

## Revolving Door Policy

To safeguard agency independence, and to avoid the appearance of impropriety, the Railroad Commission requires former agency officers and former employees (and current employees to the extent that they interact or communicate with former officers and employees) to adhere to the following policies and procedures regarding prohibited communications, representation, and compensation:

### Two-Year Prohibition (Applicable to Former Commissioners and Executive Directors)

For two years after a commissioner or executive director leaves the agency, he or she may not appear before the Commission or otherwise communicate with current commissioners, agency officers or employees *with the intent to influence agency action* on behalf of any person and in connection with any matter. This restriction applies even if the former commissioner or executive director is communicating on his or her own behalf with the intent to influence agency action, subject to any constitutional due process right to be heard by the agency.

In order to minimize any appearance of impropriety, all former commissioners and former executive directors of the Railroad Commission must direct *all communications* with the agency to the Commission's Open Records Coordinator. If contacted directly, current Commission employees shall immediately refer the former commissioner or former executive director to the Open Records Coordinator. Furthermore, the current employee shall report the details of any communication made to them by the former commissioner or former executive director to the Open Records Coordinator. Failure on the part of current Commission employees to comply with these procedures will be documented, and may result in disciplinary actions up to and including termination of employment.

### Subject Matter Prohibition (Applicable to Former Commissioners, Executive Directors and Upper-Level Employees)

This policy deals with work performed by former agency employees on "particular matters." A "particular matter" is defined narrowly to mean something quite specific, such as an investigation, application, contract, rulemaking, or other administrative proceeding and applies to all former commissioners, executive directors, and agency employees whose ending pay was at or above the amount prescribed for Step 1, Salary Group A17, of the state position classification salary schedule, available here: <http://www.hr.sao.state.tx.us/Compensation/schedules.html>.

A former agency officer subject to this prohibition may never represent a person before the Commission or receive compensation for services rendered on behalf of any person regarding a "particular matter" in which the former agency officer "participated" while employed by the agency, either through personal involvement or because the matter was one within the

individual's official responsibility. In this context, "participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

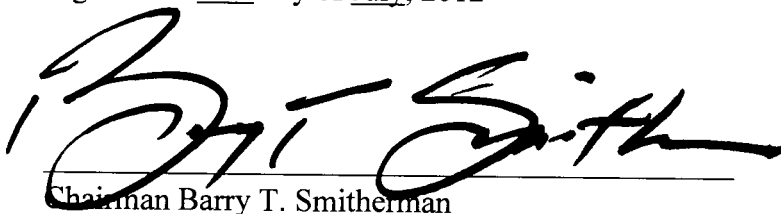
This prohibition applies even if the representation occurs or the compensation is paid more than two years after the former agency officer left the Commission.

Current and former professional officers and employees of the Railroad Commission should also adhere to their profession's rules and guidelines relating to conflicts of interest, prohibited representation, confidentiality, and proper conduct.

Questions concerning this policy should be directed to the Commission's Office of General Counsel.

Current and former officers and employees should be aware that a violation of these revolving door provisions may result in disciplinary action, up to and including termination of employment, and/or criminal prosecution under Chapter 572 of the Texas Government Code.

Signed this 17th day of July, 2012



Chairman Barry T. Smitherman

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Commissioner David Porter



Commissioner Buddy Garcia