

Public Interest Determination and Waiver
Under AS 39.52.180

Mark C. Wiggin left employment with the State of Alaska Department of Natural Resources (DNR), on or about Dec. 3, 2018. As Deputy Commissioner of DNR, Mark C. Wiggin participated in various matters regarding oil and gas development and public lands management. The Alaska Industrial Development and Export Authority (AIDEA) now seeks to engage the services of Mark C. Wiggin under a professional services contract to assist AIDEA in monitoring and evaluating loans AIDEA has made to further the development of the SMU.

The Alaska Executive Branch Ethics Act (AS 39.52.180(a)) states:

A public officer who leaves state service may not, for two years after leaving state service represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.

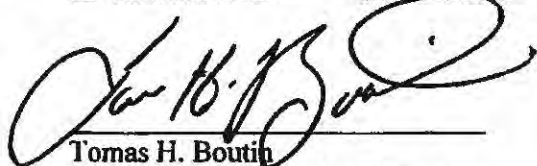
AS 39.52.180(a) should be waived for Mark C. Wiggin for the following reasons:

- Mark C. Wiggin has specific knowledge and expertise about the SMU project and general knowledge and expertise about oil and gas development in Alaska.
- It would be in the public interest to allow Mark C. Wiggin to use his knowledge and expertise to assist the AIDEA regarding the SMU project.
- AIDEA is a public corporation of the State of Alaska and the assistance Mark C. Wiggin provides to AIDEA will inure to State's overall benefit.

We determine that allowing Mark C. Wiggin to assist and advise AIDEA with respect to the SMU project will clearly serve the public interest of the State of Alaska. Consequently, to the extent the two-year restriction on employment with respect to the SMU project would apply, such employment for the benefit of AIDEA is not adverse to the public interest and we waive application of those restrictions for purposes of this employment pursuant to AS 39.52.180(c).

☒ APPROVED

☐ DENIED



Tomas H. Boutin
AIDEA CEO/Executive Director

January 29, 2020
Date

☒ APPROVED

☐ DENIED



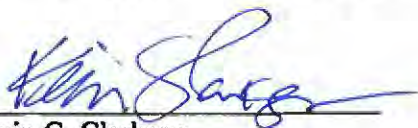
Corri A. Feige
Commissioner, Department of Natural Resources

1/31/2020

Date

☒ APPROVED

☐ DENIED



Kevin G. Clarkson
Attorney General

2-3-2020
Date

**Public Interest Determination and Waiver
Under AS 39.52.180**

Bruce Tangeman, former Commissioner with the Alaska Department of Revenue, left State service in December 2019. Mr. Tangeman intends to provide consulting services to the North Slope Borough, consulting on financial and policy matters.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action. While serving as Commissioner, Mr. Tangeman was not directly involved in any North Slope Borough issues and was not directly involved in making policy decisions relating to fiscal matters. Acting Commissioner Mike Barnhill is requesting this waiver out of an abundance of caution.

Alaska Statute 39.52.180(c) allows a waiver of the two-year restriction on employment, where that waiver is not adverse to the public interest. Given the approval of the Acting Commissioner of the Department of Revenue, Mike Barnhill, the Attorney General determines that it is in the public interest to grant a waiver for Bruce Tangeman. The Attorney General waives application of any restrictions for purposes of this employment.

1/29/2020
Dated

1-29-2020
Dated

Michael A. Barnhill
Department Approval
Mike Barnhill,
Acting Commissioner
Department of Revenue

Kevin G. Clarkson
Kevin G. Clarkson,
Attorney General



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Education
& Early Development

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**Public Interest Determination and Waiver
Under AS 39.52.180**

Keren Lowell worked at the Alaska State Council on the Arts ("ASCA"), housed within the Department of Education and Early Development ("DEED"). In this capacity, Ms. Lowell participated on the selection panel for the Individual Artists Awards for the Rasmuson Foundation ("the Foundation"). In this process, artists submit applications for consideration, and a panel consisting of representatives of the Foundation, the Arts Council, and the Arts Community, select the applicants who will be awarded grants.

Ms. Lowell's position was terminated in July, 2019, so less than two years have elapsed since she was a state employee. She now proposes being employed by the Foundation to provide technical advice and training to applicants regarding completion of their applications for the Individual Artists Awards.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action. Ms. Lowell participated personally and substantially on the Individual Artists Awards for the Foundation. DEED requests a waiver to allow Ms. Lowell to advise applicants for these awards.

Ms. Lowell has experience in the operations of the ASCA and this award process, and applying that experience to continue working for the benefit of the Individual Artists Awards would be in the best interest of the State.

Alaska Statute 39.52.180(c) allows a waiver of the two-year restriction on employment, where that waiver is not adverse to the public interest. Given the approval of the Commissioner of DEED, Michael Johnson, I determine it is in the public interest to grant a waiver allowing Keren Lowell to contract with the Foundation to provide technical advice and training to applicants regarding completion of their applications for the Individual Artists Awards. I waive application of any restrictions for purposes of this employment.

12/20/2019

Dated

1-6-2019

Dated

Handwritten signature of Michael Johnson in black ink.

Department Approval
Dr. Michael Johnson, Commissioner
Department of Education & Early Development

Handwritten signature of Kevin G. Clarkson in blue ink.

Kevin G. Clarkson,
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**

Ms. Ashley Jaramillo was employed with the Alaska Department of Transportation and Public Facilities ("DOT&PF), specifically with the Fairbanks International Airport as an Environmental Program Specialist. She worked there from January 4, 2016 to July 9, 2019. She has accepted a job with Shannon & Wilson, Geotechnical and Environmental Consultants, starting July 15, 2019.

Shannon & Wilson's Fairbanks office holds several contracts with DOT&PF. The two most active are: *Per- and Polyfluoroalkyl Substance (PFAS) Related Environmental & Engineering Services* (Agreement No. 25-19-1-013), which we commonly refer to as the Statewide PFAS contract, and *NR DOT&PF Class V Injection Well Closures* (Agreement No. 025-4-1-015).

In Ms. Jaramillo's work with DOT&PF, she has worked in coordination with Shannon & Wilson on aspects of the Statewide PFAS contract related to Fairbanks International Airport. Her involvement has included project planning and coordination, as well as reviewing Shannon & Wilson submittals such as task-specific proposals and cost estimates, work plans, and technical reports. Ms. Jaramillo had no involvement in the initial contract advertising, review of proposals, or the selection of Shannon & Wilson for any contract.

DOT&PF wants to allow Ms. Jaramillo to work on various aspects of the Statewide PFAS contract in her new role at Shannon & Wilson, in addition to other unrelated projects. Her expertise as an environmental chemist and experience with PFAS issues will continue to be valuable additions to the successful performance of this contract.

DOT&PF believes Ms. Jaramillo's continued involvement on the Statewide PFAS contract and other DOT&PF projects will be to the great benefit of the State.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action. Ms. Jaramillo has participated personally and substantially on a variety of matters involving the coordination of DOT&PF contracts with Shannon & Wilson. DOT&PF requests a waiver to allow Ms. Jaramillo to work with Shannon & Wilson, on the matters described above.

Alaska Statute 39.52.180(c) allows a waiver of the two-year restriction on employment, where that waiver is not adverse to the public interest. Given the approval of the Deputy Commissioner of DOT&PF, John Binder, I determine it is in the public

interest to grant a waiver allowing Ashley Jaramillo to continuing working on statewide PFAS issues with Shannon & Wilson. I waive application of any restrictions for purposes of this employment.

