

**SELECT  
COMMITTEE  
HEARING  
TRANSCRIPT  
11/14/96**

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**SELECT COMMITTEE ON LEGISLATIVE ETHICS HEARING**

**BEFORE HEARING OFFICER MICHAEL WHITE**

Anchorage, Alaska  
November 14, 1996  
11:00 o'clock a.m.

**SUBCOMMITTEE MEMBERS PRESENT:**

Margie Mac Neille, Chairman  
Joseph P. Donahue  
Ed Granger  
Shirley McCoy  
Cynthia Toohey  
Edith Vorderstrasse

**APPEARANCES:**

**FOR THE RESPONDENT:**

**MR. LESTER K. SYREN**  
Law Offices of Lester K. Syren  
Attorney at Law  
1351 Huffman Road, Suite 2A  
Anchorage, Alaska 99515  
(907) 345-3111

**FOR THE HOUSE SUBCOMMITTEE  
OF THE SELECT COMMITTEE ON  
LEGISLATIVE ETHICS:**

**MR. MICHAEL R. SPAN**  
Bogle & Gates  
Attorneys at Law  
1031 West 4th Avenue, Suite 600  
Anchorage, Alaska 99501  
(907) 276-4557

**ALSO PRESENT:**

**SUSAN BARNETT**  
Staff to Ethics Committee

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SELECT COMMITTEE ON LEGISLATIVE ETHICS

ANCHORAGE, ALASKA

Margie Mac Neille, on behalf of )  
the House Subcommittee of the )  
Select Committee on Legislative )  
Ethics, )  
Complainant, )  
v. )  
Representative Jerry Sanders, )  
Respondent. )

Complaint No.: H96-02

VOLUME I

TRANSCRIPT OF PROCEEDINGS

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P R O C E E D I N G S

(On record)

CHAIRMAN MAC NEILLE: I'm going to call to order the House Subcommittee of the Select Committee on Legislative Ethics. And we're here today -- our order of business is the hearing on formal charges in Case H96-02, the charges against Representative Jerry Sanders. Present are members of the Committee Shirley McCoy, Representative Toohey, Joe Donahue, myself, Margie Mac Neille, Ed Granger, Edith Vorderstrasse.

We have retained Hearing Officer Michael White to run the hearing for us and with that, I'll turn it over to him.

HEARING OFFICER: As the Chairman indicated, it's the time set for the hearing for -- I haven't spoken to any of the Legislators before about the hearing other than a brief public teleconference -- I said Legislators, I meant members of the Committee. As I'm sure you all know, your rules provide that you are the ultimate decision makers in this case. I will be making rulings on objections, if there are any, on the admissibility of evidence. But the parties have a right to have you overrule me on anything and don't hesitate to do that if there's something you want to hear. I'll be making my rulings as best I can on the rules of evidence. There may be things that you want to hear that may not fall within the formal rules of evidence and you have a right to say that and speak up. After each of the attorneys ask questions of the

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1 witnesses, you have the opportunity to ask questions if you'd  
2 like. You are the decision makers in this case and you need to  
3 be satisfied that you get the information that you want. Are  
4 the parties ready to proceed.

5 MR. SPAAN: We are Mr. White.

6 MR. SYREN: Yes, Your Honor.

7 HEARING OFFICER: At this point I give each of the  
8 parties, beginning with the Committee an opportunity to give a  
9 brief opening statement as to what you intend to present as  
10 evidence.

11 MR. SPAAN: Thank you. Mr. White, on behalf of the  
12 Committee I'd like to say Hi to you all, Madam Chairman,  
13 members of the Committee, Mr. White and Mr. Syren. The facts  
14 of this case are not particularly complicated. On January  
15 29th, 1996, the Republican party held a straw poll, at which  
16 time party members attended and cast a vote, acknowledged their  
17 preference for the Republican Presidential candidate. This  
18 event was enormously successful, more than 5,000 people in the  
19 Anchorage area participated in the straw poll. The straw poll  
20 -- at each straw poll that was held in different districts,  
21 they kept a sign-in sheet where people who participated could  
22 put their name and address. Those straw poll sign-in sheets  
23 were made available to party officials, if party officials  
24 wanted the straw polls.

25 Around March 14th, 1996, Representative Sanders had

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1 prepared and mailed a letter to all the Republican participants  
2 in the straw poll for his district which was District 19, I  
3 believe. In this letter he thanked the participants for  
4 participating in the straw poll. The letters -- at least the  
5 letter that we have reviewed went out on March 5th, the day  
6 after the letter was prepared. The evidence that the Committee  
7 will put forward will show that the letter was on  
8 Representative Sanders' economic development committee  
9 stationary. That the letter was marked official business.  
10 That over 230 letters were sent. That there was a \$76.48  
11 charge to Representative Sanders mailroom account on March 5th,  
12 which we believe were the letters that were mailed. The  
13 evidence will show that a State computer was used. And the  
14 evidence will show that Representative Sanders' employees  
15 participated during a normal work week. In fact, the evidence  
16 will show that the last modification made on the State computer  
17 was at 10:43 a.m. on March 4th and that doesn't take into  
18 account stuffing the letters into the envelopes, taking them to  
19 the mailroom or whatever else needed to be done. We have run  
20 an independent test that was similar to this task and it took  
21 approximately six hours of work from start to finish to  
22 complete the task.

23 The charges the Committee brought were brought on  
24 September 24th where this Committee found probable cause to  
25 bring formal charges. And again, the standard to find

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1 Representative Sanders violated this is different than probable  
2 cause, it's clear and convincing evidence, we could talk about  
3 that later. All three of the charges flow from the same letter  
4 that went out to the Republicans who participated in the polls.  
5 So that's what this case is about.

6 The first charge charges Representative Sanders with  
7 using public funds, facilities, equipment, services or other  
8 government assets or resources for a nongovernmental purpose or  
9 for his private benefit by mailing the letter. The second  
10 charge, as I said, involves the same letter. It charges  
11 Representative Sanders with using or authorizing State funds,  
12 facilities, equipment, services or another government asset or  
13 resources for the purpose of political fundraising or  
14 campaigning by producing this letter and mailing it. The third  
15 charge in the same letter, it charges Representative Sanders  
16 with requiring an employee to assist in political party or  
17 candidate activities, campaigning or fundraising while on  
18 government time by requiring a Legislative employee to perform  
19 duties related to the production and the mailing of this  
20 letter.

21 Now, when the evidence comes in and when you question  
22 the witnesses, you should be reminded that there is an  
23 exception to charges one and two and that exception is the  
24 nominal use exception. And it would say that these acts, even  
25 if you found they occurred, were not chargeable or

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1 Representative Sanders shouldn't be found in violation if a  
2 limited use of State property and resources for personal  
3 purposes if it was only a limited use. And if the use does not  
4 interfere with the performance of public duties and the cost of  
5 the value related to the use, it's nominal. There is no  
6 similar exception to charge number three. The case, you'll  
7 see, a different twist because at least a portion of the State  
8 resources used were out of Representative Sanders Legislative  
9 office account. And Representative Toohy would understand  
10 that, but we're going to present some evidence on what exactly  
11 this account is, what options are available to Legislators and  
12 what restrictions, if any, are placed on them.

13           You'll hear testimony from Karla Schofield who is an  
14 employee of the LAA, who will explain about non-accountable  
15 accounts and accountable accounts and the difference. You will  
16 hear that with a non-accountable account, a Legislator could  
17 take all the money, which is \$6,000, there is deductions for  
18 taxes and other deductions and use it for, I guess, whatever  
19 purpose they want. For an accountable account, the rules  
20 require to use it for a business purpose and that is, where the  
21 Legislator could direct that certain vendors or expenses be  
22 paid. There's no real policing over it other than the good  
23 faith and the good will of the Legislator involved. So there  
24 are no deductions from those accounts for taxes. It is to be  
25 used for business purposes.

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1           You will also hear testimony regarding the Legislative  
2 postage meter and how that fits in. You'll also hear testimony  
3 about the cooperation or I should say the lack of cooperation  
4 of Representative Sanders. You'll hear that at his deposition  
5 when the Committee attempted to find out his view of the facts,  
6 that he invoked the Fifth Amendment against self incrimination,  
7 as did one of his employees. And I'd like you to caution you  
8 that the Fifth Amendment against self incrimination is a very,  
9 very important Constitutional right, but should only be invoked  
10 if you have a fear of criminal charges or evidence which could  
11 lead to criminal charges. The fact that you don't want to  
12 testify, you don't want to cooperate is not a good reason to  
13 invoke the Fifth Amendment unless there's some concern. And if  
14 there is concern, an individual has the absolute right to  
15 invoke the Fifth Amendment even in a civil case. This is an  
16 important case because what the Committee decides today or  
17 tomorrow is going to be looked at by the people in the State  
18 Legislature and the public as guidance in this area, which is a  
19 tricky area.

20           As you hear the evidence, I'd like to ask you to pay  
21 particular attention on the three key issues, at least, the  
22 issues I see and the Committee may see it differently. Was  
23 there use of government resources? What was the purpose of the  
24 Marc's 4th letter. And does the nominal use exception apply to  
25 charges one and two.

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1 Thank you very much, Mr. White and members of the  
2 Committee.

3 HEARING OFFICER: One thing I perhaps should have told  
4 the Committee before Mr. Spaan's opening statement is that the  
5 Committee needs to rely on the testimony of witnesses in terms  
6 of finding the facts that you're going to find. The opening  
7 statements and arguments at the end of the case by the  
8 attorneys are often helpful in terms of putting everything in  
9 context. But it's what the witnesses say when they're under  
10 oath that you need to base your decision on.

11 Mr. Syren, would you like to give an opening statement  
12 now?

13 MR. SYREN: Your Honor, actually I would like to  
14 reserve my time allotted for opening and apply it to my time  
15 for closing.

16 HEARING OFFICER: That's fine. Is there any objection?

17 MR. SPAAN: No. Fine. We're going to call Karla  
18 Schofield as the Committee's first witness when Ms. Barnett is  
19 done.

20 HEARING OFFICER: Would you please remain standing to  
21 be sworn in. Would you raise your right hand, please.

22 (Oath administered)

23 MS. SCHOFIELD: Yes, I do.

24 HEARING OFFICER: Please be seated.

25 **KARLA SCHOFIELD**

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1 called as a witness on behalf of the Committee, testified as  
2 follows on:

3 **DIRECT EXAMINATION**

4 HEARING OFFICER: Would you state your full name,  
5 please?

6 A My name is Karla Schofield.

7 HEARING OFFICER: Would you spell your last name,  
8 please?

9 A It's S-c-h-o-f-i-e-l-d.

10 HEARING OFFICER: And what's your mailing address?

11 A 130 Seward Street, Suite 313, Juneau, Alaska.

12 HEARING OFFICER: Thank you. You may proceed Mr.  
13 Spaan.

14 MR. SPAAN: Thank you, Mr. White.

15 **BY MR. SPAAN:**

16 Q Ms. Schofield, where are you currently employed?

17 A In Juneau, Alaska.

18 Q And how long -- or who are you employed by, I'm sorry?

19 A I am employed by the Legislative Affairs Agency.

20 Q And could you explain to me what the Legislative  
21 Affairs Agency is?

22 A The Legislative Affairs Agency is the administrative  
23 services organization for the Legislature. And we're  
24 responsible for, under the auspices of the Legislative  
25 Council, for providing service of -- payroll services,

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1 procurement services, we have Legislative information  
2 offices that are located around the State, computer  
3 services for the Legislature.

4 Q And Ms. Schofield, what is your position within the  
5 LAA?

6 A I'm the deputy director for administrative services.

7 Q And what does that include?

8 A For the most part it includes accounting services and  
9 in the absence of the executive director, I handle  
10 things for her.

11 Q Sure. And how long have you been employed with the  
12 LAA?

13 A Since December of 1982.

14 Q Okay. Are you, in the course of your duties, Ms.  
15 Schofield, familiar with the Legislative office  
16 accounts?

17 A Yes, I am.

18 Q And what is the purpose of the account?

19 A The purpose of the account is for postage, stenographic  
20 services, office expenses and other expenses. And each  
21 Legislator's entitled to a Legislative allowance  
22 account and they receive it each year.

23 Q And are there different ways that a Legislature could  
24 -- are there different sorts of accounts?

25 A Yes. There's two different accounts. Different types

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1 of ways a Legislature could elect to take their  
2 allowance account, they can take it as an accountable  
3 allowance account which means that they would send into  
4 the accounting office business expenses that they had  
5 in the course of their duties as a Legislator and those  
6 bills would be paid. The non-accountable plan is when  
7 the Legislator elects to take the \$6,000 allowance or  
8 any portion of it as income and that is run through the  
9 payroll system and taxes and withholding are taken from  
10 that check.

11 Q If I could just stop you for a second. That is the  
12 non-accountable plan then?

13 A The non-accountable plan, yes.

14 Q And does that -- would that money be reported as income  
15 to the individual Legislator who took it?

16 A Yes. It's included as income on their W-2.

17 Q Okay. And what amount of money are we talking about in  
18 the office account?

19 A We are talking about \$6,000.

20 Q Okay. Has it always been \$6,000?

21 A No, it hasn't. Up until two years ago it was \$4,000.

22 Q Does the -- is there a definition within any applicable  
23 statute to what the monies should be used for?

24 A Title 24 has the definition of what the Legislative  
25 expenses are for.

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1 Q And what is that?

2 A And it's fairly broad and I would need to read it  
3 directly. But it is what -- basically stenographic,  
4 office expenses and other expenses of a Legislator.

5 Q Ms. Schofield, I'm going to hand you what's been marked  
6 as Plaintiff's Exhibit 1 and ask you if you could  
7 identify that document?

8 A This is a letter to -- from me.....

9 Q Could you stop for a second, I'm sorry, Ms. Schofield.  
10 HEARING OFFICER: I'll inform the members of the  
11 Committee that they're not in the packets that you've received  
12 yet. If it is admitted as evidence you all will have access to  
13 those.

14 Q Okay. Could you identify Exhibit 1, please?

15 A Okay. This is a letter from me to Susie Barnett and  
16 it's dated October 16th. And it includes -- what it  
17 includes are pages from the Legislator's -- the guide  
18 for Legislator's staff and Legislators on business  
19 expense allowances, which is a book that we gave to  
20 Legislators at the beginning of this Legislative  
21 session.

22 Q Okay.

23 A It also includes a copy of the annual allowance option  
24 form which is what Legislators fill-out to tell us  
25 which way they'd like to take their office allowance

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1 account. The next item is a form Legislators use to  
2 submit expenses to the accounting office. And the next  
3 item is an information sheet that Legislators who take  
4 the accountable allowance account receive with their  
5 packet. And the next item is also from our guide for  
6 Legislators and staff that talks about the personal  
7 postage accounts which Legislators are allowed to setup  
8 in our Juneau mailroom.

9 Q And these are information that is available to  
10 Legislators?

11 A Yes. Any of the items from the guide for Legislators  
12 and staff were in the book that was delivered in  
13 January to Legislative offices. And the items that are  
14 just for people who choose the accountable allowance  
15 account are given to them when they choose that  
16 account.

17 MR. SPAAN: Mr. White, we'd move Exhibit 1.

18 HEARING OFFICER: Is there any objection, Mr. Syren?

19 MR. SYREN: No.

20 HEARING OFFICER: Okay. Exhibit 1 will be admitted.

21 (Committee's Exhibit 1 admitted)

22 HEARING OFFICER: Mr. Spaan, do you have copies for the  
23 Committee so they could.....

24 MR. SPAAN: I do for the Committee, Mr. White, and I  
25 don't know how you want to handle this.

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1 HEARING OFFICER: Why don't you, if you would, pass  
2 them out to the Committee so they could be looking over them  
3 during the testimony.

4 MR. SPAAN: Ms. Barnett, would you have time to assist?

5 MS. BARNETT: I'd be happy to.

6 MR. SPAAN: Just Exhibit 1 and what I have is a -- all  
7 these are separate packages is the problem.

8 MS. BARNETT: I see.

9 MR. SPAAN: Mr. White, I'd request just a moment. I  
10 think it might be easier for the Committee if they had this  
11 document in front of them when I question Ms. Schofield. Mr.  
12 White, I apologize to you and the Committee. After the lunch  
13 break we'll have them organized in a more realistic pile.

14 BY MR. SPAAN:

15 Q Thank you, Ms. Schofield, I'm sorry for the  
16 interruption. In this document, does it distinguish  
17 between business and personal expenses?

18 A Expenses are the normal and current cost of carrying on  
19 a trade or profession. When you have an accountable  
20 allowance account, you need to have a business expense  
21 -- a business connection to the expense and you need to  
22 have substantiation which means that we would get the  
23 -- we would have invoices for the expenses that  
24 Legislators submitted.

25 Q Okay. And who, in the LAA makes the determination

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1           whether or not an expense is a business expense and  
2           will be paid?

3    A       The Legislators are informed in their informational  
4           sheet which is included in this package that business  
5           expenses are what they should be submitting and that  
6           personal -- it's up to them to tell it -- to tell us if  
7           it's a personal expense or not or not submit the  
8           personal expense or what portion was it.

9    Q       What if an expense is, as many are, part business and  
10           part personal, is there any guidance to the  
11           Legislators?

12   A       The part that they should turn in to us is the business  
13           portion of it. They could turn in the whole receipt if  
14           they wanted to and only ask us to pay the business  
15           portion of it.

16   Q       And who could direct an expense or a invoice to be  
17           paid?

18   A       The Legislator.

19   Q       Can he or she delegate that authority?

20   A       Yes. In fact, many Legislators delegate that authority  
21           to a member of their staff. And when they do that they  
22           send us a memo that tells us that that staff person is  
23           authorized to sign on their account.

24   Q       Okay. And who -- how long does it take before you get  
25           paid or when an invoice is paid?

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1 A That can vary. But I would say most invoices are paid  
2 between three and five days.

3 Q May a Legislator pay for an expense and then would the  
4 appropriate documentation submitted to the LAA and  
5 asked to be reimbursed?

6 A Yes. A Legislator could incur the expense and pay the  
7 bill and then submit that bill to us to reimburse the  
8 Legislator.

9 Q I'm going to hand you, Ms. Schofield, what's been  
10 marked as Exhibit 2 and ask if you could identify this  
11 document?

12 A Yes. This is a docu -- this is a letter from Pam Varni  
13 who is the executive director of our agency. And when  
14 she -- this memo goes out before session begins and  
15 explains that a business -- accountable -- it explains  
16 that they have the option of choosing the non-  
17 accountable or accountable allowance and this -- this  
18 says in this letter that.....

19 Q Why don't you -- before you tell me what it says.....

20 MR. SPAAN: I'd move Exhibit 2, Mr. White.

21 HEARING OFFICER: Is there any objection?

22 MR. SYREN: No objection.

23 HEARING OFFICER: Exhibit 2 will be admitted.

24 (Committee's Exhibit 2 admitted)

25 Q Okay, go ahead. Why don't you explain what Exhibit 2

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1           says.

2    A       Okay.  What Exhibit 2 says, it explains how that they  
3           can either -- if they take it as a non-accountable plan  
4           that they'll be withholding from that check.  And it  
5           says if you take it a an accountable plan, it talks  
6           about that business expenses meet the re -- has to meet  
7           the three requirements of a business connection,  
8           substantiation and returning amounts that are in excess  
9           of expenses.

10   Q       What does returning amounts in excess of expenses mean?

11   A       Well, it actually doesn't -- we don't get into that  
12           very much.  But some people, when they run a business  
13           expense allowance might give people an advance -- and  
14           let them, like a petty cash account or something.  And  
15           then if the receipts that they turned in later didn't  
16           add up to the petty cash account, then they would have  
17           to turn in the difference, but we don't use that one  
18           because we're just reimbursing expenses.

19   Q       Can one of these accountable type of accounts be  
20           carried over to a subsequent or a later Legislative  
21           year?

22   A       We run -- we administer the accountable allowance  
23           accounts on a yearly basis.  And if there's money  
24           leftover in the account in December, that amount that's  
25           leftover is put on a person's final paycheck.

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1 Q Can a Legislator put -- or add to the \$6,000 by putting  
2 campaign funds, for instance, in it?  
3 A No. They can't add money to the allowance accounts.  
4 It's a set amount of money.  
5 Q From any source?  
6 A From any source.  
7 Q Okay. Ms. Schofield, I'm going to hand you what's been  
8 marked as Exhibit 3 and ask you to identify that  
9 document.  
10 A Exhibit 3 are the Legislative Council minutes from  
11 November 9th through 10th, 1990.  
12 Q Okay.  
13 A And.....  
14 Q Is the Legislative accounts discussed in this document?  
15 A Yes, it is. Prior to this time.....  
16 Q Wait a minute, I'm sorry. I do apologize. The proper  
17 way is I will now move to introduce Exhibit 3, if it's  
18 introduced I will ask you to briefly describe it.  
19 MR. SYREN: No objection.  
20 HEARING OFFICER: Exhibit 3 will be admitted.  
21 (Committee's Exhibit 3 admitted)  
22 MR. SPAAN: Thank you.  
23 Q Ms. Schofield, why don't you briefly tell the members  
24 of the Committee where this fits in the Legislative  
25 office account?

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1 A Prior to this time Legislators received the office  
2 allowance account in one lump sum and they didn't have  
3 an option to choose either accountable or non-  
4 accountable. At this meeting, the Legislative Council  
5 discussed that -- which way Legislators should take the  
6 office allowance account and decided that Legislators  
7 could decide for themselves whether they wanted an  
8 accountable plan or non-accountable plan.

9 Q Okay. Now, if I took a non-accountable plan and  
10 perhaps I asked you this and if I did, I apologize,  
11 would that amount be reported to the IRS as income to  
12 the individual Legislator?

13 A A non-accountable plan is that -- any amount that was  
14 taken as a non-accountable plan would be on the W- --  
15 would be reported on the W-2 at the end of the year.

16 Q Is a postage account available to the members of the  
17 Legislator -- the State Legislator?

18 A Yes, it is. There's a postage account available to  
19 them in the mail -- Juneau mailroom. And Legislators  
20 can put a deposit into that account and run postage  
21 through the Legislative Affairs Agency and we'll deduct  
22 the postage from the deposit that they placed in the  
23 mailroom.

24 Q Okay. Now, is there a separate -- how is this account  
25 paid for?

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1 A           Legislator -- well, Legislators could pay by personal  
2           check or Legislators could have money transferred from  
3           their Legislative allowance account to their Juneau  
4           mailroom account.  
5 Q           So it could be a personal check or from the office  
6           allowance?  
7 A           (Witness nods affirmatively)  
8 Q           Okay. Is there any other postage available to a member  
9           of the Legislature or do you pay for your own, either  
10          under the Legislative office account or your personal  
11          funds?  
12 A          Legislative committees often have a budget for  
13          committee postage.  
14 Q          And that would be different. Can you use a postage  
15          meter -- is there somebody -- are there any  
16          restrictions on what this postage meter can be used  
17          for?  
18 A          We don't actually see what's in the envelopes. If the  
19          Legislator is putting something through their mailroom  
20          account. The -- so really what we do is keep track of  
21          how much postage they've used and then we -- they're  
22          billed for that amount.  
23 Q          And who keeps track of that Ms. Schofield?  
24 A          Suzi Ronsi who is our mailroom clerk in Juneau.  
25 Q          And then can you incur a bill or do you deposit monies

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1 to keep ahead of the amount you.....

2 A When Suzi sees that someone is getting low on their  
3 postage account, she will notify them that they need to  
4 make another deposit.

5 Q Okay. Ms. Schofield, I'm going to hand you what's been  
6 marked as Exhibit 4 and ask you to identify -- it's a  
7 two-page exhibit and ask you to identify this document.

8 A This document is the option form that Representative  
9 Sanders filled out in the beginning of this session and  
10 it's also a record of the expenses that were processed  
11 through that allowance account.

12 MR. SPAAN: I move Exhibit 4.

13 MR. SYREN: No objection.

14 HEARING OFFICER: Without objection, 4 will be  
15 admitted.

16 (Committee's Exhibit 4 admitted)

17 Q Ms. Schofield, does Exhibit 4 indicate how  
18 Representative Sanders, what plan he chose?

19 A Representative Sanders chose the accountable plan.

20 Q Okay. And that's the one where no taxes are deducted?  
21 A That's no taxes where they submit receipts to the  
22 accounting office and they are paid.

23 Q Does Page 2 of this document, Ms. Schofield, indicate  
24 whether Representative Sanders made any payments to his  
25 mail account from his office allowance?

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1 A Yes, it does.

2 MR. SYREN: I'll object at this point. I'm not sure  
3 she's testifying on personal knowledge about a payment she saw  
4 Representative Sanders make or whether or not this record would  
5 reflect that. And to the extent it's outside the scope of her  
6 knowledge, that's my objection, foundational objection, Your  
7 Honor.

8 HEARING OFFICER: Why don't you lay a better foundation  
9 first. I think she'd be allowed to testify off the form as  
10 long as it's clear.....

11 MR. SPAAN: Okay. Right.

12 HEARING OFFICER: .....what the basis of her testimony  
13 is.

14 Q Does the form indicate, Ms. Schofield, whether or not  
15 there were any payments made to the postal fund from  
16 Representative Sanders' Legislative allowance?

17 MR. SYREN: And same objection, Your Honor.

18 HEARING OFFICER: Okay. Essentially I'll explain to  
19 the Committee, the objection made is that the witness doesn't  
20 have personal knowledge about what she's about to testify to.  
21 In a court proceeding, it probably would not be -- or it may or  
22 may not be admissible depending on whether a sufficient basis  
23 to establish that the record is a business record and kept in a  
24 regular course of business. I will allow the testimony. Mr.  
25 Syren will have an opportunity to cross examine the witness.

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1 You should consider that she's just reading off of this form  
2 and to what extent she has knowledge as to the accuracy of the  
3 form in deciding whether you should rely on it or not. You may  
4 proceed, Mr. Spaan.

5 MR. SPAAN: Thank you.

6 BY MR. SPAAN:

7 Q Do you remember the question?

8 A I -- it does reflect that there were transfers to the  
9 mailroom on this form.

10 Q And what dates are reflected on that form?

11 A January 16th.

12 Q And how much, to what amount?

13 A And that was \$100.

14 Q Okay.

15 A And March 7th and that was for \$250.

16 Q Why don't we talk a little bit about this form. Was  
17 this prepared for this hearing today?

18 A This form was sent to Susie Barnett of the Ethics  
19 Committee at her request.

20 Q Is there a form similar to this kept for every member  
21 of the Legislature who has an accountable account?

22 A Yes, there is.

23 Q When is this information entered, if you know?

24 A When the payment is made and then the next day the  
25 check -- the checks process overnight, so the next day

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1 the check number would be entered.

