

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 1: Call the Meeting to Order**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 2:    Welcome New Public Members**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 3: Approval of Agenda**

# Alaska State Legislature

## Select Committee on Legislative Ethics

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**Ethics Committee Meeting**  
**May 3, 2016, 8:30 a.m.**  
**Anchorage LIO, Auditorium**  
(Meeting will be teleconferenced – call 1-844-586-9085)

### **FULL COMMITTEE: Open Session**

(+) indicates background material in packet

1. CALL THE MEETING TO ORDER
2. WELCOME NEW PUBLIC MEMBERS
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
  - a. January 25, 2016 Full Committee (+)
  - b. January 26, 2016 House Subcommittee (+)
5. PUBLIC COMMENT
6. ELECTION OF NEW OFFICERS
7. CHAIR/STAFF REPORT
  - a. Informal Advice Staff Report (+)
  - b. Update: Public Member Committee Appointment Information (+)
  - c. 2016 Ethics Training – AS 24.60.150(a)(3) and (4)
  - d. Ethics Disclosures (+)
    - i. Representative Tarr Letter
    - ii. Current Disclosure Status
  - e. Update: Fine payments
  - f. Campaign Year Oversight Activities

8. BUDGET (+)

- a. FY 16 Budget to March 31, 2016
- b. FY 17 Budget

9. 2015/2016 LEGISLATION UPDATE (+)

10. Motion to go into **EXECUTIVE SESSION** to discuss matters which by law must remain confidential.

11. EXECUTIVE SESSION

12. PUBLIC SESSION

13. OTHER BUSINESS

14. ADJOURN

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 4: Approval of Minutes**

**ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
JANUARY 25, 2016  
8:30 AM**

**8:34:52 AM**

**Committee Members Present:**

Senator Gary Stevens  
Senator Dennis Egan  
Representative Charisse Millett  
Representative Chris Tuck  
Representative Liz Vazquez (Alternate)  
Conner Thomas  
Skip Cook  
Gary Turner

**Others Present:**

Jerry Anderson, Administrator  
Joyce Anderson, Contract Employee  
Janice Stewart, Staff  
Dan Wayne, LAA Legal

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair Skip Cook at 8:35 am.

**2. WELCOME NEW PUBLIC MEMBERS**

No new public members have been appointed at this time.

**3. APPROVAL OF AGENDA**

Motion was made by Member Gary Turner to move Item 11 to a future Senate Subcommittee Executive Session. No objection. Agenda approved.

**4. APPROVAL OF MINUTES**

**a. September 29, 2015 Full Committee**

Motion to approve by Member Thomas. No objection. Minutes were approved.

**b. September 29, 2015 Senate Subcommittee**

Motion to approve by Member Turner with the addition that he was present by teleconference. No objection. Minutes approved.

**c. September 29, 2015 House Subcommittee**

Motion to approve by Member Turner with the addition that he was present by teleconference. No objection. Minutes approved.

**d. November 12, 2015 AO Subcommittee.**

Motion to approve by Member Turner. No objection. Minutes approved.

**5. PUBLIC COMMENT:** No public comment.

**6. ELECTION OF COMMITTEE CHAIRS**

[See next committee meeting notes for correction in accordance with AS 24.60.130(d)]

**7. CHAIR/STAFF REPORT**

**a. Informal Advice Report.**

Jerry Anderson summarized the Informal Advice Report. There were no comments, questions, or additions from the committee.

**b. Update: Public Member Committee Appointments**

The Ethics Committee is waiting for the appointment of two public members and a public member alternate. Member Conner Thomas and Member Gary Turner were re-nominated by the Chief Justice and consented to serve for another term, pending confirmation by the House and Senate.

**c. Ethics training.**

A total of 58 employees completed training on January 15, 2016. An additional session is to be held on Wednesday, January 27, 2016, at 8:30 a.m. in Juneau. There is the possibility of one additional training in February. Training on January 27th will include teleconferencing for off-site employees.

**d. Ethics Disclosures.**

A summary of disclosures filed for 2015 was provided, noting the number of filings was down. Disclosures showing a Close Economic Association were down most likely because of advice clarifying that it was not necessary to file if the amount was less than \$250.

**i.** Ethics Committee staff are working on streamlining and making the filing of the forms more easily identifiable and accessible online. Handwritten disclosures

are now entered by the Ethics Committee Administrative Assistant. The goal is to provide accurate and timely records for the public.

Committee staff suggested a move towards electronic filing only over the next year. Doing so would increase the opportunity for filers to search disclosures and would reduce misunderstandings generated when reading handwritten disclosures. A change in the Rules of Procedure, Section 11c, would be necessary if the requirement changed to "electronic only". Senator Stevens requested that the committee be cautious when asking for electronic filing only, and although electronic filing should be encouraged, it should not be required at this time. He suggested that the issue be revisited at the January meeting next year. No motion was made at this time.

- ii. Committee Staff are working with Tim Powers, LAA Media Services, to refine the disclosure database and access to online filing.

**e. COGEL Report.**

Mr. Anderson summarized the Council on Governmental Ethics Laws (COGEL) conference and pointed out highlights regarding nationwide issues and situations that other ethics committees have faced. He noted the variety of professions represented at the conference. A compilation of topics and various state decisions were included in the packet.

**f. Payment of Fines.**

All late fines are current.

A letter received January 25, 2016, from Representative Tarr regarding a late fine was moved to a future agenda.

**g. Statutory publications.**

- i. There were no Advisory Opinions or Complaint Decisions published in 2015 as none were issued.

ii. The Standards of Conduct Handbook for 2016 will remain the same as the 2015 version.

**h. Campaign Oversight Activities.**

The administrator will be focusing on activities, regulations, and statutes regarding what is permitted and prohibited during a campaign year. Information will be sent out in the committee newsletter, The Advisor, as well as occasional email alerts.

**8. STATE BENEFIT AND LOAN REVIEW**

**a. Annual request for review.**

Committee members were provided with a sample letter sent to state departments that included a review form and current Standards of Conduct Handbook Appendix C, which lists approved benefit and loan programs. All departments responded with no changes, with the exception of the Department of Commerce, Community and Economic Development, which asked for a review of five of their programs in January of 2015. The five programs are: Deferred Deposit Advance (Pay Day) Lenders, Premium Finance Companies, Business and Industrial Development Companies (BIDCOs), Small Loan Companies, and Banks, Mutual Savings Banks and Credit Unions.

**b. Report by Representative Vazquez and Administrator (AS 24.60.050 (b))**

Mr. Anderson referred committee members to a chart provided by Kevin Anselm of the Division of Banking and Securities within the Department of Commerce, Community and Economic Development. The chart gave a summary of each of the five programs for which a review had been requested. Mr. Anderson and Representative Vazquez had drafted a memo as a response to Ms. Anselm's request to withdraw those programs.

Representative Vazquez noted that after reviewing the pertinent regulations, all five programs involved more than a minimal amount of discretion, and were not limited to fixed, objective eligibility standards. It was recommended that the programs remain on the state benefit and loan program list.

A motion to keep the five programs on the list was made by Representative Millett. No objection. Motion was approved.

**9. BUDGET REVIEW**

Mr. Anderson summarized the budget for FY16, noting that the Ethics Committee office was under budget due to turnover in staff. Of \$257,100 appropriated, expenditures totaled \$93,201.17, with a remaining amount of \$163,889 available for use through June 30, 2016. The FY 17 budget includes a 2.5% decrease, from \$257,100, to \$252,400.

(ITEM 10 was moved forward in the agenda pending the arrival of Senator Gardner.)

(ITEM 11 was moved to a future agenda as noted in ITEM 3.)

**12. ADVISORY OPINION 15-02 - LUNCH AND LEARN SESSIONS.**

CONFIDENTIALITY REGARDING THIS ADVISORY OPINION WAS PREVIOUSLY WAIVED.

Mr. Dan Wayne, Esq., from Legislative Legal gave an overview of the current draft that included changes as directed by the AO subcommittee during the November 12, 2015, meeting. These changes included a reiteration that the Lunch and Learn sessions have a legislative purpose and focus on the topic to be presented rather than the business providing the lunch or the entity presenting the information. This Advisory Opinion would apply to state facilities operated by the legislature, not just the Alaska State Capitol building.

**Discussion of AO 15-02**

Senator Stevens asked for a definition of "legislative purpose." Mr. Wayne responded that it was broadly interpreted by the committee in the past, and no definition had been provided in past Advisory Opinions. It would be difficult to provide a definition that would encompass all possible things that have a legislative purpose. The term is explained based on the facts provided in each opinion.

Member Gary Turner suggested that using the name of the caterer when advertising the Lunch and Learn be

prohibited, therefore eliminating the appearance of private benefit.

A Motion was made by Member Gary Turner that language be added saying that the name of the person or business that provides the lunch will not be included on the Lunch and Learn posters, flyers, or communication pieces.

Representative Millett noted that the person or business providing the food will often bring business cards or other information to distribute during the lunch. If the committee were to adopt a zero tolerance policy that issue would need be addressed as well.

Chair Skip Cook asked if the food was provided for free by the caterer, or if the entity presenting information paid for the food.

Representative Millet stated that her understanding was that the person or business providing food were reimbursed by the organizer of the event at no cost to the staff or legislature. She did not recall a situation when the food was provided at no cost to the entity organizing the Lunch and Learn.

It was noted that some caterers were, at times, perceived as a draw by those promoting the Lunch and Learn, bringing more people to the event.

Member Conner Thomas stated that he saw no need for the provider of the food to be listed if they were being paid for their service.

Representative Tuck added that due to food allergies it was important for some people to know what kind of food would be available. It was then noted by the committee that the kind of food to be served would not require the name of the caterer or food provider. Emphasis needed to be away from providing a private benefit to the food provider.

Representative Millett suggested that it might be beneficial to have the Rules Chair talk to the committee about their procedures and criteria for approving Lunch and Learn sessions.

Chair Skip Cook reminded the committee that a motion to prohibit naming the food provider on a poster or flyer was on the floor.

A roll call vote was conducted.

Those concurring with the motion:

Representative Millett  
Member Gary Turner  
Member Skip Cook  
Member Conner Thomas

Those not concurring with the motion:

Senator Stevens  
Senator Egan  
Representative Tuck

The motion passed 4 to 3.

The discussion continued with the decision to finalize the language regarding to which facilities the Advisory Opinion would apply - those operated by legislative agencies, including the Capitol. In Addition, Mr. Wayne suggested including the following language to the final draft:

*"We think it is important, for example, in order to avoid the appearance of impropriety that fliers and other messages promoting the event do not list the name of the caterer, and they emphasize the learning opportunity more prominently than the free meal or the name of the entity that provides it."*

A motion was made by Member Conner Thomas to approve the draft with changes as passed in the previous vote, and the conceptual language stated by Mr. Wayne.

