

Alaska State Legislature

Select Committee on Legislative Ethics

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Ethics Committee Meeting FRIDAY, JANUARY 31, 2025 – 8:30 AM State Capitol, Barnes Room 124

(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. APPROVAL OF AGENDA (+)
3. APPROVAL OF MINUTES (+)
 - a. House Subcommittee February 16, 2024
 - b. House Subcommittee November 12, 2024
4. PUBLIC COMMENT
5. ELECTION OF COMMITTEE CHAIRS FOR 2025-2026 (+)
 - a. Article 3 Ethics Committee Election Procedure
6. CHAIR/STAFF REPORT (+)
 - a. Public Member Committee Appointment Update
 - b. Management Log Review
 - c. Publications
 - i. 2022 Public Decisions Booklet – AS 24.60.150(a)(2)
 - ii. 2022 Advisory Opinion Booklet – AS 24.60.150(a)(2)
 - iii. 2023 Standards of Conduct Handbook – AS 24.60.150(a)(3)
7. 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 which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

8. EXECUTIVE SESSION
9. 2025 ETHICS TRAINING REPORT
10. BUDGET (+)
11. FY 2025-2026 Budget Request Detail
12. OTHER BUSINESS
13. ADJOURN

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ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
FEBRUARY 16, 2024
10:30 AM

HOUSE SUBCOMMITTEE MEETING

DRAFT

[11:22:35 AM](#)

1. CALL THE MEETING TO ORDER

Chair Deb Fancher called together the House Subcommittee meeting at 11:22 AM on February 16, 2024. She directed Tamara Maddox to conduct roll call.

Roll Call

Representative Sara Hannan
Skip Cook
Conner Thomas
Chair Deb Fancher
Representative DeLena Johnson

Quorum present.

Others

Tamara Maddox
Jacqui Yeagle

2. APPROVAL OF AGENDA

Chair Deb Fancher entertained a motion to approve the agenda.

Motion made by Representative DeLena Johnson. There was no discussion and no objections. The agenda was approved.

[11:23:21 AM](#)

3. PUBLIC COMMENT

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Chair Deb Fancher opened the floor to public comment with a reminder that public comment was limited to three minutes.

Tom Hoffer, attorney for Representative David Eastman noted one committee member appeared to be attending the meeting telephonically. Committee Rule 6 [Rules of Procedure Section 6 Teleconference] requires that members of the committee participate in person and Representative David Eastman did not waive the in-person requirement.

Chair Deb Fancher verified one committee member was traveling and was not in attendance telephonically, and there was a quorum in the room.

Tom Hoffer asked if he would be limited to the three-minute limit on public comment.

Chair Deb Fancher replied yes, during public comment he would be limited to three minutes, but would have a second opportunity later in the meeting to address the committee.

Tom Hoffer stated he did not want to be limited to the three-minute comment allowed in the public comment period. He delayed commenting until he would have more time.

Patrick Martin of Wasilla said he was troubled by complaints [H 22-01 and H 22-02] initiated by Representative McCabe in 2022. He [Mr. Martin] reported he visited the capitol on April 14 and 15, [2022] to distribute petitions. On April 20, [2022] Representative McCabe made a floor speech denigrating him, Alaska Right to Life, and thousands of members, going so far as to call all of them corrupt and perverse. On April 25, [2022], The sequence of events in the text of the complaint shows the retaliatory nature of the complaint and what appears to be the weaponization of the Ethics Committee and the laws the committee should be enforcing. The complaint states it is unknown if he [Mr. Martin] was allowed [by the representatives] to use computers or phones. Mr. McCabe was not in a Capitol either of the two days that he [Mr. Martin] visited, which in his opinion throws that complaint into even greater question.

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Patrick Martin said the complaint process took 18 months and the investigation was fumbled over and over to the point that Senator Wilson actually called for the termination of Representatives Eastman and Kurka's staff. Mr. Eastman and Mr. Kurka, of course, had to spend a lot of time and personal money on the completely frivolous and retaliatory complaints, with no recourse for Mr. Eastman or Mr. Kurka. There's no mechanism for them to have their legal expenses covered. It seems the Ethics Committee is absolutely committed to ensure that Mr. Eastman and Mr. Kurka bear the full financial weight of Mr. McCabe's completely fraudulent and frivolous complaint. He [Mr. Martin] thinks it is just an absolute abuse of justice. The Ethics Committee needs be more transparent to the public and show exactly what is happening to legislators like Mr. Eastman and Mr. Kurka with complaints like what Mr. McCabe brought against them. It's absolutely shameful.

