

Alaska State Legislature

Select Committee on Legislative Ethics

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P.O Box 90251
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House Subcommittee Meeting Wednesday, November 29, 2023 9:30 a.m.

Anchorage LIO Denali Room – In-Person Meeting

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

1. CALL THE MEETING TO ORDER
2. APPROVAL OF AGENDA (+)
3. PUBLIC COMMENT
4. COMMENTS
 - a. Complaint H 22-01 Kurka
 - b. Complaint H 22-02 Eastman
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.*
6. EXECUTIVE SESSION
7. PUBLIC SESSION
8. OTHER BUSINESS
9. ADJOURN

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H 22-01

CONFIDENTIAL

Committee on
Legislative Ethics

Rec'd 5/3/22

By

Via AS 24.60

mail

COMPLAINT

Alleging a Violation of the Alaska Legislative Ethics Act

CONFIDENTIALITY pursuant to AS 24.60.170(1): The person filing a complaint shall keep confidential the fact that a complaint has been filed as well as the contents of the complaint. If the committee finds that a complainant violated any confidentiality provision under AS 24.60.170, the committee shall immediately dismiss the complaint. Dismissal under this subsection does not affect the right of the committee or any person other than the complainant to initiate a complaint based on the same factual allegations. The subject of a complaint may waive the confidentiality provisions.

This form lists the basic information the Ethics Committee needs to consider a complaint. An ethics complaint must be **notarized and sent or delivered to the Ethics Committee office in a sealed envelope**. Please provide as much information as possible, including details of the violation and evidence. **The complainant may list only one subject.** Should you have any questions, please contact the committee office at (907) 269-0150.

COMPLAINT ALLEGING A VIOLATION OF THE LEGISLATIVE ETHICS ACT

I, [REDACTED], have reason to believe that a violation of the Ethics Act has occurred, and that, Representative Christopher Kurka, has committed such violation.

Following are facts known to me that support my belief:

Date(s) or time period during which alleged violation occurred: See Separate Sheet

Part of the Ethics Act that was allegedly violated (describe the act(s) allegedly violated as well as you can): AS 24.60.010(2) AS 24.60.030.(a)(2)

Description of the activities that were an alleged violation of the Legislative Ethics Act:

see separate sheet.

(Use separate sheet of paper to continue description if needed.)

(continued on next page)

Please list any additional materials attached to this complaint:

The Security Department has dates and times from 4th floor video

Name of person filing complaint (please print): [REDACTED]

Daytime phone number: [REDACTED]

Evening phone number: [REDACTED]

Email address: [REDACTED]

Mailing address: [REDACTED]

The above complaint is a true and accurate representation of my belief that a violation of the Legislative Ethics Act occurred.

[REDACTED]

4/25/22
Date

Subscribed and sworn to before me this 25th day of APRIL in the year 2022

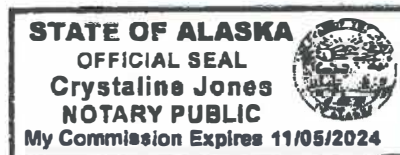
Crystalline Jones
Notary Public's Signature

CRYSTALLINE JONES
Notary Public's Printed Name

State of ALASKA

Judicial District FIRST

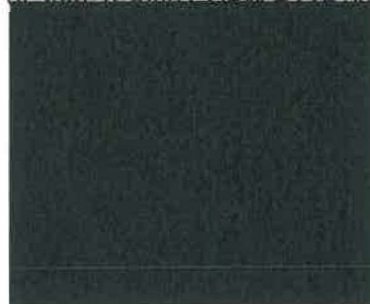
Commission expires: 11/05/2024



Complainant: I understand that a person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics (AS 11.56.805). I understand that I may be asked by the committee or the subject of the complaint to testify at any stage of the complaint proceeding as to my belief that the subject of this complaint violated the Ethics Act.

Note: If a complaint is filed against a legislator or legislative employee who is a candidate for state office and if the complaint is filed during a ***campaign period**, the committee must return the complaint without action, unless the subject of the complaint waives suspension. The complaint may be re-filed after the closure of the ***campaign period**. **Campaign Period: begins on the later of 45 days before a primary election or the day on which the individual files as a candidate for state office and ends at the close of election day for general or special elections or on the day the candidate withdraws from the elections, whichever is earlier.*

On 4/14/22 and 4/15/22, Mr Pat Martin, an unregistered lobbyist for Alaska Right Life, visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two different legislators as his "base of operations" spending more than half a day in Representative Kurka's office, and almost a full day and part of the evening in Representative Eastman's office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. No other lobbyist would be allowed to do this and certainly no activist such as Martin. Both Kurka and Eastman and their staffs were present at the time, and it is unknown if he was allowed to use computers or telephones. Allowing an aggressive activist and lobbyist to use your office as his base of operating in the Capitol building is a misuse of State resources (AW 85 24 06 030(a)(2))



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WAIVER OF CONFIDENTIALITY - COMPLAINTS

EXPRESS WAIVER

Pursuant to AS 24.60.170(l)

I, Christopher Kurka,
freely and voluntarily waive confidentiality of the complaint process and
would like all further proceedings conducted in a public forum.

I have read the reverse side of this document and understand the nature and
extent of expressly waiving confidentiality.


Signature

6/26/2022

Date

IMPLIED WAIVER

An implied waiver of confidentiality is a course of conduct which evidences an intention to waive confidentiality provisions or is inconsistent with any other intention than a waiver. To prove an implied waiver, there must be clear, direct, unequivocal conduct indicating a purpose to abandon or waive confidentiality. The Committee will investigate all occurrences of this nature to determine if the conduct supports a finding of implied waiver.

August 20, 2019

Alaska State Legislature

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CONFIDENTIAL

HOUSE SUBCOMMITTEE RESOLUTION DEFINING SCOPE OF INVESTIGATION COMPLAINT H 22-01

The House Subcommittee of the Select Committee on Legislative Ethics received a complaint dated April 25, 2022, against Representative Christopher Kurka. The complaint has been designated H 22-01.

The complaint appears to be in proper form and contains allegations which, if proven, would constitute a violation of the Ethics Act, AS 24.60. Therefore, the House Subcommittee must undertake an investigation of the complaint.

Description of the activities that are an alleged violation of Legislative Ethics Act:

The allegations are that Representative Christopher Kurka violated AS 24.60.030 of the Act:

"On 4/14/22 and 4/15/22, Mr. Pat Martin, an unregistered lobbyist for Alaska Right Life [sic], visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two different legislators as his "base of operations" spending more than half a day in Representative Kurka's office, and almost a full day and part of the evening in Representative ...'s office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. No other lobbyist would be allowed to do this and certainly no activist such as Martin. Both Kurka and ... and their staffs were present at the time, and it is unknown if he was allowed to use computers or telephones. Allowing an aggressive activist and lobbyist to use your office as his base of operating in the Capitol building is a misuse of State resources IAW AS 24.06.030(a)(2) [sic]"

Relevant Statutes

Sec. 24.60.030. Prohibited conduct and conflicts of interest.

