

ANNUAL REPORT

FISCAL YEARS 2016-2018



State of Alabama
ETHICS COMMISSION

ANNUAL REPORT

FISCAL YEARS 2016-2018

FOR THE ALABAMA ETHICS COMMISSION
PRESENTED TO THE GOVERNOR AND
THE ALABAMA LEGISLATURE

IN COMPLIANCE WITH SECTION 36-25-3(C), CODE OF ALABAMA, 1975

ALABAMA ETHICS COMMISSION

RSA Union Building, Suite 104
100 North Union Street
Montgomery, Alabama 36104
(334) 242-2997
(334) 242-0248 Fax
www.ethics.alabama.gov



STATE OF ALABAMA ETHICS COMMISSION



COMMISSIONERS

Jerry L. Fielding, Ret. Sr. Circuit Judge, Chair
Frank C. "Butch" Ellis, Jr., Esq., Vice-Chair
Charles Price, Ret. Circuit Judge
Beverlye Brady, Esq.
John Plunk, Esq.

MAILING ADDRESS
P.O. BOX 4840
MONTGOMERY, AL
36103-4840

STREET ADDRESS
RSA UNION
100 NORTH UNION STREET
SUITE 104
MONTGOMERY, AL 36104

Thomas B. Albritton
Executive Director

TELEPHONE (334) 242-2997
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WEB SITE: www.ethics.alabama.gov

June 1, 2019

The Honorable Kay Ivey, Governor
State of Alabama
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Ivey:

On behalf of the Alabama Ethics Commission and in compliance with Section 36-25-3(c), Code of Alabama, 1975, I respectfully present to you and the Alabama Legislature the combined Annual Reports for Fiscal Year 2016, 2017, and 2018. Our Commissioners and Staff are very proud of the accomplishments presented in this report, and we continue working to fulfill the responsibilities with which we are charged.

Comparative statistics from the past three fiscal years are included to demonstrate the increase in productivity and efficiency in the Ethics Commission. During this time period, the Commission was given jurisdiction over the Fair Campaign Practices Act. The number of cases filed and opinions, formal and informal, increased. We are giving more money back to the General Fund than we ever have before. The best part is that we have been able to accomplish this work with a staff that is smaller than the one I inherited in 2015. We are doing more with less.

The Commission is dedicated to building public confidence in the integrity of government. We greatly appreciate your support of the Alabama Ethics Commission.

Sincerely,

Thomas B. Albritton
Executive Director

OVERVIEW

HISTORY

The State of Alabama Ethics Commission was created by the Alabama Legislature in 1973 by Act No. 1056. The Code of Alabama §36-25-1 through §36-25-30 is also known as the Alabama Ethics Law. This portion of the Code of Alabama established the Ethics Commission and dictates the scope of work for the Commission. Changes to the Alabama Ethics Law have been passed by the State Legislature at various times since the Commission's inception and are always a possibility in the future. Acts 75-130, 79-460, 79-698, 82-429, 86-321, 82-342, 95-194, 96-261, 97-651, 2000-797, 2001-474, 2010-462, 2010-763, 2010-764, 2011-259, 2011-632, 2011-674, 2012-433, 2012-509, 2013-172, 2014-71-, 2014-440, 2015-495, and 2016-128.

MISSION

The mission of this Commission 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. See §36-25-2.