9/23/19
Dated

J.R. Binder
Department Approval
John Binder, Deputy Commissioner
DOT&PF

10-4-2019
Dated

Kevin G. Clarkson
Kevin G. Clarkson,
Attorney General



THE STATE
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources

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To: Commissioner Corri Feige
Department of Natural Resources

Date: February 22, 2019

Attorney General Kevin Clarkson
Department of Law

From: Peter J. Caltagirone, Esq.
Special Assistant; Designated Ethics Officer
Department of Natural Resources

Subject: Re: Public Interest Determination and Waiver Under AS 39.52.180(c)

Ed Fogels requested a waiver under AS 39.51.180(c) to work through his consulting firm, Jade North, LLC, and provide advice to the Lake and Peninsula Borough (the "Borough") regarding to the Pebble Mine Project Environmental Impact Statement. For the following reasons, it is my ethics determination that granting such a waiver would be within the public interest, as called for under the above-referenced statute.

Mr. Fogels worked for the Department of Natural Resources ("DNR") for over 30 years, retiring from his position as Deputy Commissioner in August, 2017. In his role as Deputy Commissioner, Mr. Fogels was responsible for oversight of the Division of Mining, Land and Water, and the Office of Project Management, both of which were involved in various matters related to the proposed Pebble Mine Project. Mr. Fogels participated on many issues involving the development of the Pebble Mine Project, including participating in briefings on permit applications, although he claims he was not directly involved in making the actual decisions on the permits.

Mr. Fogels is currently associated with a consulting firm, Jade North, LLC, which has a contract with the Borough to advise on mining issues related to the proposed Pebble Mine Project. Mr. Fogels is not currently working on any issues that are related to Pebble Mine. The expected work with the Borough will not be advocacy related. Jade North will be advising the Borough during the upcoming permitting and environmental process, including but not limited to the recently issued Environmental Impact Statement. The Lake and Peninsula Borough will be a cooperating agency in this effort, and will need to review plans and designs for the proposed mine to make sure that the potential impacts on the Borough are well understood. The Borough needs to employ experts in the mining process to make sure they can properly evaluate the potential impacts of the project on the environment and the socioeconomic health of their residents. Jade North will be providing the Borough with this expertise.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action. Mr. Fogels concedes he participated personally and substantially on a variety of matters involving the proposed Pebble Mine Project.

Mr. Fogels is requesting a waiver to allow him to work for Jade North on behalf of the Lake and Peninsula Borough. He would be advising the Borough exclusively on potential environmental impacts from the project, not in an advocacy role. To this end, Mr. Fogels will not act as a lobbyist, as defined by the Ethics Act and APOC statutes, nor will he be involved in discussions or negotiations involving the permitting process. Mr. Fogels has extensive experience in the mining industry and applying that experience and expertise to work for the Lake and Peninsula Borough to evaluate the environmental impacts from this project would be in the best interest of the public.

Alaska Statute 39.52.180(c) allows a waiver of the two-year restriction on employment, where that waiver is not adverse to the public interest. As the ethics officer for DNR, I determine it is in the public interest to grant a waiver allowing Mr. Fogels to advise the Lake and Peninsula Borough on the issues discussed above, subject to approval from Commissioner Corri Feige and Attorney General Kevin Clarkson. Mr. Fogels is familiar with the history and the issues surrounding the development of Pebble Mine, and he is familiar with the goals of the Department. I waive application of any restrictions for purposes of this employment.

Mr. Fogels made a similar request of former Commissioner Andy Mack and Attorney General Jahna Lindemuth at an earlier stage of the project. That request was denied for reasons unknown to the undersigned.

Thank you,

APPROVED:



22 Feb 2019

Peter J. Caltagirone, Esq.
Special Assistant; Designated Ethics Officer

Date

APPROVED:



25 Feb 19

Commissioner Corri Feige
Department of Natural Resources

Date

APPROVED:



2-26-19

Attorney General Kevin Clarkson
Department of Law

Date

**Public Interest Determination and Waiver
Under AS 39.52.180**

Daniel Smith, Assistant Project Manager – Renewables, is separating from employment with the Alaska Industrial Development and Export Authority (AIDEA)/Alaska Energy Authority (AEA) on February 15, 2019 to join the Alaska Native Tribal Health Consortium. Mr. Smith is requesting a waiver for the following areas:

- Heat Recovery system in Togiak: Mr. Smith was the grant administrator during the design phase of this system; however, the grantee and their cooperators have handled most of the day-to-day management of the project. This request is for a waiver to allow Mr. Smith, through the Alaska Native Tribal Health Consortium, to work on the construction of this project once the design is finished.
- START Program: AEA is involved in a number of communities where this program is available, and although Mr. Smith has not been involved in this work as part of his AIDEA/AEA position, he is seeking a waiver to be able to work with these communities in his new position with Alaska Native Tribal Health Consortium.
- Biomass Energy Projects: There are biomass energy projects in the communities of Mentasta Lake, Chistochina, Tazlina, and Tanacross, and although all of these projects are complete, Mr. Smith is requesting a waiver to continue working with these communities to develop future biomass related projects.

The Alaska Executive Branch Ethics Act states:

“A public officer who leaves state service may not, for two years after leaving state service represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, “matter” includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.” AS 39.52.180(a)¹

The Ethics Act allows the head of an agency to waive application of the two-year restriction on subsequent employment, after determining that representation by a former employee is

¹ In addition, AIDEA personnel guidelines state that “Any employee who leaves Authority service may not, for two years after leaving, represent, advise, or assist a person or firm for compensation regarding a matter that was under consideration by AIDEA or AEA and in which the employee participated personally and substantially through the exercise of the employee’s work duties.”

not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval. AS 39.52.180(c)

AS 39.52.180(a) should be waived for Daniel Smith for the following reasons:

- Mr. Smith has very specific knowledge with heat recovery and biomass energy projects in rural Alaska; it would be in the public interest to allow Mr. Smith to use his knowledge and expertise to continue to develop, improve, and/or construct renewable projects in the State of Alaska.
- Mr. Smith did not anticipate, in advance, that he would be taking this position at the Alaska Native Tribal Health Consortium which would afford him the opportunity to work on the construction of the heat recovery system in Togiak.
- Assisting communities with future biomass energy projects supports the State's overall goal reducing the cost of energy in Alaska.
- Assisting communities that participate in the START program will help each community become more energy efficient.

I determine that having the benefit of Daniel Smith's expertise and experience to assist these rural communities with their heat recovery system, START program and biomass energy projects would clearly serve the public interest of the State of Alaska. Consequently, to the extent the two-year restriction on employment after leaving state service under AS 39.52.180(a) applies to Mr. Smith's employment with Alaska Native Tribal Health Consortium on these projects, such employment is not adverse to the public interest and I waive application of those restrictions for purposes of this employment.

☒ Approved ☐ Denied

February 19, 2019

Dated



Kevin Clarkson
Attorney General

☒ Approved ☐ Denied



Curtis Thayer, AEA Executive Director

2/12/19

Date

☒ Approved ☐ Denied



Tomas Boutin, AIDEA Executive Director

2/14/2019

Date



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of
Health and Social Services

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Public Interest and Determination Waiver – AS 39.52.180(c)

Dr. David Mack worked as a Staff Psychiatrist at the Alaska Psychiatric Institute (API) from February 13, 2012 to May 11, 2018.