Representative DeLena Johnson asked how Patrick Martin knows the specific names he used in his statement.

Patrick Martin responded only two offices treated him poorly when he visited the capitol. Senator Shelley Hughes' office called Capitol Security on him twice and alleged that he was carrying a firearm in the capitol, a completely frivolous accusation. He [Patrick Martin] named Senator Hughes and Representative McCabe on social media as the likely accusers. Senator Hughes was quick to say, no, it wasn't me and it wasn't my office. Then, during the investigative interview, he mentioned multiple times his stance that Mr. McCabe was the complainant and the investigator confirmed that was the case. The investigator reminded him that under ethics rules he's bound to maintain the confidentiality of Mr. McCabe, and he asserted the committee has no authority over him.

20:28

Representative Sara Hannan asked if public comment was limited to remarks about current agenda items.

Chair Deb Fancher replied no, during the public comment period, the public may speak to the committee about topics not related to the current agenda items.

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Vince Guerra expressed support for Representative David Eastman and commented that Representative Eastman helps his constituents get help from government. His constituents appreciate it and they are not happy about the use of lawfare against him. The committee has stripped him of his committee chairmanship or committee seats and stripped him of his staff. Now he has to do twice as much work with hardly any help. The committee is trying to prevent him from defending himself by putting arbitrary amounts on the amount of money he can raise [for legal fees]. Mr. Guerra is disgusted with the whole process and he hopes the committee will let Representative David Eastman get back to work representing us in Wasilla. Mr. Guerra reported he has had many different legislative representatives in the different areas in which he has lived, and Representative David Eastman is one of the best representative he has ever had. Representative David Eastman is one of the good guys.

Representative McCabe stated he was representing himself as a member of the public, and not necessarily as any part of this proceeding. Representative McCabe read from Section 24.60.170 [Proceedings before the committee; limitations.] Section (c):

When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted.

Representative McCabe noted that further down in the paragraph, it says:

If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant.

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Representative McCabe read from section (d), which says
If the committee determines that some or all of the allegations of a complaint, if proven, constitute a violation of this chapter, or if the committee has initiated the complaint, the committee shall investigate the complaint on a confidential basis.

Representative McCabe continued: [Before] beginning an investigation of a complaint, the committee shall adopt a resolution defining the scope of the investigation. A copy of this resolution shall be provided to the complainant and the subject of the complaint. As part of its investigation, the committee shall afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

Representative McCabe read from section (f), which says
If the committee determines after investigation that there is not probable cause to believe that the subject of the complaint has violated this chapter, the committee shall dismiss the complaint. The committee may also dismiss portions of the complaint if it finds no probable cause to believe that the subject of the complaint has violated this chapter as alleged in those portions. The committee shall issue a decision explaining its dismissal. Committee deliberations, and vote on the dismissal, order, and decision are not open to the public or to the subject of the complaint. A copy of the dismissal order and decision shall be sent to the complainant and to the subject of the complaint.

[11:38:40 AM](#)

4. COMMENT BY SUBJECT OF COMPLAINTS

Chair Deb Fancher announced the committee would deliberate on Complaints H 23-01 and H 23-02. The subject of both complaints is Representative David Eastman. H 23-01 alleges the representative violated AS 24.60.030 by using government assets, specifically his legislative social media page, to solicit money for the private benefit of another. H 23-02 alleges the representative violated AS

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24.60.031 by soliciting campaign contributions during session and AS 24.60.080 by receiving gifts of \$250 or more. Representative Eastman waived confidentiality in both complaints. The committee affords the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter. Chair Deb Fancher asked Representative Eastman wanted to speak to the complaints.

Representative David Eastman replied he would let his attorney speak.

Tom Hoffer said AS 24.60.170 sets out a procedure governing how complaints are to be addressed and whether investigation is warranted. He asserted the procedures had not been followed. There is no allegation in the complaint of a violation of AS 24.60.080. That is problematic for a number of reasons, most importantly due process concerns, and of which the ultimate effect is significant prejudice not only to Representative Eastman but to Alaskans in general. As noted, Representative Eastman waived confidentiality in these proceedings. Section [AS 24.60.170(1)] talks about confidentiality and reads in part:

Proceedings of the committee relating to complaints before are confidential until the committee determines that there is probable cause to believe a violation of this chapter has occurred.

