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Ethics Committee Meeting 8:30 a.m.

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Alaska State Legislature

Select Committee on Legislative Ethics

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Ethics Committee Meeting January 31, 2019 – 8:30 a.m. Capitol Room 106, Juneau

(Meeting will be teleconferenced

Anchorage Only: 563-9085

Juneau Only: 586-9085

Outside Anchorage or Juneau: 1-844-586-9085)

FULL COMMITTEE: Open Session (+) indicates background material in packet

1. CALL THE MEETING TO ORDER
2. WELCOME NEW LEGISLATORS
3. APPROVAL OF AGENDA (+)
4. APPROVAL OF MINUTES
 - a. November 1, 2018 Full Committee (+)
 - b. November 1, 2018 House Subcommittee (+)
 - c. November 1, 2018 Senate Subcommittee (+)
5. PUBLIC COMMENT
6. ELECTION OF COMMITTEE CHAIRS FOR 2019-2020 (+)
7. ADVISORY OPINION 19-01
 - a. HB 44 Excerpt (+)
 - b. Advisory Opinion 19-01 (+)
8. CHAIR/STAFF REPORT
 - a. Credit Card Approval for Administrative Assistant and Increase Credit Limit for Administrator
 - b. Receiving Tickets for Unsanctioned Charitable Events
 - c. Management Log Review (+)
 - d. Public Member Committee Appointment Update (+)
 - e. Ethics Disclosures (+)
 - f. COGEL Conference Report (+)

- g. Update: Collection of Unpaid Fines
 - h. Publications
 - i. Advisory Opinions and Public Decisions – AS 24.60.150(a)(3)
 - ii. 2019 Standards of Conduct Handbook
- 9. 2019 ETHICS TRAINING
 - a. 2019 Training Update (+)
 - b. Gift Rules (+)
- 10. BUDGET (+)
 - a. FY19 Budget Summary (+)
 - b. FY20 Budget Request Detail (+)
- 11. CONTRACT REPORT
 - a. Outside Counsel (+)
 - b. Investigator (+)
- 12. 2019 LEGISLATION UPDATE
- 13. OTHER BUSINESS
- 14. ADJOURN

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS**

NOVEMBER 1, 2018

9:25 AM

FULL COMMITTEE

9:29:58 AM

1. Call the Meeting to Order

Chair Dennis "Skip" Cook called the meeting to order at 9:30 a.m.

Roll Call

Senator John Coghill

Senator Berta Gardner (alternate for Senator Dennis Egan)

Representative Lora Reinbold (telephonically) (alternate for
Representative Colleen Sullivan Leonard)

Representative Chris Tuck

Dennis "Skip" Cook

Conner Thomas

Joyce Anderson

Deb Fancher

Lee Holmes

Others

Jerry Anderson

Jacqueline Yeagle

Megan Wallace/Leg Legal/Juneau (telephonically)

Danea Burns (telephonically)

Heather Hebdon/AK Public Officers (telephonically)

Brenda Applegate/AIDEA (telephonically)

9:31:52 AM

2. Approval of Agenda

Chair Cook announced that although the agenda includes an executive session, an executive session is not anticipated. Chair Cook entertained a motion to approve the agenda without the executive session.

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Lee Holmes made a motion to approve the agenda without the executive session.

No objection. The agenda was approved.

9:32:18 AM

3. Approval of Minutes: Full Committee

Chair Cook entertained a motion to approve the minutes of the full committee meeting held on July 17, 2018.

Deb Fancher moved to approve the minutes of the full committee meeting held on July 17, 2018.

No objection. The minutes of the full committee meeting held on July 17, 2018 were approved.

Chair Cook entertained a motion to approve the minutes of the House Subcommittee meeting held on July 17, 2018.

Lee Holmes moved to approve the minutes of the House Subcommittee meeting held on July 17, 2018.

Joyce Anderson asked if there were also going to be a verbatim transcript available of the House Subcommittee public hearing held on July 17 or if the minutes as approved would be the only minutes from the meeting. Chair Cook responded that the meeting had been recorded. Jerry Anderson added that there was no intention to produce a full transcript and repeated that the meeting had been recorded.

Joyce Anderson said that verbatim transcript had been produced following two earlier public hearings. Chair Cook asked Joyce Anderson if those transcripts had been produced without a specific request for them. Joyce Anderson responded that that was her understanding. Joyce Anderson added that the public hearing held in 2002 was transcribed and the transcripts are on file with the legislative library in Juneau.

Chair Cook asked Joyce Anderson if the transcripts were prepared with the committee budget. Joyce Anderson responded that yes,

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the transcripts were prepared with the committee budget and not at the request of a specific person.

Chair Cook said that the public hearing budget was pretty well used up. Cook asked the committee if they wanted the public hearing transcribed with the committee budget or wait to see if there is a request to do so. Cook added that there is much more archiving of recordings than there used to be.

Lee Holmes asked if the recording could be archived. Chair Cook responded that he believed they were all archived and asked Jerry Anderson if he could confirm that. Jerry Anderson confirmed that recordings were archived and offered to have a transcript prepared.

Joyce Anderson responded that she was not necessarily asking to have a transcript prepared. Joyce Anderson continued, saying that it is important that the recording be archived along with the transcripts from the other public hearings.

Chair Cook asked Jerry Anderson to make sure that the recording of the public hearing is archived. Cook asked Jerry Anderson if he could confirm that the archives are accessible to the public. Jerry Anderson responded that they were accessible at any time to the public.

Joyce Anderson added that in the past, she had responded to a request from a member of the public regarding the number of public hearings conducted by the committee and because the library is where they are archived, it is important to archive the recording through the legislative process itself and to make sure the recording is in the library as well in case someone asks for it.

Chair Cook asked Jerry Anderson to follow through on the Joyce Anderson suggestion to make sure that the recording is archived in the legislative library.

Jerry Anderson responded the archived recording is the same as the electronic recording. Anderson added that the question is whether the committee wants to transcribe the public hearing.

Joyce Anderson said she did not think a written transcript is necessary; just to make sure the legislative library has the

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recording. That way, said Chair Cook, if somebody goes to the library and asks for the recording, it would be there.

Chair Cook asked if there were any objections to approving the minutes of the House Subcommittee meeting held on July 17, 2018.

No objection. The minutes of the House Subcommittee meeting held on July 17, 2018 were approved.

4. Public comment

No public comment.

5. Advisory Opinion 18-05

Chair Cook introduced Megan Wallace of Legislative Legal and asked her to present an overview of the draft opinion.

Director of Legislative Legal Services Megan Wallace said that the Ethics Committee submitted four questions related to HB 44, which passed in the last legislative session. Wallace added that the most pertinent information to the discussion at this time begins at section seven of the bill, which amends AS 24.60.030(e) and AS 24.60.030 (g): Conflicts of interest provisions that were substantially modified and those modifications substantially impact earlier ethics decisions and advisory opinions.

Megan Wallace addressed the changes in AS 24.60.030(e)(3). Previously, a legislator unless prohibited by the uniform rules was prohibited from taking or withholding certain official action if it could substantially benefit or harm the financial interest of a person with whom the legislator is negotiating for employment. HB 44 expands that provision and states that except as provided in AS 24.60.030(g), or while participating in a public discussion or debate, a legislator is prohibited from taking or withholding official action or exerting influence that could substantially benefit or harm the financial interests of four categories of persons: members of the legislator's immediate family, an employer of the legislator's immediate family, an employer person with whom the legislator is negotiating for employment, and from whom the legislator or a member of the legislator's immediate family has, in the last 12-month period, received more than \$10,000 of income.

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AS 24.60.030(g) now requires a legislator to declare a conflict of interest before voting on a question before a committee and to request to be excused from voting on a question before a house of the legislature if the legislator or a member of the legislator's immediate family has a financial interest in a business, investment, real property, lease, or other enterprise if it will have a substantial effect that is greater than the effect on the general public.

The advisory opinion notes that "substantially benefit or harm" is defined in AS 24.60.030(j) and the term "financial interest" is defined in AS 24.60.990 as:

ownership of an interest or an involvement in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit.

After providing an overview of the information most pertinent to the discussion, Megan Wallace individually addressed the four questions and their subparts that the committee had submitted to Legislative Legal and concluded by addressing the contents of the balance of the advisory opinion. Then the committee discussed the advisory opinion as a whole, providing feedback to Megan Wallace about the document as a whole.

At the end of the discussion, Lee Holmes moved to adopt the Advisory Opinion 18-05 and the amendments recommended by the committee.

The committee discussed and approved each of the recommended amendments separately.

Chair Cook asked Jerry Anderson to conduct a roll call vote on Advisory Opinion 18-05. Prior to conducting the roll call vote, Jerry Anderson read a brief description of the advisory opinion in accordance with committee rules of procedure.

Roll Call

Representative Chris Tuck	Y
Dennis "Skip" Cook	Y
Conner Thomas	Y

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Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y
Senator John Coghill	Y
Representative Lora Reinbold	N
(alternate for Representative Colleen Sullivan Leonard)	
Senator Berta Gardner	Y
(alternate for Senator Dennis Egan)	

The committee adopted Advisory Opinion 18-05 by 8-1.

The meeting recessed until 1:00 p.m.

6. Review of State Benefit and Loan programs

Jerry Anderson presented an overview of the State Benefit and Loan Program. Legislators and legislative employees must file a disclosure with the Ethics Committee if they participate in one or more of the state benefit and loan programs.

Jerry Anderson explained that annual confirmation by the executive branch departments is sought to ensure that the list of programs is accurate. On October 1, 2018, letters were mailed to the departments and all of the departments responded.

Jerry Anderson said that four programs were added to the list. Anderson provided background and information to the committee about each of those programs.

Jerry Anderson said only one program is deleted, because it no longer exists.

Jerry Anderson asked the committee to amend the list of State Benefit and Loan Programs as recommended.

Chair Cook asked if any of the committee members had any objections to the addition of the four programs and the deletion of one program.

No objection. The committee approved amending the list of State Benefit and Loan Programs as recommended.

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7. New investigator contract

Jerry Anderson presented an overview of a proposed investigator contract in the amount of \$2,000 and recommended committee approval of extending the contract. No activity is currently anticipated but the contract would be in place in the event investigator services are needed.

Lee Holmes moved to approve the extended contract for investigative services in the amount of \$2,000.

Jerry Anderson conducted a roll call vote.

Roll Call Vote:

Senator John Coghill	Y
Senator Berta Gardner	Y
Representative Chris Tuck	Y
Skip Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y

The motion passed 8-0.