(a) A legislator or legislative employee may not ...

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use; ...

Investigation Scope

Security records from the Capitol on the dates stated in the allegations will be obtained from [REDACTED] on behalf of the committee. The records will be reviewed and the relevant portions will be summarized or produced for the committee.

Interviews of Representative Christopher Kurka, [REDACTED], [REDACTED], [REDACTED], Pat Martin, [REDACTED], and other legislators, legislative staff, or others with pertinent knowledge of the activity in question will be conducted by [REDACTED].

The interviews will include, but are not limited to, the following questions: Were public funds, facilities, equipment, services, or another government asset or resource, such as legislative staff, used for the activity described in the question; and if yes, what was the estimated length of time of the use.

The interviews will be reviewed and the relevant portions will be summarized or produced for the committee. The investigator will prepare an investigation report for the committee.

If during the course of the investigation of the complaint the committee discovers facts, which justify an expansion of the investigation or the possibility of additional allegations, this resolution may be amended.

Adopted this 28th day of June 2022.

_____/s/
H. Conner Thomas
Chair, House Subcommittee

Members Present:

H. Conner Thomas, Chair
Dennis "Skip" Cook
Deb Fancher
Joyce Anderson
Gerald McBeath, Public Member Alternate
Representative Sara Hannan
Representative DeLena Johnson

Monique K. Rapuzzi, M.Ed
Case Preparation & Trial Assistance

CONFIDENTIAL MEMORANDUM

November 1, 2022

Report of Investigation on Complaint H 22-01

Alleged violations:

The complaint alleges violations of AS 24.60.030(a)(2), and AS 24.60.010(2) of the Legislative ethics Act by Representative Kurka.

Sec. 24.60.030 Prohibited conduct and conflicts of interest.

(a) A legislator or legislative employee may not...

(2) use public funds, facilities, equipment, services, or another government asset or resource for a non-legislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit (A) limited use of the state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;..

Sec. 24.60.010 Legislative findings and purpose. The legislature finds that

(2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest;...

In summary, the complaint alleges that on 4/14/22 and 4/15/22, Mr. Pat Martin visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two legislators as a "base of operations" spending more than half a day in Representative Kurka's office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. It is unknown if he was allowed to use computers or telephones.

In an effort to find out the exact time frames that Mr. Martin spent in Representative Kurka's office, I contacted [REDACTED]. I asked [REDACTED] if there was video footage that would include Representative Kurka's office on 4/14/22 and 4/15/22. [REDACTED] informed me that the video was not captured before it was overwritten. The video is overwritten after approximately 30 days. [REDACTED] did inform me that time stamp information was documented by security personnel for 4/14/22 so that I could be informed of the time that Mr. Martin spent in Representative Kurka's office on that date. No time stamp information was documented for 4/15/22. See attachment A for the emails that followed my conversation with [REDACTED].

According to the timestamps that [REDACTED] provided, Mr. Martin and his assistant [REDACTED] spent 1 hour and 2 minutes in Representative Kurka's office on and off between the hours of 12:03 p.m. and 5:31 p.m. on 4/14/22.

On August 17, 2022, I interviewed [REDACTED] who is a staffer for [REDACTED]. I had been given information that [REDACTED] observed Mr. Martin in the Capitol on either 4/14/22 or 4/15/22.

[REDACTED] told me that Mr. Martin came into the office that [REDACTED] works in with a dolly of boxes. [REDACTED] went to the corner of the room and began videotaping the interaction.

[REDACTED] told me that his boss was not in the office at the time. [REDACTED] asked Mr. Martin to take the boxes away. [REDACTED] called security and Mr. Martin was escorted out of the office. [REDACTED] said that he agreed to take the boxes but asked Mr. Martin not to do this in this way again in the future. [REDACTED] said there were 5 or 6 boxes, each the size of a ream of paper. There was no shipping label on the boxes. Inside the boxes were signed petitions relating to abortion.

[REDACTED] said that he doesn't know what other offices Mr. Martin went into. He does not know any information about Mr. Martin's possible use of government resources. He doesn't have any information about Mr. Martin visiting or using resources in Representative Kurka's office. [REDACTED] did hear rumors that Mr. Martin went into other offices with his boxes of petitions. Mr. [REDACTED] heard that Mr. Martin had an interaction with [REDACTED] office.

On August 24, 2022, I interviewed [REDACTED]. [REDACTED] is the person who filed this complaint with the Ethics Committee. [REDACTED] was not present the day that Mr. Martin and [REDACTED] (who is his assistant) came into the building. [REDACTED] staff and others that were in the building alerted him to Mr. Martin's presence. [REDACTED] said that Mr. Martin barged into [REDACTED] office and

there was a verbal back and forth in there. [REDACTED] heard that one of [REDACTED] staffers, [REDACTED], calmed things down a little bit.

[REDACTED] told me that his staffer, [REDACTED], went to Security and talked with Security about the incident.

Representative Kurka's office is on the same floor as [REDACTED] office. [REDACTED] said that he believes that Mr. Martin was in [REDACTED] office for a half day.

[REDACTED] saw a video recorded by [REDACTED] of Mr. Martin outside of [REDACTED] office on this date. [REDACTED] saw the video and said it was posted in several places on the internet including Facebook.

[REDACTED] said that Mr. Martin was aware that [REDACTED] was not in the building that day because the first thing that Mr. Martin said to [REDACTED] was, "I know that [REDACTED] is not here..." [REDACTED] said it was an obvious attempt to intimidate [REDACTED].

[REDACTED] does not know if Mr. Martin used any government computers, telephones, or copiers. [REDACTED] does not know if Mr. Martin had staff people in any office doing anything for him.

[REDACTED] said that he asked Security to download the video from the two days listed in the complaint. One reason he did this was to see if the video would show Mr. Martin using the government copier which is in the hallway on the 4th floor. There are no video cameras inside any of the offices.

Mr. Martin is [REDACTED] constituent, not Representative Kurka's constituent. [REDACTED] said that if Mr. Martin was holding meetings or even using his own cellphone inside of any office, it would be unethical. Offices are not a public part of the building.

Representative Kurka's staffer is associated with one of two organizations (Alaska Right to Life and [REDACTED]) that Mr. Martin serves on the board of.

[REDACTED] told me that Mr. Martin was attacking [REDACTED] for votes and retaliating for votes and procedures he took on the floor.

I invited [REDACTED] to get me copies of the videos that Mr. Martin took outside of his office. He never provided copies of those videos. I was not able to find those videos when I looked on Facebook pages and conducted a Google search.

On August 24, 2022, I also interviewed [REDACTED]. [REDACTED] said she saw Mr. Martin in the building for at least two days, but it could have been more. Mr. Martin was pulling a dolly full of boxes which she assumes were petitions that he was dropping off at various offices. [REDACTED] was also in the building.

