

The Alabama Ethics Commission



Training Presented By:

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334-242-2997

Administration



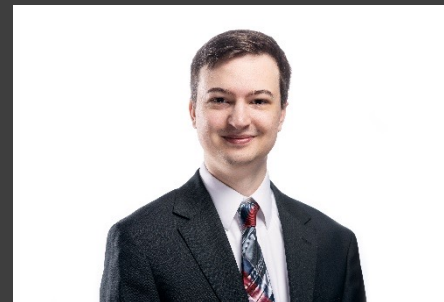
Executive Director
Thomas B. Albritton



Special Assistant to the
Director
Cynthia Raulston



Investigative Division
Chris Clark
Chief Special Agent



Counsel
Brian Paterson

What does the Commission do?

Over 1000 informal opinions given annually

Numerous formal opinions which give protection from prosecution and define this area of the law

Educates throughout the state at all levels

“weeds out” meritless claims that would otherwise waste valuable resources and refers or fines those that are clear violations

CORNERSTONE OF THE ETHICS LAW

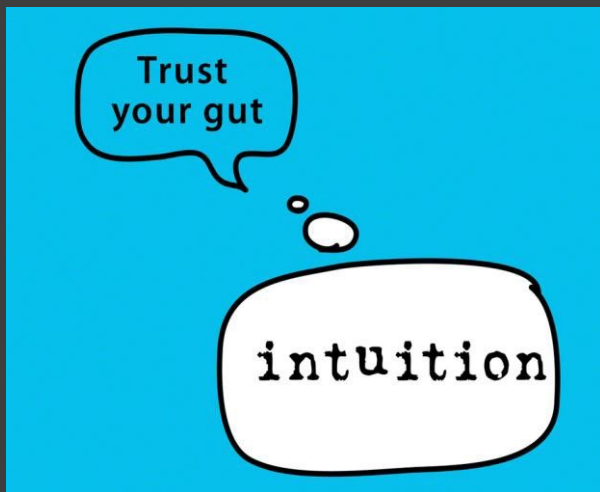
Section 36-25-2(b) states:

It is also essential to the proper operation of government that those best qualified be encouraged to serve in government. Accordingly, legal safeguards against conflicts of interest shall be so designed as not to unnecessarily or unreasonably impede the service of those men and women who are elected or appointed to do so.

“WHAT’S GOING TO GET ME IN TROUBLE?”