Dr. Mack intends to work for SeaView Community Services doing telemedicine psychiatry in the near future. Dr. Mack is requesting a waiver under AS 39.52.180(c) to ensure he has no conflict practicing psychiatry for the underserved population in Seward, Alaska, after having worked at the Alaska Psychiatric Institute as an inpatient psychiatrist.

SeaView Community Services provides care for a diverse population including some clients with serious mental illness who may have been treated at API. There does not seem to be a conflict of interest or ethical concern for Dr. Mack to be involved in the patient's care. It would be in the best interest of the community to have a psychiatrist available who has extensive experience working with seriously mentally ill patients.

There should be minimal overlap, if any, with Dr. Mack's direct care experience in the two locations. There may be a rare situation where Dr. Mack may encounter a patient that was discharged from API prior to his resignation, 5 months ago, which is why he is requesting this waiver.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.

Alaska Statute 39.52.180(c), however, allows waiver of the two-year restrictions on employment where a waiver is not adverse to the public interest. I determine that having Dr. Mack's continue therapy with any former patients is beneficial to the patients, the two clinics, and the State of Alaska, and is not adverse to the public interest. Duane Mayes, the CEO of the Alaska Psychiatric Institute has concurred with this assessment.


Commissioner Valerie Nurr'araaluk Davidson

10/6/18
Date

I approve this waiver:


Attorney General Lindemuth

10/19/18
Date

**Public Interest Determination and Waiver
Under AS 39.52.180**

Daniel Hertrich left employment with the Alaska Energy Authority ("AEA") on July 3, 2017. As Hydroelectric Program Manager, Hertrich participated with grant administration on a number of hydroelectric projects being developed in Alaska, including projects involving the Fivemile Hydro Project.

The Alaska Executive Branch Ethics Act states:

"A public officer who leaves state service may not, for two years after leaving state service represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation." AS 39.52.180(a)¹

AS 39.52.180(a) should be waived for Daniel Hertrich for the following reasons: Daniel Hertrich has participated in grant development and has very specific background and expertise in the administration of hydroelectric projects in Alaska; it would be in the public interest to allow Daniel Hertrich to use this knowledge and expertise to continue to develop and improve hydroelectric projects in the State of Alaska; Daniel Hertrich did not anticipate in advance that he would be taking this position as Chitina Electric's Project Management Consultant on the Fivemile Creek project that is expected to be funded, in part, through an Alaska Energy Authority (AEA) REF grant.

I determine that having the benefit of Daniel Hertrich's expertise and experience to assist with continued development and improvement of Fivemile Creek Hydro project would clearly serve the public interest of the State of Alaska. Consequently, to the extent the two-year restriction on employment with Chitina Electric on this project would apply, such employment is not adverse to the public interest and I waive application of those restrictions for purposes of this employment pursuant to AS 39.52.180(c).

☒ Approved ☐ Denied

Dated

7/11/18
Jahna Lindemuth
Attorney General

☒ Approved ☐ Denied

Date

Janet Reiser
Janet Reiser, AEA Executive Director

7-10-18

¹ In addition, AIDEA/AEA personnel guidelines state that "Any employee who leaves Authority service may not, for two years after leaving, represent, advise, or assist a person or firm for compensation regarding a matter that was under consideration by AIDEA or AEA and in which the employee participated personally and substantially through the exercise of the employee's work duties."

**Public Interest Determination and Waiver
Under AS 39.52.180**

Craig Driver has been employed with the Trust Land Office ("TLO"), resigning his position with departure date, June 4, 2018. At the TLO, Craig Driver has filled a very critical position, and his continued assistance is needed in completing a complex commercial real estate transaction that will have major long-term revenue benefits for the State.

Currently the TLO is in the midst of a complex ten-year lease renewal negotiation for one of its commercial real estate properties in Utah, to keep the IRS as a tenant. This is a multi-million dollar venture. It is essential to renew this lease because without renewal the asset may be more difficult to fill and the TLO may lose asset value without a long-term lessee. The TLO could lose substantial revenue, which goes against the TLO's mandated fiduciary responsibility to preserve the value of the corpus and maximize long-term revenue.

The resigning employee, Craig Driver, has been critical in leading the negotiations for this matter. The TLO needs to utilize the knowledge and expertise of Craig Driver for a period of approximately 60 days in order to complete this commercial leasing transaction.

The benefit to the Alaska Mental Health Trust and to the State of Alaska is great. Craig Driver would be hired for this consulting role by a property management company, Coldwell Banker Real Estate LLC, who currently manages the property for the LLC that the Alaska Mental Health Trust established for the ownership of this property. He would not be hired directly by the State.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action. Craig Driver has participated personally and substantially on a variety of matters involving this lease renewal transaction as a state officer.

The TLO is requesting a waiver to allow Craig Driver to work for Coldwell Banker Real Estate LLC in a consulting capacity to complete this lease transaction. Craig Driver has extensive experience on this issue, and applying that experience and expertise to complete the lease transaction in this matter would be in the best interest of the State.

Alaska Statute 39.52.180(c) allows a waiver of the two-year restriction on employment, where that waiver is not adverse to the public interest. Given the approval of the Executive Director of the TLO, Wyn Meneffee, and the Commissioner of the Department of Natural Resources, Andy Mack, I determine it is in the public interest to grant a waiver allowing Craig Driver to assist in the completion of this lease renewal negotiation and transaction. I determine having Craig Driver assisting on this matter would serve the public interest, and I waive application of any restrictions for purposes of this employment.

6/4/2018
Dated

Andy Mack
Department Approval
Andy Mack, Commissioner
Department of Natural Resources

6/4/2018
Dated

Jahna Lindemuth
Jahna Lindemuth
Attorney General



**Public Interest Determination and Waiver
Under AS 39.52.180**

T.W. Patch served on the Regulatory Commission of Alaska ("RCA") until March 2, 2016. Docket I-15-001 was opened during his tenure, and he participated personally and substantially in this docket. The primary purpose of I-15-001 is to gather information pertaining to a railbelt electricity reliability project sponsored by six certificated electric utilities which would facilitate formation of a transmission company.

Mr. Patch has been approached by these six public utility companies, as well as an out of state company that wishes to be certificated, for purposes of participating in the transmission company. Mr. Patch has been asked to mediate and facilitate a reliability agreement among all the railbelt electric utilities, and others. He would be assisting with achieving a final set of documents such that an application could be filed with the RCA to issue a Certificate of Public Convenience and Necessity for a transmission company that will be majority owned by present railbelt utilities and minority owned by a transmission company that currently operates outside of Alaska but has experience relevant to Alaska and financial resources that may result in favorable terms of service.

Alaska Statute 39.52.180(a) prohibits a former public officer—for two years after leaving state service—from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action.

Alaska Statute 39.52.180(c), however, allows a waiver of the two-year restriction on employment where a waiver is not adverse to the public interest. Given the approval of the Chairman and a majority of the Commissioners on the Regulatory Commission of Alaska, I determine it is a benefit to the public interest to grant a waiver allowing Mr. Patch to participate in these ongoing negotiations on behalf of the public utility companies who wish to retain him, as he is familiar with the history of the project referenced by the above docket number, he is familiar with the parties concerned, and he is familiar with the goals of the RCA.

I approve this waiver:

Dated

Aug 31, 2017

Jahna Lindemuth
Jahna Lindemuth
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**

Daniel Hertrich left employment with the Alaska Industrial Development and Export Authority ("AIDEA") on July 3, 2017. As Hydroelectric Program Manager, Hertrich participated with grant administration on a number of hydroelectric projects being developed in Alaska, including projects involving the Yerrick Creek project and the Hiilangaay Hydro project.

