appreciation" for her service on the Commission. Meeting dates for 2007 were approved.

# DIGEST OF ADVISORY OPINIONS

## 2005

### AO-27

The Ethics Commission may only render Advisory Opinions and address issues that are prospective in nature. As several of the questions and scenarios set forth in this request are not prospective in nature, the Commission will not render an opinion regarding those children already placed in foster homes prior to the rendering of Advisory Opinion Nos. 2001-07 and 2002-21, nor will the Commission address whether the Department of Human Resources may “grandfather” these individuals into compliance with those opinions. County Department of Human Resources (DHR) employees may not serve as foster care providers in the county in which they are employed, regardless of whether or not they are employed in the foster care division of DHR, as their serving as a foster care provider would involve direct interaction with their employer, and give them access to confidential information, thereby, creating a conflict of interest. However, County DHR employees may serve as foster care providers in the county in which they are employed, if the foster care is approved by and otherwise overseen by a County DHR office other than the employing entity. State DHR employees may participate in the foster parent program in the county in which they reside, as State DHR does not approve foster family homes/parents, and their serving as a foster parent would not involve their direct interaction back with their employer, State DHR. However, State DHR employees may not use their position as a State DHR employee to influence or affect their being approved as a foster care provider, or to affect the conditions of their being a foster care provider, nor may they use confidential information obtained in the course of their employment with State DHR to influence or affect their being approved as a foster care provider, or to affect the conditions of their being a foster care provider. County DHR employees may serve as foster care providers to children who are their relatives under a fact-specific, case-by-case review, or otherwise as is consistent with this opinion. Any regulations or guidelines set out by the RC Consent Decree overseen by the federal courts, are not subject to, nor are they addressed by this Advisory Opinion.

### AO-31

An Investigator with the Alabama Home Builders Licensure Board may accept appraisal assignments, teach appraisal courses and provide investigative services in the area of real estate appraisals; provided, that these activities do not involve any interaction back with the Alabama Real Estate Appraisers Board for a period of two years after leaving his employment with the Alabama Real Estate Appraisers Board. An Investigator with the Alabama Home Builders Licensure Board may not teach appraisal courses through his own business for a period of two years after leaving his employment with the Alabama Real Estate Appraisers Board, as this would involve his direct interaction back with the Real Estate Appraisers Board in getting his course offerings approved. However, he may teach appraisal courses offered by other entities,

when those entities are responsible for obtaining necessary approval from the Real Estate Appraisers

Board. An Investigator with the Alabama Home Builders Licensure Board is not required to surrender his Home Builders license while employed with the Home Builders Licensure Board. However, during the course of his employment, he may not be actively involved in the home building industry, have an interest in a home building business, or otherwise be involved in the industry regulated by his employer. An Investigator with the Alabama Home Builders Licensure Board, upon his retirement from the Home Builders Licensure Board, may participate in the home building industry; provided, that for a period of two years after leaving the Home Builders Licensure Board, he does not accept employment with a private entity of which he personally participated in the direct regulation, audit or investigation of that private entity while employed by the Alabama Home Builders Licensure Board, nor represent himself, clients or his new employer back before the Alabama Home Builders Licensure Board.

**AO-32**

A Mental Health employee involved in information technology may, upon his retirement from the Department of Mental Health, enter into contracts with various Mental Health hospitals, as his prior involvement with those Mental Health hospitals did not involve the personal participation and the direct regulation, audit, or investigation of those Mental Health hospitals, nor did it involve the awarding of grants or contracts, etc., but merely involved programming and technical support to those entities. However, for a period of two years after his retirement, he may not represent himself or his clients, including Mental Health hospitals, before the Department of Mental Health/Mental Retardation.

**AO-33**

The Human Services Program Specialist Supervisor with the State of Alabama Child Abuse and Neglect Prevention Board of the Children's Trust Fund may accept employment with Brantwood Children's Home, a non-profit organization which receives funding (competitive grant award) through the Children's Trust Fund, when he did not either directly or indirectly have any dealings with Brantwood Children's Home prior to his leaving Children's Trust Fund, nor was he involved either directly or indirectly regarding the grant awarded through the Children's Trust Fund. The Human Services Program Specialist Supervisor with the State of Alabama Child Abuse and Neglect Prevention Board of the Children's Trust Fund may not represent Brantwood Children's Home in any dealings with the Children's Trust Fund for a period of two years after leaving Children's Trust Fund.

