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January 11, 2019

Hon. Thomas B. Albritton
Executive Director
State of Alabama Ethics Commission
RSA Union
100 North Union Street, Suite 104
Montgomery, AL 36104

Hon. Cynthia Raulston
General Counsel
State of Alabama Ethics Commission
RSA Union
100 North Union Street, Suite 104
Montgomery, AL 36104

RE: Alabama Association of Nonprofits Request for Advisory Opinion

Dear Mr. Albritton and Ms. Raulston:

The Alabama Association of Nonprofits (AAN) requests that the Commission issue a separate advisory opinion which AAN originally requested on August 12, 2016. (A copy of that 2016 request is attached for your convenience as Exhibit A.) While this request was never specifically addressed by the Commission, some – but not all – of the issues in that request were discussed in response to requests by others. Even if the Commission is not able to answer all of the questions submitted in 2016 by AAN at this time, we believe there are at least two distinct questions from 2016 which have not been addressed in the context of the more than 500 charities and nonprofits we represent and are areas where guidance is reasonable to provide.

It is more critical than ever for AAN to obtain guidance from the Commission in light of recent court rulings. As the Commission is aware, the Alabama Court of Criminal Appeals has recently deferred to Commission Staff interpretations of the Ethics Act -- even in the absence of a formal interpretation by the Commission or previous public guidance. We believe that this reinforces the obligation of the Commission to consider and provide public guidance on the two specific questions below which were initially raised in 2016. Those questions are:

1. If a public official, public employee, or family member of either (“Restricted Persons”) serves on a nonprofit’s board (or simply supports that nonprofit) are there any limits on who the Restricted Person can fundraise from for the nonprofit – so long as that Restricted Person is not compensated by or receiving any personal gain from the nonprofit?

Background on Question:

In our 2016 request, we provided a number of examples of routine nonprofit fundraising activities that would be affected by any guidance the Commission may provide. Since that time, the Commission has issued a number of opinions to various entities applying the “permissible if no compensation/personal gain” approach above, but it is difficult, if not impossible, for AAN members to squarely rely upon the guidance in those opinions. For example, the Commission has permitted public official/nonprofit board members to vote on appropriations of public funds to a nonprofit as well as donations of campaign funds to a nonprofit under that standard. However, neither of those scenarios is exactly the same thing as fundraising by a Restricted Person (though appropriating public funds would seem to be no less worthy of regulation). Likewise, the Commission has issued opinions to donors that apply the “permissible if no compensation/personal gain” standard but those opinions specifically limit their application to the requesting entity, so they are difficult for AAN members to rely on them as nonprofit recipients of those donations. As a result, and building off of our 2016 request, we wish to confirm that this standard applies to all nonprofits when they are engaged in fundraising for their organization. Considering that this standard has been applied in a number of other contexts, we believe that the Commission’s confirming that it also applies in this context is reasonable and appropriate for our charity and nonprofit members.

2. Can the Commission confirm that an individual nonprofit board member is not required to personally file individual quarterly disclosure reports under Ala. Code 36-25-19 when the nonprofit itself hires a lobbyist – as is current and longstanding practice?

Background on Question:

As noted in our 2016 request, there are many issues under the law today regarding who is a “principal” under the Ethics Act in a variety of contexts. AAN continues to have concerns in this area, but is not seeking to raise those in this renewal of its 2016 request for guidance. Instead, AAN is simply seeking to confirm that it is appropriate, for at least the time being, for the thousands of individual board members of its nonprofit members to continue to follow what is clearly the established practice of the Commission in not requiring individual board members to file quarterly disclosure reports (or training or advising them of an obligation to do so). While we recognize that a change in law or regulation might be announced by the Commission in the future, we wish to provide our members with guidance for the present.

As the Commission is aware, the number of principals listed in the Commission’s Annual Reports going back over a decade includes a figure that does not suggest that individual nonprofit board members are filing quarterly disclosure reports. Likewise, the Commission’s own list of principals (which it began publishing around 2015) does not include any individual board members. Moreover, a review of the Commission’s extensive materials on the Commission’s website and the training materials used in the Commission’s statutorily-mandated lobbyist training classes includes no mention of individual nonprofit board members needing to

Letter to Hon. Thomas B. Albritton and Hon. Cynthia Raulston

January 11, 2019

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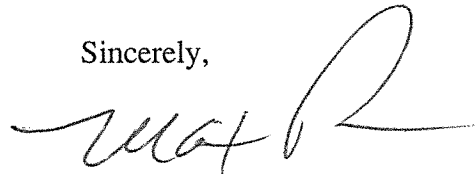
personally file quarterly disclosure reports if their nonprofit hires a lobbyist. If these nonprofit board members were in fact required to file disclosure reports, there would seem to be thousands (if not tens of thousands) of potentially covered individuals across the state, but based on our review of the Commission's own publicly available records, we have not identified any such personal quarterly report filings from nonprofit board members.