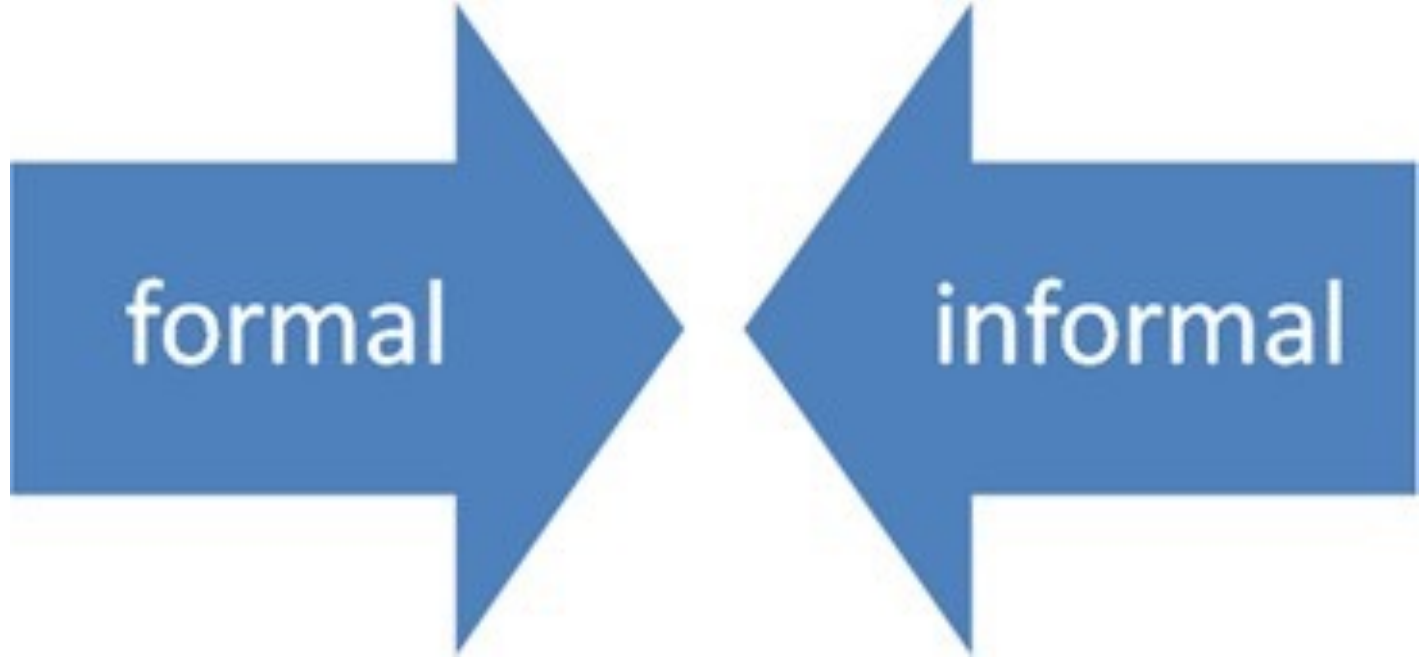
Intentionally breaking the rules

Not asking for guidance





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What happens if you violate the law?



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Our Process

- Written complaint



- Written complaint
- Assign to an investigator (we have 5)



- Written complaint
- Assign to an investigator
- 180 days (or 360 with extension)



- Written complaint
- Assign to an investigator
- 180 days (or 360 with extension)
- Presentation to Commission





- Class B felony (2-20 years)
- Class A misdemeanor (up to a year)
- Fine of up to \$6,000 per violation (Administrative Resolution)



We will help you!



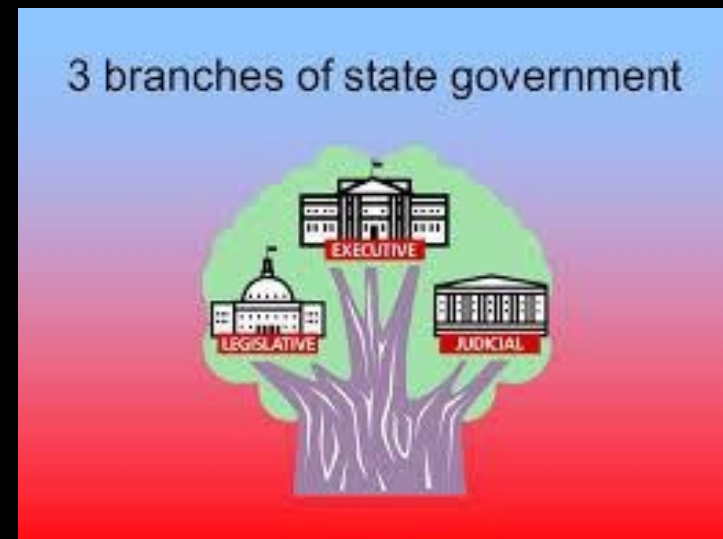
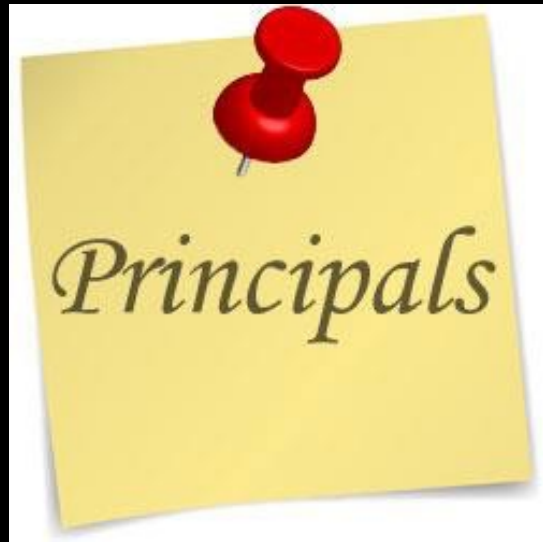
Opinion
matters

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Any Changes Since Last Year?

