



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 364

March 14, 1997

Whether the "revolving door" provision in Government Code section 572.054(b) prohibits a former employee of the Lottery Commission from performing marketing services for a company that has contracts with the Lottery Commission. (AOR-401)

A former employee of the Texas Lottery Commission has asked whether the "revolving door" provision in Government Code section 572.054(b)¹ prohibits a former employee of the Lottery Commission from performing marketing services for a company that contracts with the Lottery Commission to run a game for the commission. As an employee of the Lottery Commission, the requestor was assigned to monitor the company's compliance with the terms of the contract. After leaving the agency, he was offered a job doing national marketing for the company. The requestor states that he would not be working on the contract he worked on for the Lottery Commission.

The revolving door provision in Government Code section 572.054(b) does not prohibit former state employees from working in subject areas or for employers with which they became familiar in the course of their state employment. See [Ethics Advisory Opinion Nos. 353](#) (1996), [345](#) (1996), [255](#) (1995). Instead, the law prohibits the former employee from providing services for compensation in regard to a particular contract, investigation, determination, or other proceeding in which the employee participated while with the agency. As long as the requestor's new job does not involve the specific contract he worked on or any other specific matter he worked on as a Lottery Commission employee, his work for a private employer he previously dealt with as a Lottery Commission employee will not bring him into violation of the revolving door provision in Government Code section 572.054(b).²

SUMMARY

As long as a former Lottery Commission employee's new job does not involve a specific contract he worked on or any other specific matter he worked on as a Lottery Commission employee, his work for a private employer he previously dealt with as a Lottery Commission employee will not bring him into violation of the revolving door provision in Government Code section 572.054(b).

¹ Government Code section 572.054 contains two separate revolving door prohibitions. Subsection (a) applies only to former board members and former executive directors of regulatory agencies.

² We note that a former executive director or former director of the Lottery Commission is subject to the revolving door provision in Government Code section 466.316 and is not covered by Government Code section 572.054(a) or (b). See Gov't Code § 572.054(e); [Ethics Advisory Opinion No. 275](#) (1995). Other former employees of the Lottery Commission are covered by section 572.054(b).