Mr. Martin and [REDACTED] entered [REDACTED] office. [REDACTED] was not in the office that day. [REDACTED] was filming. Mr. Martin said, "I know that your boss isn't here, but I wanted to drop off this book". The book was entitled "Reasons to vote for Democrats". The inside pages of the book were blank. [REDACTED] did not accept the gift because he is the lobbyist or president for Alaska Right to Life. Mr. Martin had been harassing [REDACTED] for the last month. Mr. Martin knew that [REDACTED] was not there and so [REDACTED] felt like he was trying to harass her.

After several attempts to get [REDACTED] to accept the book, Mr. Martin and [REDACTED] left. They went outside of [REDACTED] office door and kept filming. The video ended up on Facebook. [REDACTED] called Security because of Mr. Martin's run in with [REDACTED] office. [REDACTED] felt that Mr. Martin was running around harassing people. Security said they would position themselves outside of [REDACTED] office.

[REDACTED] doesn't have personal knowledge of Mr. Martin using government resources in Representative Kurka's office. [REDACTED] saw Mr. Martin bring the dolly of boxes into the building. She then didn't see the dolly of boxes for a couple of days, so she assumes that he stored the boxes in either Representative Kurka's office or another office. She would think that Mr. Martin used either Representative Kurka's office or another office as basecamp. She did not see Mr. Martin sitting in the hallways like she sees other lobbyists do.

[REDACTED] said that she did not see Mr. Martin use the hallway copy machine. She said that the hallway video footage would show that copier.

[REDACTED] thinks that Mr. Martin must have gone into [REDACTED] office because [REDACTED] office ended up with boxes of Mr. Martin's petitions.

Lobbyists are usually in the building during business hours. If they are in there after hours, they are usually in there with a Representative or a Senator. Lobbyists are not in the building by themselves wandering around after hours. [REDACTED] would assume that Security would ask them to leave the building after hours.

Monique K. Rapuzzi, M.Ed
Case Preparation & Trial Assistance

CONFIDENTIAL MEMORANDUM

**Protected By Attorney Client Privilege
Attorney Work Product Privilege
Privilege Against Self-Incrimination**

February 3, 2023

Supplemental Report of Investigation on Complaint H 22-01

On January 11, 2023, I interviewed [REDACTED], a staffer for Representative Kurka.

[REDACTED] told me that he remembered Mr. Martin and [REDACTED] being in Representative Kurka's office on April 14 and 15, 2022. He said he remembered talking with Mr. Martin. [REDACTED] said that he and Mr. Martin are friends and know each other so they had plenty of topics to chat about. Mr. Martin was lobbying for Alaska Right to Life on those two days and that was the reason he was in the building. [REDACTED] is also a member of Alaska Right to Life. Mr. Martin might have had some Right to Life literature with him. Mr. Martin might have had a petition that he was delivering to people. [REDACTED] thinks Mr. Martin had 2-4 boxes of petitions. Mr. Martin was using a dolly to carry the boxes. [REDACTED] cannot remember what offices Mr. Martin was going to visit specifically. [REDACTED] assumed Mr. Martin was visiting several legislators. Mr. Martin did not come back and report what occurred when he was in those other offices.

[REDACTED] cannot remember how long Mr. Martin was in the office on April 15. [REDACTED] cannot remember specifically what they spoke about on April 15. They had conversations both days regarding Alaska Right to Life. They were both in the military and probably spoke about that topic as well.

[REDACTED] said that Mr. Martin did not use any government resources or assets while Mr. Martin was in Representative Kurka's office. Mr. Martin did not use a telephone, copier, computer or anything of the sort. Mr. Martin did not share any plan of his with [REDACTED] that would not have preserved the integrity of the legislative process. Mr. Martin did not share any plan to misbehave or harass anyone while he was in the building. Mr. Martin did not come and share with [REDACTED] anything about what occurred in other offices.

[REDACTED] said he does not have any concerns about Mr. Martin not doing what he is supposed to be doing in the building. [REDACTED] told me that Mr. Martin has a constitutional right to be in the building.

On January 11, 2023, I interviewed Representative Kurka.

Representative Kurka did not have a good estimate of how long Mr. Martin was in his office on April 14 and 15, 2022. He supposed Mr. Martin might have been in there between 1 and 2 hours each day. Representative Kurka said that he does not keep a log of who comes in the office and how long they stay, because people pop in and out all the time. Representative Kurka said that he met with Mr. Martin for around 2 hours on one of those days. Representative Kurka said that he believes Mr. Martin met with Representative Kurka by Representative Kurka's request.

Representative Kurka said that when the complaint came out, he and his staff looked back on cell phones and such and tried to recreate those days. He said it is a silly claim to say that Mr. Martin was in his office for a half day on each of those days. Representative Kurka absolutely disputes the fact that Mr. Martin used his office as a base of operations. Representative Kurka said that Mr. Martin did not use his office as a base of operations, however he has been told that it is standard operating procedure for some lobbyists to use some offices as their base of operations. Mr. Martin was simply meeting with Representative Kurka about several pieces of legislation. Representative Kurka said that he and his staff do not allow people that come into their office to use or touch their stuff. Mr. Martin did not use computers, telephones, copiers, etc.

Representative Kurka believes that [REDACTED] was with him in the building but does not believe she was in his office on those dates. Mr. Martin did not have petitions with him in Representative Kurka's office and did not deliver petitions to Representative Kurka's office. Mr. Martin's plan was to catch other legislators in the building when they were out of meetings.

Representative Kurka did not know of any plan by Mr. Martin to act inappropriately in the building. Representative Kurka said that delivering petitions is a typical activity.

Representative Kurka said that [REDACTED] was on his staff at the time and probably spent a bit of time talking to Mr. Martin on those days. Representative Kurka said that [REDACTED] recollection is that Mr. Martin was in the office for a maximum of two hours on each of those days.

Representative Kurka said that Mr. Martin was not in his office for a half day on both of those days and Mr. Martin did not use any government assets or resources.

I interviewed Pat Martin on January 17, 2023.

Mr. Martin remembered being in the Capitol building on April 14 and 15, 2022.

Mr. Martin was in Representative Kurka's office several times during those two days. Mr. Martin has no idea how long he was in Representatives Kurka's office on those days. Mr. Martin

said there is no reason to keep track of that. Mr. Martin did not use any government assets or resources in Representative Kurka's office.

Mr. Martin said that the legislators had no control of their schedules on those days. They were in and out of session and committees on those days and so Mr. Martin did a lot of waiting to meet with them. Mr. Martin's purpose there was to deliver petitions for Alaska Right to Life. Mr. Martin works with Representative Kurka on the Alaska Right to Life issue. Part of Mr. Martin's goal was to get a group picture with Representative Kurka, another Representative, and the petitions.

Mr. Martin planned to visit other legislator offices those days as well. Mr. Martin would have spoken with Representative Kurka about meeting with [REDACTED]

Mr. Martin had petitions that he was going to deliver to other offices. Mr. Martin did not share a plan with any legislator that would not have preserved the integrity of the legislative process. Mr. Martin said that this is a ridiculous claim. Mr. Martin feels that someone, who is out town, claiming that he might be using government resources is ridiculous. Mr. Martin said that he would not and did not bully, harass or intimidate anyone.