A roll call vote was conducted.

Those concurring with the motion:

Senator Stevens  
Representative Millett  
Representative Tuck

Member Conner Thomas  
Member Skip Cook  
Member Gary Turner

Those not concurring with the motion:

Senator Egan

The motion passed 6 to 1.

Chair Skip Cook declared that AO 15-02 - Lunch and Learn Sessions was adopted. A new draft with the proposed conceptual language would be sent to all committee members for review and approval prior to publically issuing the opinion.

**13. RULES OF PROCEDURE PROPOSED CHANGES**

Mr. Anderson summarized the proposed changes.

SECTION 2 Administrative Policies currently reads: Any authority delegated to the Chair... ability to incur and be reimbursed for expenses, and purchases less than \$400;...

Proposed: \$400 changed to \$1,000 as currently delegated by the chair. No objection, change approved.

SECTION 7(d)(4) Requests for Committee Materials/Correspondence currently reads: Documents determined confidential by statute or by the committee at a public meeting, **and** noted in the committee's Rules of Procedure are not available for public inspection.

Proposed: Change "**and**" to "**as**". "**As**" was accepted. No objection.

SECTION 7(c)(1), (3), and (6) Closure:  
Correct current reference SEC. 10(h) to SEC. 10(j),  
Correct current reference SEC. 9(c) to SEC. 9(e),  
Correct current reference SEC 11(e) to SEC. 11(f).

No objection, changes approved.

PRESENTATION OF LEGISLATIVE CITATION TO FORMER ETHICS COMMITTEE ADMINISTRATOR, JOYCE ANDERSON.

Senator Berta Gardner and Representative Chris Tuck presented a Legislative Citation to Joyce Anderson thanking her for 14 years of exceptional service as Administrator of the Ethics Committee. Other members and legislators also commented on her years with the committee and the work she had accomplished.

10. LEGISLATIVE UPDATE

Senator Gardner summarized SB 24 as a housekeeping measure pertinent to outside contractors and an effort to clarify who is required to provide full disclosure, including financial, and to complete ethics training. A meeting with the Senate Judiciary Committee Chair, Senator McGuire, was scheduled so the bill could move to the floor. Senator Gardner stated that a parallel House companion bill would help ensure that the legislation would get passed this session and that she had contacted Representative Millett earlier that day to ask if she would sponsor the legislation. Representative Millett agreed to do so, and Senator Gardner said she would be sharing all the information with Representative Millett's office in order to expedite the process.

It was noted during discussion that the disclosure requirement could have an adverse effect, causing some entities to decline entering into contracts with the legislature rather than having to comply with the disclosure and ethics training requirements. It appears that those who are under contract are not consistently compliant with the disclosure requirements, and it is difficult to enforce the statute for a variety of reasons, including a small number of ethics staff members.

Jerry Anderson addressed additional legislative matters, noting that SB 109 contained references to AS 24.60.030(e) and included a definition of financial interest. HB 195 was a companion bill to SB 109.

SSSB4 and CSHB65(JUD): Request an APOC filing date change from March 15 to May 15, providing time outside of session to file.

**14. Motion to go into EXECUTIVE SESSION to discuss matters which by law must remain confidential.**

A motion to go into EXECUTIVE SESSION was made by Member Conner Thomas. Steps were taken to enter EXECUTIVE SESSION at 10:35 a.m.

**15. EXECUTIVE SESSION**

**16. PUBLIC SESSION**

The committee returned to public session at 2:43 p.m.

**17. OTHER BUSINESS**

No other business.

**18. ADJOURN**

A motion to adjourn was made by Chair Skip Cook. So moved by Member Conner Thomas. No objection. Meeting was adjourned at 2:44 p.m.

2:44:19 PM

ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
HOUSE SUBCOMMITTEE  
JANUARY 26, 2016  
8:30 AM

Committee Members Present:

Representative Chris Tuck  
Representative Liz Vazquez  
Conner Thomas  
Skip Cook  
Gary Turner

Others Present:

Jerry Anderson, Administrator  
Janice Stewart, Staff

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair Conner Thomas at 8:32 am.

**2. APPROVAL OF AGENDA**

Motion was made by Member Skip Cook. No objection. Agenda approved.

**3. PUBLIC COMMENT:** No public comment.

**4. Motion to go into EXECUTIVE SESSION to discuss matters which by law must remain confidential.**

A motion to go into EXECUTIVE SESSION was made by Member Gary Turner. Steps were taken to enter EXECUTIVE SESSION at 8:36 a.m.

**5. EXECUTIVE SESSION**

**6. PUBLIC SESSION**

The committee returned to public session at 3:16 p.m.

**7. OTHER BUSINESS**

No other business.

**8. ADJOURN**

A motion to adjourn was made by Member Skip Cook. No objection. Meeting was adjourned at 3:17 p.m.

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

### **ITEM 5: Public Comment**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 6: Election of New Officers**

## Article 3. Legislative Ethics Committee; Opinions; Complaints.

Section	Section
130. Select Committee on Legislative Ethics	165. Use of information submitted with request for advice
134. Prohibited conduct by public members and committee employees and contractors	170. Proceedings before the committee; limitations
140. Authority of the committee and its subcommittees	174. Recommendations to the legislature where violator is a legislator
150. Duties of the committee	176. Recommendations where violator is a legislative employee
155. Legislative ethics course	178. Sanctions recommended by committee
158. Advice by staff	
160. Advisory Opinions	

### Sec. 24.60.130. Select Committee on Legislative Ethics.

(a) There is established as a permanent interim committee within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

- (1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;
- (2) the house subcommittee, which consists of two members of the house, one of whom shall be a member of the minority organizational caucus, if any, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house, and includes the five public members appointed under (3) of this subsection; and
- (3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

(d) The members of each subcommittee shall elect a chair and a vice-chair, who serve a term of two years. Neither a chair nor a vice-chair may be a member of the legislature. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of the regular session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years.

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the

Chair Turner stated that Rep Vazquez would be working with Mr. Anderson and Ms. Anslem.

Member Thomas motioned not to remove the five programs from the list and requested that Rep Vazquez review what discretion the department has in granting the licenses.

There were no objections.

**9:38:57 AM** Representative Millett requested to comment on ITEM 5, Contractor Subcommittee Report; Rep Millett stated that under section 24.60.150 Duties of the Committee, it was brought to her attention that we may recommend introduction of legislation for a motion, also stating that she thought she was wrong when she said that we don't need a motion. We do need a motion to recommend introduction, not recommend or endorse any legislation. If the committee is willing to take a vote, she will make a motion.

Representative Millett motioned that the committee is recommending change be made to this area of legislation and legislation is the only way to accomplish this change; Legislation was brought before us.

No objections. Motion passes.

**6. PUBLIC COMMENT:** (Was Item 5) None.

**7. ELECTION OF COMMITTEE CHAIRS FOR 2015-2016:** (Was Item 6)

Member Thomas nominated Member Cook as Senate Subcommittee Chair who will also serve as the Full Chair. No further nominations. No objections. Nominations approved without objection.

Member Cook nominated Member Walker as Vice Chair for Senate Subcommittee. No further nominations. No objections. Nominations approved without objection.

Member Walker nominates Member Leask as House Subcommittee Chair. No further nominations. No objections. Nominations approved without objection.

Member Walker nominates Member Thomas as Vice Chair for House Subcommittee. No further nominations. No objections. Nominations approved without objection.

Ms. Anderson offered to explain the committee election process to the committee for new members and the public.

Ms. Anderson stated that the process was in members' packet found under AS 24.60.130, and read them aloud for anyone who did not have a packet.

- The members of each subcommittee shall elect a chair and a vice-chair who serve a term of two years.
- Neither chair nor vice-chair may be a member of the legislature.
- An officer may not hold the same office for more than two consecutive terms.
- The vice-chair shall act as chair in the absence of the chair.
- The chair selected by the SENATE subcommittee shall chair the full committee beginning the first day of the regular session in odd-numbered years – 2015.
- The chair selected by the HOUSE subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years – 2016.

**8. COLLECTION OF UNPAID FINES: (Was Item 12) 9:44:17 AM**

Chair Turner stated that this was a continuation from the Ethics Committee meeting on October 28, 2014, and introduced Dan Wayne, LAA Legal, to the floor.

Mr. Wayne referred members to a memo in today's packet that was drafted by Mr. Doug Gardner, Director of Legal Services. Also in the packet, is a letter dated October 27, 2014, from Mr. Brent Cole, contract attorney for the Ethics Committee who advises that currently, there was not a way for the committee to collect unpaid fines, if a person chooses not to pay them. The committee is not authorized by statute to file a law suit for collection.

Mr. Gardner's letter covers all of the issues, such as the pitfalls and possible consequences in connection with each of them. At the end of his letter, he lists some possible options for the committee, although he could not recommend any of the four over the other. At this point, he is willing to continue working on the issue following the direction of the committee.

Representative Josephson asked in reference to the first two bulleted recommendations that if a committee makes a finding as it did with a former legislator who had a hefty fine, and it was well known to the public, it would undermine this body's findings if a complaint were filed and the whole thing was re-litigated and revisited. The message that the person might get is to demur, or just

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

### **ITEM 7a: Informal Staff Report**

**STAFF REPORT**  
**SELECT COMMITTEE ON LEGISLATIVE ETHICS**

**Jan 1, 2016 through Mar 31, 2016**

Staff provides informal advice, under AS 24.60.158. Those requesting advice are told the advice, while given in good faith, is not binding on the committee unless the advice has been issued through the formal advisory opinion process. Requesters are told they may seek formal, binding advice by submitting a written request. The committee is asked to review the advice given and notify staff if any member has questions or disagrees with the advice. This report includes advice the committee may not have reviewed in the past; it does not represent all inquiries.

**BOARDS & COMMISSIONS - AS 24.60.030(f)**

**Does a legislator have to disclose membership on a board of a limited liability company?**

Yes. In advisory opinion AO 13-02 the Committee defined the term organization in the context of AS 24.60.030(f) very broadly which would include an LLC: "organization" means an administrative and functional structure such as a business or a group of people united for a common purpose, such as an association or society; "board of an organization" means a group of persons having managerial, supervisory, investigatory, or advisory powers over an administrative and functional structure, such as a business, or over a group of people united for a common purpose, such as an association or society; "board membership" means having the status of being an individual who is one of the individuals composing a board.

