

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

**Jan 1, 2015 through Apr 30, 2015**

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

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

**Does a legislator need to disclose membership on a board with only advisory powers under AS 24.60.030(f)?**

Yes, the committee has issued an advisory opinion on this point. AO 13-02, "board of an organization," means a group of persons having managerial, supervisory, investigatory, or advisory powers over an administrative and functional structure, such as a business, or over a group of people united for a common purpose, such as an association or society

**Does a legislative employee need to disclose their position as Secretary to the board of directors of a local sport club?**

No disclosure necessary because the Secretary position does not vote on questions before the board and is only an administrative aide position to the board of directors.

**Does a legislator need to disclose a spouse's membership on a board of directors?**

No. This disclosure requirement would only apply to membership on a board by the legislator.

**Is disclosure necessary for service by a legislative employee on a library group board?**

Yes, the board performs functions of managerial, supervisory, investigatory, or advisory powers over an administrative and functional structure, such as a business, or over a group of people united for a common purpose, such as an association or society. This language is from AO 13-02.

**Do I as a legislative employee need to disclose travel expenses for my service on a board on which I am a member?**

No. A disclosure for service on the board itself is necessary. Any expenses that are paid to attend board meetings however do not need to be disclosed.

**How do I as a legislator determine whether I need to disclose service in a commission position? Is disclosure of a loan from the post-secondary education commission required?**

The commission disclosure question hinges on whether this particular group of persons exercise any one of the following powers: managerial, supervisory, investigatory, or advisory powers. If for example it functions as an advisory group then you need to disclose your membership on that commission. The answer is yes in this case, but this is determined using a case-by-case analysis. The loan from the AK Commission on Post-secondary Education does not require disclosure. This is not one of the State Loan and Benefit Programs shown in Appendix "C" of the Standards of Conduct Handbook. Attached is the list of state loan/benefit programs that require disclosure.

**Does a legislative employee serving on a PTO/Site Council trigger a disclosure requirement?**

The PTO/Site Council disclosure question hinges on whether this group of persons exercises any one of the following powers: managerial, supervisory, investigatory, or advisory powers. If for example it functions as an advisory group then you need to disclose your membership on that Council. The answer is yes in this case but the answer is on a case-by-case analysis basis.

**As a legislative staffer what start date do I show on a disclosure for service on a community council that has terms which end each year for a disclosure of service on board or commission?**

The original date which the filer first started on the board if service has been continuous is appropriate to show the public the longevity of service.

**The father of a legislative staffer was appointed to a State commission. In this situation is a disclosure required?**

No, the disclosure requirement applies only to a legislator or legislative employee and does not extend to family members.

**Does service on a condominium association board by a legislator require disclosure?**

Yes, Disclosure of board service under AS 24.60.030(f) does not distinguish between profit and non-profit boards and commissions.

**Do I as a legislative employee have a required disclosure under boards and commissions for service as an Executive Director for a non-profit?**

You have requested whether a disclosure is necessary based upon you serving as Executive Director for a nonprofit corporation which has a board of directors as a governing body. You have explained that the Executive Director is not a member of the board of directors for the corporation. Therefore you do not serve on the governing body for the corporation. Under this set of circumstances there is no disclosure required from you as a legislative employee as a result of your service as Executive Director under AS 24.60.030(f) or other provisions of the Ethics Act. Your performance of administrative tasks and duties for the board of directors also does not change this informal advice opinion that you have no disclosure requirement.

**Do I as a legislative employee have a filing requirement for service on a board and what are the filing deadlines?**

A disclosure is required for service on a board of directors and must be filed within 30 days after the commencement of the matter and annually within 30 days after the first day of the regular legislative session.

**May a current legislative employee serve on a Governor appointed board requiring legislative approval?**

No, there is a specific statutory restriction AS 24.60.030(f).

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

**May I as a legislative employee fund raise in Anchorage on April 23rd for the mayoral runoff election if the legislature is still in regular session?**

You have asked whether it is permissible for you as a legislative employee to fund raise in Anchorage on April 23rd for the runoff mayoral election if the legislature is still in regular session. The answer is yes based upon the exception found in AS 24.60.031. The legislature is convened in Juneau. You will be fund raising in Anchorage. The election in question is within 90 days of the fund raising efforts.

**CLOSE ECONOMIC ASSOCIATION (CEA) - AS 24.60.070**

**Is a close economic association filing required for two legislative employees not in a supervisory position relationship with each other who are sharing rental housing?**

No, there is no CEA when dealing with two legislative employees who are not in a supervisory position relationship.

**What event triggers a close economic association?**

The question was general in nature and will be answered in general terms. The language of AO 09-05 answers this question. A close economic association can exist based on a "hand-shake" agreement, just as it can exist based on a written agreement; either form of agreement can create a legal obligation. The formation of a close economic association occurs, in a financial matter of the type you have described, when any one of the following occurs: (1) you perform work for another based on a reasonable expectation that you will be paid for it; (2) you accept payment for work you have not yet performed; or (3) you become legally obligated to another person, or that person becomes legally obligated to you. If this seems a liberal interpretation of "formation," that is because the apparent benefit to the public of prompt disclosure significantly outweighs the burden borne by the discloser. We also interpret the 30-day maximum filing period under AS 24.60.105 as an expression of legislative intent that disclosure be made as quickly as it can be made, and therefore we tend to resolve the ambiguity in the term "formation" in favor of quick disclosure.

**Does a legislator whose spouse is employed by another legislator trigger CEA requirement?**

No, the association is unlike for example the situation of a legislative employee and a domestic partner/spouse of a lobbyist covered specifically under AS 24.60.070(b) and which covers specific information.

**Does employment of a legislator's spouse of another legislator establish a close economic disclosure requirement?**

There is no disclosure required under the ethics act for the legislator employing the spouse of another legislator as a legislative staffer. There are however specific restrictions under AS 24.60.090 Nepotism regarding such employment and there are restrictions under the general conflict of interest provisions under AS 24.60.030. The employment of the spouse of another legislator in any capacity other than as a legislative staffer may trigger CEA disclosure requirements.

**Does a legislative employee have a disclosure requirement for occasional house sitting while away from home which is performed by another legislative employee?**

You have stated that you do not have a supervision situation with this legislative employee as you are neither being supervised by or supervising the other legislative employee. If this is the case you would never have a reportable Close Economic Association with this individual by definition under AS 24.60.070. Note that a substantial Close Economic Association must be greater than \$250 as discussed by formal Advisory Opinions of the Ethics Committee. We also discussed the potential of a gift situation. You have stated that the person house sitting has the benefit of driving your vehicle while you have the benefit of someone looking after your home. This involves offsetting benefits and may be part of your decision making in determining if a "gift" has occurred and whether the amount will be over \$250 in a calendar year and whether subject to being disclosed. A similar situation was discussed in AO 94-01. If determined to be a "gift" and over \$250 then this would be a gift not connected with legislative status (i.e. you did not receive the gift because you are a legislative employee) under the facts you have stated and would be disclosed as a confidential disclosure under AS 24.60.080(d).