Tom Hoffer said the section includes a provision the confidentiality provisions of this subsection may be waived by the subject of the complaint. Representative Eastman has expressly waived the confidentiality protections. There are due process concerns here that flow both from AS 24.60.170, as well as the United States and Alaska constitutions. One should expect investigations under AS 24.60.170 should follow the framework set forth by statute, the statute that governs the committee's work. AS 24.60.170(b) affords the subject of a complaint, in this case Representative Eastman, to ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter.

Tom Hoffer contended that the committee should know through correspondence, that Representative Eastman invoked the

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right of confrontation. It's not only a right afforded to Representative Eastman by statute; it is much more fundamental than that. It goes to the heart of American jurisprudence. By law the person who made these two complaints must come forward and testify. And that is what Representative Eastman has asked. He has asserted his rights under the governing statutes, and he is asking for that to happen today in a public setting. This is incredibly important, not only so that the committee and Representative Eastman can gauge the demeanor and the character of the complainant, which is vital any time you're taking someone's testimony, and it can't be adequately done outside of an in-person type setting.

More importantly, Tom Hoffer said, it allows the public to gauge the allegations that are made. Anyone can make allegations. Whether it be a formal court proceeding, a legislative proceeding such as this, an administrative proceeding, or quasi-judicial proceedings, they are all founded on the ability to have public input and in a public [setting]. Why is confrontation so important? It is the rule of law, and it is important to a free society to adhere to the principles that guide us, and that includes AS 24.60.170, as well as the Alaska and U.S. constitutions. It's even more important when you have situations where someone hides behind procedures instead of coming out to light. That allows someone to have significant power, and that power is ripe for abuse unless it is made public.

Tom Hoffer added: The whole idea behind public proceedings is to avoid things being done in secret. Those were fears of our forefathers and the fears today of many people. Government has historically been cautioned to be done in the public eye. He asserted the subject of a complaint should know what they are accused of doing; especially in this case because the complaints at issue do not reference the allegations the committee added as of three weeks ago. There are procedures in AS 24.60.170 allowing the committee to initiate investigations and complaints, but [undecipherable] has not been made clear to Representative David Eastman or himself [Hoffer]. That deprives Representative Eastman of due process, which at a minimum, requires notice and opportunity to be heard. That notice

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should include [a description] of what you are being accused.

Tom Hoffer said the committee did not disclose the purpose of today's meeting until Wednesday, which was problematic for preparation and a meaningful opportunity to be heard. The waiver of confidentiality provisions and due process concerns really work hand in hand. The waiver of confidentiality should have facilitated provision of information. At some point, the decision is made, presumably, information is considered, documents, reports of some sort, testimony perhaps. All of those things, when confidentiality is waived, should have been provided to Representative Eastman, yet it's not taken place. The waiver of confidentiality should have facilitated the provision of important information that Representative Eastman could use to allow him to evaluate the allegations and prepare to respond appropriately. A subject needs to know what it is they are being [unintelligible].

Through a letter Tom Hoffer wrote to the committee about two weeks ago, Representative Eastman asked about 10 questions, including the specific allegations related to the alleged violation of a social media guideline; the specific provisions of the guideline that he's alleged to have violated; a complaint setting forth a violation that is signed under oath and in writing, which is required by AS 24.60.170(b); any resolutions authorizing the committee to investigate an alleged violation of a social media guideline; the name of the complainant who made the allegation that Representative Eastman violated the social media guidelines; the specific allegations related to his alleged violation of AS 24.60.080; a complaint signed in writing that he violated that provision; the name of the complainant who made the allegation that he violated AS 24.60.080, and all other information or documents related to such allegations. And yet nothing has been provided as to those alleged allegations in violations that do not appear in a complaint. In sum, that equates to a deprivation of Representative Eastman's due process rights. It not only prejudices him, but it also prejudices all Alaskans.

11:51

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AS 24.60.170 is designed to facilitate due process and that includes the right to have the complainant provide testimony. It's codified and should be allowed. The practical consideration here in -- in closing, is that if Representative Eastman violated provision of law, then he needs to know what he's violated so he can consider his response. Essentially, what is he accused of doing? The request today is that the committee put that on record so he can be informed about how to proceed. Will the committee tell Representative Eastman what he's alleged to have done and what law did he break? How did he break it? Those should have been provided as part of a complaint, but they were not. It's very difficult to expect Representative Eastman to respond and afford him the due process considerations that are codified in AS 24.60.170 as well as those given to him by the constitutions of Alaska and United States. And finally, is the committee going to require the complainant to appear in a public setting and provide testimony?

Representative Sara Hannan asked for clarification of the additional complaint/s referred to in Tom Hoffer's comment.

