



# TEXAS ETHICS COMMISSION



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## ETHICS ADVISORY OPINION NO. 353

*December 13, 1996*

*Whether a former employee of a state agency, as an employee of a private vendor, may sell equipment and services to the state agency. The former employee was personally involved in purchasing equipment for the agency from the private vendor. (AOR-390)*

The Texas Ethics Commission has been asked whether a former employee of a state agency, as an employee of a private vendor, may sell equipment and services to the state agency. The requestor states that the former employee was personally involved in purchasing equipment for the agency from the private vendor.

Section 572.054(b) of the Government Code prohibits a former state employee of a regulatory agency from representing a person or receiving compensation for services rendered on behalf of any person regarding a particular matter in which the former state employee participated during his or her tenure with the agency. For purposes of that provision, a "particular matter" is "a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding." Gov't Code § 572.054(h)(2). Thus, "particular matter" refers to a specific contract, not to contracts generally. This means, for example, that a former employee who had been involved, as an agency employee, in a decision about specific purchasing needs of the agency could not leave the agency and receive compensation for assisting a vendor in attempting to sell something to the agency to satisfy those specific needs. Section 572.054(b) does not, however, prohibit a former agency employee who worked on some specific purchasing decisions for an agency from performing work for a vendor in connection with other purchasing decisions by the agency.

### SUMMARY

Section 572.054(b) of the Government Code does not prohibit a former agency employee who worked on some specific purchasing decisions for an agency from performing work for a vendor in connection with other purchasing decisions by the agency.