AAN understands that a number of complex issues arose in the context of Advisory Opinion 2016-24 and its ultimate withdrawal. (For reference purposes, we have included AAN's 2016 comments on that opinion as Exhibit B). AAN would like to be clear that it is not asking the Commission to resuscitate that wide-ranging debate. Instead, it merely wants to confirm for its members that, as seems to be the current practice from all available information, individual nonprofit board members are not personally required to file quarterly disclosure reports at this time.

Thank you for considering our request on these two questions. To the extent useful, AAN's Chief Executive Officer, Ms. Shannon Ammons is available to address the Commission at its February meeting and to answer any questions you may have. In addition, and again only if helpful, AAN is also willing to supplement this request with a proposed opinion that might assist the Commission in understanding the type of guidance and need for clarity that AAN and its 500 nonprofit members are seeking.

We look forward to your response. In the meantime, please let me know if you have any immediate questions. Otherwise, we look forward to seeing you on February 6.

Sincerely,



Maxwell H. Pulliam

MHP/drp

Enclosures

cc: Hon. Jerry L. Fielding
Frank C. "Butch" Ellis, Jr., Esq.
John Plunk, Esq.
Beverlye Brady, Esq.
Hon. Charles Price

Exhibit A



MAXWELL H. PULLIAM

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August 12, 2016

Hon. Thomas B. Albritton
Executive Director
State of Alabama Ethics Commission
RSA Union
100 North Union Street, Suite 104
Montgomery, AL 36104

RE: Alabama Association of Nonprofits Request for Advisory Opinion

Dear Mr. Albritton:

On behalf of my client, the Alabama Association of Nonprofits ("AAN"), attached is a request for an advisory opinion from the Commission. AAN represents almost 500 nonprofit organizations which benefit thousands of Alabamians. I would greatly appreciate this request being given immediate attention by the Commission because of the tremendous number of people and programs which could be detrimentally impacted.

My client's chief executive officer, Ms. Shannon Ammons, and I plan to attend the September 1, 2016, special called meeting of the Commission. I certainly welcome you or Hugh Evans contacting me for any additional information which the Commission may need in advance of that meeting.

Thank you very much for your service to the citizens of Alabama.

Sincerely,

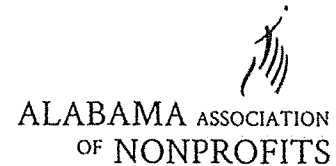
Maxwell H. Pulliam

MHP/drp

Enclosure

cc: Hugh R. Evans, Esq.
Hon. Jerry L. Fielding
Frank C. "Butch" Ellis, Jr., Esq.
James Jerry Woods, Esq.
Dr. Stewart Hill Tankersley
Hon. Charles Price

August 12, 2016



Mr. Thomas B. Albritton
Alabama Ethics Commission
100 North Union Street, Suite 104
Montgomery, AL 36104

Re: Advisory Opinion on Ethics Act Issues for Alabama Nonprofits

Dear Mr. Albritton:

The Alabama Association of Nonprofits (“AAN”) is submitting this request for an advisory opinion regarding ethics issues that could affect the ability of certain nonprofit organizations across the state to fundraise and solicit donations that enable them to fulfill their missions, and to recruit and retain board members who will help support their organizations. Since its formation in 1996, AAN has served as the voice for Alabama’s nonprofit sector. AAN is a statewide membership organization representing almost 500 nonprofit organizations and is dedicated to uniting and serving Alabama’s nonprofit sector. Our diverse group of members enrich the lives of the people in their communities in a variety of ways by creating a broad array of societal benefits in fields such as religion, science, economy, health, arts and culture, civil rights, environment, and education. AAN serves its members by providing professional development, advocacy and public policy development, education and training services, and other nonprofit development activities. A complete list of AAN’s members and a list of its board of directors are attached to this request.

Many of AAN’s member organizations are supported by and have public officials, public employees, or their family members on their boards of directors. These individuals often provide essential support to nonprofit organizations. This includes (among other things) having contacts with various businesses and individuals from whom many seek donations for the nonprofits they support. Given that the Ethics Commission has estimated that there are over 300,000 public officials and public employees directly subject to the Ethics Act’s restrictions (plus hundreds of thousands of other Alabamians subject to the restrictions indirectly as “family members” of such officials and employees), most Alabama nonprofits are likely to intersect with these fundraising and ethics compliance concerns in some manner.

For years, the Ethics Act has restricted public officials from seeking a “thing of value” and yet public officials and employees were generally permitted to solicit charitable donations for nonprofit organizations (other than from lobbyists). This historical approach is reflected in Advisory Opinion 2011-11 where the Commission stated that public officials are generally permitted to ask principals for donations to a charitable organization, and that principals were permitted to donate to a nonprofit organization that has a public official or public employee serving on its board or volunteering for the organization.