COMMISSION APPOINTMENTS

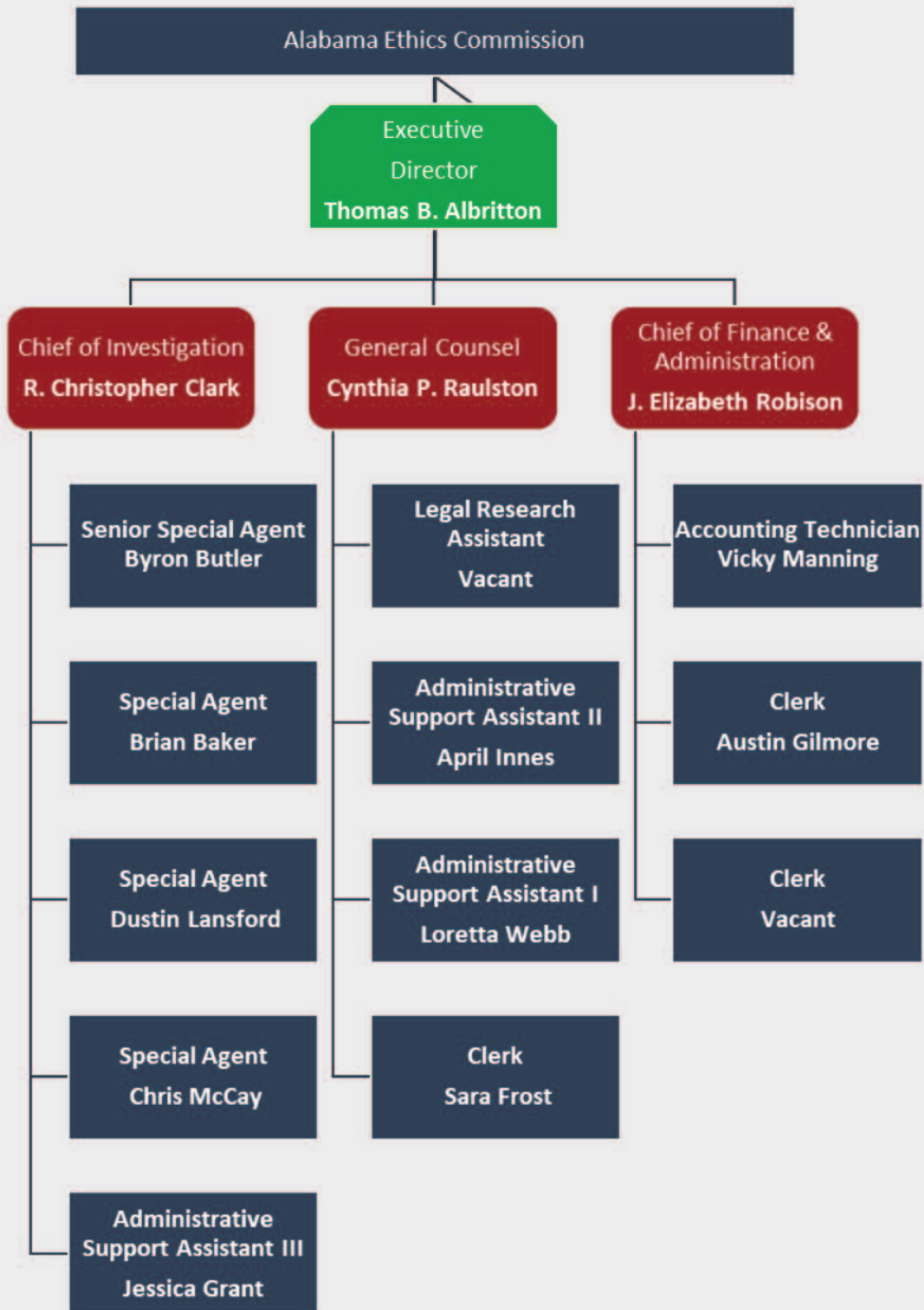
Members of the Alabama Ethics Commission are appointed for five-year terms by the Governor, Lieutenant Governor, or Speaker of the Alabama House of Representatives on a rotating basis. Any member who vacates his or her position before their term has expired may be replaced in the same manner.

DUTIES

The duties of the Ethics Commission include investigating complaints; issuing advisory opinions; pre-certifying the legality of activities; ethics training; collecting Statement of Economic Interests forms; enforcing Statement of Economic Interests form requirements; maintaining lobbyist and principal registration and filings; and maintaining extraordinary filings.