2 Q And who would enter this?

3 A Mindy Lobaugh who works in our accounting office and  
4 pays the accountable allowance account invoices.

5 Q So this then was not specifically prepared for this  
6 hearing, it was copied?

7 MR. SYREN: Objection. Foundation.

8 MR. SPAAN: That's what I'm trying to find out, if she  
9 knows.

10 HEARING OFFICER: Okay. Continue on.

11 A This would have been -- in order to make sure that  
12 things reconcile at the end of the month, you want to  
13 keep a record of the invoices that you pay and then  
14 these are compared to the automated reports we get from  
15 the accounting system and also another system we have.  
16 And so part of her responsibilities is to keep a sheet  
17 like this from -- for each Legislator.

18 Q Okay. I'm going to hand you, Ms. Schofield, what's  
19 been marked as Exhibit 8 and ask you if you could  
20 identify that document.

21 A This document is a memorandum from Kris Drouillard who  
22 works in the Legislative Affairs Personnel office to  
23 Susie Barnett of the Ethics Committee.

24 Q Could you identify for me who Kris Drouillard -- is it  
25 Drouillard?

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1 A It's Drouillard. And she is a personnel assistant in  
2 the Legislative Affairs Personnel office.  
3 Q Okay. Do you know that she prepared this document?  
4 A I didn't know that she prepared this document, but.....  
5 Q And you recognize her initials?  
6 A Yes.  
7 MR. SPAAN: I'd move Number 8, Your Honor.  
8 HEARING OFFICER: I think you said, what number?  
9 MR. SPAAN: Eight.  
10 HEARING OFFICER: Eight. Is there objection?  
11 MR. SYREN: I suppose it's just a foundational, Your  
12 Honor. I don't know that she -- she never prepared this  
13 document, she didn't know it was prepared until it was just  
14 shown to her today. I don't know that she can comment upon it.  
15 So my objection will be foundational.  
16 HEARING OFFICER: Do you want to respond, Mr. Spaan?  
17 MR. SPAAN: Yes, I would. Your Honor, when you go  
18 through the Legislative Ethics Code and I do have it here, it  
19 indicates that the Rules of Evidence are not enforced. What we  
20 have established is that she recognized the initials of this  
21 individual that she works with. And let me get you the  
22 appropriate citation and I think, Mr. Syren, if he thinks this  
23 document is not accurate, he'd simply -- he would surely have  
24 the right to cross examine this witness if he challenges its  
25 veracity.

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1 MR. SYREN: I'd just like to note my response, Your  
2 Honor, is that we're now stepping outside of tried and true  
3 rules of evidence, which I think filter out good evidence from  
4 bad evidence. The rules -- it's not so much that they don't  
5 apply, it's that the Committee, if it so chooses are not bound  
6 by the Rules of Evidence. But I think before you step out of  
7 those bounds, we should probably have a real good reason for  
8 doing so and some way to make sure that the evidence that's  
9 coming in here is going to be authentic and something that's  
10 going to be credible.

11 HEARING OFFICER: Mr. Spaan, could I have a copy of the  
12 document?

13 MR. SPAAN: Sure, Mike. Your Honor, I'm referring to  
14 Title 24.60.170 (J).

15 HEARING OFFICER: Members of the Committee, was with  
16 the last document that I admitted indicating that the rules are  
17 different for a hearing like this, you need to determine how  
18 much you feel a document can be relied upon based on the  
19 evidence that's given. In a normal civil trial or criminal  
20 trial, the judge makes a preliminary determination that  
21 something has to be reliable before the jury gets to see it.  
22 An administrative proceeding is somewhat different since you  
23 are specialized and have specialized knowledge, you can  
24 determine whether you should rely on it or not. This document,  
25 Mr. Syren, it seems like it would be pretty easy to establish

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1 if there's anything incorrect in it through cross examination  
2 or through affirmative presentation of evidence. I will allow  
3 it to be admitted.

4 **BY MR. SPAAN:**

5 Q Ms. Schofield, does it indicate during the 1996  
6 calendar year whether or not a Patricia Perez was  
7 employed by Representative Sanders?

8 A Yes, it does.

9 Q And what are the dates of her employment listed?

10 A January 5th through May 11th.

11 Q Okay. What about a Ms. Jeanne Lovell?

12 A January 1st, 1996 to present.

13 Q I'm going to hand you what's been marked as Exhibit 9  
14 and ask you, simply to identify that document to the  
15 Committee.

16 A This is part of a phone list that the Legislative  
17 Affairs Agency prepares when -- at each Legislature and  
18 each interim. This one was prepared February 1st,  
19 1996, so it was probably the one we prepared at the  
20 beginning of session.

21 MR. SPAAN: I move Exhibit 9.

22 MR. SYREN: No objection, Your Honor.

23 HEARING OFFICER: Nine will be admitted.

24 (Committee's Exhibit 9 admitted)

25 Q Does this document indicate whether Ms. Lovell was

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1 employed as a staff personnel for Representative  
2 Sanders?

3 MR. SYREN: Objection. Foundation.

4 MR. SPAAN: Your Honor, I could repeat the question. I  
5 asked whether or not the document represented that Ms. Lovell  
6 was employed as an employee of Representative Sanders and we've  
7 admitted the document into evidence.

8 HEARING OFFICER: Again, I'm not going to repeat what I  
9 indicated about the Rules of Evidence again. Mr. Syren, as to  
10 things that easily could be challenged by Representative  
11 Sanders, like if someone was employed or not, it seems to me  
12 that the spirit of the administrative rules are such that it  
13 should be admitted. If there's something that really is not  
14 susceptible to corroboration or challenge, I think that we  
15 would look at more closely. Whether someone was employed or  
16 listed as employed in the Legislative directory is something  
17 that is pretty easy to deal with one way or the other. And  
18 I'll admit the document. Do you want to be heard further?

19 MR. SPAAN: I.....

20 MR. SYREN: Well, Your Honor, I understand the court's  
21 position. I think again, Mr. Spaan has the burden of proof  
22 here and I don't want to just sort of skate over the Rules of  
23 Evidence that we have in place here. So we take exception to  
24 the ruling, Your Honor.

25 HEARING OFFICER: All right.

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1 BY MR. SPAAN :  
2 Q Does this document, Ms. Schofield, indicate that both  
3 Ms. Lovell and Ms. Perez were employed for  
4 Representative Sanders during the second session of the  
5 Alaska State Legislature in 1996?  
6 A Yes, it does. That's what the list is for is to show  
7 which staff people are working for which Legislator.  
8 Q Thank you. I'm going to now hand you what's been  
9 marked as Exhibit 10 and ask you to identify that  
10 document, please.  
11 A This is a letter from me to Susie Barnett and it's  
12 dated October 15th, 1996.  
13 Q And does it -- and again, I don't want you to tell me,  
14 but does it ask for a review of certain records?  
15 A This letter is in response to a request for a review of  
16 postage records.  
17 Q And did you do that investigation or cause that  
18 investigation to be done?  
19 A I contacted our Legislative mail clerk and asked for  
20 her -- and asked her for the information, she keeps  
21 records of it.  
22 Q Okay.  
23 MR. SPAAN: Your Honor, I'd move 10.  
24 MR. SYREN: No objection, Your Honor.  
25 HEARING OFFICER: Ten will be admitted.

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(Committee's Exhibit 10 admitted)

- 1
- 2 Q Does it reflect that the -- does the investigation
- 3 reflect that there were any charges to Representative
- 4 Sanders' Juneau mailroom account on March 5th?
- 5 A Yes, it does.
- 6 Q It shows that 239 pieces of mail were mailed on March
- 7 5th, 1996 and that the cost was \$76.48.
- 8 Q Thank you. I'm going to hand you, Ms. Schofield,
- 9 what's been marked as Exhibit 12 and ask whether you
- 10 recognize this document.
- 11 A This letter is from James Crawford who.....
- 12 Q Let me interrupt you for a second.
- 13 A Okay.
- 14 Q Could you identify for me and the members of the
- 15 Committee who James Crawford is?
- 16 A James Crawford is a member of our Legislative legal
- 17 staff and it's his signature on the memo.
- 18 Q Okay. And you recognize his signature?
- 19 A I don't actually recognize James' signature, but I know
- 20 that he is on our staff in our Legislative.....
- 21 Q Okay. Does this appear to be your -- the stationary of
- 22 the legal services for the LAA?
- 23 A Yes, it is.
- 24 MR. SPAAN: I move 12.
- 25 MR. SYREN: My objection would be foundational, Your

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1 Honor. I think that the easier to have done would be to have  
2 Mr. Crawford come here and testify about this, not somebody  
3 else who has never seen this or doesn't recognize the  
4 signature.

5 HEARING OFFICER: Well, I don't know that that would  
6 have been easier for Mr. Crawford or not, but I have a  
7 question. Were these exhibits in the exhibits that were  
8 exchanged.....

9 MR. SPAAN: They were, Your Honor.

10 HEARING OFFICER: .....prior to trial.

11 MR. SPAAN: Yes.

12 HEARING OFFICER: I will admit it and inform the  
13 members of the Committee that the Committee provided its  
14 exhibits to Representative Sanders prior to this hearing and  
15 certainly can call people if they have any dispute about it.

16 (Committee's Exhibit 12 admitted)

17 Q And why don't you -- it's a very short letter, why  
18 don't you just read it for the members of the  
19 Committee.

20 A Dear Ms. Barnett, enclosed is the computer generated  
21 identification information for the documents previously  
22 sent to the Committee.

23 HEARING OFFICER: Excuse me, could you speak up a  
24 little bit, please, there's some fans running.

25 A Sure. Enclosed is the computer generated

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1 identification information for the documents previously  
2 sent to the Committee. The information suggests that  
3 one of the documents was apparently last modified on  
4 March 4th, 1996 at 10:38 a.m. and that the other  
5 document was apparently last modified on the same date  
6 at 10:43 a.m.

7 Q And what's attached to the second page of Exhibit 12?

8 A A list of two word processing documents.

9 Q And are those documents identified on the left-hand  
10 side, if you could read it?

11 A It says, straw poll and the next one says poli.

12 Q And is there, on the right-hand side, a date and time  
13 which indicates when the work was done?

14 A The first one says, Monday, March 4th, 1996 at 10:43  
15 a.m. and the second one says, Monday, March 4th, 1996  
16 at 10:38 a.m.

17 Q Thank you.

18 MR. SPAAN: Mr. White, I'd have.....

19 HEARING OFFICER: Mr. Spaan, I'm going to ask you to  
20 just hold off for a minute until we catch up with the  
21 documents.

22 MR. SPAAN: I apologize, Your Honor.

23 HEARING OFFICER: I think we're there if you want, Mr.  
24 Spaan.

25 MR. SPAAN: Fine. Ms. Schofield, thank you for

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1 attending today, I have no further questions on behalf of the  
2 Committee.

3 HEARING OFFICER: Mr. Syren, do you have cross  
4 examination?

5 MR. SYREN: I do, Your Honor.

6 KARLA SCHOFIELD

7 testified as follows on:

8 CROSS EXAMINATION

9 BY MR. SYREN:

10 Q Ms. Schofield, directing your attention again to  
11 Exhibit 12.....

12 A Um-hum. (Affirmative)

13 Q .....the second page, do you know if there were any  
14 documents associated with those entries?

15 A No, I don't. Not from personal knowledge. They look  
16 like.....

17 CHAIRMAN MAC NEILLE: Could you speak-up, please.

18 A Oh, no, I don't, not from personal knowledge. They  
19 look like what -- it looks like when you look up a  
20 document in your computer.

21 Q You don't know if there's any document associated with  
22 those entries though; is that right?

23 A No, I don't.

24 HEARING OFFICER: Mr. Syren, could you speak-up also.

25 MR. SYREN: I can move this just a little bit closer,

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1 too, yes.

2 HEARING OFFICER: We're not hearing very well down  
3 here.

4 Q You don't know if there's a document associated with  
5 those entries, though, right?

6 A No, I don't.

7 Q All right.

8 MR. SYREN: Thank you. No further questions, Your  
9 Honor.

10 MR. SPAAN: Do you have any follow-up?

11 MR. SPAAN: No, Your Honor. It's up to the Committee,  
12 if they had any questions.

13 HEARING OFFICER: Does the Committee have any questions  
14 of the witness.

15 CHAIRMAN MAC NEILLE: Yes, I do.

16 A Okay.

17 **KARLA SCHOFIELD**

18 testified as follows on:

19 **INQUIRY**

20 **BY CHAIRMAN MAC NEILLE:**

21 Q On Exhibit 4, the second page, are you familiar with  
22 these forms?

23 A I'm familiar with the forms. They're kept in the --  
24 each accountable allowance account is kept in a folder  
25 by Legislator and on one side of that folder is a form

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1           like this.

2    Q           And that's in your area of Legislative Affairs?

3    A           Yes, it is.

4    Q           And does Wendy Lovelaw work for you?

5    A           Yes, Wendy Lovelaw is an accounting technician in the  
6           accounting office.

7    Q           Okay. Under your responsibility?

8    A           Yes, that's correct.

9    Q           Okay, thanks. No more questions.

10           HEARING OFFICER: Do any other members of the Committee  
11    have any questions?

12           MR. GRANGER: Yes, I do.

13           HEARING OFFICER: Go ahead, sir.

14                                   **KARLA SCHOFIELD**

15    testified as follows on:

16   **INQUIRY**

17    **BY MR. GRANGER:**

18    Q           This \$100 and this \$250 that you pointed out earlier, I  
19           assume those are withdrawals from the account by  
20           Representative Sanders; is that correct?

21    A           Yes. What they represent is a withdrawal from his  
22           accountable allowance account and a transfer to his  
23           mailroom account in the Legislative mailroom.

24    Q           As a bulk transfer?

25    A           Yes.

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1 Q Not as a specific expenditure?

2 A That's correct. They make depos -- people make  
3 deposits to the mailroom.

4 MR. GRANGER: Thank you.

5 HEARING OFFICER: Do you have a question, Mr. Donahue?

6 MR. DONAHUE: I have two questions, both relating to  
7 the accountable, non-accountable type of accounts.

8 **KARLA SCHOFIELD**

9 testified as follows on:

10 **INQUIRY**

11 **BY MR. DONAHUE:**

12 Q Can a Legislator decide to take \$1,000 of the 6,000 as  
13 non-accountable, then account for the next 2,000 and  
14 then take another 1,000 non-accountable and then  
15 account for the last 2,000 or any mix thereof?

16 A Yes, they can. At the beginning of the session, in  
17 fact, if they'd like to take a certain portion of it as  
18 accountable and a certain portion of it as non-  
19 accountable, they can. And sometimes during the year  
20 they may elect to take a certain amount of money out as  
21 non-accountable.

22 Q Okay.

23 MR. DONAHUE: Can I follow-up?

24 HEARING OFFICER: Sure.

25 Q Any non-accountable funds that are taken out by the

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1           Legislator automatically would be reported on W-2s  
2           and/or have taxes taken out on them?  
3    A       Both. They run through the payroll system so they have  
4           taxes and withholding deducted from them and are  
5           reported on the W-2.  
6           HEARING OFFICER: Keep going. You have the floor until  
7    you're done.  
8           MR. DONAHUE: Okay.  
9    Q       In terms of transfers to the postage account.....  
10   A       Um-hum. (Affirmative)  
11   Q       .....from an accountable account, does that money  
12           become non-accountable when it's taxed? Is it like  
13           writing a check to that individual Legislator and  
14           therefore does it have W-2 reporting and tax ability?  
15   A       If I understand your question, I think it's that if  
16           it's transferred from the accountable account to the  
17           mailroom account, that's considered an expenditure of  
18           postage, so it doesn't go through the payroll system,  
19           it is just the -- the accountable allowance account is  
20           reduced by the \$100 and then they have the \$100 in the  
21           mailroom account to which they could charge postage.  
22   Q       So following up on that, if I were a Legislator and I  
23           chose to transfer \$6,000 to the postage account.....  
24   A       Um-hum. (Affirmative)  
25   Q       .....spend it on personal postage, I would be able to

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1 avoid having taxes taken out?

2 A That's correct. If you used it for postage. If, then,  
3 you did not run for office again and did -- that money  
4 would be -- then it would be issued -- you would no  
5 longer have an opportunity to use our postage meter, so  
6 then we would put it on your check after you -- when  
7 you had left, yeah.

8 Q What I'm leading to is trying to understand that most  
9 of the postage accounts or maybe not most, they can be  
10 setup by a personal check from the Legislator?

11 A Yes, they can be.

12 Q And they are a service that's been provided to assist  
13 the Legislator with Legislative mailings or personal  
14 mailings?

15 A There's actually not a distinction. If you -- one of  
16 the exhibits you have, in terms of the mailroom  
17 account, there's not a distinction because it says it's  
18 their personal postage account. And.....

19 HEARING OFFICER: You need to keep your voice up a  
20 little.

21 A Okay. On Exhibit 1, if you look on Page -- it's the  
22 second to the last page of Exhibit 1. It talks about  
23 the personal postage accounts. And -- and that postage  
24 account is there and Legislators run mail through it.  
25 It's not -- it's not something -- we don't go through

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1 the mail and look and see what's being mailed.

2 Q Okay. And if I may, in fact, since it could  
3 potentially be the Legislators private check, it's  
4 their private business what happens with that account  
5 even though it's a State service?

6 A That's how the -- how it's setup.

7 Q Okay.

8 A That they just pay us for that service or paid the  
9 postage, is what they're paying.

10 Q But the money transferred out of their accountable  
11 \$6,000 is accounted for as though it was a State  
12 Legislature expenditure?

13 A The expenditures from the accountable allowance are for  
14 business expenses of being a Legislator. So that  
15 postage might be a little different since that's a  
16 business -- that's a business expense is the definition  
17 of the accountable allowance accounts.

18 Q But there is no way to track the money that goes into  
19 the postage meter that's separated as being a business  
20 accountable fund versus personal check fund?

21 A We know how Legislators paid for their postage -- how  
22 they made their postage deposits. Because if they gave  
23 us a personal check, that's recorded and if it's a  
24 transfer from their accountable allowance account,  
25 that's recorded.

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1 MR. DONAHUE: I think that's all I want.

2 HEARING OFFICER: Are you sure?

3 MR. DONAHUE: I think so.

4 KARLA SCHOFIELD

5 testified as follows on:

6 INQUIRY

7 BY MS. MCCOY:

8 Q So Legislators can deposit personal funds into the  
9 postage account, but they cannot deposit personal funds  
10 and wouldn't want to into their allowable -- or their  
11 accountable?

12 A That's correct.

13 Q Okay.

14 REPRESENTATIVE TOOHEY: If I might just introduce to  
15 clear things up as a Legislator, when you want to mail your  
16 light bill or your phone bill, I have a roll of stamps in my  
17 desk and I think most Legislators will do that. If you can you  
18 put in the mailbox, if not, you put it in the postage -- in the  
19 -- occasionally we put it in there because we don't have time  
20 literally to go downstairs to put it in the mailbox. But  
21 normally you do not put an unstamped envelope in the postage  
22 bin that has a personal note to it, I don't and most  
23 Legislators don't, I don't believe, to clear that up.

24 HEARING OFFICER: Mr. Spaan, do you have any follow-up  
25 questions?

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1 MR. SPAAN: No, Mr. White.

2 HEARING OFFICER: Mr. Syren, do you have any follow-up  
3 questions for Ms. Schofield?

4 MR. SYREN: Just so I'm clear.

5 **KARLA SCHOFIELD**

6 testified as follows on:

7 **RE CROSS EXAMINATION**

8 **BY MR. SYREN:**

9 Q You did not prepare this document, Page 2 of Exhibit 4,  
10 you did not prepare that, right?

11 A I'm looking at -- I did not prepare Page 2 of 4. That  
12 was prep.....

13 Q Then information entered on that page was entered by  
14 somebody other than you; is that right?

15 A That's correct.

16 MR. SYREN: No further questions.

17 HEARING OFFICER: Okay. You may be excused, thank you  
18 very much.

19 A Okay, thanks.

20 MR. SPAAN: Thank you.

21 HEARING OFFICER: The Committee has indicated that  
22 would prefer, as far as breaking, that we go another hour. Do  
23 you have another witness ready?

24 MR. SPAAN: Yes, I do.

25 HEARING OFFICER: Okay.

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1 MR. SPAAN: Is Representative Sanders attending by  
2 phone?

3 MR. SYREN: I believe that was our agreement.

4 MR. SPAAN: Good. I'd like to call Representative  
5 Sanders.

6 MR. SYREN: All right. I think -- Ms. Barnett you said  
7 you wanted him available at what time?

8 MS. BARNETT: Right. If I could just interject for a  
9 moment. We set it up so that there would be a lunch break  
10 between 12:00 and 1:15 or 1:25, I haven't had a chance to tell  
11 you this, and Representative Sanders is prepared to call in at  
12 1:25 is my understanding.

13 MR. SYREN: That's correct.

14 MS. BARNETT: So if you are going to take a break, I  
15 would prefer it was now.

16 HEARING OFFICER: Okay. We'll take a recess now until  
17 1:15. One thing I should tell the Committee, as is done in a  
18 trial, evidence comes in one piece at a time, don't makeup your  
19 minds, you shouldn't talk to each other about the evidence  
20 until all of it is in and both of the attorneys have given  
21 their arguments to you as to what they think it means. Okay,  
22 recess until 1:15.

23 (Off record)

24 (On record)

25 MR. SPAAN: There is a witness in the hearing room,

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1 nobody's asked for or invoked the exclusion rule for witnesses.  
2 I don't care, but I just want to bring it to Mr. Syren's  
3 attention if he'd like to request to the Chair.

4 MR. SYREN: Which witness is it?

5 MR. SPAAN: It's Mr. Woods.

6 MR. SYREN: I'd like him to be excluded.

7 HEARING OFFICER: I didn't hear what you said?

8 MR. SYREN: I'd like Mr. Woods to be -- all witnesses  
9 to be excluded until it's time for them to testify.

10 MR. SPAAN: I think that would be normal. I wouldn't  
11 -- there's a place for them to sit right outside where we don't  
12 delay the hearing -- and some of these witnesses, Mr. White,  
13 I've never met in person, so I'll try and do what I can.

14 HEARING OFFICER: Mr. Syren, are you ready to get  
15 started.

16 MR. SPAAN: Excuse me, I.....

17 MR. SYREN: Yes.

18 MR. SPAAN: .....do have one objection. Ms. Barnett is  
19 an investigator and my assistant as well as I intend to call  
20 her, so I would like permission for her to stay.

21 HEARING OFFICER: Is there objection to that, Mr.  
22 Syren?

23 MR. SYREN: No.

24 HEARING OFFICER: Okay.

25 MR. SPAAN: Thanks.

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1 HEARING OFFICER: Yes. Is the next order of business,  
2 Representative Sanders?

3 MR. SPAAN: Yes, it is.

4 HEARING OFFICER: Is he hooked up yet?

5 MR. SYREN: He advised me that he was going to call at  
6 the appointed time.

7 HEARING OFFICER: Where does the phone ring through?

8 MR. SYREN: Ms. Barnett, I think has the answers to all  
9 those questions. I have a number where he can be reached.

10 HEARING OFFICER: Well, why don't we wait until Ms.  
11 Barnett gets back and see where she is as far as that goes.

12 (Off record)

13 (On record)

14 MS. BARNETT: Representative Sanders?

15 REPRESENTATIVE SANDERS: Yes.

16 MS. BARNETT: Can you hear me, this is Susie Barnett?

17 REPRESENTATIVE SANDERS: Yes, Susie I can hear you.

18 MS. BARNETT: Okay, great. You are on speaker phone at  
19 the public hearing and I'm going to turn it over to Margie Mac  
20 Neille and the public hearing officer, Mike White.

21 HEARING OFFICER: Representative Sanders, this is  
22 Michael White, the hearing officer, can you hear me okay?

23 REPRESENTATIVE SANDERS: Yes, I can.

24 HEARING OFFICER: I understand that you have been  
25 called as a witness by the Committee, is that your

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1 understanding?

2 REPRESENTATIVE SANDERS: Yes.

3 HEARING OFFICER: And at this time I need to swear you  
4 in, would you raise your right hand, please?

5 REPRESENTATIVE SANDERS: Sure.

6 (Oath administered)

7 REPRESENTATIVE SANDERS: I do.

8 JERRY SANDERS

9 called as a witness on behalf of the Committee, testified as  
10 follows on:

11 DIRECT EXAMINATION

12 HEARING OFFICER: For the record, sir, would you state  
13 your full name?

14 A Jerry Sanders.

15 HEARING OFFICER: Your mailing address?

16 A P.O. Box 23-0090.

17 HEARING OFFICER: And your occupation?

18 A Anchorage 99523.

19 HEARING OFFICER: I apologize for interrupting. Your  
20 occupation, sir?

21 A I'm sorry, occupation?

22 HEARING OFFICER: Yes.

23 A I'm a long shoreman.

24 HEARING OFFICER: And where are you physically located  
25 today?

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1 A In Santa Fe, New Mexico.

2 HEARING OFFICER: Thank you, sir. I'm going to turn  
3 the microphone over to Mr. Spaan at this point.

4 BY MR. SPAAN:

5 Q Good afternoon Representative Sanders, can you hear me,  
6 sir?

7 A Yes, sir.

8 Q Good.

9 MR. SYREN: Mr. Spaan, Representative Sanders, can you  
10 hear me as well, this is Les Syren?

11 A Yes.

12 MR. SYREN: Okay, thanks. Thank you.

13 Q Representative Sanders, how long have you served in the  
14 Alaska State Legislature, sir?

15 A It will be four years in January.

16 Q Okay. And what district do you represent, sir?

17 A District 19.

18 Q And can you tell me the -- in general term, is that in  
19 Anchorage, sir, I'm sorry?

20 A Yes. That's in -- they call the South/east mid-town.

21 Q Okay. Representative Sanders, did your Counsel give  
22 you the copies of the Committee's exhibits that they  
23 intended to introduce, have you seen those?

24 MR. SYREN: Objection. It's attorney/client privilege.

25 Q Do you have copies of the Committee exhibits, sir, in

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1 front of you?

