

STATE OF ALABAMA ETHICS COMMISSION



ANNUAL REPORT
FISCAL YEAR
2014-2015

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Annual Report

**Fiscal Year
2014-2015**

for the

Alabama Ethics Commission

is presented to the

Governor

and the

Alabama Legislature

in compliance with

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

Alabama Ethics Commission

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Thomas B. Albritton, Executive Director



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ETHICS COMMISSION



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Thomas B. Albritton
Director

COMMISSIONERS

Brig Gen (R) Edward F. Crowell (USAF), Chair
V. Larkin Martin, Vice-Chair
James Jerry Wood, Esq.
Stewart Hill Tankersley, M.D.
Jerry L. Fielding, Ret. Sr. Circuit Judge

July 5, 2016

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

Dear Governor Bentley:

On behalf of the Alabama Ethics Commission, I respectfully present to you and the Alabama Legislature our Annual Report for Fiscal Year 2014-2015, 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:

- **361** Complaints were filed with the Commission
- **74** Cases were presented to the Commission
- **14** Formal and **289** Informal Opinions were rendered by the Commission
- **40,863** Statement of Economic Interests forms filed with **88.97%** filed electronically
- **636** Lobbyists registered with **847** Principals represented; **93.87%** registered on-line
- **\$32,422.59** collected in Fines and Restitution
- **\$78,350.00** deposited into the General Fund

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

Sincerely,

Thomas B. Albritton
Executive Director

PURPOSE, POWERS AND DUTIES

The Alabama Ethics Commission was established in 1973 by Act No. 1056 of the Alabama Legislature which has subsequently been amended by Acts 75-130, 79-460, 79-698, 82-429, 86-321, 92-342, 95-194, 96-261, 97-651, 2000-797, 2001-474 and Act Nos. 2010-462, 2010-763, 2010-764, 2011-259, 2011-632, 2011-674, 2012-433, 2012-509, 2013-172, 2014-71 and 2014-440, 2015-495 and 2016 -128.

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

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

Governor
Lieutenant Governor
Speaker of the Alabama House of Representatives

Duties and Responsibilities of the Commission

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

Commissioners

Alabama Ethics Commission Commissioners Fiscal Year 2014-2015



Edward F. Crowell - Chair
Montgomery
Term Expires 2015



V. Larkin Martin – Vice Chair
Courtland
Term Expires 2018



Dr. Stewart Hill Tankersley
Montgomery
Term Expires 2017



James Jerry Wood
Montgomery
Term Expires 2016



Jerry L. Fielding
Sylacauga
Term Expires 2019

Directors

Alabama Ethics Commission
The Honorable John L. Carroll
Acting Director
October 1, 2014 to March 5, 2015



Judge John Carroll was appointed Acting Director by the Alabama Ethics Commission effective October 1, 2014. He served in that capacity until March 5, 2015 with the Confirmation by the Alabama Senate of Executive Director Thomas B. Albritton. However, Judge Carroll continued his service to the Commission during a transition period until April 15, 2015.

Judge John Carroll is a Professor of Law at the Cumberland School of Law, Samford University, Birmingham, Alabama and the Acting Director of the Alabama Ethics Commission. At Cumberland, he teaches Mediation, Evidence, Trial Practice and E-Discovery. From June of 2001 to June 30, 2014, he was the law school Dean.

He received his undergraduate degree from Tufts University and holds law degrees from the Cumberland School of Law at Samford University (J.D.) (Magna Cum Laude) and Harvard University (LL.M.).

Directors

Judge Carroll served as a United States Magistrate Judge in the Middle District of Alabama for over 14 years. He is a former member of the United States Judicial Conference Advisory Committee on the Federal Rules of Civil Procedure and is former chair of its Discovery Subcommittee. He was also the chair of the Magistrate Judges' Education Committee of the Federal Judicial Center.

Prior to becoming a judge, Judge Carroll was a Professor of Law at Mercer University School of Law in Macon, Georgia. Prior to entering academia, he was the Legal Director of the Southern Poverty Law Center in Montgomery, Alabama. His trial experience includes major civil rights class action litigation and complex criminal defense including a substantial number of death penalty cases. He has twice argued before the United States Supreme Court. Judge Carroll also has combat military service in the United States Marine Corps.

Judge Carroll is a frequent lecturer and panel member at national seminars on the subject of the discovery of electronically stored information, mediation and other topics relating to federal courts. He was the reporter to the committees of the Uniform Law Commission which drafted the Uniform Rules Relating to the Discovery of Electronically Stored information and the Uniform Asset Preservation Orders Act and is currently a member of the drafting committee for amendments to the Uniform Athlete Agents Act. He is one of the Uniform Law Commissioners from the state of Alabama and also recently served as an Appellate Judge in the Gulf Coast Oil Spill Claims Process.