8. New outside counsel contract

Jerry Anderson provided an overview of a proposed outside counsel contract in the amount of \$2,000 (\$225/hour, an increase of \$25/hour) and recommended committee approval of extending the contract. No activity is currently anticipated but the contract would be in place in the event outside counsel services are needed.

Chair Cook invited discussion of the contract.

Lee Holmes moved to approve the extended contract for Woelber & Cole as outside counsel for the time period January 1, 2019 to June 30, 2019.

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Jerry Anderson conducted a roll call vote.

Roll Call Vote:

Senator Berta Gardner	Y
Representative Chris Tuck	Y
Skip Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y
Senator John Coghill	Y

9. COGEL conference

Jerry Anderson noted that he, Skip Cook, and Deb Fancher planned to attend the conference in Philadelphia from December 9 through 12.

Conner Thomas expressed interest in also attending the conference.

10. Chair/staff report

Jerry Anderson referred to the committee budget information as of September 30, 2018. Anderson noted that the encumbrances under services would lapse on December 31 if the funds are not used. Anderson added that if the encumbrances are not used in 2018, they will be returned as unencumbered.

Jerry Anderson noted also that money will be spent in traveling to Juneau in January.

Deb Fancher asked if the committee pays the attorney representing Representative David Eastman.

Chair Cook replied no.

Deb Fancher asked who pays him.

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Jerry Anderson replied that he does not know.

Chair Cook added that the committee pays for committee counsel and for the hearing officer at the public hearing.

11. 2019 Ethics training

Jerry Anderson suggested January 23 or 24 for the committee meeting and asked Representative Tuck his opinion of those two dates.

Representative Tuck suggested January 17 or 18 for the committee meeting and discussion followed about the benefits and drawbacks to different dates for the committee meetings. During the discussion, Jerry Anderson reminded the committee of the components and types of training that will be offered.

Lee Holmes asked if there was a recording of the training that could be viewed. Jerry Anderson replied that a recording of the full training is planned, but that recording would be as much as six hours long as opposed to three and a half hours of refresher training. Jerry Anderson added that the committee meeting and training could occur in conjunction with each other.

12. Motion to go into executive session (removed from agenda)

13. Executive session

No executive session.

14. Public session

15. Other business

Joyce Anderson suggested to include in the next newsletter a reminder to file final disclosures. Jerry Anderson assured Joyce Anderson that the newsletter will include that information.

Lee Holmes asked if an email would be emailed to the public members reminding them of required disclosures. Jerry Anderson replied yes.

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Joyce Anderson asked if there would be a Q&A with questions that have been submitted to the committee. Jerry Anderson responded yes, in January.

16. Adjourn

Chair Cook announced he would entertain a motion to adjourn.

Lee Holmes moved to adjourn.

No objections.

The meeting adjourned.

12:47:21 PM

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS**

NOVEMBER 1, 2018

11:32 AM

HOUSE SUBCOMMITTEE

11:42:47 AM

1. Call the Meeting to Order

Chair Dennis "Skip" Cook called the meeting to order at 11:42 a.m.

Roll Call

Dennis "Skip" Cook
Joyce Anderson
Deb Fancher
Lee Holmes
Conner Thomas
Representative Chris Tuck

Others

Jerry Anderson
Jacqui Yeagle

2. Approval of Agenda

Conner Thomas made a motion to approve the agenda. No objections. The agenda was approved.

11:37:56

3. Public Comment

No public comment.

4. Public Hearing Related to Complaint 17-03 Continued

Chair Dennis "Skip" Cook noted that on July 17 [2018], committee reached a decision in the matter, it was published, and the decision was adopted. At the request of the subject of the

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complaint and accordance with the rules the committee, the House Subcommittee would now put that decision on record.

Chair Cook announced that with the exception of Representative Colleen Sullivan Leonard, who provided a sealed envelope that indicated how she voted on the matter and how she would vote if she were voting today.

Chair Cook called for a roll call vote on that decision.

Tim Petumenos asked to address the subcommittee. Petumenos asked if the committee members were aware of motions filed in July of this year.

Chair Cook responded affirmatively.

Tim Petumenos requested the committee address the motion regarding ex parte contact, which are expressly prohibited by rule of the committee, between members of the committee and the prosecuting attorney. Petumenos stated that he believed those communications could have the potential of vitiating the entire July 17 hearing, that was held under Article 1, Section 7 of the Alaska Constitution.

Tim Petumenos stated that he had attempted to learn the substance of those communications. Petumenos added that the prosecuting attorney, Kevin Fitzgerald, had responded that he [Fitzgerald] was invoking attorney-client privilege about the communications that had occurred. Petumenos added that the only proper response to the question would have been that there were no communications.

Petumenos strongly encouraged the committee to take the matter under consideration and make sure that you know the facts regarding any ex parte communications. Petumenos contends that Representative Eastman has a right to know the substance of the communications.

Chair Cook stated that the committee was taking the motions in order. The committee would take a vote, which would take care of one of the motions [to take the vote publicly], and then address the matter of the motion regarding the alleged communications.

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Tim Petumenos asserted that the committee had it out of order; the hearing may not have been constitutionally engaged, and members of the committee may not wish to proceed with a constitutionally defective hearing. Petumenos added that before voting on the matter, the committee may wish to caucus with regard to whether or not there should be actions taken before someone is subjected to an adverse vote if the matter is problematic. Petumenos added that if the committee does go into executive session, he reminded the committee that Administrator Jerry Anderson is a material witness and should not participate in the executive session.

Chair Cook explained the executive session was included on the agenda as a possibility, the committee had not planned to undertake the motion in executive session. The plan was to conduct a vote as it would have been conducted in the public hearing and then take up the other motion.

Tim Petumenos stated that it is Representative Eastman's request that this matter be handled before the vote is taken because it is a serious challenge to the fairness of the proceedings.

Chair Cook replied that he was amenable to adjusting the order in which the motions were addressed. Cook noted that there is one person who voted that is not in attendance. Cook added that the rules require the committee to reflect the vote on the public record.

Tim Petumenos replied that the vote is not final until this hearing, so the committee can [consider] any material information that it has before the vote. Petumenos added that it would be appropriate to discuss in executive session any concerns that individual committee members might have.

Tim Petumenos reminded the committee that Representative Eastman contends that the committee had recommended punishment before the hearing took place, an action he believes is in violation of the process. If there was serious ex parte communication during the hearing, it is a constitutional problem.

Chair Cook directed the committee to take up the matter of ex parte communications. Cook stated that as far as he was able to determine, there were no substantive ex parte communications made by staff or the committee to counsel.

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Chair Cook asked Tim Petumenos if he examples that suggest otherwise that the committee would be happy to hear them.

Tim Petumenos said he asked for Mr. Fitzgerald's notes. Mr. Fitzgerald had replied that the communications he has he regards as privileged. Petumenos asked how he would be able to give you examples if he is unable to learn what was said.

Chair Cook said he would speak to the two communications that he had with counsel.

Conner Thomas asked what advice had been given to the committee by the committee's attorney.

Chair Cook said that he understood the attorney to say if there were no substantive communications, that should be made a matter of record. Cook added that he does not mind disclosing the nature of his communications with counsel during the hearing.

Chair Cook said that he had had two non-substantive communications with counsel during the hearing.

Chair Cook asked Conner Thomas if he was suggesting that the committee confer with counsel or if he had any objection to Cook stating on the record the content of the communications he had had with counsel.

Conner Thomas replied no, had no objection.

Chair Cook outlined his communications with counsel. Cook stated that he had communicated with counsel that the committee was ready to proceed when there was a question about whether the hearing would go forward. Cook said he had also had a communication with counsel just before the attorneys left the room to confer. Cook said, at the committee's request, he asked counsel whether a particular document would be put into evidence and asked counsel to address the question during the conversation between the attorneys.

Chair Cook asked Jerry to account for his communications with counsel.

Jerry Anderson stated that he had one communication with committee members after he was contacted to make comment on an

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administrative order by a member of the media. This administrative order was entered by the hearing officer and subsequently released to the media by Representative Eastman. Because it was potentially dispositive, it was important that the committee be made aware of the situation in case they were contacted by the media.

Jerry Anderson then proceeded to read the text of the email he sent to committee members on June 20, 2018.

Tim Petumenos asked what contact Jerry Anderson had had with Kevin Fitzgerald.

Chair Cook asked Jerry Anderson if he had had any substantive communications with Mr. Fitzgerald.

Jerry Anderson replied that he had discussed with Mr. Fitzgerald about the unavailability of a witness and how they would address that issue. Jerry Anderson stated he did not view that communication as substantive.

Chair Cook clarified that he wanted to know if Jerry Anderson had had substantive communication with Mr. Fitzgerald.

Jerry Anderson explained there had been procedural communications but no substantive communications with counsel.

Chair Cook noted that none of the communications were substantive. Cook asked the committee if they were ready to vote on the matter.

Jerry Anderson noted for the record that the committee would vote on whether to adopt the July 17, 2018 decision.

Jerry Anderson conducted a roll call vote.

Roll Call Vote:

Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	N

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Lee Holmes Y

Rep Chris Tuck Y

Skip Cook Y

Rep Colleen Sullivan Leonard Y (as read by Chair Cook)

Jerry Anderson stated that the committee had adopted the decision 6-1.

Chair Cook announced that the decision is confirmed.

Chair Cook entertained a motion to adjourn the House Subcommittee meeting.

Conner Thomas moved to adjourn the subcommittee meeting.

No objection.

Chair Cook adjourned the meeting.

-DRAFT-

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
NOVEMBER 1, 2018
8:06 AM

Senate Subcommittee

[8:30:25 AM](#)

1. Call the meeting to order

Chair Conner Thomas called the meeting to order at 8:30 a.m.

Committee members present:

Chair Conner Thomas
Dennis "Skip" Cook
Joyce Anderson
Deb Fancher
Lee Holmes
Senator John Coghill
Senator Berta Gardner

Others present:

Jerry Anderson
Jacqui Yeagle

[8:31:24 AM](#)

2. Approval of Agenda

Lee Holmes made a motion to approve the agenda. No objections. Agenda approved.

3. Public Comment

No public comment.

4. Motion to go into Executive Session

Motion to go into **EXECUTIVE SESSION** *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

Chair Conner Thomas asked for a motion to go into executive session.

Dennis "Skip" Cook moved to go into executive session.

No objection.

[8:34:44 AM](#)

5. Executive Session

6. Public session

Chair Conner Thomas re-opened the public session

7. Adjourn

Chair Conner Thomas asked for a motion to adjourn.

Senator Berta Gardner moved to adjourn.

No objection.

Meeting adjourned.