Mr. Martin said he brought petitions to [REDACTED] office. Mr. Martin said that [REDACTED] had a strong dislike for Mr. Martin prior to Mr. Martin's visit to the building in April 2022. Mr. Martin was unloading petitions when [REDACTED] busted into the office and was shouting at Mr. Martin. [REDACTED] told Mr. Martin to leave and called security. Mr. Martin said he has a constitutional right to petition his government by delivering petitions. [REDACTED] then continued to get angry and followed Mr. Martin to the elevator. Mr. Martin recorded this portion of the interaction. Mr. Martin and [REDACTED] then had a conversation and exchanged phone numbers to try and have a more productive conversation at some point.

Mr. Martin was then surprised when someone called security to report that Mr. Martin had a gun on him in the building. Mr. Martin believes it was [REDACTED] that called security on him a second time that day. Mr. Martin said that he obviously did not have a gun on him.

Mr. Martin asked me to point out that obviously the gun accusation was false and that lends credence to the fact that this ethics complaint is false as well.

[REDACTED] videotaped a lot of what occurred in the building that day so that they could show donors what they are accomplishing in Juneau.

Mr. Martin went to [REDACTED] office. Mr. Martin said that [REDACTED] is especially hostile with Mr. Martin and Alaska Right to Life. Mr. Martin did put a video on Facebook of him trying to deliver a book to [REDACTED]. The book was titled, "Reasons to vote with Democrats". The pages of the book are blank. A video was filmed in the hallway outside of [REDACTED] office. Mr. Martin did go into the office and

tried to give the book to [REDACTED]. [REDACTED] said she already had a copy and so Mr. Martin walked out.

End.

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October 16, 2023

Law Office of Mario L. Bird
P.O. Box 241143
Anchorage, AK 99524
mario@aklawmlb.com
907-279-2473

Mr. Bird:

RE: Complaint H 22-0 1 Representative Christopher Kurka

This letter is notification that the House Subcommittee of the Select Committee on Legislative Ethics will meet on Tuesday, November 14, 2023, at the Anchorage LIO, 1500 West Benson Blvd, Denali Room, to discuss Complaint H 22-01. The meeting will begin after the conclusion of the Full Committee meeting scheduled to begin at 9:30 a.m. We anticipate the Full Committee meeting will last about an hour.

Your letter of May 13, 2022, to the Select Committee on Legislative Ethics, indicates you are the attorney of record for Representative Christopher Kurka.

Under the committee's Rules of Procedure Section 14 Complaints, subsection (c)(2) Legal Representation, when the subject of a complaint is represented by legal counsel or another person, all correspondence shall be sent to both the representative and the subject of the complaint. Verbal communication shall be directed to the representative.

Representative Kurka waived confidentiality pursuant to AS 24.60.170(l) on June 26, 2022. A waiver of confidentiality by the subject of the complaint is covered in the committee's Rules of Procedure in Section 14 Complaints, subsection (e) Waiver of Confidentiality by Subject of Complaint.

(e) WAIVER OF CONFIDENTIALITY BY SUBJECT OF COMPLAINT:

(1) General Information. Under the complaint provisions outlined in AS 24.60.170, the subject of a complaint may waive confidentiality of proceedings at any point in the proceedings under AS 24.60.170 or at the close of the proceedings.

(A) The committee reserves discretion to determine which documents are subject to public inspection. The committee will not release investigative files, notes from deliberations held in confidential sessions or documents produced by legal counsel, protected by attorney-client privilege, unless the committee reviews the materials, removes any information that would infringe upon the constitutional right of privacy of an individual and formally adopts a motion to release the identified materials.

(B) The subject may not waive the committee's duty of confidentiality under AS 24.60.170. The subject of a complaint may waive confidentiality only for those materials and proceedings pertaining to him or her. The subject may not waive confidentiality for others, including those involved or assisting in the committee's investigation of the complaint.

Per the committee's Rule of Procedure Section 17 Complaints – Decisions, enclosed is a copy of Representative Kurka's interview.

Pursuant to AS 24.60.170(d), Representative Kurka is afforded the opportunity to explain the conduct alleged to be a violation of AS 24.60 at the November 14 meeting. Additionally, pursuant to AS 24.60.170(r) you may also present arguments to the subcommittee.

The House Subcommittee agenda for November 14, 2023, is attached. Because Representative Kurka waived confidentiality, all testimony will be conducted in a public forum. Deliberations and vote will be in executive session pursuant to AS 24.60.170(f). The subcommittee will reconvene in public session and restate the motion approved in executive session. The statement will include an affirmation indicating the decision was by a majority vote of the subcommittee. Complaint decisions will include the name of committee members.

When the written complaint decision is finalized by the committee, you will receive a phone call along with Representative Kurka followed by a transmittal of the written decision. After an acknowledgement of receipt of the complaint decision by both you and Representative Kurka, the decision will be forwarded to the Speaker of the House and Senate President. The complainant will also receive a copy of the complaint decision. The final notification is the media. A press release will be issued.

Please let me know if you and/or Representative Kurka will be attending the November 14 meeting in person or by teleconference. Acknowledgement of receipt of this correspondence via email (joyce.anderson@akleg.gov) or by U.S. mail is requested.

if you have any questions, please give me a call at 907-269-0150.

Sincerely,

Joyce M Anderson
Acting Ethics Administrator

Cc: Representative Kurka

From: [Jacqui Yeagle](#)
To: christopherkurka@gmail.com
Cc: [Tamara Maddox](#)
Subject: H 22-01 Letter to Attorney of Record
Date: Wednesday, November 1, 2023 1:58:00 PM
Attachments: [H 22-01 Kurka Letter to Atty of record.pdf](#)

Good afternoon,

Attached is a copy of a letter from the Ethics Office that was mailed to both you and your attorney of record, Mario Bird, on October 17, 2023.

If you have any questions, please contact the Ethics Office.

Jacqueline Yeagle
Select Committee on Legislative Ethics
PO Box 90251
Anchorage AK 99509
Phone: 907-269-0150
Email: ethics.committee@akleg.gov
Website: ethics.akleg.gov

Alaska State Legislature

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H 22-02

CONFIDENTIAL

COMPLAINT

Alleging a Violation of the Alaska Legislative Ethics Act AS 24.60

Select Committee on
Legislative Ethics

Rec'd 5/3/22
By JY
Via mail

CONFIDENTIALITY pursuant to AS 24.60.170(l): The person filing a complaint shall keep confidential the fact that a complaint has been filed as well as the contents of the complaint. If the committee finds that a complainant violated any confidentiality provision under AS 24.60.170, the committee shall immediately dismiss the complaint. Dismissal under this subsection does not affect the right of the committee or any person other than the complainant to initiate a complaint based on the same factual allegations. The subject of a complaint may waive the confidentiality provisions.