Chair Deb Fancher directed Tamara Maddox to respond to Representative Sara Hannan's question.

Tamara Maddox replied there is no additional complaint. She said she believes Tom Hoffer is referring to an addition to the scope of investigation. Representative David Eastman was provided that information in June of last year. There is no additional complaint and there are no additional allegations.

Tamara Maddox added the recent letters to which Tom Hoffer referred is the letter sent on January 22, 2024, informing Tom Hoffer about this meeting and welcoming Representative David Eastman to come and comment on the record as he had requested multiple times.

Conner Thomas asked Tom Hoffer for confirmation that he [Hoffer] understood the committee was still in the investigation stage in the process as outlined in statute [AS 24.60.170]. Conner Thomas also confirmed with Tom

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Hoffer that he [Hoffer] was aware of a provision in that section of statute that deals with a formal charge. Conner Thomas then confirmed with Tom Hoffer that he [Hoffer] was aware the provision includes a number of due process procedures.

Tom Hoffer agreed there was some due process procedures under the statute, but countered that due process applies throughout the investigative stage.

Conner Thomas asked Tom Hoffer if Representative David Eastman had received a copy of the complaints. Tom Hoffer confirmed that Representative David Eastman had received copies of the complaints.

Conner Thomas asked Tom Hoffer if the complaints did not adequately explain the allegations. Tom Hoffer replied the complaints referenced two allegations, but the committee had added a third allegation that was not part of the [original] complaints. The allegation added by the committee was not adequately explained.

Conner Thomas confirmed with Tom Hoffer that he had received a copy of the scope of investigation, and he [Hopper] understood it.

Conner Thomas asked Tom Hoffer if Representative David Eastman had refused to respond to a subpoena. Tom Hoffer replied that the committee had sent an unlawful subpoena.

Conner Thomas asked Tom Hoffer to confirm that Representative David Eastman had refused to sit for a deposition based on a subpoena. Tom Hoffer replied he would not agree with that statement because the subpoena was unlawful.

Conner Thomas asked if Representative David Eastman had refused to sit for a deposition even without a subpoena. Tom Hoffer replied that was not true. Conner Thomas asked Tom Hoffer if Representative David Eastman would sit for a deposition. Tom Hoffer replied depositions are not lawful and they are not authorized under statute. Representative David Eastman is prepared to make a statement as is afforded to him by statute, but the committee has not

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offered that. Conner Thomas asked if Representative David Eastman was willing to sit for an interview with the investigator. Tom Hoffer replied he would not speak for Representative David Eastman but he [Hoffer] imagines so.

Conner Thomas asked Tom Hoffer why Representative David Eastman has not [spoken with the investigator]. Tom Hoffer replied that his [Hoffer] understanding is the investigator never followed up with Representative David Eastman. Chair Deb Fancher asked Representative David Eastman if he would like to make a statement.

Tom Hoffer interjected the complainant should speak first and make the allegations.

Chair Deb Fancher replied that the complainant's identity would remain confidential until executive session; the complainant was willing at that time to make a statement.

Tom Hoffer asked what provision of law provides for that [plan]. Representative David Eastman waived confidentiality; the proceedings should be public. Tom Hoffer asked why the complainant is not required to participate in a public hearing.

Chair Deb Fancher replied for their protection the committee keeps the identity of complainants confidential.

50:56

Tom Hoffer replied he understood but he thinks that [policy] needs to be looked at. Hoffer asked if executive sessions are recorded and are transcriptions available for Representative David Eastman to review.

Chair Deb Fancher replied that the deliberations would not be recorded but that special provisions had been made to record the complainant's statement in executive session.

Tom Hoffer asserted he believed that action to be outside Alaska law. Representative David Eastman's position is that the complainant should be required to provide public testimony to support of the complaint.

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Chair Deb Fancher asked where in statute the identity of the complainant needs to be public.

Tom Hoffer responded that AS 24.60.170 states that proceedings of the committee related to complaints are confidential unless the confidentiality provisions of the subsection are waived by the subject of the complaint.

Tamara Maddox replied that AS 24.60.170 also says proceedings of the committee relating to complaints before it are confidential until the committee determines that there is a probable cause to believe that a violation of this chapter has occurred. And as member Thomas has already advised, the committee is on the investigation portion of this complaint. Representative David Eastman has insisted he make his statements in public.

Tom Hoffer responded that later in AS 24.60.170(1) it says the confidentiality provisions of this entire subsection may be waived by the subject of the complaint - to include the sentence referenced by Ms. Maddox. It's creative reading, it's committee's practice, but it's unlawful.