The Alaska Executive Branch Ethics Act states:

"A public officer who leaves state service may not, for two years after leaving state service represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation." AS 39.52.180(a)¹

The Ethics Act allows the head of an agency to waive application of the two-year restriction on subsequent employment, after determining that representation by a former employee is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval. AS 39.52.180(c)

AS 39.52.180(a) should be waived for Daniel Hertrich for the following reasons: Daniel Hertrich has participated in grant development and has very specific background and expertise in the administration of hydroelectric projects in Alaska; it would be in the public interest to allow Daniel Hertrich to use this knowledge and expertise to continue to develop and improve hydroelectric projects in the State of Alaska; Daniel Hertrich did not anticipate in advance that he would be taking this position as Alaska Power and Telephone's (AP&T) data collector on the Yerrick Creek project that is expected to be funded using their USDA grant. Also through AP&T to provide design review services to the Hiilangaay Hydro

¹ In addition, AIDEA personnel guidelines state that "Any employee who leaves Authority service may not, for two years after leaving, represent, advise, or assist a person or firm for compensation regarding a matter that was under consideration by AIDEA or AEA and in which the employee participated personally and substantially through the exercise of the employee's work duties."

project, so there is no concern or possibility that he took official actions to alter grant scopes to confer an unwarranted benefit on behalf of AP&T for the Yerrick Creek project or the Hiilangaay Hydro project, and any grants that Daniel Hertrich participated in would still be required to meet pre-determined milestones.

I determine that having the benefit of Daniel Hertrich's expertise and experience to assist with continued development and improvement of hydroelectric projects for AP&T on the Yerrick Creek project and the Hiilangaay Hydro project would clearly serve the public interest of the State of Alaska. Consequently, to the extent the two-year restriction on employment after leaving state service under AS 39.52.180(a) applies to Mr. Hertrich's proposed employment with AP&T on these two projects, such employment is not adverse to the public interest and I waive application of those restrictions for purposes of this employment.

☒ Approved

☐ Denied

7/28/17
Dated

Jahna Lindemuth
Jahna Lindemuth
Attorney General

☒ Approved

☐ Denied

Michael Lamb
Michael Lamb, AEA Executive Director

7/26/17
Date

☒ Approved

☐ Denied

John Springsteen
John Springsteen, AIDEA Executive Director

7/26/17
Date



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Law

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**Public Interest Determination and Waiver
Under AS 39.52.180**

The Department of Law proposes to have Assistant Attorney General Elena Romerdahl, who is about to leave state employment, provide legal services to the State of Alaska concerning oil and gas related projects. Ms. Romerdahl proposes to provide those services as an employee of the law firm Perkins Coie LLP, pursuant to a contract for outside counsel between the state and Perkins Coie LLP.

While in state service, Ms. Romerdahl has served in the Department of Law's Natural Resources Section, where she had substantial personal involvement with oil and gas related projects.

Although the Alaska Executive Branch Ethics Act imposes certain restrictions on employment for two years after leaving state service, those restrictions do not clearly apply to Ms. Romerdahl's proposed employment. The Ethics Act permits an agency's contract with a former public officer to act on a matter on behalf of the state. (AS 39.52.180(b)) Ms. Romerdahl's proposed employment would satisfy that exception because, in serving as an employee of Perkins Coie LLP, she would act on behalf of the state, although she would not be contracting directly with the state.

I also make a determination under AS 39.52.180(c), which allows a waiver of the two-year restrictions on employment after leaving state service where the waiver is not adverse to the public interest. I determine that having the benefit of Ms. Romerdahl's expertise and experience to assist the state with oil and gas related projects would clearly serve the public interest. Consequently, to the extent the two-year restriction on employment after leaving state service under AS 39.52.180(a) applies to Ms. Romerdahl's proposed employment with Perkins Coie LLP to provide legal services to the state concerning these projects, I determine that such employment is not adverse to the public interest and I waive application of those restrictions for purposes of this employment.

Dated

5/26/12

Janna Lindemuth
Attorney General



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF ADMINISTRATIVE SERVICES

Post Office Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5010
Fax: 907.465.5097
www.dec.alaska.gov

**Public Interest and Determination Waiver
Under AS 39.52.180**

Krystal Melody Debenham, worked for the Department of Environmental Conservation (ADEC), Division of Spill Prevention and Response (SPAR) as an Environmental Specialist III from February 2009 until February 2017. Ms. Debenham left ADEC and is currently employed with the U.S. Department of Interior Bureau of Land Management (BLM), Arctic District Office as a Physical Scientist. In particular, this waiver will apply to one location, Umiat, and would include the Umiat Landfill site as well as other sites at Umiat. The lead federal agency responsible for remediation at Umiat is the U.S. Army Corps of Engineers (USACE), which is currently in the planning stages for remedial action at the landfill site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

While Ms. Debenham was working for ADEC, she reviewed and provided approvals of drafts, interim final and final work plans and reports for work at Umiat submitted by USACE, including the Feasibility Study for the Umiat Landfill site. The landfill site is located on lands managed by both the BLM and the Alaska Department of Transportation. Given the use of CERCLA, the choice of remedial action by the USACE is ultimately their decision alone. However, as an employee of the BLM, Ms. Debenham may be asked to provide stakeholder input on the final clean-up plan that may or may not be taken into consideration by the USACE.

In general, the BLM and ADEC have agreed on remedial actions by the USACE at Umiat, and the offices have worked closely together to ensure that State standards are followed and achieved. It would be a benefit to the public interest to grant a waiver allowing Ms. Debenham to continue participating in the remedial action process at Umiat as a BLM employee, because she is familiar with the history of the site and the complex issues involved to achieve the clean-up goals, and has established working relationships with ADEC and the USACE.

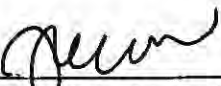
The request is that the Ms. Debenham be allowed to provide advice to the BLM, as well as allow her to provide direct comment to any draft documents prepared by the USACE regarding Umiat.

Alaska Statute 39.52.180(a) prohibits a former public officer—for two years after leaving state service—from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which they participated personally and substantially through the use of official action.

Alaska Statute 39.52.180(c), however, allows a waiver of the two-year restriction on employment where a waiver is not adverse to the public interest. I determine it is a benefit to the public interest to grant a waiver allowing Ms. Debenham to continue to participate in the remedial action process at Umiat as a BLM employee, because she is familiar with the history of the site and the complex issues involved to achieve the clean-up goals, and has established working relationships with ADEC and the USACE.

Kristin Ryan, Director, Division of Spill Prevention and Response is in concurrence with this assessment.

I approve this waiver:



Jahna Lindemuth
Attorney General

5/9/12
Date



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

Anchorage

3601 C Street, Suite 902
Anchorage, Alaska 99503-5923
Main: 907.269.7800
Fax: 907.269.0060

Juneau

350 Main Street, Suite 404
Juneau, Alaska 99801-1149
Main: 907.465.3030
Fax: 907.465.3068

Public Interest and Determination Waiver – AS 39.52.180(c)

Dr. Mark Erickson worked as a Staff Psychiatrist at the Alaska Psychiatric Institute (API) from December 1, 1997 to October 2, 2005 and from May 20, 2013 to December 31, 2016. Dr. Erickson was employed as the Director of Telepsychiatry at API from May 2013 until December 2016. He is now formally retired from API (Jan 1, 2017). Dr. Erickson had provided psychiatric services to beneficiaries of Maniilaq Behavioral Health in Kotzebue and SeaView Community Services in Seward. Dr. Erickson has worked with many of these patients for well over 3 years and knows their clinical and social histories in detail. Given this circumstance of long established clinical relationships, Maniilaq Behavioral Health and SeaView Community Services have inquired whether Dr. Erickson could continue to provide services.