**Does the purchase of a book by a legislative employee that was written by a legislator create a close economic association?**

You have asked whether purchase by a legislative staffer of a book written by a legislator creates a Close Economic Association (CEA) for a legislative staffer and the legislator. The answer is no. Advisory Opinion 14-01 states that a substantial financial interest necessary to have a CEA must exceed \$250. No disclosure is required as a result of this purchase.

**Does a legislator have a CEA disclosure requirement based on a joint ownership of a business with a candidate for municipal office?**

No. A CEA disclosure is not and would not be required in the situation since the co-owner is not a "public official" under the AS 39.50 definition, and would not be a public official as a candidate for municipal office and would not be a public official if elected to a municipal office. The definition of public official is:

(9) "public official" means (A) a judicial officer; (B) the governor or the lieutenant governor; (C) a person hired or appointed in a department in the executive branch as (i) the head or deputy head of the department; (ii) the director or deputy director of a division; (iii) a special assistant to the head of the department; (iv) a person serving as the legislative liaison for the department;

(D) an assistant to the governor or the lieutenant governor; (E) the chair or a member of a state commission or board;

(F) state investment officers and the state comptroller in the Department of Revenue; (G) the chief procurement officer appointed under AS 36.30.010; (H) the executive director of the Alaska Workforce Investment Board; (I) each appointed or elected municipal officer; and (J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

**Do I as a legislative employee in a close economic association with a legislator have to disclose in 2015 work which was completed in November 2014 but which was not completely paid for until January 2015?**

No disclosure is necessary for 2015. You have asked whether a close economic association 2015 disclosure is required for website development work completed in November 2014. Since this activity was completed before the first of the year no disclosure is necessary even though the final payment for the work was not made until after the beginning of the year.

**When does a legislative employee and a legislator have a close economic association based on rents paid to a landlord?**

If both parties are responsible for the full amount of the rent paid at a location then a close economic association may exist. On the other hand if each party is responsible for only a specific amount of the rent for a separate room in the same location then no close economic association exists. In this instance each person pays only a specific amount of rent for a separate room and no close economic association exists.

**Is a close economic association filing required due to the fact that I am married to a legislator?**

No, this fact alone does not require a CEA disclosure. This informal advice despite the fact that a CEA disclosure has been filed in the past.

**Does a legislator paying a legislative staffer for babysitting create a close economic association under the Ethics Act and require a disclosure?**

No. A close economic association must involve transaction(s) of \$250 or more in a calendar year under Advisory Opinions of the Committee.

#### CONFLICT OF INTEREST - AS 24.60.030

**May the Legislative Pages purchase coffee and filters from a business in which one of the Pages has a financial interest?**

Yes, this purchase is not subject to a formal procurement process. Good faith quotes from potential suppliers has shown that the vendor in which one of the Pages has a financial interest in fact submitted the lowest bid price. Proper documentation and steps which show that the business was not steered to this company without sound financial reasons is recommended. It is also recommended that there be a disclosure of the intended purchases and the potential conflict of interest to the supervisor of the Pages. These are prudent but not statutorily required steps to avoid even the appearance of impropriety.

**Does a legislative staffer have an ethical conflict of interest by being a volunteer lobbyist on a funding issue by the legislature on nongovernment time during session?**

Although you are not ethically restricted from being part of a volunteer lobbyist effort by statute it has a very definite appearance of impropriety because of your legislative staffer employment. Any such efforts if you do decide to go ahead would have to be on leave time and not on government time. I would strongly recommend that you speak to your legislator prior to engaging in such activity as a matter of judgment and courtesy rather than as a statutory requirement. This should include a full disclosure of the intended activities. This may be an example of not doing the wrong action as explained in our ethical training or doing less than the law allows as also recommended in our Ethics training.

**Are elected members of the Alaska State Legislature, both Representatives and Senators, allowed to make personal in-kind political contributions and donations at anytime throughout the year, including during the legislative session?**

In-kind donations are not a problem in session unless they are given in an auction setting to a political party where the legislator is identified as the donor during session. In that event the legislator may be deemed to have made a solicitation during session which is not allowed under AS 24.60.021 "accept or solicit" language. On the other hand an in-kind donation to a political party is not problematic if not in an auction setting. For example a donation of a box of copier paper for use in the party headquarters would not have the same issue. With this exception the answer is yes.

**May a business menu be distributed within the capitol?**

The promotion of a private business is a concern with this request for distribution. Care should be taken not to use state resources for such promotion.

**Can a legislative staffer attend a town hall meeting Saturday and a legislative related meeting on Monday using the time in between for personal time with no per diem for the personal time and use state resources to pay for the trip?**

Yes. The area of biggest concern related to this issue is when political purpose activities are attempted to be combined into a paid state travel trip. This of course is not allowed. Personal activities are allowed when on a state funded trip primarily for legislative purposes.

**Are there ethical concerns with a legislative employee receiving a \$15 coffee card from PNWER for helping with a conference? Is disclosure required?**

No ethical concern with an incidental gift of a \$15 coffee card. This is of similar nature to flowers, candy, or a fruitbasket all which are considered incidental gifts commonly given as thank-you gifts. No disclosure is necessary on this isolated gift.

**May a legislative employee receive and accept an invitation to one or more Rotary meetings during the legislative session without ethical concern?**

Yes, there is not any ethical issue for legislative employees receiving and accepting an invitation for and subsequently attending one or more Rotary Meetings in Juneau during session. The status of those invited would not be different than any other invitation offered to a guest of a Rotary member. There is no restriction on attendance at social events during session as a general rule. The intention of the invitation according to the facts you have relayed is to provide some educational opportunities just as any guest of the Rotary organization would receive. You have indicated that this would be on a voluntary basis (not mandated) and as part of the lunch time for any legislative employee attending. The fact that there may be legislator(s) and/or lobbyist(s) who also are rotary members attending this meeting would not change the analysis. If a lobbyist purchases a meal for a legislative employee he may have an obligation to report such expenditure if over \$15. I do not offer any advice to any lobbyist on this reporting requirement under these facts. The legislative employee on the other hand may receive food and drink for immediate consumption from a lobbyist in any case without a reporting requirement. Given these facts there is no ethical issue for legislative employees receiving and accepting an invitation and then attending a Rotary Meeting as a guest of a Rotarian.

**Is there a conflict of interest or prohibition if a contract legislative employee testifies on a bill before the legislature?**

No conflict or prohibition. The only qualification is to make sure that the appearance is as a private citizen or other business capacity and not in the capacity as a contract legislative employee. In this case the employee would not be speaking for the legislative committee.

