

# Alaska State Legislature

## Select Committee on Legislative Ethics

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### **Ethics Committee Meeting FRIDAY, SEPTEMBER 29, 2023 9:00 A.M. Anchorage LIO Denali Room/Telephonic**

(Meeting will be teleconferenced  
Anchorage Only: 907-563-9085  
Juneau Only: 907-586-9085  
Outside Anchorage or Juneau: 1-844-586-9085)

Open Session (+) indicates background material in packet.

1. CALL THE MEETING TO ORDER
2. APPROVAL OF AGENDA (+)
3. APPROVAL OF MINUTES (+)
  - a. Full Committee Meeting October 13, 2022
  - b. Full Committee Meeting January 19, 2023
  - c. Senate Subcommittee Meeting January 19, 2023
  - d. Full Committee Meeting March 9, 2023
  - e. House Subcommittee Meeting June 12, 2023
  - f. Full Committee Meeting July 14, 2023
  - g. Full Committee Meeting August 10, 2023
4. PUBLIC COMMENT
5. CHAIR/STAFF REPORT
  - a. Management Log – Informal Advice Staff Report (+)
  - b. Ethics Disclosures (+)
  - c. Internship Approval (+)
6. STATE BENEFIT AND LOAN PROGRAM REVIEW (+)
7. REVIEW OF RULES OF PROCEDURE
  - a. Section 9 Informal Advice (+)
  - b. Section 2(f) Administrative Policies (+)

8. ETHICS TRAINING UPDATE
9. COGEL (Council on Governmental Ethics Laws) ANNUAL CONFERENCE (+)
10. COMPLAINT H 12-07 FINE PAYMENT UPDATE
11. Motion to go into **EXECUTIVE SESSION** *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*
12. EXECUTIVE SESSION
13. PUBLIC SESSION
14. OTHER BUSINESS
15. ADJOURN

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**ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
OCTOBER 13, 2022  
9:00 AM**

**Full Committee Meeting Minutes**

**DRAFT**

9:03:43 AM

**1. CALL THE MEETING TO ORDER**

Conner Thomas called to order the meeting of the Select Committee on Legislative Ethics at 9:03 a.m. He welcomed the guests and thanked the committee members for their appearance.

Conner Thomas directed Jerry Anderson to take roll.

**Roll call**

Senator David Wilson  
Senator Elvi Gray-Jackson, alternate for Senator Begich  
Skip Cook  
Conner Thomas  
Joyce Anderson  
Lee Holmes

Representative Chris Tuck, alternate for Rep Sara Hannan, arrived after roll call.

Quorum present to conduct business.

Conner Thomas asked if there was anyone online. There was no response heard in the room. [Alternate Public Member Jerry McBeath announced by telephone that he was in attendance but due to audio difficulties, he could not be heard in the room.]

Conner Thomas recognized the other people in the room:

Jerry Anderson  
Jacqui Yeagle  
Noah Klein

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Conner Thomas asked committee members and guests to identify themselves each time they spoke for the benefit of others. He added that he expected the meeting to last approximately 2½ hours.

[9:04:36 AM](#)

**2. APPROVAL OF AGENDA**

Conner Thomas directed attention to the agenda and entertained a motion for approval. Motion made by Skip Cook. Conner Thomas entertained objections. There were no objections. The agenda was approved.

**3. APPROVAL OF MINUTES (+)**

a. December 17, 2021 - Full Committee

Conner Thomas entertained a motion to approve the minutes of the December 17, 2021, Full Committee meeting. Lee Holmes so moved.

Conner Thomas entertained comments or revisions. There were no comments or revisions. The December 17, 2021, Full Committee minutes were approved.

b. December 17, 2021 - Senate Subcommittee

Conner Thomas entertained a motion to approve the minutes of the December 17, 2021, Senate Subcommittee meeting. Joyce Anderson so moved.

Conner Thomas entertained comments or revisions. There were no comments or revisions. The December 17, 2021, Senate Subcommittee minutes were approved.

c. March 24, 2022 - Senate Subcommittee

Conner Thomas entertained a motion to approve the minutes of the March 24, 2022, Senate Subcommittee meeting. Lee Holmes so moved.

Conner Thomas entertained comments or revisions. There were no comments or revisions. The March 24, 2022, Senate Subcommittee minutes were approved.

[Conner Thomas called an at-ease, during which it was learned that both Public Member Jerry McBeath and

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Representative DeLena Johnson were listening to the proceedings by phone.]

d. June 28, 2022 - House Subcommittee

Conner Thomas entertained a motion to approve the minutes of the June 28, 2022, House Subcommittee meeting. Skip Cook so moved.

Conner Thomas directed the committee's attention to a sentence in a paragraph on page 3 beginning with "Mario Bird... ." He recommended adding to the second sentence the word "the" to the phrase "at request by his client."

Joyce Anderson recommended changing the wording of a sentence on page 1, from "Conner Thomas asked if there were anyone else online" to "Conner Thomas asked if there was anyone else online."

Conner Thomas asked if there were other suggested edits or if there were any objections to the two recommended edits.

There was no further discussion. The June 28, 2022, House Subcommittee meeting minutes were approved.

#### **4. PUBLIC COMMENT**

Conner Thomas opened public comment. He stated that he did not hear or see anyone but acknowledged that given the technical difficulties, if there was anyone who wanted to give public comment at the time those difficulties were resolved, he would revisit public comment.

#### **5. STATE BENEFIT AND LOAN PROGRAM REVIEW**

Conner Thomas expressed his appreciation to the Department of Natural Resources staff in attendance. He explained that the Ethics Committee maintains a list of state benefit and loan programs that require disclosure of participation by legislators, legislative employees, and public members of the committee. Every year, the Ethics Office contacts each of the state departments to inquire whether changes to the list are needed. The Department of Natural Resources, Division of Mining, Land, and Water requested [in 2021] that 20 of their programs be removed from the list. The acting division director, Christy Colles and a few of the staff were in attendance at the meeting to review the proposed removals with the committee. He said the committee

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would go through the list one by one with the department to determine whether or not to remove the programs as requested or to keep them on the list.

Conner Thomas asked Christy Colles if she had anything to say before starting the review.

Christy Colles responded that the division had done a deeper dive on the programs that had been requested to be removed last year. They determined that some of the programs should remain on the list. She asked the chair if he had a preference for how to go about presenting the programs.

Conner Thomas responded that the easiest way to address the deletion requests was to address them in the order in which they were located in the meeting packet.

Conner Thomas introduced the first program on the list: Additional Non-competitive Land Leases - Negotiated. He asked if that program should remain on the list or if it should be removed.

Christy Colles replied that it should remain on the list.

Conner Thomas moved to the next program on the list: Water Authorizations.

Christy Colles replied that Water Authorizations should be removed.

Conner Thomas asked why it qualified for removal.

Christy Colles asked Tom Barrett to speak to the details of the program.

Tom Barrett said that he is chief of water resources. He said this program deals with water rights. Alaska follows the "appropriation doctrine," which means if you are the first to ask for a quantity of water and you can demonstrate certain criteria, the department issues you a water right. Statute and regulations fairly well define the process. After consideration, it was determined that there is not room for much subjectivity in the process. If a person or entity applies for a permit to use a significant quantity of water, they engage with DNR to get a water use authorization, or permit. The program uses a checklist to

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determine whether the proposed water use meets the criteria. If you beneficially use a large quantity of water and you don't adversely affect someone else, you get your water. After a specified period, usually five years, you report the amount of water used and then the program issues you a permit to use that quantity of water for that use in perpetuity. The process is not subject to influence and that is why the division thinks it should be removed from the list.

There is a parallel program, Temporary Water Use Authorizations. Those authorizations are not considered an appropriation (where it is given in perpetuity), the authorizations are for temporary uses, such as industrial or construction use. Those do have some subjectivity in that the Water Section can revoke that authorization. Again though, it is a very regulatory and statutorily driven process, not subject to abuse where one party can force the section's hand to issue an authorization.

Tom Barrett said he was happy to answer questions.

Conner Thomas asked if any committee members had questions.

Joyce Anderson asked how many people request these types of permits.

Tom Barrett replied that the section issues about 300 temporary water use authorizations per year. The authorizations are for temporary use up to five years. They receive between 200-300 new permit applications a year for water rights.

Conner Thomas asked if there were other questions. He then added to Tom Barrett that what the committee has to decide is whether a program meets the requirements that the benefit program or loan is generally available to members of the public; it is subject to fixed, objective eligibility standards; and it requires minimal discretion in determining qualification.

Tom Barrett indicated that he understood.

Conner Thomas entertained a motion to remove Water Authorizations from the list of programs requiring disclosure.

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Lee Holmes so moved.

Conner Thomas entertained objections. Hearing none, he declared that Water Authorizations be removed from the list.

Conner Thomas introduced the next program on the list: Agricultural Land Lottery Sale Program.

Christy Colles responded that the Agricultural Land Lottery Sale Program should be removed from the list. She called on Rachel Longacre to explain how the program works.

Rachel Longacre said she is the section chief for the Land Sales Section. The Agricultural Land Lottery Program is conducted via a sealed bid process and statute does not allow the section to see the bidders until the bids are opened and a winner is deemed viable based on the statute. There is no discretion in the process.

Senator David Wilson asked Rachel Longacre to describe what happens in case of a tie bid, because the section would then know who the two potential winners would be.

Rachel Longacre responded that if two bidders bid the same amount of money on the same parcel and both had bid the minimum amount required, there is an internal blind process in which a winner is decided - essentially, a flip of a coin.

Senator David Wilson thanked Rachel Longacre for answering the question.

Conner Thomas asked if there were other questions. No response.

Skip Cook moved to remove the program from the list.

Conner Thomas asked if there were objections. There were no objections and Conner Thomas stated that with unanimous consent, the Agricultural Lottery Program was to be removed from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Approving Easement Vacations in the Unorganized Borough and Certain Other Areas.



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Christy Colles said that they would like to keep that program on the list.

Conner Thomas moved to the next program on the list: Coal Prospecting Permit.

Christy Colles said that they would like to remove that program from the list. She called Steve Buckley to speak.

Steve Buckley introduced himself as the mining section chief at DNR.

Conner Thomas asked Steve Buckley to explain how the program works and how it meets the criteria for removal.

Steve Buckley responded that coal prospecting permits are covered under federal law. Eligibility is based on qualifying to hold a mineral right in Alaska: must be 18 years old or older, must be a citizen, or be an LLC or a trust licensed in the state. There is no discretion involved in choosing who can hold mineral rights in the state of Alaska.

Conner Thomas asked if there were questions about the program. There were no questions.

Lee Holmes moved to remove the program from the list.

Conner Thomas asked if there were objections. No objections. There was unanimous consent to remove the Coal Prospecting Permit from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Coal Surface Mining Reclamation Program.

Christy Colles said that Steve Buckley would respond again.

Steve Buckley said regulations require a Corps of Engineers permit for wetlands fill for reclamation related to mining. There is no discretion; it is a regulatory program.

Conner Thomas asked if there were questions.

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Joyce Anderson asked for clarification that if someone applies for either of the last two programs and they meet the qualifications, they are granted [indecipherable].

Steve Buckley indicated that was the case.

Conner Thomas entertained other questions. There were no other questions.

Lee Holmes moved to remove the program from the list.

Conner Thomas asked if there were objections. There were no objections. By unanimous consent, the committee removed the Coal Surface Mining Reclamation Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to a discussion of the removal of the Coal Surface Mining Reclamation Program.

Steve Buckley said the program is a regulatory requirement for a permit for a wetlands fill from the Corps of Engineers or for reclamation related to mining. No discretion is required.

Conner Thomas entertained questions.

Joyce Anderson asked for confirmation that when someone applies to either of the last two permits and they meet the qualifications, they are granted.

Steve Buckley indicated affirmatively.

Conner Thomas entertained further questions. There were no further questions.

Lee Holmes moved to remove the Coal Surface Mining Reclamation Program from the disclosure requirements.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Coal Surface Mining Reclamation Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program: Exchange of State Land.

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Christy Colles said the department wanted to keep that program on the list.

Conner Thomas moved to the next program: Exploration Incentive Credits.

Christy Colles said the department wanted that program removed and directed the committee's attention back to Steve Buckley.

Steve Buckley said that through the Exploration Incentive Credits, the state allows companies or individuals to develop a credit for the amount of exploration work that they have done on a project and then later write that off against the production of a mine. The only qualification is that you are qualified to hold mineral rights in the state of Alaska. There is no discretion involved.

Conner Thomas entertained questions.

Senator David Wilson asked if minimal thresholds are met, the credits are automatic.

Steve Buckley replied that you need to apply and identify the expenditures to make sure they are appropriate. You also need to have done the exploration work prior to mining so the credits need to be approved before you go into production.

Senator David Wilson asked if the program only applied to mining. Steve Buckley replied affirmatively.

Joyce Anderson asked Steve Buckley to explain what "credit" means.

Steve Buckley replied that the credits would be applied to the Department of Revenue against a future royalty or tax.

Lee Holmes asked which department determines the viability of the credit, the Department of Natural Resources or the Department of Revenue.

Steve Buckley replied that the determination of whether an activity is a valid activity is made primarily by the Division of Mining, Land, and Water. The division then forwards it to the Department of Revenue.

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Joyce Anderson asked if anyone had ever appealed the decision of the division.

Steve Buckley replied that the program is not used often as there are only five operating mines in the state, most of which started in the late 80s, early 90s. There have been no appeals to date.

Joyce Anderson inquired about the process if there was an appeal.

Steve Buckley replied that the decision would be appealable to the commission.

Senator David Wilson asked the average range of the monetary credits and if they would be transferable to a new or re-opened mine.

Steve Buckley said that is addressed in statute. It lays out the process to determine whether the credits can be used again in the event that a mine closes and then re-opens. He said he did not have an exact answer to the question about the credit amount but he believes it to be less than 50% of the production royalty.

Senator David Wilson asked if the credit amount is public information.

Steve Buckley replied the amount was public information.

Lee Holmes moved to remove the Exploration Incentive Credits Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Exploration Incentive Credits Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to review of the Homesite Entry Program.

Christy Colles said the division wanted to remove the program from the disclosure requirement and asked Rachel Longacre to answer questions.

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Rachel Longacre said the Homesite Entry Program was still viable but it was not currently being used because there are programs that better meet the need. The program is run by blind lottery.

Conner Thomas entertained questions.

Skip Cook moved to remove the program from the list.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Homesite Entry Program from the list of state benefit and loan programs requiring disclosure.