**How do I as a legislative staffer properly disclose membership on a board of an organization that doesn't have an address yet?**

Filing a disclosure with the other fields properly filled out and with an entry of "pending" under the address portions as of filing date for those parts of the address unknown is proper in this situation.

**May a legislative employee serve on a Commission whose voting members are appointed by the Governor and that requires confirmation by the legislature if the position is designated as a non-voting member?**

Maybe. The prohibition in AS 24.60.030(f) is that a legislative employee may not serve in a position that requires confirmation by the legislature. The status of being either a voting or non-voting member on a board is not a distinguishing factor under this statute. If non-voting members also require confirmation by the legislature then a legislative employee may not serve on that board even as a non-voting member. As a reminder, service on a board if allowed under AS 24.60.030(f) also requires disclosure within 30 days of beginning service.

**You have asked as a legislative staffer on behalf of your legislator whether a disclosure should be filed for "ex-officio" membership on the board of an organization?**

The committee has used definitions in AO 13-02 to determine whether a disclosure is necessary focusing on four powers:

We interpret the terms "organization," "board of an organization," and "board membership" used in AS 24.60.030(f) as follows:

"organization" means an administrative and functional structure, such as a business, or a group of people united for a common purpose, such as an association or society; "board of an organization," means a group of persons having managerial, supervisory, investigatory, or advisory powers over an administrative and functional structure, such as a business, or over a group of people united for a common purpose, such as an association or society; "board membership" means having the status of being an individual who is one of the individuals composing a board. A legislator may file a disclosure even though not technically required under the applicable statute AS 24.60.030(f). If the legislator decides to file such a "doing more than the law requires" disclosure then no penalties would accrue for a filing more than 30 days after appointment to the board.

**Do I as a legislative employee need to disclose my membership on the board of an organization related to my membership on another board which I have already disclosed under AS 24.60.030(f)? My membership on the second board stems from my membership on the first board.**

Yes. The second board is a separate board and a separate legal entity. The fact that you serve on the second board based upon your service on the first does not control in this matter of disclosure. The second disclosure gives notice to the public that you are serving on both related boards which represent separate legal entities.

**Is a legislator required to file a disclosure for service by a the legislator's spouse on a board and commission?**

No disclosure is required under AS 24.60.030(f) as this section is limited to a legislator or a legislative employee and does not extend to the spouse of either.

**CAMPAIGN RELATED - AS 24.60.030 & AS 24.60.031**

**You, as a legislator, have asked whether you can have fundraising language on your campaign website regarding the prohibition contained in AS 24.60.031(2) Restrictions on Fundraising.**

The Ethics Committee has advised in newsletters the following is okay and not okay: You may state, "Campaign contributions cannot be accepted during a legislative session." However, you may not include a statement similar to, "Check back after session for information on how to donate". You have asked whether language similar to the first example may be used on your campaign website and the answer is that you can use such language. This prohibition extends to both a regular and special session and the language includes "solicit or accept."

**You have asked as a legislator whether you are able to link your campaign website or campaign Facebook site to your legislative Facebook site or other legislative site to allow a person to sign up for legislative newsletters from your office.**

This is not allowed as discussed in AO 12-04. The link is at  
<http://www.legis.state.ak.us/search/ethics/>

The relevant text from that opinion includes a discussion about an APOC advisory opinion 2010-09 - CD which states that such a link does not violate campaign election laws. However it would violate AS 24.60 Legislative Ethics Act provisions as explained below.

On July 12, 2010, in Advisory Opinion 2010-09-CD, the Alaska Public Offices Commission (APOC) determined that state election law does not prohibit campaign materials or websites from referencing websites and newsletters created and maintained with legislative resources. In that opinion, however, APOC expressly stated that it was not taking a position "as to whether this activity violates any legislative ethics laws."<sup>2</sup>

In the August 2010 edition of our newsletter "The Advisor," we advised that, notwithstanding the July 12, 2010 APOC opinion, "providing a link to a legislative webpage or e-newsletter on a campaign website is prohibited under AS 24.60.030(a)(5), AS 24.60.030(b), and AS 24.60.030(h)."<sup>3</sup> We also advised that nothing in the Legislative Ethics Act "prohibits a legislator from 'pasting' certain information from a legislative website or e-newsletter to a campaign website as long as certain prohibitions are followed; i.e., no legislative contact information is displayed on the material that is 'pasted'." We re-published this advice recently, in the July 2012 edition of "The Advisor," and we adopt it, for the purposes of this advisory opinion, as an accurate summary of relevant portions of the Legislative Ethics Act.<sup>4</sup>

#### Conclusion

For the reasons stated above and to be consistent with AO 2007-07, the committee finds that the Legislative Ethics Act does not permit a legislator or legislative employee to publish, as part of a political election campaign communication on the Internet or elsewhere, an address or electronic link to an Internet website created or maintained with legislative resources if the website contains the legislator's contact information.

Adopted by the Select Committee on Legislative Ethics on August 8, 2012.

**You have asked on behalf of your legislator whether a legislator may endorse a municipal candidate during a regular session of the legislature.**

Yes, a legislator may endorse a municipal candidate. AO 07-06 discusses legislator endorsements and provides cautions. The relevant part is of AO 07-06: Does AS 24.60.031 of the Legislative Ethics Act prohibit a legislator or legislative employee from endorsing a candidate for the state legislature during a legislative session? AS 24.60.031 does not prohibit a legislator or legislative employee from endorsing a candidate for the state legislature, at any time, unless the endorsement is part of a solicitation for a contribution in violation of AS 24.60.031(a)(1). The following examples illustrate the difference between an endorsement that is in compliance with AS 24.60.031, and one that is not: 1. A legislator endorses a candidate in a signature ad that solicits votes for the candidate but does not solicit contributions to the campaign. This endorsement does not violate AS 24.60.031(a)(1), because the statute does not prohibit a solicitation for votes. 2. A legislator endorses a candidate by allowing the legislator's name to appear in a fundraising event's invitation or advertisement. This endorsement would violate AS 24.60.031(a)(1) because it is a solicitation for a money contribution to the candidate. Even if the name merely appears on a long list of other candidate supporters or campaign officers, if the legislator allows it to be used in a fundraising event's invitation or ad at a time and place when AS 24.60.031(a)(1) prohibits the legislator from soliciting campaign contributions, there is a violation.

**May a legislator endorse a candidate in a non-partisan municipal race by allowing a photo of the legislator along with the photos of a number of other people to be used in a communication which does not include any fundraising or solicitation language or links?**

Yes. AO 07-06 notes endorsement activity that would violate and not violate the Ethics Act with the following language (this would apply to a municipal candidate as well):

AS 24.60.031 does not prohibit a legislator or legislative employee from endorsing a candidate for the state legislature, at any time, unless the endorsement is part of a solicitation for a contribution in violation of AS 24.60.031(a)(1). The following examples illustrate the difference between an endorsement that is in compliance with AS 24.60.031, and one that is not:

1. A legislator endorses a candidate in a signature ad that solicits votes for the candidate but does not solicit contributions to the campaign. This endorsement does not violate AS 24.60.031(a)(1), because the statute does not prohibit a solicitation for votes.

2. A legislator endorses a candidate by allowing the legislator's name to appear in a fundraising event's invitation or advertisement. This endorsement would violate AS 24.60.031(a)(1) because it is a solicitation for a money contribution to the candidate. Even if the name merely appears on a long list of other candidate supporters or campaign officers, if the legislator allows it to be used in a fundraising event's invitation or ad at a time and place when AS 24.60.031(a)(1) prohibits the legislator from soliciting campaign contributions, there is a violation.

**You have asked as a legislative staffer whether you may participate in sign waving activities related to a local city or borough political race or races in your non-government time and not in a state facility.**

This sign waving political activity is allowable under the Legislative Ethics Act AS 24.60 under the conditions you have stated.

**You have asked as a legislative employee whether you are able to attend a political event during your personal time but in the greater time period when you have previously accepted a gift of travel and/or hospitality from a person under AS 24.60.080(c)(4)?**

There is no restriction under the Legislative Ethics Act AS 24.60 concerning this political activity. This is different from travel using state funds when political activity is restricted.

**You have asked as a legislator what is allowed and not allowed regarding campaigns in your legislative office?**

This is a very general question regarding campaign activity restrictions within the capitol. The restrictions are found at AS 24.60.030(a)(2) and (5) and (b). To answer your specific questions, you or your staff can answer incoming campaign related calls and refer the caller to your campaign headquarters or a campaign contact number. You as a legislator should call back using a personal or campaign phone. This recognizes the fact that although you do not have control over the incoming calls you can control what outgoing phone calls are made from your office. The same is true of incoming campaign correspondence that comes into your Juneau legislative office. Your staff should give this correspondence to you or forward email for your handling and/or send an email back to the sender with the campaign contact information.

I would suggest you use a campaign or personal phone to make calls regarding your campaign. You can use the private portion of your office in accordance with (a)(5)(D) above to make campaign related calls but I would suggest that you do this out of public view and hearing to avoid even the appearance of impropriety. Placing ads that do not include fundraising or solicitation activities and other related campaign activities also have the same exceptions for you as a legislator but not your legislative staff while on government time.

**As a legislative staffer on behalf of my legislator may a legislator use their title as part of an endorsement for another candidate for office?**

Yes. There is no Legislative Ethics Act concern with use of the legislative title as long as there is no "quid pro quo" arrangement for the endorsement (with or without the title).

The Ethics Committee has also discussed endorsements in Advisory Opinion AO 07-06 which states:

AS 24.60.031 does not prohibit a legislator or legislative employee from endorsing a candidate for the state legislature, at any time, unless the endorsement is part of a solicitation for a contribution in violation of AS 24.60.031(a)(1). The following examples illustrate the difference between an endorsement that is in compliance with AS 24.60.031, and one that is not:

1. A legislator endorses a candidate in a signature ad that solicits votes for the candidate but does not solicit contributions to the campaign. This endorsement does not violate AS 24.60.031(a)(1), because the statute does not prohibit a solicitation for votes.
2. A legislator endorses a candidate by allowing the legislator's name to appear in a fundraising event's invitation or advertisement. This endorsement would violate AS 24.60.031(a)(1) because it is a solicitation for a money contribution to the candidate. Even if the name merely appears on a long list of other candidate supporters or campaign officers, if the legislator allows it to be used in a fundraising event's invitation or ad at a time and place when AS 24.60.031(a)(1) prohibits the legislator from soliciting campaign contributions, there is a violation.