2 MR. SYREN: Same objection, Your Honor.

3 HEARING OFFICER: I'm going to overrule it on whether  
4 he has copies of them.

5 Q Sir?

6 A Say again?

7 Q Do you have the copies of the exhibits that the  
8 Committee intended to introduce into evidence today?

9 A No, sir, I don't.

10 Q Okay. Representative Sanders, did you participate in a  
11 Republican Straw Poll in January of 1996, sir?

12 MR. SYREN: And at this time I'll instruct my client  
13 not to answer based on the Fifth Amendment.

14 Q Representative Sanders, are you going to take the  
15 advice of Counsel, sir?

16 A Yes, sir.

17 Q Did you formerly tell me that you, in fact, did attend  
18 the Republican Straw Poll for District 19?

19 MR. SYREN: Same objection.

20 HEARING OFFICER: Fifth Amendment?

21 MR. SYREN: Fifth Amendment, don't answer.

22 MR. SPAAN: Your Honor, I've got a copy of the  
23 deposition where he's answered this question. He's waived it  
24 as to this question.

25 HEARING OFFICER: Mr. Syren, do you want to respond to

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1 that?

2 MR. SYREN: Go ahead and answer, Jerry.

3 A Tell me the question again.

4 BY MR. SPAAN:

5 Q Did you participate in the Republican Straw Poll for  
6 District 19 in January of this year, sir?

7 A Yes, sir.

8 Q Mr. Sanders, did you cause a letter to be written to  
9 participants of that straw poll from your district?

10 MR. SYREN: Now, I'll instruct my client not to answer  
11 the question, Your Honor.....

12 HEARING OFFICER: Based on.....

13 MR. SYREN: .....based on the Fifth Amendment.

14 HEARING OFFICER: .....Fifth Amendment? Mr. Spaan, do  
15 you want to respond to that assertion of privilege?

16 MR. SPAAN: Well, first of all, I want to simply have  
17 the Chair and myself inquire if Representative Sanders is going  
18 to take the advice of Counsel?

19 HEARING OFFICER: Representative Sanders, did you hear  
20 Mr. Spaan's comment?

21 A Yes.

22 HEARING OFFICER: When your attorney indicates on your  
23 behalf that you intend to take the Fifth Amendment and refuse  
24 to answer, is it your intention to follow his advice?

25 A Yes, sir.

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1 HEARING OFFICER: Okay.

2 BY MR. SPAAN:

3 Q Representative Sanders, is it your contention that an  
4 answer to that question would lead to possible criminal  
5 charges, sir?

6 MR. SYREN: Objection, Your Honor. Don't answer the  
7 question Representative Sanders.

8 HEARING OFFICER: Overall, Representative Sanders, in  
9 this period of time while your attorney is making objections  
10 question by question, I want to caution you since you're not  
11 here next to him to withhold your answer until Mr. Syren  
12 instructs you one way or another okay.

13 A Yes, sir.

14 MR. SYREN: The objection goes to the Fifth Amendment,  
15 but also the attorney/client privilege.

16 HEARING OFFICER: What was the question again, I was  
17 listening to Fifth Amendment?

18 MR. SPAAN: I'm sorry. The question was whether or not  
19 he had caused a letter dated March 4th to be mailed. I think  
20 he evoked the Fifth Amendment. I then asked him if it was on  
21 the advice of Counsel, he said, yes, I then asked him if he  
22 thought -- I wanted to make sure it was a proper exercise of  
23 the Fifth Amendment that an answer to that question could lead  
24 to criminal charges or to a chain of evidence which could lead  
25 to criminal charges, that was my question.

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1 HEARING OFFICER: I'll certainly permit you to argue  
2 that later on. And you are permitted to inquire question by  
3 question, but if Mr. Syren indicates that he's asserting the  
4 Fifth, I think based on Representative Sanders' prior answer  
5 that he's going to follow the advice of Counsel, we don't need  
6 to go any further beyond Mr. Syren's objection.

7 MR. SYREN: For the record though, Your Honor, I'd like  
8 to note that I have raised the other objection and that is,  
9 attorney/client privilege to the last question.

10 HEARING OFFICER: Well, I'm not sure I.....

11 MR. SPAAN: Well, I'd like to talk about it. This  
12 individual is a witness.....

13 HEARING OFFICER: One moment please. Mr. Syren, what  
14 question is it that you're objecting to the  
15 attorney/client.....

16 MR. SYREN: The last one.

17 HEARING OFFICER: Could you restate it?

18 MR. SYREN: The last one where he's asking for -- of  
19 Representative Sanders' understanding of whether or not these  
20 things would lead to -- any of these questions would lead to  
21 criminal violations. That gets right into the area of our  
22 discussions back and forth.

23 MR. SPAAN: Well, then I withdraw that question.

24 MR. SYREN: And that's -- that's.....

25 HEARING OFFICER: Okay. I agree with you.

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1 MR. SPAAN: And he's absolutely right.

2 HEARING OFFICER: Okay.

3 MR. SPAAN: I apologize, Mr. Syren.

4 **BY MR. SPAAN:**

5 Q Mr. Sanders, what's been admitted as Committee Exhibit  
6 4 is a Legislative Affairs agency form, sir, where  
7 you've checked a box that you were going to take the  
8 \$6,000 office allowance in an accountable account, I  
9 guess, is that your memory of how you took this?

10 MR. SYREN: All right. And I'll instruct my client not  
11 to answer the question based on the Fifth Amendment.

12 HEARING OFFICER: Do you want to argue that, Mr. Spaan?

13 MR. SPAAN: No.

14 HEARING OFFICER: Okay. I'm going to interrupt for one  
15 second and give an instruction to the Committee members. Most  
16 people are used to understanding, to the extent they do, the  
17 Fifth Amendment privilege in the context of criminal cases.  
18 This is different than a criminal case. If this were a  
19 criminal case, you wouldn't be informed that the person accused  
20 took the Fifth Amendment because it's a Constitutional right.  
21 There's an exception on civil matters. Where one exercises the  
22 Constitutional right not to testify, that is something in a  
23 civil case, a factfinder can be made aware of and you can  
24 consider that for whatever weight you think it is as to the  
25 answers and I'll instruct in more detail at the end of this

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1 case after talking to both lawyers and getting suggestions from  
2 them. But it is not improper to bring to your attention that a  
3 witness in a civil case is taking the Fifth Amendment.

4 MR. SPAAN: Thank you.

5 BY MR. SPAAN:

6 Q Representative Sanders, I have in front of me an  
7 exhibit labeled 5 which I purport to you is a sign-in  
8 list for the Republican Straw Poll for District 19.  
9 Have you ever seen such a document?

10 MR. SYREN: And I'll instruct him not to answer. I  
11 also object to this has not been admitted into evidence, this  
12 exhibit.

13 MR. SPAAN: I was going to establish a foundation  
14 through Representative Sanders to admit it, but apparently  
15 we're not going to do that.

16 HEARING OFFICER: I'll overrule the objection as far as  
17 foundation. As to Fifth Amendment privilege, do you want to  
18 argue that Mr. Spaan or move on?

19 MR. SPAAN: No.

20 Q Representative Sanders, I have marked as Exhibit 11,  
21 sir, what purports to be a form letter and this is not  
22 in evidence, but I want to see whether or not you could  
23 authenticate this document, it's a form letter which  
24 bears the date of March 4th, 1996 with your name on it  
25 which was sent to participants in the Republican Straw

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1 Poll of your district. Do you know anything about this  
2 letter, sir?  
3 MR. SYREN: Same instruction.  
4 HEARING OFFICER: As to the Fifth Amendment?  
5 MR. SYREN: Right.  
6 HEARING OFFICER: Very well.  
7 MR. SPAAN: Let me try.....  
8 HEARING OFFICER: Mr. Spaan, let's have this ground  
9 rule so.....  
10 MR. SPAAN: Okay.  
11 HEARING OFFICER: .....we can be most efficient. When  
12 the objection is made, I'm going to look to you to either move  
13 on.....  
14 MR. SPAAN: Okay.  
15 HEARING OFFICER: .....or if there's some particular  
16 point you want to argue, you know.....  
17 MR. SPAAN: Okay.  
18 HEARING OFFICER: .....use your initiative to say that  
19 otherwise just move on.  
20 **BY MR. SPAAN:**  
21 Q Let me ask you this, Representative Sanders, is there  
22 anything that you could tell this Committee that has  
23 any bearing on this letter that you'd like to say?  
24 MR. SYREN: Same instruction.  
25 MR. SPAAN: Well, I don't -- okay.

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1 MR. SYREN: The question is broad enough to.....

2 HEARING OFFICER: Well, if you want to argue it, Mr.  
3 Spaan, argue it.

4 MR. SYREN: .....include just about anything at all.

5 MR. SPAAN: Well.....

6 HEARING OFFICER: Exasperation isn't going to  
7 communicate much.

8 MR. SPAAN: .....the problem -- and let me argue it to  
9 the Court.....

10 HEARING OFFICER: Go ahead.

11 MR. SPAAN: .....and it might be more of a thinking out  
12 loud. I mean the question was to Representative Sanders, is  
13 there anything that he could bring to the Committee's attention  
14 when they review this matter that's not protected, in his view,  
15 by the Fifth Amendment. And when Mr. Syren objected, I  
16 thought, well, if he's talked to Mr. Syren about that that  
17 would be protected by the attorney/client privilege, so I guess  
18 I don't have anything to say about that.

19 HEARING OFFICER: Okay.

20 MR. SPAAN: Okay.

21 Q Have you, other than from the advice of your Counsel,  
22 sir, identified any specific fear of criminal  
23 prosecution from you testifying in this matter and if  
24 -- let me be clear, if it was from discussions with  
25 your Counsel, he's going to tell you not to answer and

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1 so am I, but do you have any independent basis other  
2 than advice of Counsel which would give you a  
3 reasonable and justifiable fear of being prosecuted by  
4 answering these questions.

5 MR. SYREN: And same instruction. Don't answer the  
6 question. I'd like to make some other objections, too.

7 HEARING OFFICER: All right.

8 MR. SYREN: It's vague. It's overbroad. I think there  
9 might be more than one question in there.

10 HEARING OFFICER: I agree.

11 MR. SYREN: It calls for speculation. It calls for  
12 legal.....

13 HEARING OFFICER: I'll sustain it, it was compound and  
14 it was somewhat vague. Do you want to be more specific about  
15 whether it's factual issues as to a basis for him -- I can't  
16 tell from your question if you're asking if there are  
17 factual.....

18 MR. SPAAN: Okay. Let me ask it this way.....

19 **BY MR. SPAAN:**

20 Q Representative Sanders, have you, independently from  
21 your Counsel, ever reviewed the criminal codes for the  
22 State of Alaska to identify any particular crime that  
23 you might be concerned about?

24 MR. SYREN: Same objection. Your Honor, I'm  
25 instructing my client not to answer that question. And also I

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1 will include the objection that it calls for a legal opinion  
2 and it's again, vague and overbroad.

3 MR. SPAAN: That's.....

4 HEARING OFFICER: I'm going to deny the objection on  
5 vague and overbroad. Do you want to address the Fifth  
6 Amendment issue?

7 MR. SPAAN: I think what I've asked him is, does he  
8 have an independent source and if the answer is no, it's -- it  
9 would be the Fifth Amendment and the attorney/client privilege.  
10 But I think I'm entitled to an answer whether he has an  
11 independent non-attorney/client reason to assert this  
12 privilege.

13 MR. SYREN: No, no, he's not -- the question is whether  
14 or not my client can assert the Fifth Amendment and he's just  
15 admitted that this client -- that this question invades the  
16 Fifth Amendment.

17 MR. SPAAN: No.

18 HEARING OFFICER: Mr. Spaan, are you trying to get at  
19 whether there is a reasonable basis for the exercise or.....

20 MR. SPAAN: That's what I'm trying to.....

21 HEARING OFFICER: .....are you trying to get the state  
22 of mind of Representative Sanders?

23 MR. SPAAN: No, I'm trying to get whether there is a  
24 reasonable basis. And, Your Honor, I don't think I could get  
25 it from what Mr. -- I know I can't get it from what Mr. Syren

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1 discussed with Representative Sanders. If he has an  
2 independent basis that's not based on the attorney/client  
3 privilege, I just want an answer, yes or no.

4 HEARING OFFICER: What's the relevance of it?

5 MR. SPAAN: Well, then I think I could ask him for the  
6 basis and then ask you, sir, to decide whether or not it's a  
7 reasonable basis.

8 MR. SYREN: Your Honor, that.....

9 HEARING OFFICER: There does have to be a foundation  
10 that is a reasonable basis. I don't know that that has to be  
11 from the witness's mouth or argument from the attorney, what's  
12 the basis?

13 MR. SYREN: The basis, Your Honor, is that if -- if  
14 what the Committee is alleging happened did, in fact, happened,  
15 this could qualify as official misconduct.

16 MR. SPAAN: Your Honor, I.....

17 HEARING OFFICER: Do you dispute that, Mr. Spaan?

18 MR. SPAAN: Yeah.

19 MR. SYREN: It's stealing.

20 MR. SPAAN: Well, I have the official misconduct  
21 statute, Your Honor, with the Chair's permission, I'll hand to  
22 the Chair.

23 HEARING OFFICER: Well, even without official  
24 misconduct, wouldn't it constitute theft if the facts, as  
25 asserted are true?

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1 MR. SPAAN: I don't think so, no. Now, if it was a  
2 knowing violation it would and that's why I'm not going to ask  
3 the Chair to make a ruling that there are no facts which would  
4 support a prosecution, I can't do that and won't.

5 HEARING OFFICER: I think that there is a reasonable  
6 basis for the exercise. I'm not making an assumption as to  
7 what the facts are. I want to make that clear to the members  
8 of the Committee. I'm not saying that there are any facts  
9 establishing that Representative Sanders did anything wrong.  
10 You people determine the facts and the trial's not over. But  
11 if the facts are as they are alleged, it seems to me that this  
12 would fall within 11.56.850(a)(1) and it would fall within  
13 theft statutes. And certainly that's a reasonable, would be a  
14 reasonable basis to take the -- to exercise the privilege. The  
15 Legislature has the ability to immunize a witness if it's  
16 unhappy with the exercise of a privilege. And I think that  
17 that's where this is. I think if you want to obtain  
18 information from Representative Sanders where he's exercising  
19 the Fifth as to facts in the chain of causation towards this  
20 case, that he has the right to exercise that, absent immunity  
21 being provided.

22 MR. SPAAN: Well, with that then, Mr. Chairman, I would  
23 conclude my testimony. Thank you, Representative Sanders.

24 A Thank you.

25 HEARING OFFICER: Don't hang-up please. Did any of the

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1 Committee members -- Mr. Syren, do you have any questions you  
2 want to ask?

3 MR. SYREN: I do have a couple of questions.

4 JERRY SANDERS

5 testified as follows on:

6 CROSS EXAMINATION

7 BY MR. SYREN:

8 Q Representative Sanders, could you tell us where you are  
9 today?

10 A I'm in Santa Fe, New Mexico at the Council of State  
11 Governments, Western Division.

12 Q When does that conference begin?

13 A It begins tomorrow.

14 Q And what speakers are you going to hear from?

15 A Oh, there'll be several. One's going to be Senator Tim  
16 Kelly from Alaska talking about fishing and resources.  
17 But Rodrico Penz (ph) is going to be talking about  
18 transportation in the western states. We'll have  
19 sessions on welfare reform and telecommunications and  
20 how the '96 elections are going to effect the western  
21 states, managed health care, water in the western  
22 states, just things like that.

23 Q And it's my understanding that you purchased -- made  
24 your reservations on or about September 30th of this  
25 year for this conference; is that right?

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1 A I got the tickets then. We made all the arrangements  
2 around the middle of September and the tickets and the  
3 confirmations came in around the last -- around the  
4 30th.

5 Q Okay.

6 MR. SYREN: No further questions.

7 HEARING OFFICER: Any follow-up, Mr. Spaan?

8 MR. SPAAN: Let me check with Ms. Barnett. Suzi  
9 Barnett had a question of Representative Sanders regarding a  
10 procedural manner with the Chair's permission.

11 MS. BARNETT: I just wanted to know if Representative  
12 Sanders wanted to continue to listen in to the hearing and  
13 therefore we'll put it on mute or if he's going to hang-up.

14 MR. SYREN: I think he's preparing for the  
15 conference.....

16 HEARING OFFICER: Well, after he.....

17 MR. SYREN: .....and -- after he, you know, finishes  
18 questions.

19 HEARING OFFICER: .....don't hang-up yet, I want to  
20 give the Committee members a chance. Do any of the Committee  
21 members wish to ask questions.

22 JERRY SANDERS

23 testified as follows on:

24 INQUIRY

25 BY MS. MCCOY:

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1 Q Representative Sanders?  
2 A Yes.  
3 Q Shirley McCoy here. I was just curious, you knew that  
4 the hearings were going to be scheduled for today and  
5 you made your arrangements for this trip after that was  
6 slated?  
7 A No. I think the schedules for today was sometime in  
8 the middle of October.  
9 Q Okay. Can you.....  
10 A I'd had my tickets and everything for about two weeks  
11 before they set this date.  
12 Q Do you feel there's justifications to the allegations  
13 that you've been charged with by the Committee?  
14 MR. SYREN: All right. And I'll instruct my client not  
15 to answer that question based on the Fifth Amendment.  
16 HEARING OFFICER: I will sustain that objection.  
17 MS. MCCOY: Okay.  
18 HEARING OFFICER: Go ahead.  
19 Q One other question then.....  
20 HEARING OFFICER: Don't be hesitant to ask questions  
21 because objections are made.  
22 MS. MCCOY: Okay.  
23 BY MS. MCCOY:  
24 Q Do you feel, Representative Sanders, that you're  
25 serving your constituency well by addressing everything

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1 on the Fifth?

2 MR. SYREN: All right. And I'll instruct my client not  
3 to answer that based on the Fifth Amendment. Also I raise the  
4 objection that it's argumentative.

5 HEARING OFFICER: Do you want to be heard, Mr. Spaan?

6 MR. SPAAN: I think it was a proper question. I think  
7 if he raises the Fifth Amendment that ends it -- well, I'm not  
8 sure whether that answer would tend to incriminate, to tell you  
9 the truth. I don't think there's a reasonable basis to give  
10 that instruction.

11 HEARING OFFICER: I am going to overrule the objection  
12 as to that question.

13 MR. SYREN: What about the other objection, Your Honor.  
14 This is argumentative and I guess I would also question whether  
15 or not it's relevant. Today, we're here to decide whether or  
16 not Representative Sanders broke the law. We're not interested  
17 in whether or not he thinks this serves his constituents.

18 HEARING OFFICER: Well, I think the Committee is  
19 charged with two functions. One, to determine whether he has  
20 committed an ethical violation and the second function is what  
21 they should do if he has. And I think there may be some  
22 relevance to that question to that.

23 MR. SYREN: I'm not sure I see the connection between  
24 those questions and whether or not he believes he's serving his  
25 constituents.

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1 HEARING OFFICER: By the exercise of the Fifth  
2 Amendment?

3 MR. SYREN: Right. I'm not sure I see the.....

4 HEARING OFFICER: I think it's a proper question given  
5 the fact that the Committee has to decide what to do. And one  
6 of the things that the Committee is charged with considering is  
7 the respondent's cooperation in the investigation.

8 MR. SYREN: Well, Your Honor, I think, with all due  
9 respect, I'd like to take a break and take this up with another  
10 body. Once Representative Sanders waives his right, it's gone,  
11 it's out the window. And at this point, rather than have the  
12 trains go by, I'd like to appeal this because I feel that, we  
13 just stop everything right now and we can reassemble at another  
14 time. But I can't let him answer that question in good  
15 conscious based on my concerns about the Fifth Amendment.

16 HEARING OFFICER: Well, I.....

17 MR. SYREN: Part of the problem is with the question,  
18 the other part is the answer may open the door to other areas  
19 the way it's -- it's so broad and open ended.

20 HEARING OFFICER: Well, I will break for a few moments  
21 if you want to talk to him privately before he answers the  
22 question, but I think it's an appropriate question and I'll  
23 leave it up to the Committee if they want to withdraw the  
24 question. But, I mean it's a two-faceted proceeding. The  
25 Committee needs to decide what to do. I think it was a

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1 legitimate question.

2 MR. SYREN: I understand and we take exception, Your  
3 Honor. And at this point, I think that the thing to do is to  
4 take it to a higher body.

5 HEARING OFFICER: To what? The Court's already said it  
6 doesn't have any jurisdiction over this proceeding.

7 MR. SYREN: We've actually filed a petition to the  
8 Supreme Court -- a motion for extension of time to file a  
9 petition with the Supreme Court and we can do that as well.

10 HEARING OFFICER: Well, you can instruct him not to  
11 answer. If that's what your instruction is.....

12 MR. SYREN: It is.

13 HEARING OFFICER: .....I'm going to overrule the  
14 objection. And if somebody moves me to do something, I'll  
15 consider it, but all I can do is overrule the objection.

16 MR. SYREN: I understand. And I'm still going to  
17 instruct my client not to answer.

18 HEARING OFFICER: Okay. Do you have further questions?  
19 He's not going to answer the question.

20 MS. MCCOY: I guess not.

21 HEARING OFFICER: Okay.

22 MS. MCCOY: Thanks.

23 HEARING OFFICER: Are there other questions by  
24 Committee members?

25 REPRESENTATIVE TOOHEY: Thank you. I just have a

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1 clarification. One of the questions asked to Representative  
2 Sanders was concerning a piece of mail that we have in front of  
3 us signed by Representative Sanders. I'm a little left out in  
4 the dark on why we have this and he won't answer the question  
5 on the letter itself when we have it in front of us. Is  
6 that.....

7 HEARING OFFICER: Well.....

8 REPRESENTATIVE TOOHEY: Please, I'm a neophyte.

9 HEARING OFFICER: Well, ask him a question and see if  
10 he answers.

11 REPRESENTATIVE TOOHEY: Good.

12 JERRY SANDERS

13 testified as follows on:

14 INQUIRY

15 BY REPRESENTATIVE TOOHEY:

16 Q Representative Sanders? Hello?

17 A Hello.

18 Q Yes. We have a letter.....

19 MR. SYREN: Excuse me, Representative, could you  
20 identify yourself.

21 REPRESENTATIVE TOOHEY: I'm sorry.

22 Q Representative Toohey here. Representative Sanders, we  
23 have a letter here dated March 4th with the Alaska  
24 State Legislature letterhead with your name on it.  
25 It's addressed to no one and it is left blank and it's

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1 signed by you congratulating people for attending the  
2 straw poll and voting. Can you -- do you remember that  
3 letter?

4 MR. SYREN: Okay. And I'll instruct my client not to  
5 answer that question.

6 HEARING OFFICER: I'll sustain that objection. He  
7 would have the right, if he has a good faith belief that that  
8 may incriminate him to not answer.

9 REPRESENTATIVE TOOHEY: Thank you. No further  
10 questions.

11 HEARING OFFICER: Do other Committee members have any  
12 questions? Mr. Donahue?

13 MR. DONAHUE: I have a question I want to ask before  
14 he's off the line, but it has to do with, did someone here say  
15 that there was some method where he could -- the Committee or  
16 someone could say that they wouldn't take charges against him  
17 in a criminal case if he would answer the questions and we  
18 could get him to not to the Fifth? Is there some mechanism,  
19 did I hear that be said here sometime?

20 HEARING OFFICER: I said that. There is a statute  
21 which provides that a House of the Legislature can immunize a  
22 witness by a -- by the Committee -- my understanding is that  
23 the Committee could not do it by itself. It would require a  
24 resolution of the House. It would be A.S. 24.25.070 and it  
25 would prohibit future criminal prosecution, it'd be binding on

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1 the executive branch, but it would require a resolution of the  
2 House. And if that were done, then a witness would have no  
3 right to not answer questions based on the Fifth Amendment.  
4 It's similar to what happens in any prosecution where that is  
5 used in the executive branch.

6 MR. DONAHUE: Thank you. I appreciate the  
7 clarification. And, of course, not being familiar with  
8 criminal trials and when people take the Fifth and don't, I was  
9 looking for a way -- I have a concern in wanting to hear what  
10 Representative Sanders has to say and I'd like to ask a  
11 question that would get him to tell us something. And that's a  
12 precursory to try to justify my question.

13 JERRY SANDERS

14 testified as follows:

15 INQUIRY

16 BY MR. DONAHUE:

17 Q Representative Sanders, this is Joe Donahue.

18 A Yeah, Joe.

19 Q Is there anything you wish to tell the Committee?

20 MR. SYREN: Same objection. Your Honor, and not only  
21 that, but asked and answered. It's getting to the point of  
22 actually harassment, I think at this point.

23 HEARING OFFICER: Well, I think.....

24 MR. SYREN: We really need to move on. We're sort of  
25 whipping a dead horse here, I think and it's time to move on.

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1 HEARING OFFICER: That question is sufficiently broad  
2 that there may be things not within the privilege that he may  
3 want to say. If you instruct him not to answer it, you know,  
4 we'll move on.

5 MR. SYREN: I have instructed him not to answer.

6 HEARING OFFICER: All right. Any other questions?  
7 That will -- do you have any follow-up, Mr. Spaan?

8 MR. SPAAN: No.

9 HEARING OFFICER: Mr. Syren, any follow-up?

10 MR. SYREN: No.

11 HEARING OFFICER: That will conclude your testimony,  
12 Representative Sanders, thank you for being available.

13 A Thank you.

14 HEARING OFFICER: Now, Ms. Barnett, you were doing  
15 something with the phones.

16 MS. BARNETT: Representative Sanders, would you like to  
17 stay on and listen or would you -- are you going to hang-up?

18 A No, that's fine. I've got some things I need to get  
19 done.

20 MS. BARNETT: Okay, thank you.

21 HEARING OFFICER: Thank you. Mr. Spaan, your next  
22 witness.

23 MR. SPAAN: Yeah. If I could have one second with Ms.  
24 Barnett, I was going to call Mr. Woods and I think he's  
25 out.....

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1 MS. BARNETT: I can go get him.

2 MR. JACOBUS: Linda McKay is also here.

3 MR. SPAAN: Great.

4 HEARING OFFICER: Would you remain standing, sir, for a  
5 moment.

6 MR. WOODS: Okay, sure.

7 HEARING OFFICER: What's your name, sir?

8 MR. WOODS: My name is Ernest Woods.

9 HEARING OFFICER: Okay. Would you raise your right  
10 hand, please.

11 (Oath administered)

12 MR. WOODS: I do.

13 HEARING OFFICER: Okay, please be seated.

14 **ERNEST WOODS**

15 called as a witness on behalf of the Committee, testifies as  
16 follows on:

17 **DIRECT EXAMINATION**

18 HEARING OFFICER: I've already asked you what your name  
19 is, could you tell me your mailing address, please?

20 A It's 3457 East 67th Avenue.

21 HEARING OFFICER: And your occupation, sir?

22 A I'm a contract specialist.

23 HEARING OFFICER: Okay. And the address you gave us,  
24 is that in Anchorage?

25 A Yes, it is.

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1 HEARING OFFICER: Thank you, sir. Mr. Spaan.