**A legislative employee is serving on a board of directors as a "Commissioner" of an organization which receives grant money coming from the state. Can a legislative employee serve in such a position and help organize lobbying efforts, without engaging in any of the actual lobbying activities, without a conflict of interest violation under the Ethics Act?**

You have asked whether your service as a "Commissioner" – which acts as part of a governing board on a grant money organization with money funded by the state may present a conflict of interest if that organization is lobbying the legislature for funds. You personally are not part of this lobbying effort. This is not a conflict of interest issue under the Ethics Act. Your action in refraining from the lobbying effort and limited organization role outside of the public view eliminates even the potential appearance of impropriety related to a conflict of interest and is recommended. Your service on this governing board of the organization does however require a disclosure filing with the Ethics office.

**May a legislator conduct an interview with a college intern that would include campaigning and campaign issues in a state office?**

A legislator wishes to do an interview in his office with an intern for a project that could include the topics of campaigning and campaign related issues. The information would not and could not be considered campaign activity at this time since the legislator is not a candidate for office. The interview is more in the nature of an academic matter and would not have ethical issues attached to it. The legislator has generally wide discretion with his office for nonlegislative purposes during session and the 10 days before and after session under AS 24.60.030(a)(2)(D) and the contemplated activity would appear to have no associated cost to the state.

**May a legislative employee prior to leaving state employment apply for an appointment to a board or commission which has governor appointed members that are subject to legislative approval?**

A legislative employee has asked about applying for a Governor appointment to serve on a board or commission that requires legislative confirmation. AS 24.60.030(f) provides that a legislative employee may not serve in a position that requires confirmation by the legislature. If you were to be appointed by the Governor for confirmation to such a position then you must resign prior to service. It would also seem that you would have an appearance of a conflict of interest by proceeding to a confirmation hearing even if you have not begun actual service. Therefore, in order to avoid even the appearance of such a conflict of interest, you should consider resigning your legislative position prior to such a confirmation hearing. As a practical and courteous matter, but not as a statutory requirement, you should also inform the legislator you work for about your plans to seek such an appointment to avoid unnecessary surprise if word of your application should become publicly known.

**Is it permissible for a legislator or legislative employee to solicit for legislator signatures on a article of household clothing for fundraising purposes by a charitable organization?**

Yes, AS 24.60.030(a)(2)(I) gives specific authorization to solicit for a charitable organization within the capitol building and this would include for signatures of legislators.

**Is it a conflict of interest for a legislator to buy food for immediate consumption using their legislative office allowance account to resolve an informal cell phone rule infraction by a legislative staffer at a committee meeting?**

No ethical issue with legislator expense with a legislative purpose basis reasonably related to service as a legislator.

**Is there a conflict of interest for a legislator to sponsor a bill that would apply tax credits to an educational foundation associated with a native corporation in which legislator is member and shareholder?**

No conflict of interest as this is not a substantial financial interest under the definition in AS 24.60.030(g).

**Does a poster for a Lunch and Learn which includes language of "food from" and which then includes the name of a specific restaurant in Juneau in violation of the prohibition against providing a private benefit under language in AS 24.60.030?**

No, the use of the name of the restaurant alone does not rise to the level of providing a private benefit to the restaurant on the Lunch and Learn poster.



**As a legislator do I have a disclosure requirement from my membership and shareholder status in my village corporation and the corporation Federal 8(a) contracting activity and subsequently the sponsorship of legislation which would affect this corporation?**

There is not a disclosure requirement as a result of your village corporation membership and shareholder status under the Ethics Act where your interest is no greater than the group of shareholders in this corporation and you do not sit on the board of directors. This is not a "substantial financial interest" under the statutory definition in the Ethics Act. This advice does not extend to Legislative Financial Disclosure requirements administered by APOC.

**May a legislator hang art from local artist in a legislative office with a tag stating it is "on loan from [name of local artist]"? Additionally can the legislator also include address and pricing information for the art hung in the legislative office?**

The simple displaying of art from local artists with a message "on loan from XXXX [name]" does not raise ethical concerns. Any additional information such as the address of the artist along with the name or further pricing information for the art itself would fall into the realm of using a state facility to provide a private benefit to the individual artist. This would be problematic under AS 24.60.030(a)(2). A legislator may not use public facilities for the private benefit of another person.

**Are there ethical concerns with a staffer using a personal credit card for travel for later reimbursement by state funds for a legislator? Can a legislative employee be required to use a personal credit card for such travel?**

The use of a personal credit card for state travel purposes may provide a private benefit of airline miles or similar credit card reward to a legislative staffer using a personal credit card for later reimbursement. This private benefit is however generally considered a de minimus benefit from the accounting office standpoint. The concern of financial liability and a potential exposure to a carrying cost if the reimbursement is delayed or disputed are valid concerns of the staffer in addressing the issue of requiring the use of a private credit card. This matter however appears to one of the working relationship between the legislator and legislative employee and appears not be addressed by the Ethics Act.

**May a message sent by the Ethics Office to partisan fundraising email senders to alert them to the prohibition against using legislative email for such purposes?**

Yes. The text reads: It has come to my attention that you have been using some legislative email addresses for sending partisan political activity fundraising messages. This is problematic for the legislators who receive these messages as it not allowed under the Legislative Ethics Act for legislators to use email addresses for such activity under AS 24.60.030(a)(2). A legislator can't control the messages he or she receives at an email address. It is however problematic for that legislator to remind the sender of prohibited activity emails of the prohibition against such activity each time it occurs and may at some point be viewed in a very negative light if such activity was exposed to the public.

**Is there any restriction on stock ownership by a legislative staffer in a company physically located in the legislative district ?**

No specific restriction under the ethics act.

**May a legislative staffer babysit on nongovernment time for a legislator?**

Yes, but the performance of personal services for a legislator should be on nongovernment time and contracted for on a voluntary basis and not as a condition of employment.

**May a legislative employee on nongovernment time solicit legislator time or sponsorship for a nonpolitical charitable organization in the capitol building facility?**

Yes, this activity is permitted under AS 24.60.030(a)(2)(I) under the Ethics Act.

**Can a legislator recognize a fellow legislator for the accomplishment of publishing a book on the floor of the legislature?**

You have asked whether you are able to recognize on the House Floor the accomplishment of a fellow legislator who has written a book about his service to his country. You have stated that book is available as an e-book on an online bookseller. The announcement of this book on the floor may provide a benefit to the other legislator if people purchase this book after hearing this announcement through the payment of a small royalty. I think that the answer to this question is what is the tone and purpose of the message. If the tone and purpose of the announcement is a recognition of his service to his country, the importance of service to the state and country, and his accomplishment in writing the book then it is not designed to provide a private benefit to another person as prohibited under AS 24.60.030(a)(2). If on the other hand the announcement is merely a solicitation to purchase the book then the primary purpose could be seen as designed only to provide a private benefit of the other legislator and that message could involve this prohibition. If you have specific text of the announcement that you wish me to review I would be glad to do so.

**What constitutes a conflict of interest under Legislative Ethics Act?**

The question is very general in nature. Conflicts of interest are statutorily found at AS 24.60.030. Other criminal statutes cover certain actions by legislators or legislative employees.