Christy Colles offered that the Homesite and Homestead Entry Programs are conducted the same from a programmatic standpoint, both are active in statute, neither are used currently because both are replaced by a more viable program.

Conner Thomas asked what is the difference between the two programs.

Christy Colles said the difference is the amount of property. The process after the lottery ticket is awarded is provided in statute so it does not have discretion in determining to whom the award goes.

Conner Thomas entertained questions about the Homestead Entry Program.

Lee Holmes moved to remove the Homestead Entry Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Homestead Entry Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Land Use Permit.

Christy Colles said the division wanted to keep that program on the list.

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[The audio problems were resolved and both Jerry McBeath and Representative DeLena Johnson were heard in the room stating that they were listening to the proceedings.]

Conner Thomas moved to the next program on the list, the Mineral Discovery Bonus Program.

Christy Colles re-called Steve Buckley.

Steve Buckley said the Mineral Discovery Bonus Program is a credit to encourage people to produce minerals. The only qualification is being allowed to hold mineral rights in Alaska. The program is still on the books, but it is not funded and it is not used.

Skip Cook moved to remove the Mineral Discovery Bonus Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Mineral Discovery Bonus Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas read the next program on the list: Material Sale - Negotiated.

Christy Colles said they wanted to keep that program on the list.

Conner Thomas moved to the Mining Reclamation Plan Approval Program.

Steve Buckley said the program requires miners to produce a reclamation plan annually. It is similar to an Army Corps of Engineers Clean Water Act. It is not discretionary; it is a requirement. It is based on being allowed to hold mineral rights in Alaska.

Conner Thomas entertained questions about the program.

Lee Holmes asked whether the approval was federal or state.

Steve Buckley replied that it was a state reclamation plan approval, not a permit.

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Lee Holmes asked if there have ever been plans that were not approved and if so, were there appeals.

Steve Buckley replied that it was an iterative process with the mining community. The mining reclamation process is straight forward. For a period of years after mining, the site is monitored and if the land is useful, the bonds are released.

Lee Holmes asked if the approval has to do with the physical work or is it just the plan.

Steve Buckley replied that the reclamation plan outlines the physical work.

Lee Holmes said approval of the actual work would be discretionary.

Christy Colles explained that whether or not the plan is met is a different process.

Lee Holmes confirmed he understood that meeting the reclamation plan is separate from the reclamation plan approval.

Christy Colles confirmed Lee Holmes's understanding.

Lee Holmes moved for removal of the Mining Reclamation Plan Approval Program of the list of programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Mining Reclamation Plan Approval Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the Offshore Prospecting Permit.

Steve Buckley said the permits are for offshore state lands available for mineral leasing. The only requirement is being able to hold mineral rights in the state of Alaska.

Conner Thomas entertained questions about the program.

Senator David Wilson asked if the permit would apply to {indecipherable}.

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Christy Colles replied that it would not. That is a separate program.

Conner Thomas entertained further questions about the program.

Lee Holmes moved to remove the Offshore Prospecting Permit from the list.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Offshore Prospecting Permit from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Preference Right Land Sales, citing AS 38.05.

Christy Colles said the division would like to keep that program on the list.

The next program on the list was Right-of-Way or Easement.

Christy Colles said they would like to keep that program on the list.

Conner Thomas moved to the next program on the list, the Substantial Compliance Determination (re: Mining Locations).

Christy Colles directed the committee's attention back to Steve Buckley.

Steve Buckley said the Substantial Compliance [Determination] determines whether a miner has substantially complied with regulations. There is some discretion in the decision making about whether or not a miner did substantially comply or make an effort to comply with statutory requirements.

Conner Thomas asked for an explanation of the phrase "re: Mining Locations" means.

Steve Buckley responded that the word location refers to staking your claim, the location of your claim.

Conner Thomas asked what would be substantial compliance.



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Steve Buckley responded that an example would be if a person makes a mistake when filing their paperwork.

Joyce Anderson asked if some fixed criteria are used in the process.

Steve Buckley replied that was correct.

Conner Thomas entertained further comments or questions.

Lee Holmes moved to remove Substantial Compliance Determination from the list.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Substantial Compliance Determination from the requirement of disclosure under the benefit and loan program.

Conner Thomas moved to Trapping Cabin Permits.

Christy Colles said they would like to keep that program on the list.

Conner Thomas moved to the last program on the list: Upland, Tideland, or Grazing Lease - Negotiated.

Christy Colles said they would like to keep that program on the list.

Conner Thomas thanked Christy Colles and her team for their time and assistance in helping the committee through the review process.

**6. MOTION TO GO INTO EXECUTIVE SESSION into Executive Session**

Conner Thomas entertained a motion to move to executive session to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5 Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person..

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Senator David Wilson interjected with a recommendation to revisit item four on the agenda, Public Comment, in case there was anyone online who wished to comment now that they could be heard in the room.

Conner Thomas thanked Senator David Wilson for the recommendation and asked if there was anyone from the public online who wished to speak to the committee.

Hearing no public comment, Skip Cook moved to go into executive session.

Conner Thomas entertained objections. There were no objections.

**7. EXECUTIVE SESSION**

[9:54:04 AM](#)

**8. PUBLIC SESSION**

Conner Thomas opened public session with a brief summary of Advisory Opinion AO 22-01, in which legislators and legislative employees may participate in a constitutional convention process. The advisory opinion sets out limits on actions in which a legislator or legislative employee may engage.

Conner Thomas entertained a motion to approve Advisory Opinion AO 22-01 with the revisions that were discussed in executive session.

Lee Holmes so moved.

Conner Thomas directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Senator David Wilson  
Senator Elvi Gray-Jackson  
Representative Chris Tuck  
Representative DeLena Johnson  
Skip Cook  
Conner Thomas  
Joyce Anderson  
Lee Holmes

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Jerry McBeath

The vote was 9-0 in favor of adopting as amended Advisory Opinion AO 22-01.

Conner Thomas thanked Noah Klein for his work on the advisory opinion. Conner Thomas asked if Noah Klein had an idea when the committee could expect to see a final version.

Noah Klein responded that he couldn't guarantee a date but anticipated it could be within a week.

[11:13:00 AM](#)

## **9. RULES OF PROCEDURE**

Conner Thomas directed Jerry Anderson to introduce a discussion on the Section 19 of the committee Rules of Procedure.

Jerry Anderson explained this item is a carryover from an earlier revision of the Rules of Procedure. This section required additional work, which was conducted by Members Joyce Anderson, Conner Thomas, and Skip Cook.

Conner Thomas noted that the document referred to notes printed in red but he was unable to see those notes.

Lee Holmes offered to read the notes of recommendation from the electronic version.

- In section (b) (1) adding at the beginning the words, "Discovery from the committee pursuant to AS 24.60.170(h) and (g)."
- In section (2) (A) adding to the end of the sentence the words, "Complaint process pursuant to AS 24.60.170 (h) and(g)."

Conner Thomas thanked Lee Holmes for his assistance.

Conner Thomas explained that the purpose of the change in Section (b) (1) is to delineate between the role of the committee in discovery requests that are directed to or come from a third party.

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Conner Thomas went on to explain that the change in Section (2) (A) describes the process for discovery from the committee after the committee formally charges a subject. There were no significant changes.

Conner Thomas added that another change [Section (b) (2)] is related to the authority of the committee in discovery at an earlier stage of the complaint process. Again, there were no significant changes.

Conner Thomas added that for clarity purposes, the language of section (3) was consolidated with some of the deleted language from the next page.

Conner Thomas stated he did not have any problems with the proposed changes and entertained questions from the committee. He asked Joyce Anderson if she had anything to add. She responded that she did not.

Hearing no discussion, Conner Thomas entertained a motion to approve the changes to the Rules of Procedure.

Senator David Wilson so moved.

Conner Thomas directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Representative Chris Tuck  
Representative DeLena Johnson  
Conner Thomas  
Joyce Anderson  
Lee Holmes  
Jerry McBeath  
Senator David Wilson  
Senator Elvi Gray-Jackson

Jerry Anderson noted that Skip Cook was temporarily unavailable.

The vote was 8-0 in favor of adopting the changes to Section 19 of the Rules of Procedure.

Conner Thomas asked Joyce Anderson to speak to her request to consider changes proposed for Section 17 of the Rules of Procedure.

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Joyce Anderson said the topic of Section 17(2) is about public decisions and orders. She proposed adding to the end of that section: The subcommittee chair shall be notified of the decision prior to other notifications. Joyce Anderson added that she thinks it important that the committee chair is notified first in case the chair is called upon to speak to the decision. She entertained questions.

Hearing no questions, Joyce Anderson moved to add the additional sentence to the end of Section 17(b) (2) .

Conner Thomas entertained further discussion. There was no further discussion. Conner Thomas directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Conner Thomas  
Joyce Anderson  
Lee Holmes  
Jerry McBeath  
Senator David Wilson  
Senator Elvi Gray-Jackson  
Representative Chris Tuck  
Representative DeLena Johnson

Jerry Anderson noted that Skip Cook was temporarily unavailable.

The vote was 8-0 in favor of adopting the change to Section 17 of the Rules of Procedure.

[11:25:12 AM](#)

**10. CONTRACTS**

**a. Outside Counsel**

Conner Thomas asked Jerry Anderson to speak about contracts needing approval.

Jerry Anderson said there were two contracts that required approval. The first, for outside legal counsel with Brent Cole, was originally for \$5,000, at an hourly rate of \$225/hour. He asked for formal ratification and approval of the contract, which had been previously approved by email by committee members

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as well as approval of an additional \$5,000 for the contract for increased workload.

Lee Holmes moved for approval of the Brent Cole contract, amended to \$10,000, to cover the additional time and expense incurred in addressing the lawsuit by Senator Reinbold.

Conner Thomas entertained discussion of the motion. There was no discussion. Conner Thomas directed Jerry Anderson to conduct a roll call vote.

**Roll Call vote**

Joyce Anderson  
Lee Holmes  
Jerry McBeath  
Senator David Wilson  
Senator Elvi Gray-Jackson  
Representative Chris Tuck  
Representative DeLena Johnson  
Conner Thomas

Jerry Anderson noted that Skip Cook was temporarily unavailable.

With a vote of 8-0, the contract with amended amount was approved.

**b. Investigator**

Conner Thomas stated the next contract was for the investigator and he asked Jerry Anderson to speak to that contract.

Jerry Anderson said the committee has a contract with Investigator Monique Rapuzzi for \$7,500 at an hourly rate of \$115/hour, which had been previously approved by email by committee members. He asked for formal ratification and approval of the contract, with an additional \$5,000, totaling \$12,500.

Conner Thomas entertained questions.

Senator David Wilson said the committee should put on record why the additional amount was needed.

Jerry Anderson said that there are two House complaints, in which the subjects had waived confidentiality. Investigation of the complaints was taking additional time due to lack of cooperation and the original amount approved would be exhausted

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before the investigation would be complete. The additional funds are intended for use in completing the scope of investigation.

Senator David Wilson said that he hopes they take seriously their oaths of office and get back to the committee in a timely manner.

Lee Holmes asked for clarification that the representatives under discussion are Representative David Eastman and Representative Christopher Kurka.

Representative Chris Tuck noted that there were no inefficiencies on the part of the Ethics Committee or the investigator. It is the result of lack of cooperation with the investigator, which unfortunately means using more state resources including the potential need for subpoenas.

Senator David Wilson moved to approve the \$12,500 investigator contract.

Conner Thomas entertained additional discussion. Seeing none, he directed Jerry Anderson to conduct a roll call vote.

**Roll Call vote**

Lee Holmes  
Jerry McBeath  
Senator David Wilson  
Senator Elvi Gray-Jackson  
Representative Chris Tuck  
Representative DeLena Johnson Y  
Skip Cook  
Conner Thomas  
Joyce Anderson

The motion was approved 9-0.

[11:31:37 AM](#)

**11. CHAIR/STAFF REPORT (+)**

a. 2022 COGEL meeting

Conner Thomas asked Jerry Anderson to speak about the COGEL conference.

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Jerry Anderson reported that there was interest from five members to attend the conference in Montreal. Jerry Anderson said that further discussion was intended about the number of people attending, given the budget, and the amount of money for additional expenditures that were just approved.

Joyce Anderson said that although she originally stated that she was interested in attending the COGEL conference, she more recently had reconsidered and would not attend.

Jerry Anderson reported that the remaining four people interested were Public Members Deb Fancher, Skip Cook, Conner Thomas, and Administrator Jerry Anderson.

Skip Cook offered that if money were a problem, he would bow out of the conference.

Jerry Anderson offered further discussion about the conference at a later time. He said early registration offers savings of \$100 per person and that he was ready to start the registration process.

Senator Elvi Gray-Jackson asked what was the COGEL conference.

Jerry Anderson responded that it was an annual conference for COGEL members in Canada and the U.S. The conference focuses on government ethics matters

Senator Elvi Gray-Jackson said that she thinks it is important for members of the committee to attend continuing education and was pleased there were four potential attendees.

Jerry McBeath said he had not heard about the COGEL conference but would like to learn more because he might be interested in attending.

Conner Thomas directed Jerry Anderson to provide the information to Jerry McBeath.

Joyce Anderson offered that COGEL is an acronym for Council on Governmental Ethics Laws.

Conner Thomas entertained other comments about COGEL.



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Jerry Anderson asked if he could speak to one additional piece of information.

Conner Thomas agreed that he could.

Jerry Anderson brought to the committee's attention to the Legislative Council Social Media Policy in light of the social media policy decision the committee had made.

Joyce Anderson commented that one of the findings in the decision had been a recommendation that Legislative Council update its social media policy.

Representative Chris Tuck noted the policy is advisory; it is not enforceable. The social media policy is based on guidelines from national organizations such as the National Council on State Legislatures. The update was needed to insulate the legislature from the social media behavior of individual legislators.

a. 2023 Ethics training

Joyce Anderson noted there was another item listed on the agenda under the Chair/staff report. She asked if the Jerry Anderson was going to address that.

Conner Thomas apologized for missing that item.

Jerry Anderson reported that two staff from the National Council on State Legislatures will come to Alaska and do portions of the training related to Sexual Harassment and Other Forms of Discrimination and to Civility and Ethics. The trainers' schedules were very limited so Jerry Anderson suggested the committee look at two dates for their own training: December 15 for a new legislator training in Anchorage, and one training in Juneau during the first week of session in January, hopefully in conjunction with a committee meeting.

Senator David Wilson asked if the training in December would be available for streaming.

Jerry Anderson replied that the December training is an in-person training.

Senator Elvi Gray-Jackson confirmed she correctly heard the date of the December training.