**You have asked a general question about campaigning as a legislative staffer during a regular legislative session as well as a during a special session?**

Campaign activities usually run afoul of the Legislative Ethics Act when state resources are involved. A legislator or legislative employee may not do campaign activities while on state travel. A legislative employee may not be involved in, support, or oppose partisan activity on government time or using government resources, funds, or assets. A legislator or legislative employee may not solicit or accept a contribution while the legislature is in regular or special session. Other campaign activities may be limited based upon AS 15.13 restrictions which are administered by APOC and you should contact that agency if you are not familiar with those restrictions.

**May a legislator put out and display campaign signs during a legislative session?**

There is no prohibition on placing and displaying campaign signs during a legislative session as long as no government resources are used in this activity including legislative staff on government time. Legislators are however prohibited from soliciting or accepting campaign contributions during a legislative session under AS 24.60.031.

**May a legislator arrange to put out campaign signs during a legislative session?**

Yes. The Legislative Ethics Act does not restrict campaign activity during a legislative session except when government resources including staff on government time are used or if it involves a solicitation or acceptance of campaign funds. The placing of signs during a legislative session is not restricted by the Legislative Ethics Act AS 24.60 if these items do not apply.

#### CONFLICT OF INTEREST - AS 24.60.030

**As a legislative staffer on behalf of my legislator has a request to abstain from voting on a matter pursuant to AS 24.60.030(g) ever been upheld?**

The statute in question specifically refers to "unless required by the uniform rules." Rule 34 of the Uniform Rules states that every member present in the house shall vote unless the house for special reasons permits a member to abstain. A member may not be permitted to abstain except upon the unanimous consent of the membership. There is no record of such request being upheld in records of the ethics office.

**Does a legislator who works for an oil company have a conflict of interest and how has the ethics committee addressed these?**

This is a very broad question. I can direct you to some resources on this issue. There are numerous Advisory Opinions from the Select Committee on Legislative Ethics that discuss the part-time citizen legislature and the conflicts faced by the individuals who make up the legislature. I specifically point you to AO 04-02, 08-02 and 11-05 among the most recent. A search of "part-time" will provide you the full list including the advisory opinions I have cited. The site is <http://www.legis.state.ak.us/search/ethics/> .

**Does a complaint under AS 24.60.170 alleging conflicts of interest survive a legislator leaving office?**

Yes, see specifically AS 24.60.170(a) for differences between a legislator and a legislative employee leaving service.

**You have asked as a legislative employee on behalf of your legislator whether your legislator may make a donation of a piece of personal property belonging to the legislator and in the legislator's name to a non-profit, non-political organization for a fundraiser auction.**

Yes. There is no Legislative Ethics Act issue with the donation of such an item to a non-political organization fundraiser. The use of the legislative title can also be part of the donation description without an Ethics Act issue being raised.

**May a legislator stay in the primary residence of a member of the public during a visit to the legislative district? The person owning the residence is not a lobbyist.**

Yes. AS 24.60.080(c)(4) specifically provides for a legislator or legislative employee to accept travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern. Hospitality not included in (c)(4) is also allowed under (c)(1). A disclosure is required for gifts amounting to \$250 or more under (c)(4) in a calendar year.

**You have asked as a legislative employee whether you are prohibited under the Legislative Ethics Act from serving as an officer of a political party at the state level while employed as a legislative employee?**

There is no prohibition under the Legislative Ethics Act AS 24.60 from you serving as such an officer. You are however subject to the many political activity restrictions as are all legislative employees under Conflicts of Interest AS 24.60.030(a)(2), (a)(5), (b), (h) and Restrictions on fundraising AS 24.60.031 as examples and not as a comprehensive list. You are encouraged to be careful to keep your government time separate from time spent on political activity related to the contemplated service.

**You have asked as a legislative staffer on behalf of your legislator whether there is an ethics issue under AS 24.60 in a legislator sending a letter of endorsement using the legislator's name and title related to the election or appointment to an officer position in a non-political professional occupation organization?**

AS 24.60.030(a)(2)(A) allows limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and the cost or value is nominal. This would appear to be the case, limited use and nominal cost or value, with a single letter of a non-political nature addressing a concern of a professional occupational organization and the legislator is a member.

**You have asked as a legislative staffer on behalf of your legislator whether a legislator may declare a conflict during committee work or only on the floor during a vote on a bill?**

The Legislative Ethics Act specifically provides for declaring a conflict in AS 24.60.030(g). A legislator however who declares a potential conflict of interest on the record either during committee work and/or on the floor during consideration of a specific bill preserves the integrity of the legislative process in accordance with spirit of the findings and purpose of the Ethics Act specifically under AS 24.60.010. This action is viewed favorably under the principles promoted during the ethics training sessions.

**May I as a legislator testify before an Executive Branch Board or discuss with that Board pending legislation regarding related issues?**

Yes. There is no restriction under the Ethics Act for a legislator testifying before an executive board except for a quasi-judicial administrative hearing under AS 24.60.030(i) and (j). A legislator has a broad range of discretion in pursuing legislation. The action you have described is not a "quasi-judicial" administrative hearing as described under AS 24.60.030(i) and (j) where a legislator may not attempt to influence the outcome of an administrative hearing.

**Is it a conflict of interest for a legislator to promote a private organization agenda by appearing on a panel at a forum sponsored by the organization during the legislative session? I wish to file a complaint.**

Administrative staff do not either advocate for or seek to dissuade a person from filing a complaint. Do you need assistance with any part of the complaint process? Not at this time.

**May a member of the public file a complaint against the entire legislature, Governor and Lt. Governor?**

No. AS 24.60 the Legislative Ethics Act does not extend to either the Governor or Lt. Governor. Also, AS 24.60.170(a) specifically provides that the committee may not consider a complaint filed against all members of the legislature.

**CONSTITUENT SERVICES - AS 24.60.030(i), AO 05-01, AO 08-03**

**As a legislative staffer and on behalf of my legislator, may a legislator attend a criminal hearing in a personal capacity when the legislator's office has previously provided constituent assistance on a different matter to the subject of the criminal hearing? The legislator does not intend to represent the subject in this proceeding in any manner.**

Yes. The fact that the legislative office has provided constituent assistance to that same person in the past does not limit or disqualify the legislator from pursuing a personal interest in the case. It is suggested that the legislator make clear that the legislator is attending the hearing in a personal capacity and is based solely upon personal interest and not related to the legislative status of the legislator if asked by a person attending the hearing. This advice is intended to lessen the impression of undue influence that may arise as a result of the attendance by the legislator or the appearance of a conflict of interest, if any.

**CONTRACTS/LEASES - AS 24.60.040 & BENEFITS/LOANS - AS 24.60.050(c)**

**Do I as a legislative employee need to disclose a water rights authorization appropriation on an annual basis? The water rights authorization dates back from the 1970's and is attached to land which I inherited.**

No, this 1970's water rights authorization and appropriation did not occur in the current reporting period. The state benefit is only a right in law that was established many years ago and is not a result of current action on your part.

DISCLOSURES - GENERAL QUESTIONS - AS 24.60.105, AS 24.60.115, AS 24.60.260

**May I as a member of the public receive copies of the 2015 disclosures of specific legislators sent to me as pdf copies?**

Yes. Copies provided by administrator.

GIFTS - AS 24.60.075, AS 24.60.080

**How do I disclose Christmas gift of just less than \$250 from the legislator I work for? This same gift was given to all staff of the legislator.**

No disclosure required for such gift if no other gift received from this person during the calendar year. If this and other the gift(s) during the calendar year total over \$250 then you must return this entire gift of just under \$250 since it violates AS 24.60.080(a).

**As a legislative staffer may I accept a gift of travel and hospitality from a non-profit for a forum related to native language issues within the state?**

Yes. The non-profit forum you have identified and your attendance is primarily for the purpose of obtaining information on matters of legislative concern and is allowed under AS 24.60.080(c)(4). A gift of \$250 or more requires a disclosure with the Ethics Office under subsection (d) of that statute.

**As a legislative staffer on behalf of my legislator, what disclosure is required from the legislator for a material gift valued at \$500 from the spouse of that legislator to another legislator that is not connected with legislative status?**

No gift disclosure is required for the legislator whose spouse gave the gift which was not legislatively connected. The recipient legislator should file a confidential disclosure showing the nonlegislative connected gift under AS 24.60.080(c)(6) and (d). This is an exception to the prohibition against receiving a gift valued at \$250 or more under the general rule in AS 24.60.080(a)

**You have asked as a legislator if you can receive a gift of pizza for a constituent meeting to be held outside Juneau?**

Yes. This would appear to fall under AS 24.60.080(c)(4) a gift of hospitality primarily for the purpose of obtaining information on matters of legislative concern. If the amount of the gift is \$250 or more this should be disclosed under AS 24.60.080(d). This would be true if the person giving the gift is NOT a lobbyist and the constituent meeting of course does not involve any campaign or fundraising activity.

**May a legislator accept a breakfast meal from an organization? This organization receives dues from the legislature.**

Yes. A legislator or legislative employee may receive travel or hospitality primarily for the purpose of obtaining information on matters of legislative concern under AS 24.60.080(c)(4). This would require a disclosure if \$250 or more in a calendar year. Also under AS 24.60.080(c)(1) either a legislator or legislative employee may receive hospitality other than under (c)(4) at a social event or meal. The fact that the organization receives dues from the legislature does not change this analysis.

**May a legislator receive a gift of hospitality related to obtaining information on matters of legislative concern from an organization?**

Yes. A gift under AS 24.60.080(c)(4) is allowed. Disclosure is required if \$250.00 or more in value. Different rules apply however to a gift from a lobbyist which is not covered under this statute subsection and is limited for this type of gift to food and drink for immediate consumption under an exception in AS 24.60.080(a)(2)((A)).

**You have asked as a legislative staffer whether you are able to combine donated amounts from various legislative employees to provide a birthday gift card for a legislator?**

This is permissible under the Legislative Ethics Act AS 24.60 as long as each of the individual gifts including any other gifts to this specific legislator from the same person in the calendar year do not aggregate in total \$250 or more. Gifts of \$250 or more in value from the same person in a calendar year is prohibited under AS 24.60.080(a)(1).

**Is a disclosure required for the gift of an airplane ride provided by an organization to a legislator who is a member of that organization?**

This gift was determined to be not related to legislative status but rather related to the legislator's membership status in the organization. A confidential gift disclosure is required when the value is determined to be \$250 or more under AS 24.60.080(c)(6) and (d).

**As a legislative staffer on behalf of my legislator is there a disclosure requirement for a table purchased at a cost of \$200 for a sanctioned charitable event given to the legislator?**

No. Standing alone this sanctioned charitable gift does not meet the threshold of \$250 or more when a disclosure is required.

