



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 644

May 13, 2026

ISSUE

Regarding the application of the revolving door provision of Section 572.054(b) of the Texas Government Code to a former employee of Texas Department of Transportation ("TXDOT"). (AOR-748.)

SUMMARY

The former TXDOT employee would not be barred from representing the requestor on the indicated projects, as they are not the same "particular matter" that the employee participated in while employed by TXDOT.

FACTS

The requestor is looking to employ a former TxDOT employee who exceeded the step 1, salary group 17 threshold and is subject to the revolving door prohibition of Section 572.054(b) of the Texas Government Code. The requestor states that the employee, among other duties, was responsible for completing block grants for projects, tracking amounts and utilization of federal entitlement funds allotted to eligible airports, and attending annual Aviation Capital Improvement Program (ACIP) meetings to inform planners of said federal entitlement funds for certain airports.

The requestor asks if the definition of "participate" would apply to the former TxDOT employee such that they would be barred from representing the requestor on projects where the employee may have sat in an ACIP meeting where all potential projects in the state were discussed.

The requestor also asks if the employee would be barred from representing the requestor on projects where the employee may have applied for a block grant.

ANALYSIS

"Participated" means to have taken action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action. Tex. Gov't Code § 572.054(h)(1). "Particular matter" means 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).

Previously, we have stated that "particular matter" refers to a specific proceeding involving an agency's exercise of discretion. *See* Tex. Ethics Comm'n Op. No. 426 (2000). The matter the employee participated in regarding the meetings was the tracking of amounts and utilization of

federal entitlement funds. Merely sitting in on meetings to inform planners of federal entitlement funds would not be participating in all projects that were discussed at that meeting.

The Texas Ethics Commission has previously interpreted the application for a grant and the selection of a contractor through a competitive bidding process to be two different “particular matters.” *See* Tex. Ethics Comm’n Op. No. 345 (1996). The employee’s participation in applying for a block grant would not prohibit the employee from working on a response to the agency’s request for proposals, nor from working on the project itself. *Id.* It is important to note that if the employee did work on the request for proposals on behalf of the agency, they would be barred from participating in the matter on behalf of the requestor.