The current plan would be for Dr. Erickson to continue patient therapy with the individuals he had established a doctor-patient relationship before leaving API. Any new patients these two providers might have as of January 2017 would be referred to and followed by the new physician offering telebehavioral services through API's program.

Alaska Statute 39.52.180(a) prohibits a former public officer – for two years after leaving state service – from representing, advising, or assisting a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.

Alaska Statute 39.52.180(c), however, allows waiver of the two-year restrictions on employment where a waiver is not adverse to the public interest. I determine that having Dr. Erickson continue therapy with his former patients is beneficial to the patients, the two clinics, and the State of Alaska, and is not adverse to the public interest. The Director of Behavioral Health has concurred in this assessment.



Commissioner Valerie Nurr'araaluk Davidson

02/14/2017

Date

I approve this waiver:



Attorney General Lindemuth

2/16/17

Date

Public Interest and Determination Waiver - AS 39.52.180(c)

Richard Foster served as an Insurance Financial Examiner for the Department of Commerce, Community and Economic Development (DCCED) until October 31, 2016. In that capacity he conducted financial examinations of insurance companies, and served as the lead examiner in complex financial surveillance functions of insurance regulatory work. Mr. Foster accepted employment with Johnson-Lambert LLP in November 2016. Johnson-Lambert is a multi-office CPA and advisory firm.

While employed by DCCED, Mr. Foster was the lead examiner on an examination of Moda Health Insurance Company. He examined all accounts, including assets, liabilities, surplus, income and expense accounts. He was responsible for the final review of examinations and work papers by examiners and contractors to ensure compliance with applicable statutes and regulations, professional standards, and standards promulgated by the National Association of Insurance Commissioners. The examination entailed a detailed report of company administration, reporting on reinsurance financial accounting and condition, and other matters.

Mr. Foster worked closely with the Deputy Commissioner Parady, Director Wing-Heier, and officials representing the Oregon Insurance Department, and Moda Health. Mr. Foster worked extensively on an examination report for Moda, which shows the complete financial situation of a company.

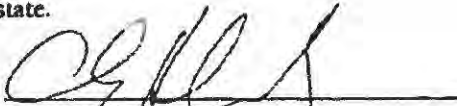
DCCED is seeking a waiver to allow Mr. Foster to work exclusively on the Moda examination on a contract basis through September 2017.

Alaska Statute 39.52.180(a) prohibits a former public officer, for two years after leaving state service, from representing, advising, or assisting "a person for compensation regarding a matter that was under consideration by the administrative unit served by the public officer, and in which the officer participated personally and substantially through the exercise of official action."

Alaska Statute 39.52.180(c) the commissioner may waive an application after determining representation by a former public officer is not adverse to the public interest. Mr. Foster's expertise and willingness to work with the state as a former public officer to complete the Moda examination is in the best interest of the public.

This waiver does not relieve Mr. Foster of the restrictions under AS 39.52.140 that bar disclosure of confidential information, and information that has not otherwise been publically disseminated, that he gained in his service to the state.

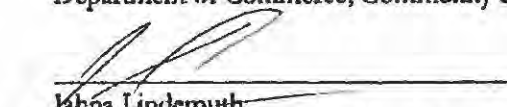
Dated: 11/22/16


Chris Iladick
Commissioner

Department of Commerce, Community & Economic Development

I approve this waiver.

Dated: 11/22/16


Johna Lindemuth

Attorney General by
Department of Law

JAMES CANTRELL
DEPUTY ATT. GEN.

Public Interest and Determination Waiver - AS 39.52.180(c)

Richard Foster served as an Insurance Financial Examiner for the Department of Commerce, Community and Economic Development (DCCED) until October 31, 2016. In that capacity he conducted financial examinations of insurance companies, and served as the lead examiner in complex financial surveillance functions of insurance regulatory work. Mr. Foster accepted employment with Johnson-Lambert LLP in November 2016. Johnson-Lambert is a multi-office CPA and advisory firm.

While employed by DCCED, Mr. Foster was the lead examiner on an examination of Moda Health Insurance Company. He examined all accounts, including assets, liabilities, surplus, income and expense accounts. He was responsible for the final review of examinations and work papers by examiners and contractors to ensure compliance with applicable statutes and regulations, professional standards, and standards promulgated by the National Association of Insurance Commissioners. The examination entailed a detailed report of company administration, reporting on reinsurance financial accounting and condition, and other matters.

Mr. Foster worked closely with the Deputy Commissioner Parady, Director Wing-Heier, and officials representing the Oregon Insurance Department, and Moda Health. Mr. Foster worked extensively on an examination report for Moda, which shows the complete financial situation of a company.


DCCED is seeking a waiver to allow Mr. Foster to work exclusively on the Moda examination on a contract basis through September 2017.

Alaska Statute 39.52.180(a) prohibits a former public officer, for two years after leaving state service, from representing, advising, or assisting "a person for compensation regarding a matter that was under consideration by the administrative unit served by the public officer, and in which the officer participated personally and substantially through the exercise of official action."

^{Under} Alaska Statute 39.52.180(c) the commissioner may waive an application ^{of that prohibition} after determining representation by a former public officer is not adverse to the public interest. Mr. Foster's expertise and willingness to work with the state as a former public officer to complete the Moda examination is in the best interest of the public.

This waiver does not relieve Mr. Foster of the restrictions under AS 39.52.140 that bar disclosure of confidential information, and information that has not otherwise been publically disseminated, that he gained in his service to the state.

Dated: 11/22/16


Chris Hladick
Commissioner

Department of Commerce, Community & Economic Development

I approve this waiver.

Dated: _____

Jahna Lindemuth
Attorney General
Department of Law

**Public Interest Determination and Waiver
Under AS 39.52.180**


Marsha Henderson served as an employee of the Department of Natural Resources Division of Forestry until April 18, 2014. She is now working for Selkirk Systems, Inc. (Selkirk), a wildfire emergency management software company. The State of Alaska maintains a contract with Selkirk to support integrated fire management (IFM) automated dispatch services. I understand that, during her service with the Division, Mrs. Henderson participated personally in some of the matters relating to the Selkirk contract through the exercise of official action, although she did not have any authority to approve or control the award of the contract. In her work with Selkirk she interacts with the Division, but is not responsible for the commercial considerations or terms of the contract.

Alaska Statute 39.52.180(a) prohibits a former public officer—for two years after leaving state service—from representing, advising, or assisting “a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.” Despite that restriction, AS 39.52.180(b) allows a state “agency” to contract with a former public officer to act on a matter on behalf of the state. But Ms. Henderson is the employee of a contractor, not herself a contractor for purposes of AS 39.52.180(b).

Alaska Statute 39.52.180(c), however, allows waiver of the two-year restrictions on employment where waiver is not adverse to the public interest. I determine that having the benefit of Mrs. Henderson’s expertise to assist the state with the matters described above serves the public interest. The Director of the Division has concurred in this assessment, values Ms. Henderson’s past services while a state employee and now as a contractor, and feels her conduct to be ethical and supportive of the critical public safety goal of maintaining functional wildland fire response software. To the extent that the two-year restrictions under AS 39.52.180(a) apply to Mr. Henderson’s work with Selkirk concerning the listed matters, I waive application of those restrictions pursuant to AS 39.52.180(c).