**As a legislative staffer on behalf of my legislator does a legislator have a disclosure requirement for a gift of binoculars valued at \$50?**

No. The gift was determined to not associated with a sanctioned charitable event and not from a lobbyist, situations which have separate and different rules. This gift should be logged along with all other gifts received in the office. A legislator or legislative employee may not receive gift or gifts valued at \$250 or more from any one person in a calendar year under AS 24.60.080(a)(1).

**As a legislative staffer on behalf of my legislator is there a disclosure requirement for a gift of an article of personal property valued at \$20 given to the legislator?**

No. This transaction in isolation does not require a disclosure. This gift it was determined was not given by a lobbyist, it was a gift related to legislative status, and gift(s) from this individual do not total in aggregate \$250 or more for the calendar year. If \$250 or more it would need to be returned because of a violation under AS 24.60.080(a)(1). This gift should be logged along with all other gifts received in the legislative office as a matter of sound ethical practice.

## GOVERNMENT RESOURCES - AS 24.60.030

**Who controls the papers and electronic records of a legislator who dies while in office? Do these papers and records belong to the estate of the late legislator?**

The Legislative Ethics Act 24.60 does not have an answer to these questions. The Ethics office has stated in training and in advisory opinions that a legislator may use his or her database for personal or campaign use and has referred others to the Legislative Council and the Rules Chair on related questions.

**Who controls the papers of a legislator who dies in office?**

This question goes beyond the scope of the Legislative Ethics Act AS 24.60. AO 04-01 contains the language: "As is the case with the files maintained by a legislator's office for legislative use, a database is considered to be the confidential property of the legislator" with the accompanying footnote: "When the legislator leaves office, the files and information belong to the legislator. A legislator's files, including information such as databases on a legislator's office computers are considered confidential." This however does not answer the question with respect to a legislator who dies in office as opposed to who leaves office. The ethics office has also previously referenced the Legislative Council Policy with respect to records. Other sources of policies both formal and informal within the Legislature may address this issue or parts of this issue but it is not covered in the statutes, advisory opinions and rules of procedure of the Select Committee on Legislative Ethics.

**May a legislator donate a flag flown over the capitol and paid for with public funds to a non-profit with the expressed purpose of using it for an auction item for a fundraiser? The proceeds would be used to benefit the non-profit organization.**

No. This has the appearance of using public funds or the actual use of using public funds for the private benefit of another person which is prohibited by AS 24.60.030(a)(2). On the other hand a legislator personally reimbursing the state for the actual cost of the flag would bring it into the permissible use under AS 24.60.030(a)(2)(A).

**You have asked as an Intern whether your legislator may pay for food at a Lunch and Learn session sponsored by the legislator?**

There is no Ethics Act AS 24.60 issue with such a payment and it appears to fall under the "reasonably related to service in the legislature" general standard used for office funds and POET account money. Our recent Advisory Opinion AO 15-02 advised sponsors to avoid using the name of the food caterer or provider on a flyer advertising the Lunch and Learn session based on the appearance of providing a private benefit for a commercial private business. Your office providing for the lunch does not have this appearance of providing a private benefit possibility.

**May a member of the public arrange for a Lunch and Learn session in the Capitol that would include advocacy for or against pending legislation?**

No. Lunch and Learn sessions are sponsored by a legislator and are subject to guidelines established by each body of the legislature that are found at [http://intranet.akleg.gov/docs/leg\\_forms/Scheduling\\_lunch\\_and\\_learn.pdf](http://intranet.akleg.gov/docs/leg_forms/Scheduling_lunch_and_learn.pdf) and [http://intranet.akleg.gov/docs/leg\\_forms/Lunch%20and%20Learn%20Rules%20and%20Request%20Form.pdf](http://intranet.akleg.gov/docs/leg_forms/Lunch%20and%20Learn%20Rules%20and%20Request%20Form.pdf).

LEGISLATIVE COMMUNICATIONS - AS 24.60.030

**Is it a violation of the Ethics Act for a legislator to use the same format, colors, layout, or look and feel on mailings of campaign literature and legislative office communications?**

No. The same format, colors, layout or look and feel in constituent legislative communications and campaign pieces may be confusing to constituents and it may have the appearance of impropriety to recipients. There is however no prohibition in the Ethics Act on using the same format, colors or layout in these types of communications. Contact was made with Legislator as a "heads-up" call on this issue.

**May a legislative office send a legislative newsletter every month to constituents?**

Because this is an election year there are certain restrictions on the use of state resources for printing legislative newsletters and distributing legislative newsletters. Informed the office the use of the LAA Print Shop must occur before June 19th. The legislative office indicated the legislator's office allowance account will be used for postage and the newsletter will be sent prior to July 1. Also discussed the parameters for the use of the U.S. PO EDDM service.

**You have asked as a legislative staffer whether the June 17, 2016 date in the recent The Advisor newsletter is a print shop deadline or a mailing deadline for legislative newsletters when my legislator is a candidate for an election?**

This is essentially a legislative print shop deadline under AS 24.60.030(c). The specific language is "print or distribute" using state funds. This statute however specifically excludes an expenditure using the annual allowance provide for under AS 24.60.110.

**You have asked whether there are Legislative Ethics Act AS 24.60 concerns with using state resources to send a communication either by mail or email recognizing persons in your district who participated in a political process related to a federal political race?**

These communications would be going to members of one political party from your district who participated in a political process. Expanding your communications to include other political parties engaging in similar processes would not cure the ethics concerns with such communications. These communications raise concern that they are for political activity or campaigning and therefore a potential violation under AS 24.60.030(a)(2) using state resources for a partisan political activity and (5) using state resources for political fundraising or campaigning. Your proposed activity is unlike many other acceptable and widely utilized communications from a legislative office in the form of recognition or congratulatory messages on a wide variety of topics. My recommendation is that your office not use state resources including governmental staff time or state funds to send such politically related communications.

**You have asked as a legislative staffer on behalf of your legislator whether you may use the name of a private restaurant in your communications about a constituent meeting in your district.**

There is no Legislative Ethics Act concern in using a private restaurant or another private business meeting space for a constituent meeting or using the name of the private business and physical location in communications to promote the attendance at this meeting. This is unlike the situation of a Lunch and Learn as discussed in Advisory Opinion AO 15-02 where the committee determined that using the name of a food caterer or food establishment in a flyer promoting the event may have the appearance of impropriety by providing a private benefit to the business. In this case the use of the name is intended only to provide a specific location for the constituent meeting as opposed to using only a physical address which may cause unnecessary confusion or searching by constituents who wish to attend the meeting. In the Lunch and Learn Flyer AO 15-02 examples the name of the caterer or food establishment did not aid potential attendees in locating the meeting place.

**As a legislative staffer on behalf of my legislator may the legislator post an entry on a legislative Facebook website event section describing a non-political, non-profit charitable organization event which has legislative support and is a legislative concern.**

Your legislator enjoys a somewhat broad range of discretion in posting or communicating about events in Alaska of legislative concern. To the extent that the posting may be determined to be a solicitation for a gift, this is covered for recognized, nonpolitical charitable organizations under AS 24.60.080(g). That being said, I do not see a Legislative Ethics Act AS 24.60 issue in a posting describing this event of legislative concern.

#### **MISCELLANEOUS**

**May I as a member of the public get a copy of and comment to the Committee regarding a recent decision of the Select Committee on Legislative Ethics?**

Yes. Every meeting of the Committee includes a public comment agenda item where members of the public may make comments to the Committee.

**Is there a time limit on the resolution of a complaint filed with the Select Committee on Legislative Ethics?**

No. AS 24.60.170 currently provides that a complaint must allege a violation that occurred within 5 years before the date the complaint is filed. This was changed from 2 years effective January 1, 2009. There is however no time limit on resolution of a complaint once filed.

**Does the Legislative Ethics Act AS 24.60 provide for a deadline of the complaint process under AS 24.60.170? What is the typical time for resolution of a complaint?**

AS 24.60.170 provides that a complaint must allege a violation of the Legislative Ethics Act that occurred no later than 5 years before the filing of the complaint. This was changed effective January 1, 2009 from 2 years prior to that date. There is no deadline for a complaint to be resolved once filed. I can't give you a "typical" resolution time since the circumstances vary widely and the course is dependent on at which stage the complaint is resolved. I have attached a flowchart that shows the various stages from the Committee files that has not been officially adopted by the Committee.

**May I file a complaint under the Legislative Ethics Act against all members of the Alaska Legislature alleging that the marijuana regulations were drafted and voted on by a board whose members had not been confirmed before the vote by the legislature.**

No. A complaint may not be filed against all members of the legislature under AS 24.60.170(a).

**TRAINING - AS 24.60.150, AS 24.60.155**

**What are the options for a newly appointed legislator to complete the required ethics training?**

Online ethics training is available via a link on the ethics webpage. As an alternative a one on one training session can be delivered by the administrator upon request.

**TRAVEL/HOSPITALITY - AS 24.60.080(c)(4)**

**Is it permissible for a legislator to pay from an office account for a staffer from another legislative office to travel to a constituent meeting outside of Juneau to assist with the constituent meeting activities?**

Yes, the very broad purpose of an office account is for expenses reasonably related to serving in office. The constituent meeting is related to service in office. This expenditure is directly related to a nonpolitical constituent meeting and does not raise an issue under the Legislative Ethics Act (AS 24.60).

**Can I as a part of the media get an Excel or CSV spreadsheet of all disclosures for travel and hospitality for the calendar year 2015?**

These are public records once published and can be provided from the disclosure database in either format. Sent by attachment to email.

**As a legislative staffer on behalf of my legislator, may housing and a vehicle be provided by a long-time friend of the legislator for the regular legislative session if a fair market value payment is provided by the legislator?**

Yes. A payment of fair market value or a barter arrangement would remove these transactions from the gift provisions under the Legislative Ethics Act Section AS 24.60.080. Providing these items without such payment or barter would likely result in a violation of AS 24.60.080(a) which does not allow a legislator to solicit, accept or receive a gift of \$250 or more from a person in a calendar year. It is unlikely this scenario would fall under either of two exceptions AS 24.60.080(c)(6) a gift that is not connected with the recipient's legislative status, since the legislator is in Juneau for the legislative session or under AS 24.60.080(c)(1) since the anticipated stay would involve an extended period of time and more than incidental transportation.

**INTERN/VOLUNTEER REQUESTS - AS 24.60.080(h), AS 24.60.112**

**Can a person volunteer for one week in a legislative office without taking the ethics training?**

Under AS 24.60.155(b) a volunteer who serves fewer than 30 days is not required to complete the ethics training. Referred caller to Rules Chair office for other volunteer requirements and approval process details.