**You have asked if you have a conflict of interest under AS 24.60, the Legislative Ethics Act, in relation to potential amendment(s) that may affect the funding of a Charter School in Anchorage. You have a child who attends this school along with many other children. Your interest is no greater than the interest of the parents of the other children who attend this school. You have constituents from your legislative district who also have children who attend this school. The school is physically located in another legislative district.**

AS 24.60.030(g) states legislators who have financial interests that meet the following three tests are prohibited from voting unless required to do so under the Uniform Rules. Even though this statute talks about voting, it is also relevant when weighing whether a substantial financial conflict of interest exists with respect to other legislative actions.

AS 24.60.030(g) states: 1. A legislator must have a substantial equity or ownership interest; 2. The equity or ownership interest will be affected by the action to be voted on; and 3. The effect of the action on the legislator's interest will be greater than the effect on others in the legislator's profession, occupation, industry or region as defined in AS 24.60.990(b)(2). The language of AS 24.60.030(g) and AS 24.60.990(b) lead to the conclusion that you do not have a conflict of interest with respect to the Charter School as defined under the Legislative Ethics Act.

**May a legislator contact in their personal capacity a state commissioner regarding a potential life and death situation regarding a member of their extended family? As a relevant note the legislator also serves on the committee which oversees the budget of the department headed by the state commissioner.**

You have asked whether there are ethical concerns with you as a legislator contacting a state commissioner concerning a potential life and death situation regarding a member of your extended family. You have also stated that you are concerned because you serve on the committee overseeing the budget for this department. The situation you have described does not involve prohibitions regarding administrative action under AS 24.60.30(i) and does not involve a potential violation of AS 24.60.030(e) where your intended action is to call and make clear that you are calling in your individual capacity as a concerned relative of the person in question and merely wish to inform the proper authority of the seriousness of the potential situation. Your intended action does not violate any of the conflict of interest provisions or any other provision of the Legislative Ethics Act.

**Does the Ethics Office investigate Executive Branch ethics concerns or potential criminal situations?**

No. Referred caller to State Ethics Attorney in Department of Law, Jonathan Woodman, 269-5275.

**May I as a legislator use my legislative email address on a business card for my private business?**

AS 24.60.030(a)(2) prohibits the use of a government asset or resource for the private benefit of the legislator. A legislative email is a state government resource.

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

**May a legislative office under constituent services become involved in the issue of whether a student is required to take a school exam on behalf of a constituent?**

The answer to this question is contained in the information from the Ethics Training which I think emphasizes the Constituent Service points you should be considering before wading in on a situation which has been brought to your attention as a staffer in a legislator's office. Performing Constituent services involves the following: Assisting constituents in navigating state bureaucracy and fully accessing their options; and developing a communication line between constituent and agency.

The legislative intent of constituent services is to: Move the constituent's concern forward; make sure everyone involved knows what they need to know; and urge the government agency to take timely action. You should always be aware of the difference between performing constituent services versus advocating for a constituent's private interest. You may wish to as a preliminary matter inquire as to the general process that has been developed if you are unsure of the process steps and then find out where in the process your individual situation is.

**Should a legislative staffer be performing constituent services when the constituent is having no problem accessing or going forward with the available state process?**

You have asked a general question. The general answer is no, it is important to avoid becoming an advocate for a constituent when there is no problem with that constituent accessing and going forward with the available state process such as in the specific situation described by the legislative staffer.

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

**Does a legislator loan for a commercial fishing permit require a disclosure to the ethics office under the Ethics Act?**

No, the agency is the Department of CCED based and is not among the State Loan and Benefit programs in Appendix C of the handbook.

**Does the cosigning of a loan from the Alaska Commission Post Secondary Education trigger a disclosure requirement by a legislative employee?**

No. The loan from the AK Commission on Post-secondary Education does not require disclosure. This is not one of the State Loan and Benefit Programs shown in Appendix "C" of the Standards of Conduct Handbook. This is the list of state loan/benefit programs that require disclosure.

**Does a legislator with a spouse who has a contract position with an organization which receives a government grant have a disclosure requirement under state contracts and leases AS 24.60.040?**

Yes, if annual value of contract of lease is \$5,000 or more based upon "direct or indirect financial benefit" language as an employee or consultant defined under subsection (c).

**A legislator filed a disclosure related to a state loan listed on Appendix C was filed in 2014. Is an additional disclosure required?**

A disclosure is required annually for matters still in effect within 30 days of the beginning of the regular legislative session.

**Is a disclosure required for a mining company interest owned by spouse of a legislator if the mining lease held by the mining company is not a state lease?**

No disclosure required. After investigation it was discovered that this situation does not involve a state contract or lease. It involves a private lease of mining interests.

**As a legislative employee do I need to disclose in an ethics disclosure details of a state contract in which my spouse is a party to the contract and which has confidentiality provisions within the contract?**

AS 24.60.105(d) provides a procedure where a legislative employee may make a written request to the committee to refrain from making a disclosure. The question of whether a disclosure is required is then determined by the committee.

**What are the possible sources to research for disclosures?**

The Ethics Committee electronic searchable database and those disclosures read across the legislative journal.

**Do the ethics committee disclosure filings have a copy function like many APOC filings?**

No, but this issue has been forwarded to Tim Powers, for future development.

**Do I need to file a disclosure for an unrelated business entity and activity I conduct outside of government time.**

No, ownership of a business by itself does not in itself trigger a separate disclosure under the legislative ethics act.

**Does a former legislative employee have a disclosure requirement if he enters into a BP internship program at UAF?**

No disclosure required. This is not a legislative internship and does not require disclosure.

**As a former legislator do I need to file any disclosure if I have none?**

No. The letter reminding former legislators of the filing deadline was a courtesy letter only and does not require a disclosure from a former legislator if no disclosure is required under ethics act.

EMPLOYMENT - AS 24.60.030, AS 24.60.085, AS 24.60.090

**Are the employment restrictions on a former legislator definite?**

See Alaska Constitution Art. II, §5. I can offer no further advice on this issue.

**Does a Legislator who has been contacted by a university professor working on a matter of legislative concern and has placed extensive informational requests to the legislative office have an "Intern" situation which requires ethics office approval?**

The situation we discussed regarding the university professor from Alaska should be considered like a constituent requesting information. Because the professor is working independently and without direction or supervision from your office on research -This is unlike a volunteer or intern situation which requires approval at different levels. My understanding is the professor intends to share back with your office the research paper and analysis on a topic of legislative concern. No disclosure or approval is necessary under this set of facts. No intern relationship has been created in this situation.