Chair Deb Fancher asked Representative David Eastman if he would like to make a statement.

Representative David Eastman's response was unintelligible.

Chair Deb Fancher asked Tom Hoffer if he would give Representative David Eastman permission to comment.

Tom Hoffer replied yes, but the committee still needs to decide if it will provide him the information about what he is accused of and whether the committee will require the complainant to testify in an open setting as the law requires.

Chair Deb Fancher said to her knowledge the complaint has not changed, and she begged Tom Hoffer to bring to her attention what changed.

Tom Hoffer replied that neither H 23-01 nor H 23-02 contains a violation of AS 24.60.080. Representative David Eastman needs to know of what he is accused.

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56:44

Tamara Maddox replied that the scope of investigation in H 23-02 included AS 24.60.080 because Representative David Eastman had filed related disclosures demonstrating a violation of AS 24.60.080. Representative David Eastman was informed at that time that he was in violation of that section, he was provided copies of the disclosures, and he was made aware the committee would be asking about those disclosures. Tom Hoffer was provided a copy of the disclosures.

Tom Hoffer submitted the committee exists to investigate complaints, but the committee cannot enact scopes and resolutions that go beyond the complaints and investigate further. There has never been a complaint against Representative David Eastman that alleges violation of AS 24.60.080.

Chair Deb Fancher repeated that the committee was in the initial stages of the complaint, Representative David Eastman has been invited to speak numerous times, the committee hired an investigator who apparently could not make contact. The conversation keeps covering ground using different words, which is pointless. She again asked Representative David Eastman if he wanted to speak to the committee.

1:00

Representative David Eastman began by saying that AS 24.60.170(b) is where in the Ethics Act it addresses an accuser coming forward and testifying publicly. That section spells out for anyone considering filing an ethics complaint, that they would be potentially required to come forward and testify publicly. It says,

Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter.

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Representative David Eastman said he is asking the person accusing me to come forward and testify specifically and clearly about the accusation. That should happen before he, as the defendant in this situation, makes any statements or responds to the accusation. Then he will respond. It's not fair to have me make my defense and then [the committee] go into executive session and privately behind doors, for me and my constituents, to hear the accusations from the accuser.

Conner Thomas asked if Representative David Eastman was saying he did not know of what he is accused.

Representative David Eastman said he asked for very specific information about the allegations and he has received very little response to those specific questions.

Conner Thomas asked if Representative David Eastman had received the complaints.

Representative David Eastman said he received the complaints from last year and he was prepared to talk with the investigator about those complaints.

Conner Thomas noted he had not spoken to the investigator.

Representative David Eastman said when he asked what he was to be interviewed about, the investigator said she would be giving me a list of questions so my attorney could review them before I went to the interview. Representative David Eastman reported he never received those questions so he was never invited to schedule the interview.

Conner Thomas asked Representative David Eastman if he was unwilling to talk to the investigator without a previous list of questions?

Representative David Eastman said no, that was not it at all.

Conner Thomas asked if Representative David Eastman was willing to schedule an interview right now.

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Representative David Eastman replied that he would.

Conner Thomas asked if a date could be picked.

Representative David Eastman said he would be glad to talk with the investigator about the complaints that have been made against me. He is not prepared to talk to the investigator about a complaint that's never been made.

Conner Thomas asked Representative David Eastman if he [Eastman] was aware of complaints made against him.

Representative David Eastman replied that he was aware of two complaints.

Conner Thomas asked when Representative David Eastman was available for an interview.

Representative David Eastman responded he could be available as early as the next week.

1:03:46

[12:15:23 PM](#)

5. MOTION TO GO INTO EXECUTIVE SESSION into Executive Session

Chair Deb Fancher entertained a 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 which 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 Deb Fancher added that under the committee's rules of procedure, section 5, executive session, attendance is limited to members of the committee with the following exceptions. The committee can request certain people to be present in executive session, a witness, a person providing

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clarifying information, the subject of the complaint is included in the exceptions pursuant to the requirements and stipulations outlined in the [committee rules of procedure]. She asked that the following people go into executive session: Tamara Maddox, Jacqui Yeagle Joyce Anderson, Investigator Monique Rapuzzi, Brent Cole, Representative Eastman, Mr. Hoffer, Representative Eastman's attorney, our complainant, and Tom Lucas from APOC (phonetic).

Conner Thomas so moved. There were no objections.

