



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 250

February 24, 1995

Whether Government Code section 572.054, the revolving door provision, applies to a former general counsel of the Texas Department of Insurance. (AOR-280)

The Texas Ethics Commission has been asked whether the revolving door prohibitions in Government Code section 572.054 apply to a former general counsel of the Texas Department of Insurance. Section 572.054(b) restricts certain former employees of a state agency from working on matters the former employees worked on as state employees. Section 572.054(e) provides that "other law that restricts the representation of a person before a particular state agency by a former state officer or employee of that agency prevails over this section." Gov't Code § 572.054(e). The Insurance Code contains a provision restricting a former general counsel of the Department of Insurance from representing persons before the department. Article 1.06C of the Insurance Code provides in pertinent part the following:

- (a) A person serving as . . . general counsel . . . may not, for a period of one year after the date the person ceases to be . . . general counsel . . . represent any person in a matter before the department or receive compensation for services rendered on behalf of any person regarding a matter pending before the department.
- (b) A . . . former general counsel . . . may not represent any person or receive compensation for services rendered on behalf of any person regarding a matter with which the former . . . general counsel . . . was directly concerned during the period of service or employment . . . either through personal involvement or because the matter was within the . . . general counsel's . . . official responsibility while associated with the board

Because the Insurance Code restricts the representation of a person by a former general counsel of the Department of Insurance, a former general counsel is not subject to the provisions of Government Code section 572.054. *See Ethics Advisory Opinion No. 233* (1994) (former employee of the Texas Natural Resources Conservation Commission [TNRCC] who participated in the handling of a permit application covered by Health and Safety Code sections 361.0885 and 382.0591, or Water Code section 26.0283, is subject to those provisions rather than Government Code section 572.054 for purposes of determining whether he may represent a person in regard to a permit matter before the TNRCC).

The requestor has also inquired about the application of Insurance Code article 1.06C to certain fact situations. The Ethics Commission has no authority to interpret provisions of the Insurance Code, and so we are unable to respond to those questions.

SUMMARY

A former general counsel of the Texas Department of Insurance is not subject to the revolving door provisions in section 572.054 of the Government Code.