2 MR. SPAAN: Thank you, Your Honor.

3 BY MR. SPAAN:

4 Q Mr. Wood.....

5 A With an S.

6 Q Is it Woods, I'm sorry, okay. Where are you employed  
7 as a contract specialist?

8 A At the Army Corp of Engineers.

9 Q Do you know an individual by the name of Mr. Mike  
10 Miller?

11 A I do.

12 Q And do you know whether or not Mr. Miller made a  
13 complaint against Representative Sanders?

14 A I believe he told me he did.

15 Q On or about some time March 5th or afterwards, did you  
16 receive a letter addressed to you, sir, from  
17 Representative Sanders?

18 MR. SYREN: Objection. Your Honor, this is outside the  
19 scope of his knowledge. I think he can testify

20 HEARING OFFICER: I'm going to sustain the objection.

21 MR. SPAAN: I asked him if he received the letter, not  
22 Mr. Miller.

23 HEARING OFFICER: I understand.....

24 MR. SYREN: No, from Representative Sanders.

25 HEARING OFFICER: .....that. You can ask him what the

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1 letter said, what it said on it, he doesn't know who physically  
2 mailed it, I think was the basis of the objection.

3 MR. SPAAN: I'm sorry, okay.

4 Q Did you receive a letter that purported to be from  
5 Representative Sanders sometime after March 4th, 1996?

6 A Yes.

7 Q Did you, sir, in January of 1996 attend a Republican  
8 straw poll?

9 A Yes, I did.

10 Q And where was that held?

11 A That was at the Abbott Loop Community Church or thing  
12 there at the corner of Abbott Loop and Lake Otis.

13 Q And what district, sir, was this for, was it for all of  
14 Anchorage?

15 A I'm not sure.

16 Q Did you have an opportunity, sir, to sign-in at that  
17 poll?

18 A I did.

19 Q And what did the sign-in list -- what information did  
20 you provide when you signed in?

21 A Basically my mailing address, my name.

22 Q I'm going to hand you, Mr. Wood (sic), what's been  
23 marked as Exhibit 6 and ask you to look at the portion  
24 which is a letter, it's about two pages in that was  
25 marked -- that was addressed to you.

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1 MR. SPAAN: Mr. White, the rest of the exhibit is the  
2 complaint which the Committee already has attached to their  
3 material, they may have this letter as well.

4 MS. BARNETT: They do.

5 Q Do you recognize the letter that's contained in Exhibit  
6?

7 A Yes, I do.

8 Q Did you receive that letter?

9 A Yes, I did.

10 Q And why don't you just read it to the Committee, it's a  
11 short letter.

12 A Okay. It says, Alaska State Legislator Chairman  
13 Economic Development Committee, Representative Sanders,  
14 District 19. It goes on, it's dated March the 4th,  
15 addressed to me, it says, Dear Ernest, I would like to  
16 take this opportunity to thank you for your  
17 participation in the first presidential straw poll to  
18 be held in Alaska. Not only have we broken new ground  
19 historically, politically we have gained prestige on  
20 the national level. It was exciting to learn that  
21 District 19's participation was among the strongest  
22 areas to go out and cast a vote for a presidential  
23 candidate. With the inclement weather to deal with, I  
24 really appreciate the interest shown by my fellow  
25 Republicans. Seeing a lot of you in the halls of the

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1 polling station within my district was indeed a  
2 pleasure. If I didn't get a chance to talk with you,  
3 please accept my apology. I have always held in high  
4 regard those people who will go that extra mile to do  
5 what is needed. Taking the time out of your busy  
6 schedule to fulfill your civic duty is greatly  
7 appreciated. With warm regards, I remain Jerry,  
8 Representative Jerry Sanders is who signed it.  
9 MR. SPAAN: I move 6, Mr. White.  
10 HEARING OFFICER: Any objection?  
11 MR. SYREN: No.  
12 HEARING OFFICER: Six will be admitted.  
13 (Committee's Exhibit 6 admitted)  
14 Q Did you talk with Representative Sanders at the straw  
15 poll that was held in January of 1996?  
16 A No, I did not.  
17 Q Do you know who ran the straw poll?  
18 A No.  
19 Q Okay. What was your reaction when you got this letter?  
20 A I thought it was nice to get the letter and then I  
21 noted on Page 2 here of this, that it was sent from  
22 Juneau, Alaska. I don't know whose postage -- who paid  
23 the postage on it, but anyway I was -- I thought it was  
24 nice to get the letter.  
25 Q What was the official business that was conveyed to you

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1 from this letter?

2 MR. SYREN: Objection. Objection, Your Honor.

3 HEARING OFFICER: Sustained.

4 MR. SPAAN: Okay. I have nothing further Mr. Woods.

5 HEARING OFFICER: Mr. Syren.

6 ERNEST WOODS

7 testified as follows on:

8 CROSS EXAMINATION

9 BY MR. SYREN:

10 Q Mr. Woods, my name is Les Syren, I represent  
11 Representative Sanders in this matter.

12 A Um-hum. (Affirmative)

13 Q I'm going to ask you a couple of questions about that  
14 letter. If you don't understand the question that I  
15 ask, if you could just ask me to repeat it or.....

16 HEARING OFFICER: Mr. Syren, I know you're standing  
17 there facing him, but you need to speak up loud enough so we  
18 can hear you over here.

19 MR. SYREN: Okay.

20 Q If I say something that you don't understand, just --  
21 will you ask me to repeat it or ask it in a different  
22 manner?

23 A Sure.

24 Q Thank you.

25 A Um-hum. (Affirmative)

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1 Q All right. You don't know, based on personal  
2 knowledge, who sent this letter; is that right?  
3 A No. I don't have any personal knowledge, but I do have  
4 his signature here.  
5 Q But you don't know who sent it, right?  
6 A No, I don't know.  
7 Q All right. Do you know who signed it?  
8 A I don't know personally.  
9 Q Okay. Do you know who paid for it to have it sent out?  
10 A I think that the postage on the letter says it came  
11 from Juneau, Alaska. I don't know whose account that  
12 is on that.  
13 Q Have you ever complained to anybody about this letter?  
14 A No. I didn't complain.  
15 Q So you didn't complain to Jerry Sanders about it; is  
16 that right?  
17 A No.  
18 Q All right. I'm going to ask you about something that  
19 happened last June, about last June and see if you  
20 remember this. There was some articles in the paper  
21 about Governor Tony Knowles writing some words on  
22 longevity bonuses and those longevity bonuses were sent  
23 out to certain people who received those checks and  
24 caused quite a stir, do you remember anything about  
25 that?

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1 A No.

2 Q Okay. Would it surprise you to that he had done  
3 something like that?

4 MR. SPAAN: Your Honor, I object to Counsel testifying.

5 MR. SYREN: I haven't testified, I've asked a question,  
6 whether or not it would surprise him.

7 MR. SPAAN: Which was.....

8 HEARING OFFICER: Why is it relevant that it would  
9 surprise this gentleman whether that was done or not?

10 MR. SYREN: I think what I'm getting at, Your Honor, is  
11 that.....

12 HEARING OFFICER: You're getting at arguing.

13 MR. SYREN: No, I'm not. I'd like to have his opinion  
14 about this activity.

15 HEARING OFFICER: But why is his opinion relevant?  
16 With due respect, sir, I mean why is his opinion relevant to  
17 any issue in this case?

18 MR. SYREN: Well, he's the one who received the letter,  
19 Your Honor.

20 HEARING OFFICER: It's irrelevant. Sustained.

21 MR. SYREN: No further questions, Your Honor.

22 HEARING OFFICER: Just as I wouldn't let Mr. Spaan ask  
23 him what the official purpose of the letter is, it's.....

24 MR. SYREN: I understand. We take exception, but I  
25 have no further questions.

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1 HEARING OFFICER: The tit for tat evidentiary rule.

2 MR. SPAAN: Fair enough.

3 HEARING OFFICER: Do members of the Committee have any  
4 questions?

5 CHAIRMAN MAC NEILLE: I have one question.

6 ERNEST WOODS

7 testified as follows on:

8 INQUIRY

9 BY CHAIRMAN MAC NEILLE:

10 Q Mr. Woods, are you at all concerned about any reprisals  
11 against you or any consequences for your testifying  
12 today? I think the Committee's trying to make sure  
13 that witnesses feel free to come forward.

14 A I'm not afraid of anything like that.

15 Q Okay, thanks.

16 A I'm sure nothing like that would happen.

17 HEARING OFFICER: Any further questions from anybody?

18 MR. SPAAN: Not on behalf of the Committee.

19 HEARING OFFICER: Thank you, sir, for coming in, you  
20 can be excused.

21 MR. SPAAN: Mr. White, we call Ms. McKay, who's right  
22 out in the hall.

23 HEARING OFFICER: Would you remain standing for a  
24 moment, please. Would you state your full name, please.

25 MS. MCKAY: Linda Suzanne McKay.

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1 HEARING OFFICER: Would you raise your right hand,  
2 please.

3 (Oath administered)

4 MS. MCKAY: I do.

5 HEARING OFFICER: Please be seated.

6 MR. JACOBUS: Excuse me, before Ms. McKay testifies I  
7 should identify myself, Ken Jacobus, the general counsel for  
8 the Republican Party of Alaska. I'm here to represent Ms.  
9 McKay.

10 HEARING OFFICER: You may be seated next to her if you  
11 like.

12 LINDA S. MCKAY

13 called as a witness on behalf of the Committee, testifies as  
14 follows on:

15 DIRECT EXAMINATION

16 HEARING OFFICER: Ma'am, what's your mailing address?

17 A 3190 Marathon Circle, 99515.

18 HEARING OFFICER: You're occupation?

19 A Office manager for Republican Party of Alaska.

20 HEARING OFFICER: Thank you, ma'am. Mr. Spaan.

21 BY MR. SPAAN:

22 Q Ms. McKay, good afternoon, how long have you been  
23 employed as the office manager for the Republican  
24 Party?

25 A A little over a year.

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1 Q And were you the office manager when the Republican  
2 Straw Poll was held?  
3 A Yes.  
4 Q And do you remember how many people -- and what was the  
5 purpose of this straw poll as you understood it, Ms.  
6 McKay?  
7 A The purpose of the straw poll was to conduct -- to  
8 receive delegates for the State convention and to have  
9 prescient committee woman and man elected.  
10 Q Okay. And was there a presidential preference also  
11 included in this?  
12 A Yeah. There was a presidential preference also.  
13 Q Okay. And how many folks, if you remember, signed in  
14 just in the Anchorage area?  
15 A Over five.....  
16 MR. SYREN: Objection. This is outside the scope of  
17 her knowledge unless she was there to witness the people  
18 signing in.  
19 MR. SPAAN: Your Honor, I think the.....  
20 HEARING OFFICER: I'm going to overrule . Did you  
21 ask her how many people signed in?  
22 MR. SPAAN: Right.  
23 HEARING OFFICER: Why don't you lay a foundation if she  
24 saw the sign-in sheet or.....  
25 MR. SPAAN: Sure.

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1 HEARING OFFICER: .....how she knows what you're  
2 asking.

3 Q Did the Party keep or compile a sign-in list of people  
4 who attended and participated in the straw poll?

5 MR. SYREN: Same objection.

6 HEARING OFFICER: Overruled.

7 MR. SYREN: Excuse me, Your Honor, I don't know who  
8 he's talking about here. He asked her if the Party and if she  
9 is the Party, that's fine, she can answer that.

10 HEARING OFFICER: You can cross examine here if she's  
11 testifying about something she has no knowledge about.

12 Q Was a sign-up list kept of those people that  
13 participated in Anchorage?

14 A Yes.

15 Q And how many people participated in Anchorage?

16 A Oh.....

17 MR. SYREN: Same objection, Your Honor.

18 HEARING OFFICER: I'm going to sustain it to that  
19 question. Mr. Spaan, you can ask her how many people's names  
20 appear on the sign-up list.

21 Q Do you have any knowledge regarding how many people's  
22 names appeared on the sign-up list?

23 A Yes.

24 Q And how many?

25 A Over 5,000.

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1 Q And what's the basis of that knowledge?

2 A Based on the sign-in sheets.

3 Q Was this, in your view, a successful event, a good turn  
4 out?

5 MR. SYREN: Objection, Your Honor, vague. I don't know  
6 what successful is. By whose definition we're talking about,  
7 Republican Party, her personally, Pete Halgrin, it's just not  
8 clear.

9 HEARING OFFICER: Sustain it. Also as to some question  
10 as to relevance.

11 MR. SPAAN: Okay.

12 Q Were separate sign-in sheets, Ms. McKay, kept each for  
13 each district?

14 A Yes.

15 Q And at one time did the office, to your knowledge, have  
16 possession of these lists?

17 A Yes, we do.

18 Q Were those lists made available to people who wanted  
19 access to them?

20 A Yes.

21 Q Okay. Did any members of the State Legislature ask you  
22 for this list?

23 A No.

24 Q Okay. I'm going to hand you, Ms. McKay, which has been  
25 marked as Exhibit 5 and ask whether you could identify

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1 this document.

2 A This looks like some of District 19's sign-in sheets.

3

4 Q Okay.

5 MR. SPAAN: I'd move 5 into evidence.

6 HEARING OFFICER: Is there any objection?

7 MR. SYREN: Foundation. She said it looks like, she  
8 doesn't -- she has no personal knowledge of whether it was or  
9 not. So the objection is outside the scope of her knowledge  
10 and foundation.

11 MR. SPAAN: Your Honor, respectfully I think he could  
12 -- if he thinks this is a phony list, that should be something  
13 he could cross examine her about. I mean she said this -- they  
14 kept the list, this looked like the list, the foundation is  
15 there.

16 HEARING OFFICER: Ms. McKay, does that look like the  
17 list you saw at.....

18 A Yes. But it doesn't look like all of them are there.

19 HEARING OFFICER: It looks like the list, but it  
20 doesn't look like it's complete?

21 A Yes, sir.

22 Q Let me show you another copy, Ms. McKay and perhaps we  
23 could see whether this looks more complete for District  
24 19, I'm not representing this to be the list of  
25 everybody.

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1 A Yes, this is the list.  
2 MR. SYREN: No, I'll make the same objection, Your  
3 Honor.  
4 HEARING OFFICER: Overruled.  
5 Q Did anyone.....  
6 HEARING OFFICER: Five will be admitted.  
7 (Committee's Exhibit 5 admitted)  
8 Q Did anybody from District 19 ask you for a copy of this  
9 list?  
10 A Yes.  
11 Q And who was that?  
12 A District Chairman Les Syren.  
13 HEARING OFFICER: I'm sorry?  
14 A District Chairman Les Syren.  
15 Q Did, to your knowledge Ms. McKay, did anybody from the  
16 Republican Party ask Republican Legislators to send  
17 thank you letters to people who attended this event?  
18 A No.  
19 MR. SPAAN: That would conclude my questions, Your  
20 Honor.  
21 HEARING OFFICER: Mr. Syren.  
22 MR. SYREN: No questions, Your Honor.  
23 HEARING OFFICER: Do members of the Committee have  
24 questions? I have one if the Committee will permit, before the  
25 Committee asks. When was it Mr. Syren asked for the list?

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1 A The night of the straw poll.

2 HEARING OFFICER: That's all I have. Do members of the  
3 Committee have questions?

4 CHAIRMAN MAC NEILLE: I have one.

5 LINDA S. MCKAY

6 testified as follows on:

7 INQUIRY

8 BY CHAIRMAN MAC NEILLE:

9 Q Did you make it available to Mr. Syren that night or at  
10 some later date, do you recall?

11 A That evening.

12 CHAIRMAN MAC NEILLE: That's all I have.

13 HEARING OFFICER: Mr. Granger.

14 LINDA S. MCKAY

15 testified as follows on:

16 INQUIRY

17 BY MR. GRANGER:

18 Q Yes, I'm Ed Granger, this is the list that you  
19 provided, the one that we have in our hand?

20 A That is.

21 Q Or looks like anyway?

22 A There was more that I provided. That isn't the  
23 complete list.

24 Q There was all 5,000 names on it then?

25 A No, sir. The list that I -- the list that I gave --

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1           that Les had a copy of was everybody that signed in in  
2           his district, but that doesn't look like it's the full  
3           copy of them all.  
4    Q           And you would have given.....  
5    A           It was thicker.  
6    Q           .....this to anybody.....  
7    A           Um-hum. (Affirmative)  
8    Q           .....that asked for it?  
9    A           Yeah. It was public knowledge.  
10   Q           And where is this list retained, in.....  
11   A           At my office.  
12   Q           .....your office?  
13   A           In secured files or no?  
14   A           It's locked up. Um-hum. (Affirmative)  
15               MR. GRANGER: Thank you.  
16               HEARING OFFICER: Representative Toohey.  
17               REPRESENTATIVE TOOHEY: Thank you. Is it proper to ask  
18   Mr. Syren a question?  
19               HEARING OFFICER: No, it's not. He's not under oath,  
20   neither of the lawyers are under oath.  
21               MS. MCCOY: I wondered about that.  
22               REPRESENTATIVE TOOHEY: Can he be?  
23               HEARING OFFICER: That.....  
24               REPRESENTATIVE TOOHEY: Since he is on the -- part of  
25   the.....

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1 HEARING OFFICER: That's something we'll take up when  
2 this witness isn't on the chair.

3 REPRESENTATIVE TOOHEY: Thank you.

4 HEARING OFFICER: Go ahead.

5 MS. MCCOY: I'd just like to clarify one thing.

6 LINDA S. MCKAY

7 testified as follows on:

8 INQUIRY

9 BY MS. MCCOY:

10 Q So you gave Mr. Syres (sic) the list that evening, so  
11 you had a copy machine that was available and just ran  
12 a copy and kept the original list?

13 A Yes. We have the original.

14 Q Okay.

15 A And anything that went out were copies.

16 Q Okay.

17 HEARING OFFICER: Representative Toohey.

18 REPRESENTATIVE TOOHEY: Thank you. I'm learning very  
19 slowly.

20 LINDA S. MCKAY

21 testified as follows on:

22 INQUIRY

23 BY REPRESENTATIVE TOOHEY:

24 Q May I ask you, were you there at the sign-in area?

25 A No, ma'am, I was at the office.

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1 Q At the office the entire time?

2 A Um-hum. (Affirmative)

3 Q So you weren't aware of who was signing people up?

4 A No, ma'am.

5 REPRESENTATIVE TOOHEY: Thank you.

6 HEARING OFFICER: Any other questions from the  
7 Committee?

8 MR. SPAAN: The Chair.....

9 HEARING OFFICER: Mr. Spaan, just a minute.

10 MR. SPAAN: Sure.

11 HEARING OFFICER: No other questions, go ahead.

12 MR. SPAAN: I had one follow-up.

13 LINDA S. MCKAY

14 testified as follows on:

15 REDIRECT EXAMINATION

16 BY MR. SPAAN:

17 Q Ms. McKay, when you say, this list doesn't appear to be  
18 complete, is it because there were more names on the  
19 list you remember?

20 A I would have to compare the list that you have with the  
21 names that I have. But there were a lot more  
22 documentation in the files that I have.

23 Q Okay.

24 MR. SPAAN: Thanks.

25 MR. SYREN: I have some questions, Your Honor.

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LINDA S. MCKAY

testified as follows on:

CROSS EXAMINATION

BY MR. SYREN:

Q Ms. McKay, good afternoon I represent Representative Jerry Sanders. Could you tell the Committee how you came to possess this list?

A When the straw poll was completed, all the district chairs had to bring their files to the office at the closing of the polls. And all the district chairs that came in and would pertain and want copies for the districts were allowed to have copies for their districts.

Q Do you remember hearing about some discussion with the Executive Committee of the Republican Party as to whether or not these lists would be open to the public or not?

A I don't recall. I believe that they were going to be open to the public for a percentage -- or 15 cents a page for copies.

Q I see. You didn't generate this list yourself; is that right?

A Excuse me?

Q You did not generate this list yourself; is.....

A No.

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1 Q .....that right? And do you remember looking at it the  
2 night of the straw poll?

3 A Yes.

4 Q And are there other people that work at the office --  
5 at the headquarters for the Republican Party?

6 A Yes.

7 Q And do those people work there sometimes when you're  
8 not there?

9 A Yes.

10 Q Okay. And is it possible that somebody could have come  
11 into the office while you weren't there and somebody  
12 was in charge and somebody could have come in and asked  
13 for a copy of the list and it would have been given to  
14 them; is that correct?

15 A Yes.

16 MR. SYREN: I have no further questions at this time,  
17 Your Honor.

18 HEARING OFFICER: Committee members have any questions?

19 MR. GRANGER: Yes.

20 HEARING OFFICER: Sir.

21 LINDA S. MCKAY

22 testified as follows on:

23 INQUIRY

24 BY MR. GRANGER:

25 Q If there was any other copies of this that was handed

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1 out to anyone, they would have had to pay the 15 cents  
2 a copy?

3 A At that -- during the straw poll time we had part-time  
4 help and if the part-time help asks for them to pay 15  
5 cents a copy, it was then obtained. If they just took  
6 it, you know, don't worry about it, then there would be  
7 no records of who had copies. And when we asked for a  
8 percentage or 15 cents for a copy, we don't necessarily  
9 write down their name and number. We just put it down  
10 for copies.

11 Q I guess you partially answered my next question because  
12 I was going to ask if, in fact, there was a receipt in  
13 your files that would indicate that anybody else had  
14 received a copy of this or not?

15 A No. But also any of the district chairs that wanted to  
16 come in and pertain a copy to all the sign-in sheets  
17 are also allowed to do that as well.

18 Q For free?

19 A Um-hum. (Affirmative)

20 MR. GARNETT: Thank you.

21 HEARING OFFICER: I have a question. I see some  
22 people's names more than once on the sign-in sheet, do you  
23 know why that would be?

24 A No. I would have no knowledge of that. I wasn't there  
25 at the sign-in, I was at the office.

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1 MR. SYREN: A couple other questions.

2 LINDA S. MCKAY

3 testified as follows on:

4 RECROSS EXAMINATION

5 BY MR. SYREN:

6 Q About -- with reference to copies, do you know if it  
7 ever happens that somebody comes in makes copies of the  
8 Party and just doesn't sign the receipt?

9 A Yes. It happens all the time.

10 Q Okay.

11 MR. SYREN: No further questions, Your Honor.

12 HEARING OFFICER: Thank you.

13 MR. JACOBUS: Your Honor, may I ask one question to put  
14 a matter on the record?

15 HEARING OFFICER: Sure.

16 MR. JACOBUS: Ms. McKay, was the list subsequently  
17 released to Motznik Computer Services where the public had free  
18 access to it -- not free access, but at cost access?

19 A Yes. We -- we gave all the paperwork -- all the  
20 originals to Motznik to make copies of to put on to a  
21 disk for release for purchase from Motznik. We were  
22 supposed to obtain those on a computer disk as well,  
23 which we have not. And then they came back to our  
24 office.

25 HEARING OFFICER: Does that lead to additional

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1 questions? Thank you, ma'am. Thank you, Counsel.

2 MR. SPAAN: Your Honor, at this time I'd call Ms. Susie  
3 Barnett.

4 HEARING OFFICER: Ms. Barnett, would you raise your  
5 right hand.

6 (Oath administered)

7 MS. BARNETT: Yes.

8 HEARING OFFICER: Please be seated.

9 SUSAN BARNETT

10 called as a witness on behalf of the Committee, testifies as  
11 follows on:

12 DIRECT EXAMINATION

13 HEARING OFFICER: And for the record, would you state  
14 your full name?

15 A Susan Barnett.

16 HEARING OFFICER: What's your mailing address?

17 A 7 -- mailing address, 1611 West 15th, 99501 --  
18 Anchorage 99501.

19 HEARING OFFICER: Your occupation, please?

20 A Aide to the Legislative Ethics Committee.

21 HEARING OFFICER: Thank you. Mr. Spaan.

22 MR. SPAAN: Thank you.

23 BY MR. SPAAN:

24 Q Ms. Barnett, how long have you been employed by the  
25 Ethics Committee?

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1 A Since July of 1993.

2 Q And what are your duties, Ms. Barnett?

3 A My duties appear to be shuffling papers today. I have  
4 a responsibility to assist the Committee in fulfilling  
5 their statutory obligations and that would include  
6 providing informal advice, providing training to those  
7 under the Ethics Code and educational purposes and  
8 investigating cases.

9 Q Okay. In regards to your responsibilities, Ms.  
10 Barnett, regarding investigating cases, did you  
11 investigate the case the Committee is considering  
12 today?

13 A Yes, I did.

14 Q Okay. In general terms, could you tell the Committee  
15 the investigative work you did?

16 A My work was to gather information, to collect the  
17 documents and to interview potential witnesses.

18 Q Okay. And who did you work with in conducting this  
19 investigation, if anybody?

20 A I worked with you.

21 Q I'm going to hand you, Ms. Barnett, what's been marked  
22 as Committee Exhibit 11 and ask you if you recognize  
23 this document?

24 A Yes, I do.

25 Q And do you know how this document was obtained?

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1 A This document was obtained in response to a subpoena  
2 that was given to Pam Varni of Legislative Affairs  
3 Agency.

4 Q Okay. And what did the subpoena request?

5 A These -- I don't have it in front of me, but the  
6 subpoena requested the backup computer files from the  
7 computer of Jeanne Lovell, who is staff to  
8 Representative Sanders for the period of time January  
9 29th through March.

10 Q Well, let me not trick you.

11 A I'm sorry.

12 Q Let me hand you a copy of the subpoena and see whether  
13 or not that refreshes your recollection.

14 A For the backup files from the computer hard drive used  
15 by Jeanne Lovell, Legislative aide to Representative  
16 Sanders between January 29th, 1996 through and  
17 including March 5th, 1996 relating to the March 4th,  
18 1996 letter Representative Sanders sent to District 19  
19 Republican Party Straw Poll participants.

20 Q And did you receive a response to your subpoena -- or  
21 to our -- my subpoena, I guess?

22 A Yes.

23 Q And did that -- what did you do when you received the  
24 response with the information?

25 A The -- at the time LAA, the Legislative Affairs Agency

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1 legal division was assisting Pam Varni in complying  
2 with this subpoena and so Pam Finley of the legal  
3 division contacted me and said that they were prepared  
4 to comply and at that time she and I discussed -- I was  
5 aware of an object -- a letter of objection to Pam  
6 Varni written from Mr. Syren. And so it -- at my  
7 suggestion, Pam Finley pouched, under seal, the  
8 response to the subpoena.