[9:04:31 AM](#)

Article 3. Legislative Ethics Committee; Opinions; Complaints.

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 last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation

of the state operating budget. Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under [AS 39.20.180](#).

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full membership of each house of the legislature.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under [AS 24.60.131](#).

(i) A quorum of the committee consists of a majority of the members and must include at least two legislative members and three public members. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee and must include at least one legislative member and three public members. A vote of a majority of the members appointed to the committee or a subcommittee is required for official action.

(j) Except to the extent that a provision would prevent the committee from complying with the confidentiality provisions of this chapter, the committee is subject to [AS 44.62.310](#) 44.62.319 (Open Meetings Act) and to the procurement provisions adopted by the legislative council under [AS 36.30.020](#). In this subsection, "committee" includes a subcommittee.

(k) A member or an employee or contractor of the committee may obtain access to closed committee files containing information that is made confidential by law only if the committee determines that the person has a need to obtain access to the closed files that relates to the official duties of the committee and the person seeking access.

(l) The committee or a subcommittee shall meet at the call of the chair or a majority of the members. The committee or a subcommittee may meet by teleconference.



LAWS OF ALASKA

2018

Source

SCS CSSH B 44(STA)

Chapter No.

AN ACT

Relating to campaign expenditures and contributions; relating to the per diem of members of the legislature; relating to limiting gifts by lobbyists to legislators and legislative employees; requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Excerpt from HB 44

These sections relate to the
Legislative Ethics Act AS 24.60.

1 person covered by AS 24.60 a gift, other than food or a nonalcoholic beverage for
2 immediate consumption under AS 24.60.080(a)(2)(A), or a compassionate gift under
3 AS 24.60.075; however, this paragraph does not prohibit a lobbyist from providing

4 (A) a gift to a legislator or legislative employee who is a
5 member of the lobbyist's immediate family as defined in AS 24.60.990(a), if
6 the gift is unconnected to the recipient's legislative status;

7 (B) tickets to a charity event described in
8 AS 24.60.080(a)(2)(B); or

9 (C) a contribution to a charity event under
10 AS 24.60.080(c)(10);

11 (10) make or offer a gift or a campaign contribution whose acceptance
12 by the person to whom it is offered would violate AS 24.60 or AS 39.52.

13 * Sec. 7. AS 24.60.030(e) is amended to read:

14 (e) A legislator may not directly, or by authorizing another to act on the
15 legislator's behalf,

16 (1) agree to, threaten to, or state or imply that the legislator will take or
17 withhold a legislative, administrative, or political action, including support for or
18 opposition to a bill, employment, nominations, and appointments, as a result of a
19 person's decision to provide or not provide a political contribution, donate or not
20 donate to a cause favored by the legislator, or provide or not provide a thing of value;

21 (2) state or imply that the legislator will perform or refrain from
22 performing a lawful constituent service as a result of a person's decision to provide or
23 not provide a political contribution, donate or not donate to a cause favored by the
24 legislator, or provide or not provide a thing of value; or

25 (3) except as provided in (g) of this section or while participating
26 in a public discussion or debate [UNLESS REQUIRED BY THE UNIFORM
27 RULES OF THE ALASKA STATE LEGISLATURE], take or withhold official
28 action or exert official influence that could substantially benefit or harm the financial
29 interest of a [ANOTHER] person

30 (A) who is a member of the legislator's immediate family;

31 (B) by [WITH] whom the legislator or a member of the

1 legislator's immediate family is employed;

2 (C) with whom the legislator is negotiating for employment;

3 (D) from whom the legislator or a member of the
4 legislator's immediate family has, in the immediately preceding 12-month
5 period, received more than \$10,000 of income.

6 * Sec. 8. AS 24.60.030(g) is amended to read:

7 (g) Unless otherwise required by the Uniform Rules of the Alaska State
8 Legislature, a legislator shall declare a conflict of interest before voting [MAY
9 NOT VOTE] on a question before a committee of the legislature, and shall request
10 to be excused from voting on a question before a house of the legislature, if the
11 legislator or a member of the legislator's immediate family has a financial [AN
12 EQUITY OR OWNERSHIP] interest in a business, investment, real property, lease, or
13 other enterprise if the interest is substantial and the effect on that interest of the action
14 to be voted on is greater than the effect on the general public of the state. However,
15 notwithstanding (e)(3) of this section and the limitations of this subsection, a
16 legislator may vote on an appropriation bill that meets the requirements of
17 AS 37.07.020(a) or 37.07.100 [A SUBSTANTIAL CLASS OF PERSONS TO
18 WHICH THE LEGISLATOR BELONGS AS A MEMBER OF A PROFESSION,
19 OCCUPATION, INDUSTRY, OR REGION].

20 * Sec. 9. AS 24.60.030(j) is amended to read:

21 (j) In this section,

22 (1) "administrative hearing" means a quasi-judicial hearing before an
23 agency; "administrative hearing" does not include an informal conference or review
24 held by an agency before a final decision is issued or a rate-making proceeding or
25 other nonadjudicative public hearing;

26 (2) "substantially benefit or harm" means the effect on the
27 person's financial interest is greater than the effect on the financial interest of the
28 general public of the state.

29 * Sec. 10. AS 24.60.080(a) is amended to read:

30 (a) Except as otherwise provided in this section, a legislator or legislative
31 employee may not

1 (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250
2 or more, whether in the form of money, services, a loan, travel, entertainment,
3 hospitality, promise, or other form, or gifts from the same person worth less than \$250
4 that in a calendar year aggregate to \$250 or more in value;

5 (2) solicit, accept, or receive a gift with any monetary value from a
6 lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a
7 lobbyist, except

8 (A) food or nonalcoholic beverage for immediate consumption

9 (i) with a value of \$15 or less; or

10 (ii) provided as part of an event that is open to all
11 legislators or legislative employees;

12 (B) a contribution to a charity event, tickets to a charity event,
13 and gifts to which the tickets may entitle the bearer; however, under this
14 subparagraph a legislator or legislative employee may not solicit, accept, or
15 receive from the same lobbyist, an immediate family member of the lobbyist,
16 or a person acting on behalf of the lobbyist, tickets to a charity event, gifts to
17 which the tickets may entitle the bearer, or both, that in a calendar year
18 aggregate to \$250 or more in value; in this subparagraph, "charity event"
19 means an event the proceeds of which go to a charitable organization with tax-
20 free status under 26 U.S.C. 501(c)(3) and that the Alaska legislative council
21 has approved in advance; the tickets may entitle the bearer to admission to the
22 event, to entertainment, to food or beverages, or to other gifts or services in
23 connection with the charity event;

24 (C) a gift that is unconnected with the recipient's legislative
25 status and is from a member of the legislator's or legislative employee's
26 immediate family;

27 (D) a gift delivered on the premises of a state facility and
28 accepted on behalf of a recognized nonpolitical charitable organization; or

29 (E) a compassionate gift under AS 24.60.075.

30 * Sec. 11. AS 24.60.990(a) is amended by adding a new paragraph to read:

31 (17) "financial interest" means ownership of an interest or an

1 involvement in a business, including a property ownership, or a professional or private
2 relationship, that is a source of income, or from which, or as a result of which, a
3 person has received or expects to receive a financial benefit.

4 * Sec. 12. AS 39.23.540(d) is amended to read:

5 (d) The commission shall make available to the governor and presiding
6 officers of each house of the legislature a final report of its findings and
7 recommendations as to the rate and form of compensation, benefits, and allowances
8 for legislators, the governor, the lieutenant governor, and each principal executive
9 department head during the first 10 days of a legislative session. Subject to
10 AS 24.10.130(b) and (g) of this section, and unless a bill disapproving all the
11 recommendations for all officers listed in this section is enacted into law within 60
12 days after the recommendations are submitted to the governor and presiding officers
13 of each house of the legislature, a recommendation as to the compensation, benefits,
14 and allowances for

15 (1) a legislator has the force of law and becomes effective on the first
16 day of the next regular legislative session; and

17 (2) the governor, the lieutenant governor, and each principal executive
18 department head has the force of law and becomes effective on the first day of the
19 fiscal year following the fiscal year in which the recommendation is submitted.

20 * Sec. 13. AS 24.45.051(b) is repealed.

21 * Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 REGULATIONS. The Alaska Public Offices Commission shall adopt regulations
24 necessary to implement secs. 1 and 2 of this Act. The regulations are subject to AS 44.62
25 (Administrative Procedure Act). Regulations adopted under this section may not take effect
26 before the effective date of the law being implemented by the regulation.

27 * Sec. 15. The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application
30 of a provision of this Act to any person or circumstance, is held invalid, the remainder of this
31 Act and the application to other persons or circumstances are not affected.

- 1 *** Sec. 16.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).
- 2 *** Sec. 17.** Except as provided in sec. 16 of this Act, this Act takes effect July 1, 2018.

STAFF REPORT
SELECT COMMITTEE ON LEGISLATIVE ETHICS

Jan 1, 2018 through Dec 31, 2018

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)

Do I need to disclose an organization membership where I do not exercise managerial, supervisory, investigatory or advisory powers in or for that organization?

No. The ethics committee has utilized these broad categories to define when membership on a board of an organization must be disclosed. See Advisory Opinion AO 13-02.

CAMPAIGN RELATED - AS 24.60.030 & AS 24.60.031

May I as a legislator attend and support a group against a local initiative on the ballot by attending a rally and campaigning against the initiative by going door to door within my district while on a state funded trip?

No. This would violate the prohibition against using state resources for political activity or campaigning under AS 24.60.030(a)(2) and (5).

May I announce on the House Floor an event in Juneau during session which is a tribute to a national politician and which is being presented by a party affiliated group?

Early informal advice: Yes, based on this set of facts this does not violate AS 24.60.030(a)(5) use of state resources for purpose of political fund raising or campaigning and is not fundraising in violation of AS 24.60.031 during session for another candidate in an election for federal office. Subsequent informal advice: NO, based on additional facts this appears to be a fundraising event with "paid for by" language on the poster for the event and authorized by a group entitled "Alaskans For _____, Inc." all which point to a fundraiser for a federal candidate in violation of both AS 24.60.030(a)(5) and AS 24.60.031 when raised on the legislative floor. This event is not a "tribute" as originally described but appears to be a fundraising campaign dinner held in multiple sites in Alaska.

May a legislator convert a legislative Facebook page to a campaign Facebook page?

This is possible, but highly recommended that you do not do this, because of the appearance of impropriety with previous posts and the use of legislative contact information that may be present on the legislative Facebook page. Even scrubbing the Facebook posts for problematic items does not clear the confusion for the public who may have seen this page previously as a legislative Facebook page. A great deal of caution should be exercised.