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Jerry Anderson replied that the training was intended for new legislators only.

Senator Elvi Gray-Jackson asked about staff attendance at the training.

Jerry Anderson responded that staff training was in January.

Senator David Wilson confirmed that current legislators would get training in January.

Conner Thomas entertained other training discussion.

Lee Holmes asked if committee members would be able to stream the January training.

Jerry Anderson replied that the hope was that the committee training would be in conjunction with an in person committee meeting but that yes, streaming the training, while not optimal, would be an option.

Jerry Anderson added that the January date has not yet been approved by leadership.

Conner Thomas entertained other discussion or other business.

## **12. OTHER BUSINESS**

There was no other business.

## **13. ADJOURN**

Lee Holmes moved to adjourn the meeting.

There were no objections. Conner Thomas adjourned the meeting.

[11:41:30 AM](#)

**ADJOURN:**

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ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
JANUARY 19, 2023  
2:00 PM

**FULL COMMITTEE**

**DRAFT**

[2:05:34 PM](#)

**1. CALL THE MEETING TO ORDER**

Skip Cook called the meeting to order and welcomed committee members and guests.

Skip Cook announced that Gerald McBeath had been selected by Supreme Court Justice Winfree to fill the public member position formerly held by Lee Holmes. He added that the committee was waiting for another letter from the Supreme Court Justice about another position.

Skip Cook directed Jerry Anderson to take roll.

**Roll call**

Senator Gary Stevens  
Senator Loki Tobin  
Skip Cook  
Conner Thomas (telephonic)  
Joyce Anderson  
Deb Fancher  
Jerry McBeath

Quorum present with two senators and five public members.

Skip Cook asked if anyone other than Conner Thomas was on the phone. There was no response.

Skip Cook announced that Jacqui Yeagle and Jerry Anderson were also in attendance in the room.

Skip Cook reminded everyone to identify themselves before speaking. He added that the meeting was expected to last about 45 minutes.

*Draft minutes are not the official record of committee proceedings and are for informational purposes only (ROP Sec 7(d)).*

**Others present**

Doug Gardner

[2:07:51 PM](#)

**2. APPROVAL OF AGENDA**

Skip Cook entertained a motion to approve the agenda.

Motion made by Deb Fancher

No objection. The agenda was approved.

**3. APPROVAL OF MINUTES**

**a. House Subcommittee October 13, 2022**

Skip Cook entertained a motion to approve the minutes of the [October 13, 2022, House Subcommittee] meeting.

Deb Fancher so moved.

Skip Cook entertained objections. There were no objections. The minutes were approved.

**b. House Subcommittee November 18, 2022**

Skip Cook entertained a motion to approve the minutes of the [November 18, 2022, House Subcommittee] meeting.

Joyce Anderson so moved.

Skip Cook entertained objections. There were no objections. The minutes were approved.

[2:09:11 PM](#)

**4. PUBLIC COMMENT**

Skip Cook inquired whether there was public comment. There was no public comment.

[2:09:29 PM](#)

**5. ELECTION OF COMMITTEE CHAIRS FOR 2023-2024**

***Draft minutes are not the official record of committee proceedings and are for informational purposes only (ROP Sec 7(d)).***

Skip Cook announced the committee would elect only officers of the Senate Subcommittee because the House had not yet appointed its members.

Skip Cook opened nominations for the Senate Subcommittee chair position.

Conner Thomas nominated Skip Cook to chair the Senate Subcommittee. Skip Cook entertained additional nominations. Hearing none, Skip Cook directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Deb Fancher	Y
Jerry McBeath	Y
Conner Thomas	Y
Skip Cook	Y
Joyce Anderson	Y
Senator Gary Stevens	Y
Senator Loki Tobin	Y

The Ethics Committee members elected Skip Cook to chair the Senate Subcommittee by a vote of 7-0.

Skip Cook entertained nominations for the Senate Subcommittee Vice-Chair position.

Deb Fancher nominated Conner Thomas. Skip Cook entertained other nominations. There were no other nominations. Skip Cook directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Senator Loki Tobin	Y
Deb Fancher	Y
Jerry McBeath	Y
Conner Thomas	Y
Skip Cook	Y
Joyce Anderson	Y
Senator Gary Stevens	Y

By a vote of 7-0, Ethics Committee members elected Conner Thomas Vice-Chair of the Senate Subcommittee.

Joyce Anderson noted that the chair of the Senate Subcommittee shall chair the full committee in odd number

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years beginning the first day of the legislative session. The House Subcommittee Chair, when elected, would chair the full committee in even number years beginning the first day of the regular legislative session.

Skip Cook thanked Joyce Anderson for her comment.

[2:12:53 PM](#)

**6. CHAIR/STAFF REPORT**

**a. Management Log Review**

Skip Cook directed Jerry Anderson to the next agenda item.

Jerry Anderson directed the committee members to the management log. He said the [log] contained informal advice that did not pertain to routine matters. He entertained questions about the report from the committee.

Joyce Anderson cited a couple of typos. The first typo, in the first question under the Campaign Related subheading, the first line should be edited to say, "letter of intent." The second typo, in the second sentence of the question, the word campaign was misspelled.

Jerry McBeath asked for more information about the question on the second page of the staff report, "May I sell tickets for a fundraiser in the Capitol?" The answer says you may sell tickets for a recognized, nonpolitical charitable organization under AS 24.60.030(a)(2)(I). He asked how it was determined whether an organization is a recognized, nonpolitical charitable organization.

Jerry Anderson said informal advice from the administrator does not extend to determining whether an organization is a recognized, nonpolitical charitable organization. A legislator or legislative employee would have to research an organization to determine whether fundraising in the Capitol would be allowed under that statute section.

Jerry McBeath reported the statute section does not list recognized, nonpolitical charitable organizations.

Jerry Anderson confirmed there was no list.

Jerry McBeath confirmed it was a judgement call.

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Jerry Anderson indicated that as many things are, that was the case.

Skip Cook asked if there were other comments on the topic.

Senator Löki Tobin stated that there is a 501(c)(3) status with the IRS that outlines a recognized, nonprofit – they cannot engage in political action more than 25% of the time. Over 25%, the organization is considered a political organization and are no longer recognized as a charitable organization.

Jerry McBeath replied that was federal code and they were looking at Alaska statutes.

Senator Löki Tobin agreed and said she would be curious if that definition [might also be true in Alaska].

Jerry McBeath lamented the lack of clarity because there are thousands of charitable, nonpolitical organizations.

Senator Löki Tobin agreed and noted there are 7,000.

Skip Cook directed Jerry Anderson to move on.

Jerry Anderson asked if there were other questions about the management log. There was none.

**c. Ethics Disclosures**

Jerry Anderson directed the committee to a discussion of the ethics disclosures filed in 2022 and the comparison between disclosures filed between 2019 and 2022.

Jerry Anderson pointed out the differences in the number of disclosures filed over that time period. Covid may have contributed to the drop in numbers. He noted in particular the decrease in the number of gifts of travel disclosures, especially in 2020 and 2021 but he pointed out that even in 2022 there were roughly half as many as in 2019.

Jerry Anderson said he is more puzzled by the number of board disclosures. The list shows a decrease in the number of disclosures from 2021 to 2022. Ethics staff emphasizes in newsletters that board memberships disclosures are required during and between sessions, the only exception

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being if the position is read across the floor. If the difference in the number of disclosures can be attributed to the exception, that would be understandable.

Jerry Anderson said that in [AO 13-02] the committee focused on what constitutes a board and who is considered a board member. Staff will continue to emphasize disclosure reporting in newsletters.

Jerry Anderson asked for input from the committee.

Senator Gary Stevens said he did not think [the drop in numbers] was shocking given Covid. People didn't want to go into public meetings. It might be interesting to see if that changes this year. He himself did not participate as much as before Covid.

Deb Fancher asked Jerry Anderson to explain the term "read across the floor."

Jerry Anderson said that term applies to, for example, if Senator Gary Stevens appoints a representative from the legislature to a committee. In that case, that board membership need not be disclosed.

Jerry McBeath said that he had originally understood the term board of directors from a business perspective. But the committee definition includes nonconventional positions such as treasurer or elder of a church. A number of examples would help in increasing the board membership disclosures.

Jerry Anderson replied that there is a list of examples in training materials.

Senator Löki Tobin echoed Senator Gary Stevens. She said that in 2019, she participated in six organizations; in 2022, she participated in two organizations. She is currently the board development chair of one of the organizations, and they struggle to recruit. People are tired, burnt out, and overwhelmed. She thinks there is a shift in the service sector, similar to the great resignation in the business sector.

Jerry Anderson thanked Senator Löki Tobin and commented that it may be activity fatigue.



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Joyce Anderson gave an example to Deb Fancher of the type of board disclosure that would be read across the floor: an appointment to an NCSL committee.

**b. Public Member Committee Appointment Update**

Not taken up by committee

**c. Publications**

- i. 2022 Public Decisions Booklet - AS  
24.60.150(a)(3)
- ii. 2022 Advisory Opinion Booklet - AS  
24.60.150(a)(2)
- iii. 2023 Standards of Conduct Handbook

Jerry Anderson directed the committee's attention to the Public Decisions and Advisory Opinions booklets. There was only one public decision and one advisory opinion published in 2022. In accordance with the statute and the committee rules of procedure, the booklets were distributed to all legislators and to the public members as well.

Jerry Anderson remarked that in addition each of the committee members were given a copy of the 2023 Standards of Conduct Handbook. In accordance with committee discussion, a printed copy of the handbook was distributed to every legislative office; it is also posted on the ethics website. Paper copies are available if requested.

[2:28:27 PM](#)

**7. 2021 ETHICS TRAINING**

Jerry Anderson reported there were no numbers yet to share. New legislators had training in December. The in person attendance was impacted by the amount of snow. Deb Fancher attended that training also. Jerry Anderson asked Deb Fancher if she had any comments about the training.

Deb Fancher said she did not think that Jerry Anderson had enough time to cover all the good questions that were asked. Other than that, she thought the training was excellent.

Jerry Anderson said he had a full three hours at the December training, unlike the shorter training with returning legislators. There were limited opportunities to

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take advantage of in person training by NCSL trainers. The NCSL training was recorded to allow those unable to attend in person on the training days to have the opportunity to view the NCSL training.

Jerry Anderson noted that he appreciated Senator Gary Stevens working with the ethics office to coordinate training with other legislator activities.

Senator Gary Stevens applauded Jerry Anderson for the day's excellent presentation. He thinks it was just about the right amount of time for returning legislator training and he would be concerned if it lasted longer.

Skip Cook complimented Jerry Anderson on effectively using his limited amount of time in training.

[2:31:59 PM](#)

**8. BUDGET**

Skip Cook moved to discussion of the budget and directed Jerry Anderson to speak.

a. FY23 Budget Summary

Jerry Anderson said that the budget was current as of January 9. The need for extra money appears to have faded, and the remaining funds in the budget are sufficient for the rest of the fiscal year. He entertained questions by the committee.

b. FY24 Budget Request Detail

Jerry Anderson directed the committee to the FY 2024 budget request. He said there is always a 4.9% vacancy rate included; something that does not happen often in a two-person office.

Joyce Anderson asked Jerry Anderson to confirm that he believes the budget is sufficient.

Jerry Anderson confirmed that the budget appears sufficient.

[2:34:21 PM](#)

**9. CONTRACT REPORT**

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Skip Cook directed the committee to a discussion of outside contracts.

Jerry Anderson said the committee had approved a \$15,000 contract with Kevin Fitzgerald for outside counsel. However, it seems the \$15,000 is no longer needed; only minimal expense, about \$2,000, will be encumbered.

Jerry Anderson said modification will be needed to extend the contract with Brent Cole, the attorney handling the lawsuit filed against the committee by former Senator Lora Reinbold, which while ongoing, may be dismissed shortly by the judge.

Conner Thomas asked if there was a motion for dismissal pending before the judge.

Jerry Anderson replied that was the case.

Conner Thomas asked Jerry Anderson to confirm that as far as he knows, the motion work is done.

Jerry Anderson answered yes and he believes it is in the hands of the court to act on it.

Senator Löki Tobin asked for a brief at ease.

Skip Cook entertained objections from the committee to rollback to public comment to allow Representative Sara Hannan to address the committee. There were no objections.

Representative Sara Hannan thanked the committee for the opportunity to speak. She commented on her observations of the investigation done on a House ethics complaint. She said she wished she had asked more questions about the process the investigator used to contact people in the investigation.

Representative Sara Hannan believes the committee was led to believe that people were noncompliant and nonresponsive to the investigator. Her understanding was that no one returned repeated phone calls placed to offices in the Capitol outside of legislative sessions. No attempts to reach the people in writing or using alternative phone numbers were attempted. The result was several months delay, which in turn cost money and time and a request for additional funding, which she herself supported and advocated. She feels frustrated that much of that could have been truncated had the investigator used alternative methods to

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reach the people involved. It is her understanding that when those same people received written communication, they responded immediately.

Representative Sara Hannan said she is happy to hear that the additional money is no longer needed but the delay in the process was unnecessary.

Joyce Anderson asked if the phone number the investigator called was a legislative phone number.

Representative Sara Hannan replied yes but it was outside of session.

Joyce Anderson asked if calls made to the Capitol phone number are automatically forwarded to legislative office outside of the Capitol.

Representative Sara Hannan replied not automatically - it is up to each office to forward the phone calls. She does not know why the staff did not forward the calls, but it is not a requirement. Many legislators have a district office with a different phone number. All of the numbers are published on the same site. It is her understanding that the investigator only called the phone numbers in the Capitol.

Joyce Anderson said she had always been under the impression that calls were always forwarded and she was glad that Representative Sara Hannan had clarified that.

Skip Cook thanked Representative Sara Hannan for her comments.

## **10. OTHER BUSINESS**

Skip Cook said that he would comment on the COGEL conference in December. He said that he and Conner Thomas were the only attendees from the committee. He invited Conner Thomas to comment about the conference.

Conner Thomas said he thought it was a great conference. There were a couple of things that were particularly relevant to the committee's situation. One related to updating the status and projected timelines of public complaints on websites. A second topic addressed the issue of prohibitions against using Zoom for certain kinds of meetings. Massachusetts developed a process using best practices to avoid confidential information becoming

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public. He added he did not know the level of interest the committee may have in pursuing [a similar process] but given the difficulties of convening a meeting, it would be worth considering. And lastly, there was talk about using a variety of social media to keep people engaged with ethics training.

