

June 10, 1993

x

X

Re: Post-state employment -
Executive Branch Ethics Act
(AS 39.52)
Our File No. 663-93-0387

Dear X:

This letter is in response to your request to the attorney general for advice regarding employment after you leave your teaching position at the University of Alaska. This department is authorized to render such advice under AS 39.52.240. In particular you request advice concerning restrictions on employment under the provisions of AS 39.52.180. The University of Alaska is an "agency" under the definitional section of the Alaska Executive Branch Ethics Act.

In your letter of March 30, 1993, and in our subsequent discussions, you have detailed your nine months of employment at the University of Alaska as a teacher of various courses. You have taught these courses for several years prior to your University of Alaska contract. You plan on continuing teaching these courses on your own in the future.

AS 39.52.180(a) provides:

A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative units served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.

"Matter" is defined in the subsection as follows:

For purposes of this subsection, "matter" includes a case, proceeding, application, contract, or determination but does not include the proposal or consideration of legislative

bills, resolutions and constitutional amendments, or other legislative measures; or the proposal, consideration, or adoption of administrative regulations.

This department has consistently applied AS 39.52.180 narrowly in accordance with legislative intent. Your employment at the University of Alaska did not involve participation in executive proceedings, consideration of applications, the grant or administration of contracts, or other administrative determinations. You anticipate that your private teaching will not include giving advice or assistance for compensation regarding particular matters under consideration by the University that would have a financial benefit to either you or your tentative students. Any generalized knowledge or experience you acquired at the University may be applied to your future teaching plans without violating AS 39.52.180. (See 1991 Inf. Op. Atty Gen. (Feb. 25; 663-91-0291); 1988 Inf. Op. Atty Gen. (June 30; 663-88-0495)).

Do not hesitate to contact this office if you have any questions.

Sincerely yours,

CHARLES E. COLE
ATTORNEY GENERAL

By:
Thomas J. Slagle
Assistant Attorney General

TJS:jp