Judge Carroll is a member of the Board of Trustees of the American Inns of Court, and a member of the Boards of Directors of the Sedona Conference and the Public Affairs Research Council of Alabama (PARCA). He is also a member of the Alabama Access to Justice Commission.

He is a Fellow of the American, Alabama and Birmingham Bar Associations, an Academic Fellow of the International Society of Barristers and is an elected member of the American Law Institute. He is also the recipient of the 2011 Chief Justice's Professionalism Award and was a 1996 Community Hero Olympic Torchbearer. In July of 2014, he received an Award of Merit from the Alabama State Bar Association for outstanding and constructive service to the legal profession.

Directors

Alabama Ethics Commission

Thomas B. Albritton

Executive Director

Effective March 5, 2015



After an extensive, nation-wide search by the members of the Alabama Ethics Commission, Thomas B. Albritton of Andalusia was confirmed by the Alabama Senate on March 5, 2015 as the Executive Director of the Alabama Ethics Commission.

Tom received his Juris Doctorate in 1992 from the University Of Alabama School Of Law, and received a BA in English in 1989 from the University of Alabama.

Mr. Albritton has over 23 years of legal experience trying cases for and advising elected officials and other public sector clients such as counties, municipalities and public boards and corporations. Representation includes ensuring compliance with the Alabama Ethics Law, statutory and regulatory compliance, and litigation in all federal districts in Alabama, litigation in state courts throughout Alabama, briefing, appeals and representing these clients in administrative hearings (e.g., due process hearings). In addition, he has been a Criminal

Directors

prosecutor, Assistant District Attorney for the 22nd Judicial Circuit (for both misdemeanors and felonies); Criminal prosecutor, Red Level, Alabama; Municipal Judge, River Falls, Alabama (1998-2015). Mr. Albritton is a member, licensed and in good standing, Alabama State Bar and a member of the American Bar Association. Mr. Albritton has been, and continues to be, active in numerous civic organizations including the Montgomery Rotary Club.

ETHICS COMMISSION STAFF

Legal Division

Hugh R. Evans, III, General Counsel

Julie Davis, Executive Secretary and Recording Secretary

Theresa Davis, Legal Research Assistant

Investigative Division

Charles A. Aldridge, Chief Special Agent

Tony Goubil, Special Agent

Rick Lambert, Special Agent

Dustin Lansford, Special Agent

Vicki Wilson, Special Agent

Leigh Ann Cleckler – ASA III

Finance & Administrative Division

Barbi Lee, Chief

Austin Gilmore, Laborer

April Innes, ASA I

Vicky Manning, Lobbyist Liaison

Ashley Thomas, Account Clerk

Loretta Webb, ASA I

Janice Wolfe, ASA I

ANNUAL COMPARISONS FISCAL YEARS 2014 AND 2015

	Fiscal Year 2014	Fiscal Year 2015
Commission Meetings Held	9	9
Educational Programs Presented	18	45
Statements of Economic Interests Forms Received	36,154	40,863
Formal Advisory Opinions	4	14
Informal Advisory Opinions	129	289
Registered Lobbyists	615	636
Principals Represented by Lobbyists	782	847
Complaints Filed with Ethics Commission	293	361
Complaints Closed After Preliminary Inquiry	288 ¹	177 ¹
Cases Presented to Commissioners	44	74
Cases Closed by Ruling of Commissioners	2	0
Cases Forwarded to District Attorney or Attorney General	16	22
Administrative Penalties Assessed by Ethics Commission	24	25
Fines Collected by Ethics Commission	\$15,150.00	\$14,600.00
Restitution Collected	\$10,315.91	\$17,822.59
Lobbyists' Fees Collected	\$61,500.00	\$63,700.00 ²
Miscellaneous Fees Collected (Copies)	\$ 14.00	0.00
Refunds Against Disbursement	\$ 23.67	\$ 0.00
General Fund Deposits	\$76,650.00	\$78,300.00
Staff Members	17	17