**Can a legislator receive "sabbatical" pay during the legislative session?**

You are asking whether you are able to continue to receive compensation for advisory work with the Borough while on what is considered a sabbatical. The answer to this question may well be answered by what is the standard practice for the state political subdivision. You should not accept compensation for personal services that is significantly greater than the value of the services rendered under AS 24.60.085. If for example the leave compensation is only being paid to you because you are a legislator and would not be paid to anyone else in a similar advisory capacity then the compensation would be problematic. That being said, advisory work is often seasonal and/or uneven as to when actual personal services are rendered. This can be similar to a retainer paid to an attorney to represent a person or organization. Both can involve periods of full activity and lulls in activity. A review of the written contractual terms of your advisory work, if any, may help you to determine whether there is a problem with accepting the compensation in question. If a specific provision under the political subdivision Code covers this event then it may very well control the determination of whether receiving the compensation is proper.

**May a legislative employee take on a university small database project in their spare time?**

Yes, there are no general restrictions on the performance of work outside of legislative employment on nongovernment time.

**Are there restrictions on the value of services I perform on nongovernment time outside of my work as a legislative employee?**

The restriction on value in employment is found in AS 24.60.085(a)(1). A legislative employee may not seek or accept compensation for personal services that is significantly greater than the value of the services rendered taking into account the higher rates generally charged by specialists in a profession. Of course professional rates vary widely depending on skill and experience of the person among many other items. I could not accept a project at \$500 per hour when the going rate was \$100.

**GIFTS - AS 24.60.075, AS 24.60.080**

**Does a legislative employee have a disclosure requirement under the following set of facts? A friend who also works for the legislature asked to borrow a sum of money from me over \$250. The gift is an IOU (I expect to be repaid in full on the date of the next paycheck deposit, however, without interest) The gift is not connected to the recipient's legislative status.**

No disclosure should be required if the transaction and the repayment occurs within a 30 day period. The situation or potential gift would not exist at the deadline for disclosure.

**As a legislative employee do I need to disclose a non-commercial loan given to me by a person I am dating? The loan was of less than \$1000 given to me in January 2015 through an electronic transaction and is to be paid back over time by the end of March. The loan was simply to assist me in my moving transition to Juneau.**

This is a dating/romantic partner issue that typically is not disclosed unless it is a substantial item. This is a sum that could be considered substantial but it also of short duration according to the facts you have presented me with (2-1/2 months). I would consider filing a confidential disclosure under the ethics act. It is protection for you. You have 30 days to file a confidential disclosure for a gift not connected to your legislative status. Of course if the loan is repaid within that time then no disclosure would be required. An important note is that I have assumed that the loan is non-interest bearing or has otherwise noncommercial loan aspects. If, for example, a bank would have made a loan under the same provisions then this would not be considered a gift required to be disclosed in any manner.

**Does the receipt of a \$10 pass as part of nonprofit volunteer work by a legislative employee outside of government time require disclosure?**

No, this is considered incidental compensation or a thank-you gift for work you have performed for the nonprofit and does not need to be disclosed under the Ethics Act.

**Is a gift of food and beverage for immediate consumption purchased by friend of legislative employee for that employee unconnected with legislative status require a disclosure if paid from a client development fund and the cost was \$297 for 3 people?**

You have no disclosure requirement under the circumstances you have described. The price and the fact that it is unconnected with legislative status are not determining factors in this analysis.

**Does a Meet Alaska Pass which was tendered to a legislator but not used still require disclosure?**

No. You have asked whether a Meet Alaska Pass which was tendered to a legislator but not used (as the legislator did not attend) would require a disclosure. The answer is no disclosure is required. The gift of the Pass would be considered as not accepted in that situation and need not be reported.

**Is a disclosure required if a legislative employee receives a gift of a \$100 ticket to a nonprofit event received from the non-profit?**

The answer is no disclosure at this time. From your explanation the giving of the ticket may not be connected to your legislative position but rather based upon your previous work or connection with the non-profit. In either case this ticket standing alone would not require a disclosure. If you were to receive other gift(s) from the same source during the calendar year which aggregated more than \$250 then a disclosure would be required. The type of disclosure would depend on whether the gifts were considered connected to your legislative status or not. If this comes to pass then you may wish to request further advice.

**Is a gift disclosure required for a gift of immediate consumption of popcorn received by a legislative office?**

No gift disclosure is required for an office gift of an incidental gift such as popcorn for immediate consumption.

**Is the giving of gifts by a legislative employee subject to disclosure?**

No, the Ethics Act only requires disclosure for the receiving of gifts under certain conditions but never for the giving of a gift.

**Are gifts received by a legislative employee from a dating relationship subject to disclosure?**

You have asked about incidental gifts provided in a dating relationship. These gifts are not required to be disclosed in a gift disclosure. You have stated that Joyce Anderson also previously provided you the same advice. The exception to this would be major purchases such as an automobile, expensive vacation trip, or major appliances for your residence as examples. Meals, theatre tickets, flowers, candy and similar type gift items do not need to be disclosed when connected to a dating relationship.

**Does housesitting by a legislative employee for another legislative employee trigger a disclosure requirement?**

You have asked whether you have a disclosure requirement for occasional house setting while you are away from home performed by another legislative employee. You have stated that you do not have a supervision situation with this legislative employee as you are neither being supervised by or supervising the other legislative employee. If this is the case you would never have a reportable Close Economic Association with this individual by definition under AS 24.60.070. Note that a substantial Close Economic Association must be greater than \$250 as discussed by formal Advisory Opinion of the Ethics Committee. We also discussed the potential of a gift situation. You have stated that the person house sitting has the benefit of driving your vehicle while you have the benefit of someone looking after your home. This involves offsetting benefits and may be part of your decision making in determining if a "gift" has occurred and whether the amount will be over \$250 in a calendar year and subject to being disclosed. If determined to be a "gift" and over \$250 then this would be a gift not connected with legislative status (i.e. you did not receive the gift because you are a legislative employee) under the facts you have stated. This would be disclosed as a confidential disclosure under AS 24.60.080(d).

**Is it permissible for Legislators and Staff to receive complimentary appreciation dinner tickets from a Juneau business which are available to all Legislators and Legislative Staff?**

Yes, social events like this are specifically covered under AS 24.60.080(c)(1)(b).



**Is receiving incidental gifts, like candy and oranges, okay for a legislative employee?**

The items you have described and received are indeed considered incidental gifts and are acceptable to receive. You have described that each time you receive such a gift you tell the donor that such a gift is not necessary to assist with any problem the donor may have that would involve the LIO. This is a good ethical practice to avoid even the appearance of the conflict stated in AS 24.60.030(a)(1). Your practice of recording each and every one of these incidental gifts is also a good but not required practice.

**May a legislator request a gift to charity in lieu of a birthday gift without raising any ethical concerns?**

Yes, this request can be made and it raises no ethical concerns. This is directly addressed in and authorized in AS 24.60.080(g).

**Is a disclosure required for a legislative employee who receives relocation household items from a church in excess of \$250.00? This gift is not legislative work related.**

This gift of household items requires a confidential gift disclosure if in excess of \$250 under AS 24.60.080(c)(6).