9 Q Okay. And did you then receive a sealed package?  
10 A Yes, I did.  
11 Q What did you do next with that package?  
12 A I turned that over to Michael White's office.  
13 Q And was it later unsealed and a copy given to you?  
14 A It -- I don't know if it -- I received from Michael  
15 White, with an order this information and I know Mr.  
16 Syren received it.

17 MR. SPAAN: I move Exhibit 11, Your Honor.  
18 HEARING OFFICER: Is there objection?  
19 MR. SYREN: No objection.  
20 HEARING OFFICER: Eleven will be admitted.  
21 MR. SPAAN: Okay.

22 (Committee's Exhibit 11 admitted)

23 MR. SPAAN: Now, I'm going to do your job.  
24 MS. BARNETT: Other duties as assigned.  
25 MR. SPAAN: Does every Committee member have a copy?

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1 COMMITTEE ACKNOWLEDGEMENT BY NODDING AFFIRMATIVELY.  
2 MR. SPAAN: Thank you.  
3 Q Ms. Barnett, what does the first page of Exhibit 11,  
4 what is it?  
5 A It is a form letter dated March 4th, 1996.  
6 Q And who is it -- is it addressed -- when you say, form  
7 letter, what leads you to believe that it's a form  
8 letter?  
9 A Under the -- normally where you'd find the name and  
10 address is -- are the words, first name, last name,  
11 mailing address, so this is where you plug-in names and  
12 addresses.  
13 Q And is there a name attached as the sender of the form  
14 letter?  
15 A Representative Sanders.  
16 Q And at the bottom does there appear to be initials?  
17 A Yes, JS and colon, JL.  
18 Q And did Representative Sanders have any employees  
19 during March of 1996 with the initials JL?  
20 A Yes.  
21 Q And who would that be?  
22 A Jeanne Lovell.  
23 Q The next -- what else -- excuse me, did you hear Mr.  
24 Woods when he read the letter into evidence that he  
25 received?

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1 A Yes, I did.

2 Q Does this appear to you to be the same letter?

3 A Yes, it does.

4 Q What is attached to the letter?

5 A Attached to the letter is a several page mailing list.

6 Q And did you have an opportunity -- do you know what

7 this is called in the terms of the trade, this mailing

8 list?

9 MR. SYREN: Foundation.

10 A No.

11 MR. SPAAN: Well, that -- she didn't have the

12 foundation.

13 MR. SYREN: Foundation.

14 HEARING OFFICER: Hold your objections, she said no.

15 MR. SPAAN: Right.

16 MR. SYREN: Well, she hadn't answered, I mean.....

17 HEARING OFFICER: Okay.

18 MR. SPAAN: Okay.

19 Q Did you feel that you had received all the information,

20 Ms. Barnett, that was requested by the subpoena?

21 A No, I didn't.

22 Q And did you take any steps to follow-up on this?

23 A Yes, I did.

24 Q And what was that, what did you do?

25 A I contacted LAA legal and at that time Pam Finely was

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1 gone and a James Crawford, who is also a reviser of  
2 statute for LAA legal talked to me and he was following  
3 -- or assisting Pam in this process as well, Pam Varni,  
4 excuse me.

5 Q And what, if anything, Ms. Barnett, did you request  
6 from -- what was the individual's name, I'm sorry?

7 A Jim or James Crawford.

8 Q Okay. Did you request any follow-up information?

9 A Yes. I asked him if there was any information in what  
10 we had -- or in relation to what we had requested in  
11 the subpoena that indicated dates or times.

12 Q Okay. And did he follow-up with any information?

13 A Yes. He sent me a letter and a one page document  
14 indicating times that the documents were opened.

15 Q I'm going to hand you a copy of Exhibit 12 which has  
16 already been admitted into evidence so the Committee  
17 should have that, and ask whether or not this is the  
18 information you received -- that you did receive?

19 A Yes, it is.

20 Q And what follow-up information does that provide?

21 A This, as he writes, it suggests that one of the  
22 documents was apparently last modified on March 4th,  
23 1996 at 10:38 a.m. and that the other document was  
24 apparently last modified on the same date at 10:43 a.m.  
25 And those documents are referred to as straw poll and

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1 poll.

2 Q Okay. And what information, I believe you testified,  
3 it was a request for a specific computer -- what  
4 computer was that?

5 A Jeanne Lovell's computer.

6 Q In Representative.....

7 A In Representative.....

8 Q .....Sanders' office?

9 A Right.

10 Q In Juneau?

11 A Correct.

12 Q I'm going to hand you what's been marked as Exhibit 13  
13 and ask you to identify that, please?

14 A It's a calendar of March 1996, with February and April  
15 at the bottom, as well.

16 MR. SPAAN: At this time, Your Honor, as an aide to the  
17 Committee, I'd move the admission of 13.

18 MR. SYREN: No objection, Your Honor.

19 HEARING OFFICER: Thirteen is admitted.

20 (Committee's Exhibit 13 admitted)

21 Q Ms. Barnett, does March 3rd -- what day of the week  
22 does that fall on?

23 A Sunday, March 3rd.

24 Q What about March 4th?

25 A Monday, March 4th.

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1 Q And what's the date on the letter, if you remember,  
2 that Mr. Woods received?

3 A The date is March 4th.

4 Q And when was the mailing date?

5 A The -- March 5th, the following day, 1996.

6 Q And then March 5th would be a Tuesday?

7 A Yes.

8 Q Did you take any steps to determine whether March 4th  
9 or March 5th were State holidays?

10 A Neither were State holidays, I looked into that.

11 MR. SPAAN: Mr. White, perhaps if I could take a break  
12 and address the Chair for a second, I believe Mr. Syren might  
13 want to be heard on this.

14 I had next planned on inquiring with Ms. Barnett over a  
15 conversation she had with one of Representative Sanders former  
16 and now current employees on the expectation that she'd be  
17 instructed to take the Fifth Amendment. I don't know if that  
18 is going to be the instruction or not. If it is the  
19 instruction and if she follows it, I believe Ms. Barnett's  
20 conversation would be -- with that of a party opponent, it'd be  
21 an admission. This is an individual who works for  
22 Representative Sanders, so if I had an indication from Counsel  
23 that Ms. Perez was going to answer the questions, I would not  
24 inquire of Ms. Barnett or I'll bring her back here and put her  
25 back up, however the Chair would like to proceed.

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1 HEARING OFFICER: Well, I think she's going to -- Ms.  
2 Barnett's going to be here the entire hearing.

3 MR. SPAAN: Okay.

4 HEARING OFFICER: Why don't we take that in order, Mr.  
5 Spaan.

6 MR. SPAAN: Okay.

7 HEARING OFFICER: If she was not going to be here for  
8 some reason then I would say, then go ahead and deal with it  
9 now.

10 A Who would shuffle the papers?

11 MR. SPAAN: Your Honor, that concludes my examination  
12 at this time, subject to the right to recall Ms. Barnett should  
13 it become necessary.

14 HEARING OFFICER: Mr. Syren.

15 SUSAN BARNETT

16 testified as follows on:

17 CROSS EXAMINATION

18 BY MR. SYREN:

19 Q Ms. Barnett, I have a couple of questions for you. I'm  
20 handing you -- let's start out with, this is called --  
21 well, why don't you read the title of that document.

22 A This is -- is it all one document?

23 Q It is.

24 A Okay. Responses to Representative Sanders' First Set  
25 of Interrogatories and it is the House Subcommittee of

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1 the Select Committee on Legislative Ethics.

2 Q All right. Could you flip to the end of that and see  
3 who signed it, please?

4 A We have several signatures, so if you want me to start  
5 -- on the verification page.....

6 Q You signed that? You signed that.....

7 A Yes.

8 Q .....right?

9 A Yes.

10 Q All right. I'd like you to look at the answers to  
11 question number -- Interrogatory 3, please? Could you  
12 please read Question #3.

13 MR. SPAAN: Your Honor, and again, I don't know how  
14 strongly I feel about this, but I don't know if he's having her  
15 to read -- I think he should ask her the question and if she  
16 gives a different answer, then if it's intended to impeach Ms.  
17 Barnett, he can certainly do it.

18 MR. SYREN: I'm just trying to lay a foundation for  
19 something that's coming later, Your Honor.

20 HEARING OFFICER: I'll let him go ahead. At this point  
21 I don't know whether he's trying to impeach her or just get the  
22 position of the parties which he can do through the  
23 interrogatory.

24 A You would like me to read?

25 Q Please read Interrogatory #3, please?

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1 A Interrogatory #3. Please provide the name, telephone  
2 number of each and every witness you intend to call at  
3 the trial in this matter? Response: The witnesses  
4 identified to date are as follows.  
5 Q Okay. And now what I'd like you to do is read your  
6 answer for H under that section?  
7 A Patricia Perez, care of Lester Syren.  
8 Q All right. And you signed this interrogatory, right?  
9 A Yes, I did.  
10 Q Okay. Did you review it before you signed it?  
11 A Yes, I did.  
12 Q All right. When did you speak with Patricia Perez?  
13 A The first time I spoke with her was October 31st, 1996.  
14 Q Okay. And what date did you sign these?  
15 A These were signed on the 7th of October.  
16 Q Okay. So you signed these the 7th noting that I would  
17 -- any communication should be directed to her and then  
18 you spoke to her later on the 31st, is that right or  
19 thereabouts?  
20 A I signed that Patricia Perez, care of Les Syren --  
21 Lester Syren.  
22 Q All right. And then you spoke to her after you signed  
23 those; is that right?  
24 A Yes, I did.  
25 Q And was I present during that conversation?

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1 A No, you were not.

2 MR. SPAAN: Your Honor, the objection is, I was -- I  
3 told this -- I told you I wanted to go into this conversation,  
4 you ruled to wait on it. So I guess it's the relevance at this  
5 time. If I do get into it, it then would be relevant.

6 HEARING OFFICER: I'll sustain it. Mr. Syren, why  
7 don't you save that line of cross.

8 MR. SYREN: I'm fini -- I'm ready to move on to another  
9 area, Your Honor.

10 HEARING OFFICER: Okay.

11 Q Do you recall if the Committee received other discovery  
12 requests from Representative Sanders besides that  
13 document?

14 A I'm not trying to avoid answering you, I am -- we have  
15 received over a lengthy period of time -- or over an  
16 extended period of time several things from you. Maybe  
17 could you direct me a little bit more?

18 Q Sure.

19 A And I could answer yes or no.

20 Q I'll do that. Could you tell me who that's directed  
21 to, the first paragraph -- the bottom of the first  
22 paragraph?

23 A The answer shall be signed by Margie Mac Neille and a  
24 copy of the answers together with your objections, if  
25 any, shall be served.

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1 Q Okay. And you signed, not Margie Mac Neille; is that  
2 right?

3 A That's correct.

4 Q I'd like to hand you another document and I wonder if  
5 you could state the title of that document, please?

6 A This is responses to Representative Sanders' Second Set  
7 of Interrogatories Propounded to Margie Mac Neille.

8 Q Okay. And I wonder if you could read the answer to --  
9 well, how about if you read Interrogatory #1.

10 A Interrogatory #1. Please identify by name, address and  
11 phone number each and every person who assisted in any  
12 way with the letter dated September 28, 1995,  
13 hereinafter letter, addressed to Representative Sanders  
14 and signed by Ms. Margie Mac Neille.

15 Q Okay. And could you please read the answer to that?

16 A Response.....

17 MS. VORDEPSTRASSE: Excuse me. Can I ask the Counsel  
18 if you are going to enter these as exhibits.....

19 MR. SYREN: I.....

20 MS. VORDERSTRASSE: .....the items that you are.....

21 MR. SYREN: Unfortunately I don't get to answer any  
22 questions. Either I will or I won't and we'll find out then.

23 Q Please answer the question.

24 MS. VORDERSTRASSE: Shouldn't he provide them as  
25 exhibits in reference to his examination here?

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1 HEARING OFFICER: I don't know, we'll have to wait and  
2 see, I guess. He doesn't want to indicate. But, I just -- Mr.  
3 Syren, if you could make sure that what you're asking is clear  
4 enough so people understand it.

5 MR. SYREN: Yes, it will be, Your Honor.

6 Q If could you please, just read the answer to that  
7 question, thank you.

8 A Response: See general objections.

9 Q All right. Could you repeat -- recite the answer to  
10 the remaining questions, the remaining interrogatories,  
11 don't recite the question, just recite the answer,  
12 please?

13 MR. SPAAN: Your Honor, under the rule of completeness,  
14 I at this time, move this -- get copies of it so everybody can  
15 see what the questions were and.....

16 MR. SYREN: You know what Your Honor, I'd like to.....

17 MR. SPAAN: .....look at the answers. Let's make it an  
18 exhibit.

19 MR. SYREN: .....finish my direct and then he can cross  
20 examine or redirect and he can bring all of those items up.  
21 But for orderly.....

22 HEARING OFFICER: Well.....

23 MR. SYREN: .....for orderly process.....

24 HEARING OFFICER: .....he can do it during your  
25 examination. What I want to get at is, are you just -- are you

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1 going beyond the fact that she signed it rather than Ms. Mac  
2 Neille or are there other.....

3 MR. SYREN: No. And, Your Honor, I mean I could tip my  
4 hands and tell you everything, all of my strategy, I'd prefer  
5 not to do that.

6 HEARING OFFICER: Well, it would help me make a ruling  
7 whether to interrupt you or not.

8 MR. SYREN: Well, I don't even know what the objection  
9 is, Your Honor. He just wants everybody to have a copy of  
10 this.

11 MR. SPAAN: It's under the.....

12 HEARING OFFICER: The objection is under the rules and  
13 off the top of my head, I think it's maybe 102 or 1002, it says  
14 that, you know, when part of a document is referred to, the  
15 other party has the right to have the entire document brought  
16 in at that time.

17 MR. SYREN: Fine. If Mr. Spaan would like to interrupt  
18 the proceedings and have a copy of this made available, that's  
19 fine.

20 MR. SPAAN: Well, I can.....

21 HEARING OFFICER: It's getting close to a time for a  
22 break.

23 MR. SPAAN: I mean, does the Committee want it so they  
24 could follow it?

25 HEARING OFFICER: Yes.

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1 MR. DONAHUE: We want all the facts and all the things  
2 you can get.

3 REPRESENTATIVE TOOHEY: Yes. All available items.

4 MR. SPAAN: Could I inquire of Ms. Barnett how long  
5 this is going to -- we don't have copies of these, do we?

6 A No, we don't.

7 MR. SPAAN: So we will have to make copies.

8 HEARING OFFICER: Mr. Syren, can you at least say this  
9 much, is the entire document something you're going to go over  
10 or just certain pages?

11 MR. SYREN: The answers, certainly.

12 HEARING OFFICER: Okay. Then we can make the entire  
13 copy. Why don't we take a 15 minute break, will that be enough  
14 because you're not going to get a break?

15 A Oh, that's right, I'm not the witness anymore, now I'm  
16 the copier.

17 HEARING OFFICER: Although Mr. Spaan has been doing a  
18 good job passing out documents. Off record.

19 (Off record)

20 (On record)

21 HEARING OFFICER: We'll be back in session. I  
22 understand the document that we've been speaking about has now  
23 been distributed and I see Exhibit 14 written on the bottom, is  
24 that for purposes.....

25 MR. SPAAN: Right.

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1 HEARING OFFICER: .....of this proceeding?  
2 MR. SPAAN: Right. Yes, it is.  
3 HEARING OFFICER: Okay. You may continue, Mr. Syren.  
4 MR. SYREN: Thank you, Your Honor.  
5 **BY MR. SYREN:**  
6 Q Ms. Barnett, I wonder if you could read the answers to  
7 the interrogatories?  
8 HEARING OFFICER: All of them?  
9 MR. SYREN: Yes.  
10 Q Do they all say the same thing?  
11 A Okay. One, two, three, four, five, six, seven, eight,  
12 nine, 10, 11, 12, 13, 14, 15, and 16 all say, see  
13 general objections.  
14 Q All right. And these are directed again to Ms. Mac  
15 Neille, right?  
16 A Yes.  
17 Q All right. Are they signed by anybody?  
18 A They are signed by Michael Spaan, attorney for the  
19 House Subcommittee.  
20 Q All right. Thank you. Who signed the service of  
21 process, this is for something that's going to come up  
22 later on?  
23 A Donna Daniels.  
24 Q Okay. The next question, did you ever have any  
25 conversations with Mr. Miller -- Mike Miller, who filed

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1 the complaint in this matter?

2 A Yes, I did.

3 Q Are you aware that there was a petition for review  
4 filed in this case?

5 MR. SPAAN: Your Honor, if this is just kind of  
6 interest, I'd object to the relevance of it.

7 MR. SYREN: I have about three questions to ask, Your  
8 Honor, about three questions.

9 HEARING OFFICER: Does this mean you withdraw your  
10 objection?

11 MR. SPAAN: No. I mean I think one question is fine.  
12 But I mean I don't want to choke this to death.

13 MR. SYREN: Well, Your Honor.....

14 HEARING OFFICER: What I'm.....

15 MR. SYREN: .....the problem is Ms. Barnett has been  
16 involved from the get-go on this.

17 HEARING OFFICER: What is the relevance of it?

18 MR. SYREN: Can I connect up, Your Honor? I just want  
19 to ask her -- the relevance, I guess here is cooperation,  
20 that's an issue in this case is whether or not Representative  
21 Sanders has cooperated with the Committee.

22 HEARING OFFICER: Go ahead.

23 BY MR. SYREN:

24 Q Are you aware of the petition for review that was filed  
25 in this case -- an appeal that was filed to the

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1 Superior Court in this matter?  
2 A To the Superior Court?  
3 Q That's right.  
4 A Yes.  
5 Q Okay. Do you recall whether it was assigned to Judge  
6 Murphy and he issued an opinion?  
7 MR. SPAAN: Objection. Relevance to this hearing.  
8 MR. SYREN: And this goes to cooperation, Your Honor.  
9 HEARING OFFICER: But the issue isn't the cooperation  
10 of the Committee, the issue is the cooperation of  
11 Representative Sanders.  
12 MR. SYREN: Well, I think that -- using your tit for  
13 tat Rule of Evidence, Your Honor.....  
14 HEARING OFFICER: Well, except there's a statute that  
15 specifically addresses the issue of the cooperation of the  
16 respondent is something the Committee to consider.  
17 MR. SYREN: That's right, Your Honor. And I think  
18 again, using the rule of tit for tat, what's good for the goose  
19 has to be good for the gander. I'd like the Committee to know  
20 whether or not they have cooperated in the investigation as  
21 well. It seems to me that's absolutely relevant, I mean it's  
22 all the same issue.  
23 HEARING OFFICER: The objection is sustained. The  
24 Committee is not on trial.  
25 Q What did Mr. Miller tell you in his conversations?

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1 A I have had several conversations so let me -- are you  
2 asking a general statement? The first was when he  
3 brought in the complaint. I believe this was the first  
4 conversation I had with him -- no, I apologize, I  
5 believe that he asked how -- for a complaint form and  
6 how a complaint is filed was the first time --  
7 conversation I had with him.

8 Q All right. And what else did he tell you?

9 A That he intended to file a complaint.

10 Q All right. Did he tell you that he had run in an  
11 election against Representative Sanders and lost?

12 A I don't -- I don't believe that he told me that. I  
13 think I may have been aware of it, but I don't believe  
14 he told me.

15 MR. SYREN: I have no further questions at this time,  
16 Your Honor.

17 HEARING OFFICER: Mr. Spaan, do you have any further  
18 questions?

19 MR. SPAAN: Yes.

20 SUSAN BARNETT

21 testified as follows on:

22 REDIRECT EXAMINATION

23 BY MR. SPAAN:

24 Q Ms. Barnett, I want you to refer, if you could, tack to  
25 Exhibit 14.

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1 A Yes.

2 Q Why don't you -- if I understood your testimony that  
3 each one of these answers referred to the general  
4 objection, okay?

5 A Correct.

6 Q Now, the first interrogatory referenced a letter dated  
7 September 28th, 1995 addressed to Representative  
8 Sanders and signed by Ms. Mac Neille, to your knowledge  
9 did this letter have anything at all to do with the  
10 investigation under consideration by this Committee  
11 today?

12 MR. SYREN: And I'll object to this calls for a legal  
13 conclusion and for her to make a -- issue some sort of legal  
14 opinion as to relevance.

15 HEARING OFFICER: Why don't you ask her what it is and  
16 then the Committee can.....

17 Q Do you know what letter Mr. Syren is referring to, the  
18 September 28th, 1995 letter?

19 A I'm hesitant to say that I absolutely am sure which  
20 letter this is at this time. I haven't looked at this  
21 for a while, so.....

22 Q Do you remember when.....

23 A .....there have been a lot of letters.

24 Q With your review of these interrogatories, Ms. Barnett,  
25 was there anything that you saw that was relevant to

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1 the case under consideration by the Committee today?

2 MR. SYREN: Same objection.

3 MR. SPAAN: I asked in her opinion, Your Honor.

4 MR. SYREN: Then.....

5 HEARING OFFICER: I'm going to give an instruction to  
6 the Committee and hopefully that will eliminate the need for  
7 these questions. A party can serve discovery requests to  
8 another party asking them for information. If they're not  
9 satisfied with the responses, what they can do is they can file  
10 what's called a motion to compel to the judge or to the hearing  
11 officer if there's such a proceeding. In this case, to my  
12 knowledge, there was no motion to compel any further answers  
13 and these responses have marginal relevance. Mr. Spaan, do you  
14 have further questions?

15 MR. SYREN: Excuse me, wait, I'm sorry, Your Honor, did  
16 you say these responses have marginal relevance?

17 HEARING OFFICER: Yes.

18 MR. SYREN: I wonder for purposes of establishment of  
19 the record of actual basis, if you could give reasons for  
20 saying that?

21 HEARING OFFICER: Because you're asking this witness  
22 questions -- the responses being see general objections. If  
23 there's a complaint about those responses, what you should have  
24 done is filed a motion to compel and that would have been ruled  
25 upon and if there was an improper exercise, of failing to

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1 respond to them, an order would have been issued for them to  
2 respond further.

3 MR. SYREN: All right. It's -- are you saying that I  
4 can't object that they're incomplete now?

5 HEARING OFFICER: I'm saying that the means to ob --  
6 your objection to them being incomplete isn't relevant to any  
7 issue in this case is what I'm saying.

8 MR. SYREN: What I'm worried about, I guess, is that  
9 you're issuing an order that they're not relevant and nobody's  
10 made an argument whether they're relevant or not. You haven't  
11 heard any arguments on that issue at all yet. You haven't  
12 heard any arguments on that issue, that's why I'm worried about  
13 you making a ruling without any motions, without any argument.

14 HEARING OFFICER: Well, what I'm saying is the time for  
15 the motion would have been once you received these responses,  
16 if you felt they weren't responsive, not during a trial.

17 MR. SYREN: Right. And it sounds like -- my difficulty  
18 is that you're stating is that they're not relevant.

19 HEARING OFFICER: Well, tell me.....

20 MR. SYREN: I can raise.....

21 HEARING OFFICER: .....tell me what the relevance is.  
22 I tried to ask you that before and you refused saying you  
23 didn't want to lay out your whole case.

24 MR. SYREN: No. I think I have stated how these are  
25 relevant, Your Honor. But if you have.....

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1 HEARING OFFICER: Tell me what the relevance is.

2 MR. SYREN: .....questions -- if you have questions, I  
3 prefer that -- and I've already stated what they were and  
4 you've let me on that basis, ask questions about these, but I  
5 would rather finish the direct examination and then if you have  
6 questions at the end, we can answer those. But again, I'm not  
7 under oath and I'm not testifying here.

8 HEARING OFFICER: Tell me what your view of the  
9 relevance of this line of questioning is?

10 MR. SYREN: This goes to cooperation as I've stated  
11 earlier. What you have stated on the record and correct me if  
12 I'm wrong, is that these answers -- these answers are  
13 irrelevant and there's been no factual basis or determination  
14 for that order, that's what I'm concerned about.

15 HEARING OFFICER: All right.

16 MR. SYREN: If you want to state, as you did with  
17 Representative Sanders.....

18 HEARING OFFICER: I have to make a ruling whether  
19 questioning on these is relevant or not, and my view is it's  
20 not relevant.

21 MR. SYREN: All right. That's different than saying  
22 that the answers, themselves, are irrelevant, that's a  
23 different.....

24 HEARING OFFICER: Very well.

25 BY MR. SPAAN:

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1 Q Ms. Barnett, when is the date that these  
2 interrogatories were signed?

3 A The 11th day of October '96.

4 Q And on the next page do they indicate when they were  
5 served on Representative Sanders' Counsel?

6 A The 11th of October 1996.

7 Q And to your knowledge, was any motion to compel a more  
8 detailed response to these ever made in front of the  
9 Hearing Officer?

10 A Not to my knowledge.

11 Q Do you now remember, Ms. Barnett, what the September  
12 28th, 1995 letter was that was referred to by Mr.  
13 Syren?

14 A I -- I believe that it related to a previous case.

15 Q Okay.

16 MR. SPAAN: I'd have no further questions.

17 HEARING OFFICER: Mr. Syren, do you have any follow-up?

18 **SUSAN BARNETT**

19 testified as follows on:

20 **RE CROSS EXAMINATION**

21 **BY MR. SYREN:**

22 Q As part of your duties are you ever asked to give  
23 opinions about whether a particular person has violated  
24 the Ethics Code?

25 A That's not my job.

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1 Q Okay. And your job is just to find facts, is that all?  
2 A That's not all of my job. My job is to provide an  
3 analysis of the complaints that come in, a preliminary  
4 examination.  
5 Q Okay. Who do you prepare this analysis for?  
6 A For the Sub -- for the appropriate Subcommittee.  
7 Q All right. That would be this Committee here, right?  
8 A In -- if it were a House complaint, yes.  
9 Q Okay. Well, for -- did you do that for this complaint  
10 that was filed in this case?  
11 A Yes, I did.  
12 Q Okay. And what was your analysis?  
13 A My analysis is -- relates to taking the law, looking at  
14 the law that is before the Subcommittee and putting the  
15 complaint next to it and saying, the initial -- look,  
16 if -- does it appear that there's jurisdiction. If  
17 somebody filed a complaint and said Representative so  
18 and so has purple hair and it offends me, then I would  
19 go forward to the committee, give them all the  
20 information and also say, it is not my impression that  
21 we have jurisdiction, that you have jurisdiction over  
22 this.  
23 Q Okay. I have just one more question and that is,  
24 whether -- I'm going to make a statement and see --  
25 just ask you whether or not you agree with this. It is

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1 extremely difficult to distinguish between official and  
2 campaign activities of an incumbent; do you agree or  
3 disagree with that statement?