May a legislator conduct a legislative walk in the District during a campaign period and bring along previously printed newsletters?

Yes. Care should be taken to not include any campaign material, buttons or apparel during such a legislative walk in the District. Distributing the newsletters printed before the "campaign period" under AS 24.60.030(c) is not an ethics violation issue.

May a legislator use messages and article pieces from legislative newsletters of the legislator if the legislative contact information is stripped from the original source?

Yes. Note that a campaign worker must strip out the legislative contact information from the original sources as opposed to a legislative staffer on government time.

May I, as a legislative staffer, perform campaign related research on legislative action up to 2 years old?

No. Legislative research which has a goal to provide a campaign with information to use in campaign activities is in violation of AS 24.60.030(a)(2) and (5). Even the appearance of impropriety or conflicts of interest should be avoided under AS 24.60.010 and activity in furtherance of political or campaign activity should be avoided.

May I as a legislative staffer incorporate asking polling questions into legislative district walks?

No. The nature of the polling questions you intended to ask and the timing during a campaign period have the strong appearance of campaigning in violation of AS 24.60.030(a)(5) while performing an otherwise traditional legislative activity. A campaign walk of the district while asking the same polling questions on nongovernment time would not have the Legislative Ethics Act issue.

May a legislative office mail a legislative newsletter during a campaign period to a member of the public based upon a request to the legislative office forwarded from a campaign worker?

Yes. A single newsletter piece sent by mail based on a specific request from a member of the public during a campaign period is not a "political mass mailing" restricted by AS 24.60.030(c). The referral of this request to the legislative office by a political campaign is also not problematic under the Legislative Ethics Act.

As a legislative employee do I need to file a disclosure for campaign related work I am performing outside my government hours?

No. A disclosure is not required for outside employment including campaign work on nongovernment time except when it involves membership on a board of an organization as defined under AS 24.60.030(f).

May a legislator or campaign worker take and distribute legislative contact information magnets on a campaign walk in the district?

No. Advisory Opinion 07-07 discusses distribution of such materials as a violation of AS 24.60.030(a)(5) citing use of state resources for campaigning.

May I as a legislative employee work on campaign related activity during nongovernment hours?

Yes. As a courtesy you should inform your legislator about this intended activity prior to beginning this work. It is also recommended that you document both your government hours and nongovernment hours since you have an irregular schedule as arranged with your legislator.

May a legislator post a notice on social media for a candidate forum which has all candidates running for an office?

No. Use of staff time or other state resources for a partisan, political, or campaigning purpose is restricted under AS 24.60.030(a)(2) and (5). I would avoid posting this candidate forum notice to an official legislative Facebook page or other legislative social media and not depend on the limited use for personal purposes exception under either or both of those sections. This would have, at a minimum, an appearance of impropriety by using state resources for a partisan or political purpose. Of course posting on a personal or campaign social media page is okay if not done by staff on government time or using other government resources.

May a sitting legislator who is a candidate for office conduct a town hall meeting with constituents in October 2018 less than 30 days prior to the election?

Yes. Unlike the printing or distribution of a legislative newsletter this activity may be conducted in a "campaign period." Of course no campaign activity may be associated with or combined with the town hall meeting which was set up as a constituent town hall legislative activity. Care should be taken to avoid even the appearance of impropriety in this situation by the legislator.

May I as a legislator participate in a radio program on strictly legislative topics and not related to my candidate campaign which may be repeated a number of times including within 30 days of the November election in which I am a candidate?

Yes. There is no restriction under the Legislative Ethics Act for participation in such a radio program discussing legislative topics including the replay within 30 days of the November election. This advice does not extend to potential restrictions under APOC, Division of Elections, or FCC statutes or applicable regulations.

May I, as a legislator, work on another legislator's campaign for legislative office?

Yes. A close economic association disclosure under AS 24.60.070 to the ethics office may be required from both legislators depending on the fair market value and extent of the work on the campaign. You should also check with APOC to determine whether you are subject to campaign contribution statutes under AS 15.13.

CLOSE ECONOMIC ASSOCIATION (CEA) - AS 24.60.070

As a legislative employee may I rent property to another legislative employee I supervise?

Yes. A close economic association disclosure to the Ethics Office under AS 24.60.70 is required from you and the legislative employee you supervise if you enter into a rental agreement.

May a legislator carry and distribute a community of event flyer on a district walk? This flyer does not have campaign or political events.

Yes. The concern here is whether the legislator is providing a private benefit to "a person" under AS 24.60.030(a)(2) by distributing information about nonprofit organization events within the district. This would fit under the limited use exception under AS 24.60.030(a)(2)(a) since it does not interfere with public duties and value related to the use if nominal.

May a legislator print birthday cards for mailing to individuals in the print shop during a "campaign period" under AS 24.60.030(c)?

Yes. The restriction in AS 24.60.030(c) is for printing a political mass mailing during the period that begins 60 days before the primary election and generally ends after the November election. These cards that are sent to individuals throughout the year to recognize their birthday are not a "mass mailing" within the meaning of the statutory language.

May I as a legislative staffer work on government hours at a booth for my legislator during a community picnic?

Yes. The ethics committee distinguished the day of the event activity such as you have intended from the extensive organizing and planning activities for such an event in complaint H 17-04. Manning a booth the day of the event would not be providing a private benefit to an organization in violation of AS 24.60.030(a)(2).

May a legislator use office allowance account funds to pay for a former staffer to attend a Governor bill signing in Fairbanks?

No. This use of state funds would be providing a private benefit to that former staffer that would be more than a limited use under AS 24.60.030(a)(2). The general standard for use of office allowance account funds is "reasonably related to service in office" and this is controlled by Legislative Accounting. The issue here is the private benefit under AS 24.60.030(a)(2) that would be given to a member of the public by this intended use.

Is a legislator who works for a corporation with extensive real estate holdings in Alaska restricted under HB 44 provisions from sponsoring legislation impacting that real estate in the state of Alaska?

Yes, the employer relationship restricts this under AS 24.60.030(e) provisions.

May a sitting legislator who is retiring make expenditures with local organizations in the community with office allowance account funds?

Maybe. Office allowance account funds are administered through legislative accounting. The general rule is that office allowance account expenditures must be "reasonably related to serving in office." Check with legislative accounting whether the expenditures you are contemplating are acceptable.

Is a supervisor who fails to ensure that a legislative employee properly fills out a leave slip for personal leave or campaign work during governmental hours subject to a complaint under AS 24.60.030(a)(2)?

Yes, a supervisor in that situation who knowingly fails to ensure that a leave slip is filed is providing a private benefit to that legislative employee in violation of AS 24.60.030(a)(2) and is subject to the Legislative Ethics Act AS 24.60 complaint process.

Does HB 44 restrict the organizing meeting of a caucus of a legislative body following an election and before the beginning of a legislative session?

No, the traditional activities of the organizing meeting following an election in a closed meeting would not implicate HB 44 restrictions on taking or withholding official action or exerting official influence where a legislator has a financial interest specified under AS 24.60.030(e)(3). Selection of committee chair positions however does require a review and analysis of potential conflicts of interest under this section based on the role assumed by the chair of a committee and anticipated activities during session.

May a legislator spend office allowance account funds for personalized low cost mugs to give to constituents?

Yes. This low cost gift would not amount to providing a private benefit to a person under AS 24.60.030(a)(2)/ Acceptable expenditures for the office allowance account are determined by legislative accounting and a call should be placed to that agency. Legislative accounting will be able to confirm whether this expenditure meets the office allowance account general standard of "reasonably related to serving in office."

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

May I as a legislator intervene in the negotiations of a lease transaction between a constituent and a quasi governmental state entity on behalf of a constituent who is seeking more favorable terms under the lease?

No. This would be improper advocacy on behalf of your constituent. This goes beyond the permissible guidelines of constituent assistance in Advisory Opinion 08-03.

May I as a legislative staffer provide constituent assistance in a situation where a constituent is facing repossession of a boat and permit by a state agency?

No. In this case the constituent is not having trouble navigating the state bureaucracy and lines of communication are present between the constituent and the state agency. You should not insert yourself as an advocate for the constituent in this situation or attempt to place pressure on the state agency to halt the repossession or intervene using legislative influence as desired by your constituent.

The Advisor for August 2018 shows a 30 day deadline to file a travel hospitality disclosure, is this correct?

No, an error appears in this version of the Advisor and the version will be corrected online. The correct deadline is 60 days from the start of a trip to disclose a gift of travel or hospitality. Thanks for your information on this error.

EMPLOYMENT - AS 24.60.030, AS 24.60.085, AS 24.60.090

May I, as a legislative employee, accept an employment offer from the north slope?

A qualified yes. AS 24.60.085(a)(1) restricts a legislator or legislative employee from seeking or accepting compensation that is greater than the value of the services to be rendered.

May I as a legislative staffer work on an Alaskan public university related project on my nongovernment hours?

Yes. As a matter of courtesy you should discuss this employment opportunity with your legislator prior to beginning this work.

May I as a legislative staffer perform work on a website on nongovernment hours?

Yes. There is no restriction on unrelated work performed on nongovernment time as long as it otherwise complies with the Legislative Ethics Act. An example would be receiving compensation for the work that is not significantly greater than the value of the services rendered under AS 24.60.085.

May I as a legislative staffer work as a volunteer on a project to bring new gaming forms to Alaska in my nongovernmental time hours? This would not involve lobbying of any sort.

Yes. You should as a courtesy discuss this volunteer employment with your Legislator prior to beginning this activity.

Is employment after service in the legislature restricted by the Legislative Ethics Act?

No. Not directly under the statutory Act provisions. The Alaska State Constitution Article II, Section 5 disqualifications include provisions relating to state or federal employment for 1 year after service.

GIFTS - AS 24.60.075, AS 24.60.080

May I as a legislative staffer accept a gift of travel and hotel to serve on a panel for a conference out of state connected to my legislative employment?

Yes. AS 24.60.085(a)(2) limits this to only actual and necessarily incurred travel expenses for a speech or appearance that is part of a legislative employee's normal course of employment.

May a legislator accept a challenge coin gift with a campaign message on it with a fair market value of less than \$250 from the president of an organization?

Yes, in this case the gift was given by a person who is not a registered lobbyist and the gift was under the \$250 limit specified in AS 24.60.080(a)(1) and the organization has not made any other gifts to the legislator during the calendar year. The campaign message itself is not relevant to this analysis. No disclosure of this gift is required.

May a legislative employee keep the benefit of 2 tickets to a non-sanctioned charitable event having a fair market value of \$300.00 each?