This waiver does not, however, relieve Mrs. Henderson of the restrictions under AS 39.52.140 that bar disclosure of confidential information—and information that has not been publicly disseminated—that she gained in the course of her service to the State

Dated: 3/16/16


Marty Rutherford
Acting Commissioner
Department of Natural Resources

I approve this waiver.

Dated: 3/16/16


Craig W. Richards
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**


Courtney Enright served as a Student Regent on the University of Alaska (UA) Board of Regents until June 2015. She is now employed as a staffer for Alaska State Representative Gabrielle LeDoux, for which she receives compensation. In that capacity Ms. Enright is assisting with the scheduling of possible legislative hearings and requesting public information regarding the University's compliance with its obligations under Title IX of the Education Amendments of 1972, and the related audit of the University by the federal Office of Civil Rights (OCR). The OCR audit and UA's compliance with Title IX and related student discipline issues are matters that were under consideration by the Board of Regents in which the Regents participated personally and substantially through the exercise of official action during Regent Enright's tenure.

Alaska Statute 39.52.180(a) prohibits a former public officer—for two years after leaving state service—from representing, advising, or assisting “a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.” Despite that restriction, AS 39.52.180(b) allows a state “agency” to contract with a former public officer to act on a matter on behalf of the state. But “agency,” as defined in AS 39.52.960(2), refers only to an entity in the executive branch, not an entity in the legislative or judicial branch.

Alaska Statute 39.52.180(c), however, allows waiver of the two-year restrictions on employment where waiver is not adverse to the public interest. I determine that having the benefit of Ms. Enright's expertise to assist the state with the matters described above would clearly serve the public interest. To the extent that the two-year restrictions under AS 39.52.180(a) apply to Ms. Enright's employment with Rep. LeDoux concerning the listed matters, I waive application of those restrictions.

This waiver does not, however, relieve Ms. Enright of the restrictions under AS 39.52.140 that bar disclosure of confidential information—and information that has not been publicly disseminated—that she gained in the course of her service as a regent. This would include, but is not limited to, attorney-client privileged information, executive session information and student record information protected by the Family Educational Rights and Privacy Act.

Dated: 11/7/16



Craig W. Richards
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**

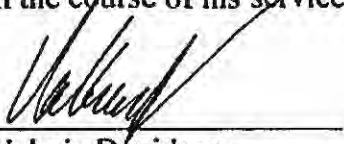
William Streur served as Commissioner of the Department of Health and Social Services until December 1, 2014. He now intends to provide consulting services to the Alaska State Legislature's Senate Finance Committee, for which he will receive compensation. The services will concern the Affordable Care Act, Medicaid expansion, potential cost-cutting changes to the Department of Health and Social Services, the Department of Health and Social Services' budget, and the mental health budget. I understand that, during his service as commissioner, Mr. Streur participated personally and substantially in some of those matters through the exercise of official action.

Alaska Statute 39.52.180(a) prohibits a former public officer—for two years after leaving state service—from representing, advising, or assisting “a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.” Despite that restriction, AS 39.52.180(b) allows a state “agency” to contract with a former public officer to act on a matter on behalf of the state. But “agency,” as defined in AS 39.52.960(2), refers only to an entity in the executive branch, not an entity in the legislative or judicial branch.

Alaska Statute 39.52.180(c), however, allows waiver of the two-year restrictions on employment where waiver is not adverse to the public interest. I determine that having the benefit of Mr. Streur's expertise to assist the state with the matters described above would clearly serve the public interest. To the extent that the two-year restrictions under AS 39.52.180(a) apply to Mr. Streur's contract with the Senate Finance Committee concerning the listed matters, I waive application of those restrictions to services under that contract.


This waiver does not, however, relieve Mr. Streur of the restrictions under AS 39.52.140 that bar disclosure of confidential information—and information that has not been publicly disseminated—that he gained in the course of his service as commissioner.

Dated: 1/30/15


Valerie Davidson
Commissioner
Department of Health and Social
Services

I approve this waiver.

Dated: 1/30/15


Craig W. Richards
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**


Angela Rodell served as Commissioner of the Department of Revenue until December 1, 2014. She now intends to provide consulting services to the Alaska State Legislature's Senate Finance Committee, for which she will receive compensation. The services will concern state retirement systems, the Alaska LNG project, "fiscal regimes," bond ratings, fund management, department management, and investment strategy. I understand that, during her service as commissioner, Ms. Rodell participated personally and substantially in some of those matters through the exercise of official action.

Alaska Statute 39.52.180(a) prohibits a former public officer—for two years after leaving state service—from representing, advising, or assisting "a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action." Despite that restriction, AS 39.52.180(b) allows a state "agency" to contract with a former public officer to act on a matter on behalf of the state. But "agency," as defined in AS 39.52.960(2), refers only to an entity in the executive branch, not an entity in the legislative or judicial branch.

Alaska Statute 39.52.180(c), however, allows waiver of the two-year restrictions on employment where waiver is not adverse to the public interest. I determine that having the benefit of Ms. Rodell's expertise to assist the state with the matters described above would clearly serve the public interest. To the extent that the two-year restrictions under AS 39.52.180(a) apply to Ms. Rodell's contract with the Senate Finance Committee concerning the listed matters, I waive application of those restrictions to services under that contract.

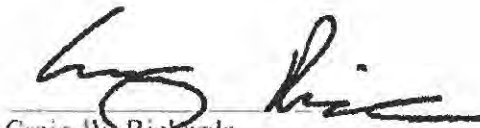
This waiver does not, however, relieve Ms. Rodell of the restrictions under AS 39.52.140 that bar disclosure of confidential information—and information that has not been publicly disseminated—that she gained in the course of her service as commissioner.

Dated: 1/30/15


Randall Hoffbeck
Commissioner
Department of Revenue

I approve this waiver.

Dated: 1/30/15


Craig W. Richards
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**


The Department of Natural Resources and the Alaska Gasline Development Corporation propose to allow State employee, Dr. Richard Koehler, to take an unpaid leave of absence and to provide consulting services to the AK-LNG Project. Dr. Koehler would provide those services as an employee of AK-LNG Project contractor WorleyParsons.

Dr. Koehler works at the Division of Geological & Geophysical Surveys where he is an expert in active faults and seismic hazards. Dr. Koehler recently completed an analysis of active faults and seismic hazards along the Alaska Stand Alone Pipeline (ASAP) alignment for AGDC. AK-LNG Project, in which AGDC is a participant, has asked Dr. Koehler to provide similar expertise on a different, but similar, pipeline for the AK-LNG Project gas pipeline alignment. The section of the AK-LNG gas pipeline alignment that Dr. Koehler would work on is in a location where the AK-LNG pipeline diverges from, or extends beyond, the ASAP alignment he investigated for AGDC. Thus, while the work would be similar, DNR and AGDC have concluded that it would not overlap or duplicate work that Dr. Koehler performed for the ASAP alignment.

Given his experience with the style of faulting, regional tectonism, seismic risks, and distribution of active faults in Alaska, the Department of Natural Resources and the Alaska Gasline Development Corporation believe that Dr. Koehler's participation will substantially benefit the AK-LNG project, and by extension all Alaskans. The Department of Natural Resources and the Alaska Gasline Development Corporation see his experience and participation in this work as important to the project's success.