COVID shut down pretty much everything

Any election issues? Qualifying? Certifying?



WHO IS A PUBLIC OFFICIAL?

- Any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations.

WHO IS A PUBLIC EMPLOYEE ?

- Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities who is paid in whole or in part from state, county, or municipal funds.

MY FAMILY, MY BUSINESS ?

Family Member of the Public Employee

- The spouse or a dependent of the public employee.

Family Member of the Public Official

- The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the public official.

Business with Which the Person is Associated

- Any business of which the person or a member of his or her family is an officer, owner, partner, board of director member, employee, or holder of more than five percent of the fair market value of the business.

Ala. Code §§36-25-5 and 7

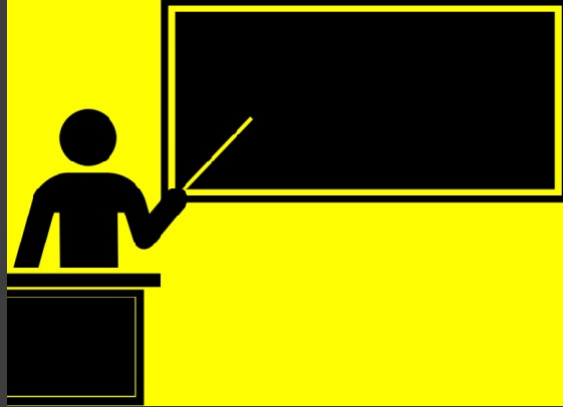


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Use of office for personal gain



Intent to corruptly influence



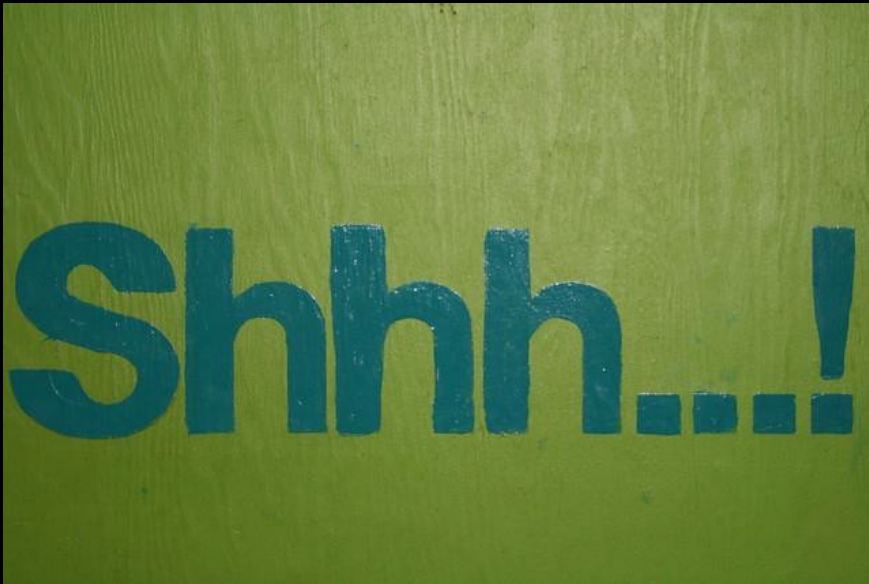
Use of office for personal gain



Corruptly Influence

§36-25-7(a)

Use of office for personal gain



§36-25-8

Use of confidential information for financial gain

Use of office for personal gain

§36-25-9(c)

Voting with a financial interest



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95-73 – Mayor and/or city council member cannot vote to appoint self to board which provides directors fees

95-75 – Council member who is realtor may not vote on municipal real estate property transactions which could result in financial gain for council member

95-84 – Retired employee of Utility Board serving on the Board may vote on matters related to retirement benefits, provided any proposal to be voted on does not affect board member differently than other members of the class to which he or she belongs, the board member does not participate or attempt to influence a vote that would affect the board member differently from other members of the class to which he or she belongs, and he or she does not use any confidential information obtained by way of serving on board to influence any decisions regarding his or her retirement benefits.