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

### **ITEM 7b: Public Member Committee Appointments**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 7c: Ethics Training**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

### **ITEM 7d: Ethics Disclosures**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 7d(i):      Representative Tarr Letter**

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

January 25, 2016

Dear Mr. Cook,

I write today regarding a recent ethics filing that was found to be filed late. I want to write to add to the record the reason this mistake occurred. I consider timely filing of my ethics disclosures to be a top priority in my legislative work.

During the interim, on two separate occasions, I received scholarships to attend more than one conference being held in close proximity to another conference. In one instance the organizers planned the events back to back so that attendees could attend both without any additional travel. When calculating the sixty days I made the mistake of using the wrong start dates because of the travel scholarships and the combining of the trips.

Upon learning this, I immediately requested a sit down meeting with Ethics Committee staff, including current staff Jerry Anderson and Janice Stewart, and former staff Joyce Anderson. We talked through the uniqueness of scenarios that include scholarships for different events, which hadn't happened during my legislative tenure before this summer, and how to avoid this mistake in the future.

I appreciate you allowing me the opportunity to read this into the record. I make every effort to avoid mistakes and will continue to make timely disclosures of my ethics filing a top priority.

Thank you,

A handwritten signature in blue ink, appearing to read "Geran Tarr".

Representative Geran Tarr

# Alaska State Legislature

## Select Committee on Legislative Ethics

425 G Street, Suite 711  
Anchorage, AK 99501  
PH: (907) 269-0150  
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Mailing Address:  
P. O. Box 101468  
Anchorage, AK 99510-1468

**CONFIDENTIAL**

March 26, 2014

Representative Geran Tarr  
State Capitol, Room 114  
Juneau, AK 99801

Dear Rep. Tarr,

On August 28, 2013, the Select Committee on Legislative Ethics received your "Gift of Travel/Hospitality" disclosure regarding the Women in Government conference you attended May 15-18, 2013. Your disclosure should have been filed by July 14, which would have been within 60 days from the start of your trip. The committee allows a 5-day grace period; however, your disclosure has exceeded this and is 40 days late.

Under AS 24.60.260(c), the committee is authorized to impose fines of \$2/day, up to a maximum of \$100 for each late disclosure. However, the committee allows for one late filing before fines are imposed, and according to our records, this is your first late disclosure.

Note that the committee strongly encourages timely disclosures. Please consider this letter formal notice of our intent to impose fines should we receive late filings from you in the future.

If we can assist you in any way when completing your disclosures, please let us know.

Sincerely,



Joyce Anderson  
Administrator, Ethics Committee

Enclosure

# Alaska State Legislature

## Select Committee on Legislative Ethics

716 W. 4<sup>th</sup> Ave., Suite 217  
Anchorage, AK 99510  
PH: (907) 269-0150  
FAX: 269-0152

Mailing Address:  
P. O. Box 101468  
Anchorage, AK 99510-1468

December 17, 2015

**CONFIDENTIAL**

Representative Geran Tarr  
716 W 4th Ave., Ste. 310  
Anchorage, AK 99501-2133

Dear Representative Tarr:

On October 3, 2015, the Select Committee on Legislative Ethics received your "Gift of Travel and/or Hospitality" disclosure regarding the Council of State Government meeting held on July 27, 2015 - August 4, 2015. The committee should have received your disclosure no later than September 30, 2015, within 60 days of the start of the trip. Your disclosure has also exceeded the 5-day grace period and is 3 days late.

According to our records, this is your second late filing. Your first late filing was in 2013, for a Gift of Travel/Hospitality. (See attached letter). Under AS 24.60.260(c), the committee is authorized to impose fines of \$2/day, up to a maximum of \$100 for each late disclosure; therefore, your fine is \$6.00.

Please submit your payment within 30 days of today to the Ethics office at the above address. The check should be made payable to: *Legislative Affairs Agency*.

The committee strongly encourages timely disclosures. If we can assist you in any way when completing your disclosures, please let us know.

Thank you for your cooperation in this matter.

Sincerely,



Jerry D. Anderson  
Administrator, Ethics Committee

Enclosures

[Home](#) [Ethics Committee](#) [Ethics Disclosure Forms](#)**ETHICS DISCLOSURE FORMS****Name of Discloser:** Rep. Geran Tarr**Address:** State Capitol, Juneau, AK 99801**Phone Number:** 465-3424**Employer:** Representative Geran Tarr**REPORTING DEADLINES: AS 24.60.080(d)**

- Within 60 days of travel/hospitality.

**EXPLANATION**

A legislator or legislative employee may not solicit or accept any gift worth over \$250 or more, or gifts from the same person which total \$250 or more in a calendar year. An exception to that rule is gifts of travel and hospitality to obtain (or provide) information on matters of legislative concern. A person who accepts a gift of \$250 or more under the "matters of legislative concern" exception must disclose receipt of the gift.

Travel paid for by state agencies must be disclosed. AS 24.60.080(c)(4)

**Disclosure of a gift of travel and/or hospitality,  
In accordance with AS 24.60.080(c)(4)****Name of donor:** Council of State Governments**Occupation of donor:** non-partisan government organization**Street Address of donor:** 2760 Research Park Drive**City, State, Zip of donor:** Lexington, KY 40511**Description of gift:** Airfare**If Miscellaneous, provide a description:****Subject Matter of travel or hospitality (i.e., reason for meeting/conference/etc.);** Attend CSG Meetings on higher education.**Location of meeting/conference (city & state):** Vail, Colorado**Approximate total value of gift:** 375.00**Dates of travel/hospitality:** From: 7/27/2015 To: 7/31/2015

The above is a true and accurate representation of the gift received,  
in accordance with AS 24.60.080(c)(4).

**Electronic Signature, Please type your name****Signature:** Geran Tarr**Date:** Sat Oct 2015 3 19:35:51 AKDT

65 days 3 days  
7-27 4  
Aug 31  
Sept 30  
Oct 3  

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168

# Alaska State Legislature

Pending  
Dbase

## Select Committee on Legislative Ethics

716 W. 4<sup>th</sup> Ave., Suite 217  
Anchorage, AK 99510  
PH: (907) 269-0150  
FAX: 269-0152

Mailing Address:  
P. O. Box 101468  
Anchorage, AK 99510-1468

December 17, 2015

**CONFIDENTIAL**

Representative Geran Tarr  
716 W 4th Ave., Ste. 310  
Anchorage, AK 99501-2133

Dear Representative Tarr:

On December 13, 2015, the Select Committee on Legislative Ethics received your "Gift of Travel and/or Hospitality" disclosures regarding The State Innovation Exchange Conference, held on October 1-3, 2015, the WiLL/WAND Conference, held on October 4-6, 2015, and the Women in Government Advanced Technology & Innovations Summit, held on October 6-8, 2015. The committee should have received your disclosures no later than November 28, 2015, within 60 days of the start of the trip. Your disclosures have also exceeded the 5-day grace period and are 10 days late.

These disclosures will be assessed as one, due to the fact you were traveling on one airline ticket. According to our records, this is your third late filing. Your second late filing was in 2015 for a Gift of Travel and/or Hospitality. (See attached letter). Under AS 24.60.260(c), the committee is authorized to impose fines of \$2/day, up to a maximum of \$100 for each late disclosure; therefore, your fine is \$10.00.

Please submit your payment within 30 days of today to the Ethics office at the above address. The check should be made payable to: *Legislative Affairs Agency*.

The committee strongly encourages timely disclosures. If we can assist you in any way when completing your disclosures, please let us know.

Thank you for your cooperation in this matter.

Sincerely,



Jerry D. Anderson  
Administrator, Ethics Committee

Enclosures

[Home](#) [Ethics Committee](#) [Ethics Disclosure Forms](#)**ETHICS DISCLOSURE FORMS****Name of Discloser:** Rep. Geran Tarr**Address:** State Capitol, Juneau, AK 99801**Phone Number:** 465-3424**Employer:** Representative Geran Tarr**REPORTING DEADLINES: AS 24.60.080(d)**

- Within 60 days of travel/hospitality.

**EXPLANATION**

A legislator or legislative employee may not solicit or accept any gift worth over \$250 or more, or gifts from the same person which total \$250 or more in a calendar year. An exception to that rule is gifts of travel and hospitality to obtain (or provide) information on matters of legislative concern. A person who accepts a gift of \$250 or more under the "matters of legislative concern" exception must disclose receipt of the gift.

Travel paid for by state agencies must be disclosed. AS 24.60.080(c)(4)

**Disclosure of a gift of travel and/or hospitality,  
in accordance with AS 24.60.080(c)(4)****Name of donor:** State Innovation Exchange**Occupation of donor:** non-profit governmental advocacy group**Street Address of donor:** 220 Montgomery St, Suite 975**City, State, Zip of donor:** San Francisco, CA 94104**Description of gift:** Airfare Lodging Meals**If Miscellaneous, provide a description:**

**Subject Matter of travel or hospitality (i.e., reason for meeting/conference/etc.):** Attended annual summit. Topics included economic security, criminal justice reform, and education policy.

**Location of meeting/conference (city & state):** Washington, DC

**Approximate total value of gift:** \$1200.00

**Dates of travel/hospitality:** From: 9/29/2015 To: 10/3/2015

The above is a true and accurate representation of the gift received,  
in accordance with AS 24.60.080(c)(4).

**Electronic Signature, Please type your name****Signature:** Geran Tarr**Date:** Sun Dec 2015 13 16:10:57 AKST

9/29	10 days late
Sept.	1
Oct.	31
Nov.	30
Dec.	13
	75

[Home](#) [Ethics Committee](#) [Ethics Disclosure Forms](#)**ETHICS DISCLOSURE FORMS****Name of Discloser:** Rep. Geran Tarr**Address:** State Capitol, Juneau, AK 99801**Phone Number:** 465-3424**Employer:** Representative Geran Tarr**REPORTING DEADLINES: AS 24.60.080(d)**

- Within 60 days of travel/hospitality.

**EXPLANATION**

A legislator or legislative employee may not solicit or accept any gift worth over \$250 or more, or gifts from the same person which total \$250 or more in a calendar year. An exception to that rule is gifts of travel and hospitality to obtain (or provide) information on matters of legislative concern. A person who accepts a gift of \$250 or more under the "matters of legislative concern" exception must disclose receipt of the gift.