STAFF

Fiscal Year 2018



COMMISSIONERS

FISCAL YEAR 2016



EDWARD F. CROWELL
Chairman
Anniston
Term Expires 8/31/2015



V. LARKIN MARTIN
Vice-Chairman
Courtland
Term Expires 8/31/2018
Resigned 10/2015



FRANK C. "BUTCH" ELLIS
Vice-Chairman
Columbiana
Term Expires 8/31/2018
Replaced Larkin Martin



JAMES JERRY WOOD
Montgomery
Term Expires 8/31/2016



STEWART HILL TANKERSLEY
Montgomery
Term Expires 8/31/2017



JERRY L. FIELDING
Term Expires 8/31/2019

FISCAL YEAR 2016 COMMISSION MEETING DATES

October 7, 2015

December 2, 2015

February 3, 2016

April 6, 2016

June 1, 2016

August 3, 2016

September 1, 2016

All Commission meetings were held in the Public Service Commission Hearing Room on the 9th floor of the RSA Union Building beginning at 9:30 a.m.

COMMISSIONERS

FISCAL YEAR 2017



JERRY L. FIELDING
Chairman
Sylacauga
Term Expires 8/31/2019



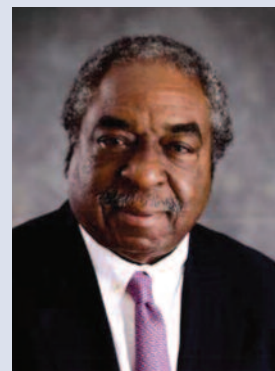
FRANK C. "BUTCH" ELLIS
Vice-Chairman
Columbiana
Term Expires 8/31/2018
Replaced Larkin Martin



JAMES JERRY WOOD
Montgomery
Term Expires 8/31/2016



STEWART HILL TANKERSLEY
Montgomery
Term Expires 8/31/2017



CHARLES PRICE
Montgomery
Term Expires 8/31/2020

FISCAL YEAR 2017 COMMISSION MEETING DATES

October 5, 2016

December 7, 2016

February 1, 2017

April 5, 2017

April 26, 2017

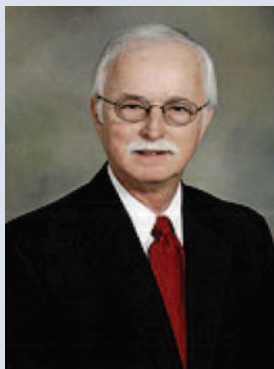
June 7, 2017

August 16, 2017

All Commission meetings were held in the Public Service Commission Hearing Room on the 9th floor of the RSA Union Building beginning at 9:30 a.m.

COMMISSIONERS

FISCAL YEAR 2018



JERRY L. FIELDING
Chairman
Sylacauga
Term Expires 8/31/2019



FRANK C. "BUTCH" ELLIS
Vice-Chairman
Columbiana
Term Expires 8/31/2018



CHARLES PRICE
Montgomery
Term Expires 8/31/2020



BEVERLYE BRADY
Auburn
Term Expires 8/31/2021



JOHN PLUNK
Athens
Term Expires 8/31/2022

FISCAL YEAR 2018 COMMISSION MEETING DATES

October 4, 2017

December 4, 2017

February 7, 2018

April 4, 2018

June 6, 2018

August 1, 2018

September 5, 2018

All Commission meetings were held in the Public Service Commission Hearing Room on the 9th floor of the RSA Union Building beginning at 9:30 a.m.