4 A Would you repeat the statement?

5 Q Sure. It is extremely difficult to distinguish between  
6 official and campaign activities of an incumbent?

7 Would you agree that it is difficult to distinguish  
8 between official and campaign activities of an  
9 incumbent?

10 A At times.

11 Q Okay.

12 MR. SYREN: No further questions, Your Honor.

13 HEARING OFFICER: Anything further, Mr. Spaan?

14 MR. SPAAN: No, sir.

15 HEARING OFFICER: Do members of the Committee have any  
16 questions?

17 MS. MCCOY: One.

18 **SUSAN BARNETT**

19 testified as follows on:

20 **INQUIRY**

21 **BY MS. MCCOY:**

22 Q Margie, in your position.....

23 A Susie.

24 Q Excuse me, Susie, working for the Committee, you bring  
25 documents to us and sometimes make recommendations,

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1 does the Committee always follow your recommendation?  
2 A No.  
3 Q Okay.  
4 A The reason I'm hesitating, if it's okay for me to  
5 answer further?  
6 Q Sure.  
7 A Is that recommendations is a big word and I -- I  
8 actually can't say that that's the way that I feel --  
9 I'm not sure that's what I do.  
10 Q Right. And I'm not either. But it seemed like in the  
11 questioning that that may have been the impression that  
12 was given. But you do always give us all documentation  
13 on complaints?  
14 A Yes.  
15 HEARING OFFICER: Ms. Mac Neille.  
16 SUSAN BARNETT  
17 testified as follows on:  
18 INQUIRY  
19 BY CHAIRMAN MAC NEILLE:  
20 Q Ms. Barnett, on Exhibit 12, which is the letter to you  
21 from Mr. Crawford.  
22 A I recall the letter, go ahead and I'll.....  
23 Q Well, it's on Page 2.....  
24 A Okay.  
25 Q .....which is the listing of -- it's got a couple lines

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1 here and I just wanted to see if I could use you to  
2 interpret them for me?

3 A Certainly.

4 Q But maybe you're -- because maybe you're familiar with  
5 this computer system and I'm not. Do you know whether  
6 the computer that this came off of is the same a the  
7 system that you use?

8 A The same Wordperfect system that I use in the  
9 Legislature?

10 Q Yeah.

11 A I'm -- I'm not sure what you're asking.

12 Q When you look at this, does this look familiar to you?

13 A Yes, it does.

14 Q Do you know what it means -- can you tell me what it  
15 means? Are the names, straw poll and poll over here  
16 with the little pieces of paper with the corners bent,  
17 those are file names?

18 MR. SYREN: Excuse me. I'd like to object on  
19 foundation. I don't know that she knows about these particular  
20 things mean unless she's generated the document herself.

21 HEARING OFFICER: Well, I don't think she's being asked  
22 about the content of the documents.....

23 CHAIRMAN MAC NEILLE: No.

24 HEARING OFFICER: .....just as to whether the names  
25 signify that that is a document.

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1 MR. SYREN: That's asking what this document means. I  
2 don't know if she can do that unless she has generated the  
3 document herself.

4 HEARING OFFICER: Well, she's indicated she's familiar  
5 with this format, you can cross examine her on it.

6 MR. SYREN: This format for this, Your Honor?

7 HEARING OFFICER: Yeah.

8 MR. SYREN: This one? She has one that's maybe like  
9 this, maybe not, I don't know. But this one, unless she had  
10 this piece of paper herself, I don't see that -- foundational  
11 she can testify about it.

12 HEARING OFFICER: Well, I think from her last answer  
13 she can. You can cross examine her.

14 **BY CHAIRMAN MAC NEILLE:**

15 Q Ms. Barnett, do you understand that those would be file  
16 names, poll and straw poll?

17 A On my computer it would appear that would.

18 Q Okay.

19 A My file name would start there.

20 Q And 20k would be a question of how big the document  
21 was?

22 A Correct.

23 Q And is that many pages, one page?

24 MR. SYREN: Same objection.

25 HEARING OFFICER: If you know.

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1 A I'm going to answer, I don't know, because with my new  
2 computer I'm getting a different k on it.

3 Q Okay. And one of these says Microsoft Word docu and  
4 the other says, text document. In your experience with  
5 your computer, what is the distinction there, anything?  
6 Does it mean that they're different in some way?

7 A Microsoft Word is for word processing and I don't use  
8 text documents, so I don't know.

9 Q Okay, thanks.

10 CHAIRMAN MAC NEILLE: That concludes my questioning.

11 HEARING OFFICER: Additional questions by members of  
12 the Committee? Mr. Granger.

13 **SUSAN BARNETT**

14 testified as follows on:

15 **INQUIRY**

16 **BY MR. GRANGER:**

17 Q Susie, on Exhibit 11 that was given to us by the State  
18 folks down in Juneau, I assume it came off of a hard  
19 disk and I assume the hard disk was in an individual  
20 PC, it was not in a central -- these machines are not  
21 hooked together; is that right?

22 A That's correct.

23 MR. SYREN: Objection. Foundation.

24 HEARING OFFICER: Do you know?

25 A It is correct, it's off an individual machine.

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1 MR. SYREN: I'm sorry. I objected, I didn't know if we  
2 had a ruling as to foundation. I don't know that she has  
3 personal knowledge about those computers, especially since she  
4 got this document from somebody else, a different office.

5 HEARING OFFICER: She indicated that she knew the  
6 answer to that. You can cross examine her.

7 Q Then it wouldn't necessarily be the case that this  
8 would have been stored there unless -- I mean it could  
9 have been erased easily by the operator afterwards?

10 MR. SYREN: Objection. Calls for speculation and  
11 foundation.

12 HEARING OFFICER: Overruled.

13 A Like any document, yes. On an individual computer, it  
14 could be erased, deleted.

15 Q But would this be -- would it be normal to keep it or  
16 would it be normal to erase it after you're finished  
17 with it?

18 MR. SYREN: Objection. Vague. I don't know what  
19 normal is.

20 HEARING OFFICER: I'm going to sustain that. That's up  
21 to whoever's using the computer.

22 MR. GRANGER: Okay.

23 HEARING OFFICER: Ms. Barnett's not in a better  
24 position to know the answer to that than you are or any members  
25 of the Committee. Do you have additional questions, Mr.

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1 Granger?

2 MR. GRANGER: No, sir, thanks.

3 MR. SYREN: I have one.

4 HEARING OFFICER: Mr. Spaan, do you have any redirect?

5 MR. SPAAN: No, Mr. White.

6 HEARING OFFICER: Mr. Syren.

7 MR. SYREN: Just one.

8 SUSAN BARNETT

9 testified as follows on:

10 RE CROSS EXAMINATION

11 BY MR. SYREN:

12 Q Ms. Barnett, do you have any personal knowledge, at  
13 all, about Exhibit 12?

14 A Is Exhibit 12 the letter from James Crawford?

15 Q Yes. Here, let me hand you my copy.

16 HEARING OFFICER: I'm sorry, could you define what you  
17 mean when you say personal knowledge?

18 MR. SYREN: Any personal knowledge of that letter. I  
19 mean about the information in that letter. I understand what  
20 you're saying, thank you, Your Honor.

21 A I was certainly the recipient of the letter.

22 Q Okay. But you have no independent knowledge, no  
23 personal knowledge about any of the information  
24 contained in that letter; is that right?

25 A Nothing beyond what I've received.

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1 Q Okay. I'm going to ask the question again. You don't  
2 have personal knowledge about the information in that  
3 letter, do you, personal knowledge about the  
4 information in that letter?  
5 A No. I do not.  
6 Q Okay, thank you.  
7 MR. SYREN: No further questions, Your Honor.  
8 HEARING OFFICER: Thank you, Ms. Barnett. You may  
9 assume your other chair.  
10 MR. SPAAN: At this time, Your Honor, we'd like to call  
11 Ms. Perez.  
12 HEARING OFFICER: Did either party move for  
13 introduction or admission of Exhibit 14?  
14 MR. SPAAN: I did, Your Honor.  
15 HEARING OFFICER: Mr. Syren, did you have objection to  
16 that?  
17 MR. SYREN: No.  
18 HEARING OFFICER: Okay. Exhibit 14 will be admitted or  
19 was admitted if you had already asked me.  
20 (Committee's Exhibit 14 admitted)  
21 HEARING OFFICER: Is Ms. Perez telephonic?  
22 MR. SPAAN: Yes, it is. That was the motion that we  
23 had made, Your Honor.  
24 HEARING OFFICER: Right. And that was non-opposed?  
25 MR. SPAAN: Right.

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1 MR. SYREN: That's correct, Your Honor. And we -- I  
2 gave Mr. Spaan a telephone number yesterday and which she'll be  
3 available at this time.

4 MR. SPAAN: And when you're doing that, if I could make  
5 a call quickly and get a witness ready for after.

6 (Off record comments - dialing)

7 HEARING OFFICER: Ms. Perez, this is Michael White the  
8 Hearing Officer. At this time you've been called as a witness  
9 by the Committee, do you understand that?

10 MS. PEREZ: Yes.

11 HEARING OFFICER: I'm going to administer the Oath to  
12 you if you'd raise your right hand, please.

13 MS. PEREZ: Yes.

14 (Oath administered)

15 MS. PEREZ: I do.

16 PATRICIA M. PEREZ

17 called as a witness on behalf of Respondent, testified as  
18 follows on:

19 DIRECT EXAMINATION

20 HEARING OFFICER: What's your full name, please?

21 A Patricia Marie Perez.

22 HEARING OFFICER: How do you spell your last name?

23 A P-e-r-e-z.

24 HEARING OFFICER: What's your mailing address?

25 A Post Office Box 21243, Juneau, Alaska 99802.

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1 HEARING OFFICER: And are you in Juneau now?

2 A Yes, I am.

3 HEARING OFFICER: Thank you. At this point Mr. Spaan  
4 will begin his questions.

5 A Thank you.

6 BY MR. SPAAN:

7 Q Mr. Perez, good afternoon, can you hear me?

8 A Yes, I can.

9 Q Where are you currently employed, Ms. Perez?

10 A Right now I am not full-time employed. I'm am starting  
11 a temporary job and then I hope to go back to work with  
12 Mr. -- Representative Jerry Sanders.

13 Q Okay. Are you currently employed for -- 'th  
14 Representative Sanders?

15 A Once the session starts, but right now I am not.

16 Q Okay. Ms. Perez, were you employed with Representative  
17 Sanders in March of 1996?

18 A Yes.

19 Q And did you have an opportunity to work on a letter  
20 dated March 4th, 1996 which were sent to District 19  
21 Republicans thanking them for their participation in a  
22 Republican Straw Poll?

23 MR. SYREN: And at this time I'd like to instruct my  
24 client not to answer the question based on the Fifth Amendment.

25 MR. SPAAN: I'd like to inquire whether or not Ms.

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1 Perez is Mr. Syren's client.

2 HEARING OFFICER: Mr. Perez, did you hear that question  
3 by Mr. Spaan?

4 A I'm sorry, I didn't get the last part of it.

5 HEARING OFFICER: Mr. Spaan had asked, is Mr. Syren  
6 your attorney?

7 A Yes.

8 **BY MR. SPAAN:**

9 Q When did you retain Mr. Syren?

10 MR. SYREN: Okay. Don't answer that question. That's  
11 a matter of attorney/client privilege. And for the record,  
12 Your Honor, it was at least of the date that Mr. Spaan and Ms.  
13 Barnett signed the interrogatory that put me as care of. This  
14 is asked and answered. We're going over redundant information  
15 and the attorney/client privilege.

16 MR. SPAAN: That was for an address of Ms. Perez. But  
17 let me ask another question and Counsel could instruct her to  
18 take the Fifth.

19 Q Ms. Perez, did you have an opportunity to talk to Suzi  
20 Barnett of the Committee Staff -- of the Ethic  
21 Committee Staff?

22 MR. SYREN: And you can go ahead and answer that  
23 question.

24 A Yes, I did.

25 Q And do you remember her asking you whether or not you

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1           were represented by Mr. Syren?

2           MR. SYREN: Okay. And at that point -- at this point  
3 I'd like to instruct her not to answer the question.

4           MR. SPAAN: Your Honor.....

5           HEARING OFFICER: On what.....

6           MR. SPAAN: .....that has absolute.....

7           HEARING OFFICER: .....on what basis?

8           MR. SYREN: Attorney/client privilege and Fifth  
9 Amendment. I don't want to open the door -- we will stipulate  
10 that she had a conversation with Ms. Barnett after Ms. Barnett  
11 knew that I was her attorney, we'll stipulate to that. But the  
12 contents of that conversation.....

13           MR. SPAAN: We're not going to stipulate to that.

14           MR. SYREN: .....or completely. I don't want to open  
15 the door and let that in.

16           HEARING OFFICER: The contents of her conversation with  
17 Ms. Barnett?

18           MR. SYREN: Yes, yes. With the investigator for the  
19 Committee, yes, on the basis of the Fifth Amendment and  
20 attorney/client privilege. Ms. Barnett signed the document  
21 that listed me as her attorney and she talked to her without me  
22 being present.

23           HEARING OFFICER: Well, that does not list you as her  
24 attorney. That says care.....

25           MR. SYREN: I'm sorry, Your Honor, I.....

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1 HEARING OFFICER: .....that says you can be reached  
2 care of you.

3 MR. SYREN: Yeah. And it says the same thing for  
4 Representative Sanders and Jeanne Lovell and Jerry Ward and me,  
5 of course. Your Honor, I think as attorneys we understand what  
6 that means. We know.....

7 MR. SPAAN: It means that is what.....

8 MR. SYREN: .....we know darn well what that means.

9 MR. SPAAN: .....that is.....

10 HEARING OFFICER: One at a time, Mr. Spaan. Are you  
11 done?

12 MR. SYREN: I am.

13 MR. SPAAN: That means that is where we were going to  
14 get a hold of her. I asked Ms. Perez whether or not -- Ms.  
15 Barnett inquired whether or not Mr. Syren was her attorney when  
16 she talked to her. There is no way that could incriminate her.  
17 There is no way that invokes the attorney/client privilege.

18 HEARING OFFICER: I agree. I'm going to overrule the  
19 objection.

20 BY MR. SPAAN:

21 Q Did Ms. Barnett ask you, at the time she talked to you,  
22 Ms. Perez, whether or not you were represented by Mr.  
23 Syren?

24 A No, she didn't.

25 Q Okay. If she had asked you, what would your answer had

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1           been?

2           MR. SYREN: And don't answer the question. That calls  
3 for speculation and invades the attorney/client privilege.

4           MR. SPAAN: I don't think it invades the  
5 attorney/client privilege to ask whether or not she was  
6 represented when Ms. Barnett talked to her.

7           HEARING OFFICER: Well, you asked the question in an  
8 awkward way.

9           MR. SPAAN: Okay.

10          HEARING OFFICER: If she had asked you that, what would  
11 you have said? Perhaps you could ask the direction directly  
12 and I'm not saying an objection would be overruled, but ask it  
13 directly, were you represented at that time, then we can deal  
14 with that.

15 **BY MR. SPAAN:**

16 Q           Do you remember when Ms. Barnett contacted you, Ms.  
17 Perez?

18 A           Do I -- yes, I do.

19 Q           And what was that date?

20 A           It would have been October 31st. I had just gotten  
21 back into town.

22 Q           Okay. And were you at that time represented by Mr.  
23 Syren?

24           MR. SYREN: Objection. And this does invade the  
25 attorney/client privilege as to when that relationship began.

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1 Any communication is privileged. Besides that, Your Honor,  
2 this question has already been answered. Mr. Spaan and the  
3 Committee and Ms. Barnett were on notice that I was asserting  
4 the attorney/client privilege with respect to all of  
5 Representative Sanders employed at the time.

6 Q Ms. Perez, at the time Ms. Barnett contacted you,  
7 unless I'm wrong, your testimony was you were not an  
8 employee of Representative Sanders; is that correct?

9 A Well, I'm on -- I'm on layoff status.

10 Q So you're not.....

11 A Until the session starts, yeah.

12 Q I'm sorry, I interrupted you. Your testimony -- and I  
13 stepped over you, but you were on layoff status?

14 A Yeah.

15 Q And during the time you were on layoff status, do you  
16 receive any compensation at all from Representative  
17 Sanders?

18 A No.

19 Q And when are you scheduled to start with Representative  
20 Sanders again?

21 A It should be sometime next month.

22 Q And when did you learn that you were going to be called  
23 back to work, Ms. Perez?

24 A Well, I've talked with Jerry and Jerry said that if he  
25 was reelected that he wanted me to come back and that

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1 was -- that conversation was when I was still working  
2 for him. I'm -- I'm not sure what time -- I think it  
3 was probably toward the beginning of the session he  
4 asked me if I'd come back to work for him.

5 Q Okay. And you indicated if he was elected that you  
6 would like to do that?

7 A Yes.

8 Q Okay. During the time you were laid off did you take  
9 any other temporary jobs?

10 A No, I haven't.

11 Q Okay.

12 A I planned on it, but I -- no, I don't.

13 REPRESENTATIVE TOOHEY: I'm sorry.

14 HEARING OFFICER: Could you repeat that, please, you  
15 broke up.

16 A I -- I haven't done any temporary jobs yet, no.

17 BY MR. SPAAN:

18 Q Were you employed by Representative Sanders during  
19 March of 1996?

20 A Yes.

21 Q And was one of your fellow employees a Ms. Jeanne  
22 Lovell?

23 A Yes.

24 Q Okay. And what was your job description with  
25 Representative Sanders, what were you fired to do?

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1 A His executive secretary.

2 Q And as such, what were your duties?

3 A I answered phones, did letters, answered the mail,  
4 greeted clients, I setup his schedule and anything  
5 else, you know, that -- you know, just general office.

6 Q As part of the general office work, did you ever have  
7 an opportunity to participate on sending mass mailings?

8 A Yes.

9 Q Okay. And how often would this occur?

10 A I -- mass mailing, I don't remember, I'm sorry.

11 Q Did you ever work together with Jeanne Lovell to  
12 participate in mass mailings?

13 A Yes.

14 Q Okay. Did you participate with Ms. Lovell to mail a  
15 letter dated March 4th, 1996 to participants of the  
16 Republican Straw Poll?

17 MR. SYREN: And at this point I'd instruct my client  
18 not to answer on the basis of the Fifth Amendment.

19 HEARING OFFICER: Could you lay out for me what her  
20 reason -- what the basis for reasonable fear of criminal  
21 exposure is?

22 MR. SYREN: Sure. Under the statute, under the  
23 Committee -- if the Committee finds that an employee has  
24 violated the statute, then the employee, likewise, is referred  
25 by the Committee for sanctions to any.....

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1 HEARING OFFICER: One doesn't have the right to Fifth  
2 Amendment for Committee ethical violation, there has to be a  
3 possibility of criminal exposure.

4 MR. SYREN: Right. Understand. And if Ms. Perez is  
5 running down to the postal office sending out things that would  
6 constitute a violation then she's stealing, she's guilty of  
7 official misconduct just like anybody else. And keep in mind,  
8 Your Honor, that the -- and I've mentioned this to you before  
9 that the Committee has this mandatory requirement that if they  
10 find anything that constitutes probable cause, they turn it  
11 over to the police. So the spectra of reprisals is very real,  
12 I think.

13 HEARING OFFICER: Do you want to be heard?

14 MR. SPAAN: Your Honor, I think with than accomplis  
15 theory and an active imagine, I think he could properly  
16 instruct her to take the Fifth Amendment.

17 HEARING OFFICER: So you don't have an objection or you  
18 do, I can't tell?

19 MR. SPAAN: No, I don't -- I don't know and I guess I'm  
20 looking to the Chair for some guidance. I don't know how far  
21 we could require to check her independent basis to assert the  
22 Fifth Amendment privilege. I think it's a difficult issue. If  
23 Ms. Perez feels and assures us that she's taking a good Fifth  
24 Amendment assertion, I'm prepared to move on to a different  
25 question.

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1 HEARING OFFICER: Then move on.

2 MR. SPAAN: Okay.

3 BY MR. SPAAN:

4 Q What were your normal working hours, Ms. Perez, for  
5 Representative Sanders?

6 A 8:00 to 5:00.

7 Q And what was your normal work week?

8 A Monday through Friday.

9 Q Did you have a computer assigned to you personally?

10 A Yes.

11 Q Did Ms. Lovell have a computer assigned to her  
12 personally?

13 A Yes.

14 Q Do you know whether or not Ms. Lovell participated in  
15 the preparation of a March 4th -- of a letter dated  
16 March 4th, 1996 addressed to participants of the  
17 Republican State Poll that was held in January?

18 MR. SYREN: And I'll object. Same objection, instruct  
19 my client not to answer based on the Fifth Amendment.

20 MR. SPAAN: Yeah. I think this is Ms. Lovell's Fifth  
21 Amendment, not this witness'?

22 MR. SYREN: No. I think this is Ms. Perez' Fifth  
23 Amendment.

24 HEARING OFFICER: Part of the problem is this is one of  
25 the biggest conflicts I've ever seen representing all of these

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1 witnesses as well as the subject of the investigation and it's  
2 hard to sort these things out. Do you want to be heard any  
3 further?

4 MR. SPAAN: What I asked is whether or not she observed  
5 Ms. Lovell to participate in working on the mailing that's the  
6 subject of this inquiry. I think any -- an answer to that  
7 question would perhaps be harmful to Ms. Lovell but certainly  
8 not to Ms. Perez. So I maintain there's no good faith  
9 invocation of the Fifth Amendment as to that question.

10 HEARING OFFICER: Mr. Syren.

11 MR. SYREN: And again, I assert that there is, Your  
12 Honor. I mean quite blatantly, this -- we're talking about her  
13 Fifth Amendment privilege here and I'm her attorney and I'm  
14 telling her not to answer the question but it's not based on  
15 her -- the Fifth Amendment.

16 HEARING OFFICER: I understand that, but I need to make  
17 a ruling whether it's valid or not. And you're not presenting  
18 any facts or any basis for me to make such a ruling. I mean at  
19 this.....

20 MR. SYREN: I can't. I don't want to do that, Your  
21 Honor, because that's -- that's sort of to waive the  
22 attorney/client privilege and the Fifth Amendment privilege  
23 itself.

24 HEARING OFFICER: Well, I find that there hasn't been  
25 an adequate basis for the privilege. I understand Counsel's

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1 position he's going to tell her not to answer. I find that  
2 there hasn't been an adequate showing that there is a valid  
3 Fifth Amendment privilege. The Committee can do what it wishes  
4 to do. I have no power to issue any contempt citations. The  
5 Committee certainly does through the house and it can do so if  
6 it wishes, Mr. Spaan. You're instructing the witness not to  
7 answer?

8 MR. SYREN: I am. I am, Your Honor.

9 HEARING OFFICER: Your next question, Mr. Spaan.

10 BY MR. SPAAN:

11 Q Are you going to follow the advice of Counsel on this?

12 MR. SYREN: Yes. He's asking you -- I'm instructing  
13 you not to answer, Ms. Perez, this is Les Syren.

14 A Um-hum. (Affirmative)

15 MR. SYREN: And he's asking you if you're going to  
16 follow my advice?

17 A Yes.

18 Q Ms. Perez, is there anything that relates to this March  
19 4th letter that you could bring to the attention of  
20 this Committee without incriminating yourself.....

21 MR. SYREN: And I will.....

22 Q .....that would be helpful.

23 MR. SYREN: Okay. I'm going to instruct my client not  
24 to answer based on the attorney/client privilege, Fifth  
25 Amendment, also the question is vague and overbroad.

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1 MR. SPAAN: I've got nothing further.

2 MR. SYREN: And calls for hearsay. Excuse me.

3 HEARING OFFICER: Mr. Syren, do you have any questions?

4 MR. SYREN: No.

5 HEARING OFFICER: Okay. Does members of the Committee  
6 have any questions?

7 PATRICIA M. PEREZ

8 testified as follows on:

9 INQUIRY

10 BY MS. MCCOY:

11 Q Ms. Perez, this is Shirley McCoy, one of the public  
12 members. I would just like to ask you a couple of  
13 questions.

14 A Um-hum. (Affirmative)

15 Q Did you hire Mr. Syres (sic) as your Counsel?

16 MR. SYREN: Objection. That's attorney/client  
17 privilege and asked and answered. And I'm instructing my  
18 client not to answer that question.

19 HEARING OFFICER: Well, it hasn't been asked and  
20 answered. I don't think she said who hired you. But.....

21 MR. SYREN: I think it's established.

22 HEARING OFFICER: .....well, going on to the next one  
23 whether.....

24 MR. SYREN: Excuse me, Mr. Chair.

25 HEARING OFFICER: .....it's privileged or not, do you

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1 want to be heard on that, Mr. Spaan?

2 MR. SPAAN: I don't think whether or not Mr. Syren --  
3 if she hired Mr. Syren is privileged. I mean as to what he  
4 told her, I think it is. I think you could further ask what  
5 she -- if she's paid him any money.

6 HEARING OFFICER: I'm going to overrule the objection.  
7 The issue of retaining Counsel is -- the privilege goes to  
8 confidential communications, it doesn't go to the issue as to  
9 who hired. And there's quite a bit of Federal case law, mostly  
10 on drug cases, that where it becomes an issue of who hires  
11 attorneys in precisely the situation like this where several  
12 witnesses before Grand Jury claim privileges.

13 MR. SYREN: Before a Grand Jury?

14 HEARING OFFICER: At any point in time. There's quite  
15 a body of case law that who is paying an attorney is not  
16 privileged information.

17 MR. SYREN: Okay. We -- I take exception to that  
18 order. And I think it's already been established that I am her  
19 attorney.

20 HEARING OFFICER: Are you instructing her not to answer  
21 the question?

22 MR. SYREN: No, I'm not. You can go ahead and answer  
23 that Patricia.

24 A I forgot what the question was.

25 MR. SYREN: The question is, am I your attorney.

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1 BY MS. MCCOY:

2 Q Did you hire -- did you hire Mr. Syres as your Counsel?

3 A Yes.

4 Q Okay. Are you also personally responsible for paying  
5 any fees to him as your attorney?

6 MR. SYREN: And that is a matter of attorney/client  
7 privilege.

8 MR. SPAAN: And I'd like to be heard on that.

9 HEARING OFFICER: Go ahead.

10 MR. SPAAN: I think the line of cases, Mr. White, that  
11 you brought, particularly when you have a multiple  
12 representation of an individual and his employees, that  
13 question was absolutely proper. The Committee has a right to  
14 know the source of Mr. Syren's payment for the representation  
15 of this witness.