[12:16:43 PM](#)

6. EXECUTIVE SESSION

[12:37:53 PM](#)

7. PUBLIC SESSION

Chair Deb Fancher called the house subcommittee meeting back to order on February 16, 2024, at 2:24 PM.

Conner Thomas moved to dismiss Complaint H 23-01. There were no objections.

Chair Deb Fancher asked Tamara Maddox if the committee needed to do a roll call vote.

Tamara Maddox replied it was not.

Joyce Anderson added the decision was by majority vote.

Representative Sara Hannan added "without objection."

Chair Deb Fancher repeated [the decision was] approved by majority vote without objection.

8. OTHER BUSINESS

Chair Deb Fancher entertained other business. Hearing none, she announced next meeting date is undecided at this time.

9. ADJOURN

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Chair Deb Fancher entertained a motion to adjourn the meeting.

Skip Cook so moved.

Chair Deb Fancher asked if there were objections or other discussion. There was none. She adjourned the meeting.

[2:26:13 PM](#)

DRAFT

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ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
NOVEMBER 12, 2024
10:00 AM

HOUSE SUBCOMMITTEE MEETING

DRAFT

[10:03:39 AM](#)

A. CALL THE MEETING TO ORDER

At 10:03 AM, Chair Fancher called to order the November 12, 2024, House Subcommittee meeting, and she directed Kevin Reeve to conduct roll call.

Roll Call

Skip Cook
Conner Thomas
Jerry McBeath
Deb Fancher
Representative Sara Hannan
Representative Mike Prax

There was a quorum.

Others

Kevin Reeve
Jacqui Yeagle

B. APPROVAL OF AGENDA

Chair Deb Fancher entertained a motion to approve the agenda.

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Motion made by Representative Sara Hannan. There was no discussion or objections. The committee approved the agenda as published.

[10:05:20 AM](#)

C. PUBLIC COMMENT

Chair Deb Fancher entertained public comment. There was no public comment.

D. Motion to go into EXECUTIVE SESSION

Chair Deb Fancher entertained a 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 which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Conner Thomas so moved. There was no discussion or objections. The committee moved to executive session.

[10:06:06 AM](#)

E. EXECUTIVE SESSION

[11:00:50 AM](#)

F. PUBLIC SESSION

Chair Deb Fancher opened public session.

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Chair Deb Fancher reported the committee determined by majority agreement there was probable cause in Complaint H 24-01. The subject had already taken corrective action; the committee recommended no further corrective action be taken.

Chair Deb Fancher directed Kevin Reeve to proceed with required follow up.

G. OTHER BUSINESS

Chair Deb Fancher entertained other business for the House Subcommittee. There was no other business.

H. ADJOURN

Chair Deb Fancher entertained a motion to adjourn.

Motion made by Conner Thomas. There was no discussion or objections.

Chair Deb Fancher adjourned the meeting at 11:04 AM.

[11:04:43 AM](#)

ADJOURN:

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. ...

SELECT COMMITTEE ON LEGISLATIVE ETHICS STAFF REPORT November 1, 2024, through January 22, 2025

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 committee 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 the inquiries.

Boards and Commissions AS 24.60.030(f)

1. A legislative employee asked if they should file a board membership disclosure prior to being officially appointed to a board.

Replied no need to file while waiting for official appointment. Reminded the inquirer to file within 30 days of appointment and annually as long as they remained on the board. Reference: **Sec. 24.60.020. Applicability; relationship to common law and other laws.** (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (2) a person elected to the legislature who at the time of election is not a member of the legislature.

Campaign Related AS 24.60.030 and .031

2. A legislative employee inquired about the limitations on campaigning for a local office, and whether the employee would need to resign from legislative employment prior to declaring candidacy or intent to run for office.

The legislative employee was informed that:

- a) A candidate (irrespective of office sought) must not use state resources (office, computers, time, funds, etc.) to conduct their campaign activities.
- b) Campaign materials cannot be displayed or distributed from a state office space.
- c) The limitations on state resource utilization does not put any constraints on personal time. It is recommended that consideration is given, if you need to work on your campaign during your “normal duty hours”, to documenting leave status.
- d) That AS 24.60.033 prohibits legislative employees from filing a letter of intent or a declaration of candidacy for the legislature. It does not prohibit legislative employees from campaigning for other non-legislative offices.

3. A legislative employee asked if it would be acceptable to have a presidential campaign yard sign in the legislator’s office. The question was received after the presidential election.

Informed the employee that AS 24.60.30(d) speaks to their question:

Sec. 24.60.030. Prohibited conduct and conflicts of interest.