96-08 – A city council member may not vote or otherwise participate in any matters involving potential litigation between his or her father-in-law's business when he or she works for and owns a minor interest in the business.

99-13 – Member of Utilities Board who owns car dealership may bid on vehicles purchased by Board if competitively bid, the member does not participate in drawing bid specifications or enforcement of contract, the member does not vote, attempt to influence or participate in decision, that there is no special treatment of Board member, and that copies of all contracts are properly filed with Ethics Commission.

AO 2015-15

Public officials and public employees who serve on boards, committees or commissions established to assist governmental entities in performing their functions, may vote and participate in issues coming before the board, committee or commission that directly affect the public entity that employs them or on which they serve, when the benefit is a public benefit and accrues to that public entity and, therefore, to the public which that entity serves.

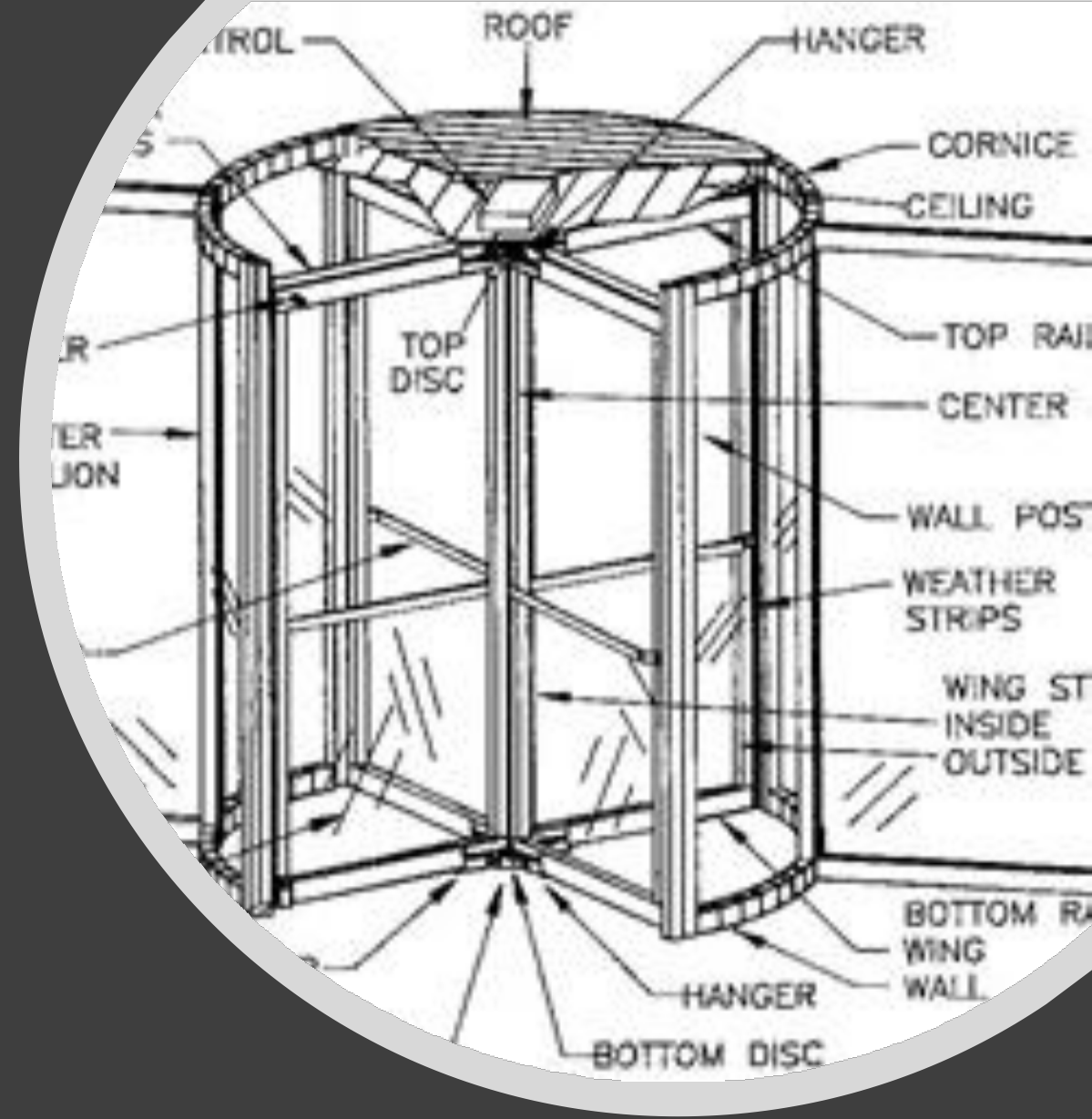
If, however, a matter comes before the boards which presents an opportunity for the members to materially benefit or affect their financial interests, they may not participate or vote on those items.