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

2 Actual Receipts \$63,600, but \$100 deposited into Fiscal Year 15 due to FY 14 Registrations.

Expenditures for Fiscal Year 2015 October 1, 2014 - September 30, 2015

EXPENDITURE	Fiscal Year 2015 Appropriation	13th Accounting Period	Outstanding Purchase Orders	Rollover to FY 16	TOTAL Expenditures	Percent
*Personnel Costs	1,067,924.00	0.00	0.00	(71,905.36)	996,018.64	56.22%
Employee Benefits	444,677.00	318.56	0.00	(12,036.87)	432,640.13	24.42%
Travel In-State	40,000.00	150.90	0.00	(35,000.00)	5,000.00	0.28%
Travel Out-of-State	27,500.00	37.96	0.00	(26,600.00)	900.00	0.05%
Repairs and Maintenance	13,000.00	522.00	656.59	(9,000.00)	4,000.00	0.23%
Rentals and Leases	244,676.00	1,826.54	1,041.00	(82,000.00)	162,676.00	9.18%
Utilities and Communication	108,100.00	1,687.90	740.37	(73,000.00)	35,100.00	1.98%
Professional Services	229,800.00	12,877.59	342.25	(188,000.00)	41,800.00	2.36%
Supplies, Materials, and Operating Expenses	294,832.00	2,699.60	2,194.79	(227,852.48)	66,979.52	3.78%
Transportation Equipment Operations	90,000.00	3,495.85	1,400.79	(64,000.00)	26,000.00	1.47%
Transportation Equipment Purchases	0.00	0.00	0.00	0.00	0.00	0.00%
Other Equipment Purchases	120,000.00	0.00	0.00	(119,505.00)	495.00	0.03%
	2,680,509.00	23,616.90	6,375.79	(908,899.71)	1,771,609.29	100.00%

*Pursuant to Section 36-25-3(c), Code of Alabama, this amount includes the Acting and Executive Director's Salaries of \$130,769.70.

The annual cost of the Alabama Ethics Commission (based on state population of 4.86 million) is \$37.5 cents per person.

The annual cost of the Alabama Ethics Commission (based on 306,783 public officials and public employees covered by the Ethics Law) is \$5.93 per person.

Original FY 15 Budget Appropriation	1,822,177.00
Rollover from FY 14	858,332.00
Total FY 15 Appropriation	2,680,509.00
Total FY 15 Expenditures	(908,899.71)
Rollover to FY 16	1,771,609.29
Remaining Balance	0.71
13th Acct Period Overage	2,974.77
Reversion to General Fund	2,974.77

HIGHLIGHTS FOR FY 2015

ADMINISTRATIVE FINES AND RESTITUTIONS:

- 25 Penalties levied and \$14,600 collected by Commission from Investigations
- \$17,822.59 collected in Restitution recovered for State, County and Municipal Entities from Investigations

ADVISORY OPINIONS:

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

CASE PRESENTATIONS:

- 74 Cases were presented to the Commission
- 0 Cases were Closed with No Probable Cause
- 37 Cases were handled Administratively
- 16 Cases were forwarded to the Attorney General of Alabama or the appropriate District Attorney for further action
- 5 Cases were continued for further investigation

HIGHLIGHTS FOR FY 2015

COMPLAINTS:

- 361 Complaints were filed with the Ethics Commission
- 177 Complaints were closed by staff after Preliminary Inquiry
This number includes complaints received prior to October 1, 2014, but closed during the current Fiscal Year.

EDUCATIONAL PROGRAMS:

- 6,314 Public Officials and Public Employees trained through agency website on-line Ethics Seminar
- 2,793 Individuals trained on Ethics Law in Live Setting
- 88 NEW Lobbyists trained on Ethics Law
- 48 Ethics Seminars and Educational Programs Presented

LOBBYIST REGISTRATIONS:

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



In Fiscal Year 2015:

- 636 Lobbyists registered with the Ethics Commission
- 847 Principals were represented
- 597 people or 93.87% registered electronically
- Electronic Filing Percentage Increase = 0.11%

Top 10 Lobbying Subjects

- | | |
|----------------------------------|------------------------------------|
| 1. Education | 6. Economic/Industrial Development |
| 2. Health/Healthcare | 7. Insurance |
| 3. Business, Industry & Commerce | 8. General Business |
| 4. Budget/Appropriations | 9. Taxes |
| 5. Energy & Natural Resources | 10. Environmental |

HIGHLIGHTS FOR FY 2015

STATEMENTS OF ECONOMIC INTERESTS:

The Alabama Ethics Law requires a Statement of Economic Interests Form to be filed no later than April 30th of each year covering the preceding calendar year for individuals who fall into one of 25 categories.



In Fiscal Year 2015:

- 40,863 forms filed with the Ethics Commission
- 36,353 forms or 88.97% were filed online
- Electronic Filing Percentage Increase =0.73%

WEBSITE AND ACCESS TO COMMISSION RECORDS:



- Our Website, www.ethics.alabama.gov had 78,417 visits.
- 49 Requests Received to Review 248 Lobbyists and Principal Filings.