16 HEARING OFFICER: Do you want to be heard further?

17 MR. SYREN: This is, according to the Committee, a  
18 civil matter. The cases that you referenced, I think were for  
19 a Grand Jury and I don't know that there are other cases unless  
20 the Court can identify them, in which that would be relevant.  
21 But clearly, any communication between me and my client is  
22 privileged, including -- and that is a communication, the cost  
23 for representation or any sort of enumeration. Besides the  
24 fact that it's absolutely irrelevant. Representative Sanders  
25 is the one sort of that we're here to discuss today, not my

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1 fee.

2 HEARING OFFICER: Well, the amount of your fee is  
3 irrelevant, even if there is a fee. I don't know if you're  
4 doing this for a fee or pro bono.

5 MR. SYREN: And that's nobody -- I'm sorry.

6 HEARING OFFICER: I mean I'm saying, that's irrelevant.  
7 But if there are witnesses that have relevant information that  
8 are not testifying due to joint representations, that becomes  
9 relevant. And if you're going to tell her not to answer it,  
10 there's nothing I can do. You know, I don't have contempt  
11 powers. The Committee can take it up or not take it up.

12 MR. SYREN: Yeah. And I.....

13 HEARING OFFICER: But I'll overrule the objection. You  
14 give her the instruction you want to give and we'll move on.

15 MR. SYREN: Okay. And I will instruct her not to  
16 answer that question.

17 BY MS. MCCOY:

18 Q Okay. I guess maybe one other question. If you were  
19 not going to be employed by Mr. Sanders next session,  
20 would you be concerned about standing on the Fifth in  
21 your testimony today?

22 MR. SYREN: Don't answer that question, same objection.  
23 Attorney/client privilege. Calls for legal -- Fifth Amendment,  
24 attorney/client privilege and calls for speculation.

25 HEARING OFFICER: Do you have additional questions?

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1 MS. MCCOY: I think that will do it, thanks.

2 HEARING OFFICER: Okay. Representative Toohey.

3 REPRESENTATIVE TOOHEY: Just a question, Your Honor, to  
4 you. Is a client -- is there normally a contract written,  
5 signed that I'm going to represent you and 17 other people?

6 HEARING OFFICER: There's supposed to be, but it  
7 doesn't always get done.

8 REPRESENTATIVE TOOHEY: There's.....

9 HEARING OFFICER: I think the Bar rules now provide  
10 there's supposed to be a written engagement letter or contract,  
11 but it doesn't always get done.

12 REPRESENTATIVE TOOHEY: May I ask Ms. Perez if she has  
13 signed any kind of.....

14 HEARING OFFICER: You may ask it and it may be objected  
15 to.....

16 REPRESENTATIVE TOOHEY: I'm sure it will be.

17 HEARING OFFICER: .....and we'll take it up from there.

18 **PATRICIA M. PEREZ**

19 testified as follows on:

20 **INQUIRY**

21 **BY REPRESENTATIVE TOOHEY:**

22 Q Ms. Perez.....

23 A Yes.

24 Q .....this is Representative Toohey. Have you signed  
25 any kind of contract with Mr. Syren?

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1 MR. SYREN: And I'll instruct you not to answer that  
2 question, Ms. Perez.

3 REPRESENTATIVE TOOHEY: Thank you. No further  
4 questions.

5 CHAIRMAN MAC NEILLE: Joe?

6 HEARING OFFICER: Mr. Donahue, do you have questions?

7 CHAIRMAN MAC NEILLE: No?

8 MR. DONAHUE: Your Honor, I'm confused between criminal  
9 trials, civil trials and this Committee's function of gathering  
10 the facts and I'm somewhat frustrated and I don't know that I  
11 have a question.

12 MR. SYREN: I'll object to speeches during the  
13 questioning. This has happened a number of times and at this  
14 point I'm going to raise the objection. If Committee members  
15 have an objection or a question, that's fine, they can ask it.  
16 But I prefer that we refrain from speeches.

17 HEARING OFFICER: Well, that may be your preference but  
18 this.....

19 MR. DONAHUE: I guess I have a question.

20 HEARING OFFICER: Wait, let me just respond to that.  
21 This Committee runs this procedure. It's a body of the  
22 Legislature and they'll run it as long as it's consistent with  
23 due process.....

24 MR. SYREN: And again.....

25 HEARING OFFICER: .....in the manner the Committee

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1 wishes.

2 MR. SYREN: Well, they have procedures though, Your  
3 Honor, and they've adopted the Administrative Procedures Act.  
4 And I don't know that there's any place for speeches during the  
5 middle of cross examination.

6 HEARING OFFICER: Yes, Mr. Donahue

7 **PATRICIA M. PEREZ**

8 testified as follows on:

9 **INQUIRY**

10 **BY MR. DONAHUE:**

11 Q Ms. Perez?

12 A Yes.

13 Q Yeah, this is Joe Donahue, how are you today?

14 A Fine, thank you.

15 Q Why are you invoking your Fifth Amendment privilege?

16 MR. SYREN: And don't answer that question.

17 MR. DONAHUE: I'm done.

18 CHAIRMAN MAC NEILLE: I have one other question.

19 MS. MCCOY: I have one other question.

20 CHAIRMAN MAC NEILLE: Hey, it's my turn.

21 HEARING OFFICER: Let me make the round and then we'll  
22 get back to anybody.

23 **PATRICIA M. PEREZ**

24 testified as follows on:

25 **INQUIRY**

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1 BY CHAIRMAN MAC NEILLE:

2 Q Ms. Perez, this is Margie Mac Neille. I have a  
3 question for you about office procedure during the last  
4 session when you worked for Representative Sanders.  
5 Was there a written policy in your office that you were  
6 aware of about leave slips and taking leave time?

7 A Yes. A handbook that Legislative Affairs put out, the  
8 personnel handbook.

9 Q Okay. Did you put in leave slips when you took  
10 personnel time or did you make it up later?

11 A We would -- well, we would work late. I don't recall  
12 taking leave, but if we took, you know, like a long  
13 lunch or something, I know we'd make it up later  
14 because we did work some late nights when session was  
15 going.....

16 Q Yeah.

17 A .....into the evening and coming in on weekends for  
18 meetings.

19 Q Do you ever recall a time when you would take leave  
20 during the day to do non-Legislative business and then  
21 put in a leave slip for it or makeup the time later?

22 A I'm not sure exactly what you're -- you mean, like did  
23 I take a long lunch and then make it up?

24 Q Or work in the office on some project that didn't have  
25 to do with the Legislature?

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1 A Uh-huh. (Negative)

2 MR. SYREN: If you understand the question.

3 A No, I'm not -- no, I can, you know, say this. There

4 were times when there -- when it was quiet like when if

5 Jerry was up in Anchorage and where we didn't have

6 anything to do for the office, you know, because we

7 didn't have any appointments scheduled or people, you

8 know, after answering the POMS and mail, there was

9 nothing to do but.....

10 BY MS. MAC NEILLE:

11 Q No. I guess I was asking the question whether you ever

12 remember a time when you said, okay, I'm going to do

13 this project, but it's not State -- it's not State

14 business, so I'm going to do it and then I'll makeup

15 the hours later that I -- that.....

16 A No, no. I mean because I didn't either -- nothing I'd

17 have that would -- that I'd need to do that, I'm sorry.

18 Q You don't remember doing that kind of -- having that

19 kind of project or.....

20 A No. I don't re -- I don't recall doing any kind of

21 projects that weren't, you know, with the job.

22 Q Okay. Thanks.

23 CHAIRMAN MAC NEILLE: That's all the questions I had.

24 HEARING OFFICER: Mr. Granger?

25 MR. GRANGER: I'll pass.

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1 HEARING OFFICER: Any questions?  
2 MS. VORDERSTRASSE: I move by.  
3 HEARING OFFICER: Okay. Mr. Spaan, do you have any  
4 redirect?  
5 MR. SPAAN: No, sir. I believe Ms. McCoy.....  
6 MS. MCCOY: No.  
7 HEARING OFFICER: No, she changed her mind. Do you  
8 have any redirect?  
9 MR. SPAAN: No, sir.  
10 MR. SYREN: Nothing further, Your Honor.  
11 HEARING OFFICER: Ms. Perez, thank you very much for  
12 taking out the time to be present and we will disconnect at  
13 this time.  
14 A Okay, thank you.  
15 MR. SPAAN: Thank you, Ms. Perez.  
16 A Good night.  
17 MR. SPAAN: Your Honor, at this time I would like to  
18 recall Ms. Barnett and have her testify regarding her  
19 conversation with Ms. Perez.  
20 HEARING OFFICER: Very well. Why don't you recall her.  
21 Ms. Barnett, do you understand you're still under the oath that  
22 you took awhile ago?  
23 MS. BARNETT: Yes, I do.  
24 HEARING OFFICER: Okay. The record should reflect that  
25 Ms. Barnett is back in the witness chair. Mr. Spaan.

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1 MR. SPAAN: Thank you.

2 SUSAN BARNETT

3 previously called as a witness on behalf of the Committee,  
4 testified as follows on:

5 REDIRECT EXAMINATION

6 BY MR. SPAAN:

7 Q Ms. Barnett, did you have a conversation with Ms.  
8 Perez?

9 A Yes, I did.

10 Q And do you remember when you had that conversation?

11 A October 31st, 1996.

12 Q Did you ask Ms. Perez whether she was represented by  
13 Lester Syren?

14 A I did not ask her if she was represented by Lester  
15 Syren, I asked her if she was represented by an  
16 attorney.

17 Q And did she respond to you?

18 MR. SYREN: Objection. Calls for hearsay.

19 MR. SPAAN: Your Honor.....

20 HEARING OFFICER: Overruled.

21 MR. SPAAN: .....this is an admission.....

22 HEARING OFFICER: Overruled.

23 Q What was her response, Ms. Barnett?

24 A She said that she was not represented by an attorney.

25 She had been gone for two weeks. When I referenced --

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1 I don't want to go on and on and on, but when I  
2 referenced the subject she said I don't know anything  
3 -- I've been out of town, I don't know what's  
4 happening. She -- she did say she knew something about  
5 the March 4th letter and I asked her questions about  
6 that.

7 Q Okay. And what did you ask her about the March 4th  
8 letter?

9 MR. SYREN: And I'll object, Your Honor. This is, I  
10 think, improper invasion into the attorney/client privilege.  
11 Ms. Barnett knew full well that she was represented despite  
12 what she may or may not have heard from Ms. Perez by the piece  
13 of paper that she signed several days beforehand.

14 MR. SPAAN: Well, let's talk about that piece of paper,  
15 Your Honor.

16 MR. SYREN: Maybe we should have discussion outside the  
17 hearing of the Committee, Your Honor?

18 HEARING OFFICER: Just briefly I want to make sure I  
19 understand what you're saying. Are you saying that it  
20 shouldn't come in because the Committee, at the time, or Ms.  
21 Barnett knew you represented the witness?

22 MR. SYREN: That's correct. It's like the police  
23 knowing that a person is represented by an attorney and they  
24 just go right ahead and take advantage of the situation and  
25 this.....

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1 HEARING OFFICER: But why.....

2 MR. SYREN: .....that's what this -- like  
3 especially.....

4 HEARING OFFICER: .....why would it effect the  
5 admissibility of this proceeding? In a criminal proceeding,  
6 evidence is suppressed of the nature you're talking about.....

7 MR. SYREN: Right.

8 HEARING OFFICER: .....not because of its  
9 unreliability, but because of procedural rules relating to  
10 criminal cases. This is not a criminal case.

11 MR. SYREN: Well, that's where we kind of part company,  
12 Your Honor, I think it is, for the reason that these are  
13 charges. And it's not preponderance of the evidence, it's  
14 clear and convincing -- it's something other than a civil  
15 matter.

16 HEARING OFFICER: It's not a criminal case.

17 MR. SYREN: Well.....

18 HEARING OFFICER: There are not sanctions of going to  
19 jail which distinguishes this from that. I mean what I'm  
20 trying to get at is your remedy. And Ms. Barnett has testified  
21 inconsistent with what you're saying, but aside from that, even  
22 if she were to think she was represented, which she said the  
23 witnesses specifically said she was not, why would the remedy  
24 be the testimony doesn't come in?

25 MR. SYREN: Because of the Fifth Amendment, Your Honor.

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1 She's asserted the privilege under the Fifth Amendment, that's  
2 why and somebody else can't waive that for her.

3 HEARING OFFICER: She waived it herself. According to  
4 the witness, she spoke.

5 MR. SYREN: No. She did not waive her attorney/client  
6 privilege, Your Honor. Ms. Barnett, like the police officer,  
7 engaged in conversations with somebody who was possibly on --  
8 who should be asserting the Fifth Amendment privilege. And if  
9 she's allowed to testify on hearsay about a conversation that  
10 she had with somebody who she knew was represented by an  
11 attorney, whether or not that person at the time said they were  
12 or not, the Fifth Amendment goes right out the window. And if  
13 the Court is willing to do that today, to take away Ms. Perez'  
14 Fifth Amendment, I certainly don't have the contempt power, but  
15 that's a big, big step and that's exactly what will happen.

16 HEARING OFFICER: Mr. Spaan, do you have anything to  
17 add, I'm ready to rule?

18 MR. SPAAN: I do. First of all, when Ms. Barnett  
19 testified, she asked her if she was represented, she testified  
20 that she had a conversation with Ms. Perez which Ms. Perez  
21 confirmed, to the extent there were any conceivable Fifth  
22 Amendment concerns, she has waived those concerns and there's  
23 no reason to disallow this testimony.

24 HEARING OFFICER: I -- I.....

25 MR. SYREN: Well, it's -- it's -- can I respond to

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1 that?

2 HEARING OFFICER: If you're not going to repeat what  
3 you've already said, go ahead.

4 MR. SYREN: No, no. My client didn't have the  
5 opportunity to assert that, Your Honor, just because I wasn't  
6 there. I didn't know about the conversation. And I think at  
7 that point everything is suspect, that's why we through out  
8 those -- we suppress those kind of documents. When the police  
9 are talking to somebody and they don't have an attorney there  
10 and they know that the person is represented by an attorney,  
11 how on earth could she assert that privilege if I'm not there  
12 if the police are running around behind my back talking with my  
13 client.

14 HEARING OFFICER: No.....

15 MR. SYREN: You can't -- you can't do an end run around  
16 that privilege.

17 HEARING OFFICER: The reason that's -- this is  
18 irrelevant, but the reason they're throwing out in a police  
19 case is because -- only if a person is in custody because  
20 that's a coercive environment. I don't think the testimony is  
21 that Ms. Perez was in custody at the time. Ms. Barnett has  
22 testified that she asked if the witness was represented, the  
23 witness volunteered the statement. I find that's not a Fifth  
24 Amendment violation. Even if it were -- well, it's not. And  
25 the witness volunteered the statement and it can come in.

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1 BY MR. SPAAN:

2 Q Ms. Barnett, did you, when you had this conversation  
3 with Ms. Perez, make contemporaneous notes?

4 A Yes, I did.

5 MR. SPAAN: And, Your Honor, at this time I didn't have  
6 those marked, but since Ms. Barnett's version of these facts  
7 and I think in rebuttal to what Mr. Syren's trying to put  
8 forward, I'd like those marked as 16 and put before this  
9 Committee.

10 HEARING OFFICER: Mr. Syren, do you have objection?

11 MR. SYREN: I do, Your Honor. I asked Mr. Spaan, in a  
12 letter some time ago, for any statements or notes of  
13 conversations, it was also requested in my discovery and it was  
14 never produced until now. I didn't even know these notes  
15 existed.

16 HEARING OFFICER: Let me ask you this, are you  
17 intending to call any witnesses or present any exhibits?

18 MR. SYREN: I'd rather not say at this time, Your  
19 Honor.

20 HEARING OFFICER: Well, I mean the reason I ask is you  
21 haven't given an exhibit list or a witness list and you're  
22 making an objection about one exhibit Mr. Spaan may not  
23 have.....

24 MR. SYREN: I'm aware.....

25 HEARING OFFICER: .....included.

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1 MR. SYREN: .....I'm aware of that, Your Honor. No,  
2 no, this is sandbagging. That's -- I mean with all due respect  
3 to Mr. Spaan, I didn't know these notes existed. I asked for  
4 them in discovery formally and.....

5 HEARING OFFICER: Show me the discovery where they're  
6 at? I don't have privy to discovery as you know. I'll tell  
7 the members of the Committee while he's looking, a lot of  
8 things that go on in a court case, the judge does not know  
9 about as what's going, it's just between the attorneys. Mr.  
10 Syren's indicated he asked specifically if there were  
11 statements, I don't know if he did or not and that's what I've  
12 asked him to see.

13 REPRESENTATIVE TOOHEY: Thank you.

14 HEARING OFFICER: Why don't we take a short recess  
15 while you're looking for it. People are getting restless,  
16 we'll take 10 minutes.

17 (Off record)

18 (On record)

19 HEARING OFFICER: Back on record. All members of the  
20 Committee are present. Mr. Spaan, you had indicated there's  
21 something you want to say?

22 MR. SPAAN: Your Honor, Mr. Syren, by way of discovery,  
23 requested every notes we had. I responded to that by  
24 maintaining those investigator notes that Ms. Barnett made were  
25 protected by the work product privilege, I identified that in

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1 response and I did not produce them. I did not intend to  
2 introduce those notes. This line of questioning has gone to  
3 whether or not Ms. Barnett, knowing that Ms. Perez was  
4 represented by Mr. Syren intentionally phoned her up and  
5 attempted to violate the attorney/client privilege and I want  
6 to show the Committee that that's just simply not true. For  
7 that purpose I'd like to introduce her own personal notes,  
8 waive the work product as to those notes regarding the  
9 conversation with Ms. Perez.

10 HEARING OFFICER: But I assume you want to go further  
11 than the part of the notes -- I'm assuming, I may be wrong that  
12 there's something in the notes other than a notation about  
13 whether Ms. Perez was represented or not.

14 MR. SPAAN: It does -- there is, Mr. White. There's  
15 some more summary of the conversation that Ms. Barnett had with  
16 Ms. Perez I'd like the Committee to see as well. But that's  
17 not as important as whether or -- what this conversation was  
18 regarding her representation by Mr. Syren at the time that call  
19 was made.

20 HEARING OFFICER: Are you seeking to get additional  
21 information from the note other than representation issue?

22 MR. SPAAN: No, that's fine. I intend to inquire of  
23 Ms. Barnett regarding the conversation she had with Ms. Perez.

24 HEARING OFFICER: Okay.

25 MR. SPAAN: I don't think the note is necessary as to

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1 that. I think Ms. Barnett could testify as to that.

2 HEARING OFFICER: Okay.

3 MR. SPAAN: But on this issue of representation, I  
4 think it's important that the Committee see a contemporaneous  
5 note.

6 HEARING OFFICER: Mr. Syren.

7 MR. SYREN: Yes, Your Honor. This is the first time  
8 I've seen these notes. I would have, had I known about them,  
9 that they were going to be used at today's trial, I would have  
10 loved the opportunity to depose Ms. Barnett about them, prepare  
11 for deposition and been able to cross examine her, that's gone  
12 now, my hands are tied on that. I think that's a little  
13 unfair. The other problem we have here is Mr. Spaan listed --  
14 his witness list Ms. Barnett on it and stated specifically, her  
15 testimony will be limited to the identification of certain  
16 documents gathered during the course of the investigation which  
17 presumably were the ones that he presented to me. So there's  
18 been no notice for me for adequate time to prepare any sort of  
19 cross examination with respect to these notes in addition to my  
20 -- objection, excuse me.

21 MR. SPAAN: There was a supplemental witness list which  
22 identified for the Court and Counsel that Ms. Barnett was going  
23 to be questioned regarding her interviews with Ms. Perez and  
24 others once it became apparent to me that there was going to  
25 be.....

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1 HEARING OFFICER: You filed something specifying she'd  
2 be questioned about Ms. Perez?

3 MR. SPAAN: Yes, right.

4 MR. SYREN: Okay. And when did he file that is when  
5 I'd like to know?

6 HEARING OFFICER: Well.....

7 MR. SYREN: That was after the close of discovery.

8 HEARING OFFICER: .....don't ask me, ask him.

9 MR. SYREN: It was after -- what I'm telling you is it  
10 was after the close of discovery, after the witness and exhibit  
11 lists were due, it's too late, Your Honor.

12 MR. SPAAN: I.....

13 MR. SYREN: It's far too late. It's a sandbagging,  
14 that's what's going on.

15 HEARING OFFICER: When was that filed, Mr. Spaan?

16 MR. SPAAN: I believe it was filed, Your Honor, late  
17 last week. Okay, and it was after the close of discovery, but  
18 it was supplemental information I intended to introduce once I  
19 saw the way this was going and I served it on Mr. Syren.

20 HEARING OFFICER: When did you learn Ms. Perez was  
21 likely to take the Fifth?

22 MR. SPAAN: When Jeanne Lovell took the Fifth Amendment  
23 and when Representative Sanders took the Fifth Amendment.

24 HEARING OFFICER: When was that?

25 MR. SPAAN: That was November 8th, 1996.

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1 HEARING OFFICER: And on what date did you file the  
2 supplemental?

3 MR. SPAAN: Your Honor, I'm going to have to take a  
4 look to see if I can find it.

5 HEARING OFFICER: Please do.

6 MR. SYREN: Your Honor, could I note for the record  
7 that Mr. Spaan also signed these discovery requests on October  
8 7th, 1996 and presumably he also drafted them and they also  
9 list my address for Patricia Perez. And I hate to keep harping  
10 on it, but a lay person, I think it's hard to get by the  
11 supposition that Ms. Barnett didn't know what was going on when  
12 she signed those. There's absolutely no excuse for an attorney  
13 -- he can't claim now that he didn't know that I represented  
14 her. He can't claim that if he signed this interrogatory.

15 MR. SPAAN: I can and will.

16 HEARING OFFICER: We're past that issue. That issue's  
17 already been dealt with.

18 MR. SPAAN: Your Honor, I cannot find that in my  
19 material. Perhaps, does Ms. Barnett have a copy?

20 A I have it downstairs. I don't believe I have it up  
21 here.

22 Q And if I could inquire, Ms. Barnett, do you know the  
23 date on that? Perhaps Mr. Syren has it.

24 A No, I don't know the date.

25 HEARING OFFICER: I am going to assume, unless Mr.

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1 Syren indicates otherwise, that what Mr. Spaan says is accurate  
2 that last week, shortly after learning of the witnesses taking  
3 the Fifth, that he provided a supplement and I'm prepared to  
4 rule as follows: That I agree that there has been some  
5 unfortunate surprise. Mr. Syren says he would have taken the  
6 deposition of Ms. Barnett had he known on this potential  
7 statement. I will allow the statement. I will allow Mr. Syren  
8 to withhold his cross examination of Ms. Barnett 'til tomorrow.  
9 If he wants to take a deposition of Ms. Barnett regarding that  
10 information prior to having to cross examine her in front of  
11 the Committee, I will direct that that be done tonight or  
12 tomorrow morning before the hearing so that he has the  
13 opportunity to prepare a cross examination on this issue.

14 MR. SYREN: I would also like to request at this time  
15 before there's any further inquiry that we adjourn this meeting  
16 until I can take up the question that you ruled on,  
17 specifically whether or not Ms. Barnett is allowed to testify  
18 regarding her conversation. We, of course, take exception to  
19 that. We think she's -- our client wasn't afforded the  
20 opportunity to assert her Fifth Amendment privilege at the time  
21 that this contact was made and I don't want to restate all  
22 those objections. But I'd like to take it up with a higher  
23 body.

24 HEARING OFFICER: Well, you'll have an opportunity to  
25 do that, but I'm not going to recess the Committee for that.

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1 The Court has already indicated it doesn't have jurisdiction  
2 over this proceeding. So.....

3 MR. SPAAN: What was your ruling on the notes, Your  
4 Honor?

5 HEARING OFFICER: My ruling on the note, the testimony  
6 is that you may inquire about it. That I think it's valuable  
7 for the Committee to have the information, you did file a  
8 supplement as soon as you learned that it would be relevant and  
9 that to ease Mr. Syren's concerns about his ability to cross  
10 examine the witness, Ms. Barnett will make herself available  
11 either after the close of business -- after this hearing  
12 recesses today or before it starts tomorrow for Mr. Syren to  
13 take a brief deposition to inquire about the note so that he  
14 can be prepared to cross examine her tomorrow.

15 MR. SPAAN: Are the notes going to be admitted or not  
16 is my question?

17 HEARING OFFICER: I'm sorry. Yes.

18 MR. SPAAN: Okay.

19 **REDIRECT EXAMINATION CONTINUED BY MR. SPAAN:**

20 Q Ms. Barnett, do you have a copy of those notes?

21 HEARING OFFICER: And just for procedural purposes,  
22 what we will do so we don't hold -- so we don't have to recess  
23 earlier than we would have is that when you finish your direct,  
24 if Mr. Syren wishes, he can reserve his cross until tomorrow  
25 and you'll have another witness you can call in the

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1 meantime.....

2 MR. SPAAN: I do, Your Honor.

3 HEARING OFFICER: .....we'll move on to.....

4 MR. SPAAN: I have a witness standing by.

5 HEARING OFFICER: .....the other witness.

6 MR. SPAAN: Okay.

7 HEARING OFFICER: Does the Committee understand what I  
8 just did?

9 REPRESENTATIVE TOOHEY: Yes, I understand.

10 MR. SYREN: Your Honor, I have one more document. It's  
11 a computer copy of a document, I'm sure Mr. Spaan would have a  
12 copy of this as well, it's my letter to him dated August 12th  
13 and it said -- or it says here, you should be advised that I'm  
14 asserting the attorney/client privilege with respect to  
15 Representative Sanders' employees, this includes his secretary.  
16 Thus, any inquiries directed to her or any other of  
17 Representative Sanders' employees should come through me.

18 HEARING OFFICER: Well, let me just make sure that I  
19 didn't miss anything. Ms. Barnett, did you -- from your  
20 testimony I think you indicated that you had asked Ms. Perez  
21 whether she was represented when you talked to her?

22 A Yes, I did.

23 HEARING OFFICER: And her answer to you was?

24 A No, she was not.

25 HEARING OFFICER: Okay. That's what I thought you had

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1 said. I thought.....