This form lists the basic information the Ethics Committee needs to consider a complaint. An ethics complaint must be **notarized and sent or delivered to the Ethics Committee office in a sealed envelope**. Please provide as much information as possible, including details of the violation and evidence. **The complaint may list only one subject.** Should you have any questions, please contact the committee office at (907) 269-0150.

COMPLAINT ALLEGING A VIOLATION OF THE LEGISLATIVE ETHICS ACT

I, [REDACTED], have reason to believe that a violation of the Ethics Act has occurred, and that, Representative David Eastman, has committed such violation.

Following are facts known to me that support my belief:

Date(s) or time period during which alleged violation occurred: See Separate Sheet

Part of the Ethics Act that was allegedly violated (describe the act(s) allegedly violated as well as you can): AS 24.60.010(2) AS 24.60.030.(a)(2)

Description of the activities that were an alleged violation of the Legislative Ethics Act:

see separate sheet.

(Use separate sheet of paper to continue description if needed.)

(continued on next page)

Please list any additional materials attached to this complaint:

The Security Department has dates and times from 4th floor video

Name of person filing complaint (please print): _____

Daytime phone number: _____

Evening phone number: _____

Email address: _____

Mailing address: _____

The above complaint is a true and accurate representation of my belief that a violation of the Legislative Ethics Act occurred

4/25/22
Date

Subscribed and sworn to before me this 25th day of APRIL in the year 2022

Crystalline Jones
Notary Public's Signature

CRYSTALLINE JONES
Notary Public's Printed Name

State of ALASKA

Judicial District FIRST

Commission expires: 11/05/2024



Complainant: I understand that a person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics (AS 11.56.805). I understand that I may be asked by the committee or the subject of the complaint to testify at any stage of the complaint proceeding as to my belief that the subject of this complaint violated the Ethics Act.

Note: If a complaint is filed against a legislator or legislative employee who is a candidate for state office and if the complaint is filed during a ***campaign period**, the committee must return the complaint without action, unless the subject of the complaint waives suspension. The complaint may be re-filed after the closure of the ***campaign period**. ***Campaign Period:** begins on the later of 45 days before a primary election or the day on which the individual files as a candidate for state office and ends at the close of election day for general or special elections or on the day the candidate withdraws from the elections, whichever is earlier.

On 4/14/22 and 4/15/22, Mr Pat Martin, an unregistered lobbyist for Alaska Right Life, visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two different legislators as his "base of operations" spending more than half a day in Representative Kurka's office, and almost a full day and part of the evening in Representative Eastman's office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. No other lobbyist would be allowed to do this and certainly no activist such as Martin. Both Kurka and Eastman and their staffs were present at the time, and it is unknown if he was allowed to use computers or telephones. Allowing an aggressive activist and lobbyist to use your office as his base of operating in the Capitol building is a misuse of State resources IAW AS 24.06.030(a)(2)



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Select Committee on
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WAIVER OF CONFIDENTIALITY - COMPLAINTS

EXPRESS WAIVER

Pursuant to AS 24.60.170(l)

I, David Clark Eastman,
freely and voluntarily waive confidentiality of the complaint process and
would like all further proceedings conducted in a public forum.

I have read the reverse side of this document and understand the nature and
extent of expressly waiving confidentiality.

David Clark Eastman
Signature

5/4/22
Date

IMPLIED WAIVER

An implied waiver of confidentiality is a course of conduct which evidences an intention to waive confidentiality provisions or is inconsistent with any other intention than a waiver. To prove an implied waiver, there must be clear, direct, unequivocal conduct indicting a purpose to abandon or waive confidentiality. The Committee will investigate all occurrences of this nature to determine if the conduct supports a finding of implied waiver.

August 20, 2019

Alaska State Legislature

Select Committee on Legislative Ethics

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CONFIDENTIAL

HOUSE SUBCOMMITTEE RESOLUTION DEFINING SCOPE OF INVESTIGATION COMPLAINT H 22-02

The House Subcommittee of the Select Committee on Legislative Ethics received a complaint dated April 25, 2022, against Representative David Eastman. The complaint has been designated H 22-02.

The complaint appears to be in proper form and contains allegations which, if proven, would constitute a violation of the Ethics Act, AS 24.60. Therefore, the House Subcommittee must undertake an investigation of the complaint.

Description of the activities that are an alleged violation of Legislative Ethics Act:

The allegations are that Representative David Eastman violated AS 24.60.030 of the Act:

“On 4/14/22 and 4/15/22, Mr. Pat Martin, an unregistered lobbyist for Alaska Right Life [sic], visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two different legislators as his "base of operations" spending more than half a day in Representative ...’s office, and almost a full day and part of the evening in Representative Eastman’s office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. No other lobbyist would be allowed to do this and certainly no activist such as Martin. Both ... and Eastman and their staffs were present at the time, and it is unknown if he was allowed to use computers or telephones. Allowing an aggressive activist and lobbyist to use your office as his base of operating in the Capitol building is a misuse of State resources IAW AS 24.06.030(a)(2) [sic]”

Relevant Statutes

Sec. 24.60.030. Prohibited conduct and conflicts of interest.

(a) A legislator or legislative employee may not ...

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use; ...

Investigation Scope

Security records from the Capitol on the dates stated in the allegations will be obtained from [REDACTED] on behalf of the committee. The records will be reviewed and the relevant portions will be summarized or produced for the committee.

Interviews of Representative David Eastman; [REDACTED] Pat Martin; [REDACTED] and other legislators, legislative staff, or others with pertinent knowledge of the activity in question will be conducted by [REDACTED].

The interviews will include, but are not limited to, the following questions: Were public funds, facilities, equipment, services, or another government asset or resource, such as legislative staff, used for the activity described in the question; and if yes, what was the estimated length of time of the use.

The interviews will be reviewed and the relevant portions will be summarized or produced for the committee. The Investigator will prepare an investigation report for the committee.

If during the course of the investigation of the complaint the committee discovers facts, which justify an expansion of the investigation or the possibility of additional allegations, this resolution may be amended.

Adopted this 28th day of June 2022.

_____/s/_____
H. Conner Thomas
Chair, House Subcommittee

Members Present:
H. Conner Thomas, Chair
Dennis "Skip" Cook
Deb Fancher
Joyce Anderson
Gerald McBeath, Public Member Alternate
Representative Sara Hannan
Representative DeLena Johnson

Monique K. Rapuzzi, M.Ed
Case Preparation & Trial Assistance

[REDACTED]

CONFIDENTIAL MEMORANDUM

November 1, 2022

Report of Investigation on Complaint H 22-02

Alleged violations:

The complaint alleges violations of AS 24.60.030(a)(2), and AS 24.60.010(2) of the Legislative ethics Act by Representative Eastman.

Sec. 24.60.030 Prohibited conduct and conflicts of interest.

(a) A legislator or legislative employee may not...

(2) use public funds, facilities, equipment, services, or another government asset or resource for a non-legislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit (A) limited use of the state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;...

Sec. 24.60.010 Legislative findings and purpose. The legislature finds that

(2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest;...