No. The legislative employee and spouse went to this event before informal advice and received the value associated with the event. In this case the legislative employee must pay the person who provided the tickets the \$600 value as a corrective measure. A legislative employee may not accept a gift of \$250 or more from a person in a calendar year unless one of the exceptions in AS 24.60.080(c) apply. In this situation none of the exceptions apply. The legislative employee may also not "buy-down" the value to under \$250.00.

GOVERNMENT/ETHICS AGENCIES

May a governor appointed board member remain on the board while running for state legislative office?

This question is not covered by the Legislative Ethics Act AS 24.60. Referred this question to Executive Branch Ethics at Department of Law and Division of Elections in executive branch.

How do I report an ethics situation concerning a member of the executive branch?

Contact the Department of Law Ethics Attorney. The Legislative Ethics Act and committee have no jurisdiction over an Executive Branch employee.

LEGISLATIVE COMMUNICATIONS - AS 24.60.030

May a legislative newsletter contain a link to a new non-profit along with a description of their activities and an encouragement to recipients of the newsletter to donate to that non-profit?

No. This link and associated text would be providing a private benefit to the non-profit in violation of AS 24.60.030(a)(2).

May a legislator communicate using state resources with constituents about general local municipal vote by mail provisions and alternatives for voting in person by linking to municipal election information website? This is intended to be only a public service type message and not campaigning or identifying candidates in the election.

Yes. Community resource and program type information including election procedural information can be provided to constituents using state resources as a part of legislative outreach and contact with constituents.

Does the newsletter distribution deadline and "campaign period" apply to a legislator who is not a candidate in this election year?

Yes. A mass mailing newsletter is considered "political" if it mentions any person who is a candidate for election to the legislature, or another federal, state or local office or to the board of an electric or telephone cooperative under AS 24.60.030(c)(2).

May a legislator post a entry to a legislative Facebook page during a campaign period which discusses the use of a bear proof trash can along with other bear problem tips and which does not mention a candidate name or contain any related campaign message?

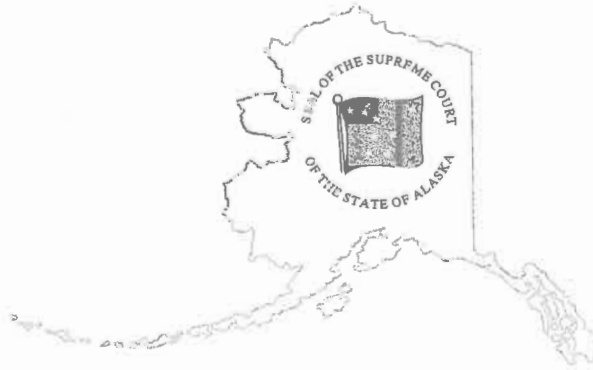
Yes. The issue of problem bears in the geographical area of the legislator district has been widely reported in the media prior to this request for informal advice. This does not involve the use of state resources for a prohibited communication under AS 24.60.030.

May a legislator prepare and deliver an e-newsletter to constituents during the 30 day period before a primary election when the legislator is a candidate for re-election?

No. There is not hard and fast deadline for distribution of a mass e-mail legislative communication prior to an election but the committee has stated that any within 30 days of an election are presumed to be political. Therefore I would recommend only items of an emergency nature be posted or distributed during that time period. Of course AS 24.60.030(c) has a specific restriction on state funds to print or distribute a political mass mailing during a campaign period which began 60 days prior to primary election.

On behalf of my legislator, may our office pay, using the office allowance account, for robocalls regarding the date and time of a meeting for the master plan development of an area within our District? The meeting was set for less than two weeks before the election in which the Legislator is a candidate.

Yes, subject to accounting approval as an appropriate use for office allowance account funds. The general rule for use of office allowance account funds is "reasonably related to service in office." This is an accounting office determination. The appropriateness of calls to those in a legislative district using state resources close to an election is a Legislative Ethics Act AS 24.60 question. Here the intent is merely to very briefly inform people about the date and time of a meeting within the District and no campaign connection or message is present except for the information coming from a legislative office. Although this meeting appears not to be of an "emergency" nature which has been approved of for printing and distribution of a newsletter during a campaign period or within 30 days of an election it is also a very short and direct legislative communication for a potentially high impact meeting affecting constituents in the District and unlikely to influence an election in a meaningful manner.



Chambers of
Joel H. Bolger
Chief Justice

Supreme Court
State of Alaska

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January 16, 2019

Senator Cathy Giessel
Senate President
Alaska State Legislature
State Capitol
Juneau AK 99801-1182

House Speaker
Alaska State Legislature
State Capitol
Juneau AK 99801-1182

Re: Public member appointment to the Legislative Ethics for 2019

Dear President Giessel and House Speaker:

Alaska Statute 24.60.130(b) designates the Chief Justice of the Alaska Supreme Court to nominate the five public members who sit on the Select Committee on Legislative Ethics. The term of one of the current public members will expire in 2019.

In my capacity as Chief Justice, and pursuant to AS 24.60.131(b)(3), I am appointing incumbent H. Conner Thomas for an additional term. The contact information for Mr. Thomas is as follows:

H. Conner Thomas is a partner with Lewis & Thomas, P.C. in Nome, Alaska. He can be reached at [REDACTED]

[REDACTED] For purposes of determining compliance with AS 24.60.130(c), Mr. Thomas is registered as a Democrat.

One nomination for an alternate public member remains. No one responded to public notices published last year soliciting applications, and I am in the process of seeking qualified applicants. I will provide you with nominees when qualified applicants contact me.

Senate President Cathy Giessel
Senate House Speaker
January 16, 2019
Page 2

Please let me know if I can provide you with any other information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joel Bolger", written in a cursive style.

Joel Bolger
Chief Justice

JHB/jh

cc: H. Conner Thomas
✓ Jerry Anderson, Administrator, Select Committee on Legislative Ethics

Disclosures Filed: 2018

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
Gifts of Travel and/or Hospitality				
Legislator	29	57	0	86
Legislative Staff	12	11	4	27
Total	41	68	4	113
Gifts of Travel and/or Hospitality - Family Member				
Legislator	1	0	0	1
Legislative Staff	0	0	0	0
Total	0	0	0	1
Membership on a Board of Directors				
Legislator	43	57	0	100
Legislative Staff	36	78	49	163
Total	79	135	49	263
Close Economic Association				
Legislator	10	32	0	42
Legislative Staff	17	16	7	40
Total	27	48	7	82
Close Economic Association - Lobbyist				
Legislator	0	0	0	0
Legislative Staff	1	0	2	3
Total	1	0	2	3
State Contracts, Leases & Grants > \$5,000				
Legislator	5	1	0	6
Legislative Staff	1	1	5	7
Total	6	2	5	13
State Benefit & Loan Programs				
Legislator	0	0	0	0
Legislative Staff	0	5	1	6
Total	0	5	1	6

Con't. on Next Page

Gift of Legal Services				
Legislator	1	0	0	1
Legislative Staff	0	0	0	0
Total	1	0	0	1
Sanctioned Charitable Event				
Legislator	4	12	0	16
Legislative Staff	1	2	0	3
Total	5	14	0	19
Sanctioned Charitable Event - Family				
Legislator	1	0	0	1
Legislative Staff	0	0	0	0
Total	1	0	0	1
Total number of disclosure filed by legislators	94	159	0	253
Total number of disclosure filed by legislative staff	68	113	68	249
GRAND TOTALS	162	272	68	502

Disclosures Filed: 2015-2018

TYPE OF DISCLOSURE	2015	2016	2017	2018
Gifts of Travel and/or Hospitality				
Legislator	178	66	104	86
Legislative Staff	45	19	46	27
Total	223	85	150	113
Gifts of Travel and/or Hospitality - Family Member				
Legislator	6	6	4	1
Legislative Staff	0	0	0	0
Total	6	6	4	1
Membership on a Board of Directors				
Legislator	75	87	100	100
Legislative Staff	122	122	152	163
Total	197	209	252	263
Close Economic Association				
Legislator	40	62	48	42
Legislative Staff	37	43	37	40
Total	77	105	85	82
Close Economic Association - Lobbyist				
Legislator	0	0	0	0
Legislative Staff	4	7	5	3
Total	4	7	5	3
State Contracts, Leases & Grants > \$5,000				
Legislator	7	5	7	6
Legislative Staff	3	7	4	7
Total	10	12	11	13
State Benefit & Loan Programs				
Legislator	3	1	0	0
Legislative Staff	7	8	8	6
Total	10	9	8	6

Con't. on Next Page

Representation for Compensation								
Legislator					0	0	0	0
Legislative Staff					0	1	1	0
Total					0	1	1	0
Gift of Legal Services								
Legislator					1	0	0	1
Legislative Staff					0	0	0	0
Total					1	0	0	1
Sanctioned Charitable Event								
Legislator					2	15	16	16
Legislative Staff					0	0	1	3
Total					2	15	17	19
Sanctioned Charitable Event - Family								
Legislator					2	7	3	1
Legislative Staff					0	0	0	0
Total					2	7	3	1
Total number of disclosure filed by legislators					313	249	282	253
Total number of disclosure filed by legislative staff					218	207	254	249
GRAND TOTALS					531	456	536	502

2018 Ethics Update I & II

Summary & Notes



Prepared by

Paul M. Nick, Executive Director, Ohio Ethics Commission

Steven I. Berlin, Executive Director, City of Chicago Board of Ethics

ETHICS UPDATE – PART 1

Significant Advisory Opinions

States

Alaska Select Committee on Legislative Ethics: Five advisory opinions were issued in 2018. Most significant is AO 18-05 which discusses major changes to the conflict of interest declaration statute under HB 44 and when a legislator must refrain from taking or withholding official action.

California Fair Political Practices Commission: So far in 2018, FPPC staff members have written almost 190 formal or informal letters of advice to those with obligations or duties under the Political Reform Act and 60 requests related to Government Code Section 1090. The Legal Division also responded to over 12,000 requests sent by email. So far in 2018, the External Affairs & Education Division staff has answered almost 10,000 calls, seeking advice, guidance and other assistance, through our popular toll-free advice line (1-866-ASK-FPPC).

Connecticut Office of State Ethics: Four Advisory Opinions were issued by the Board since the last report.

Advisory Opinion No. 2018-1 -The Citizen's Ethics Advisory Board concluded that the expenditures made by the Connecticut Academy of Science and Engineering to administer a Fellowship Program to the General Assembly do not trigger lobbyist registration, and services provided by Fellows under the Fellowship Program constitute a permissible gift to the state.

