

Minutes approved January 19, 2023

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
November 18, 2022
10:00 AM

HOUSE SUBCOMMITTEE MEETING

[10:01:58 AM](#)

1. CALL THE MEETING TO ORDER

Conner Thomas called to order the meeting of the House Subcommittee of the Select Committee on Legislative Ethics at 10:01 a.m. on November 18, 2022.

Conner Thomas welcomed all of the committee members, noting that Public Member Alternate Jerry McBeath was in attendance for the first time.

Conner Thomas directed Jerry Anderson to take roll.

Roll Call

Representative Sara Hannan
Representative DeLena Johnson
H. Conner Thomas
Joyce M. Anderson
Gerald McBeath, Alternative

Quorum present.

Others

Jerry Anderson
Jacqui Yeagle

Conner Thomas reminded everyone to identify themselves before speaking. He said the meeting was expected to last for approximately two hours, a large portion of which was likely to be in executive session.

[10:04:27 AM](#)

2. APPROVAL OF AGENDA

Conner Thomas entertained a motion to approve the agenda.

Motion made by: Representative Sara Hannan

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There were no objections. The agenda was approved.

3. PUBLIC COMMENT

Conner Thomas entertained public comment.

Senator David Wilson stated that the Ethics Committee had requested additional funding for an ongoing house subcommittee investigation due to unresponsive legislators and staff. He said that Ethics Committee rules apply to both legislators and staff and that he finds it disconcerting to allow unresponsiveness, especially from staff. He urged the committee, if the unresponsiveness continues, to take action by referring them to the presiding officer of the body for disciplinary action. His recommendation would be termination. Otherwise, he said, the committee is all bark and no teeth, and it concerns him that the committee be taken seriously. He takes seriously his duty to serve on this committee, he respects the committee and the work they do. The committee should not have to spend an additional \$12,500 because of nonresponsive legislators and staff. That is irresponsible of those members and they don't take seriously their oaths of office and duties to the legislature. He thanked the committee for the time.

Conner Thomas thanked Senator David Wilson for his comments and entertained others.

Patrick Martin said that he had visited the Capitol on April 14 and 15 to deliver 5,000 petitions calling on the Alaska Legislature to prohibit the use of taxpayer money to pay for abortions in the state of Alaska. Because Representatives Eastman and Kurka work closely together, he wanted photos with them and the petitions that he had brought. The unpredictable schedule of floor and committee sessions prevented a brief visit, and instead forced him to wait extended times to get the two representatives and their staffs together for the photos. His meeting requests were also delayed repeatedly as the two representatives were engaged in other work. He said that they spent way more time in the Capitol than they ever wanted to spend there.

Aside from representatives Eastman and Kurka, he interacted with several house and senate offices, almost all of which were positive and cordial in their interactions even though most of the offices visited are on the other side of the

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issue. The offices of Senator Hughes and Representative McCabe were hostile. Representative McCabe represents the district in which Patrick Martin lives. Patrick Martin visited Representative McCabe's office in order to deliver a book and to remind him that pro-life Republicans should never vote a caucus with the abortion lobby. His staffer was curt and refused to accept the book and the message he asked her to take. At the office Senator Hughes, Buddy Whitt practically shouted Patrick Martin out of the office because Patrick Martin would not remove his petitions from the senator's office. Buddy Whitt called security in an attempt to intimidate Patrick Martin into surrendering his right to petition the government.

After leaving the petitions for Senator Hughes, Buddy Whitt followed Patrick Martin into the hallway to further harass and intimidate, then Buddy Whitt invited Patrick Martin back into the office where the two had a 30-minute conversation. During that 30-minute period, other staffers in the office of Senator Hughes continued to harass and intimidate Patrick Martin by calling security and accusing Patrick Martin of carrying a gun in the building, an act Patrick Martin said that pro-life activists don't do. The responding capitol security officer did not find a gun but he did remain outside the office of Senator Hughes for the duration of the conversation between Patrick Martin and Buddy Whitt.

The Ethics complaint against Representative Eastman and Representative Kurka seems about as credible as the weapons accusation. They are all politically motivated attempts to harass and intimidate and ultimately silence a citizen activist and any elected representatives who are willing take a hard stand against killing Alaskan babies with taxpayer money.

He asked the committee to look at the accusations and the smears against him, a private citizen, and Representatives Eastman and Kurka, and the baseless, false accusations of using government resources for Patrick Martin's political purposes, which are false, but also completely unprovable. He has to ask why the committee are even doing this. It's a baseless complaint, it's a smear campaign against himself, Alaska Right to Life, and Representatives Eastman and Kurka. That is so patently obvious that it seems the Ethics Committee has not even looked at the complaint and the accusations listed in it. He said he does not know who

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brought the complaint but based on his visit to the capitol, it seems likely either Representative McCabe or Senator Hughes or their staff members, who have taken a very politically motivated stance against him, a private citizen, against Alaska Right to Life, a simple pro-life activist group, and against the representatives that work with the group. If the committee wants to carry out the hearing and the investigation and invite him to testify in the hearings, that's fine. It's not going to go well. He thanked the committee for taking his testimony and he again encouraged the committee to look at the accusations, the complaint, and the political nature buried in them. He concluded by saying that this accusation and this hearing should not even see the light of day.