AAN member organizations are familiar with the parameters set forth in this 2011 advisory opinion, but a recent interpretation of the Ethics Act has raised questions about the

ability of public officials, public employees, and their family members to raise funds on behalf of nonprofit organizations. Specifically, Advisory Opinion 2015-14, which was issued for Representative Patricia Todd, includes broad interpretations of provisions of the Ethics Act which seem to restrict the ability of any public official, public employee, or their family member to raise funds on behalf of a nonprofit from (1) “principals,” (2) individuals or entities that “have matters pending before” the official or employee’s public body on which they will take official action, and (3) any other individual or entity that “may feel coerced to contribute given” the official or employee’s position. This opinion also appears to restrict the ability of many businesses and organizations that are solicited to make a donation following such a request.

The Commission’s concern in the Todd Opinion seems to arise, among other things, from the language in Section 36-25-5.1(a) of the Ethics Act, which provides the following:

“No lobbyist, subordinate of a lobbyist, or principal shall offer or provide a thing of value to a public employee or public official or to a family member of the public employee or family member of the public official; and no public employee or public official or family member of the public employee or family member of the public official shall solicit or receive a thing of value from a lobbyist, subordinate of a lobbyist, or principal...”

This provision states that no public official, public employee, or their family members can solicit or receive a “thing of value” from a principal. However, any donations solicited on behalf of a nonprofit organization would go to the nonprofit organization itself and benefit the individuals that the organization serves. These charitable donations would not provide any type of direct financial benefit to the public officials and employees who are requesting the charitable donations, and therefore, should not be considered to be a “thing of value” provided to them.

AAN members also have questions and concerns about the application of the Ethics Act as a result of recent ethics controversies in the news that have made it less than clear how the law applies for our member organizations that have advocates who are exercising their First Amendment right to petition the government. News reports suggest there is uncertainty about who is a “principal” under the Act and that *this classification could also apply to various individuals associated with an organization that employs a lobbyist.*

AAN’s nonprofit members understand that this classification applies to their organization if it employs a lobbyist to advocate for their perspective on policy issues. Those organizations themselves are identified as the principal on routinely-filed Commission forms and in the Commission’s listings of principals. AAN members have followed the entity as principal approach as referenced in AO 2011-11 for many years.¹ However, we are requesting Commission guidance for nonprofits on how to apply the Ethics Act in light of news reports indicating that nonprofits need to be aware that a consequence of exercising their First

¹ This approach to principals is the model followed in the federal Lobbying Disclosure Act of 1995 (as amended in 2007). Generally speaking, this federal law concerning lobbyists and those that hire them is similar in structure and restrictions to the Alabama Ethics Act provisions which were largely enacted in 1995 and amended in 2010.

Amendment rights is that some (or many) individuals associated with their organization could be classified as “principals.” If so, then these individuals who volunteer their time to support an organization or cause that is important to them would now be subject to extensive registration and reporting requirements (Sections 36-25-18 and -19) and strict prohibitions (Section 36-25-5.1) that already apply to the nonprofit organization itself.² It has been suggested if a nonprofit employs a lobbyist, then, that nonprofit’s employees, officers, board members, and other committee and organizational leaders could all be principals., AAN is seeking Commission guidance that nonprofits can use in determining which individuals within an organization might be classified as “principals” and now subject to these requirements and restrictions.

The Commission’s interpretation of the Ethics Act in the Todd opinion and our interpretations of these proceedings have raised concerns about our members’ ability to seek and receive the charitable donations necessary to continue their service to their communities. Accordingly, we are requesting that the Commission address the following questions in a formal advisory opinion.

1. **Public Officials / Employees / Family Members on Nonprofit Boards** – Are there any circumstances under which a public official, public employee, or a family member of either who serves on a nonprofit organization’s board is permitted to solicit donations for the nonprofit from a (1) “principal”, (2) individuals or entities that “have matters pending before” the official or employee’s public body on which they will take official action, or (3) any other individual or entity that “may feel coerced to contribute given” the official or employee’s position?

- If the answer to the above question is “no,” can the Commission provide guidance to assist nonprofits and public officials and employees (and their family members) who serve on nonprofit boards in determining from an Ethics Act perspective whether a fundraising prospect is: (1) a “principal,” (2) an individual or entity that has a matter pending before the official’s government body that the official will take action on, or (3) an individual or entity that “may feel coerced to contribute given” the official or employee’s position?
- We are not aware of any available guidance on the second and third categories of prohibitions above and considering that compliance with the Act hinges on educating our members on how to avoid these restricted fundraising sources, more guidance would be invaluable to the nonprofit sector for ensuring compliance.
- Examples:
 - Can a mayor who serves on the board of her local YMCA solicit donations to the organization from a “principal” or other restricted source?

² See, Ted Hosp and Edward O’Neal, *What businesses should know about the Hubbard ruling and Alabama ethics laws*, Birmingham Business Journal, June 16, 2016. See also, Mike Cason, *Former Alabama Speaker Mike Hubbard seeks new trial*, AL.COM, August 7, 2016.

