

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 340 Department or Agency Alabama Ethics Commission  
Rule No. 340-X-1-.04  
Rule Title: Policy for Informal Opinions Relating to the Alabama Ethics Act  
 New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

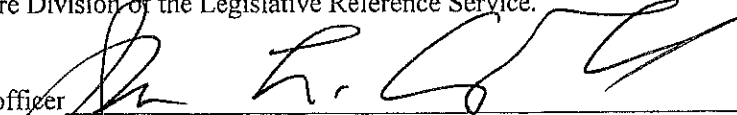
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 1.21.05

(DATE FILED)  
(STAMP)

ALABAMA ETHICS COMMISSION  
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Ethics Commission

RULE NO. & TITLE: Rule 340-X-1-.04 Policy for Informal Opinions Related to the Alabama Ethics Act

INTENDED ACTION: To create a rule which codifies the process for issuing informal opinions by the staff of the Alabama Ethics Commission and to clarify the effect of those opinions

SUBSTANCE OF PROPOSED ACTION: The staff of the Alabama Ethics Commission currently issues well over a hundred informal opinions every year to those covered and regulated by the Alabama Ethics Act as to the meaning of the Alabama Ethics Act and that individual's or entity's compliance with the Act. This rule would codify the process for issuing those opinions and clarify the effect of those opinions.

TIME, PLACE AND MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Alabama Ethics Commission on or before March 6, 2015 or orally, if requested in writing 48 hours in advance, to the Director of the Alabama Ethics Commission, by personally appearing at the office of the Alabama Ethics Commission at 10:00 AM on March 6, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 6, 2015

CONTACT PERSON AT AGENCY: John L. Carroll, Acting Director, Alabama Ethics Commission, 100 North Union Street, Suite 104, Montgomery, Alabama

  
John L. Carroll

**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: ALA.CODE § 36-25-4(a)(11)**

**History: New Rule filed January 21, 2015**