In summary, the complaint alleges that on 4/14/22 and 4/15/22, Mr. Pat Martin visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two legislators as a "base of operations" spending almost a full day and part of an evening in Representative Eastman's office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. It is unknown if he was allowed to use computers or telephones.

In an effort to find out the exact time frames that Mr. Martin spent in Representative Eastman's office, I contacted [REDACTED], [REDACTED]. I

asked [REDACTED] if there was video footage that would include Representative Eastman's office on 4/14/22 and 4/15/22. [REDACTED] informed me that the video was not captured before it was overwritten. The video is overwritten after approximately 30 days. [REDACTED] did inform me that time stamp information was documented by security personnel for 4/14/22 so that I could be informed of the time that Mr. Martin spent in Representative Eastman's office on that date. No time stamp information was documented for 4/15/22. See attachment A for the emails that followed my conversation with [REDACTED].

According to the timestamps that [REDACTED] provided, Mr. Martin and his assistant [REDACTED] spent 3 hours and 14 minutes in Representative Eastman's office on and off between the hours of 11:31 am and 6:31 pm.

On August 17, 2022, I interviewed [REDACTED] who is a staffer for [REDACTED]. I had been given information that [REDACTED] observed Mr. Martin in the Capitol on either 4/14/22 or 4/15/22.

[REDACTED] told me that Mr. Martin came into the office that [REDACTED] works in with a dolly of boxes. [REDACTED] went to the corner of the room and began videotaping the interaction.

[REDACTED] told me that his boss was not in the office at the time. [REDACTED] asked Mr. Martin to take the boxes away. [REDACTED] called security and Mr. Martin was escorted out of the office. [REDACTED] said that he agreed to take the boxes but asked Mr. Martin not to do this in this way again in the future. [REDACTED] said there were 5 or 6 boxes, each the size of a ream of paper. There was no shipping label on the boxes. Inside the boxes were signed petitions relating to abortion.

[REDACTED] said that he doesn't know what other offices Mr. Martin went into. He does not know any information about Mr. Martin's possible use of government resources. He doesn't have any information about Mr. Martin visiting or using resources in Representative Eastman's office. [REDACTED] did hear rumors that Mr. Martin went into other offices with his boxes of petitions. [REDACTED] heard that Mr. Martin had an interaction with [REDACTED] office.

On August 24, 2022, I interviewed [REDACTED]. [REDACTED] is the person who filed this complaint with the Ethics Committee. [REDACTED] was not present the day that Mr. Martin and [REDACTED] (who is his assistant) came into the building. [REDACTED] staff and others that were in the building alerted him to Mr. Martin's presence. [REDACTED] said that Mr. Martin barged into [REDACTED] office and there was a verbal back and forth in there. [REDACTED] heard that one of [REDACTED] staffers, [REDACTED], calmed things down a little bit.

[REDACTED] told me that his staffer, [REDACTED], went to Security and talked with Security about the incident.

Representative Eastman's office is on the same floor as [REDACTED] office. [REDACTED] said that he believes that Mr. Martin was in Representative Eastman's office for a full day.

[REDACTED] saw a video recorded by [REDACTED] of Mr. Martin outside of [REDACTED] office on this date. [REDACTED] saw the video and said it was posted in several places on the internet, including Facebook.

[REDACTED] said that Mr. Martin was aware that [REDACTED] was not in the building that day because the first thing that Mr. Martin said to [REDACTED] was, "I know that [REDACTED] is not here..." [REDACTED] said it was an obvious attempt to intimidate [REDACTED].

[REDACTED] does not know if Mr. Martin used any government computers, telephones, or copiers. [REDACTED] does not know if Mr. Martin had staff people in any office doing anything for him.

[REDACTED] said that he asked Security to download the video from the two days listed in the complaint. One reason he did this was to see if the video would show Mr. Martin using the government copier which is in the hallway on the 4th floor. There are no video cameras inside any of the offices.

Mr. Martin is [REDACTED] constituent, not Representative Eastman's constituent. [REDACTED] said that if Mr. Martin was holding meetings or even using his own cellphone inside of any office, it would be unethical. Offices are not a public part of the building.

Mr. Martin is on two boards (Alaska Right to Life and [REDACTED]) with Representative Eastman's chief of staff.

[REDACTED] told me that Mr. Martin was attacking [REDACTED] for votes and retaliating for votes and procedures he took on the floor.

I invited [REDACTED] to get me copies of the videos that Mr. Martin took outside of his office. He never provided copies of those videos. I was not able to find those videos when I looked on Facebook pages and conducted a Google search.

On August 24, 2022, I also interviewed [REDACTED]. [REDACTED] said she saw Mr. Martin in the building for at least two days, but it could have been more. Mr. Martin was pulling a dolly full of boxes which she assumes were petitions that he was dropping off at various offices. [REDACTED] was also in the building.

Mr. Martin and [REDACTED] entered [REDACTED] office. [REDACTED] was not in the office that day. [REDACTED] was filming. Mr. Martin said, "I know that your boss isn't here, but I wanted to drop off this book". The book was entitled "Reasons to vote for Democrats". The inside pages of the book were blank. [REDACTED] did not accept the gift because he is the lobbyist or president for Alaska Right to Life. Mr. Martin had been harassing [REDACTED] for the last month. Mr. Martin knew that [REDACTED] was not there and so [REDACTED] felt like he was trying to harass her.

After several attempts to get [REDACTED] to accept the book, Mr. Martin and [REDACTED] left. They went outside of [REDACTED] office door and kept filming. The video ended up on Facebook. [REDACTED] called Security because of Mr. Martin's run in with [REDACTED] office. [REDACTED] felt that Mr. Martin was running around harassing people. Security said they would position themselves outside of [REDACTED] office.

[REDACTED] doesn't have personal knowledge of Mr. Martin using government resources in Representative Eastman's office. [REDACTED] saw Mr. Martin bring the dolly of boxes into the building. She then didn't see the dolly of boxes for a couple of days, so she assumes that he stored the boxes in either Representative Eastman's office or another office. She would think that Mr. Martin used either Representative Eastman's office or another office as basecamp. She did not see Mr. Martin sitting in the hallways like she sees other lobbyists do.

[REDACTED] said that she did not see Mr. Martin use the hallway copy machine. She said that the hallway video footage would show that copier.

[REDACTED] thinks that Mr. Martin must have gone into [REDACTED] office because [REDACTED] office ended up with boxes of Mr. Martin's petitions.

Lobbyists are usually in the building during business hours. If they are in there after hours, they are usually in there with a Representative or a Senator. Lobbyists are not in the building by themselves wandering around after hours. [REDACTED] would assume that Security would ask them to leave the building after hours.

Monique K. Rapuzzi, M.Ed
Case Preparation & Trial Assistance

[REDACTED]

CONFIDENTIAL MEMORANDUM

Protected By Attorney Client Privilege
Attorney Work Product Privilege
Privilege Against Self-Incrimination

February 3, 2023

Supplemental Report of Investigation on Complaint H 22-02

I interviewed [REDACTED] on January 11, 2023.