**AO-34**

The Chairman of the Houston County Commission may accept employment as Executive Director with the Dothan Area Chamber of Commerce, as the County Commission does not provide funding to, or otherwise oversee the Dothan Area Chamber of Commerce. The Chairman of the Houston County Commission may accept a job as Executive Director with the Dothan Area Chamber of Commerce, when the Chamber of Commerce shares office space with a separate entity, Dothan By Design, which contracts with the County Commission for services related to economic development, but has no other interrelation/interaction with the Chamber of Commerce. Should a matter involving the Chamber of Commerce come before the County Commission, the Chairman of the County Commission employed as Executive Director of the Chamber of Commerce must refrain from voting, attempting to influence or otherwise

participating in the matter in his position as Chairman of the County Commission, nor may he interact with the County Commission or otherwise represent the Chamber on the issue in his position as Executive Director of the Chamber of Commerce. The Chairman of the Houston County Commission, who serves on the Oversight Board of Dothan By Design, may not, while serving as a member of the Houston County Commission, vote, attempt to influence or otherwise participate in any budget allocations or other contractual matters between the County and Dothan By Design, as his service on the oversight body makes Dothan By Design a business with which he is associated.

#### **AO-35**

A Research Analyst II in the Statistical Analysis Division of the Center for Health Statistics in the Alabama Department of Public Health may assist in the formation of, and may serve on the Board of, or accept part-time compensated employment with a non-profit organization whose mission is to aid young people, ages seven to 24, and their families, by providing educational assistance including tutoring and educational workshops; provided, that all activities relating to the non-profit organization are done on her own time, whether after-hours, weekends, etc.; and, that there is no use of any public equipment, facilities, time, materials, human labor or other public property under her discretion or control to assist in the operation of, or the formation of the non-profit organization. The non-profit organization may seek funding from the Department of Public Health through its various departments; however, the employee of the Department of Public Health, who serves on the Board, may not participate in any aspect of the grant procedure, including but not limited to, the awarding and disbursement of grants on behalf of the Department of Public Health, or the solicitation of the grants from the Department of Public Health. The employee of the Department of Public Health, who serves on the Board of a non-profit organization, may not use confidential information obtained in the course of her employment with the Department of Public Health to assist the non-profit corporation in applying for, or receiving grants awarded through the Department of Public Health.

#### **AO-36**

The spouse of the accountant for the Calhoun County Department of Human Resources (DHR), who is a certified addiction counselor may enter into a vendor agreement to provide certain services to the Calhoun County Department of Human Resources; provided, that his wife, the accountant for the Department of Human Resources, plays no part in his obtaining the opportunity; and, that she is not involved in approving or otherwise reviewing invoices submitted by her husband for payment. A copy of any contract entered into between the Calhoun County Department of Human Resources and the spouse of the department's accountant, must be filed with the Ethics Commission within ten days after its having been entered into, regardless of the amount of the contract or whether or not the contract was obtained through competitive bid.

# 2006

## **AO-01**

Withdrawn

## **AO-02**

The Director of the Office of Primary Care and Rural Health with the Department of Public Health, upon his retirement, may accept employment with the Alabama Hospital Association writing a grant proposal for a federally funded Medicare Rural Hospital Flexibility Program, and may assist in disbursing the funds from the grant on behalf of the Association to rural hospitals; provided, that he did not personally participate in the direct regulation, audit or investigation of the Alabama Hospital Association prior to his retirement from the Department of Public Health. In addition, for a period of two years after retiring from the Department of Public Health, the Director of the Office of Primary Care and Rural Health may not represent clients, himself or his new employer in any business dealings with the Department of Public Health.

## **AO-03**

A former Engineering Technician with the City of Huntsville's Engineering Division may, upon his retirement, contract back with the City of Huntsville's Engineering Division to inspect bridges on an as-needed basis, when prior to his retirement from the City of Huntsville, he did not hold a position of authority, did not have the authority to make purchases, approve or grant contracts, nor was involved in the hiring process.