Advisory Opinion No. 2018-2 -The Citizen's Ethics Advisory Board concluded that the transition of seven employees of the Connecticut Green Bank to a non-governmental organization formed for the purpose of continuing certain clean energy programs does not violate the "use of office" provision or the post-state employment restrictions.

Advisory Opinion No. 2018-3 - The Citizen's Ethics Advisory Board concluded that a Department of Public Health Board member may engage in private consultancy or expert witness work, provided such member meets the four part test set forth in this opinion.

Advisory Opinion No. 2018-4 -The Citizen's Ethics Advisory Board concluded that a full-time professor in the Department of Psychiatry at the University of Connecticut Health Center may serve as an expert evaluator and witness in a lawsuit--in either his personal or state capacity--provided that he receives no compensation or other financial gain for doing so.

Delaware Public Integrity Commission: Entities created by statute are not considered a 'private enterprise' as defined in the Code of Conduct regardless of their connection to the state. Ex: Umbrella organization comprised of 3 smaller entities is not a private enterprise when the small entities are created by statute; Charter school organization is not a private enterprise because it's members are all state charter schools.

Florida Commission on Ethics:

1) 17-13 -- A city commissioner would not have a prohibited conflict of interest were he to retain a public relations firm to identify, create, and engage "meet and greet" events and other media platforms to gain exposure, where the public relations firm is not doing business with, or regulated by, the city commission. To the extent the commissioner has paid the firm the full and fair market value for the services provided, they would not constitute a "gift".

2) 17-15 -- A city commissioner will have a prohibited conflict of interest were the city to sell property to a charter school where he serves as general counsel, as that section prohibits employment or a contractual relationship with a business entity or agency doing business with one's own agency. If the

San Diego Ethics Commission:

https://www.sandiego.gov/sites/default/files/ia17_01.pdf guidelines for appointing hotel professionals to Convention Center Board of Directors [A challenge: Board members that know the business area but can be fair if their competitors have matters pending before them.]

U.S. Office of Government Ethics (OGE): Advisory of Note: LA-18-06, "Guidance for Reporting Virtual Currency on Financial Disclosure Report," clarifies that for purposes of financial disclosure reporting, virtual currency is property held for investment or the production of income and must be reported on employees' financial disclosure reports. Ethics officials should review virtual currency holdings for potential conflicts of interest. [Any other jurisdictions dealt with bitcoin, etc. for financial disclosure purposes?]

Office of the Conflict of Interest and Ethics Commissioner:

Commissioner Dion issued two advisory opinions under the Act: one on gifts (a gift in the form of barbecue services from a gas company); and a second one also on gifts (interns provided free of charge). He issued two information notices with accompanying videos, addressing gifts and outside activities, on social media, and for target audiences (for example, Members of the House of Commons or Cabinet ministers) through email. [Bbq services from a gas company! This could be the fun opinion of the year!]

Standards in Public Office Commission - Ireland: New guideline published on applications to waive/reduce post-employment cooling-off period. [Which other jurisdictions have waiver authority with respect to post-employment matters?]

Code Changes/Legislative Overhauls

States

Alabama Ethics Commission: The Director is Co-Chairing a legislative committee with the Attorney General to make recommendations about revising the Ethics Act. Should report to Legislature at beginning of 2019 General Session.

Alaska Select Committee on Legislative Ethics: A new conflict of interest statutory change was passed. HB 44 changes the extent of the conflicts of interest and when a conflict must be disclosed.

California Fair Political Practices Commission:

AB 2880 (Harper): Political Reform Act; local enforcement

Status: Chaptered. (Chapter 394, Statutes of 2018)

Operative Date: January 1, 2019

Summary: Existing law authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino, as specified. Existing law also authorizes the Fair Political Practices Commission to enter such agreements with the City Council of the City of Stockton and the City Council of the City of Sacramento, respectively.

This bill would repeal those provisions and would instead generally authorize the governing body of a local government agency to contract with the Commission for the administration, implementation, and enforcement of a local campaign finance or government ethics law. The authorization is limited to jurisdictions with a population of less than 3,000,000. This bill would also clarify that any agreement with one of the cities enumerated above that was in effect on December 31, 2018, is deemed to comply with this provision. The authorization will sunset January 1, 2026. The Commission would be required to

Enforcement Updates

States

Alabama Ethics Commission:

New Law(s): The Ethics Commission can now impose a fine of up to \$6,000 per violation committed by any public employee regardless of amount of gain or loss, and against any public official if the loss/gain does not exceed \$1500. The fines can only be imposed if certain criteria are met, namely, that the public employee/official is no longer in public service, restitution has been paid, profits disgorged; didn't require a high degree of sophistication and not a conspiracy to violate the Ethics Act. Fine imposition must be approved by the AG or the appropriate District Attorney. Once approved, we have the authority to directly enforce those fines in Court.

Major Development(s): In July of 2018, a federal jury convicted a principal and its lawyer for bribing a public official (State Representative) to use his position and influence in his District to encourage residents to oppose EPA efforts to clean up an area of North Birmingham where they lived. Clean-up would have cost principal a lot of money. Lawyer was sentenced to 5 years. Principal sentenced to 30 months. State Rep who cooperated sentenced to 30 months.

Case against former Speaker of the House (Mike Hubbard) was affirmed by the Alabama Court of Criminal Appeals (11 of 12 counts affirmed).

Alaska Select Committee on Legislative Ethics:

A member of the Select Committee on Legislative Ethics was removed from the Committee for disclosure of a confidential complaint against another legislator. Reference complaint H 17-03.

California Fair Political Practices Commission:

Conflicts of Interest/Gift Non-Reporting

In the Matter of Eric Mar; FPPC No. 15/2201. Staff: Assistant Chief of Enforcement Dave Bainbridge and Special Investigator George Aradi. Eric Mar, a former San Francisco County Supervisor, failed to disclose gifts from the concert promoter on his 2011-2015 Annual Statements of Economic Interests. Mar sponsored and voted in favor of a resolution before the San Francisco Board of Supervisors to extend a permit for a concert on county property when he had received gifts that exceeded the state gift limit from the concert promoter within 12 months of the decisions. The proposed settlement in this case was prepared in coordination with the San Francisco Ethics Commission, which imposed a penalty at its October 2017 meeting of \$16,690.50 against Mar for violating a local San Francisco ordinance prohibiting public officials from receiving gifts of more than \$25 from persons who contract with the official's agency. The gifts in the San Francisco Ethics Commission action were the same gifts at issue in this case. Total FPPC Proposed Penalty: \$9,500.

Revolving Door - One-Year Ban

In the Matter of Christopher Lewis; FPPC No. 16/074. Staff: Senior Commission Counsel Neal Bucknell and Special Investigator Jeffrey Kamigaki. This case arose from an audit performed by the California State Auditor. Christopher Lewis separated from employment with the Department of Health Care Services, Substance Use Disorder Compliance Division in 2014 after serving as the Chief of the Licensing and Certification Section for almost four years. Michelle J. Berner of Kroesche Schindler LLP represented Lewis in this matter. In the year that followed, Lewis began representing members of the regulated community with respect to his former employer's licensing and certification process. During this time, he frequently contacted DHCS for the purpose of attempting to influence or expedite decisions on behalf of his paying clients, in violation of Government Code Section 87406, subdivision (d)(1) (3 counts). Total Proposed Penalty: \$12,000.

Remember the Two Gift Rules!

RULE #1: May not solicit, accept or receive a gift of \$250 or more from the same person in a calendar year.

Exceptions to Rule #1

Hospitality at a residence within the state or at a social event or meal (No Disclosure)

Discounts generally available to the public or benefits the state (No Disclosure)

Culturally shared food (No Disclosure)

Travel and hospitality primarily for the purpose of obtaining information on matter of legislative concern (Disclosure Required/60 days)

Gifts from an immediate family member- Wide Definition (No Disclosure)

Gifts not associated with the recipient's legislative status (Confidential Disclosure/30 days)

Welcome to Juneau gifts or discounts during session (No Disclosure)

Legal services for legislative matter (Disclosure Required/30 days)

Gift of transportation from a legislator or a legislative employee to a legislator or legislative employee (No Disclosure)

Charitable contribution or ticket to a sanctioned charity event (Disclosure Required/60 days)

RULE #2: May not solicit, accept or receive a gift from a lobbyist.

Exceptions to Rule #2

Food and non-alcoholic beverage for immediate consumption with a value of \$15 or less OR if the food and beverage is provided as part of an event open to all legislators or legislative employees. (No Disclosure)

Contribution to a charity event, tickets to a charitable event, and ticket event related gift valued at less than \$250 from the same lobbyist in a calendar year). (No Disclosure)

Gift unconnected with legislative status and is from immediate family member. (Lobbyist Spouse, No Disclosure)

Gift delivered on premises of a state facility and accepted on be-half of a recognized nonpolitical charitable organization. (No Disclosure)

A compassionate gift (Disclosure Required/30 days)

DISCLAIMER: Information provided is a general overview. Your circumstances may require specific information and advice. **Contact Ethics Committee Administrator Jerry Anderson (The Ethics Guy) at 907-269-0150 or 907-201-0125 to make sure your intended action complies with the Ethics Act AS 24.60.**

Revised 20181212

Selected Report Date

Select Committees on Ethics GF

Task Name

Summary

[illegible]

FY20 Request Ethics

Name	ARU	Task		Obj Type	FY18 Actuals	FY19 MGMT Plan	FY20 Request
Select Committee on Leg Ethics	304510000		Personal Services	1000	188,204.62	195,900.00	193,000.00
			Travel	2000	22,007.33	25,000.00	25,000.00
			Services	3000	41,763.85	30,800.00	34,500.00
			Commodities	4000	266.06	1,800.00	1,000.00
			Capital Outlay	5000	-	-	-
Select Committee on Leg Ethics				Total	252,241.86	253,500.00	253,500.00
					252,241.86	253,500.00	253,500.00

PROFESSIONAL SERVICES CONTRACT BETWEEN
SELECT COMMITTEE ON LEGISLATIVE ETHICS
AND

WOELBER & COLE, LLC
821 N STREET, SUITE 208
ANCHORAGE, ALASKA 99501

CONTRACT AMOUNT: \$2,000.00
(including reimbursement for expenses)

The parties to this contract, made and entered into the date the Legislative Affairs Agency Executive Director or her designee signs the contract, are the Select Committee on Legislative Ethics, whose address is PO Box 90251, Anchorage, AK 99509-0251, hereinafter referred to as the "Committee", and Woelber & Cole, LLC., whose address is 821 N. Street, Suite 208, Anchorage, AK 99501, hereinafter referred to as the "Attorney".