[REDACTED] told me that she takes her oath of office very seriously. [REDACTED] said that Mr. Martin was in the building on April 14 and 15, 2022. [REDACTED] said that Mr. Martin was there on Right to Life business. [REDACTED], was with him.

Mr. Martin had a lot of petitions with him and had to use a dolly to carry them. Mr. Martin had a phone with him as well. The petitions were in big stacks and each stack may have been individually wrapped.

[REDACTED] left work early on April 14, 2022. She left in the afternoon. She doesn't recall when Mr. Martin first came into the office that day. [REDACTED] remembers saying hello to Mr. Martin that day. [REDACTED] said she greeted Mr. Martin as she would anyone that came into the office. [REDACTED] doesn't recall what Mr. Martin said was his plan in the building that day. [REDACTED] said she was a minor person in the mix of interactions with Mr. Martin as there were other people in the office he was interacting with.

[REDACTED] said that Mr. Martin did not use any government assets or resources that day. He did not use a computer, telephone, copier, office supplies, etc. while he was in Representative Eastman's office. [REDACTED] said that she offers everyone that comes in a cup of coffee or something to drink and a place to sit.

[REDACTED] said that everyone was talking about going out to dinner that evening. [REDACTED] told them she could not go because she had a meeting that night.

[REDACTED] can't say exactly how long Mr. Martin was there on April 15. [REDACTED] said that the bulk of the time was in the afternoon. [REDACTED] would estimate that Mr. Martin was there for 2-3 hours on April 15. [REDACTED] cannot recall if Mr. Martin had petitions on April 15 as well. [REDACTED]

██████ cannot recall discussion about Mr. Martin's plan on April 15. ██████ said that Mr. Martin was going to leave the building at some point to take care of some personal business.

██████ said that Mr. Martin did not use any government assets or resources on April 15. He did not use a computer, telephone, copier, office supplies, etc. while he was in Representative Eastman's office.

██████ knew of no plan by Mr. Martin to harass, cause a disruption, or act inappropriately. She knew of no plan that would have not preserved legislative integrity. Her understanding was that Mr. Martin was there petitioning his government.

██████ told me that she watched one of the Legislative Ethics Committee meetings. She said there was discussion of staff was not returning calls to be interviewed for this complaint. ██████

██████ had no idea at the time that anyone was trying to get in touch with her in September and October 2022. ██████ said that one of the office phone numbers mistakenly was not forwarded as it usually is. ██████ apologized for this mistake and said her lack of a return call was not because she did not want to be interviewed or follow the Ethics Committee process.

██████ said she was very surprised to hear that there was an Ethics Complaint against Representative Eastman. She was especially surprised that the complaint had to do with Mr. Martin's April visits to the Capitol because, in her view, nothing was inappropriate about Mr. Martin's visit.

I interviewed ██████ on January 11, 2023.

██████ remembered Mr. Martin being in the office on April 14 and 15, 2022. He remembered that Mr. Martin was spending a lot of time waiting for Representative Eastman to return to the office. Mr. Martin was bouncing around other offices as well to meet with legislators. ██████ was with Mr. Martin. Mr. Martin had petitions with him that he was going to deliver to other offices. Mr. Martin wanted to get a picture with those petitions and Representative Eastman before he delivered them. Mr. Martin was in the building primarily on Right to Life business. Mr. Martin and Representative Eastman also know each other personally.

Mr. Martin did not use any staplers, notepads, computers, copiers, telephones, etc. while he was in the office. Mr. Martin didn't use any government assets or resources while he was in the office on those days.

██████ does not know how long Mr. Martin was in the office on April 15, 2022, because ██████ took part of that day off.

██████ was not told and did not overhear any plan by Mr. Martin that would have been an inappropriate plan while he was in the Capitol. ██████ did see the video that Mr. Martin filmed outside of ██████ office. ██████ can't quite remember the

content, but he doesn't remember it being inappropriate. [REDACTED] said that nothing about Mr. Martin's visits on those days is different from others that visit other offices in the building. [REDACTED] said that waiting for Representatives in their offices is a common occurrence.

I interviewed Representative Eastman on January 11, 2023.

Representative Eastman told me that he views this complaint by [REDACTED] as a political attack. Representative Eastman said he was on the floor or in committee for most all of the time period that is referred to in the complaint. Representative Eastman does not know how long Mr. Martin was in his office on April 14 and 15, 2022. Mr. Martin had [REDACTED] with him in the building. Mr. Martin had petitions in boxes while he was there.

Representative Eastman did not see Mr. Martin use or allow Mr. Martin to use any computer, telephones, copiers, or any government asset while Mr. Martin was in his office. Mr. Martin was in the building trying to meet with certain legislators regarding Right to Life issues. Mr. Martin did not share any plan with Representative Eastman that would be an inappropriate reason for Mr. Martin to be in the building. Representative Eastman has never seen Mr. Martin acting inappropriately in the building.

Representative Eastman received texts from [REDACTED] saying that Mr. Martin had security called on him because Mr. Martin was armed in the Capitol. Representative Eastman said that [REDACTED] was claiming to have first-hand knowledge of what was happening in the Capitol that day. Representative Eastman told me that I was "asking him questions on what was going on in his office that day based on bold faced lies by someone who was not in the Capitol that day". Representative Eastman is frustrated that the allegations are coming from someone who had zero information. Representative Eastman said again that this is a political attack.

Representative Eastman and Mr. Martin discussed bills, petitions, what was going on during the floor sessions and in committees. They also discussed having dinner together. Representative Eastman does not have an approximation of how long he talked with Mr. Martin on those days. He said it is safe to say that the time he and Mr. Martin overlapped in his office, he was talking with Mr. Martin.

I interviewed Pat Martin on January 17, 2023.

Mr. Martin remembered being in the Capitol building on April 14 and 15, 2022.

Mr. Martin was in Representative Eastman's office several times during those two days. Mr. Martin has no idea how long he was in Representatives Eastman's office on those days. Mr.

Martin said there is no reason to keep track of that. Mr. Martin did not use any government assets or resources in Representative Eastman's office.

Mr. Martin said that the legislators had no control of their schedules on those days. They were in and out of session and committees on those days and so Mr. Martin did a lot of waiting to meet with them. Mr. Martin's purpose there was to deliver petitions for Alaska Right to Life. Mr. Martin works with Representative Eastman on the Alaska Right to Life issue. Part of Mr. Martin's goal was to get a group picture with Representative Eastman, another Representative, and the petitions.

Mr. Martin said that while he was in Representative Eastman's office, he was watching what was happening on the floor on the tv screen in their office. The office staff were doing their work while Mr. Martin was in the office. The office staff were not entertaining Mr. Martin. Representative Eastman would come in and out of the office while Mr. Martin was in there.

Mr. Martin planned to visit other legislator offices those days as well.