(d) A legislator, legislative employee, or another person on behalf of the legislator or legislative employee, or a campaign committee of the legislator or legislative employee, may not distribute or post campaign literature, placards, posters, fund-raising notices, or other communications intended to influence the election of a candidate in an election in public areas in a facility ordinarily used to conduct state government business. This prohibition applies whether or not the election has been concluded. However, a legislator may post, in the legislator's private office, communications related to an election that has been concluded.

Further, the section of the act speaks to a prohibition of posting this type of material in "public areas in a facility ordinarily used to conduct state government business", the act allows for display of such items "in the legislator's private office." The Act does not clearly define or delineate the difference between public areas and legislator's private office. It is recommended that if the yard sign is displayed in the legislator's office that the sign should not be visible to the public.

Conflict of Interest AS 24.60.030

Constituent Services AS 24.60.030(e)

Disclosures AS 24.60.105, .115, and .260

4. A legislator asked if there were any prohibitions in the Act about working for a municipality during the interim.

Informed the legislator that there were no prohibitions about working for the municipality, but that a Close Economic Association should be filed pursuant to AS 24.60.070(a)(3) and AS 39.50.200(a)(9)(I).

Gifts AS 24.60.075 and .080

5. A legislative staff employee informed that their uncle is a registered lobbyist. The uncle offered to take the employee to Costco for a grocery run. The employee will purchase their own groceries at the store but wanted clarification regarding the need to disclose the ride to Costco.

Informed the employee that accepting a ride from you uncle, which the employee stated was based on the "immediate family" relationship, is allowed under the Ethics Act and does not require a disclosure. The following references are provided:

Sec. 24.60.080. Gifts.

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

(2) solicit, accept, or receive a gift with any monetary value from a lobbyist, an immediate family

- member of a lobbyist, or a person acting on behalf of a lobbyist, except
 - (C) a gift that is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family;
- (5) gifts from the immediate family of the person; in this paragraph, "immediate family" means
 - (D) a parent, sibling, grandparent, aunt, or uncle of the person;

6. A private entity asked if it was acceptable to offer legislators tickets to a Boy Scout fund raising event. The value of the ticket was \$125/attendee.

After reviewing the Ethics Act, and previous informal and Advisory Opinions, informed that gifting the fund raiser tickets to the legislator and was within the allowances of the Ethics Act as long as the legislator was not gifted \geq \$250/per year from the same entity.

7. A legislative staff member asked if a longtime friend of a legislator may offer the legislator a "legislator rate" to attend a gala at which was set aside a number of seats for local and state dignitaries. The cost to the general public to buy a ticket to the gala was \$250. The friend offered to set a legislator rate of \$50 so the legislator could attend. The friend invited the legislator's staff to attend if the legislator was not able.

Recommended the legislator decline the invitation. Under, AS 24.60.080(j), *"the value of a gift shall be determined by the fair market value of the gift to the extent that the fair market value can be determined."* In AO 11-04 ,the committee noted: Fair market value is not defined in the Legislative Ethics Act but we interpret it to mean the price a willing buyer would pay to a willing seller for an item for sale on the open market, in an arm's length transaction, taking into consideration all users for which it is suited." Fair market value of the gala was \$250.

AS 24.60.080(a)(1) says, *Except as otherwise provided in this section, a legislator or legislative employee may not: (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250 or more, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same person worth less than \$250 that in a calendar year aggregate to \$250 or more in value; ... Two pertinent exceptions are (4) travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern; and (6) gifts that are not connected with the recipient's legislative status" ...*

There was no mention of a legislative concern or purpose to the event; so, the exception in (4) did not apply. While the legislator had been long time friends with the donor, (6) did not apply either because the invitation was open to the legislator or to the legislator's staff if the legislator was unable to attend. The Ethics Act does not make an exception for a "legislator rate."

8. A legislator asked if they could accept a gift of travel and hospitality, exceeding \$250, that are not associated with their legislative status. The travel and hospitality are based on a previous held

elected position. There is a documented past practice of gifting travel and hospitality based on the legislator's previous elected position.

After researching the Act and past opinions, informed the legislator that the gift is acceptable. AS 24.60.080(c)(6) addresses the question directly:

(c) Notwithstanding (a)(1) of this section, it is not a violation of this section for a person who is a legislator or legislative employee to accept

(6) gifts that are not connected with the recipient's legislative status;

Further informed the legislator: as the fair market value of the travel and hospitality will reasonably exceed \$250, a Confidential Gift Not Related to Legislative Status disclosure would be required. Filing the disclosure is required within 30 days of the receipt of the gift.