Based on the representations made by the Department of Natural Resources and the Alaska Gasline Development Corporation that Dr. Koehler's proposed employment would not only not be adverse to the public interest, as required by AS 39.52.180(c), but would be beneficial to AGDC and all Alaskans, I approve the requested waiver. I determine that having the benefit of Dr. Koehler's extraordinary expertise to assist in the AK-LNG Project would clearly serve the public interest. Consequently, I waive application of the two-year restrictions on employment after leaving state service under AS 39.52.180(a) for purposes of Dr. Koehler's employment with AK-LNG Project contractor WorleyParsons to provide consulting services concerning an analysis of active faults and seismic hazards along the AK-LNG Project gas pipeline alignment.

Dated: 7/15/15


Craig W. Richards
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**

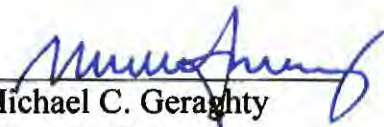
The Department of Transportation and Public Facilities proposes to have former employee, Sara Mason, who recently left state service, provide consulting services to the State of Alaska concerning the Fairbanks Metropolitan Area Transportation System (FMATS) Metropolitan Transportation Plan (MTP) Update. Ms. Mason would provide those services as an employee of DOTPF contractor DOWL HKM.

The Department of Transportation and Public Facilities has a contract with DOWL HKM as a member of the consultant team working on the FMATS MTP Update. Before leaving state service, Ms. Mason performed substantial work on the FMATS MTP Update, and has spent several years working closely with local planning agencies. Given her experience with the federal planning process, local planning issues, and her understanding of planning needs in the FMATS area, DOTPF sees Ms. Mason as a potential asset to the FMATS MTP Update project.

In serving as an employee of DOTPF contractor DOWL HKM, Ms. Mason would be acting on behalf of the State of Alaska. Therefore, it is quite likely that her employment would constitute an agency's contract with a former public officer to act on a matter on behalf of the state, which the Alaska Executive Branch Ethics Act (AS 39.52.180(b)) expressly permits.

Nonetheless, because the Department of Transportation and Public Facilities would not be contracting directly with Ms. Mason, I also make a determination under AS 39.52.180(c), which allows waiver of the two-year restrictions on employment after leaving state service where waiver is not adverse to the public interest. I determine that having the benefit of Ms. Mason's extraordinary expertise to assist the state in the FMATS MTP Update would clearly serve the public interest. Consequently, to the extent that AS 39.52.180(b) does not already do so, I waive application of the two-year restrictions on employment after leaving state service under AS 39.52.180(a) for purposes of Ms. Mason's employment with DOTPF contractor DOWL HKM to provide consulting services to the state concerning the FMATS MTP Update.

Dated: 6.5.14


Michael C. Geraghty
Attorney General

Korting, Nancy A (LAW)

From: Schultz, Martin T (LAW)
Sent: Thursday, June 07, 2012 4:16 PM
To: Korting, Nancy A (LAW)
Subject: FW: Request for Waiver - Jon Katchen
Attachments: 6.7.12 Katchen waiver request.PDF

Nancy - Please have the AG approve this waiver tomorrow morning if possible, and send to me, so that I can progress Mr. Katchen's contract. Thanks.

From: Ryckman, Mary Kay (DNR)
Sent: Thursday, June 07, 2012 4:08 PM
To: Korting, Nancy A (LAW); Schultz, Martin T (LAW)
Subject: Request for Waiver - Jon Katchen

Mary Kay Ryckman
Executive Assistant
Department of Natural Resources
Commissioner's Office
W. 7th #1400
Fairbanks, AK 99501
907-269-8426 Direct
907-269-8431 Main Office

Approved - 6.8.12
[Signature]

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

SEAN PARNELL, GOVERNOR

550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3850
PHONE: (907) 269-8431
FAX: (907) 269-8918

June 7, 2012

Attorney General Michael C. Geraghty
Alaska Department of Law
P.O. Box 110300
Juneau, AK 99811-0300

Dear Attorney General Geraghty:

I have reviewed the attached letter from Mr. Jonathan W. Katchen requesting that the Department of Natural Resources waive any potential conflicts under AS 39.52.180, the Alaska Executive Branch Ethics Act, so that he may be retained by the Department of Law to represent the State in matters relating to Point Thomson.

This letter formally acknowledges my approval to waive any potential conflict for Mr. Katchen pursuant to my authority under AS 39.52.180(c). Mr. Katchen's representation of the State in matters regarding the March 29, 2012, Point Thomson Settlement Agreement is not adverse to the public interest.

I ask that you please review and approve this waiver.

Sincerely,



Daniel S. Sullivan
Commissioner
Alaska Department of Natural Resources

Attached: Letter from Mr. Jonathan W. Katchen, re: Alaska Executive Branch Ethics Act Waiver

STATE OF ALASKA

MEMORANDUM

DEPARTMENT OF CORRECTIONS

Division of Administrative Services
P.O. Box 112000
Juneau AK 99811
Phone 907.465.3480 Fax 907.465-3315

RECEIVED LAW AGO ANC

SEP 29 2011 AM 10:32

DATE: 20 September 2011

TO: John J. Burns
Attorney General
Department of Law

THRU: Judy Bockman, Asst Attorney General
Opinions, Appeals, and Ethics
Department of Law

PHONE: 269-7398

FROM: Joseph D. Schmidt
Commissioner

SUBJECT: Waiver Approval Requested for
Dwayne Peeples/Analyze Soft Inc.
and ACOMS

The Alaska Corrections Offender Management System (ACOMS) has undergone numerous enhancements and "fixes" since the rollout in May, 2010. Our single-source vendor for ACOMS is Analyze Soft, Inc., who has been receptive and cooperative with facilitating these fixes; however, they have recently lost several key staff members who were assisting the department with the functionality of ACOMS. This has placed DOC in a difficult situation; we need an onsite Analyze Soft Inc. employee that can facilitate our needs with the out-of-state Analyze Soft Inc. programmers. It is imperative to the integrity of DOC as we enter the 2012 Legislative Session that we have reliable, sound data by which to quantify fiscal notes as well as sound data that supports the DOC budget request.

I am requesting a waiver of the two year restriction for a post-state employee from representing a contractor working on a departmental computer system under AS39.52.180(a). This request is concerning Dwayne Peeples, a Deputy Commissioner with DOC until September, 2010, whose duties included supervising the DOC computer and information systems. In his role as Deputy Commissioner, Mr. Peeples was engaged by the State of Idaho who lead the effort for several western states that were replacing their legacy offender management systems with relational database systems. The company writing the code for the relational database systems was and is Analyze Soft, Inc. Alaska DOC joined the multi-state contract and secured a single-source contract through the Department of Administration, Division of General Services (DOA/DGS). This contract relationship was reviewed, scrutinized, and approved by DOA/DGS.

Under the terms of this waiver, the department would allow Mr. Peeples to represent Analyze Soft Inc. as an employee of Analyze Soft Inc. in working with ACOMS issues, problems and enhancements. I have reviewed the situation, and find that allowing Mr. Peeples to utilize his past experience with ACOMS and information management systems regarding ACOMS issues is in the best interest of DOC and is not adverse to the public interest.

Your approval of this request is greatly appreciated and if you have any questions please let me know.