Conner Thomas thanked Patrick Martin for his comments, and noted that his comments were not testimony.

Jerry McBeath noted to Patrick Martin that he referred to himself several times as a private citizen, yet acknowledged that he had an organization called Alaska Right to Life, which is a public advocacy organization. He asked: Is it not possible that people might characterize him as an advocate in a public setting?

Patrick Martin replied that it does, but it's unseemly that his name was thrown out in derogatory terms in accusations and on the house floor.

Conner Thomas thanked Patrick Martin again and asked if there was additional public comment.

Representative Eastman encouraged the committee to review the statutes that address the committee's duties, particularly dealing with confidentiality. In his and his attorney's review of the statutes, it does not appear at all - nor was it the case when he served on the committee - that the committee has discretion to waive or not waive confidentiality when the subject of the complaint has formally waived confidentiality. Nowhere in statute does it give the committee discretion whether or not to grant that confidentiality. Once the subject waives his rights to privacy and confidentiality and has asked for relevant documents to remain public, the public should have access to that information immediately. He waived confidentiality several months ago and he sees the committee acting as if he had not waived confidentiality and continue to proceed

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under confidential rules. The rules were designed to protect the subject, himself, and yet that confidentiality is actually being used against him as the recipient of that complaint. Please review those rules, please discuss with counsel what it is that a complaint recipient is entitled to when it comes to transparency for the public, to him, to the relevant documents. He said he still sees a desire on the part of the committee for executive sessions and confidentiality and disallowing the public to see the relevant documents, which statute makes clear that the public is entitled to see. Thank you.

Conner Thomas entertained additional comments. There were now additional comments.

Conner Thomas moved to the next agenda item.

[10:18:21 AM](#)

4. COMPLAINTS AND MOTION TO GO INTO EXECUTIVE SESSION

Conner Thomas reminded everyone that attendance at executive session will be limited to members of the committee and essential personnel, as determined by the committee. In cases of discussion, investigation, data gathering, interviews, deliberations or decision making on complaints prior to probable cause determination, neither the subject of the complaint, nor any other legislator not on the appropriate subcommittee, will be allowed in the executive session.

The two complaints [the subcommittee] will be taking up today are Complaints H 22-01 and H 22-02 in executive session in accordance with the Rules of Procedure of the committee. Both of these complaints had a waiver of confidentiality filed by the respective subject of the complaint. We therefore offer the following brief summary of the complaints.

- a. H 22-01 has Representative Chris Kurka as the subject of the complaint. It contains allegations that the Representative allegedly violated AS24.60.010(2) and AS 24.60.030(a)(2) by allowing a person to use state resources for a private benefit.
- b. H 22-02 has Representative David Eastman as the subject of the complaint. It contains allegations that the Representative allegedly violated AS24.60.010(2)

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and AS 24.60.030(a)(2) by allowing a person to use state resources for a private benefit.

- c. The House subcommittee met on each of these complaints and issued a scope of investigation. An investigation report has been prepared in each of these cases and the subcommittee may be prepared to go into executive session to further consider and deliberate on each of the complaints.

Conner Thomas 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 would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Motion made by: Joyce Anderson

There was no objection.

[10:20:37 AM](#)

5. EXECUTIVE SESSION

[11:55 a.m.](#)

6. PUBLIC SESSION

Chair Conner Thomas called the meeting back to order at 11:55 a.m. and stated that in light of waivers of confidentiality the committee would announce some of the decisions made in executive session.

Conner Thomas said that in H 22-01 Representative Kurka, a majority of the House Subcommittee members approved additional investigation.

Conner Thomas said that in H 22-02 Representative Eastman, a majority of the House Subcommittee members approved additional investigation.

Conner Thomas said that a future meeting date will be set depending on the outcome of the additional investigation.

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7. OTHER BUSINESS

Conner Thomas asked Jerry Anderson to talk about future meeting plans.

Jerry Anderson said that ethics training was set for January 18 in Juneau. If the committee combines training with a meeting, the committee could meet on January 19. He said he would proceed with those plans unless there were objections to that.

Conner Thomas entertained discussion.

Conner Thomas asked if Jerry Anderson if he wanted the committee to approve those dates.

Jerry Anderson responded that he needed leadership to confirm those dates.

Conner Thomas noted that the dates are tentative. He asked Jerry Anderson if there were additional items to discuss.

Joyce Anderson asked if the committee needed a motion to secure additional funds for the continuing investigation of the complaints.

Conner Thomas thanked Joyce Anderson for reminding and asked if she wanted to make the motion.

Joyce Anderson moved that the committee ask for a \$15,000 budget increase to continue investigating the two complaints under discussion in the executive session.

Conner Thomas entertained discussion of the motion. Hearing none, Conner Thomas directed Jerry Anderson to conduct a roll call vote.

Roll call vote

Joyce Anderson	Yes
Jerry McBeath	Yes
Conner Thomas	Yes
Representative DeLena Johnson	Yes
Representative Sara Hannan	Yes

The motion passed 5-0.

Conner Thomas entertained other business.

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8. ADJOURN

Conner Thomas entertained a motion to adjourn.

Representative Sara Hannan so moved. There were no objections.

Conner Thomas adjourned the meeting.

[11:56 a.m.](#)