



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 255

March 10, 1995

Whether the revolving door provision in Government Code section 572.054(b) applies to the employment of a former employee of the Texas Real Estate Commission as an instructor of real estate courses. (AOR-286)

The Texas Ethics Commission has been asked about the application of the revolving door provision in section 572.054(b) of the Government Code to a particular situation involving a former employee of the Texas Real Estate Commission, a state regulatory agency. The individual's duties as an employee of the agency included investigating complaints filed against proprietary real estate schools and administering real estate examinations. The requestor asks if the former employee may accept a position teaching real estate courses in an educational institution not regulated by the Real Estate Commission, and whether the individual may teach courses to prepare applicants for a real estate license to take the real estate licensing examination.

The revolving door provision in question prohibits a former employee of a regulatory agency from representing a person *or receiving compensation for services rendered* on behalf of a person regarding a "particular matter" in which the former employee participated during the period of state employment, either through personal involvement or because the "case or proceeding" was a matter within the employee's official responsibility. Gov't Code § 572.054(b). "Particular matter" is defined as a "specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding." *Id.* § 572.054(h)(2). *See generally* [Ethics Advisory Opinion No. 232](#) at 3 (1994) (communications to legislature about statutory changes not prohibited since decisions about legislation are matters for the legislature).

In teaching real estate courses or courses preparing applicants for the real estate examination, the former agency employee would not be rendering services in regard to any matters in which he participated during his state service. Under such circumstances, Government Code section 572.054(b) does not restrict the proposed employment. We note that this opinion addresses only the application of the revolving door provision, not whether there are any applicable confidentiality provisions.

SUMMARY

The revolving door provision in section 572.054(b) of the Government Code does not prevent a former employee of the Real Estate Commission who was involved in the administration of real estate examinations from teaching courses to prepare applicants to take the real estate licensing examination.