Skip Cook said that COGEL attendees are primarily from North America but occasionally there are attendees from other countries. The organization is the Council on [Governmental] Ethics Laws; which includes states, counties, cities, and other governmental organizations. The Ethics Committee is unique in that the committee has both legislators and public members. It is unique in that the committee only deals with legislative matters. Many others deal with both legislative and executive ethics. He expressed his opinion that Alaska has the best composition of committee members.

Skip Cook said he brought the Massachusetts Ethics Commission Guidelines for Remote Adjudicatory Proceedings to Jerry Anderson for distribution to the committee. Scheduling difficulties have arisen in the past because of the requirement that final adjudications be in person. He thinks the committee prefers to meet in person but it may be impossible and there is no option.

Skip Cook added that next year's conference will be in Kansas City.

Joyce Anderson said that legislators on the committee are also welcome to attend the COGEL conference.

Senator Gary Stevens asked when the conference occurs.

Joyce Anderson replied the conferences were in December, usually the first week.

[2:51:41 PM](#)

**11. ADJOURN**

Skip Cook entertained a motion to adjourn.

Deb Fancher so moved.

There were no objections. The meeting was adjourned.

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[2:51:54 PM](#)

ADJOURN:

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ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
JANUARY 19, 2023  
3:00 PM

**SENATE SUBCOMMITTEE MEETING**

**DRAFT**

[3:01:45 PM](#)

**1. CALL THE MEETING TO ORDER**

Skip Cook called the Select Committee on Legislative Ethics Senate Subcommittee meeting to order at 3:01 p.m. He directed Jerry Anderson to take roll.

**Roll call**

Senator Gary Stevens  
Senator Loki Tobin  
Skip Cook  
Conner Thomas (telephonic)  
Joyce Anderson  
Deb Fancher  
Jerry McBeath

All members present to conduct committee business.

Skip Cook inquired as to whether there was anyone other than Conner Thomas online. There was no response.

Skip Cook reminded committee members to identify themselves before speaking for the benefit of the record and for those online.

Skip Cook announced that it was expected that the meeting would last less than one hour, including an executive session.

[3:03:02 PM](#)

**2. APPROVAL OF AGENDA**

Skip Cook entertained a motion to approve the meeting agenda.

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Deb Fancher so moved.

Skip Cook entertained objections. There were no objections.  
The agenda was approved.

[3:03:42 PM](#)

**3. PUBLIC COMMENT**

Skip Cook entertained public comment. There was no public comment.

[3:04:12 PM](#)

Skip Cook directed the committee to the next item on the agenda: executive session.

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

Skip Cook entertained a motion to move into executive session.

Jerry McBeath so moved.

Skip Cook entertained objections. There were no objections.

**5. EXECUTIVE SESSION**

[4:07:37 PM](#)

**6. PUBLIC SESSION**

**7. OTHER BUSINESS**

Skip Cook asked if there was any other business.

**8. ADJOURN**

Hearing no other business, Skip Cook entertained a motion to adjourn the meeting.



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Joyce Anderson so moved.

Skip Cook entertained objections. There were no objections.

The meeting adjourned.

[4:08:25 PM](#)

ADJOURN:

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

MARCH 9, 2023

11:00 AM

**FULL COMMITTEE**

**DRAFT**

[11:08:43 AM](#)

**1. CALL THE MEETING TO ORDER:**

Skip Cook called the meeting of the full Ethics Committee to order at 11:10 a.m., and he directed Jerry Anderson to conduct roll.

**Roll Call**

Senator David Wilson, Alt for Senator Stevens (telephonic)  
Senator Löki Tobin (telephonic)  
Representative DeLena Johnson (telephonic)  
Representative Sara Hannan (telephonic)  
Skip Cook  
Conner Thomas (telephonic)  
Joyce Anderson (telephonic)  
Deb Fancher  
Jerry McBeath (telephonic)

All present.

Skip Cook asked if anyone was online telephonically.

Noah Klein announced that he was online.

Kenneth Kirk, counsel for Representative David Eastman announced that he was online.

Representative David Eastman announced his presence online.

Others present.

Jerry Anderson  
Jacqui Yeagle

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Skip asked that committee members and others identify themselves before speaking for the benefit of other attendees and the audience.

Skip Cook stated that he expected the full committee meeting to last about 90 minutes.

[11:10:57 AM](#)

**2. APPROVAL OF AGENDA**

Skip Cook directed the committee's attention to the agenda and entertained a motion for approval.

Motion made by: Deb Fancher

There were no objections.

The agenda was approved.

[11:11:57 AM](#)

**3. PUBLIC COMMENT**

Skip Cook invited public comment.

Antonia Leonard said that she had recently moved to the Eagle River area and was new to the legislative process. She acknowledged she was not sure of the purpose of the Ethics Committee meeting. She asked if the committee could speak to the ramifications of not following the Constitution.

Skip Cook replied that the committee could not speak to that question at this time.

Skip Cook moved to the next item on the agenda.

[11:14:10 AM](#)

**4. ELECTION OF COMMITTEE CHAIRS FOR 2023-2024**

Skip Cook opened nominations for House Subcommittee Chair and Vice-Chair positions.

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Conner Thomas nominated Joyce Anderson to chair the House Subcommittee.

Skip Cook asked if there were other nominations for the position. Hearing no other nominations, Skip Cook directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Skip Cook  
Conner Thomas  
Joyce Anderson  
Deb Fancher  
Jerry McBeath  
Representative DeLena Johnson  
Representative Sara Hannan

The vote was 7-0 in favor of Joyce Anderson chairing the House Subcommittee.

Skip Cook opened nominations for Vice Chair of the House Subcommittee.

Conner Thomas nominated Deb Fancher.

Skip Cook asked if there were other nominations for the Vice Chair position. Hearing no other nominations, Skip Cook directed Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Conner Thomas  
Joyce Anderson  
Deb Fancher  
Jerry McBeath  
Skip Cook  
Representative Sara Hannan  
Representative DeLena Johnson

The vote was 7-0 in favor of Deb Fancher serving as Vice-Chair of the House Subcommittee.

[11:16:36 AM](#)

Skip Cook directed the committee to the next item on the agenda: executive session.

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

Skip Cook entertained a motion to move into executive session.

Deb Fancher so moved.

There were no objections.

Skip Cook announced a short recess while preparations for executive session were complete.

[11:17:31 AM](#)

## **6. EXECUTIVE SESSION**

[1:07:19 PM](#)

## **7. PUBLIC SESSION**

Skip Cook announced that the committee was prepared to act on Advisory Opinion AO 23-01.

Jerry Anderson read from a brief summary of the advisory opinion:

The "immediate family" exception in AS 24.60.080(c)(5) does not allow a gift worth \$250 or more from the spouse of the legislator's sibling.

The "legal services" exception in AS 24.60.080(c)(8) does not include the purchase of future legal services, or a third party contracting to provide a legislator future legal services for a legislator or legislative employee for legal expenses on matters of legislative concern.

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A gift of legal services may simultaneously be related to a legislator's legislative status and offered for a matter that is not of legislative concern.

The capacity in which a legislator is sued is not determinative of whether a gift related to that lawsuit is connected to the legislator's legislative status.

A specific matter may be a matter of legislative concern under the Ethics Act, despite an express decision by Legislative Council not to intervene in the matter.

A matter addressing the responsibilities and proper role of the houses of the Legislature to judge the "election and qualification" of their members under art. II, sec. 12 of the Alaska Constitution is a matter of legislative concern.

The result in a specific matter does not determine whether the matter is a matter of legislative concern.

The exception in AS 24.60.080(a)(8) does not apply to a legislator accepting cash gifts to cover the cost of legal action both while a matter of legislative concern is proceeding and after conclusion of the matter.

Skip Cook entertained a motion to concur with the draft advisory opinion as amended.

Representative Sara Hannan so moved.

Skip Cook entertained objections. Hearing no objections, Skip Cook asked Jerry Anderson to conduct a roll call vote.

**Roll call vote**

Skip Cook  
Conner Thomas  
Joyce Anderson  
Deb Fancher  
Jerry McBeath  
Senator David Wilson  
Senator Löki Tobin  
Representative Sara Hannan

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By a vote of 8-0, the committee adopted and concurred with Advisory Opinion AO 23-01.

**8. OTHER BUSINESS**

Skip Cook entertained other business.

**9. ADJOURN**

Hearing no other business, Skip Cook entertained a motion to adjourn the meeting.

Deb Fancher so moved.

Skip Cook entertained objections. There were no objections. The meeting adjourned.

[1:11:18 PM](#)

ADJOURN:

**ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
JUNE 12, 2023  
10:00 AM**

**HOUSE SUBCOMMITTEE MEETING**

**DRAFT**

[10:00:48 AM](#)

**1. CALL THE MEETING TO ORDER**

Joyce Anderson called the meeting of the House Subcommittee to order at 10:02 AM and welcomed committee members and guests.

Joyce Anderson directed Jerry Anderson to take roll.

Representative DeLena Johnson (telephonic)  
Representative Sara Hannan (telephonic)  
Skip Cook  
Conner Thomas (telephonic)  
Joyce Anderson  
Deb Fancher

Jerry McBeath (telephonic) arrived after roll call.

Quorum present to conduct House Subcommittee business.

Joyce Anderson asked Jacqui Yeagle if there was anyone else telephonically in the meeting. Jacqui Yeagle responded that Representative Mike Prax was telephonically in attendance.

Joyce Anderson introduced Ethics Committee staff Jerry Anderson and Jacqui Yeagle.

Joyce Anderson asked committee members and guests to identify themselves when speaking for the benefit of individuals in the audience.

[10:03:04 AM](#)

**2. APPROVAL OF AGENDA**



Joyce Anderson reported she expected the House Subcommittee meeting to last less than one hour, consisting of a brief introduction to complaints filed with the Ethics Committee and followed by executive session. She entertained a motion to approve the agenda.

Motion made by Deb Fancher. There were no objections. The agenda was approved.

[10:03:32 AM](#)

### **3. PUBLIC COMMENT**

Joyce Anderson entertained public comment. There was no public comment.

[10:04:00 AM](#)

### **4. INTRODUCTION OF COMPLAINTS H 23-01 AND H 23-02**

Joyce Anderson stated that the House Subcommittee would consider two complaints, both at the preliminary examination stage, which means that an investigation has not been completed regarding the allegations. The subcommittee will only be considering the question of: If the allegations in the complaint are true, would it be a violation under the Legislative Ethics Act? The subcommittee would then either dismiss the complaint or adopt a scope of investigation for each of the complaints.

Jerry Anderson said there was a waiver of confidentiality on the two complaints.

Joyce Anderson thanked Jerry Anderson and continued, saying that Complaint H 23-01, which was filed May 10, 2023, alleges that Rep. David Eastman violated AS 24.60.030 by using state resources for the private benefit of another person. Complaint H 23-02, filed May 10, 2023, alleges that Rep. David Eastman violated AS 24.60.031 by soliciting campaign funds during the 2023 Legislative session by using campaign committee name "Freedom-Loving Alaskans for David Eastman" and DavidLegal.org.

[10:06:04 AM](#)

### **5. MOTION TO GO INTO EXECUTIVE SESSION into Executive Session**

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

Deb Fancher so moved. There were no objections.

Joyce Anderson asked if there were objections to Ethics Committee staff Jerry Anderson and Jacqui Yeagle staying in the room for executive session.

There were no objections.

Joyce Anderson said public session would resume after executive session.

## **6. EXECUTIVE SESSION**

[10:54:14 AM](#)

## **7. PUBLIC SESSION**

Joyce Anderson announced the House Subcommittee had determined in executive session to investigate complaints H 23-01 and H 23-02.

## **8. OTHER BUSINESS**

Joyce Anderson entertained other business for the subcommittee.

Jerry McBeath asked if the investigations would require additional financial resources.

Joyce Anderson responded that the Ethics Committee already has a contract with the investigator and the money to cover the contract.

Joyce Anderson entertained other business before the committee. There was no other business.

## **9. ADJOURN**

Joyce Anderson entertained a motion to adjourn the meeting.

Jerry McBeath so moved. There was no objection. The meeting adjourned at 10:58 AM.

[10:57:21 AM](#)

**ADJOURN:**

DRAFT

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**ALASKA STATE LEGISLATURE**  
**SELECT COMMITTEE ON LEGISLATIVE ETHICS**  
JULY 14, 2023  
10:00 AM

**FULL COMMITTEE**

**DRAFT**

[10:05:26 AM](#)

**1. CALL THE MEETING TO ORDER**

Skip Cook welcomed everyone and called the meeting of the Ethics Committee to order at 10:04 AM. He asked Jacqui Yeagle to take roll.

**Roll Call**

Senator Gary Stevens (telephonic)  
Senator Loki Tobin  
Representative DeLena Johnson (telephonic)  
Representative Sara Hannan (telephonic)  
Deborah Fancher (telephonic)  
Gerald McBeath (telephonic)  
H. Conner Thomas (telephonic)  
Dennis "Skip" Cook (telephonic)  
Joyce M. Anderson

Quorum present.

Skip Cook asked if there was anyone else in attendance telephonically. There was no response.

Skip Cook asked committee members and others who speak to identify themselves for the benefit of others.

Skip Cook said he expected the committee meeting to last no more than one hour.

[10:08:00 AM](#)

**2. APPROVAL OF AGENDA**

Skip Cook entertained a motion to approve the agenda. Motion made by Joyce Anderson. There were no objections.

[10:08:10 AM](#)

### **3. PUBLIC COMMENT**

Skip Cook entertained public comment. There was no public comment.

[10:08:16 AM](#)

### **4. HIRING PROCESS FOR ETHICS COMMITTEE ADMINISTRATOR POSITION**

Skip Cook offered his condolences to the family of Jerry Anderson and he invited everyone to attend a reception in his honor following the meeting.

Skip Cook said that Jerry Anderson's death was unexpected though it was known that he was in considerable discomfort with back pain. He had back surgery out of state in mid-June and returned after a short period of recuperation. Because Jerry Anderson had not fully recuperated, home health care was arranged, but upon arrival on July 4, it was found that Jerry had died.

Skip Cook thanked Jacqui Yeagle for her assistance to Jerry Anderson and to the committee.

Skip Cook also thanked Joyce Anderson for her assistance in the committee office and in arranging for the committee meeting.

Skip Cook said that along with the agenda, committee members had received a copy of a suggested hiring process for a new administrator. The suggestions are based on past hiring practices. The committee is fortunate to have Joyce Anderson involved due to her experience in both being the administrator and in having been involved in the hiring process.