## **AO-04**

A member of the Enterprise City Council, who owns a health care related business, may contract with the city-owned health care facility to provide health care services and products; provided, that the business is done through some type of bid process; and, that the council member does not vote to appoint or otherwise participate in the appointment of Health Care Authority Board members, when he has a contract pending between his business and the Health Care Authority, should appointments arise during the contract negotiation period. It should be pointed out that, in situations such as this where the competitive bid laws do not strictly apply, for a public official/public employee to do business with the entity on which he or she serves or by whom he or she is employed, it must be done through some type of bid process, if the public official/public employee is to do the work. And, in no way should it be interpreted to require the public entity to bid the matter.

## **AO-05**

Section 36-25-9(a) does not prohibit the Director of the Alabama Lawyer Assistance Program from maintaining her employment with the Bar Association when her spouse is an attorney engaged in the private practice of law and, therefore, licensed and regulated by the Bar Association. The Director of the Alabama Lawyer Assistance Program may not be involved in any aspect of any matter involving her spouse and the Bar Association, including, but not limited to licensing, disciplinary issues, etc., nor may she attempt to influence the process, or use

confidential information obtained by virtue of her employment with the Bar Association to benefit her spouse in any way.

**AO-06**

The Jefferson County Commission may not, for a period of two years after her retirement, re-employ the former Principal Accountant, as she held a position of authority prior to her retirement.

**AO-07**

A retired Enforcement Agent with the Alabama Alcoholic Beverage Control Board, Enforcement Division, may, upon his retirement, start his own business and provide consulting services as an independent contractor to ABC Board licensees that he had contact with prior to his retirement from the ABC Board, as it is employment with private entities that he regulated, etc. that is prohibited by the “Revolving Door” provisions of the Ethics Law, and not the providing of consulting services as an independent contractor. A retired Enforcement Agent with the Alabama Alcoholic Beverage Control Board, Enforcement Division, may not, for a period of two years after leaving the ABC Board, represent these or other clients in any dealings back with the ABC Board.

**AO-08**

A Public Information Manager with the Alabama Bureau of Tourism and Travel may provide freelance writing services to public relations firms representing clients in the travel industry; provided, that she does not freelance for firms that she has a business relationship with through her employment with the Bureau of Tourism and Travel, nor does work for clients whom she deals with as a part of her job responsibilities for the Bureau of Tourism and Travel.

**AO-09**

An Environmental Scientist with the Alabama Department of Environmental Management (ADEM) may operate a business providing assistance to clients in completing forms for federal permits required for certain coastal and near coastal construction activities; provided, that this is not a function performed by ADEM; that the business would have no interaction with ADEM during the federal permitting process; that all activities relating to the establishment and operation of this business are conducted on his own time, whether after-hours, weekends, etc.; that there is no use of any public equipment, facilities, time, materials, human labor or other public property under his discretion or control to assist him in the operation of his outside business; and, that no confidential information obtained in the course of his employment with ADEM is used in either obtaining opportunities or performing the functions of his outside business.

**AO-10**

A retired Head Injury Services Coordinator for the Alabama Department of Rehabilitation Services may accept part-time employment with the Alabama Head Injury Foundation, when she had no control or influence on budgets or contracts between the Alabama Department of Rehabilitation Services and the Alabama Head Injury Foundation, nor was she involved in the direct regulation, audit or investigation of the Alabama Head Injury Foundation on behalf of the Alabama Department of Rehabilitation Services. For a period of two years after her retirement

from the Alabama Department of Rehabilitation Services, the retired Head Injury Services Coordinator may not represent the Alabama Head Injury Foundation in any business dealings between the Foundation and the Department of Rehabilitation Services.

**AO-11**

The Project Administrator for the Governor’s Commission on Quality Teaching, a joint effort between the Governor’s Office and the State Department of Education, may participate for profit in the writing of a book involving leadership activities in education; provided, that all activities relating to the writing of the book are done on his own time, whether after-hours, weekends, etc.; that there is no use of any public equipment, facilities, time, materials, human labor or other public property under his discretion or control to assist him in completing the project; and, when the writing of the book is not a part of his normal job responsibilities with the State Department of Education.