STATISTICAL COMPARISONS

	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018
Commission Meetings	7	7	7
Training Presentations	36	59	30
Statement of Economic Interest Forms Received	38,692	50,508	45,531
Formal Advisory Opinions	29	20	12
Informal Advisory Opinions	712	809	863
Registered Lobbyists	575	605	629
Principals Represented by Lobbyists	866	812	787
Complaints Filed	370	513	502
Complaints Closed After Preliminary Inquiry	171	199	247
Cases Presented to the Commissioners	71	63	79
Cases Referred for Prosecution	17	21	17
Cases Prosecuted by Commission Staff	0	0	0
Cases Closed – No Probable Cause	18	9	7
Cases Dismissed By Commission	86	150	139
Administrative Penalties Assessed	34	22	55
Cases Continued	2	8	2
Fines Collected	19,233.00	20,033.50	46,587.93
Restitution Collected	20,306.03	14,286.62	63,182.13
Lobbyists' Fees Collected	57,700.00	60,000.00	63,200.00
Miscellaneous Fees Collected	0	0	0
Other Fines	0	0	15.00
Refunds Against Disbursements	0	0	0
Prior Year Refunds	0	0	288.10
Insurance Claims	1,113.52	5,287.80	0
General Fund Deposits	78,046.52	85,321.30	110,091.03
Staff Members on Sept. 30	16	15	16

EXPENDITURES FOR FISCAL YEAR 2016

October 1, 2015 - September 30, 2016

EXPENDITURE	13th		Outstanding Purchase Orders	Rollover to FY 17	TOTAL Expenditures	Percent
	Fiscal Year 2016 Appropriation	Accounting Period				
*Personnel Costs	1,106,544.00	0.00	0.00	(56,315.03)	1,050,228.97	54.50%
Employee Benefits	469,035.00	0.00	0.00	(11,393.31)	457,641.69	23.75%
Travel In-State	30,000.00	392.71	0.00	(24,000.00)	6,000.00	0.31%
Travel Out-of-State	17,000.00	215.83	0.00	(15,000.00)	2,000.00	0.10%
Repairs and Maintenance	9,000.00	249.61	1,062.86	(3,000.00)	6,000.00	0.31%
Rentals and Leases	186,300.00	1,404.56	0.00	(20,000.00)	166,300.00	8.63%
Utilities and Communication	94,200.00	11,433.37	771.08	(70,000.00)	24,200.00	1.26%
Professional Services	230,720.00	24,995.19	28,384.75	(89,960.00)	140,760.00	7.30%
Supplies, Materials, and Operating Expenses	287,899.00	8,137.85	1,222.26	(242,000.00)	45,899.00	2.38%
Transportation Equipment Operations	101,114.00	5,215.55	0.00	(77,000.00)	24,114.00	1.25%
Transportation Equipment Purchases	0.00	0.00	0.00	0.00	0.00	0.00%
Other Equipment Purchases	130,000.00	1,649.72	0.00	(126,000.00)	4,000.00	0.21%
	2,661,812.00	53,694.39	31,440.95	(734,668.34)	1,927,143.66	100.00%

*Pursuant to Section 36-25-3(c), Code of Alabama, this amount includes the Acting and Executive Director's Salaries of \$156,492.

Original FY 16 Budget Appropriation	1,751,799.00
Rollover from FY 15	908,899.00
Other	1,114.00
Total FY 16 Appropriation	2,661,812.00
Total FY 16 Expenditures	(1,927,143.66)
Rollover to FY 17	(734,668.00)
Remaining Balance	0.34
13th Acct Period Overage	297.32
Reversion to General Fund	297.32