Skip Cook addressed a concern of Senator Gary Stevens that the proposed hiring process does not include a legislator on the hiring subcommittee. He said that traditionally there has not been a legislator on that subcommittee for two reasons. The committee is nonpartisan in its overall makeup and if one legislator representing one political

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party is on the subcommittee it may appear the subcommittee is partisan. Another reason is a concern about the amount of time legislators have available to serve on the subcommittee.

Skip Cook invited Conner Thomas to speak to concerns he had about the hiring process.

Conner Thomas said the job description overall was fine, but he had comments to make about it. He said he did not understand the difference between the general and functional sections of the job description. He thinks the informal advice function of the position should be listed at the top of the job description because that is one of the most important things the administrator would do.

Also, Conner Thomas does not understand why a bachelor's degree, preferably in a business related discipline, is preferred. He does not see the position as business related. He also wondered if requiring Alaska residency would limit the committee in its hiring decisions.

Conner Thomas also commented on where the job would be advertised. He wondered why the committee would not use COGEL, for example, in addition to local advertising venues. He also expressed his opinion that the full committee should be a bit more involved in or be kept more informed during the hiring process. He said the last time the committee hired an administrator the rest of the committee was unaware of the proceedings until the very end of the process.

18:39

Skip Cook agreed with Conner Thomas that the full committee should be more involved in the hiring process. He asked Joyce Anderson how many people applied last time there was need to hire an administrator.

Joyce Anderson said there had been 29 applicants total, 14 were eliminated for not meeting the job or application requirements.

Skip Cook expressed concern that there may be fewer applicants this time but there would still be a lot of work

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in reviewing and evaluating applications. He suggested that the hiring subcommittee circulate the top three applications to the full committee and to convene a meeting to discuss the top candidates before the interview process, then invite the full committee to participate in the interview process. Skip Cook entertained comments to his suggestion.

Jerry McBeath said that he concurred with the comments made by Conner Thomas about the preference for a business degree. He suggested the preference should be for a liberal arts degree to better respond to the need for administrator flexibility. Secondly, he expressed his thoughts that the larger the subcommittee gets, the more time the process will require.

Skip Cook referred to the Alaska resident requirement. He noted that Joyce had been hired out of Minneapolis. Certainly, he said, the administrator should intend to be in Alaska to serve.

Deb Fancher asked if Alaska residency could be prioritized because an Alaska resident brings history and there is a lot of historical information needed to do the job. For example, if a question comes up about the Alaska Permanent Fund or the Alaska Native Claims Settlement Act, knowledge of Alaska history would be valuable. While recognizing that recruitment might be more challenging at this time, she would still recommend a preference for an Alaska resident with roots and history here.

Skip Cook agreed with Deb Fancher and he wondered if a requirement for Alaska residency was permitted.

Deb Fancher asked if the committee could start the process with the requirement and see the response before opening the position up to a larger pool.

Joyce Anderson reminded the committee that Cynthia Ireland from Personnel was on the phone and available to answer questions. She noted that she had a question as well about the Alaska residency requirement and she asked Cynthia to speak to the residency question. She also mentioned to Skip Cook that she was an Alaska resident when she was hired, though she had moved here from Minneapolis. She also pointed out that Senator Löki Tobin had a comment to make.

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24:51

Skip Cook recommended the committee removed the Alaska residency requirement and to see what response is gotten.

Senator Gary Stevens agreed, saying it is not an important issue to him. He thought the issues Conner Thomas brought forward about more legal experience rather than business and more committee involvement in the hiring process were more crucial.

Skip Cook directed the committee to first finish the conversation about the Alaska residency requirement. He asked Cynthia Ireland to comment.

Cynthia Ireland said that traditionally state of Alaska job recruitments are open to Alaska residents first, then opened more broadly. However, that is not a requirement. The administrator position is not one in which a lot of people can just step into, and as recruitment is getting more complicated, the committee can choose to make residency a preference but not a requirement. She also mentioned that Personnel is seeing a lot of spam job listing responses.

Skip Cook asked if the spam responses were received when there was an Alaska residency requirement.

Cynthia Ireland replied that they get spam responses on any of the job postings. She added that they also get a lot of response from out of state that do not meet the minimum qualifications.

Skip Cook asked Cynthia if the job description says that preference will be given to Alaska residents, would that sort it out a bit?

Cynthia Ireland replied that if plenty of qualified Alaska residents responded, they would have preference over equally qualified applicants from other states.

Skip Cook said he could see both sides of the question. If residency is an absolute requirement and didn't get much response, then there might be a need to advertise again to open it up to others. He stated his choice would be to include an Alaska residency preference but not requirement.



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28:50

Skip Cook said that Conner Thomas has suggested posting the job description with COGEL, Council on [Governmental] Ethics Laws.

Cynthia Ireland stated she would recommend that as well.

Skip Cook continued, saying [advertising with COGEL) would tend to bring in applications from outside of Alaska but they would likely be from people who have had some government experience.

Skip Cook asked Deb Fancher her opinion of saying that preference will be given to Alaska residents.

Deb Fancher agreed that [using] preference was good. She added that she thought advertising with COGEL was appropriate if knowledge of the Alaska legislative process was prioritized over ethics experience.

Skip Cook said that Alaska residency could be considered without stating that it is an absolute requirement.

Deb Fancher added that if there are two equally qualified candidates, her preference would be the position go to a person who has made Alaska their home.

Skip Cook entertained objections to including an Alaska residency preference to the job description. There were no objections.

Skip Cook invited Senator Löki Tobin to comment.

Senator Löki Tobin commented about the reference requirement: what types of references are required, how many are required, and how would applicants submit the references. She also noted that a background check was not listed under the minimum requirements. Robust background checks are done by the State of Alaska prior to appointments to boards and commissions.

Joyce Anderson said that a background check was conducted in the last hiring process and agreed it should be included in the minimum requirements.

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Skip Cook wondered whether the required references would be added to the minimum requirements.

Cynthia Ireland said there are numerous ways to approach the reference question. One is to ask applicants to provide a list of professional references or personal references from the last few years or from your current employer in order to avoid getting old references. In regard to recruitment, applicants don't need to apply through Workplace Alaska. They can submit a resume and references instead.

Skip Cook suggested the hiring subcommittee work with Cynthia to include both references and a background check in the application requirements.

Skip Cook invited Senator Gary Stevens to share his comment.

Senator Gary Stevens said Jerry Anderson was so responsive, he had so much common sense, and he was just terrific to work with. He said that he had been on and off the Ethics Committee for 23 years, and though the public members have been great, he thinks he has seen a misunderstanding of the legislative process and a misunderstanding of what it means to be an elected legislator so legislators should be included in the hiring process, though he himself is not interested in that role. He does not see it so much as a partisanship issue, he thinks legislators are no more partisan than the public members. Including a legislator in the hiring committee would bring a perspective as an elected public official. He recommended that be the case.

36:40

Skip Cook responded, asking Senator Gary Stevens if he recommended a three-person hiring committee, with one member being a legislator.

Senator Gary Stevens agreed that was his recommendation.

Skip Cook asked Representative Sara Hannan to share her comments.

37:30

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Representative Sara Hannan advised the committee to depend on LAA Personnel for guidance in wordsmithing the job description. She expressed her concern that in addition to standard background checks, APOC and federal records be checked to ensure that applicants have not contributed or participated in campaigns. If that is what the committee wants, it should be part of the hiring process and Personnel should be relied on to guide the committee in how to do that kind of check.

Additionally, Representative Sara Hannan recommended advertising the position as widely as possible, including using social media, and she addressed her concern that the position only requires a bachelor's degree and does not require a background in law. She is curious whether Jerry Anderson was considered an attorney in the legislative pay schedule.

Skip Cook thanked Representative Sara Hannan.

Joyce Anderson pointed out that she did not have a law degree; she has a master's in Public Administration. Her background as director of elections and voter registration for the City of Minneapolis, was an apolitical job. She had experience interpreting statutes, testifying before the legislature, and so on. Jerry Anderson was not hired specifically because of his law degree, so she would not want to only consider applicants with a law degree. There are resources to consult if knowledge of the law is needed.

41:49

Skip Cook agreed it should not be a requirement. He directed discussion back to the makeup of the hiring subcommittee. He asked the legislators if any would be interested in serving on the subcommittee. Senator Gary Stevens suggested that legislators other than those on the committee may also have an interest in serving.

Joyce Anderson said she was concerned about too much partisanship if there is only one party represented on the subcommittee and asked for the opinion of others.

Skip Cook said the subcommittee could be expanded to five members - three public members and two legislators but that might be cumbersome.

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Deb Fancher said appearance matters and she understands legislators want a voice, and a subcommittee of five allows that.

Jerry McBeath agreed with Deb Fancher. Jerry Anderson stressed the importance of the appearance of impropriety on the part of the committee. There is no way to get around that individual committee members have their own political preferences. A public member/legislator split balances the subcommittee.

Skip Cook returned to the question of whether legislative members were available to serve on the subcommittee. Skip Cook commented that perhaps legislators might get involved at a later stage in the process. If subcommittee expansion is desired, legislators need to be available.

47:25

Representative DeLena Johnson said that she would be willing to serve. She agrees with the need for two [legislative] members and with Senator Gary Stevens that the legislative members do not need to be committee members. She also indicated she thinks legislators coming into the process later is ok, though she has no strong opinion about that.

Representative Sara Hannan said she has plans for a very busy fall and would not anticipate being available. She said that her concerns for the committee makeup would be met by the whole committee having a discussion before final interviews were complete. She indicated she would be happy to see Representative DeLena Johnson on the committee.

Senator Löki Tobin also said that she has a busy fall planned and does not feel confident she would be able to serve timely and efficiently.

Joyce Anderson suggested the subcommittee could identify the candidates that meet the minimum qualifications - it involves basically ruling out [candidates]. They could then bring a list of qualified candidates to the legislative members of the subcommittee.

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Skip Cook agreed that it would be a good idea - narrowing down the list of candidates and then bringing legislators into the process.

Senator Gary Stevens agreed that was a reasonable solution.

Skip Cook agreed it would work well. It also would allow legislators to consider their availability while also getting the process started. He wondered how many candidates the subcommittee would identify before legislators were involved.

Senator Gary Stevens said that should be left up to the subcommittee.

Skip Cook asked if there were objections to starting with a subcommittee of three public members soliciting, receiving, and reviewing applications and then include two legislators when interviews begin.

Skip Cook asked again if there was any objection.

Conner Thomas wondered if the full committee would be involved when the top two or three candidates were identified.

Representative DeLena Johnson advised including the two legislators after the first cut, then bringing in the full committee when the last few candidates are identified.

Skip Cook confirmed with Representative DeLena Johnson that her suggestion was to bring in two legislators when the list is narrowed down to qualified candidates, and then circulate the last few to the full committee.

Representative DeLena Johnson said she thought that sounded good.

Joyce Anderson added more about how the process was handled the last time. There were 29 applicants and 15 were qualified. The subcommittee selected 10 applicants for a phone interview, then chose the top three to five applicants for an in person interview. She suggested the legislators get involved for phone interviews and then refer the top three to five to the whole committee.

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Skip Cook said he thought that was what had been suggested. He asked if there were objections to that plan.

Joyce Anderson added that the hiring committee administered a writing test to the top three to five candidates as well. They emailed the candidates a question and directed them to return a writing sample meeting certain criteria, including an analysis and conclusion, within 30 minutes. Those were evaluated also.

Skip Cook reiterated the plan: a three member committee winnowing down the applicants to perhaps ten, then bring in the two legislators for phone interviews, and selecting the top three to five candidates for an in person interview, at which time the full committee would be included.

Skip Cook asked if there were any objections.

59:19

Jerry McBeath wondered if the subcommittee would be conducting phone interviews with the candidates or with their references, and he expressed curiosity about the hierarchy of usefulness between phone interviews with the candidates, phone interviews with their references, and the writing samples.

Skip Cook responded that phone interviews would include both the candidates and their references. He asked Joyce Anderson for confirmation.

Joyce Anderson replied that was correct.

Skip Cook asked for other comments.

Cynthia Ireland asked if the subcommittee would conduct all of the phone interviews including the reference checks.

Skip Cook replied yes, the subcommittee would conduct those interviews after narrowing down the search from the whole group of applicants to a smaller number of candidates they want to consider further. From there, the subcommittee would identify which candidates should go forward and at that time bring in the legislative members of the subcommittee for in person interviews.

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Joyce Anderson commented that the writing test is only for the top three to five candidates, not for all of the candidates with whom the committee conducts phone interviews. A writing test with all of the phone interview candidates is possible but last time only the final candidates were asked to do that.

Skip Cook said that the subcommittee could decide how they want to conduct that part of the process. Personal interviews would be before the full committee.

Skip Cook entertained further comments. There were no further comments.

Skip Cook appointed Joyce Anderson, Deb Fancher, and Jerry McBeath to the subcommittee. He himself, would act as ex officio member. He asked if there were objections to the subcommittee beginning with the three named members and appoint two legislative members further in the process.

Senator Gary Stevens thanked Skip Cook for addressing all of his concerns.

Skip Cook entertained other comments or questions.

Representative Sara Hannan asked the expected timeline for the job announcement.

Skip Cook asked Joyce Anderson to respond.

Joyce Anderson responded the job announcement should be ready the following week and based on her conversation with Personnel, the ad should run for a minimum of the 10 day but suggested it run for a month. She asked Cynthia Ireland if she had a comment about that.

Cynthia Ireland said she recommends a month of advertising for section heads, with an extension to 60 days if needed. She agreed with Joyce Anderson that the job announcement should be ready next week. She added that the subcommittee could review the job announcement prior to publication and that ideas for other places to advertise were welcome.

Skip Cook commented that 10 days is too short and 30 days is preferable.

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Deb Fancher asked if social media searches would be conducted.

Cynthia replied that Personnel generally reviews social media as part of their unofficial reference checks.

Skip Cook stated that thoroughness in screening candidates was as important a part of the process as thoroughness in reaching out.

Representative DeLena Johnson agreed a month of recruitment makes sense and she wondered if during the process, as major milestones passed, the subcommittee would update the full committee.

Skip Cook agreed to Representative DeLena Johnson's request and directed the subcommittee to keep updated the full committee.

Joyce Anderson replied that the subcommittee would provide a periodic update to the full committee.

Representative Sara Hannan stated campaign donations should also be considered in choosing candidates given the restrictions in the position, perhaps an APOC review of candidates and campaign donations, including federal donations. Representative Sara Hannan suggested advertising with national ethics organizations as well as NCSL and CSG. She also agreed that a month of advertising is the minimum needed given it is summer in Alaska.

Skip Cook agreed with Representative Sara Hannan's remarks, and he asked for motion to adjourn.