Public Official Serving on Board by Virtue of Office

96-13 – A public official serving on a nonprofit board by virtue of his or her official position may not contract with a grant recipient of a grant awarded by the nonprofit board as this would be using his or her office for personal gain.

“Revolving Door”

§36-25-13



Did you directly...

regulate
audit
investigate

A private business, partnership, corporation,
or individual?



You cannot work for that
entity/individual for
2 years

Did you personally participate in a matter in
which the state has a direct and substantial
interest ?



You cannot represent
them as an attorney or
aid, counsel, advise,
consult or assist them in
that matter

Revolving Door-Public to Public

Can you leave your current public position and return to work for your previous public employer, even if you held a “position of authority”?

AO 2017-14 – A current Board of Pharmacy member may resign as a board member and immediately accept employment with the Board as executive secretary because there is a specific statute governing the appointment of a Board member as executive secretary which is the controlling statute over the “revolving door” provisions of the Ethics Law; provided however, that the Board member is prohibited from using her position to (1) influence the Board to hire her as executive secretary, (2) put herself in line for the job, or (3) create the vacancy in the position of executive secretary.

AO 2019-11: City employees who hold a position of authority may later seek re-employment with the governmental agency which previously employed them, the City of Montgomery, without violating the “Revolving Door.” In doing so, however, these employees may not violate sections 5, 7 or 8.

Can you go work for another public employer and represent their interests before your previous public employer?

AO 2016-26 – The Ethics Law is designed to prevent public officials and public employees from using their position in a manner that would provide a personal benefit to either themselves, a member of their family, or a business with which they are associated and not to prevent a public official from exercising his or her statutory authority on behalf of the public whom he or she serves and as such, the Revolving Door does not prevent the Superintendent of the State Banking Department, who is a former legislator, from representing the Department before the Legislature or state or local government.

Revolving Door—Public to Private

Can you go work for a private employer and then represent their interests before your previous public employer or public body?

DISCLOSE, DISCLOSE, DISCLOSE

36-25-11

A copy of each contract, regardless of the amount, entered into by a public official, public employee, a member of the household of the public employee or the public official, and any business with which the person is associated, that is paid out of government funds shall be filed with the commission within 10 days after the contract has been entered into.

Duty to Report

§ 36-25-17

Every governmental agency head shall within 10 days file reports with the commission on any matters that come to his or her attention in his or her official capacity which constitute a violation of this chapter.

Whistleblower

A supervisor cannot discharge, demote, transfer, or otherwise discriminate against an employee because he or she filed a complaint with the Ethics Commission.

No public employee can file a complaint against a public official or public employee without having a good faith basis for believing it's true and accurate.