THE PURPOSE OF THIS CONTRACT IS TO PROVIDE legal services to the Select Committee on Legislative Ethics.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF SCOPE OF WORK

The Attorney shall provide legal services to the Committee as provided in this contract. The Committee anticipates requesting the Attorney to provide the following specific services:

- (A) legal advice, including, but not limited to, advice and opinions related to ethics complaints;
- (B) testimony before the Committee; and
- (C) responses to informal requests for interpretation of the Legislative Ethics Act.

The Attorney shall provide the Committee with other legal services as requested by the Committee. The Attorney, including, but not limited to, Attorney's officers, agents, employees, and contractors shall maintain strict confidentiality of all records, files, work product, complaints, actions, advice, and materials related to the Committee or to the work performed under this contract unless and until directed otherwise by the Committee Chair ("Chair").

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

- (A) The work under this contract shall begin January 1, 2019 and will terminate June 30, 2019.
- (B) Upon delivery of written notice to the Attorney, this contract may, without liability to the Committee, be terminated by the Chair with or without cause. To terminate, the Chair shall provide notice by e-mail or delivery of a hard copy to the Attorney, whichever method is selected in the sole discretion of the Committee. If this contract is so terminated and the termination is not based on a breach by the Attorney, the Committee shall compensate the Attorney for services provided under the terms of this contract up

to the date the termination notice is delivered, provided the Attorney provides the Committee with a statement in writing containing a description of the services provided prior to contract termination, detailed time records for the services provided prior to contract termination that include that items required for time records by Clause XIII (Records; Audit), and a copy of all documents, reports, material, and other items required to be delivered to the Committee by Clause XIV (Ownership and Reuse of Documents) of this contract.

CLAUSE III – COMPENSATION AND METHOD OF PAYMENT

- (A) The Attorney shall perform the work specified by this contract at the rate of \$225.00 per hour.
- (B) Payment shall be based on billings provided by the Attorney that include the items required for time records by Clause XIII (Records; Audit). The description of services shall be prepared to protect the confidentiality and the identity of the individual and the subject matter.
- (C) The Chair must approve a billing before it may be paid.
- (D) If a payment is not made within 90 days after the Committee has received a billing that satisfies the requirements for billing under this contract, the Committee shall pay interest on the unpaid balance of the billing at the rate of 1.5 percent per month from, and including, the 91st day through the date payment is made. A payment is considered made on the date it is mailed or personally delivered to the Attorney.
- (E) The Committee shall reimburse the Attorney for reasonable expenses that are incurred by the Attorney in the performance of this contract and that are approved for reimbursement by the Chair.
- (F) With regard to travel expenses, if the Chair requires the Attorney to travel outside of the Attorney's home base of Anchorage, the Attorney will be reimbursed for reasonable travel expenses that are supported by receipts and that are approved by the Chair.
- (G) Total payments under this contract, including reimbursement for expenses, may not exceed two thousand and No/100 Dollars (\$2,000.00).

CLAUSE IV - EXPENSES AND DUPLICATION

- (A) Except as may be otherwise provided by Clause III (Compensation and Method of Payment), the office space, equipment, supplies, clerical support and other expenses that are necessary for the Attorney to carry out the Attorney's obligations under this contract shall be supplied and paid for by the Attorney at no cost to the Committee.
- (B) Duplicates of any material or other item produced under this contract may be produced by the Committee; the office space, equipment, supplies, clerical support, and other expenses required for the duplication shall be supplied by the Committee.

CLAUSE V – ASSIGNMENT OR TRANSFER

Assignment or transfer of the contract is subject to the approval of the Chair.

CLAUSE VI – WORKERS' COMPENSATION

During the life of this contract, the Attorney shall, in accordance with AS 23.30.045(d), provide

and maintain workers' compensation insurance. The Attorney shall require any subcontractor to provide and maintain workers' compensation insurance for the subcontractor's employees. Attorney shall provide the Committee, upon request, with written proof of the coverage required by this clause.

CLAUSE VII – FEDERAL AND STATE LAWS

In addition to the other requirements of this contract, the Attorney must comply with all applicable Federal and State labor, wage/hour, safety, and other laws which have a bearing on the contract, and must have all licenses and permits required by the Federal government, State, and/or municipality for performance of the work covered by this contract, including, but not limited to, a valid Alaska business license and any necessary applicable professional licenses. The Attorney must pay all fees associated with the licenses and permits required for performance of the contract. The Attorney shall pay all Federal, State, and local taxes incurred by the Attorney in the performance of the contract. The Attorney's certification that taxes have been paid may be verified before final payment by the Committee.

CLAUSE VIII – HUMAN TRAFFICKING

By the Consultant's signature on this contract, the Consultant certifies that the Consultant is not headquartered in a country recognized as Tier 3 in the most recent United States Department of State's Trafficking in Persons Report.

In addition, if the Consultant conducts business in, but is not headquartered in, a country recognized as Tier 3 in the most recent United States Department of State's Trafficking in the Persons Report, a certified copy of the Consultant's policy against human trafficking must be submitted to the Committee.

The most recent United States Department of State's Trafficking in Persons Report can be found at the following website: <http://www.state.gov/g/tip/rls/tiprpt>.

If the Consultant is or becomes headquartered in a Tier 3 county, or fails to comply with this clause ("Human Trafficking"), the Committee may terminate the contract under Clause II (B) as a breach of the contract.

CLAUSE IX – VENUE

In the event that the parties to the contract find it necessary to litigate the terms of the contract, venue shall be State of Alaska, First Judicial District, at Juneau, and the contract shall be interpreted according to the laws of Alaska.

CLAUSE X – BINDING ON SUCCESSORS

Subject to Clause V (Assignment or Transfer) of this contract, this contract and all the covenants, provisions, and conditions contained in the contract shall inure to the benefit of and be binding upon the successors and assigns of the Attorney and the Committee.

CLAUSE XI – INDEMNIFICATION

The Attorney shall indemnify, save harmless, and defend the Committee, and the Committee's officers, agents, and employees from liability for any claim arising from Attorney's negligence or intentional misconduct in the performance of Attorney's obligations under this contract, including, but not limited to, any damages, costs, and attorney fees arising from the claim.

CLAUSE XII – ETHICAL CONSIDERATIONS

- (A) The Attorney, including, but not limited to, its employees, is subject to the prohibitions set out in AS 24.60.134 of the Legislative Ethics Act unless individuals are excluded under AS 24.60.134(c); and AS 24.60.112(b) of the Legislative Ethics Act identifies certain other provisions of AS 24.60 that apply to legislative consultants and legislative independent contractors. It is the responsibility of the Attorney to review AS 24.60 and determine whether Attorney is in compliance with AS 24.60.
- (B) Only the lawyers who are personally involved in representing the Committee on behalf of the Attorney and any staff of the Attorney who are assisting such lawyers shall have access to the records and documents related to the subject matter of this contract. The Attorney shall ensure that no one else in the firm has access to the records and documents by retaining the records and documents in a locked file cabinet conspicuously marked as confidential materials relating to this contract.

CLAUSE XIII – RECORDS; AUDIT

In addition to any other records required by this contract, the Attorney shall accurately maintain detailed time records that state the date of the work, break down the time in quarters of an hour, describe in detail the work done during the quarter of an hour, and identify which individual did the work. The Attorney shall also keep any other records that are required by the Chair. The records required by this contract are subject to inspection by the Committee or the Chair at all reasonable times.

CLAUSE XIV – OWNERSHIP AND REUSE OF DOCUMENTS

All documents, reports, material, and other items generated as a consequence of work done under this contract are the property of the Committee. To the extent the Attorney has any interest in the copyright for these items under the copyright laws of the United States, the Attorney transfers by this contract any and all interest the Attorney has in the copyright for these items to the Committee, and the Committee will be the owner of the copyright for these items. Upon completion of the work or termination of this contract, the items shall be delivered to the Chair.

CLAUSE XV – CHAIR AND LEAD LAWYER

- (A) The Chair shall serve as the primary contact through which the Committee assigns and directs the work of the Attorney. The Chair has the authority, upon which the Attorney may rely without further inquiry, to act on behalf of the Committee in assigning and directing the work of the Attorney.
- (B) Brent Cole, the lead lawyer on this matter, shall have the primary relationship with the Committee. Unless otherwise agreed to or directed by the Committee, Brent Cole shall be the lawyer who communicates directly with the Committee.

CLAUSE XVI – AUTHORIZATION; CERTIFICATION

Execution of this contract was authorized by a majority of the members of the Select Committee on Legislative Ethics at a meeting on November 1, 2018.

Execution of this contract by the Legislative Affairs Agency Executive Director or her designee hereby constitutes a certification that funds are available in an appropriation to pay for work performed under this contract through June 30, 2019.

CLAUSE XVII - MODIFICATION AND PREVIOUS AGREEMENTS

This contract contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind either of the parties to this contract. This contract may not be modified unless in writing and signed by the parties to this contract.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

ATTORNEY:

WOELBER & COLE, LLC

Brent R. Cole Date
Managing Member
Alaska Business License: 1063419

COMMITTEE:

**SELECT COMMITTEE ON
LEGISLATIVE ETHICS**

Dennis Cook, Chair Date
Select Committee on Legislative Ethics
Procurement Officer

CERTIFYING AUTHORITY:

Signature redacted for privacy

Jessica Geary Date
Executive Director
Legislative Affairs Agency

APPROVED AS TO FORM:

Signature redacted for privacy

Legal Counsel Date 12-19

CLAUSE XVII - MODIFICATION AND PREVIOUS AGREEMENTS

This contract contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind either of the parties to this contract. This contract may not be modified unless in writing and signed by the parties to this contract.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

ATTORNEY:

WOELBER & COLE, LLC

Brent R. Cole **Date**
Managing Member
Alaska Business License: 1063419

CERTIFYING AUTHORITY:

Jessica Geary **Date**
Executive Director
Legislative Affairs Agency

COMMITTEE:

**SELECT COMMITTEE ON
LEGISLATIVE ETHICS**

Signature redacted for privacy

Dennis Cook, Chair **Date**
Select Committee on Legislative Ethics
Procurement Officer

APPROVED AS TO FORM:

Signature redacted for privacy

Legal Counsel Date 12-19

CLAUSE XVII - MODIFICATION AND PREVIOUS AGREEMENTS

This contract contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind either of the parties to this contract. This contract may not be modified unless in writing and signed by the parties to this contract.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

ATTORNEY:

WOELBER & COLE, LLC

Signature redacted for privacy

Brent R. Cole **Date**
Managing Member
Alaska Business License: 1063419

CERTIFYING AUTHORITY:

Jessica Geary **Date**
Executive Director
Legislative Affairs Agency

COMMITTEE:

**SELECT COMMITTEE ON
LEGISLATIVE ETHICS**

Dennis Cook, Chair **Date**
Select Committee on Legislative Ethics
Procurement Officer

APPROVED AS TO FORM:

Signature redacted for privacy

Legal Counsel **Date** *1-2-19*

PROFESSIONAL SERVICES CONTRACT BETWEEN
SELECT COMMITTEE ON LEGISLATIVE ETHICS
AND

MONIQUE RAPUZZI, AN INDIVIDUAL DBA
MONIQUE RAPUZZI CASE PREPARATION & TRIAL ASSISTANCE

CONTRACT AMOUNT: \$2,000.00
(including reimbursement for expenses)

The parties to this contract, made and entered into the date the Legislative Affairs Agency Executive Director or her designee signs the contract, are the Select Committee on Legislative Ethics, whose address is PO Box 90251, Anchorage, AK 99509-0251, hereinafter referred to as the "Committee", and MONIQUE RAPUZZI, AN INDIVIDUAL DBA MONIQUE RAPUZZI CASE PREPARATION & TRIAL ASSISTANCE, whose address is 11222 TULIN PARK LOOP, ANCHORAGE, AK 99516, hereinafter referred to as the "Consultant".