**AO-12**

For a period of two years after his retirement, the former Director of Special Projects with the Alabama Department of Revenue may not represent private companies, Alabama local governments, or any other individual or entity before the Alabama Department of Revenue. The former Director of Special Projects with the Alabama Department of Revenue may represent private companies, Alabama local governments and/or any other individual or entity before any state agency or office, except the Department of Revenue. The retired Director of Special Projects with the Alabama Department of Revenue may represent private companies before Alabama local governments, including, but not limited to, city and county governments, and their subdivisions. The retired Director of Special Projects with the Alabama Department of Revenue may contract with the state and/or state agencies, except the Department of Revenue, and may represent those entities before private companies and/or Alabama local governments.

**AO-13**

“Ditch dirt” not otherwise reusable by Calhoun County or appropriate for resale, may be disposed of on property owned by Calhoun County public officials, employees or their family members; provided, that they have no opportunity to obtain this “ditch dirt” that is not available to all residents of Calhoun County, who may desire having the dirt disposed of on their property.

**AO-14**

A principal and assistant principal employed at Oak Mountain Elementary School, may accept free trips, courtesy of the Shelby County Educational Foundation, which were won through a county-wide coupon book sale, when the opportunity to win the promotional program/trips was made available to all employees of the school system, and the program was sanctioned by the Shelby County Board of Education.

**AO-15**

A former Pediatric Audiologist with the Alabama Department of Rehabilitation Services may return to the department on a temporary or part-time basis to provide services, as prior to her leaving the department, she did not hold a position of authority.

**AO-16**

A retired Petroleum Engineer with the State Oil and Gas Board of Alabama may, upon his retirement, start a consulting business and provide consulting services to various oil and gas businesses, regardless of whether or not he regulated those oil and gas businesses while employed with the State Oil and Gas Board of Alabama, as it is employment with regulated entities that is prohibited and not the providing of consulting services as an independent contractor. For a period of two years after leaving the State Oil and Gas Board of Alabama, a Petroleum Engineer may not represent clients, including his own business before the State Oil and Gas Board of Alabama.

**AO-17**

A member of the Anniston City Council, who is a former member of the Joint Powers Authority (JPA), and who may be reappointed to the JPA in the future, may purchase property from the JPA; provided, that the property has been properly advertised; that the opportunity to purchase the property is available to the general public; and, that no confidential information obtained in the course of his service as a member of the Anniston City Council is used to assist him in making the purchase. The Mayor and members of the Anniston City Council who are members of the JPA Board, may vote on the transaction involving the City Councilman, as they do not have a personal interest in the transaction.

<b>REPLACEMENT FOR PREVIOUS ANNUAL TOTALS CHARTS</b> <b>FISCAL YEARS 2004-2005 AND 2005-2006</b>
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	<u>Fiscal Year 2004-2005</u>	<u>Fiscal Year 2005-2006</u>
<b>Commission Meetings Held</b>	<b>6</b>	<b>6</b>
<b>Educational Programs Presented</b>	<b>42</b>	<b>40</b>
<b>Statements of Economic Interests Forms Received</b>	<b>31,750</b>	<b>33,975</b>
<b>Forms Viewed by the Public</b>	<b>474</b>	<b>720</b>
<b>Formal Advisory Opinions</b>	<b>40</b>	<b>23</b>
<b>Informal Advisory Opinions</b>	<b>60</b>	<b>44</b>
<b>Registered Lobbyists</b>	<b>569</b>	<b>597</b>
<b>Principals Represented by Lobbyists</b>	<b>648</b>	<b>687</b>
<b>Complaints Filed with Ethics Commission</b>	<b>212</b>	<b>224</b>
<b>Complaints Closed After Preliminary Inquiry</b>	<b>251</b>	<b>271</b>
<b>Cases Presented to Commissioners</b>	<b>23</b>	<b>27</b>
<b>Cases Closed by Ruling of Commissioners</b>	<b>3</b>	<b>5</b>
<b>Cases Forwarded to District Attorney or Attorney General</b>	<b>11</b>	<b>6</b>
<b>Administrative Penalties Assessed by Ethics Commission</b>	<b>9</b>	<b>13</b>
<b>Fines Assessed by Ethics Commission</b>	<b>\$10,650</b>	<b>\$6,350</b>
<b>Restitution Assessed by Ethics Commission</b>	<b>\$2,931.16</b>	<b>\$14,767.03</b>
<b>Lobbyists' Fees Collected</b>	<b>\$43,900</b>	<b>\$45,500</b>
<b>Copies of Forms &amp; Lobbyists' Lists Fees Collected</b>	<b>\$3,288</b>	<b>\$3,756</b>