Statements of Economic Interests

Due April 30

Income threshold raised to \$81,000 in 2020, but several categories do not depend on income level

Questions should be directed to:

sei@ethics.alabama.gov

Statement of Economic Interests

Public Position

* Last year, I was a/an

- Elected official
- Appointed official
- Public employee

I am a Public employee for

- State
- County
- Municipal

As a Public employee, please select which State agency.

Select Option 

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Next

Statement of Economic Interests

Name and Address

First name

Middle name

Last name

Residential Address (no PO Boxes)

Back

Next

Spouse Information

Are you married?

Yes No

Back

Next

Spouse Information Continued

First name of spouse

Last name of spouse

Business or employer of spouse

Are your spouse's parents living?

Yes No

Back

Next

Statement of Economic Interests

Dependent Children

Do you have living dependent children?

Yes No

Back

Next

Statement of Economic Interests

Dependent Children Continued

Dependent child's first name

Dependent child's middle name

Dependent child's last name

Dependent child's business or employer

Repeat Section

Back

Next

Statement of Economic Interests

Other Compensation

Did you work for compensation in any position other than your public position?

Yes No

Back

Next

Spouse's Compensation

Did your spouse work for compensation in any position?

Yes No

Was more than 1/3 of their working time spent in that position?

Yes No

List spouse's occupation

[Repeat Question](#)

[Back](#)

[Next](#)

Income

What is your total combined household income?

Did you or your spouse receive any income including salaries, fees, dividends, profits, commissions, or other compensation from any private business?

Yes No

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Type of Debt

How many banks are you indebted to, including credit cards provided by banks?

How many Credit Unions and Savings and Loan Associations are you indebted to, including credit cards provided by the business?

How many Insurance Companies are you indebted to?

How many Mortgage Firms are you indebted to? Do not include homestead.

How many Stockbrokers and Brokerages or Bond Firms are you indebted to?

How many Retail Stores are you indebted to, including store credit cards?

How many Student Loans do you owe?

What is the combined amount of indebtedness owed to all organizations?

Select Option ▼

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Next

Jackie Personnel Director started working for the City of Green Acres, Alabama in March of 2020.

Is Jackie a public official or public employee?

Who are Jackie's "family members" under the Ethics laws?

Mayor BigShot was elected to her position in 2020.

Is BigShot a public official or public employee?

Who are BigShot's "family members" under the Ethics laws?

Jackie's husband runs an IT consulting business.
Jackie recommends to the Mayor and council that they
contract with her husband's company for his business.
Issues?

Jackie's city also gives her a car to drive. Her husband's car isn't working so she gives it to him to use for the day so that he can make visits to his consulting clients. Issues?

Jackie uses her official email to supply him with contacts in government for him to approach about business. Issues?

Jackie's assistant at work is married to someone whose spouse runs a major business in town. Jackie gives her husband's business card to the assistant and tells her to give it to her spouse. While she's at it, she asks her assistant to scan some invoices for her husband's business and email them out since the assistant is caught up on all her work. Issues?

Mayor BigShot witnesses this activity but says nothing and just shuts her office door. Issues?

Jackie's assistant files a complaint against Jackie with the Ethics Commission. What is the process for handling this complaint?

What are the possible outcomes for Jackie?

Jackie agreed to an administrative resolution. After the hearing approving the resolution, Jackie said to her employee, “I can’t trust you anymore; I’m placing you on suspension.” What are the issues here?

Can the supervisor file a complaint against BigShot, as well? If so, for what?

As part of Jackie's job, she audited the work of private companies doing business with the City. Specifically, she reviewed their work, corrected deficiencies, and reviewed their billing and requested documentation for every entry. She now wishes to retire and one of those private companies has offered her a job. Can she take it?

Would it make a difference if the City audited the companies but she had nothing to do with those audits?

Would it make a difference if she became acquainted with the company through her official position? (She just knows who they are because of that and may have interacted casually with them).

Since she can't accept that job, the new Director has asked her to stay on after retirement as a retired state employee. Can she? What issues does she have to be aware of?

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