**May a \$40 thank-you gift be provided for legislative employees who have worked on issues related to a specific legislative office?**

This is probably an "incidental gift" given the \$40 suggested price tag. There is a prohibition against a legislative employee accepting a benefit other than official compensation for the performance of public duties under AS 24.60.030(a)(1). "Incidental gifts" were identified in the ethics training sessions as candy, flowers, fruit basket or similar items. These are okay. A gift certificate to Nordstrom's or a restaurant gift certificate was identified as not being appropriate to give or for the legislative employee to accept. If you have a specific idea for your gifts I may be able to assist further.

**A legislator received an art print of the Alaska Railroad. Which disclosure needs to be filled out?**

The answer to this question depends on the relationship of the legislator to the person providing the gift among other variables. An additional concern is the value of the gift depending on the answer to the first sentence of this answer. The answer depends on these answers. It may be a prohibited gift that needs to be returned and care should be taken to obtain accurate information about the nature of this gift.

**Does a lobbyist providing a gift of tickets to the aunt of a legislative employee trigger any ethics concern for the legislative employee?**

No, the aunt is not an immediate family member under narrow definition under AS 24.60.990(a)(6). No disclosure is necessary for this transaction by the legislative employee.

**May I as a legislative employee accept gifts from various individuals that total over \$250 from a baby shower? How about the same question for employee retirement party gifts? Is disclosure required if over \$250?**

Yes, you may accept individuals gifts from individuals which are each under \$250 in either a baby shower or a retirement party. The limit is an individual limit of \$250 for gifts that are legislatively connected. The \$250 is a limit on aggregate gifts from the same individual in a calendar year. A gift which is not legislatively connected and over \$250 may be disclosed as a confidential disclosure under AS 24.60.080(c)(6) and (d).

**Are there ethical concerns with a legislative staffer providing a birthday gift to a legislator that is a legislatively connected gift?**

Only gift(s) in the aggregate of \$250 or more are in violation under AS 24.60.080(a)(1) when connected to legislative status.

**Is there a limitation on food and drink provided to a legislative employee by a person who is not a lobbyist?**

No limit on dollar amount. There is no disclosure required by legislative employee for receiving food or drink for immediate consumption from either a lobbyist or another person. A lobbyist under APOC rules must report to APOC if the value of the food and drink is over \$15.

**An organization is having the legislator as a guest for a luncheon, cost is \$45. I am correct in that this does not need to be disclosed or tracked because this is for immediate consumption. However, if this was a gift, I would track it for the calendar year and if the organization gave the legislator another gift \$210, within that year, I would then file a disclosure for both gifts.**

Your analysis is not correct as stated in your email. I refer you to AS 24.60.080(a)(1) which is the general rule that a legislator or legislative employee may not solicit, accept or receive a gift worth \$250 or more from the same person. There are many exceptions to this including hospitality such as a social event or meal; gifts not connected with legislative status; gifts from immediate family and others shown in AS 24.60.080(c) There are also gift restrictions regarding lobbyists which must be observed. There is no disclosure for the legislator on food and drink for immediate consumption under these circumstances.

**I as a legislator brought a legislative staffer to Juneau late in the session. The travel was not authorized so I paid for it with miles. I also helped with some meals for this staffer. In addition I am using my office account for hotel accommodations for this staffer. Is there any ethics paperwork I need to fill out as a result of these transactions?**

Thank you for the information on the Staffer status. Your expenditures for hotel expenses and meals as you have described in your email do not require any disclosure to the Ethics Office. No close economic association as defined under AS 24.60.070 is established as a result of expenses that are legislatively connected and are reasonably related to your service as a legislator. Expenditures are "disclosed" by being paid from or by the office allowance account and do not require a separate Ethics Act disclosure filing. The mileage ticket and meals for immediate consumption are also not considered a "gift" and therefore do not have a disclosure requirement under AS 24.60.080 Gifts. Your private expenditure of the value of the mileage and any meals for immediate consumption are expenses related to your service as a legislator even if not reimbursed by office allowance account and are not classified as a "gift" to your staffer.

#### **GOVERNMENT RESOURCES - AS 24.60.030**

**May a legislator sponsor a refrigerator magnet that reminds community members about the date of the community council meetings in their area?**

There is no ethics issue under the set of facts where legislators use legislative allowance account funds to purchase business card type magnets that would relate to their area Community Council monthly meetings. The message would be related to dates for the Community Council Meetings and is related to the legislator service in that area. Of course the message should have no business endorsement, political or campaign related message as part of the message if using state funds.

**A legislator considering attending a conference in Alaska. Attendees include various organizations whose philosophical interests generally overlap, various groups and a political party. May I travel with state money to attend this conference?**

In this situation you should look to the primary purpose of the conference and the topics discussed. If it deals with campaign re-election strategies or "how do we get more of a certain type of legislator elected" then it would not be an appropriate expenditure of state money. If it is a mix of campaign related issues and other non campaign related issues it is also not okay. If however it had solely legislative concern type issues being addressed then it is not a problem. This is typically a case-by-case analysis. If you have a copy of the agenda for the conference that may assist me in giving more definite informal advice.

**May a legislative van be used to transport legislators to a political woman's club?**

No, this is a violation of AS 24.60.030(a)(2) because this is a partisan activity.

**What are the guidelines for Lunch and Learn presentations? The facility general guideline is that if a legislator is present in the room and they are speaking to the group about government that is acceptable. However, if no legislator is present there is no legislative purpose as they could have this meeting anywhere and there is no benefit to being in the Capitol (e.g. education about government – referenced in prior ethics opinion). Furthermore, we would then have to offer a space to all requesting groups.**

To use public facilities in a manner contrary to the facility policy would be a violation of AS 24.60.030(a)(2) which provides that a legislator or legislative employee may not use public facilities for a nonlegislative purpose. Specifically this would be also be providing a private benefit to another person which is also a violation under that same statute section. The use of a room to “stage” an event is providing a private benefit to that group and is not allowed under the Ethics Act provisions. It is up to the requestor of a Room to ensure that the space is being used for a legislative purpose and not the private benefit of a group. Your role may include reminding the legislative staff person reserving the room about the provisions of AS 24.60.030.

**May an expenditure be made for items outside the office for subsequent office allowance account reimbursement?**

You have asked whether there are ethical concerns with the expenditure of funds from a legislative allowance account for items “outside the office.” In general a legislator can’t use public funds for a nonlegislative purpose, for the private benefit of a legislator, legislative employee or another person, or for a partisan campaign political activity under AS 24.60.030. The expenditure on a legislative purpose has a wide definition. It is not limited to expenditures “inside the office.” There are many expenditure items that are reasonably related to legislative service which would fall under a legitimate legislative purpose that fall in this category and would not be in violation of the Ethics Act.

**May a legislator use an office computer and an office telephone for paying personal bills such as an electric bill?**

Yes, an incidental or nominal use of a state computer or a state telephone for such use as paying a personal bill is permitted under the Ethics Act interpretations and is specifically addressed in our ethics training materials as being permissible under AS 24.60.030(a)(2)(A).