<b>General Fund Deposits</b>	<b>\$54,550</b>	<b>\$70,534</b>
<b>Staff Members</b>	<b>11</b>	<b>12</b>

## **ALABAMA ETHICS COMMISSION COMMISSIONERS**

<b>Commissioner</b>	<b>Years Served</b>
<b>James H. Anderson, Esq.</b>	<b>1986-1992</b>
<b>Whit Armstrong</b>	<b>1991-1994</b>
<b>Dr. George E. Bagley</b>	<b>1973-1977 &amp; 1978-1982</b>
<b>Raymond L. Bell, Jr., Esq.</b>	<b>2000-2005</b>
<b>Bester Bonner</b>	<b>1977-1981</b>
<b>Jack W. Boykin</b>	<b>1983-1988</b>
<b>Camille S. Butrus</b>	<b>1994-1999</b>
<b>H. Dean Buttram, Jr.</b>	<b>1992-1998</b>
<b>Michael K. K. Choy, Esq.</b>	<b>2005-2010</b>
<b>Donald Comer, III</b>	<b>1973-1976</b>
<b>John H. Cooper, Esq.</b>	<b>2003-2008</b>
<b>Neil O. Davis</b>	<b>1979-1984</b>
<b>Russell Jackson Drake, Esq.</b>	<b>1998-2003</b>
<b>Nancy Edwards Eldridge</b>	<b>2002-2007</b>
<b>Connie Entrekin</b>	<b>1973-1975</b>
<b>Henry B. Gray, III</b>	<b>1993-1998</b>
<b>Linda L. Green</b>	<b>2001-2006</b>
<b>Dr. James J. Hicks</b>	<b>1983-1989</b>
<b>Maynard Layman</b>	<b>1977-1980</b>
<b>Alto Lee, III</b>	<b>1973-1978</b>
<b>Helen Shores Lee, Esq.</b>	<b>1995-2000</b>
<b>William H. Lovin</b>	<b>1981-1985</b>
<b>Frank L. Mason</b>	<b>1992-1995</b>
<b>Lee McGriff</b>	<b>1989-1993</b>
<b>Dr. Sandra K. Martin McLeod</b>	<b>1985-1992</b>
<b>Lewis G. Odom, Jr., Esq.</b>	<b>1998-2002</b>
<b>James T. Pursell</b>	<b>1992-1998</b>
<b>Edward C. Sherling, Jr.</b>	<b>1981-1986</b>
<b>J. Harold Sorrells</b>	<b>1999-2004</b>
<b>Reverend John Vickers</b>	<b>1979-1982</b>
<b>Cameron McDonald Vowell, Ph.D.</b>	<b>2004-2009</b>
<b>J. Ray Warren</b>	<b>1987-1992</b>
<b>John H. Watson</b>	<b>1998-2002</b>
<b>Adolph Weil, Jr.</b>	<b>1979-1983</b>

Dr. Leslie S. Wright  
Dr. Cordell Wynn

1973-1979  
1984-1991 & 2000

## 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
1984-1991	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.
2001-2006	Linda L. Green
2002-2007	Nancy Edwards Eldridge

2003-2008  
2004-2009  
2005-2010

John H. Cooper, Esq.  
Cameron McDonald Vowell, Ph.D.  
Michael K. K. Choy, Esq.

## ALABAMA ETHICS COMMISSION DIRECTORS

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**1974 - 1994**

**Melvin Cooper, Director**

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**April - September 1994**

**Howard McKenzie, Acting Director**

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**1994 - 1997**

**E. J. "Mac" McArthur, Director**

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**February - April 1997**

**Hugh R. Evans, III, Acting Director**

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**1997 - Present**

**James L. Sumner, Jr., Director**