Travel paid for by state agencies must be disclosed. AS 24.60.080(c)(4)

**Disclosure of a gift of travel and/or hospitality,  
In accordance with AS 24.60.080(c)(4)****Name of donor:** WILL/WAND (Women Legislator Lobby)**Occupation of donor:** non-profit government advocacy organization for women policymakers**Street Address of donor:** 322 4th St. NE**City, State, Zip of donor:** Washington, DC 20002**Description of gift:** Airfare Lodging Meals**If Miscellaneous, provide a description:****Subject Matter of travel or hospitality (i.e., reason for meeting/conference/etc.):** Attend National Women's Leadership Conference on economic security, national security issues, and women's leadership development.**Location of meeting/conference (city & state):** Washington, DC**Approximate total value of gift:** \$1000**Dates of travel/hospitality:** From: 10/3/2015 To: 10/6/2015

The above is a true and accurate representation of the gift received,  
(in accordance with AS 24.60.080(c)(4)).

**Electronic Signature. Please type your name****Signature:** Geran Tarr**Date:** Sun Dec 2015 13 16:16:31 AKST

6 days late  
Oct 28  
Nov 30  
Dec 13  
71



**Jerry Anderson**

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**From:** Jerry Anderson  
**Sent:** Friday, December 18, 2015 11:54 AM  
**To:** Rep. Geran Tarr  
**Cc:** Jerry Anderson; Janice Stewart  
**Subject:** RE: Review of Disclosures Before Publication

Rep. Tarr,

Joyce Anderson is coming into the office on Monday. Can I call you when she arrives here to discuss this you?

Jerry

**From:** Rep. Geran Tarr  
**Sent:** Friday, December 18, 2015 9:57 AM  
**To:** Janice Stewart <Janice.Stewart@akleg.gov>; Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>  
**Cc:** Jerry Anderson <Jerry.Anderson@akleg.gov>  
**Subject:** RE: Review of Disclosures Before Publication

Hi Janice - I received the fine notice in the mail. I'd like to set up a time to discuss this. I do not agree with the fine assessment. What you are suggesting in terms of counting the days is a departure from how things have been done for at least the last 15 years. I was a staffer from 2001-2006 and now have been in office since 2013 and the 60 day count has always been interpreted to begin once you came home because the gift of travel included airfare. Also, what you are suggesting doesn't work for a trip like mine in October where more than one conference is combined into a trip. Counting the first day doesn't work because no gift has been received.

When can we set up a time to meet to over this? I'm also going to see if I can get in touch with Joyce Anderson.

Thanks,  
Geran

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**From:** Rep. Geran Tarr  
**Sent:** Monday, December 14, 2015 2:15 PM  
**To:** Janice Stewart  
**Cc:** Jerry Anderson  
**Subject:** Re: Review of Disclosures Before Publication

Janice - Thank you for getting in touch. I definitely want to get this cleared up. I'm on a teleconference right now and will call after. I can say I was reporting the "gift of travel" if it included airfare to be the actual dates of travel because if the gift was airfare then as was explained to me before that would be the actual dates.

I will call asap.

Thank you!

Sent from my iPhone

On Dec 14, 2015, at 2:07 PM, Janice Stewart <[Janice.Stewart@akleg.gov](mailto:Janice.Stewart@akleg.gov)> wrote:

Dear Representative Tarr:

I have reviewed several disclosures you submitted, one on October 3, 2015, and three on December 13, 2015, and I have noticed some differences in conference dates. I wish to confirm with you the dates for each of these submissions. My information shows the following:

Council of State Governments: July 27-31, in Vail Colorado

State Innovation Exchange Annual Summit: October 1-3, in Washington, DC

WILL/WAND National Women's Leadership Conference: October 4-6, in Washington, DC

Women in Government Advanced Technology & Innovations Summit: October 7-8, in Charleston, SC.

In your disclosures you listed the ending date for the Council of State Governments as August 4, 2015, and the three other conferences as ending October 13, 2015. The Ethics Committee strives for consistency in the reporting dates since these are available to the public upon publication. If these ending dates were entered in error, or if you have additional information to explain the dates you reported, please let me know.

Please be aware that AS 24.60.105(a) specifies that the 60-day filing period will begin on the first day the gift is received. Therefore, an adjustment in the end date will not affect whether or not your disclosure is timely.

Thank you for your review of this matter.

Sincerely,

Janice Stewart

Administrative Assistant, Select Committee on Legislative Ethics

PO Box 101468

Anchorage, Alaska 99501-1468

(907)-269-8179

Fax: (907)-269-0152

Email: [janice.stewart@akleg.gov](mailto:janice.stewart@akleg.gov)

Web Site: <http://ethics.akleg.gov>

Confidentiality: This email and any attachments are intended for the addressee and may contain confidential information protected by law from improper or unauthorized disclosure, copying or distribution.

<Representative Tarr Disclosures.pdf>

## **DISCLOSURES: DEADLINES FOR FILING DISCLOSURES**

**AS 24.60.105, AS 24.60.115, and AS 24.60.260**

Membership on a board of directors, interests in state contracts and leases, participation in certain state benefit and loan programs, close economic associations, and representation of clients before state agencies must be disclosed within 30 days after the commencement of the interest or matter or on the date the person first becomes subject to the Legislative Ethics Act, whichever comes later.

Close economic associations for a legislative employee's spouse/domestic partner lobbyist must be kept current. The Act sets a 48 hour reporting deadline for any changes to the lobbyist's client list.

A person may submit a written request to the committee to refrain from making a disclosure that is required by the Act if making the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. The committee may review the written justification to determine whether it is sufficient.

Additionally, the above disclosures must be filed annually within the first 30 days of a regular session. Upon leaving service, disclosures must be filed within 90 days UNLESS previously disclosed OR the matter or interest is no longer subject to disclosure.

### **GIFTS WITH A VALUE OF \$250 OR MORE:**

- Gifts of travel/hospitality must be disclosed within 60 days from the beginning date of the trip. See AS 24.60.080(c)(4)
- Gifts of a ticket to a charity event must be disclosed within 60 days of the event. See AS 24.60.080(d)
- Gifts received in connection with a charity event must be disclosed within 60 days of the event. See AS 24.60.080(d)
- Gifts related to legal services in a matter of legislative concern must be disclosed within 30 days. See AS 24.60.080(c)(8)
- Gifts that are not connected to the recipients' legislative status must be disclosed within 30 days. See AS 24.60.080(c)(6)

### **AS 24.60.260 Fines for late disclosure**

- A person who files a late disclosure may be fined \$2/day up to a maximum of \$100.
- If the committee determines the late filing was willful, the amount of the fine may be \$100 a day up to a maximum of \$2,500 under AS 24.60.260.
- If the committee determines the late filing was inadvertent the maximum fine is \$25.

means the period beginning on the eighth day after the legislature adjourns from a regular session, and ending eight days before the date that the legislature shall convene under AS 24.05.090.

(b) [Repealed, § 42 ch 127 SLA 1992.]

(c) [Repealed, § 42 ch 127 SLA 1992.] (§ 1 ch 36 SLA 1984; am §§ 15, 42 ch 127 SLA 1992; am § 29 ch 108 SLA 2003)

#### NOTES TO DECISIONS

Stated in *Muller v. BP Exploration (Alaska) Inc.*, 923 P.2d 783 (Alaska 1996).

Related Advisory Opinions: 96-02.

#### Sec. 24.60.100. Representation.

A legislator or legislative employee who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place to the committee. The disclosure shall be made by the deadlines set out in AS 24.60.105. The committee shall maintain a public record of a disclosure under this section and forward the disclosure to the respective house for inclusion in the journal. A legislator or legislative employee may not represent another person for compensation before an agency, committee, or other entity of the legislative branch. (§ 1 ch 36 SLA 1984; § 7 ch 113 SLA 1986; am § 16 ch 127 SLA 1992; am § 35 ch 74 SLA 1998)

Related Advisory Opinions: 86-06, 88-01, 89-02

#### Sec. 24.60.103. Deadlines for filing disclosures.

(a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadline for filing the disclosure shall be 30 days after the commencement of the matter or interest or the date the legislator or legislative employee first becomes subject to this chapter, whichever comes later.

(b) Disclosures under the following statutes are subject to the deadlines set out in this section:

- (1) service on the board of an organization as set out in AS 24.60.030(f);
- (2) an interest in a state contract or lease under AS 24.60.040 and the renegotiation of the terms of a state contract or lease that materially affect the obligations of either party;
- (3) participation in a state program or receipt of a state loan under AS 24.60.050 and the renegotiation of the terms of the program or loan if the renegotiation materially affects the obligations of either party;
- (4) formation or maintenance of a close economic association under AS 24.60.070;
- (5) representation of a client under AS 24.60.100.

(c) In addition to the filing requirements under (a) and (b) of this section, the disclosures under this section shall be made annually, in a report filed with the committee within 30 days after the first day of the regular legislative session. (§ 36 ch 74 SLA 1998; am §§ 32, 33 ch 47 SLA 2007)

(d) A person may submit a written request to refrain from making a disclosure that is required by this chapter if making the disclosure would violate state or federal law, including the United States

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## Alaska State Legislature

### Select Committee on Legislative Ethics

716 W. 4th, Suite 230 Mailing Address:

Anchorage, AK P.O. Box 101468

(907) 269-0150 Anchorage, AK

FAX: 269-0152 99510-1468

Email: [ethics\\_committee@legis.state.ak.us](mailto:ethics_committee@legis.state.ak.us)

September 24, 2009

### ADVISORY OPINION 2009-05

#### SUBJECT: Close Economic Association – Independent Contractor/Consultant

RE: The filing deadline for reporting close economic associations.

You are a legislative staff employee and therefore covered by the Legislative Ethics Act. You have requested an advisory opinion concerning facts and circumstances that you have related. The committee relies on facts that you have described in answering your questions.

#### Statement of Facts

Outside of work hours in your legislative staff job, you occasionally work as an independent contractor and consultant to legislators, legislative employees, and others, according to agreements -- often "hand-shake" deals -- that you negotiate with each paying client. Sometimes you complete a portion of the agreed-upon work before receiving any payment. The nature of your profession and the type of work you do dictates that even though you might perform a substantial amount of work on a matter, its conclusion can be delayed by circumstances beyond your control, and there are also instances in which negotiating an agreement or lingering in an early planning stage delays the start of your principal work in a matter.

#### Discussion

Because the Legislative Ethics Act requires that close economic associations be disclosed within 30 days of their commencement, you've asked the committee to identify the point in time, in close economic associations like the ones you have described, that a close economic association is formed.

First, each agreement to provide paid services as an independent contractor outside of your legislative staff job could be a close economic association of a type that must be disclosed under AS 24.60.070, depending on the circumstances of that agreement.<sup>1</sup> In order to focus on the narrow question you have posed, we will assume, for the sake of discussion, that the agreements you have described are in fact close economic associations. A close economic association is, according to AS 24.60.070(a),

... the formation or maintenance of a close economic association involving a *substantial financial matter* with

- (1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; this paragraph does not apply to a public member of the committee;
- (2) legislators;
- (3) a public official as that term is defined in AS 39.50;
- (4) a registered lobbyist; or
- (5) a legislative employee if the person required to make the disclosure is a legislator.