- Does the answer change if the spouse or adult child of the mayor serves on the organization's board and seeks to raise money for the organization?
 - Can a state legislator or school board member who serves on the local board of the United Way ask a principal or other restricted source to sponsor an event that is held to raise money for the United Way?
2. **Public Officials / Employees / Family Members Working for Nonprofits** – Are there any circumstances under which a public official, public employee, or a family member of either who is employed by a nonprofit is permitted to solicit donations for the nonprofit from a “principal” or the other restricted fundraising sources described above?
- *Examples:*
- Can a city council member who is employed by the Salvation Army solicit donations for the organization from a “principal” or other restricted fundraising source?
 - Can the *spouse* of an assistant district attorney who is employed by the American Cancer Society solicit donations for the organization from a “principal” or other restricted fundraising source?
3. **Public Officials / Employees / Family Members Supporting a Nonprofit** – In the event a public official, public employee, or a family member of either wishes to support a nonprofit organization – but is not employed by the nonprofit and does not serve on its board – is that individual permitted under any circumstances to solicit charitable donations for the nonprofit from a “principal” or other restricted fundraising source?
- *Examples:*
- The *spouse* of a member of a state government commission is asked to serve as the “honorary chair” of a fundraising drive for their local Boy Scout Council. Is the spouse permitted to solicit donations for the troop from a “principal” or other restricted fundraising source?
 - A county commissioner is asked by a family member to help raise money for the local chapter of the Fellowship of Christian Athletes. Is the commissioner permitted to solicit donations for this event from a “principal” or other restricted fundraising source?
4. **Understanding who is a Principal** – If public officials, public employees, and their family members are restricted in their ability to solicit charitable donations from principals, who is considered to be a “principal” under the Ethics Act? Is it only the organization who hires the lobbyist? Does it also include other members of an organization such as that organization's employees, officers, board members, and other committee and organizational leaders? Can the Commission provide any guidance for determining when and to whom this statutory classification applies?

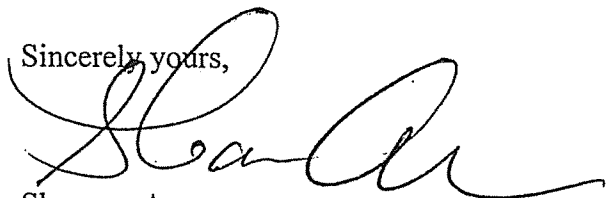
- For the nonprofits that employ lobbyists, are these same individuals who are being deemed principals based on their association with a nonprofit also required to register as “principals” with the Ethics Commission and file quarterly disclosure reports?

Until we receive clarity on these issues from the Ethics Commission, we have advised our member organizations that if any person who is raising funds on behalf of their organization is a public official, public employee, or a family member of either, they should ask that person not to solicit any donations from any organization or individual that may be a principal until further guidance is received from the Commission. Of course, by restricting the ability of hundreds of nonprofit organizations across the state to raise funds as they have done for many years, we have concerns about the effect that this will have on our members as well as the hundreds of thousands of Alabamians in need who are affected by the services that these organizations provide.

As nonprofit organizations, our members rely almost exclusively on donations from businesses and individuals throughout the state. We believe that the lack of clarity on these issues will substantially affect the ability of our members to raise funds that help our members succeed and ultimately benefit the people of this state. Commission guidance will help nonprofit organizations, their board members, and prospective donors ensure that they are fully compliant with the Ethics Act. We also believe that Commission guidance will help ensure that thousands of Alabamians will continue to receive the shelter, food, healthcare, and other basic support and assistance provided by AAN members. Accordingly, we would appreciate it if you could please provide clarification on these issues as soon as possible.

AAN appreciates the Commission’s consideration of the above questions and the Commission’s guidance on how nonprofits across Alabama can ensure that they are in compliance with these important legal requirements. Please let us know if you have any questions or if we need to provide you with any additional information.

Sincerely yours,



Shannon Ammons
Chief Executive Officer

cc: Members of the Alabama Ethics Commission

Attachments:

Alabama Association of Nonprofits Board of Directors
Membership of Alabama Association of Nonprofits