THE PURPOSE OF THIS CONTRACT IS TO PROVIDE professional services to the Select Committee on Legislative Ethics.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF SCOPE OF WORK

The Consultant shall provide investigative services to the Committee in accordance with a confidential letter of agreement outlining the specific course of the investigation and shall be available for consultation at one Committee meeting to be held in Anchorage or via teleconference. The Consultant shall document in writing any additional work it deems necessary to perform this contract that is outside the letter of agreement. The Consultant may not perform additional work under this contract unless performance of the work is approved by the Chair. The Consultant, including, but not limited to, any employees who assist Consultant to perform work under this contract, will keep all work performed under this contract confidential.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

- (A) The work under this contract shall begin January 1, 2019 and will terminate June 30, 2019.
- (B) Upon delivery of written notice to the Consultant, this contract may, without liability to the Committee, be terminated by the Chair with or without cause. To terminate, the Chair shall provide notice by e-mail or delivery of a hard copy to the Consultant, whichever method is selected in the sole discretion of the Committee. If this contract is so terminated and the termination is not based on a breach by the Consultant, the Committee shall compensate the Consultant for services provided under the terms of this contract up to the date the termination notice is delivered, provided the Consultant provides the Committee with a statement in writing containing a description of the

services provided prior to contract termination, detailed time records for the services provided prior to contract termination that include that items required for time records by Clause XIII (Records; Audit), and a copy of all documents, reports, material, and other items required to be delivered to the Committee by Clause XIV (Ownership and Reuse of Documents) of this contract.

CLAUSE III – COMPENSATION AND METHOD OF PAYMENT

- (A) The Consultant shall perform the work specified by this contract at the rate of \$75.00 per hour.
- (B) Payment shall be based on billings provided by the Consultant that include the items required for time records by Clause XIII (Records; Audit).
- (C) The Chair must approve a billing before it may be paid.
- (D) If a payment is not made within 90 days after the Committee has received a billing that satisfies the requirements for billing under this contract, the Committee shall pay interest on the unpaid balance of the billing at the rate of 1.5 percent per month from, and including, the 91st day through the date payment is made. A payment is considered made on the date it is mailed or personally delivered to the Consultant.
- (E) The Committee shall reimburse the Consultant for reasonable expenses that are incurred by the Consultant in the performance of this contract and that are approved for reimbursement by the Chair.
- (F) With regard to travel expenses, if the Chair requires the Consultant to travel outside of the Consultant's home base of Anchorage, the Consultant will be reimbursed for reasonable travel expenses that are supported by receipts and that are approved by the Chair.
- (G) Total payments under this contract, including reimbursement for expenses, may not exceed Two Thousand and No/100 Dollars (\$2,000.00).

CLAUSE IV - EXPENSES AND DUPLICATION

- (A) Except as may be otherwise provided by Clause III (Compensation and Method of Payment), the office space, equipment, supplies, clerical support and other expenses that are necessary for the Consultant to carry out the Consultant's obligations under this contract shall be supplied and paid for by the Consultant at no cost to the Committee.
- (B) Duplicates of any material or other item produced under this contract may be produced by the Committee; the office space, equipment, supplies, clerical support and other expenses required for the duplication shall be supplied by the Committee.

CLAUSE V – ASSIGNMENT OR TRANSFER

Assignment or transfer of the contract is subject to the approval of the Chair.

CLAUSE VI – WORKERS' COMPENSATION

During the life of this contract, the Consultant shall, in accordance with AS 23.30.045(d), provide and maintain workers' compensation insurance. The Consultant shall require any subcontractor to provide and maintain workers' compensation insurance for the subcontractor's employees. Consultant shall provide the Committee, upon request, with written proof of the coverage required by this clause.

CLAUSE VII – FEDERAL AND STATE LAWS

In addition to the other requirements of this contract, the Consultant must comply with all applicable Federal and State labor, wage/hour, safety, and other laws which have a bearing on the contract, and must have all licenses and permits required by the Federal government, State, and/or municipality for performance of the work covered by this contract, including, but not limited to, a valid Alaska business license and any necessary applicable professional licenses. The Consultant must pay all fees associated with the licenses and permits required for performance of the contract. The Consultant shall pay all Federal, State, and local taxes incurred by the Consultant in the performance of the contract. The Consultant's certification that taxes have been paid may be verified before final payment by the Committee.

CLAUSE VIII – HUMAN TRAFFICKING

By the Consultant's signature on this contract, the Consultant certifies that the Consultant is not headquartered in a country recognized as Tier 3 in the most recent United States Department of State's Trafficking in Persons Report.

In addition, if the Consultant conducts business in, but is not headquartered in, a country recognized as Tier 3 in the most recent United States Department of State's Trafficking in the Persons Report, a certified copy of the Consultant's policy against human trafficking must be submitted to the Committee.

The most recent United States Department of State's Trafficking in Persons Report can be found at the following website: <http://www.state.gov/g/tip/rls/tiprpt>

If the Consultant is or becomes headquartered in a Tier 3 county, or fails to comply with this clause ("Human Trafficking"), the Committee may terminate the contract under Clause II (B) as a breach of the contract.

CLAUSE IX – VENUE

In the event that the parties to the contract find it necessary to litigate the terms of the contract, venue shall be State of Alaska, First Judicial District, at Juneau, and the contract shall be interpreted according to the laws of Alaska.

CLAUSE X – BINDING ON SUCCESSORS

Subject to Clause V (Assignment or Transfer) of this contract, this contract and all the covenants, provisions and conditions contained in the contract shall inure to the benefit of and be binding upon the successors and assigns of the Consultant and the Committee.

CLAUSE XI – INDEMNIFICATION

The Attorney shall indemnify, save harmless, and defend the Committee, and the Committee's officers, agents, and employees from liability for any claim arising from Attorney's negligence or intentional misconduct in the performance of Attorney's obligations under this contract, including, but not limited to, any damages, costs, and attorney fees arising from the claim.

CLAUSE XII – ETHICAL CONSIDERATIONS

- (A) The Consultant, including, but not limited to, its employees, is subject to the prohibitions set out in AS 24.60.134 of the Legislative Ethics Act unless individuals are excluded under AS 24.60.134(c); and AS 24.60.112(b) of the Legislative Ethics Act identifies certain other provisions of AS 24.60 that apply to legislative consultants and legislative independent contractors. It is the responsibility of the Consultant to review AS 24.60 and determine whether Consultant is in compliance with AS 24.60.
- (B) Only the lawyers who are personally involved in representing the Committee on behalf of the Consultant and any staff of the Consultant who are assisting such lawyers shall have access to the records and documents related to the subject matter of this contract. The Consultant shall ensure that no one else in the firm has access to the records and documents by retaining the records and documents in a locked file cabinet conspicuously marked as confidential materials relating to this contract.

CLAUSE XIII – RECORDS; AUDIT

In addition to any other records required by this contract, the Consultant shall accurately maintain detailed time records that state the date of the work, break down the time in tenths of an hour, describe in detail the work done during the tenth of an hour, and identify which individual did the work. The Consultant shall also keep any other records that are required by the Chair. The records required by this contract are subject to inspection by the Committee or the Chair at all reasonable times.

CLAUSE XIV – OWNERSHIP AND REUSE OF DOCUMENTS

All documents, reports, material, and other items generated as a consequence of work done under this contract are the property of the Committee. To the extent the Consultant has any interest in the copyright for these items under the copyright laws of the United States, the Consultant transfers by this contract any and all interest the Consultant has in the copyright for these items to the Committee, and the Committee will be the owner of the copyright for these items. Upon completion of the work or termination of this contract, the items shall be delivered to the Chair.

CLAUSE XV - PROJECT DIRECTOR

The Project Director is the person appointed by the Chair of the Select Committee on Legislative Ethics. The Project Director is authorized to oversee and direct the activities of the Consultant under this contract. The Project Director serves at the discretion of the Chair

and may be replaced by the Chair, and if replaced, the Chair will give notice of the replacement to the Consultant.

CLAUSE XVI – AUTHORIZATION; CERTIFICATION

Execution of this contract was authorized by a majority of the members of the Select Committee on Legislative Ethics at a meeting on November 1, 2018.

Execution of this contract by the Legislative Affairs Agency Executive Director or her designee hereby constitutes a certification that funds are available in an appropriation to pay for work performed under this contract through June 30, 2019.

CLAUSE XVII - MODIFICATION AND PREVIOUS AGREEMENTS

This contract contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind either of the parties to this contract. This contract may not be modified unless in writing and signed by the parties to this contract.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

CONSULTANT:

**MONIQUE RAPUZZI, DBA
MONIQUE RAPUZZI CASE PREPARATION
& TRIAL ASSISTANCE**

Signature redacted for privacy

Monique Rapuzzi Date
Alaska Business License: 740440

COMMITTEE:

**SELECT COMMITTEE ON
LEGISLATIVE ETHICS**

Signature redacted for privacy

Dennis Cook, Chair Date
Select Committee on Legislative Ethics
Procurement Officer

CERTIFYING AUTHORITY:

Signature redacted for privacy

Jessica Geary Date
Executive Director
Legislative Affairs Agency

APPROVED ASTC FORM

Signature redacted for privacy

Legal Counsel Date 1-2-19