AS 24.60.070(b) lists additional requirements regarding close economic associations of the type described in (a) of that section. It includes the requirement that a close economic association must be disclosed by the dates set under AS 24.60.105, which establishes deadlines for filing most types of disclosure reports under the Legislative Ethics Act. With emphasis added, it reads:

**Sec. 24.60.105. Deadlines for filing disclosures.**

- (a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, *the deadline for filing the disclosure shall be 30 days after the commencement of the matter or interest or the date the legislator or legislative employee first becomes subject to this chapter, whichever comes later.*
- (b) Disclosures under the following statutes are subject to the deadlines set out in this section:
  - (1) service on the board of an organization as set out in AS 24.60.030(f);
  - (2) an interest in a state contract or lease under AS 24.60.040 and the renegotiation of the terms of a state contract or lease that materially affect the obligations of either party;
  - (3) participation in a state program or receipt of a state loan under AS 24.60.050 and the renegotiation of the terms of the program or loan if the renegotiation materially affects the obligations of either party;
  - (4) formation or maintenance of a close economic association under AS 24.60.070;**
  - (5) representation of a client under AS 24.60.100.
- (c) In addition to the filing requirements under (a) and (b) of this section, the disclosures under (b) of this section shall be made annually, in a report filed with the committee within 30 days after the first day of the regular legislative session.<sup>2</sup>

The Legislative Ethics Act generally encourages legislators and legislative staff to avoid conflicts of interest that could undermine public trust in government.<sup>3</sup> The formation or maintenance of a close economic association involving a substantial financial matter creates a potential conflict of interest because it puts two or more persons under obligation to each other; it tends to set each up for potential financial gain, or loss, depending on how they treat each other, and in so doing it may complicate their relationship to an extent that might interfere with their legislative mission. Nevertheless, the Act allows the formation and maintenance of certain close economic associations, requiring only that they be disclosed in a particular manner and at particular times.

A close economic association can exist based on a "hand-shake" agreement, just as it can exist based on a written agreement; either form of agreement can create a legal obligation. The formation of a close economic association occurs, in a financial matter of the type you have described, when any one of the following occurs: (1) you perform work for another based on a reasonable expectation that you will be paid for it; (2) you accept payment for work you have not yet performed; or (3) you become legally obligated to another person, or that person becomes legally obligated to you. If this seems a liberal interpretation of "formation," that is because the apparent benefit to the public of prompt disclosure significantly outweighs the burden borne by the discloser. We also interpret the 30-day

maximum filing period under AS 24.60.105 as an expression of legislative intent that disclosure be made as quickly as it can be made, and therefore we tend to resolve the ambiguity in the term "formation" in favor of quick disclosure.

Ethics disclosure requirements are based in part on the principle that certain potential conflicts of interest, once out in the open, pose less of a threat to the public's confidence in government than they might if they were not revealed. However, prompt disclosure is critical to the application of this principle. This view is supported by AS 24.60.105, which prescribes a 30-day reporting deadline. A relatively short time period of 30 days -- from the first day of a regular session, from the time the association is formed, or from the first day a person is hired or takes office -- is meant to ensure that 30 days is the maximum time it can exist without the public's knowledge.

### **Conclusion**

For the reasons stated above, the committee finds that, when a close economic association reportable under AS 24.60.070 exists, and is based on an exchange of services for pay, the date of its formation is the date that any one of the following events first occurs: (1) performance of work for another, with the expectation of payment, begins; (2) payment is received for work, even if the work has not begun or has not been completed; or (3) one party to the association becomes legally obligated to the other.

Adopted by the Select Committee on Legislative Ethics on September 24, 2009.

A unanimous vote of the members present.

Members present and concurring in this opinion were:

Gary J. Turner, Chair

Representative John Coghill

Representative Berta Gardner

Senator Joe Thomas, alternate member

Ann Rabinowitz, public member

H. Conner Thomas, public member

Dennis "Skip" Cook, public member

Members dissenting from this opinion were: None.

Members absent were:

Senator Thomas Wagoner

Senator Bill Wielechowski, alternate member

Herman G. Walker, Jr., public member

DCW:jw

09-329.ljw

<sup>1</sup> Initially, it is each person's own responsibility to determine if they are required by AS 24.60.070 to file a disclosure. We note that any of your clients who are subject to the Legislative Ethics Act are required by AS 24.60.070 to disclose a close economic association with you, even if you have already filed your own disclosure report.

<sup>2</sup> Subsection (c) could mean that a person is required to disclose the same close economic association twice in the same year, once within 30 days after commencement of the matter or interest, and once again within 30 days after the first day of the regular legislative session.

<sup>3</sup> AS 24.60.010(2) says:

(2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest[.]

AO 09-05 -4-

-3- AO 09-05

Document Properties	
Title:	ADVISORY OPINION 2009-05
Subject:	Close Economic Association – Independent Contractor/Consultant
Author:	Select Committee on Legislative Ethics
Keywords:	Opinion No. 05 September 24, 2009
Comments:	The filing deadline for reporting close economic associations.
Template:	Ethics_Advisory_Opinion.dot
Last saved by:	ldpcsew
Revision number:	3
Application:	Microsoft Office Word
Total editing time:	00:00:00
Last printed:	2009/09/14 19:24:00
Created:	2009/10/06 00:26:00
Last saved:	2009/10/06 00:28:00
Company:	State of Alaska
Filename:	D:\DTS\DTFSFiles\ethics\AO 09-05.doc

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dtSearch 7.62 (x64) (7804)

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 7d(ii): Current Disclosure Status**

## Disclosures Filed: January 1 - March 31, 2016

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
<b>Gifts of Travel and/or Hospitality</b>				
Legislator	1	14	0	15
Legislative Staff	1	2	0	3
Total	2	16	0	18
<b>Close Economic Association - Lobbyist</b>				
Legislator	0	0	0	0
Legislative Staff	1	1	2	4
Total	1	1	2	4
<b>Membership on a Board of Directors</b>				
Legislator	29	51	0	80
Legislative Staff	30	52	33	115
Total	59	103	33	195
<b>Close Economic Association</b>				
Legislator	6	36	0	42
Legislative Staff	8	18	3	29
Total	14	54	3	71
<b>State Contracts, Leases &amp; Grants &gt; \$5,000</b>				
Legislator	3	2	0	5
Legislative Staff	0	0	0	0
Total	3	2	0	5
<b>State Benefit &amp; Loan Programs</b>				
Legislator	0	1	0	1
Legislative Staff	0	5	3	8
Total	0	6	3	9
<b>Total number of disclosures filed by legislators</b>	39	104	0	143
<b>Total number of disclosures filed by legislative staff</b>	40	78	41	159
<b>GRAND TOTALS</b>	<b>79</b>	<b>182</b>	<b>41</b>	<b>302</b>

**Disclosures filed: Jan 1 - Mar 31, 2015**

<b>TYPE OF DISCLOSURE</b>	<b>SENATE</b>	<b>HOUSE</b>	<b>JOINT</b>	<b>TOTALS</b>
<b>Gifts of Travel and/or Hospitality</b>				
Legislator	9	24	0	33
Legislative Staff	2	7	0	9
Total	11	31	0	42
<b>Gifts of Travel and/or Hospitality-Family Member</b>				
Legislator	0	1	0	1
Legislative Staff	0	0	0	0
Total	0	1	0	1
<b>Membership on a Board of Directors</b>				
Legislator	15	20	0	35
Legislative Staff	18	32	28	78
Total	33	52	28	113
<b>Close Economic Association</b>				
Legislator	13	20	0	33
Legislative Staff	14	9	5	28
Total	27	29	5	61
<b>State Contracts, Leases, &amp; Grants &gt; \$5,000</b>				
Legislator	2	3	0	5
Legislative Staff	3	0	0	3
Total	5	3	0	8
<b>State Benefit &amp; Loan Programs</b>				
Legislator	0	1	0	1
Legislative Staff	0	2	3	5
Total	0	3	3	6
Total number of disclosures filed by legislators	39	69	n/a	108
Total number of disclosures filed by legislative staff	37	50	36	123
<b>GRAND TOTALS</b>	<b>76</b>	<b>119</b>	<b>36</b>	<b>231</b>

**Disclosures filed: Jan 1 - Mar 31, 2014**

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
<b>Gifts of Travel and/or Hospitality</b>				
Legislator	8	17	0	25
Legislative Staff	1	1	0	2
Total	9	18	0	27
<b>Gifts of Travel and/or Hospitality-Family Member</b>				
Legislator	3	1	0	4
Legislative Staff	0	0	0	0
Total	3	1	0	4
<b>Membership on a Board of Directors</b>				
Legislator	11	18	0	29
Legislative Staff	22	31	25	78
Total	33	49	25	107
<b>Close Economic Association</b>				
Legislator	13	35	0	48
Legislative Staff	21	25	3	49
Total	34	60	3	97
<b>State Contracts, Leases, &amp; Grants &gt; \$5,000</b>				
Legislator	2	3	0	5
Legislative Staff	0	1	1	2
Total	2	4	1	7
<b>State Benefit &amp; Loan Programs</b>				
Legislator	0	2	0	2
Legislative Staff	0	2	6	8
Total	0	4	6	10
<b>Total number of disclosures filed by legislators</b>	37	76	0	113
<b>Total number of disclosures filed by legislative staff</b>	44	60	35	139
<b>COMBINED TOTALS</b>	<b>81</b>	<b>136</b>	<b>35</b>	<b>252</b>

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 8:      Budget**

Report Name	Ethics
Report User	285173
Report Date	3/31/2016
Budget Year	2016
Department Code	30

## Legislative Council

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### Select Committee on Ethics

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Appropriation Group Code	Object Type Code	Expend Current B/ Encumbrances	Expenditures	Available Expenditure Budget
L3LC	1000	\$199,500.00	\$0.00	\$145,604.72
L3LC	2000	\$25,000.00	\$0.00	\$12,093.35
L3LC	3000	\$30,800.00	\$0.00	\$3,287.64
L3LC	4000	\$1,800.00	\$0.00	\$912.28
		<b>257,100.00</b>	<b>0.00</b>	<b>161,898.00</b>
				<b>95,202.00</b>

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEM 9: 2015/2016 Legislation**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

**ITEMS 10 & 11: Motion/Executive Session**

## **ETHICS COMMITTEE MEETING**

**May 3, 2016**

### **ITEM 13: Other Business**