Alabama Association of Nonprofits Board of Directors

Armand Dekeyser, Chair
Alabama Humanities Foundation
Birmingham, AL

George Casey, Vice Chair
Impact Family Counseling
Birmingham, AL

Tay Knight, Treasurer
Warren Averett
Montgomery, AL

Terry Burkle, Secretary
Baldwin County Education Coalition
Summerdale, AL

Gigi Armbrecht
AT&T (retired)
Mobile, AL

Mark Berte
Alabama Coastal Foundation
Mobile, AL

Nancy Biggio
Samford University
Birmingham, AL

Beth Biggs
Family Promise of Montgomery
Montgomery, AL

Patrick Bowman
Barfield Murphy Shank and Smith, CPA
Birmingham, AL

Marcus Carson
Growing Kings, Inc.
Birmingham, AL

Leslie Ecklund
Burritt Museum
Huntsville, AL

Beth Haddock
United Way of Northwest Alabama
Florence, AL

Dr. Kathleen Hale
Auburn University
Auburn, AL

Ryan Hankins
Public Affairs Research Council of AL
Birmingham, AL

Anitra Belle Henderson
SMG & Associates
Mobile, AL

Felicia Lucky
Black Belt Community Foundation
Selma, AL

Richard King
Alabama Power Foundation
Birmingham, AL

Chris McCauley
Markstein
Birmingham, AL

Sara Newell
United Way of Central Alabama
Birmingham, AL

Jen Remick
Lakeshore Foundation
Birmingham, AL

John Roper
Lighthouse Counseling Center
Montgomery, AL

Donna Smith
Alabama Leadership Project
Birmingham, AL

Dr. Jeremy Thornton
Samford University
Birmingham, AL

Jessica Woods
McGladrey LLP
Birmingham, AL

Jackie Wuska
United Way of West Alabama
Tuscaloosa, AL

Andy Wynne
St. Mary's Home
Mobile, AL



ALABAMA ASSOCIATION OF NONPROFITS

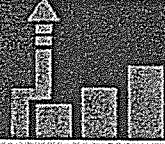
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Abbeville

Jimmy Rane Foundation

Alabaster

D.A.Y. Program
Family Connection

Albertville, GA

Annah Grace Morgan

Alpharetta

Nonprofit Media Solutions

Anniston

Dennis C Bradford
Anniston Community Education Foundation
Arc of Calhoun & Cleburne Counties, The
Cheaha Creative Arts
Children Services, Inc.
Community Actors Studio Theatre
Community Enabler Developer, Inc.
Community Foundation of Northeast Alabama
East Central AL United Cerebral Palsy
I R C S
Interfaith Ministries of Calhoun County
Opportunity Center-Easter Seals
Saving Animals Volunteer Effort
St. Michael's Community Services, Inc
United Way of East Central Alabama
West Anniston Foundation

Atmore

Don Metaler

Auburn

Kathleen Hale

Become a Member

Meet our Members

Member Benefits

STAY INFORMED Sign up for our e-newsletter
Email Address

Alabama Council on Human Relations
Auburn University Outreach - Office of Public Service
Baby Steps
Cary Center for the Advancement of Philanthropy and Nonprofit Studies
East Alabama Birth Village
IAMBK, Inc.
MPA Program - Auburn University

Bessemer

Foundry Rescue Mission and Recovery Center, The
1 Family Community Vision Inc.

Birmingham

Orrett Bailey
Allison Black Cornelius
Patrick Bowman
Marcus Carson
Eligah Dane Clark
Annetta Dolowitz
Marylyn Eubank
Catherine Gilmore
Amanda Glenn
Jim C Hamil
Ryan Hankins
Shirley Hicks
Cheryl Kidd
Mark Landers
Ronald Lewis
Chris McCauley
Kevin Moore
Herb Patterson
Jen Remick
Pauline Scott
Douglas Stewart
Laura Talbott
A.G. Gaston Boys and Girls Club
AIDS Alabama
Alabama Asian Cultures Foundation
Alabama Ballet
Alabama Baptist Childrens Homes & Family Ministries
Alabama CASA Network, Inc.
Alabama Conference of Educators Foundation
Alabama Council on Economic Education
Alabama Ear Institute
Alabama Gospel Center
Alabama Humanities Foundation
Alabama Kidney Foundation
Alabama MicroEnterprise Network (AMEN)
Alabama Possible
Alabama Power Foundation
Alabama Rivers Alliance
Alabama Soccer Association
Alabama School of Fine Arts Foundation
Alabama Sports Hall of Fame
AlaQuest
Alcohol and Drug Abuse Council
Altamont School
American Baseball Foundation Inc.
American Character Builders
American Red Cross - Alabama Region
Arc of Jefferson County, The
Avondale Samaritan Place
Baptist Health Foundation
Better Basics, Inc.
Biblical Marriage Institute
Big Brothers Big Sisters of Greater
Birmingham Area Tennis Association
Birmingham Association of REALTORS

