

July 29, 1993

x

(907)465-3603

X  
Firm  
Address  
City, State ZIP

Re: Post-state employment -  
Executive Branch Ethics Act  
(AS 39.52)  
Our File No. 663-93-0429

Dear X:

In your letter received April 30, 1993, you state that you have been employed by the University of Alaska for the past 13 years. Under the provisions of AS 39.52.240, you have requested an advisory opinion on employment should you leave your current position. The University of Alaska is an agency under the scope of the Alaska Executive Branch Ethics Act, AS 39.52.960(2).

You plan to resign your position this summer to establish a business that offers training similar to that currently provided by the University of Alaska. Your tentative "private for-profit" venture would be competing with the University of Alaska for the same students.

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. 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.

Your employment at the University of Alaska involved participation in executive proceedings, consideration of applications, the grant or administration of contracts, and other administrative determinations. However, you stated that your planned business venture will not involve any applications, grants or contracts, or other administrative decisions in which you participated while at the University of Alaska. This department has consistently applied AS 39.52.180 narrowly in accordance with legislative intent. Based on your description, it appears that your planned employment would not violate the provisions of AS 39.52.180. Any generalized knowledge or experience you acquired at the university may be applied to your future plans without violating AS 39.52.180, see 1991 Inf. Op. Att'y Gen. (Feb. 25; 663-91-0291); 1988 Inf. Op. Att'y Gen. (June 30; 663-88-0495).

While you are employed by the University, you may not use your position to promote your tentative business venture. For example, you may not take requests for training made to you in your official capacity and respond in your private capacity. AS 39.52.120(b)(1). Nor may you use information gained in your official capacity that has not been disseminated to the public, for your private benefit. AS 39.52.140(a).

In the future, should a specific issue that you dealt with at the university pose a possible conflict under AS 39.52.180, you should contact our office again for additional advice. Do not hesitate to call me if you have any questions about this opinion.

Sincerely,

CHARLES E. COLE  
ATTORNEY GENERAL

By:

Thomas J. Slagle  
Assistant Attorney General

TJS:wb