**Is it permissible for a legislative staffer to spend time obtaining legislative office décor for a legislator when the item is to be purchased with personal funds of the legislator?**

Yes, this is permissible because it is a legislative related item to be displayed in the office.

**May a legislator pay from a personal office account for meals at a lunch work session for a caucus on a rotating basis?**

Yes. The standard here as with all expenditures from the office account is: Is it reasonably related to service as a legislator and does it have a legislative purpose? The answers to both of these questions is yes. This arrangement to more efficiently pay for these lunches by periodically rotating the payment for lunches between offices is a reason method and a legitimate expense related to service. There is no ethical concern with this practice from a Legislative Ethics Act perspective.

**I am a legislator interested in getting a ballot initiative on the ballot in 2016. Is this something I can use the resources of my office staff to research? For instance my we do background research on the subject of this proposed ballot initiative? Is it okay for my staff to research this with me?**

A legislator or legislative employee has fairly wide latitude on activity that may take place on an existing initiative. These are summarized in AO 97-02. I have attached a pdf of that advisory opinion. I think you are asking about more preliminary work on a future initiative. This is addressed in AO 97-02 with the following language excerpts: The initiative is a process undertaken by private citizens rather than the institutions of government but is an adjunct to the legislative process. Under Article XI of the state constitution, the people may propose and enact laws by the initiative process. The ethics code permits a legislator or a legislative employee to participate in the initiative process while acting in a private capacity. The restrictions on political activity by a legislator or legislative employee imposed by the legislative ethics code prohibit activities that take place on government time or that use government resources. See AS 24.60.030(a)(2), (a)(5), (b), (c), and (d). Except for restrictions imposed on the public members and staff of the ethics committee, the ethics code does not prohibit legislators or legislative employees from engaging in partisan political activity on their own time and without the use of public resources.<sup>1</sup> Therefore, the committee holds that a legislator or legislative employee may, consistent with the ethics code, sponsor or otherwise support or oppose an initiative petition. In reaching this holding, the committee is not addressing restrictions on political activity that may be imposed by employment policies or other statutes outside the ethics code. Legislative employees should consult their supervisors about restrictions that apply to a particular office before engaging in political activity.<sup>2</sup>

I therefore think that use of state resources including your staff to draft or research a future initiative or the use of such resources before the filing of an initiative petition which is designated as a citizen process under the Constitution is not permitted.

**May I as a legislator use a state shredder to shred 100 pages of personal bank statement documents?**

Yes, this is de minimus use of state asset with a nominal, if any, cost to the state. This is allowed under AS 24.60.030(a)(2)(A) and (5)(A).

#### GOVERNMENT/ETHICS AGENCIES

**May Legislative Research release a study regarding contractors and consultants?**

Yes, approved in conjunction with Joyce Anderson.

#### LEGISLATIVE COMMUNICATIONS - AS 24.60.030

**May a legislator send legislative e-newsletters to people who opt in to receive the newsletters and who reside outside the legislator's district?**

You have asked about the propriety of sending email legislative communication newsletters to people outside the legislative district who have opted in to receive newsletters from the legislator. This situation does not raise ethical concerns and is permissible.

**Is a legislator permitted to support an ANWR petition and include a link on a legislative webpage?**

Yes, a legislator is permitted to ethically send legislative communications regarding the ANWR issue and include a link to a petition to take a position on that issue. This is permissible as a legislative issue and legislative concern in Alaska and the legislator is able to speak out on such issues by legislative communications without running afoul of the Legislative Ethics Act. This advice would not extend to such a communication if it promoted a private business, benefit, or interest of the legislator or another person. An obvious example would be a statement such as "support XYZ Company at 210 W. Benson Blvd, Anchorage, AK because they are on the right side of the ANWR issue." This situation is also unlike a state issue that is currently on the ballot as a proposition where there may be disclosure or timing restrictions.

**Can a legislator make legislative communications regarding the ANWR issue and include a link to a petition to take a position on that issue?**

Your office asked if the legislator was able to ethically make legislative communications regarding the ANWR issue and include a link to a petition to take a position on that issue. This is permissible as a legislative issue and legislative concern in Alaska and the legislator is able to speak out on such issues by legislative communications without running afoul of the Legislative Ethics Act. This advice would not extend to such a communication if it promoted a private business, benefit, or interest of the legislator or another person. An obvious example would be a statement such as "support XYZ Company at 210 W. Benson Blvd, Anchorage, AK because they are on the right side of the ANWR issue." This is also unlike a state issue that is currently on the ballot as a proposition where there may be disclosure or timing restrictions.

**A legislator has a potential Advisory Opinion request regarding legislative communications with people who may not be within the legislative boundaries due to redistricting?**

Administrator will work on language for formal advisory opinion request with the legislator and legislator's staff.

**May a legislator applaud a local business contest in a legislative communication?**

Yes, a legislator may recognize or applaud a local business promotion contest as part of a legislative communication. This issue involves mostly the tone of the message. You should not promote a specific business as part of the recognition. Speech in terms of general issues of legislative concern are always permissible. Economic development is one of those ongoing legislative issue concerns. Strengthening local business is probably another in most contexts.

**May a legislator post a meeting invite on a community calendar?**

It would NOT be an ethical problem for a legislator to post an invite on a community calendar for a town hall meeting. This is unlike the mailing of newsletters or posting newsletters in the local newspaper. The latter situation was a problem in complaint H 12-04. The legislator is not a candidate. The invite will contain no campaign language or message. It is only intended as an announcement for the meeting. Placing such as message on social media such as Facebook also has no ethical concerns.

**May a legislator post an announcement on Facebook of an event occurring in the larger geographical area of the legislator? The event is hosted by an organization holding a meeting on the Medicaid expansion issue.**

You have asked whether there are any ethical concerns with the posting of an announcement of an event occurring in the legislator's broader geographical area to a legislative Facebook page. One concern is that such an announcement not be in the nature of promoting or providing a private benefit to an organization. On the other hand informing people in your District about issues of legislative concern is a legitimate legislative purpose for state resources such as a legislative Facebook page. In this case an organization is having a meeting about Medicare expansion which is a current topic of great interest in the legislature and the state in general. A simple announcement of an event happening in the state without promotional or endorsement language does not raise ethical concerns and is not designed to provide a private benefit for the group sponsoring the event.

**Can a legislator announce a fundraiser for a nonprofit health clinic in legislative newsletter?**

Yes, There is no ethical concern about announcing upcoming community events such as the nonprofit fundraiser in a legislative newsletter. This should be in the nature of informational details of the event only and not promoting the organization itself as that could potentially be seen as providing a private benefit to that organization even though a nonprofit.