EXPENDITURES FOR FISCAL YEAR 2017

October 1, 2016 - September 30, 2017

EXPENDITURE	Fiscal Year 2017 Appropriation	13th Accounting Period	Outstanding Purchase Orders	Rollover to FY 18	TOTAL Expenditures	Percent
*Personnel Costs	1,164,473.00	0.00	0.00	(161,308.25)	1,003,164.75	54.51%
Employee Benefits	539,119.00	0.00	0.00	(78,781.76)	460,337.24	25.01%
Travel In-State	24,000.00	156.16	0.00	(16,600.00)	7,400.00	0.40%
Travel Out-of-State	15,000.00	820.74	0.00	(13,000.00)	2,000.00	0.11%
Repairs and Maintenance	18,500.00	1,425.00	1,190.62	(11,000.00)	7,500.00	0.41%
Rentals and Leases	198,020.00	5,100.16	865.92	(25,000.00)	173,020.00	9.40%
Utilities and Communication	37,940.00	1,623.55	763.39	(2,000.00)	35,940.00	1.95%
Professional Services	130,600.00	11,344.04	5,389.50	(50,000.00)	80,600.00	4.38%
Supplies, Materials, and Operating Expenses	132,356.00	5,166.75	2,655.56	(86,000.00)	46,356.00	2.52%
Transportation Equipment Operations	65,000.00	4,446.53	1,379.22	(43,000.00)	22,000.00	1.20%
Transportation Equipment Purchases	120,000.00	0.00	0.00	(120,000.00)	0.00	0.00%
Other Equipment Purchases	135,000.00	640.79	0.00	(133,000.00)	2,000.00	0.11%
	2,580,008.00	30,723.72	12,244.21	(739,690.01)	1,840,317.99	100.00%

*Pursuant to Section 36-25-3(c), Code of Alabama, this amount includes the Acting and Executive Director's Salaries of \$164,419.20.

Original FY 17 Budget Appropriation	1,845,340.00
Rollover from FY 16	734,668.00
Other	0.00
Total FY 17 Appropriation	2,580,008.00
Total FY 17 Expenditures	(1,840,317.99)
Rollover to FY 18	(739,690.00)
Remaining Balance	0.01
13th Acct Period Overage	12,362.68
Reversion to General Fund	12,362.68

EXPENDITURES FOR FISCAL YEAR 2018

October 1, 2017 - September 30, 2018

EXPENDITURE	Fiscal Year 2018 Appropriation	13th		Outstanding Purchase Orders	Rollover to FY 19	TOTAL Expenditures	Percent
		Accounting Period	Period				
*Personnel Costs	1,179,219.00	0.00	0.00	0.00	(49,927.62)	1,129,291.38	54.14%
Employee Benefits	568,626.00	0.00	0.00	0.00	(116,435.16)	452,190.84	21.68%
Travel In-State	24,000.00	670.00	0.00	0.00	(16,491.35)	7,508.65	0.36%
Travel Out-of-State	19,000.00	0.00	0.00	0.00	(15,628.23)	3,371.77	0.16%
Repairs and Maintenance	31,200.00	400.00	0.00	0.00	(17,615.60)	13,584.40	0.65%
Rentals and Leases	189,555.00	3,030.00	0.00	0.00	(13,428.26)	176,126.74	8.44%
Utilities and Communication	40,130.00	521.77	1,178.23	0.00	(464.88)	39,665.12	1.90%
	107,900.00	7,660.44	6,674.56	0.00	(7,803.53)	100,096.47	4.80%
Supplies, Materials, and Operating Expenses	118,800.00	2,910.47	2,141.53	0.00	(76,588.66)	42,211.34	2.02%
	67,287.00	2,600.87	3,303.13	0.00	(42,384.77)	24,902.23	1.19%
Transportation Equipment Purchases	145,000.00	0.00	0.00	0.00	(87,534.00)	57,466.00	2.75%
Other Equipment Purchases	114,000.00	0.00	1,227.00	0.00	(74,475.09)	39,524.91	1.89%
	2,604,717.00	17,793.55	14,524.45		(518,777.15)	2,085,939.85	100.00%

*Pursuant to Section 36-25-3(c), Code of Alabama, this amount includes the Acting and Executive Director's Salaries of \$172,857.60.