**5. PLAN OF ACTION PENDING HIRE OF COMMITTEE ADMINISTRATOR**

Joyce Anderson replied there was an additional item of business to discuss, the plan of action pending the hire of the new administrator. She and Skip Cook would provide assistance to the Ethics Office in responding to questions as needed. She asked Skip Cook if he had anything to add.

Skip Cook said the messaging from the Ethics Office would be that because the office is between administrators, complex questions will be forwarded and a response will be given as soon as possible. The administrative assistant



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will continue to work as usual and is authorized to work additional hours as needed up to 40 hours.

**6. PUBLIC SESSION**

**7. OTHER BUSINESS**

Skip Cook asked if there was other business. There was no response.

**8. ADJOURN**

Joyce Anderson moved to adjourn the meeting.

Skip Cook adjourned the meeting at 11:15 AM.

[11:15:44 AM](#)

**ADJOURN:**

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ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS  
AUGUST 10, 2023  
2:00 PM

**FULL COMMITTEE**

**DRAFT**

[2:03:22 PM](#)

**1. CALL THE MEETING TO ORDER**

Chair Skip Cook called to order the meeting of the Select Committee on Legislative Ethics at 2:04 pm.

Skip Cook directed Jacqui Yeagle to conduct roll call.

**Roll call**

Skip Cook  
Conner Thomas  
Joyce Anderson  
Deb Fancher  
Jerry McBeath  
Representative DeLena Johnson  
Representative Sara Hannan

With two legislators and five public members online, there was a quorum to conduct business.

Senator Gary Stevens announced that he was in attendance by phone.

Skip Cook asked if there were anyone other than committee members online for the meeting. There was no response.

**Others**

Jacqui Yeagle

Skip Cook asked committee members to identify themselves for the benefit of others when they speak.

**2. APPROVAL OF AGENDA (+)**

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Skip Cook said the meeting was expected to last about 30 minutes, then he entertained a motion to approve the agenda.

Jerry McBeath so moved. There were no objections. The agenda was approved.

[2:06:17 PM](#)

**3. PUBLIC COMMENT**

Skip Cook entertained public comment. There was no public comment.

[2:06:30 PM](#)

**4. PLAN OF ACTION PENDING HIRE OF COMMITTEE ADMINISTRATOR (+)**

Skip Cook opened discussion of the next agenda item.

Conner Thomas read Joyce Anderson's narrative explaining her reason for requesting a leave of absence from the committee.

**TEMPORARY LEAVE:** Joyce M Anderson requests a formal temporary leave of absence from serving as a member to the Select committee on Legislative Ethics beginning Monday, July 17, 2023, through October 31, 2023.

**REASON:** To serve as Acting Ethics Administrator during this period of transition to fill the position of Ethics Administrator.

**STATUTORY RESTRICTIONS:** AS 24.60.120(f) states, "The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall

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annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee shall serve without compensation for their services, but are entitled to per diem and travel expenses authorized for board and commissions under AS 39.20.180.

**ADDITIONAL INFORMATION:** Brent Cole, our attorney, has reviewed the above statute and stated the action we are taking, a temporary leave of absence, is sufficient to meet the restrictions outlined.

**ACTION NEEDED:** Motion to approve a "Temporary Leave of Absence" for Joyce Anderson from serving as a member of the Select Committee on Legislative Ethics from July 17, 2023, through October 31, 2023.

Skip Cook commented on the background of the request. At the last committee meeting, a transition subcommittee was formed. The subcommittee determined that the time required to handle ongoing office tasks and the hiring process was greater than anticipated. Skip Cook said he remembers in the past the committee hired Joyce Anderson as an interim administrator during the process of hiring a new administrator. Joyce Anderson agreed to provide those services to the committee again but statutorily could only do so if she took a leave of absence as a public member of the committee, hence the request for a temporary leave of absence.

Skip Cook entertained questions or comments from the committee.

Representative Sara Hannan announced that Senator Löki Tobin had texted her saying that she was in attendance online while traveling on a plane and she was on mute.

There were no questions or comments regarding the leave of absence request.

Skip Cook entertained a motion to call a roll call vote to grant Joyce Anderson's request for a temporary leave of absence.

Deb Fancher so moved.

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Skip Cook asked Jacqui Yeagle to proceed with a roll call vote.

**Roll call vote**

Jerry McBeath	Yes
Deb Fancher	Yes
Conner Thomas	Yes
Skip Cook	Yes
Representative Sara Hannan	Yes
Representative DeLena Johnson	Yes
Senator Gary Stevens	Yes
Senator Löki Tobin	Yes

Joyce Anderson abstained. The motion carried.

Skip Cook said the committee would vote on Joyce Anderson's contract, which will be drafted by Legislative Legal according to the terms the committee submits to them. The contract would run from July 17 until the end of October.

Skip Cook entertained a motion to approve a contract.

Jerry McBeath so moved.

Skip Cook asked Jacqui Yeagle to proceed with a roll call vote on that question.

**Roll call vote**

Senator Gary Stevens	Yes
Senator Löki Tobin	Yes
Representative DeLena Johnson	Yes
Representative Sara Hannan	Yes
Skip Cook	Yes
Conner Thomas	Yes
Deb Fancher	Yes
Jerry McBeath	Yes

The motion carried.

Joyce Anderson brought to the committee's attention that she was chair of the house subcommittee and that Deb Fancher as vice-chair would take over that role.

Skip Cook said that if a vice-chair is needed at some point, the committee will address it.

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Skip Cook asked Joyce Anderson to provide a subcommittee report.

Joyce Anderson reported that the subcommittee met earlier that day. The subcommittee reviewed the criteria and made revisions to the documents. Joyce Anderson also reported that the job had been posted on Workplace Alaska, and on the National Conference of State Legislatures (NCSL) and The Council on Governmental Ethics Laws (COGEL) websites. There are currently three applicants interested in the position.

Joyce Anderson continued, saying the subcommittee finalized a timeline and she will include a copy of it in a future update to the committee. The subcommittee proposes presenting the two final candidates to the full committee at a meeting on September 29. Senator Gary Stevens and Representative Sara Hannan agreed to join the subcommittee for candidate interviews.

Skip Cook thanked Joyce Anderson for her report.

## **5. PUBLIC SESSION**

[2:18:39 PM](#)

## **6. OTHER BUSINESS**

Skip Cook moved to other business. He said committee action was needed to approve renewal of two ongoing contracts. Monique Rapuzzi's contract had expired on December 31, 2022, and it needed to be extended to June 30, 2024. The contract amount was for up to \$7,500 at \$115/Hour. There are no outstanding bills on the contract.

Skip Cook entertained a motion that the Select Committee on Legislative Ethics amend the July 25, 2022, professional services contract with Monique Rapuzzi dba Monique Rapuzzi Case Preparation and Trial Assistance to make the Period and Dates of Performance retroactive to January 1, 2023, and extend the termination date to June 30, 2024 [and] further move that the contract amount be increased to a not-to-exceed total of \$10,000.

Deb Fancher so moved.

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Jerry McBeath asked for confirmation the contract would be for \$10,000.

Skip Cook replied affirmatively.

Representative Sara Hannan asked if the contract under discussion would cover expenses between the end of the contract in December and the start of this fiscal year.

Skip Cook said the contract is to extend the contract retroactively and increase the amount to \$10,000, probably to cover [costs] for a 1½ years rather than for one year.

Representative Sara Hannan said she did not think the contract should begin on July 1, 2023, in case there are outstanding bills from the time period between January and June. She wondered if the contract should be for the time period January 1, 2023, to [June] 30, 2024.

Skip Cook replied that the dates Representative Sara Hannan mentioned are the dates of the contract.

Representative Sara Hannan said she thought she had heard differently.

Skip Cook said the contract refers to it being retroactive to January 1, 2023, and to extend the contract to June 30, 2024.

Joyce Anderson conducted a roll call vote on the question.

**Roll call vote**

Senator Löki Tobin	Yes
Representative DeLena Johnson	Yes
Representative Sara Hannan	Yes
Deb Fancher	Yes
Jerry McBeath	Yes
Conner Thomas	Yes
Skip Cook	Yes

The vote was 7-0 in favor of amending the contract.

[2:25:20 PM](#)

Skip Cook directed the committee to review the contract with outside attorney Brent Cole, which would run through

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June 30, 2024. There are no outstanding bills on the contract.

Joyce Anderson explained the committee had approved a contract with Brent Cole for the period January 1, 2023, and June 30, 2023. However, the contract was not signed by all parties. Brent Cole was paid for a couple of invoices. The contract needs to retroactively cover that period and approve the contract to June 30, 2024.

Skip Cook asked if the rate would still be \$225/hr.

Joyce Anderson replied that it would.

Skip Cook entertained a motion that the Select Committee on Legislative Ethics amend the June 17, 2022, legal services contract with Law Office of Brent Cole, P.C., to make the Period and Dates of Performance retroactive to January 1, 2023, and extend the termination date to June 30, 2024, [and] further move that the contract amount be increased to a not-to-exceed total of \$15,000.

Jerry McBeath so moved.

Skip Cook directed Joyce Anderson to conduct a roll call vote.

**Roll call vote**

Representative DeLena Johnson	Yes
Representative Sara Hannan	Yes
Senator Löki Tobin	Yes
Deb Fancher	Yes
Jerry McBeath	Yes
Conner Thomas	Yes
Skip Cook	Yes

The committee voted 7-0 in favor of the contract.

[2:29:01 PM](#)

Skip Cook welcomed Joyce Anderson as acting administrator.

Skip Cook entertained other business or comments.

Joyce Anderson said the ethics office would be sending out a newsletter letting the legislature know that she had assumed the role of acting administrator and that the



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position had been posted, asking them to include the job posting information in their newsletters. The newsletter will also address the need for an alternate public member.

Skip Cook thanked Joyce Anderson.

**7. ADJOURN**

Skip Cook entertained a motion to adjourn.

Deb Fancher so moved. There were no objections.

The meeting was adjourned.

[2:31:07 PM](#)

**ADJOURN:**

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

**July 10, 2023 through September 21, 2023**

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. The committee is asked to review the advice. This report includes advice the committee may have not reviewed in the past; it does not represent all inquiries.

**BENEFIT AND LOANS – AS 24.60.050**

**Received a question asking if an entity that provides collateral for some state loans falls under the State Benefit and Loan annual review of loans available to legislators and legislative staff.**  
Determined no action was needed by this entity as only State of Alaska departments (in this case the Department of Commerce, Community and Economic Development) are required to perform an annual review of their loan programs.

**BOARD MEMBERSHIP – AS 24.60.030(F)**

**May an LAA employee sit on a board of directors for an organization which solicits state and federal funding?**

Clarified that the organization is one soliciting funds from the state or federal government and not the board. The employee may sit on the board of directors and would be required to file a board disclosure 30 days from the date of appointment and annually within 30 days of the beginning of the legislative session. If the situation as presented changes, suggested the employee call back for additional advice.

**CONFLICT OF INTEREST – AS 24.60.030**

**May a legislative office issue a daily news clip with nationwide and local articles addressing a variety of issues, including those of a campaign nature?**

Determined the daily news clips were informational only. No action was taken by the legislative office other than making the articles available to those on the mailing list to either read or not. The inclusion of articles of a campaign nature did not rise to the restrictions in AS 24.60.060(a)(5) “for the purpose of political fund raising or campaigning” or AS 24.60.030(a)(2) “for involvement in or support of or opposition to partisan political activity”.

**May an LAA employee sing and play an instrument at an event specifically directed to a particular cause?**

Informed the employee there are no ethical restrictions for this activity.

**When can a legislator discuss an issue that goes to adjudication?**

There are no restrictions in AS 24.60 when a legislator can respond to an issue when the subject matter is before the courts. Perhaps the legislator was thinking about the restrictions when a matter comes before an administrative hearing office under AS 24.60.030(i).

**May a legislative staffer hold a second job while working full time in a legislator's office?**

There are no ethical restrictions for a legislative staffer to hold a second job. Recommended the staffer inform the legislator of the second job in the event there are conflicts regarding work schedules. Also informed the staffer state resources; i.e., public funds, facilities, equipment, services, or another government asset or resource, may not be used for the second job.

**May a legislator host a public event during the interim to promote a legislative bill and also invite a 501(c)(3) organization to raise awareness of the subject matter of the bill? Additionally, may the legislator ask for donations from the attendees to help pay for the 501(c)(3) organization's travel expenses?**

Yes, to the first question. A legislator may invite a non-profit organization to compliment the promotion/presentation of a legislative bill. Suggested the legislator not solicit funds from the attendees to help pay for travel expenses for the non-profit organization. However, since donations to a non-profit organization are tax deductible, suggested the legislator ask attendees if they wanted to contribute to the "cause" of the non-profit organization. The non-profit organization would then use the funds at their discretion.

**What are the limitations in promoting a ballot initiative?**

Multiple advisory opinions have been issued on this subject. Referred the caller to AO 97-02, 98-02, 01-01, 02-01, 17-05, and 18-02. Will call back if further clarification is needed.

**May a legislator post a stand-alone social media post about a non-profit health clinic in the legislator's district that provides services to both Alaska Native and non-Native individuals? The clinic was mentioned at a community council meeting attended by the legislator and attendees were unaware of the clinic in the area.**

Informed the legislative office a stand-alone social media post was permissible.

**May a legislator post pictures taken on a legislative trip on his/her personal Facebook page for his/her family and friends to see?**

The Ethics Act does not prohibit a legislator from posting pictures taken a legislative trip on a personal Facebook page. Cautioned the legislator the posting should not be legislative in nature but something similar to – See where I have been and look at the beautiful pictures I took. Reminded the legislator that legislative staff and the use of state resources may not be used to post pictures on a personal Facebook page.

**May a legislator promote a local block party in his/her district on legislative social media, via legislative email and in a legislative newsletter? May the legislator also post on a personal email and personal social media?**

The event may be posted on a legislator's social media sites and via email and a legislative newsletter. The event is of interest to the legislator's constituents and the event is not promoting a business. A legislator may also post the event on personal social media and email as long as there is no legislative information as well.

#### GIFTS – AS 24.60.080

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

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

##### **May a legislator be part of an auction where they are auctioning themselves for coffee, bike trip or packraft trip?**

Yes. The only restriction would be in relation to a lobbyist buying the auction item; a legislator auctioning himself/herself for time with the legislator. A legislator may not receive a gift from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist per AS 24.60.080(a)(2). Informed the caller the definition of "an immediate family member" is noted in AS 24.60.990(6). Suggested the auctioneer state the above before the auction item is up for bidding.