**May a legislator sponsor a lunch and learn film about the GMO issue related to current legislation?**

You have asked whether the showing of a film about a topic of current interest in a legislative facility in the Capitol has ethical concerns. Although not specifically defined in statute legislative purpose has a very broad definition and a legitimate discussion of one of the wide variety of issues in the state fit under this definition. Unless the film is promoting and providing a private benefit to a company or person, I do not see an ethical concern over the showing of a film intended to be educational in content.

**May a legislator include a notice stating "Municipal Election Workers Needed" along with some details in a legislative newsletter?**

Yes. A legislator has asked whether it is ethical to post/send a notice in a legislative communication about municipal election workers being needed in Anchorage. There is no ethical concern in posting such a notice. This is a nonpartisan notice of activity in the community and is a legitimate legislative communication of a community event. A posting on a legislative Facebook page or in a legislative newsletter would not raise ethical concerns.

**A town hall noncampaign invitation was sent out by another legislator, do I have to pay for 1/2 the cost of the invitations if I attend.**

No. There is no Ethics Act requirement to pay 1/2 the costs for a town hall invitation sent by a legislator. This answer may differ from a campaign town hall invitation expense under campaign law.

**May a legislator solicit for a specific nonprofit in the Pick, Click, Give program in a Legislative Newsletter?**

Yes, specific statutory authority in AS 24.60.080(g) and AS 24.60.030(a)(2)(I).

LOBBYIST RELATED - (Also referred to APOC if appropriate)

**If a legislator receives two tickets from a lobbyist and subsequently gives one of the two tickets to a staffer does the value of both tickets count towards the \$250 limit of the legislator?**

Yes, when a legislator accepted the two tickets from a lobbyist she/he should record the value of both tickets as being received from the lobbyist even though subsequently the legislator uses one ticket and a legislative staffer uses the other. The subsequent choice to give one to a legislative staffer was made by the legislator and not the lobbyist.

MISCELLANEOUS

**What are the complaint process procedures used when an Ethics Committee complaint is filed?**

You have asked a very broad question. A meeting is necessary to discuss this broad general question without reference to any specific complaint still in the process of investigation.

**May a State Commissioner be investigated under the Legislative Ethics Act?**

No, a state Commissioner is under the Executive Branch is subject to the Executive Ethics Act. The initial contact could be the Department of Law.

**How do I set up an ethics office file and what should be in the ethics office file.**

Reviewed training material dealing with an ethics file with caller.



**A legislator asked the following: Please provide for us the process and protocol for contact commenced from your office with a legislator or legislative staffer under the following three scenarios: 1.An informal contact.2.A contact as a result of a complaint not involving the person being contacted. 3.A contact regarding a complaint against the legislator or staff member. These protocols should include what the person receiving the contact should expect as for process as well as an explanation of the individual's options or rights as the process proceeds. Please understand that this request is not to call in question any previous contact with your offices. It is to understand the process going forward to best be able to respond and participate in a positive outcome.**

In response to your request #1 regarding an informal contact, the select committee on legislative ethics office has a wide variety of informal contacts with those subject to the legislative ethics act as 24.60. This informal contact may be related to very simple matters such as a clarification of a disclosure filed with the ethics office or an inquiry about pending legislation or a question regarding an agenda item scheduled for a legislative committee meeting. There is no written process or protocol for such informal contacts. One informal contact process that is established is the "heads-up" policy which is outlined in the rules of procedure section 13(c). A copy of this policy and the associated training slides are attached to this memo. In response to your request #2 regarding a contact as a result of a complaint not involving the person being contacted, there is no formal written process and/or protocol in place for the initial contact. However, there is a written protocol for a formal interview. Similar statements during the initial contact may be used dependent upon the fact-specific matter and timing of the call. I have attached as a sample one page of typical interview information and questions describing the interview process when a person is interviewed as part of the scope of investigation of a complaint. In response to your request #3 a contact regarding a complaint against the legislator or staff member I have attached and provided: 1)A sample process letter and attachments regarding the initial notification of a complaint filed against a legislator or legislative employee. 2)A sample notification letter of the executive meeting to consider the complaint investigation3)A sample letter containing the notification of the decision of the ethics committee regarding a complaint.

**The legislator has responded to the previous response. Thank you for sending the information in response to our request regarding your contact protocols. After reviewing your memo and attachments, it confirms that you currently lack a written process or protocol for either of the first two scenarios described in our initial email. The legislator still feels strongly that there are important constitutional rights questions that would be served by standardized written protocols for the informal contact and the contact involving a complaint for which the legislator or staff member is not the subject. The legislator maintains his position that any individual contacted by the ethics committee staff be fully apprised of the reason for the contact and the authority of the ethics staff, as well as the individual's options and rights regarding participation. It appears that Section 13 of the Committee's rules of procedure provides some important advice in that regard, specifically Sec 13 (c)(1)(B and C), as to the heads up policy. It seems as though, at a minimum, that same information should be captured and communicated in the interview process. Thank you for considering this additional communication and request. We look forward to resolving this issue in a manner that serves your important function as well as the legislator's process concerns.**

See materials previously provided.

**May the Ethics Office assist with the filing of complaint?**

Assisted complainant with filing requirements and complaint process

TRAINING - AS 24.60.150, AS 24.60.155

**Should a change suggested by Legislative Legal be made in the confidential slide in the training materials?**

No change recommended after extensive discussion with Legislative Legal.

**Will there be an ethics training refresher course for legislators?**

Yes, dates provided to staff.

**Can we get GOTOMEETING to visually follow the training conducted in Anchorage LIO?**

Yes, the procedures and requirements are being sent to your office.

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

**Do I as a legislative employee have to disclose a gift of travel/hospitality provided by a University for a legislative related matter conference?**

Yes, for gifts of \$250 or more.

**How do I obtain airfare that was part of a gift of travel/hospitality from an organization?**

This is typically provided by the organization. The actual cost of airfare should be part of the amount shown in this disclosure.

**As a legislative employee do I need to disclose the gift of more than \$250 in travel/hospitality I received for attendance at a native corporation conference where I gave a legislative related speech?**

Yes, these expenses should be shown as a gift of travel/hospitality.

**Does providing a \$20 ticket to an show that was part of a NCSL conference trigger a gift of travel/hospitality disclosure requirement?**

No. The \$20 ticket alone does not have a reporting requirement. You have stated that it was not part of a gift of travel or hospitality connected to the conference that exceeded \$250.

**May a legislative staffer research and make arrangements for nonstate reimbursed travel such as first class travel as an alternative to the economy class state reimbursable travel?**

No, the first class travel arrangements do not have a legislative purpose. First class travel can not be reimbursed or submitted for state travel purposes. Therefore legislative staff should not research or make arrangements for a personal benefit such as first class travel.

**Does a legislator's travel on the Governor's plane for a legislative bill signing require a disclosure with the ethics office?**

No. An internal state accounting entry for the cost of this travel may be generated for the legislator portion of the travel cost. This involved only a state expenditure for the travel and no other political subdivision or private expenditure. Therefore no disclosure is required.