

SENATE JOURNAL SUPPLEMENT

February 9, 1994

Wednesday

No. 11

SELECT COMMITTEE ON LEGISLATIVE ETHICS

DISMISSAL ORDERS AND DECISIONS

Allegations 3(a) and 3(b) of Complaint S-13

Allegation 3(a) of Complaint S-6

Allegations of Complaint S-14

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
SENATE SUBCOMMITTEE

DISMISSAL ORDER AND DECISION

RE: ALLEGATIONS 3(a) and 3(b) OF COMPLAINT S-13

The Senate Subcommittee hereby dismisses allegations 3(a) and 3(b) of Complaint S-13, which is the entire complaint, in that probable cause was not found for a violation of AS 24.60.030(a) or AS 24.60.080, of the law then in effect. After investigation, the subcommittee found that the incident leading to the allegations occurred more than the statutory limitation of five years previously and that no attempt to prevent discovery took place.

1. The Senate Subcommittee of the Select Committee on Legislative Ethics received a complaint against Senator David Donley, dated February 1, 1993, and subsequently amended. The complaint was designated S-13.
2. The complaint appeared to be proper in form and contained allegations which, if true, would constitute violations of AS 24.60. Therefore, the subcommittee initiated an investigation of the complaint.
3. A partial scope of the investigation into the complaint was defined by resolution (3.a.) as follows:

The allegation that Senator Donley accepted bribes or payments for support of legislation to the extent the allegation was a violation of AS 24.60.030(a) or AS 24.60.080 as it was in effect on the date of the alleged violation, and to the extent the subcommittee has jurisdiction under AS 24.60.170, depending on the date of the alleged payment(s).

4. While the subcommittee's deliberations are confidential, a thorough investigation of the allegation was made to determine if the incident happened, and when it happened. The complainant, the alleged victim of allegation (b), and all alleged witnesses were interviewed. None had any recollection of the incident. No credible evidence of the allegation even happening, let alone the date of it, was found.
5. Although the subcommittee cannot determine when the alleged violation of accepting bribes or payments was to have occurred for purposes of the statute of limitations, the subcommittee finds no probable cause for any finding of an ethical violation.

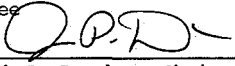
RE: ALLEGATIONS 3(a) and (3)(b) of COMPLAINT S-13:

6. Another partial scope of the investigation into the complaint was defined by resolution (3.b.) as follows:

The allegation that Senator Donley used his position as a legislator to influence law enforcement officers for his personal benefit following an altercation in 1987; and, in light of the five year bar under the new law on committee jurisdiction, intentionally prevented discovery of this action allowing the committee jurisdiction under AS 24.60.170(a).

7. While the subcommittee's deliberations are confidential, a thorough investigation of the allegation was made to determine if the incident took place more than five years ago, whether there was an attempt to intentionally prevent discovery, and whether there was use of the Senator's position in the incident.
8. The subcommittee found that the incident took place in 1987 prior to the five year statute of limitations, thereby restricting the subcommittee's jurisdiction. The subcommittee found no credible evidence of any attempt to prevent discovery, nor was any credible evidence found of an attempt by Senator Donley to use his legislative position for personal gain during the incident.
9. Therefore, the subcommittee finds that there is no evidence that Senator Donley intentionally prevented discovery of alleged violations originating out of an incident following an altercation in 1987. Even though the subcommittee recognizes its lack of jurisdiction due to the statute of limitations, it found no probable cause of an ethics violation involving this allegation.
10. The entire complaint is herein dismissed.

ADOPTED this 25th day of January, 1994,
by a majority of the Senate Subcommittee



Joseph P. Donahue, Chairman

ALASKA STATE LEGISLATURE
 SELECT COMMITTEE ON LEGISLATIVE ETHICS
 SENATE SUBCOMMITTEE

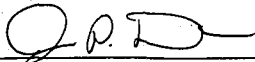
DISMISSAL ORDER AND DECISION

RE: ALLEGATION 3(a) of COMPLAINT S-6

The Senate Subcommittee hereby dismisses allegation 3(a) of Complaint S-6, in that probable cause was not found for a violation of AS 24.60.030(a) of the law then in effect. After investigation, it was found that then Representative George Jacko did not use his public office in the incident.