##### **May a legislator accept help from a for-profit organization to pay for a legislative trip out of the country?**

Determined the for-profit organization was also sending a delegate(s) to the out of the country policy tour. Legislator has decided to not go on the trip. More information would be needed to provide applicable advice.

##### **What are the requirements if a legislative employee rents from a lobbyist?**

AS 24.60.080(a)(2) states a legislative employee may not solicit, accept, or receive a gift with any monetary value from a lobbyist. Free lodging would constitute a gift with a monetary value. The employee will pay rent to the lobbyist. The amount of rent should be comparable to rents in the area. Suggest the employee ask for receipts as a backup if for some reason someone questions the living situation.

##### **May a legislator accept an award from an organization that is complimenting his work in a particular medical field?**

The legislator may accept the award if the monetary value of the award, considered a gift, has a value of less than \$250. For example, if the award is a plaque and the plaque has a piece of ivory in the middle, the value of the ivory must be considered.

**May a legislator accept a monetary gift to help pay for legal expenses? May a law firm set up a Legal Defense Fund for a legislator? What if the law firm considers the "campaign" and not the "legislator" the client? May contributions of less than \$250 (i.e., \$249.99) be accepted and**

**subsequently used for a legal defense related to a candidate issue but received by a legislator after being sworn in?**

The above are only some of the questions asked by a legislator in relation to paying legal bills incurred prior to becoming a legislator but received after being sworn into office. The bottom line is that a legislator may receive a “gift of legal services” in a matter of legislative concern and file a disclosure of the gift if the amount is \$250 or more but may not receive a monetary gift for this purpose of \$250 or more. A legislator may certainly ask for contributions of less than \$250 (i.e., \$249.99) and use the money at his/her discretion. No disclosure is required. Informed the legislator to return monetary gifts of \$250 or more received for the purpose of a legal defense fund. The legislator provided a letter to the Ethics Office documenting the return of the money.

**INTERNSHIPS AND VOLUNTEERS – AS 24.60.112**

**Received a question about a possible internship during the interim.**

Provided information on the process and referred the caller to the Ethics website for more information. The internship would be through the UAA, Political Science Department, PA A 495. Informed the caller this program had previously been approved by the Ethics Committee in 2012. There was one intern in 2012 and two in 2013 that worked during the interim. No action taken on this request yet.

**Received a call asking what are the ethical parameters to having volunteers in a legislative office.**

The subject of volunteers in a legislative office is complicated. LAA Personnel, leadership and the ethics office have all addressed volunteers in the past with respect to their jurisdiction. AS 24.60.112 allows legislative interns and volunteers. However, there are personnel issues, limited amounts of equipment issues, liability issues and the list goes on. Per LAA Personnel in 2021, leadership decided not to have a formal volunteer program other than just the short time page-for-a-day volunteers or other similar situations. Referred the caller to LAA Personnel and leadership for guidance.

**OPEN MEETINGS – AS 24.60.037**

**May a legislator moderate a meeting hosted by a State Department. The state department would invite the participants. The state department has also asked the legislator if an LIO could be used to host the meeting which would be a listening session only. The meeting would not be noticed and the general public is not invited. There is a bill directly on this subject which is before the committee the legislator chairs. One other legislator will be in attendance as well.**

Reviewed AS 24.60.037 Open meeting guidelines. A meeting of a legislative body is open to the public in accordance with the open meeting guidelines established in the Ethics Act. Determined since only two legislators were to be in attendance, the open meeting provision did not apply. The use of the LIO is beyond the scope of the Ethics Office. If the LIO may be used for this purpose, the legislator could certainly arrange the particulars of the meeting and host the meeting as there are no ethical concerns regarding these activities.

## Disclosures Filed January 1, 2023 through September 15, 2023

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
<b>Membership on a Board of Directors</b>				
Legislator	31	19	0	50
Legislative Staff	38	45	38	121
<b>Total</b>	<b>69</b>	<b>64</b>	<b>38</b>	<b>171</b>
<b>State Benefit &amp; Loan Programs</b>				
Legislator	0	0	0	0
Legislative Staff	5	5	2	12
<b>Total</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>12</b>
<b>Representation for Compensation</b>				
Legislator	0	0	0	0
Legislative Staff	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>State Contracts, Leases &amp; Grants &gt; \$5,000</b>				
Legislator	3	2	0	5
Legislative Staff	0	1	1	2
<b>Total</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>
<b>Close Economic Association</b>				
Legislator	3	9	0	12
Legislative Staff	9	11	8	28
<b>Total</b>	<b>12</b>	<b>20</b>	<b>8</b>	<b>40</b>
<b>Close Economic Association - Lobbyist</b>				
Legislator	0	0	0	0
Legislative Staff	1	0	0	1
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Gifts of Travel and/or Hospitality</b>				
Legislator	47	32	0	79
Legislative Staff	10	2	2	14
<b>Total</b>	<b>57</b>	<b>34</b>	<b>2</b>	<b>93</b>
<b>Gifts of Travel and/or Hospitality - Family Member</b>				
Legislator	4	0	0	4
Legislative Staff	0	1	0	1
<b>Total</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>5</b>

## Disclosures Filed January 1, 2023 through September 15, 2023

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
<b>Sanctioned Charity Event</b>				
Legislator	3	3	0	6
Legislative Staff	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>
<b>Sanctioned Charity Event - Family</b>				
Legislator	0	1	0	1
Legislative Staff	0	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Legal Services</b>				
Legislator	0	4	0	4
Legislative Staff	0	0	0	0
<b>Total</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>4</b>
Total number of disclosure filed by legislators	91	70	0	161
Total number of disclosure filed by legislative staff	63	65	51	179
<b>GRAND TOTALS</b>	<b>154</b>	<b>135</b>	<b>51</b>	<b>340</b>

<b>2022 GRAND TOTALS</b>	<b>150</b>	<b>182</b>	<b>62</b>	<b>394</b>
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## **ITEM 5c INTERNSHIP APPROVAL**

### **Internship program approved by Acting Ethics Administrator on August 22, 2023**

Legislative Office:	Representative Andrew Gray
Program:	University of Alaska Anchorage Bachelor of Social Work (program previously approved by the Ethics Committee in 2013)
Term:	15 hours per week August 28, 2023, through May 3, 2024
Intern:	Deirdre Goins
Supervisor:	Chief of Staff
Focus of Work:	Housing, homelessness, and veterans' affairs policy objectives
Duties	Organize meetings with state, local and private sector stake holders, attend legislative hearings and municipal meetings, research topics relating to focus of work, work with legislative offices and municipal offices to draft legislation
Documentation:	Document and organize 'evidence' of practicum/internship activities in a comprehensive outline ePortfolio (visible only to UAA practicum instructor)

## **PROCESS FOR APPROVING AN INTERNSHIP PROGRAM**

Rules of Procedure, Section 2 Administrative Policies

### Subsection (f) **INTERNSHIP PROGRAM APPROVAL:**

On June 26, 2009, the committee granted authority to the Administrator to approve educational and government agency internship programs under AS 24.60.080(h).

- (1) The Administrator will review all documentation provided and consult with the Chair prior to approving the internship program. Committee members will be notified as soon as possible of all internship programs approved. Backup materials will be available upon request.
- (2) Educational and government agency internship programs will be evaluated based on the requirements set out in AS 24.20.062(2) and/or Advisory Opinion 94-03. Interns will be notified of the requirement to attend Ethics training.
- (3) The administrator will send an informational letter to legislative offices, LAA offices, Office of the Ombudsman, Office of Victims' Rights and Office of Legislative Budget and Audit at the beginning of each legislative session outlining the intern program application process and procedures.

### **RECOMMENDATION:**

Currently our web site states what information is required by the agency sponsoring the internship and the legislative office. No form outlining the requested information is available.

To make the process less complicated, this office will:

- Create a form for the agency sponsoring the internship to complete.
- Create a form for the legislative office to complete.
- Update our website to provide more clarity.



# Alaska State Legislature

## Select Committee on Legislative Ethics

1500 West Benson Blvd, Suite 220, Anchorage, AK 99503  
Phone: (907) 269-0150  
FAX: (907) 269-0152  
Email: [ethics.committee@akleg.gov](mailto:ethics.committee@akleg.gov)

Mailing Address:  
P O Box 90251  
Anchorage, AK 99509-0251  
<http://ethics.akleg.gov/>

September 1, 2023

Commissioner Paula Vrana  
Department of Administration  
By email only

Good morning, Commissioner Vrana:

### RE: State Benefit and Loan Programs under AS 24.60.050

The Select Committee on Legislative Ethics, under AS 24.60.050, is required to publish annually an updated list of State of Alaska Benefit Programs and Loan programs that are not:

- generally available to members of the public;
- subject to fixed, objective eligibility standards; and
- minimal discretion in determining qualification.

**Please review the enclosed list of programs that currently require disclosure and take one or more of the required actions.**

- ☐ **Need to add a new program or make changes to make to an existing program?** Complete the Add or Change a State Benefit of Loan Program section of the **2023 Benefit or Loan Review Form** and return it to the ethics office by mail, by fax, or by email attachment.
- ☐ **Need to remove a program from the list?** Complete the Add or Change a State Benefit of Loan Program section of the **2023 Benefit or Loan Review Form** and return it to the ethics office by mail, by fax, or by email attachment. Provide documentation demonstrating:
  - The standards have changed; or
  - The program no longer exists; or
  - The program has been transferred to another department
- ☐ **No changes needed?** Email [ethics.committee@akleg.gov](mailto:ethics.committee@akleg.gov) stating that no changes are needed.

**Please respond by September 15, 2022.** Contact the Ethics Office with questions. Thank you for your assistance.

Sincerely,



Joyce M. Anderson, Acting Administrator

Encl: 2024 Benefit and Loan Review Form  
List of 2023 State Benefit and Loan Programs requiring disclosure  
Copy of department response in 2023

**Alaska State Legislature**  
**Select Committee on Legislative Ethics**  
PO Box 90251, Anchorage, AK 99509-0251  
**PHONE** (907) 269-0150 **FAX** (907) 269-0152  
[ethics.committee@akleg.gov](mailto:ethics.committee@akleg.gov)

**2024 BENEFIT AND LOAN REVIEW FORM**  
AS 24.60.050

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Agency: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone: \_\_\_\_\_

**ADD OR CHANGE A STATE BENEFIT OR LOAN PROGRAM**

PROGRAM NAME: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

METHOD FOR APPLICATION TO RECEIVE BENEFIT OR LOAN: \_\_\_\_\_

ELIGIBILITY REQUIREMENTS: \_\_\_\_\_

TERMS: (minimum/maximum amounts, interest rates, assumable loan, collateral required, maximum term, fees, etc.) \_\_\_\_\_

IDENTIFY THE STANDARD OR STANDARDS THE PROGRAM **DOES NOT MEET**. Contact the ethics office at 907-269-0150 if you have questions.

- ☐ The benefit program or loan is generally available to members of the public
- ☐ Is subject to fixed, objective eligibility standard
- ☐ Requires minimal discretion in determining qualification

**REMOVE A STATE BENEFIT OR LOAN PROGRAM**

PROGRAM NAME: \_\_\_\_\_

IF REMOVING A PROGRAM, PLEASE CHECK APPLICABLE REASON:

- ☐ The standards have changed. EXPLAIN & PROVIDE DOCUMENTATION: \_\_\_\_\_, OR
- ☐ The program no longer exists, OR
- ☐ The program has been transferred to another department.

NAME OF NEW DEPT: \_\_\_\_\_

NAME OF NEW CONTACT: \_\_\_\_\_

YOUR NAME \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

## APPENDIX C

### **State Benefit and Loan Program Disclosures under AS 24.60.050(c)**

Department of Commerce, Community and Economic Development Loans .....	C-1
Department of Commerce, Community & Economic Development Programs .....	C-1
Department of Environmental Conservation .....	C-2
Department of Health and Social Services Programs .....	C-2
Department of Natural Resources Programs .....	C-2
Department of Natural Resources Loans .....	C-3
Department of Public Safety .....	C-3
Department of Transportation and Public Facilities Programs .....	C-3

# **APPENDIX C**

## **2023 Alaska State Benefit and Loan Programs Requiring Disclosure Under AS 24.60.050(c)\***

\*State of Alaska Benefit Programs and Loan programs that are not:

- generally available to members of the public;
- subject to fixed, objective eligibility standards; and
- minimal discretion in determining qualification.

**Disclosure forms are available in Appendix B of the Standards of Conduct Handbook.**

### **Department of Commerce, Community and Economic Development Loans**

Division of Economic Development:

Commercial Fishing Revolving Loan Fund  
Fisheries Enhancement Revolving Loan Fund  
Rural Development Initiative Fund  
Small Business Economic Development Revolving Loan Fund  
Mariculture Loan Fund  
Microloan Loan Fund  
Alternative Energy Conservation Loan Fund  
Commercial Charter Fisheries Loan Fund

Alaska Industrial Development and Export Authority and Alaska Energy Authority:

AIDEA Loans  
ASSETS (Alaska Sustainable Strategy for Energy Transmission & Supply) Loan  
Program  
Development Finance Program  
Arctic Infrastructure Development Program  
Business and Export Assistance Program  
New Markets Tax Credit Assistance Guarantee and Loan Program

### **Department of Commerce, Community & Economic Development Programs**

Alcoholic & Marijuana Control Office:

Liquor License  
Marijuana License

Alaska Railroad Corporation:

Real Estate Lease - Negotiated  
Sale of Surplus Property - Negotiated  
Railroad Permit  
Rail Transportation Contract – Negotiated

Division of Banking and Securities:

- Deferred Deposit Advances
- Approval of Articles of Incorporation, Bank Charters, and Certificates of Authority for: State Chartered Banks, Mutual Savings Banks, Savings Associations, and Credit Unions
- License to Engage in the Business of Making Loans
- Premium Finance Company License
- Business Industrial Development Corporation License

**Department of Environmental Conservation**

- Alaska Clean Water Revolving Loan Fund
- Alaska Drinking Water Revolving Loan Fund

**Department of Health and Social Services Programs**

Various Divisions:

- Licensing of Health Care Facilities

**Department of Natural Resources Programs**

Division of Forestry:

- Timber Sales – Negotiated Personal Use Permits

State Pipeline Coordinator's Office:

- Pipeline Right-of-Way Lease

Division of Oil and Gas:

- In-Kind Royalty Gas or Oil Sale Exploration Incentive Credits

Division of Parks and Outdoor Recreation:

- Free Disabled Veterans State Park Camping Permit

Division of Mining, Land and Water:

- Preference Right Land Sales AS 38.05
- Additional Non-competitive Land Leases - Negotiated
- Approving Easement Vacations in the Unorganized Borough and Certain Other Areas
- Exchange of State Land
- Land Use Permit
- Material Sale - Negotiated
- Upland, Tideland, or Grazing Lease - Negotiated
- Right-of-Way or Easement
- Trapping Cabin Permit

## **Department of Natural Resources Loans**

Division of Agriculture:

Agricultural Revolving Loan Fund

## **Department of Public Safety**

Violent Crimes Compensation Board:

Violent Crimes Compensation (please reference Advisory Opinion 94-07 for explanation of requirements)

## **Department of Transportation and Public Facilities Programs**

Division of Design and Engineering:

Disposal of Excess Right-of-Way Land

Right-of-Way Acquisition

Right-of-Way Permit

Encroachment, Driveway or Airspace Permit

Utility Permit on State Right-of-Way

Right-of-Way Rental

## **ITEM 7a RULES OF PROCEDURE REVIEW**

### **(a) Section 9 Informal Advice**

**EXPLANATION OF INFORMAL ADVICE STAFF REPORT:** The Informal Advice Staff Report contains informal advice given by the Ethics Administrator and Administrative Assistant. Staff provides the advice under AS 24.60.158. 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 include routine inquiries. The advice is cleansed of all identifying information. Example: May a legislative receive a gift from a lobbyist?