Original FY 18 Budget Appropriation	1,859,740.00
Rollover from FY 17	739,690.00
Other	5,287.00
Total FY 18 Appropriation	2,604,717.00
Total FY 18 Expenditures	(2,085,939.85)
Rollover to FY 19	(518,777.00)
Remaining Balance	0.15
13th Acct Period Overage	3,595.03
Reversion to General Fund	3,595.03

ADVISORY OPINIONS APPROVED IN FISCAL YEAR 2016

October 1, 2015 - September 30, 2016

Advisory Opinion No. Based on Calendar Year	Topic Summary
2015-12	Revolving Door/Former Assistant Director of Community Planning and Development for the City of Mobile Accepting Employment With TBG Residential, A Business That Applies For Federal Funds Awarded by the City of Mobile's Department of Community and Housing Development
2015-14	Use of Office for Personal Gain/Member of Legislature Advocating For the Lesbian, Gay, Bisexual, and Transgender (LGBT) Community
2015-15	Conflict of Interest/Employee/Official With Public Entity Serving on Boards or Commissions By Virtue of Their Position Voting and Participating In Issues Affecting Their Employer
2015-16	Purposes Underlying Ethics Act/Executive On Loan
2015-17	Conflict of Interest/State Employee With the Alabama Department of Human Resources Teaching an Evening Class at the University of Montevallo
2015-18	Explains parameters under the Ethics Act for a member of the House of Representatives running for a seat on the Mobile County Commission
2015-19	Revolving Door/Former Clarke County Commission Member Accepting Employment With Clarke County Sheriff's Department
2015-20	Revolving Door/Former Employee With the Alabama Department of Economic and Community Affairs (ADECA) Accepting Employment With Engineering Firm Working With Local Units of Governments and Municipalities
2015-21	Statement of Economic Interest Form/Part-Time Municipal Court Judge Filing Statement of Economic Interest Form
2016-01	Federal Preemption of State Ethics and Campaign Laws in Federal Elections
2016-02	Statement of Economic Interests Filings by Candidates/Form to be Filed Simultaneously with the Date the Candidate Qualifies for Office
2016-03	Revolving Door/Former Director of the Family Court Division of Administrative Office of Courts (AOC) Entering Into Consulting Agreement With Private Entity
2016-04	Conflict of Interest/Business Owned By Member of the Fairhope Airport Authority Entering Into a Lease Agreement with the Airport Authority
2016-05	Advisory Opinion No. 2015-14 does not alter or affect the principle set out in Opinion of the Justices No. 317, 474 So. 2d. 700 (Ala. 1985), or change the definition of a conflict of interest found at Section 36-25-1(8). It does, however, stand for the presumption that a conflict of interest exists when a legislator's employer drafts legislation
2016-06	Lobbying Requirements/Non-Profit Organization Assisting State Government in Implementation of Senate Bill 67
2016-08	Conflict of Interest/Members of the Alabama Real Estate Commission (AREC) Serving on Various Alabama Association of Realtors (AAR) Committees
2016-09	Use of Office for Personal Gain/Member of Legislature Accepting Outside Employment
2016-10	Conflict of Interest/Newly Appointed Member of Vestavia Hills Board of Education Employed By Company Doing Business With the Board of Education
2016-11	Conflict of Interest/Alabama Department of Transportation (ALDOT) Employee Forming Civil Engineering Business to Perform Site Development Plans

ADVISORY OPINIONS APPROVED IN FISCAL YEAR 2016

October 1, 2015 - September 30, 2016

Advisory Opinion No. Based on Calendar Year	Topic Summary
2016-15	Lobbying Requirements/Legislative Analyst in the State Policies Department of the Marijuana Policy Project (MPP) Registering As A Lobbyist
2016-17	Statement of Economic Interest Filings By Independent Candidates/Form To Be Filed Simultaneously With the Time An Individual Becomes a Candidate
2016-21	Conflict of Interest/Members and Staff of the Board of Dental Examiners of Alabama Receiving Free Educational Opportunities
2016-22	Conflict of Interest/Member of Alabama Public Service Commission (PSC)
2016-23	Entering Lease Agreement with Entity Doing Business in the State of Alabama
2016-25	Use of Campaign Funds for Personal Use
2016-25	Fundraising and Solicitations Made on Behalf of the Alabama Bicentennial Commission
2016-26	Revolving Door/Former Member of the Legislature Appointed as Banking Department Superintendent Interacting With Legislature on Behalf of Banking Department
2016-27	Use of Office for Personal Gain/Public Employee Discussing, Applying For, Interviewing, Negotiating, or Accepting a Job With a Lobbyist or Principal While Still Employed as a State Employee