Mr. Martin had petitions that he was going to deliver to other offices. Mr. Martin did not share a plan with any legislator that would not have preserved the integrity of the legislative process. Mr. Martin said that this is a ridiculous claim. Mr. Martin feels that someone, who is out town, claiming that he might be using government resources is ridiculous. Mr. Martin said that he would not and did not bully, harass or intimidate anyone.

Mr. Martin said he brought petitions to [REDACTED] office. Mr. Martin said that [REDACTED] had a strong dislike for Mr. Martin prior to Mr. Martin's visit to the building in April 2022. Mr. Martin was unloading petitions when [REDACTED] busted into the office and was shouting at Mr. Martin. [REDACTED] told Mr. Martin to leave and called security. Mr. Martin said he has a constitutional right to petition his government by delivering petitions. [REDACTED] then continued to get angry and followed Mr. Martin to the elevator. Mr. Martin recorded this portion of the interaction. Mr. Martin and [REDACTED] then had a conversation and exchanged phone numbers to try and have a more productive conversation at some point.

Mr. Martin was then surprised when someone called security to report that Mr. Martin had a gun on him in the building. Mr. Martin believes it was [REDACTED] that called security on him a second time that day. Mr. Martin said that he obviously did not have a gun on him.]

Mr. Martin asked me to point out that obviously the gun accusation was false and that lends credence to the fact that this ethics complaint is false as well.

[REDACTED] videotaped a lot of what occurred in the building that day so that they could show donors what they are accomplishing in Juneau.

Mr. Martin went to [REDACTED] office. Mr. Martin said that [REDACTED] is especially hostile with Mr. Martin and Alaska Right to Life. Mr. Martin did put a

video on Facebook of him trying to deliver a book to [REDACTED]. The book was titled, "Reasons to vote with Democrats". The pages of the book are blank. A video was filmed in the hallway outside of [REDACTED] office. Mr. Martin did go into the office and tried to give the book to [REDACTED]. [REDACTED] said she already had a copy and so Mr. Martin walked out.

End.

Blank

Alaska State Legislature

Select Committee on Legislative Ethics

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October 17, 2023

Law Office of Mario L. Bird
P.O. Box 241143
Anchorage, AK 99524
mario@aklawmlb.com
907-279-2473

Mr. Bird:

RE: Complaint H 22-02 Representative David Eastman

This letter is notification that the House Subcommittee of the Select Committee on Legislative Ethics will meet on Tuesday, November 14, 2023, at the Anchorage LIO, 1500 West Benson Blvd, Denali Room, to discuss Complaint H 22-01. The meeting will begin after the conclusion of the Full Committee meeting scheduled to begin at 9:30 a.m. We anticipate the Full Committee meeting will last about an hour.

Your letter of May 13, 2022, to the Select Committee on Legislative Ethics, indicates you are the attorney of record for Representative David Eastman.

Under the committee's Rules of Procedure Section 14 Complaints, subsection (c)(2) Legal Representation, when the subject of a complaint is represented by legal counsel or another person, all correspondence shall be sent to both the representative and the subject of the complaint. Verbal communication shall be directed to the representative.

Representative Eastman waived confidentiality pursuant to AS 24.60.170(l) on May 4, 2022. A waiver of confidentiality by the subject of the complaint is covered in the committee's Rules of Procedure in Section 14 Complaints, subsection (e) Waiver of Confidentiality by Subject of Complaint.

(e) WAIVER OF CONFIDENTIALITY BY SUBJECT OF COMPLAINT:

(1) General Information. Under the complaint provisions outlined in AS 24.60.170, the subject of a complaint may waive confidentiality of proceedings at any point in the proceedings under AS 24.60.170 or at the close of the proceedings.

(A) The committee reserves discretion to determine which documents are subject to public inspection. The committee will not release investigative files, notes from deliberations held in confidential sessions or documents produced by legal counsel, protected by attorney-client privilege, unless the committee reviews the materials, removes any information that would infringe upon the constitutional right of privacy of an individual and formally adopts a motion to release the identified materials.

(B) The subject may not waive the committee's duty of confidentiality under AS 24.60.170. The subject of a complaint may waive confidentiality only for those materials and proceedings pertaining to him or her. The subject may not waive confidentiality for others, including those involved or assisting in the committee's investigation of the complaint.

Per the committee's Rule of Procedure Section 17 Complaints – Decisions, Subsection (a)(1), enclosed is a copy of Representative Eastman's interview. The transcript of the interview has been redacted because Representative Eastman may not waive confidentiality for others.

Pursuant to AS 24.60.170(d), Representative Eastman is afforded the opportunity to explain the conduct alleged to be a violation of AS 24.60 at the November 14 meeting. Additionally, pursuant to AS 24.60.170(r) you may also present arguments to the subcommittee.

The House Subcommittee agenda for November 14, 2023, is attached. Because Representative Eastman waived confidentiality, all testimony will be conducted in a public forum. Deliberations and vote will be in executive session pursuant to AS 24.60.170(f). The subcommittee will reconvene in public session and restate the motion approved in executive session. The statement will include an affirmation indicating the decision was by a majority vote of the subcommittee. Complaint decisions will include the name of committee members.

When the written complaint decision is finalized by the committee, you will receive a phone call along with Representative Eastman followed by a transmittal of the written decision. After an acknowledgement of receipt of the complaint decision by both you and Representative Eastman, the decision will be forwarded to the Speaker of the House and Senate President. The complainant will also receive a copy of the complaint decision. The final notification is the media. A press release will be issued.

Please let me know if you and/or Representative Eastman will be attending the November 14 meeting in person or by teleconference. Acknowledgement of receipt of this correspondence via email (joyce.anderson@akleg.gov) or by U.S. mail is requested.

if you have any questions, please give me a call.

Sincerely,

Joyce M Anderson
Acting Ethics Administrator
907-269-0150

Cc: Representative Eastman

Blank

From: [Jacqui Yeagle](#)
To: [Rep. David Eastman](#)
Cc: [Tamara Maddox](#)
Subject: H 22-02 Letter to Attorney of Record
Date: Wednesday, November 1, 2023 2:05:00 PM
Attachments: [H 22-02 Eastman Letter to Atty of record.pdf](#)

Good afternoon,

Attached is a copy of a letter from the Ethics Office that was mailed to both you and your attorney of record, Mario Bird, on October 17, 2023.

If you have any questions, please contact the Ethics Office.

Jacqueline Yeagle
Select Committee on Legislative Ethics
PO Box 90251
Anchorage AK 99509
Phone: 907-269-0150
Email: ethics.committee@akleg.gov
Website: ethics.akleg.gov

From: [Microsoft Outlook](#)
To: [Rep. David Eastman](#)
Subject: Delivered: H 22-02 Letter to Attorney of Record
Date: Wednesday, November 1, 2023 2:05:27 PM
Attachments: [H 22-02 Letter to Attorney of Record.msg](#)

Your message has been delivered to the following recipients:

Rep. David Eastman (Rep.David.Eastman@akleg.gov) <mailto:Rep.David.Eastman@akleg.gov>
Subject: H 22-02 Letter to Attorney of Record