Birmingham Athletic Partnership
Birmingham Bar Foundation
Birmingham Botanical Gardens (Friends of)
Birmingham Boys Choir
Birmingham Childrens Theatre
Birmingham Holocaust Education Center
Birmingham Regional Empowerment & Development Center
Birmingham Sister Cities
Birmingham-Southern College
Birmingham Volunteer Lawyers Program, Inc.
Birmingham Zoo
BirthWell Partners
Black Warrior Riverkeeper, Inc.
Boy Scouts of America
Boys & Girls Clubs of Central Alabama, Inc.
Brother Bryan Mission
Cahaba River Society
Cahaba Valley Health Care
Camp Fire USA Central Alabama Council
Catholic Family Services
Cawaco Resource Conservation & Development Council
Children's of Alabama
Children's Dance Foundation
Children's Village, Inc.
Christ Health Center
Clerestory, Inc.
Collaborative Solutions, Inc.
Collat Jewish Family Services
Community Action Association of Alabama
Community Care Development Network
Community Food Bank of Central Alabama
Community Foundation of Greater Community Grief Support Service, Inc.
Coosa Riverkeeper
Crisis Center, Inc.
Cultural Alliance of Greater Birmingham d/b/a Create Birmingham
Easter Seals of the Birmingham Area
East Lake Initiative
Episcopal Place
Equality Alabama
Exceptional Foundation, The
Exchange Club Child Abuse Prevention Center
Eyesight Foundation of Alabama, The
Fellowship House
Fellowship of Christian Athletes
First Light, Inc.
Freshwater Land Trust
Friends of the Market Inc.
GASP
Gateway
Girls Incorporated of Central Alabama
Girls on the Run
Glenwood, Inc.
Greater Birmingham Humane Society, The
Greater Birmingham Ministries Inc.
Growing Kings, Inc.
Hand in Paw
Heart Gallery of Alabama
Helen Keller Foundation
Hispanic Interest Coalition of Alabama
Homewood City Schools Foundation
Horizons School, Inc., The
IMPACT Family Counseling
Independent Presbyterian Church Foundation
JCCO
Jefferson County Schools Foundation
Jimmie Hale Mission
Jory's Journey
Junior Achievement of Greater Birmingham
Junior League of Birmingham
Junior League of Huntsville
Kid One Transport System

Lakeshore Foundation
Lakeside Baptist Church
Laps For CF Foundation
Laura Crandall Brown Ovarian Cancer Foundation
Legal Aid Society of Birmingham
Leukemia & Lymphoma Society of Alabama/Gulf Coast
Levite Jewish Community Center
Magic City Harvest
Magic Moments
Make-A-Wish Alabama
Manitou Cave of AL
MARANATHAN Fam Lrng Ctr & Academy, Inc.
McCoy Adult Day Care
McCoy Center for Community Service
Metro Changers, Inc.
Ministry Center at Green Springs, The
Mountain Brook Library Foundation
M-POWER Ministries
Murfee Meadows
Nature Conservancy, The
Neighborhood Housing Services of Birmingham, Inc.
New Rising Star Church
NorthStar Youth Ministries
Not Forgotten
Oasis Counseling for Women & Children
One Roof
Pathways, Inc.
Personal Relationships Inc.
Positive Maturity, Inc.
PreSchool Partners
Prescott House Child Advocacy Center
Public Affairs Research Council of Alabama
Railroad Park Foundation
Red Mountain Park
Red Mountain Theatre Company
Robert E Reed Gastrointestinal Oncology Research Fdn.
REV Birmingham
Ronald McDonald House Charities of Alabama
Rotaract Club of Birmingham Foundation
RSM US LLP
Ruffner Mountain Nature Preserve
Salvation Army-Greater Birmingham Area Council
Sav-A-Life, Inc.
Shades Mountain Christian School
Shepherds Fold
Southern Vintage Fire Apparatus Association
STAIR of Birmingham
Tanner Foundation
The Bell Center for Early Intervention Programs
The Daniel Foundation of Alabama
The Firehouse Shelter
The Harbert Center
The Literacy Council of Central Alabama
Three Hots & A Cot
Travelers Aid Society
Triumph Services, Inc.
United Cerebral Palsy of Greater Birmingham Inc.
United Way of Central Alabama
University of Alabama Medical Alumni Association
Urban Ministry, Inc.
Vulcan Park and Museum
Wild Mammal Care of Alabama
Womans Missionary Union
Women's Fund of Greater Birmingham, The
YWCA Central Alabama
Jeremy Thornton

Blountsville

Friends of the Locust Fork River

Brewton

Southern Alabama Area Health Education Center

Calera

AL Firefighters Museum & Education Center
Middle Alabama Area Agency on Aging

Carrollton

Pickens Community Action and Development Corp.

Castleberry

Castleberry Parks and Recreation

Chelsea

King's Home

Clanton

Eleventh Area of Alabama Opportunity Action Committee

Cleveland

Friends of the Locust Fork River

Columbiana

Cindy Greer
Shelby County Childrens Advocacy Center

Cullman

Cullman Caring for Kids
Cullman Christian School
Cullman City Schools Foundation
Cullman Regional Medical Center Foundation
Hope Horses, Inc.
Restoring Women Outreach, Inc.
Saving Forgotten Warriors
The Link of Cullman County

Dadeville

Chambers-Tallapoosa-Coosa Community Action Committee

Daphne

Community Action Agency of South Alabama
Ruff Wilson Youth Organization

Decatur

Mental Health Center of North Central Alabama, Inc.

