

AG does 180

For a couple of years now I've been writing about the goings on with the Mabel Amos Memorial Fund — a charitable trust set up by Alabama's first female secretary of state to provide scholarships to needy college students.

The story is a wild one indeed. Amos was in her 90s when the trust was set up in her will by her friends at the Albritton Law Firm in Andalusia. When she died, Tom Albritton and Rick Clifton, two firm attorneys, became board members for the trust, as did Regions Bank officer John Bell.



Alabama Attorney General Steve Marshall (left) and
Alabama Ethics Commission Chairman Tom
Albritton

The firm — with a value of about \$500,000 — doled out a few small scholarships each year. Nothing too interesting. But then, in 2011, Jed Clampit was shooting at a rabbit on some land in Conecuh County that was owned by the trust, and up from the ground come a-bubblin' crude. OK, Jed had nothing to do with it. A wildcatter from Canada, believe it or not, hit the mother load and by 2013, millions started pouring into the trust.

All of the sudden, there were more and bigger scholarships awarded by the MAMF, and old Tom Albritton's kids were beneficiaries. All told, his two children received \$120,000 in tuition to attend the University of Texas over about six years. It would look sketchy for any tax exempt trust to hand out money to a board member — it's called self-dealing and is forbidden by law and also by the language that created the MAMF — but it looks even worse because shortly after his kids started getting that scholarship money, Albritton was appointed executive director of the Alabama Ethics Commission.

If you've followed the story you'll remember a couple of Amos' relatives filed a civil suit a year ago against Regions, which has taken more than \$1 million in fees for managing the trust. Alabama Attorney General Steve Marshall has attempted to be added to the case, claiming his office is actually the one with standing to oversee such entities. In his motion to join the case, Marshall openly accused Albritton of both fraud and self-dealing, criminal offenses.

Along the way, though, Tyra Lindsey, a high school student, has petitioned to join the case as a representative of all the students who should be eligible for scholarships, but who aren't getting them because the board is doling the money out to Albritton and his friends. Lindsey's attorney, Byron Mathews, Jr., has filed some pretty sharp-elbowed motions that would add Albritton and the rest of the board as defendants and also would force Regions to divulge the names of all the scholarship recipients since 2014 when it stopped including their names in required IRS 990 Form tax filings.

Mathews also included in some a motion that it is important for Lindsey to be included in the case because Marshall has massive conflicts of interest stemming from the facts his office has paid millions to the same attorneys representing Regions in the case. Mathews has also pointed out that Marshall received significant campaign cash from both Regions and the lawyers.

So this week, Marshall's office reversed course and asked the court to toss Lindsey out of the case. Just a few months ago, the attorney representing the AG in court had said they had no opinion on that and it should be left up to the court. I guess that's what calling the AG out will get you.

It's a real soap opera to say the least. But I also can't help starting to feel like there's a lot of political maneuvering going on behind the scenes here. First of all, Judge Johnny Hardwick, who is overseeing this case, hasn't ruled on almost any of the 70 or so motions filed so far. I checked Alacourt, and he's certainly ruled on motions in or even completed civil cases assigned to him around the same time. This one is getting zero love, which makes me wonder whether the judge simply thinks it'll settle and doesn't want to waste his time, or if there's more going on.

Regions has stated that it thinks Marshall's office is the only interested party with actual standing, which also is a bit of a head-scratcher, given that the AG has flatly accused board members of illegal behavior. By the way, he has the power to investigate and throw people in jail.

Then there's the matter of Marshall saying those things, but apparently not criminally investigating Albritton or the board.

It all goes back to a fight between Albritton and Marshall last year over whether the Ethics Commission was required to provide exculpatory evidence to those accused of violations, as well as to the AG's office tasked with conducting investigations. Albritton said they weren't required, Marshall said they were and filed suit. The legislature settled that this session, passing a law requiring the Ethics Commission to pass along so-called Brady information.

So that fight is over, but it was nice leverage for Marshall when things were still uncertain. Now, we're just back to the basics and the incestuous ties between Regions, Marshall and their shared lawyers.

And we wonder why so many sketchy things happen in this state.