~~Waiver of AS39.52.180(a)~~ Approved:



John J. Burns, Attorney General

10-3-2011

Date

March 31, 2009

Ms. Martina Dabo
TDX Power, Inc.
4300 B Street, Suite 402
Anchorage, AK 99503

RE: Request for waiver under Alaska Executive Branch Ethics Act

Dear Ms. Dabo:

You left employment with the Alaska Energy Authority (AEA) on February 13, 2009 and now work as a Program Manager for TDX Power. You have requested waivers under AS 39.52.180 (c) of the Alaska Executive Ethics Act so that you may work for TDX on projects in Nikolski (Renewable Energy Fund Round I grant) and St. George (AEA/Denali Commission funding & Renewable Energy Fund Round I grant). We understand that the Department of Law advised you that your participation for TDX in work on these projects is barred under AS 39.52.180(a) unless waivers are granted because of your involvement in the evaluation of the grant applications for these projects while working for AEA.

You advise that if the City of St. George and the Nikolski IRA Council hire TDX to manage their projects funded by the grants, you will coordinate the management team in each case. You will solicit construction and project materials under the directions of these local governments and applicable procurement standards, oversee the technical teams responsible for integration of the wind generators and the powerhouses, oversee the permitting and environmental process and provide general project management assistance. For St. George, you will also manage the purchase, shipment and installation of the wind turbine. Following construction, you also expect to manage operations and maintenance for the system in Nikolski and most likely in St. George.

As required by AS 39.52.180(c), I find that your work on these matters for TDX Power will not be adverse to the public interest. You participated as a member of a technical evaluation team for the Renewable Energy Projects. As a team member, you would have had little influence on the final selection of any specific projects. The AEA team finalized the list of recommended projects that was sent to the Legislative Budget and Audit Committee, who provided the final project approval.

Alaska Statute 39.52.180(c) also requires that waivers be approved by the Attorney General. Accordingly, I am forwarding the original of this letter along with your March 10, 2009 request to Assistant Attorney General Judy Bockmon for transmission to Attorney General Wayne Anthony Ross for his review. You must continue to refrain from any work on these projects until final approval is given.

Thank you for your attention to compliance with the requirements of the Executive Branch Ethics Act.

Sincerely,

ALASKA ENERGY AUTHORITY

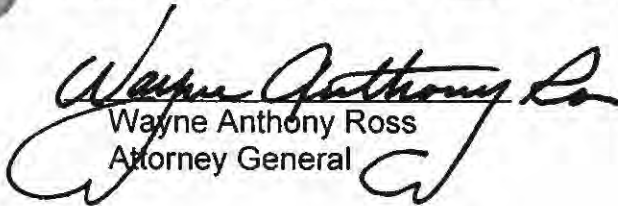


Steven Haagenson
Executive Director

Enclosure

cc: Martina Dabo

Approved ☒ Disapproved ☐ Date: 8 April 2009



Wayne Anthony Ross
Attorney General

**Public Interest Determination and Waiver
Under AS 39.52.180**

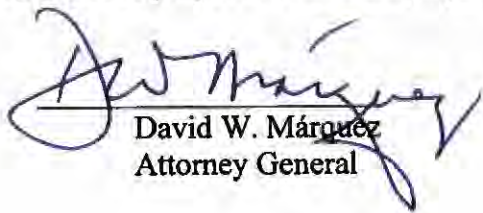
The Department of Law proposes to have Senior Assistant Attorney General Robert Mintz, who is about to retire from state service, provide legal services to the State of Alaska, after his retirement, concerning oil and gas production tax legislation and possibly concerning Stranded Gas Development (gas pipeline) matters and TAPS Quality Bank litigation. Mr. Mintz proposes to provide those services as an employee of the law firm of Preston Gates & Ellis, LLP.

The Department of Law has an ongoing contract with Preston Gates & Ellis for legal services. While in state service, Mr. Mintz has served in the Department of Law's Oil, Gas, and Mining Section, where he had substantial personal involvement with oil and gas production tax legislation and with TAPS Quality Bank litigation, as well as a limited amount of involvement in Stranded Gas Development (gas pipeline) issues.

Although the Alaska Executive Branch Ethics Act imposes certain restrictions on employment for two years after leaving state service, those restrictions do not clearly apply to Mr. Mintz's proposed employment. First, as to his proposed work concerning legislation, the two-year restrictions do not apply to the proposal or consideration of legislative bills. *See* AS 39.52.180(a). Second, the Ethics Act (AS 39.52.180(b)) expressly permits an agency's contract with a former public officer to act on a matter on behalf of the state. Mr. Mintz's proposed employment would arguably satisfy that exception because, in serving as an employee of Preston Gates & Ellis, he would act on behalf of the state, although he would not contract directly with the state.

Nonetheless, out of an abundance of caution, I also make a determination under AS 39.52.180(c), which allows waiver of the two-year restrictions on employment after leaving state service where waiver is not adverse to the public interest. I determine that having the benefit of Mr. Mintz's extraordinary expertise to assist the state with the oil and gas production tax legislation, Stranded Gas Development (gas pipeline) issues, and Quality Bank litigation would clearly serve the public interest. Consequently, to the extent that the two-year restrictions on employment after leaving state service under AS 39.52.180(a) apply to Mr. Mintz's proposed employment with Preston Gates & Ellis, LLP to provide legal services to the state concerning oil and gas production tax legislation, Stranded Gas Development (gas pipeline) issues, and TAPS Quality Bank litigation, I waive application of those restrictions for purposes of that employment.

Dated: 4-26-06


David W. Márquez
Attorney General


MEMORANDUM

State of Alaska
Department of Education
& Early Development

To: David W. Márquez
Attorney General
Department of Law

Date: December 13, 2005

Phone: 465-2800
Fax: 465-4156

From: 
Roger Sampson
Commissioner

Subject: AS 39.52.180(c) Waiver

Tim Mearig resigned his position of Architect for the School Finance Division, Department of Education & Early Development on November 18, 2005. Mr. Mearig has been offered a position with the Lower Kuskokwim School District on January 1, 2006 and is requesting a waiver of the restrictions on employment after leaving state service as provided under the Ethics Act, AS 39.52.180 (copy attached).

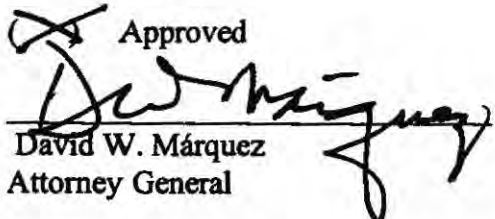
While employed with the department, Mr. Mearig was involved with the administering of funding appropriated through the department to the Lower Kuskokwim School District. In this capacity, he established agreements and with this and other districts regarding the execution of school capital projects and made periodic payments under the provisions of those agreements. Mr. Mearig did not have authority to direct funding to the district. His role was to ensure that funding granted by the legislature was handled in accordance with statute and administrative code.

Mr. Mearig anticipates that in his new position he will primarily be managing the Kilbuck Elementary Deferred Maintenance and Construction project. Mr. Mearig has not acted as the state's representative in signing the agreement for this project with the district. The majority of his duties will be to arrange for and recommend contracts to the local school board for the design and construction of the project. Because of his expertise in this area, Mr. Mearig's work should be of benefit to both the school district and the state in providing needed school facilities for Alaskan students.

I have attached a copy of Mr. Mearig's waiver request for your review. I support a waiver of AS 39.52.180 as requested by Mr. Mearig. If you have any questions or require additional information, please contact me.

Attachments

☒ Approved


David W. Márquez
Attorney General

☐ Not approved

Date

12/14/05