Dothan

Dothan-Houston Co. Substance Abuse Partnership
Exchange Center for Child Abuse Prevention
Wiregrass Hope Group

Elberta

Mary's Shelter Gulf Coast

Enterprise

Human Resource Development Corp.

Fairfield

Grace House Ministries

Fairhope

Beckwith Camp and Retreat
Fairhope Educational Enrichment Foundation
Fairhope-Point Clear Rotary Youth Programs, Inc.
Haven, The

Florence

Community Action Agency of Northwest Alabama, Inc.
United Way of Northwest Alabama

Foley

Jennifer Claire Moore Foundation
United Way of Baldwin County, Inc.

Fultondale

Jennifer Browner

Gadsden

Kim Payne
Council on Aging of Etowah County Inc., The
Mental Health America of Etowah County
Metropolitan Area Noon Nutrition Association (MANNA)
United Way of Etowah County

Greenville

Healthy Kids Alabama

Guin

Habitat for Humanity of Northwest Alabama

Guntersville

Liberty Learning Foundation

Hamilton

Marion-Winston Counties Community Action Committee

Hanceville

The Future Foundation, Inc. of Wallace State Community College

Helena

Steve Cox
Empowered to Conquer

Homewood

Claire Hubbs
Audrey Lampkin
Kendra Quandt
aTeam Ministries
Creative Montessori School

Hoover

Ken Jackson
Alabama Head Injury Foundation
FOCUS On Recovery
Southeastern Diabetes Education Services

Huntsville

Jill A Gardiner
Harry James McCarty
Scott Trites
ALS Association - Alabama Chapter
Alabama Youth Ballet Theatre, Inc.
Big Brothers Big Sisters of North Alabama
Burritt Museum Association
Cap & Gown Project
CASA of Madison County
Community Action Partnership of Huntsville/Madison and Limestone Counties
Community Foundation of Huntsville/Madison County
Family Services Center Inc.
Fantasy Playhouse Children's Theatre
Huntsville Botanical Garden
Huntsville Rehabilitation Foundation
Inspire & Achieve Corporation
Interfaith Mission Service
International Services Council of Alabama
John Stallworth Foundation
Liberty Learning Foundation
Neighborhood Concepts, Inc.
North Alabama International Trade Association
Still Serving Veterans
The Cornerstone Initiative, Inc.
The EarlyWorks Family of Museums
Therapy Partners, Inc.
Thrive Alabama (f/k/a AIDS Action Coalition)
United Way of Madison County

Indian Springs

Special Equestrians, Inc.

Irondale

MKS Foundation

Jackson

Rebecca Adams

Jacksons Gap

Easter Seals Camp ASCCA

Jasper

Holly Trawick
Arc of Walker County, The
Concerned Citizens for our Youth
Daybreak Family Violence Program

Walker Area Community Foundation

Lafayette, CA

Alliance for Fertility Preservation

Leeds

Malera Wright
Barber Vintage Motorsports Museum
The Red Barn

Livingston

Seventeenth Judicial Circuit Community Corrections Program Inc.

Madison

AGAPE of North Alabama

Mobile

Gigi Armbrecht
Glenn Harger
Karen M. Kennedy
John Martin
Brandi Purvis
A Servant's Love, Inc.
Alabama Coastal Foundation
American Red Cross - South Alabama
Big Brothers Big Sisters of South Alabama
Community Foundation of South Alabama
Dauphin Island Sea Lab Foundation
Education for Life Inc.
Epilepsy Foundation of Alabama
Family Promise of Coastal Alabama
Fuse Project
Housing First, Inc.
Learning Tree, Inc., The
Mobile Area Education Foundation
Mobile Baykeeper
Mobile Community Action, Inc.
Mobile International Festival
Mobile United
St. Mary's Home
United Cerebral Palsy of Mobile
Via Health Fitness & Enrichment Center (Senior Citizens Services)
Victory Health Partners
Cooper Foundation

Montevallo

David Mathews Center for Civic Life
Shelby Emergency Assistance

Montgomery

Felicia Jackson
Eugene Antônio Johnson
Jolene Kearns
David Roberson
Douglas Walton
A Plus Education Partnership
Alabama Appleseed Center for Law & Justice, Inc.
Alabama Archives & History Foundation
Alabama Arise
Alabama Civil Justice Foundation
Alabama Clean Water Partnership

Alabama Law Foundation
Alabama Network of Childrens Advocacy Centers
Alabama Partnership for Children
Alabama Sustainable Agriculture Network
Alabama Writers' Forum, Inc.
Al-Hajj, Inc.
Arc of Alabama, Inc., The
Autism Spectrum Counseling Center, Incorporated
Better Covenant Ministries, Inc.
Brantwood Childrens Home
Catholic Social Services/Montgomery
Central Alabama Community Foundation
Easter Seals Alabama
Easter Seals Central Alabama Rehabilitation Center
Family Promise of Montgomery
Family Sunshine Center
Gift of Life Foundation
HandsOn River Region
Hope Inspired Ministries
Hunting Heritage Foundation
Interstate Character Council
Landmarks Foundation of Montgomery
Leadership Montgomery
Legacy Inc.
Lighthouse Counseling Center, Inc.
Mid-Alabama Coalition for the Homeless
Montgomery Area Council On Aging
Montgomery Ballet
Montgomery Community Action Agency
Montgomery STEP Foundation
Montgomery Trees, Inc.
NAMI Alabama
Nellie Burge Community Center
Rebuilding Together Central Alabama
River Region United Way
Southern Poverty Law Center
Successful Living Center
The Cloverdale Playhouse
VOICES for Alabamas Children
Wellness Coalition, The
Women of Hope