**BACKGROUND INFORMATION:** Previously the Informal Advice Staff Report was presented at every Full Committee meeting. Beginning in 2018, the Informal Advice Staff Report was presented on a yearly basis.

#### **RECOMMENDATION:**

The committee needs to review informal advice on a periodic basis. The committee has questioned advice in the past, which was clarified by changing/adding language to the report or resulted in changing the advice completely, or having the committee recommend a formal binding advisory opinion. Suggest clarifying the Rules of Procedure as follows:

#### *Section 9 **Informal Advice:***

##### *(b) Review by Committee*

*A brief summary of informal advice given by committee staff, whether verbally or in writing, will be provided in the **INFORMAL ADVICE Staff Report** presented at **EVERY FULL** committee meeting(s), **UNLESS DETERMINED OTHERWISE BY THE CHAIR AND ADMINISTRATOR**. The staff report does not represent all inquiries, i.e., inquiries of a routine nature or inquiries previously answered. The committee reviews the advice(.) **STAFF NOTIFIES THE REQUESTER IF ADVICE GIVEN HAS CHANGED OR IF THE COMMITTEE DETERMINES A FORMAL BINDING ADVISORY OPINION IS RECOMMENDED.** ~~and notifies committee staff if any member has questions or disagrees with the advice.~~ The request and advice presented in the **INFORMAL ADVICE Staff Report** is cleansed of identifying information.*

## **ITEM 7b RULES OF PROCEDURE REVIEW**

### **(b) Section 2 Administrative Procedures (f) Internship Program Approval**

**BACKGROUND INFORMATION:** Multiple internships were approved for work during the interim in 2011, 2012, and 2013. In 2021, an internship was approved for work during the legislative session. The school was an out of state school. (Note: University of Alaska internships during the legislative session were established by Legislative Council under AS 24.20.060(8). No approval by the Ethics Office is required.)

The Ethics Office approved an internship last month on August 22, 2023. On September 20, 2023, a legislative office brought to the attention of the Ethics Office a concern after an internship is approved. Leadership approves all personnel during the interim, including interns. Approving personnel includes accompanying access to email, internet, and other privileges.

The policy of this office has been to notify the legislative office whether the internship is approved. No further action has been taken by this office. It appears internal legislative leadership personnel policies have changed since 2013.

### **Current internship approval procedure**

**Internship programs are approved with the understanding that the following apply:**

- Sponsoring agency and the legislative office to which the intern is assigned provide oversight to include training, supervision, and evaluation
- Limited duration of the placement
- Program exists independent of the legislature
- Program would be available to any other legislative office
- Intern will complete ethics training

### **AGENCY SPONSORING INTERNSHIP provides to the Legislative Office**

- Purpose of the internship program
- Length of the program
- Evaluation product expected from the intern upon completion of internship, i.e., report, paper, or presentation that describes the experience, what the intern learned and/or recommendations for change

### **LEGISLATIVE OFFICE provides to the Ethics Committee**

- Background material from the agency sponsoring the internship program
- General Duties: Statement outlining the legislative duties of the intern
- Training: Type of training provided by the legislative office
- Supervision: Who would supervise the intern



- Evaluation: What measures will be used to evaluate the work of the intern

## **Proposed changes to internship approval process**

### **ETHICS OFFICE provides to the legislative office**

- A letter from the Ethics Office approving the internship
- Direction to the legislative office to notify the appropriate leadership of the legislative body of the Ethics Office's internship approval

### **ETHICS OFFICE provides to the appropriate leadership of the legislative body**

- A copy of the internship approval letter

The proposed changes to the committee's Rules of Procedure have been reviewed by both the Senate President and House Speaker.

### **FURTHER RECOMMENDATION:**

Suggest clarifying the Rules of Procedure as follows:

#### **Section 2 Administrative Procedures**

##### **Subsection (f) Internship Program Approval:**

On June 26, 2009, the committee granted authority to the Administrator to approve educational and government agency internship programs under AS 24.60.080(h).

(1) The Administrator will review all documentation provided and consult with the Chair prior to approving the internship program. Committee members will be notified as soon as possible of all programs approved. Backup materials will be available upon request.

(2) Educational and government agency internship programs will be evaluated based on the requirements set out in AS 24.20.062(2) and/or Advisory Opinion 94-03. **APPLICATION FORMS ARE AVAILABLE ON THE ETHICS WEBSITE.**

**(3) Interns will be notified of the requirement to attend Ethics training *ALONG WITH ADDITIONAL SECTIONS OF AS 24.60, WHICH APPLY TO INTERNS.***

**(4) THE NOTIFICATION APPROVAL PROCESS TO THE LEGISLATIVE OFFICE WILL INCLUDE A STATEMENT IN THE LETTER TO CONTACT THE APPROPRIATE LEADERSHIP OF THE LEGISLATIVE BODY TO FURTHER PROCEED WITH THE INTERNSHIP. THE ETHICS OFFICE WILL PROVIDE A COPY OF THE NOTIFICATION LETTER TO LEADERSHIP.**

**(5) The *JANUARY NEWSLETTER, "THE ADVISOR"* WILL INCLUDE INFORMATION OUTLINING THE NON UNIVERSITY OF ALASKA INTERNSHIP PROCESS.**  
~~(administrator will send an informational letter to legislative offices, LAA offices, Office of the Ombudsman, Office of Victims' Rights and Office of Legislative Budget and Audit at the beginning of each legislative session outlining the intern program application process and procedures.)~~



## 2023 Annual Conference

<a href="#">COGEL Home</a>	<a href="#">Conference Home</a>	<a href="#">Register Now</a>	<a href="#">Travel</a>	<a href="#">Schedule</a>	<a href="#">Program Guide</a>	<a href="#">Dine-Arounds</a>
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## 2023 Conference Schedule\*

**\* This is the tentative conference schedule, which will be updated as the COGEL Program Committee finalizes this year's plenary and breakout sessions. Sessions are subject to change.**

### Sunday, December 3rd

10:00 PM - 5:00 PM

Conference Registration

1:00 PM - 1:30 PM

Kay Williams First Timers & Conference Preview

1:45 PM - 2:45 PM

Building Relationships for Better Outcomes: Interactions with the Regulated Community

Come Together: Legislative Change, We Can Work It Out  
Embracing Innovation: Top 10 Training Upgrades for Ethics Commissions by Ethics Commissions  
Make it Make Sense: Effective Investigative Report Writing  
Pay-to-Play Laws: Developments, Trends, and Enforcement

3:00 PM - 4:00 PM

Deep Fakes- Seeing Isn't Believing. Understand the Technology and its Impact on Political Campaigns and Elections.  
Enforcement Update 2023: Trends, Challenges and Changes in Enforcements and Investigations  
Finding the Perfect Fit: What Online Training Platform is Right for You?  
Increasing voter turnout: Can we move the needle?  
Joining Forces: How Academic Partnerships Can Effectuate Change

4:15 PM - 5:00 PM

Team Huddle

5:00 PM - 6:30 PM

Opening Reception

6:30 PM

Dinner - On Your Own or Join a COGEL Dine-Around

## Monday, December 4th

7:30 AM - 8:30 AM

Breakfast - Table Topics

8:30 AM - 10:00 AM

### Plenary Session

Jason Kander: A First Person Perspective on U.S. democracy, elections, and threats to voting access from a Veteran and Former Missouri Secretary of State

10:20 AM - 11:40 AM

Campaign Finance Update I  
Hot Topics in FOI  
How to build confidence in public institutions and programs  
OECD  
Preparing the Case I: Best Practices in Writing Complaints; Gathering Evidence; Interviewing Witnesses; and Drafting Settlement Agreements.

12:00 PM - 1:40 PM

Plenary Session  
& 2023 COGEL Award Presentation

2:00 PM - 3:30 PM      Agency / Office Stability  
Elections Under Threat  
Ethics Update  
Here today, Gone Tomorrow: The Promise of Digital Political Ad Archives

3:40 PM - 5:00 PM      Best Practices in FOI Compliance  
Training & Outreach Roundtable  
Lobbying Update: U.S. and Canadian Federal, State, Provincial, and Local Lobbying Laws  
Preparing the Case II  
Who Needs Winks and Nods When You've Got Twitter? Regulating Coordinated Spending in the Social Media Era

6:30 PM                  Dinner - On Your Own or Join a COGEL Dine-Around

## Tuesday, December 5th

7:30 AM - 8:45 AM                  Breakfast - Table Topics

### Plenary Session

8:45 AM - 10:00 AM                  Quotes, Deadlines, and News Cycles: Political News and Powerful Players  
& 2023 Outstanding Service Award Presentation

10:20 AM - 11:50 AM                  Catch and Release: A Discussion on Early Intervention and Compliance Efforts  
Elections Update  
Government Accountability in the Age of Artificial Intelligence  
Prioritizing Your Mental Health: Tips for a Better You  
Pursuing Political Transparency in Furtherance of the First Amendment: Tips from the Trenches

12:00 PM - 1:30 PM                  Lunch - On Your Own or join a COGEL Dine-Around

2:00 PM - 3:30 PM                  USE THE SPACE! An acting workshop for COGEL Professionals  
Gifts Galore: Tips for Navigating Ethics Issues with Big Ticket Events  
FOI Legislation and Litigation Update  
Creating the Most User-Friendly Lobbyist Reporting System Ever  
Campaign Finance Update II: Legislative and Regulatory Update

3:50 PM - 5:00 PM	<b>Plenary Session</b> #Livebetter: From Politics to Prison and Finding Purpose
5:00 PM - 6:30 PM	Mix and Mingle Reception
6:30 PM	Dinner - On Your Own

## Wednesday, December 6th

8:00 AM - 9:00 AM	Breakfast & Annual COGEL Business Meeting
9:15 AM - 10:30 AM	Boots on the Ground: The Tricky Laws with Grassroots and Procurement Lobbying Data: Potential Business Solutions and Opportunities Hiding in Plain Sight Don't Be Afraid of Strategic Planning FOI Roundtable Roadmaps & Pitfalls of Public Financing Programs
10:45 AM - 12:00 PM	Small Fish, Big Fish, and Owning the Pond: Building Effective Enforcement Strategies. Identifying your Blind Spots: Understanding How Implicit Bias Impacts Everyone Deconstructing ethics: Where we have been, where we are going Personal Use Transformational or terrifying? Will AI help or hinder election administrators?
12:00 PM	Lunch - On Your Own or join a COGEL Dine-Around
12:00 PM - 5:00 PM	Steering Committee Meeting

**The Program Committee is finalizing the content for the 2023 Conference. Information will be updated as it becomes available.**

**For questions and inquiries, please email [director@cogel.org](mailto:director@cogel.org)**

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MENU

## 2023 Annual Conference

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12/3/2023 to 12/6/2023

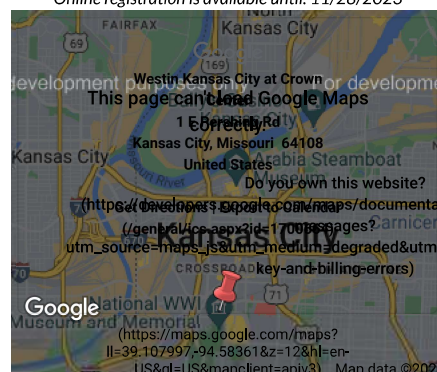
REGISTER

**When:** Sunday, December 3th through Wednesday, December 6th

**Where:** [Map this event »](#)  
 Westin Kansas City at Crown Center  
 1 E Pershing Rd  
 Kansas City, Missouri 64108  
 United States

**Contact:** Thuy Doan  
 director@cogel.org (mailto:director@cogel.org)  
 916.329.1890

Online registration is available until: 11/28/2023

[« Go to Upcoming Event List \(/events/event\\_list.asp\)](#)

### Registration Information

Early bird registration is here! For our COGEL members, early bird registration is only \$600 if you register right now! If you choose to wait, the price goes up to \$700. If you are not a COGEL member, early bird registration for COGEL's 2023 Conference is \$1,300. If you choose to wait, the price goes up to \$1,400. Early Bird Pricing ends October 27, 2023.

**If you are a COGEL member, you must be signed in to receive member pricing. Please sign in before completing your registration.**

**Not a COGEL member? Click here ([https://www.cogel.org/general/register\\_member\\_type.asp](https://www.cogel.org/general/register_member_type.asp)) for more information and to join today!**

### Hotel Information

The Westin Kansas City at Crown Center is located at 1 E Pershing Rd, Kansas City, Missouri 64108. The room rate is the prevailing government per diem rate (currently \$155.00 U.S. — Note: rate may change prior to Conference) through **Monday, November 13, 2023** or until room block is full. Reserve your room online with the COGEL's Hotel Reservation link (<https://www.marriott.com/events/start.mi?id=1672335273091&key=GRP>) or by phone at (816) 474-4400.

### Cancellation Policy

All cancellations must be submitted in writing to director@cogel.org no later than November 15, 2023. Any cancellation requests submitted after the deadline due to documented positive PCR COVID results will be considered on a case-by-case basis. All refunds will be processed after the close of the conference and will be charged a \$100.00 administrative fee. No refunds will be made for "no shows".

***The Program Committee is finalizing the content for the 2023 Conference. Information will be updated as it becomes available.***