1. The Senate Subcommittee of the Select Committee on Legislative Ethics received a complaint against Senator George Jacko, dated August 13, 1993. This complaint was designated S-6.
2. The complaint appeared to be proper in form and contained allegations which, if true, would constitute violations of AS 24.60. Therefore, the subcommittee initiated an investigation of the complaint.
3. A partial scope of the investigation into the complaint was defined by resolution as follows:
 - a. An additional allegation that Senator Jacko used or attempted to use public office for personal gain in interactions with a legislative page during the 1991 legislative session in violation of AS 24.60.030(a) of the Ethics Law in effect in 1991.
4. While the subcommittee's deliberations are confidential, a thorough investigation into the allegation was conducted: the alleged victim was interviewed, transcripts of trooper interviews and other testimony and information were reviewed and analyzed. Although the specific facts of the interaction with the Senate page are in dispute, the subcommittee did not find probable cause that then Representative Jacko used his legislative position or public office in the incident.
5. Therefore, regarding this specific allegation, the subcommittee finds no probable cause that then Representative Jacko used or attempted to use his public office for personal gain in interactions, including alleged unwarranted sexual advances, with a Senate page, in violation of AS 24.60.030(a) and this allegation is properly dismissed.

ADOPTED this 25th day of January, 1994,
 by a majority of the Senate Subcommittee



 Joseph P. Donahue, Chairman

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
SENATE SUBCOMMITTEE

DETERMINATION OF PROBABLE CAUSE
OPINION RECOMMENDING CORRECTIVE ACTION

RE: ALLEGATIONS OF COMPLAINT S-14

The Senate Subcommittee determines that a probable violation occurred in that Senator Lincoln, apparently inadvertently, claimed per diem for the date of August 15, 1992, for which she also submitted an accrued expense to her campaign account. This probable violation may be corrected by Senator Lincoln's filing of amended claims. The subcommittee finds that Senator Lincoln did state business and her legislative per diem claim was justified. The subcommittee finds no other improper per diem claims within the scope of their investigation.

1. The Senate Subcommittee of the Select Committee on Legislative Ethics received a complaint against Senator Georgianna Lincoln, dated February 17, 1993. The complaint was designated S-14.
2. The complaint appeared to be in proper form and contained allegations which, if true, would constitute violations of AS 24.60. Therefore the subcommittee initiated an investigation of the complaint.
3. The scope of the investigation into the complaint was defined by resolution as follows:

Did Senator Lincoln improperly claim state per diem on specific days in which she was allegedly involved in personal campaign business in violation of AS 24.60.030 and 1984 Ethics Law, AS 24.60.120.
4. While the subcommittee's deliberations are confidential, a thorough investigation of the allegations was made to determine whether Senator Lincoln improperly claimed state per diem while involved in personal campaign business.
5. All the dates and allegations in the complaint were investigated, travel records obtained and reviewed, APOC filings reviewed, and House and Senate travel rules obtained and reviewed. While Senator Lincoln was not reimbursed by Legislative Council for her travel on August 15, she did make a claim for same. In addition, Senator Lincoln did file an accrued expense against her campaign account for that day's lodging with APOC.

RE: ALLEGATIONS OF COMPLAINT S-14

6. Therefore, the Senate Subcommittee determines that a probable violation occurred in that Senator Lincoln, apparently inadvertently, claimed per diem for the date of August 15, 1992, for which she also submitted an accrued expense to her campaign account.
7. This probable violation may be corrected by Senator Lincoln's filing of amended claims.
8. The subcommittee finds that Senator Lincoln did state business and therefore her legislative per diem claim was justified.
9. The subcommittee also finds no other improper per diem claims within the scope of their investigation.
10. Senator Lincoln must either comply with the recommended corrective action or request a hearing within 30 days.

Adopted this 25th day of January, 1994,
by a majority of the Senate Subcommittee



Joseph P. Donahue, Chairman