Muscle Shoals

Dyslexia Center of the Shoals
Easter Seals Northwest Alabama
The Healing Place

Nauvoo

RailSmart

Northport

Ability Alliance of West Alabama
Brandon's Place
Good Samaritan Clinic

Oneonta

Blount County Education Foundation, Inc.

Opelika

Bobbi Yeo
Achievement Center-Easter Seals
Jean Dean RIF

Oxford

Agency for Substance Abuse Prevention

Ozark

Matalia Liptrot
Ozark-Dale County Family Service Center

Pelham

Melissa Hipp
Kathy Scarbrough
Arc of Shelby County, The
Community of Hope Health Clinic
SafeHouse of Shelby County, Inc.
Sight Savers America
The Al & Sharyne Wallace Family Foundation

Pell City

Lakeside Hospice
St. Clair Childrens Advocacy Center

Phenix City

Teens Empowerment Awareness With Resolutions

Piedmont

Georgia-Alabama Land Trust, Inc.
Piedmont Benevolence Center

Pinson

Apologia Outdoors
Friends of Turkey Creek Nature Preserve Inc.

Prattville

L.I.F.E., Ladies Influencing Freedom and Excellence

Prichard

Prichard Boxing Academy

Selma

Black Belt Community Foundation
Christian Services for Children in Alabama
Easter Seals West Central Alabama
Edmundite Missions

Shreveport, LA

APS

Spanish Fort

Prodisee Pantry, Inc.

Stone Ridge, NY

Foundation for New Media

Summerdale

Baldwin County Education Coalition
Habitat for Humanity of Baldwin County, Inc.

Sylacauga

Audrey Salgado

Talladega

Alabama Institute for Deaf & Blind Foundation, Inc.
Community Action Agency of Talladega, Clay, Randolph, Calhoun and Cleburn Cos.
United Way of North Talladega County

Troy

Organized Community Action Program, Inc.

Trussville

Achievers in Life, Inc.
Cheryl Goldstein

Tuscaloosa

Teri Henley
Victoria Rutledge
Arc of Tuscaloosa County, The
Arts 'n Autism, Inc.
Big Brothers Big Sisters of West Alabama
Community Service Programs of West Alabama
Community Soup Bowl
Druid City Garden Project
Easter Seals West Alabama
Literacy Council of West Alabama
Temporary Emergency Service
Theatre Tuscaloosa
Turning Point
Tuscaloosa's One Place
United Way of West Alabama
West Alabama AIDS Outreach

Vestavia

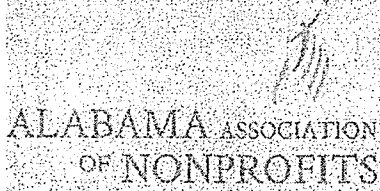
Gwen Gilleland
Alabama Family Trust Inc.
Wish 2 Enrich

Vestavia Hills

Down Syndrome Alabama
Greater Birmingham AMBUCS, Inc.
Vestavia Hills City Schools Foundation
Susan Theiss

Wetumpka

Tatia W. Knight
Humane Society of Elmore County



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Exhibit B



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September 12, 2016

VIA U.S. MAIL AND FACSIMILE TRANSMISSION (334-242-0248)

Honorable Hugh R. Evans, III
General Counsel
State of Alabama Ethics Commission
Post Office Box 4840
Montgomery, Alabama 36101-4840

Re: Alabama Association of NonProfits Request for Advisory Opinion

Dear Hugh:

Thank you very much for your letter of September 2, 2016, transmitting copies of Advisory Opinions 2016-24 and 25. My client is indeed considering whether its questions were answered by those two opinions and whether we desire to be put on the Commission's October docket.

I am sorry we missed each other by telephone last week. If you have a chance, please give me a call. My question, which I can include in a formal request, is this: Should all "principals" included in the broad definition (found at paragraph 1 of page 5 of Advisory Opinion No. 2016-24) commence registration under Alabama Code §36-25-19? My client serves almost 500 charities in Alabama, some of which employ lobbyists. Under the broad definition of "principal" contained in the Advisory Opinion No. 2015-24, there may be a large number of citizens who fall within that definition who are not currently registered.

Your assistance is greatly appreciated.

Sincerely,

Maxwell H. Pulliam

MHP/drp