**ALABAMA ETHICS COMMISSION
ADMINISTRATIVE CODE
CHAPTER 340-X-1**

The following additions were made to the Administrative Code during Fiscal Year 2015:

340-X-1-.04 Policy for Informal Opinions Relating to the Alabama Ethics Act

- 1) In order to facilitate the work of the Alabama Ethics Commission and to serve the public, the Director and General Counsel of the Alabama Ethics Commission are authorized to issue informal opinions to those covered and regulated by the Alabama Ethics Act as to the meaning and application of the Act and that individual's or entity's compliance with the Act.
- 2) Requests for informal opinions shall be in writing and shall state all of the facts relating to the request. A request contained in an email satisfies the requirement that the request be "in writing".
- 3) All requests for informal opinions and the opinions themselves are confidential and will not be disclosed unless authorized by the individual or entity requesting the opinion.
- 4) The effect of an informal opinion is prospective only and is based only on the facts presented.
- 5) Informal Opinions do not have the force and effect of Formal Opinions issued by the Alabama Ethics Commission and do not provide legal immunity to the requesting party.

Author: John L. Carroll

Statutory Authority: 36-25-4(a)(11), Code of Alabama, 1975

History: New rule - filed 1/21/15

Certified 4/1/15

Effective 5/5/15

Administrative Code, cont.

340-X-1-.05 Procedures for Pre-certification of a Function or Activity

1) ALA.CODE § 36-25-1(34)(b)(15) authorizes the Director of the Ethics Commission to pre-certify a function or activity. Anyone may invite a public official or public employee and their spouse to attend a pre-certified function or activity without violating the Alabama Ethics Act so long as the invitation is not for the purpose of corruptly influencing official action. A public official or public employee and their spouse may attend a pre-certified function or activity without violating the Alabama Ethics Act so long as the attendance at the function or activity would not constitute accepting something to corruptly influence their official action.

2) In order to assist the director in determining whether an event or function should be pre-certified, an application seeking precertification shall

- a. Be made in writing to the Director at least 10 calendar days before the function or activity is to take place and
- b. Shall contain a statement of facts sufficient to show that the event or function should be pre-certified. The application should always state when the function or activity is to take place, specific information about who is invited as well as specific information about the purpose of the event and the event itself. If there is a formal agenda, a copy of the agenda should be attached to the application.

3) Applications for pre-certification and their disposition will be posted on the website of the Alabama Ethics Commission.

(4) The website will also contain a chart summarizing the applications and dispositions for the applicable fiscal year.

Author: John L. Carroll

Statutory Authority: 36-25-4(a)(11), Code of Alabama, 1975

History: New rule - filed 1/21/15

Certified 4/1/15

Effective 5/5/15

SIGNIFICANT EVENTS FOR FY 2015

Anthony Humphries **Chair until March 5, 2015** **Term Expired 2014**

Anthony Humphries was confirmed by the Alabama Senate on April 23, 2009, to serve a term on the Alabama Ethics Commission that began on September 1, 2009, and ended on August 31, 2014. He was elected to serve as Vice-Chair at the August 1, 2012 meeting and served in that position until he was elected Chair at the August 1, 2013 meeting. Mr. Humphries continued to serve until his successor was confirmed by the Alabama Senate on March 5, 2015.

Mr. Humphries serves as the President & CEO of NobleBank & Trust and as a member of the Bank's Board of Directors since the Bank's inception in October, 2005. He has 38 years of banking experience in the Anniston and Calhoun County banking markets; his roles included Senior Vice President, Commercial Banking at AmSouth Bank and as CEO of SouthTrust Bank, Calhoun and Etowah Counties. Mr. Humphries also served in Gov. Bob Riley's cabinet as Superintendent of the Alabama Banking Department from 2003-2005.

Mr. Humphries volunteers his time with many civic, charitable and financial organizations. He serves on the Board of Directors of the Federal Reserve Bank of Atlanta, the Calhoun County Chamber of Commerce, the Knox Concert Series and Marketplace Impact. He is the immediate past Chairman of the Alabama Ethics Commission and the Board of Directors of the Northeast Alabama Regional Medical Center. He is also an active member of the First Baptist Church of Oxford, where he serves as a deacon.

Mr. Humphries earned his bachelor's degree from Auburn University in 1977, graduated from the Graduate School of Banking at LSU in 1988 and completed the leadership program at the Center for Creative Leadership in Greensboro, North Carolina.

He is married to Cristy; they have two sons and daughters-in-law and three grandchildren.



Thank You, Mr. Humphries, for your Service to the Alabama Ethics Commission.