9. A legislator asked:

- a. What are the limits on a legal defense fund set up to pay a legislator's legal bills and expenses arising from a recount and post-count litigation?
- b. What are the limits on timing of donations to a legal defense fund to pay a legislator's legal bills and expenses arising from a recount and post-count litigation?
- c. What are the limits on the total amount raised for a legal defense fund to pay a legislator's legal bills and expenses arising from a recount and post-count litigation?
- d. What are the limits on the amount of donations made to a legal defense fund to pay a legislator's legal bills and expenses arising from a recount and post-count litigation?
- e. What are the rules on disclosure of donors to a legal defense fund to pay a legislator's legal bills and expenses arising from a recount and post-count litigation?

Informed the legislator that APOC has jurisdiction regarding campaign funds and their use for legal defense. My response addressed "gifts" made specifically to you as part of a legal defense fund and the requirements of the Ethics Act.

Section 24.60.080 of the Ethics Act addresses gifts to legislator and what is acceptable. The following are plain text explanations of what you can accept:

1. You can accept a gift that is valued at less than \$250 in single payment or in aggregate/per year from a single entity. There is no limitation on the number of unique sources that can contribute up to the listed value in single or aggregate payments. {AS 24.60.080(a)(1)}
2. You can accept in kind gift of a representation from an attorney for matters of legislative concern. However, if the value of that representation is \$250/per year a disclosure is required within 30 days of the gift. {AS 24.60.080(c)(8) &(d), AO 23-01

The legislator was also pointed to AS 24.60.080a.(c)(8) and (d) as well as AO 32-01.

10. A legislative employee asked if receipt of travel and hospitality to attend a conference to discuss their pending legislation would be considered outside compensation for legislative duties.

Informed the employee that: Legislators can accept "gifts of travel/hospitality for legislative concerns." Gifts valued at \geq \$250 must be disclosed. Travel/hospitality would not be considered as compensation for performing legislative duties. Gifts of travel/hospitality disclosures do require agendas for the conference.

Legislative Communications AS 24.60.030

Miscellaneous

11. A legislator asked if the Act permitted a college student to do a work-study program within the legislator's office.

The following information was obtained from the legislator:

- a. The student is not doing work that has been requested or directed by the legislator.
- b. The student is not being afforded accommodations that would not be available to any of the legislator's constituents other than potential notification of germane legislative hearings or meetings which are open to constituents.
- c. The student would not be afforded access to meeting or information that would not be available to other constituents.
- d. The student will not be provided office space, computer, or other state resources for the conduct of their degree research.
- e. The student will be sharing their work product with the legislator as a means of documenting his research efforts and the legislator will be verifying the work to allow the student to get credit hours for their degree.

Informed the legislator that based on the information provided, it does not appear the student would fit a classification as an intern or volunteer. Correspondingly, the student would not fall under the jurisdiction of the Ethics Act or the Ethics Committee.

12. A member of the public asked which ethics rules apply to Representatives-Elect. The inquirer noted a statement on page 4 of the Standards of Conduct handbook that says, "the rules do not apply to those elected to the legislature [but] have not been sworn in."

Responded with the section of statute that addressed the question. **Sec. 24.60.020. Applicability; relationship to common law and other laws.** (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless a provision of this chapter specifically states that it applies; (2) a person elected to the legislature who at the time of election is not a member of the legislature. Invited the inquirer to reply back if they had a specific question.

13. A legislative employee asked if they needed to report "winning" items at an auction for a nonprofit agency.

Replied no disclosure was required as the inquirer attended the auction on their own time and used their own money to pay for the items.

14. A legislative employee asked for review of a legislator's proposed seasonal greeting card.

Responded that as the card was a seasonal greeting with basic contact information only - and included no political messaging – there was no concern about the card.

Travel/Hospitality AS 24.60.080(c)(4)

15. A newly elected legislator asked if they were allowed to accept a gift of travel to attend a legislative-related conference before being sworn in prior to the start of the session.

Replied yes, the gift of travel may be accepted, and no disclosure was required. Referred caller to AS 24.60.020 Applicability; relationship to common law and other laws, which explains who is covered by the provisions in the Ethics Act. It explicitly states the Ethics Act does not apply to a person elected to the legislature who at the time of the election is not a member of the legislature.

16. A legislative employee asked if a gift disclosure was required if a legislator used personal air miles to purchase airline tickets, in lieu of office funds, for staff travel strictly for legislative purposes.

Responded no gift disclosure was required if the travel was for legislative purposes only.

Press Inquiries