ADVISORY OPINIONS APPROVED IN FISCAL YEAR 2017

October 1, 2016 - September 30, 2017

Advisory Opinion No. Based on Calendar Year	Topic Summary
2016-28	Campaign Activities/Member of the Senate Raising Funds and Otherwise Campaigning for Candidates to Elective Office
2016-29	Alabama Power Company Receiving And Responding to Fundraising Requests From Charities And Nonprofit Organizations That Are Supported By Public Officials
2016-30	Use of Excess Campaign Funds/Public Official Using Campaign Funds to Pay Attorney to Request Advisory Opinion
2016-31	Revolving Door Prohibitions/Licensed Civil Engineer in Legislature Engaging in Private Practice Civil Engineering While Still in Office
2016-32	Conflict of Interests/Member of Alabama Senate Supporting, Sponsoring or Voting on Legislation Dealing With State And/Or Local Revenue Derived From the Sale of Petroleum Products
2016-33	Conflict of Interests/Mayor and Members of City Council Directly or Indirectly Voting on City Council Agenda Items That Directly or Indirectly Benefit Their Employer Or An Employer Of A Family Member
2016-34	Use of Office for Personal Gain/Holiday Gifts to Teachers
2016-35	Legislative Caucuses Organized Under Section 17-5-5.1 And Fundraising Activities
2016-37	University Employees Soliciting Contributions As Part of Job Responsibilities
2017-01	Use of Office for Personal Gain/City Council Member Employed by Nonprofit Organization Participating in Fundraising Efforts on Behalf of that Organization
2017-02	Use of Excess Campaign Funds/Elected Official Contributing Excess Campaign Funds to 501(c)(3) Organization
2017-03	Revolving Door/Retired State Employees Returning to State Service
2017-04	Use of Excess Campaign Funds
2017-05	Fair Campaign Practices Act (FCPA)
2017-07	Revolving Door/Retired State Employee Providing Consulting Services Through Law Firm
2017-08	Charitable donations to nonprofits affiliated with governmental entities including in-kind support
2017-09	Conflict of Interest/City continuing to use engineering services when the son-in-law of the recently-elected Mayor is an employee of said firm
2017-10	Revolving Door/Retired State Employee Returning to Former Employer
2017-11	Revolving Door/Retired State Employee Providing Consulting Services to Engineering Company That Contracts With DOT

ADVISORY OPINIONS APPROVED IN FISCAL YEAR 2018

October 1, 2017 - September 30, 2018

Advisory Opinion No. Based on Calendar Year	Topic Summary
2017-12	Conflict of Interest/University Employee or Trustee on the Board of Directors of a Charter School
2017-14	Revolving Door/Board Member Resigning in Order to Become Employed by Board
2018-01	Lobbyist/Principal Disclosure Requirements
2018-02	Public Official/Conflict of Interest/Elected School Board Member Continuing to be Employed as Union Organizer
2018-03	Personal Use of Office/County Employee Being Hired to Manage Voting Equipment for Municipality
2018-04	Fair Campaign Practices Act/Use of Excess Funds
2018-05	Personal Use of Equipment/Board Employee Taking Children to School
2018-06	Member of Legislature/Conflict of Interest
2018-07	Lobbying Activities
2018-08	Police Officer Working Off-Duty Job As Security For Private Business
2018-09	Use of Office For Personal Gain/Public Employee Discussing, Applying For, Interviewing, Negotiating, or Accepting Job With Lobbyist or Principal While Still Employed As State Employee
2018-10	Revolving Door/Retired Member of Alabama House of Representatives Accepting Position as Chief of Staff of Office of the Speaker of the House of Representatives