2 MR. SYREN: Your Honor.....

3 HEARING OFFICER: .....maybe I had misheard that or  
4 something.

5 MR. SYREN: Right. Whether she knew or not, this  
6 letter put Mr. Spaan on notice in August as to the assertion of  
7 the attorney/client privilege.

8 HEARING OFFICER: Well, I don't intend to get into a  
9 long dialogue, but you indicate the letter says employees, she  
10 testified she was not employed at the time in October.

11 MR. SYREN: She was in lay-off status. She was still  
12 his employee. He couldn't hire anybody else to come back that  
13 spring.....

14 HEARING OFFICER: Well, I.....

15 MR. SYREN: .....he had.....

16 HEARING OFFICER: .....I have made my ruling, tell it  
17 to the Supreme Court.

18 BY MR. SPAAN:

19 Q Ms. Barnett, did you indicate on -- when did you make  
20 these notes?

21 A On the 31st of October.

22 MR. SPAAN: And if I could -- ladies and gentlemen, if  
23 you could mark this, I believe it's Exhibit 15, just so we'll  
24 have a record of it.

25 Q And do those -- when did you talk to Ms. Perez again,

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1 I'm sorry?

2 A When did I speak with her a second time?

3 Q Right -- no, I'm sorry, the first -- when did you speak  
4 with her initially?

5 A On October 31st, 19 -- oh, it says, 1995. Now, there's  
6 a major error, it was 1996, which I said below,  
7 contacted her on 10/31/96.

8 Q Okay. And were these notes made at the time you talked  
9 with Ms. Perez or shortly thereafter?

10 A Right after I hung-up the phone.

11 Q And do these notes indicate Ms. Perez' response when  
12 you asked her, Ms. Barnett, if she was represented by  
13 Counsel?

14 A Yes. And I did that at your instruction.

15 Q Okay. And what was her response?

16 A No. That she -- she was not and that she asked me --  
17 that was the first question I asked her at your  
18 direction. And then she said, could you tell me a  
19 little bit more about what it's about, I referred to  
20 the March 4th letter and.....

21 Q Did she provide you with any information regarding the  
22 March 4th letter?

23 A Yes, she did.

24 Q And what information did she provide, Ms. Barnett?

25 A That she recalled the March 4th letter to the District

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1 19 participants -- straw poll participants and that she  
2 assisted by printing and folding and mailing them.

3 Q - And did she indicate what -- who she might have  
4 assisted?

5 A Yes. She said she assisted Jeanne Lovell.

6 Q Did she indicate to you how long that task took?

7 A She -- in -- her words were, it took about a day with  
8 other Legislative duties in between.

9 Q And did she describe how she did participate in this  
10 letter?

11 A By folding and mailing and printing.

12 Q Okay.

13 MR. SPAAN: I'd have nothing further.

14 HEARING OFFICER: Mr. Syren, if you would like an  
15 opportunity to question Ms. Barnett out of the presence of the  
16 Committee to prepare cross examination, you may do so when we  
17 adjourn for the day, if not, you may cross examine her now.

18 MR. SYREN: I'll just ask one question.

19 **SUSAN BARNETT**

20 testified as follows on:

21 **RE CROSS EXAMINATION**

22 **BY MR. SYREN:**

23 Q You note here there's.....

24 HEARING OFFICER: Well, are you going to take her  
25 deposition later?

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1 MR. SYREN: I haven't decided that, Your Honor.  
2 HEARING OFFICER: Okay.  
3 Q There's a major error here, the date I mean it was a  
4 year off, are there any other errors?  
5 A No.  
6 Q Okay.  
7 A I wrote this.  
8 Q How do we know that?  
9 A I'm telling you that I did and it's mine.  
10 Q Okay. But you put down the wrong year, right?  
11 A At the top. But right below I put, Barnett contacted  
12 her on 10/31/96.  
13 Q Okay.  
14 A Yes. I did put down the wrong year at the very top.  
15 MR. SYREN: No further questions at this time, Your  
16 Honor.  
17 MR. SPAAN: Your Honor, before I excuse Ms. Barnett,  
18 can I inquire whether your records reflect Exhibits 1 through  
19 15 have been offered and admitted?  
20 HEARING OFFICER: I have a question about Exhibit 12.  
21 I'm not certain if Exhibit 12 has been admitted. It seems to  
22 me the parties are treating it as if it has, but I don't recall  
23 that it was.  
24 MR. SPAAN: Do the members of the Committee have  
25 Exhibit 12?

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1 REPRESENTATIVE TOOHEY: yes.  
2 CHAIRMAN MAC NEILLE: Yes, but let's check that.  
3 MR. SPAAN: Okay. Well, let's go through that.  
4 HEARING OFFICER: I have Exhibit 1 being admitted, 2  
5 being admitted, 3 being admitted, 4 being admitted.....  
6 MR. SPAAN: I think 12, excuse me.  
7 HEARING OFFICER: Six being admitted, 5 being admitted,  
8 8 being admitted, 9 being admitted, 10 being admitted, 11 being  
9 admitted, 12 I indicated uncertainty, 13 being admitted, 14  
10 being admitted. I don't have a record of Exhibit 7.  
11 MR. SPAAN: Seven or 12, I'm sorry?  
12 HEARING OFFICER: Seven -- 7 and 12 I'm uncertain.  
13 MR. SPAAN: Okay, 12, Your Honor, my notes reflect was  
14 admitted when Ms. Schofield testified. And this was the one  
15 that showed the computer was last used on March 4th at 10:43  
16 a.m. And let me look at Exhibit 7 and I think if that's not  
17 your memory, that Ms. Barnett could establish a foundation.  
18 MS. MCCOY: I made a note that it was admitted.  
19 HEARING OFFICER: Mr. Syren, on Exhibit 12 did you have  
20 an objection?  
21 MR. SYREN: As to foundation only, Your Honor.  
22 HEARING OFFICER: Okay. I will do it.  
23 (Committee's Exhibit 12 admitted)  
24 HEARING OFFICER: And what is Exhibit 7?  
25 REPRESENTATIVE TOOHEY: We don't have it.

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1 MS. MCCOY: I don't think we have one.

2 HEARING OFFICER: We don't have a seven yet, okay.

3 MR. SPAAN: Okay, then thank you.

4 HEARING OFFICER: So Exhibit 7 has not been admitted.

5 MR. SPAAN: Ms. Barnett, if you could resume the  
6 witness stand.

7 **SUSAN BARNETT**

8 testified as follows on:

9 **REDIRECT EXAMINATION**

10 **MR. SPAAN:**

11 Q I'm going to hand you what's been marked as Exhibit 7  
12 and ask you to identify this document.

13 A This is a document dated October 17th and I -- it is a  
14 letter to me from Kevin Kempton.

15 Q Excuse me, can you identify Mr. Kempton?

16 A Mr. Kempton is the human resource manager or personnel  
17 manager for the Legislative Affairs Agency.

18 Q Okay. And was this letter written at your request?

19 A This was a response to a subpoena.

20 Q Okay. And what information was asked for?

21 A I requested the payroll records, including leave time  
22 for Ms. Jeanne Lovell from the period of time, January  
23 29th through March 5th, 1996.

24 Q And did you receive a response of the payroll records?

25 A Yes, I did.

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1 MR. SPAAN: I'd move 7, Your Honor.  
2 HEARING OFFICER: Is there objection?  
3 MR. SYREN: I seemed to have misplaced mine, can I take  
4 a look at this, Your Honor, real quick?  
5 HEARING OFFICER: Sure.  
6 MR. SYREN: No objection, Your Honor.  
7 HEARING OFFICER: Exhibit 7 is admitted.  
8 (Committee's Exhibit 7 admitted)  
9 Q And does it indicate whether or not Ms. Lovell was on  
10 leave status prior to March 5th, 1996?  
11 A Between January 29th, 1996 and March 5th, 1996?  
12 Q Right.  
13 MR. SYREN: I'm sorry, can I interrupt, did everybody  
14 get a copy of Exhibit 7?  
15 HEARING OFFICER: No, we haven't yet.  
16 MR. SPAAN: I'm sorry. I failed in my job.  
17 HEARING OFFICER: Mr. Spaan was derelict in his duties.  
18 (Off record comments)  
19 Q Does it indicate -- I'm sorry, what was your testimony  
20 about whether or not it indicated Ms. Lovell had taken  
21 vacation?  
22 A In the second paragraph of the letter, he clarifies,  
23 during this period no leave was reported for Ms.  
24 Lovell.  
25 Q Ms. Barnett, there has been a statement made that when

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1           you contacted Ms. Perez that you had reason to believe  
2           that she was represented by Lester Syren; is that  
3           statement correct?

4   A       No. That is not a correct statement.

5   Q       And when you reviewed the interrogatory response, do  
6           you know why Ms. Perez listed her address as in care of  
7           Mr. Syren?

8   A       That was an absolute precaution. I had never heard of  
9           Patricia Perez before. I saw her listed from the March  
10          1996 personnel listing under Representative Sanders. I  
11          clearly recall the August 12th letter from Ms. Syren  
12          and so, A, as a precaution I recommended that and  
13          secondly, I had no idea where she was from.

14   Q       Okay. And did you have any reason to believe that she  
15          was, at that time, represented by Mr. Syren?

16   A       I -- I had no idea, but to be safe I -- since she was  
17          in March an employee.

18   Q       And when -- did you finally locate a phone number for  
19          Ms. Perez?

20   A       Yes, I did.

21   Q       And did you take steps to determine whether or not she  
22          was currently employed, at that time by Representative  
23          Sanders?

24   A       Yes, I did.

25   Q       And what was the results of your investigation?

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1 A That she was not employed by Representative Sanders at  
2 the point at which I contacted her.

3 MR. SPAAN: Thank you. I have nothing further.

4 HEARING OFFICER: Mr. Syren, do you have anything  
5 further?

6 MR. SYREN: Yes.

7 **SUSAN BARNETT**

8 testified as follows on:

9 **RECROSS EXAMINATION**

10 **BY MR. SYREN:**

11 Q Ms. Barnett, do you have any personal knowledge of any  
12 of the information contained in Exhibit 9?

13 A No. I do not.

14 Q All right. You said that you -- did you actually draft  
15 that answer to the interrogatory that said care of and  
16 then my name or did someone else draft that for you?

17 A I don't recall.

18 Q As we sit here today, then you don't remember drafting  
19 that answer?

20 A I certainly could have.

21 Q But as we sit here today, you don't have a recollection  
22 of drafting that answer: is that right?

23 A Of creating the witness -- the potential witness list?

24 Q No. That answer to that interrogatory that states,  
25 Patricia Perez is Number H -- or H, care of Lester

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1 Syren; you have no recollection of signing that -- or  
2 of drafting that answer, right?  
3 A I actually in -- in a draft early on, not in this  
4 particular interrog -- I didn't type out the  
5 interrogatory, the response.  
6 Q Okay.  
7 A But early on, I believe I put something referencing  
8 that she had been an employee of Representative Sanders  
9 in 1996.  
10 Q Okay.  
11 A And.....  
12 Q Were you finished?  
13 A Yes.  
14 Q I'm asking, who drafted the care of Lester Syren?  
15 A Well, I'm not trying to not answer you, Les.  
16 Q I know and I just want to know if you have a specific  
17 recollection of making that annotation?  
18 A That c/o?  
19 Q Yes. In any of your answers, draft or otherwise?  
20 A I don't -- I honestly don't recall if I did that or  
21 not.  
22 Q All right. Are you aware of the letter dated August  
23 12th that I sent to Mr. Spaan that advised him.....  
24 A Very aware.  
25 Q All right. And you said you put there care of just to

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1           be safe; is that right?

2    A           Yes.

3    Q           Okay.

4    A           Because I did not know at the time of the response to  
5           the interrogatory whether Patricia Perez was an  
6           employee at that moment.

7    Q           All right. To be safe, why didn't you call me before  
8           you called Ms. Perez?

9    A           The reason why is because I found out that Ms. Perez  
10           was not an employee and I was not obligated by the  
11           August 12th letter to contact you at that point.

12   Q           Okay. But you asked her if she was represented by an  
13           attorney, right?

14   A           Yes, I did.

15   Q           So you didn't know if she was represented by me or not,  
16           right?

17   A           And if she had said, yes, I would have said thank you  
18           very much and I would have called you.

19   Q           That's not the question. I'm just asking, why, to be  
20           safe, you didn't contact me beforehand?

21   A           I -- I don't believe it's my obligation to assume that  
22           you represent everyone.

23   Q           Even though you didn't know if she was represented by  
24           an attorney at the time or not?

25   A           Absolutely.

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1 Q All right.

2 MR. SYREN: No further questions, Your Honor.

3 HEARING OFFICER: Do members of the Committee have any  
4 questions?

5 REPRESENTATIVE TOOHEY: Yes, I do have a question, Your  
6 Honor.

7 **SUSAN BARNETT**

8 testified as follows on:

9 **INQUIRY**

10 **BY REPRESENTATIVE TOOHEY:**

11 Q Ms. Barnett -- Susie, was it under your -- were you --  
12 was it your opinion that Ms. Perez had gone through the  
13 ethics or had gone through the book that we all go  
14 through and all the employees are supposed to go  
15 through concerning what duties they can and cannot  
16 perform during office hours?

17 MR. SYREN: And I'll object. This is outside the scope  
18 of the -- foundational question. It's outside the scope. Ms.  
19 Barnett can't know what Ms. Perez thought or did unless there's  
20 some sort of foundational question.

21 HEARING OFFICER: The question was, did you have an  
22 impression of whether she knew, do you have a basis of knowing  
23 that or not?

24 A In response and I think you may feel comfortable with  
25 this, I did not know Ms. Perez prior to the time -- I

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1 still don't know her, I wouldn't recognize her. Had I  
2 seen her perhaps in the training session and knew her  
3 -- but I -- I do not know.

4 Q One more quick question. Was the office -- was Ms.  
5 Perez aware of why you were questioning her?

6 MR. SYREN: Objection. Foundation. She can't know  
7 what's going on inside of her mind.

8 HEARING OFFICER: When you talked to her, did you tell  
9 her that you were asking -- that what your job was and why you  
10 were talking to her?

11 A Yes.

12 Q Did you ask her any other questions concerning her --  
13 the letters -- the March 4th letters?

14 A Let me just look at my notes just to -- I may have  
15 asked her where she sits or where her -- because I have  
16 an impression in my mind that she and Jeanne may have  
17 been in the same office. I feel as if I asked her,  
18 were you in the same office, could you physically work  
19 together or something like that. But I don't think I  
20 asked her beyond that.

21 REPRESENTATIVE TOOHEY: Thank you.

22 HEARING OFFICER: Mr. Donahue? Any other questions,  
23 Mr. Granger? Any follow-up Mr. Syren?

24 MR. SYREN: Nothing here, Your Honor.

25 HEARING OFFICER: Very well. Thank you, Ms. Barnett.

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1 Your next witness.

2 MR. SPAAN: Mr. White, at this time I call Donna  
3 Daniels.

4 HEARING OFFICER: Would you please raise your right  
5 hand.

6 (Oath administered)

7 MS. DANIELS: I do.

8 HEARING OFFICER: Please be seated.

9 DONNA K. DANIELS

10 called as a witness on behalf of the Committee, testified as  
11 follows on:

12 DIRECT EXAMINATION

13 HEARING OFFICER: Would you state your full name,  
14 please?

15 A Donna Katherine Daniels.

16 HEARING OFFICER: Your mailing address?

17 A Work or home?

18 HEARING OFFICER: Work is fine.

19 A 1031 West 4th Avenue, Suite 600, Anchorage 99501.

20 HEARING OFFICER: And your occupation, please?

21 A Legal secretary.

22 HEARING OFFICER: Thank you. Mr. Spaan.

23 MR. SPAAN: Thank you.

24 BY MS. SPAAN:

25 Q Donna, by way of full disclosure, where do you work?

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1 A Bogle & Gates.

2 Q And how many attorneys do you work for?

3 A Two.

4 Q And who are they?

5 A Michael Spaan and Peter Nosek.

6 Q Okay. Ms. Daniels, what is your background in  
7 secretarial skills or duties?

8 A I started out civil service as a clerk typist for  
9 different divisions. I went from there to the State of  
10 Alaska as a word processing operator for the  
11 Commissioners with the Alaska Public Utilities  
12 Commission. Then was hired by a private attorney here  
13 in Anchorage named Robert Stoller and was Mr. Stoller's  
14 private secretary for six and a half years. He did  
15 mainly public utility law, oil and gas law. And after  
16 six and a half years of employment there left and went  
17 into the envir -- an environmental field for 10 months  
18 and then went back into the legal field with Bogle &  
19 Gates.

20 Q And as a legal secretary, do you use a word processor  
21 or a computer in your duties?

22 A Yes.

23 Q And could you tell the Committee what your typing speed  
24 is if you've been tested?

25 A I've been tested and it's averaging about 100 words a

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1 minute.

2 Q And what about, if you have an impression of your  
3 general speed that you do work, what would it be?  
4 A Average to fast, depending on the project.

5 Q Were you asked, Ms. Daniels, to conduct a test for me?  
6 A Yes.

7 Q And what were you asked to do?  
8 A I was asked to recreate the form letter that was mailed  
9 out to the District 19 Republican Party participants.

10 Q And what tools were you -- what were you given to do  
11 this?  
12 A The list from the straw poll, the mailing list.

13 Q I'm going to hand you what's been admitted as Exhibit 5  
14 and ask whether or not you were given that document?  
15 A Yes.

16 Q And what other documents were you given?  
17 A The form letter.

18 Q I'll hand you what's been admitted as Exhibit 11 and  
19 ask you whether or not that is the form letter?  
20 A Yes, it is.

21 Q Were you given anything else?  
22 A Some minor instruction from one of our computer people  
23 in the office.

24 Q Okay. And what did you undertake to do?  
25 A I basically took the list, handwritten list, typed it

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1           into our computer system in a format that would give me  
2           the name, the mailing address, the city, state and zip  
3           code and created that as a master document. Then I  
4           took the form letter and created it as a secondary  
5           document. And then using the computer equipment we  
6           have at work, merged the two doing a mail merge and put  
7           out 322 letters in a final format.

8   Q       And once the letters came out in a final format, did  
9           you undertake any other task as part of this test?

10 A       Yes.

11 Q       What?

12 A       I was asked to fold and stuff and run them through a  
13         postage machine.

14 Q       And did you do that?

15 A       Yes.

16 Q       And did you then go to the post office or any place to  
17         mail these letters?

18 A       No.

19 Q       Did you take -- keep a time log of how long it took you  
20         to complete this task?

21 A       Yes.

22 Q       And how long did it take you to complete it?

23 A       Approximately six and a half hours.

24 Q       And did this include time where you attended to other  
25         chores or was this six and a half hours on this

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1 specific task?

2 A This was six and a half hours over a two day period  
3 during my normal working duties.

4 Q Did you work on -- perhaps I wasn't clear. Did you  
5 work on any other matters during the six and a half  
6 hours that you logged?

7 A Yes.

8 Q And was that then excluded from the time from the six  
9 and a half hours or was that part of the six and a half  
10 hours?

11 A I kept specific track of what I did for this particular  
12 duty that you gave me.

13 Q Okay. Let me ask it this way. Assuming I had some  
14 other chores, besides this one and asked you to write a  
15 letter to a client or do a pleading.....

16 A Then I would.....

17 Q .....on another matter, would that be in the six and a  
18 half hours?

19 A Yes.

20 Q I'm sorry?

21 A Okay, we're not.....

22 Q No, no.

23 A Okay.

24 Q What I'm asking is, if I told you to prepare an answer  
25 in an absolutely different case, would that be included

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1 in this six and a half hours?

2 A No. I would stop the time for this project that I was  
3 working on and pickup and do the other project.

4 Q Okay.

5 A Okay.

6 Q So the six and a half hours then would reflect the time  
7 necessary to do the recreation?

8 A Yes.

9 Q Now, if Representative Sanders only sent 239 letters  
10 and that's all you had sent, it would have taken less  
11 than the six and a half hour period, I assume?

12 A Yes.

13 MR. SPAAN: I have no further questions.

14 HEARING OFFICER: Mr. Syren.

15 MR. SYREN: I'll move to strike all of her testimony if  
16 it's being offered as expert testimony. She hasn't been  
17 qualified as an expert and otherwise it's irrelevant.

18 HEARING OFFICER: Well, it is relevant in terms of the  
19 fact that it took some period of time to do that work and I  
20 think that's one of the allegations that State time was used.

21 MR. SYREN: Well, I understand that, Your Honor. He's  
22 -- Mr. Spaan has listed her as an expert witness and there's --  
23 unless I missed something there's been no qualification or voir  
24 dire on that issue, on her qualifications.

25 HEARING OFFICER: You didn't object. He asked opinion

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1 -- he asked.....

2 MR. SYREN: He never -- he never offered her as an  
3 expert and he hasn't done so yet.

4 MR. SPAAN: Why don't.....

5 HEARING OFFICER: The objection's overruled. There's  
6 no formal words. If you had an objection you should have  
7 raised it when he asked her for her first opinion. I  
8 can't.....

9 MR. SYREN: He's never asked for her expert opinion, so  
10 to the extent she's offered as an expert opinion I move to  
11 strike because she hasn't been qualified as one. And that's --  
12 that's how he's listed her, as one -- that's the only way he  
13 can offer her one unless he wants to revise his witness list  
14 now in the middle of the hearing.

15 HEARING OFFICER: Well, I recall seeing Ms. Daniels  
16 name on the list as far as what she was going to be testifying  
17 about. The objection's overruled. Members of the Committee  
18 have any questions?

19 MR. SYREN: I have some questions; Your Honor.

20 HEARING OFFICER: I'm sorry, I apologize.

21 DONNA K. DANIELS

22 testified as follows on:

23 CROSS EXAMINATION

24 BY MR. SYREN:

25 Q You also sign certificates of service in this case as

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1 well; is that right?

2 A Yes, sir.

3 Q All right. And Mr. Spaan has the ability to hire or  
4 fire you; is that right? Well, you're already hired,  
5 he has the ability to fire you; is that right?

6 A I guess.

7 Q Were you -- well, I ask that question because normally  
8 experts aren't in a position with the person who hired  
9 them such that the person who hired them for this  
10 particular piece of work can also fire them from their  
11 regular job. My next question is, did you review any  
12 documents to prepare for today's testimony?

13 A No.

14 Q Did you talk with anybody.....

15 A No.

16 Q .....prior to -- excuse me, prior to coming here today  
17 about your testimony?

18 A No.

19 Q You never spoke with Mr. Spaan at all about what you  
20 would say?

21 A We went through a short question and answer session  
22 which was basically what he just asked me.

23 Q Okay. How long did that take?

24 A Ten minutes.

25 Q Okay. Did he tell you anything about the case?

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1 A No.

2 MR. SPAAN: I object, Your Honor.

3 HEARING OFFICER: Overruled.

4 A Okay.

5 Q He didn't tell you anything about the case?

6 A No.

7 Q Well, he told you to run this test, right?

8 A That's all.

9 Q That's all he told you?

10 A Um-hum. (Affirmative)

11 COURT REPORTER: Excuse me, you need to answer yes or

12 no, Ms. Daniels.

13 A Oh.

14 COURT REPORTER: So was that, yes?

15 A Could you repeat the question for me?

16 HEARING OFFICER: I think the question she didn't hear

17 an answer was, did he tell you anything about the case?

18 A No.

19 HEARING OFFICER: Okay.

20 Q And then you corrected that, I guess, to say that he

21 did tell you to, here's what we're dealing with, run

22 this test for me and see how long it takes; is that

23 right, I mean.....

24 A That was it.

25 Q .....he told you that, right?

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1 A That's all.

2 Q Okay. What about during this rehearsal for today's  
3 testimony, did he tell you anything else?

4 A No.

5 Q What questions did he ask you?

6 A The questions he just asked.

7 Q Okay. Did he ask you any other questions?

8 A No.

9 Q All right. Who supervised your test?

10 A Nobody.

11 Q Okay. So other than you, there's nobody else that can  
12 verify how long it took for you to complete this task;  
13 is that right?

14 A I have my handwritten notes if you'd like to see them.

15 Q Okay. But that's not my question. My question is,  
16 whether or not there was anybody else supervising the  
17 amount of time it took you to complete this task?

18 A No.

19 Q Okay. Do you know if you have the same words per  
20 minute as Patricia Perez?

21 A I've never talked to Ms. Perez, I have no idea.

22 Q Okay. You don't know if you have the same.....

23 A No.

24 Q .....words per minute? What about Jeanne Lovell?

25 A No.

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1 Q Okay. What about the computer, do you know if it's the  
2 same as the computer used by Jeanne Lovell or Patricia  
3 Perez?  
4 A In doing the recreation of this test, our computer  
5 person was able to look at the form letter and the list  
6 here and say that it was in a Word format, not  
7 Wordperfect, but Word, that's a different word  
8 processing program and that's the program I used to  
9 recreate this test.  
10 Q Okay. Do you know if it was actually the same program?  
11 A No.  
12 Q You said you kept time slips for this?  
13 A I have handwritten notes, yes.  
14 Q All right. And were you paid to do this work today?  
15 A No.  
16 Q Okay.  
17 MR. SPAAN: If I could interject. You didn't take  
18 vacation to do this?  
19 A No.  
20 MR. SPAAN: Did you understand his question?  
21 HEARING OFFICER: Mr. Spaan, why don't you.....  
22 MR. SPAAN: Okay, okay.  
23 Q This time that you spent with discussing with the  
24 computer expert or the computer advisor, was that  
25 included in the six and a half hours?

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1 A Yes.

2 Q Okay. How much time did you spend with him?

3 A Her.

4 Q Her, excuse me?

5 A Valerie helped me get the program going, showed me what  
6 to do, then she went away and if I had questions I'd  
7 call her. Maybe 10/15 minutes tops.

8 Q Okay. And do you have that in your notes as well?

9 A Yes.

10 Q Can I take a look at that please?

11 A sure.

12 Q Okay. I wonder if you could point to me exactly where  
13 the notation is for the amount of time you spent with  
14 the expert computer advisor?

15 A Right here on 10/30/96 from 2:10 to 2:30, handwritten  
16 list, asked for assistance from V.Parlberg with merge  
17 program in Word 6.

18 Q So it's actually 20 minutes.....

19 A Yes.

20 Q .....that you spent getting advice about the computer  
21 system?

22 A Yes.

23 Q Okay. Had you ever used that computer system before?

24 A It's a brand new one being offered at Bogle & Gates.  
25 In two weeks they will rollover our Wordperfect 5.0 and

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1           5.1 programs into Word. So we have had no formal  
2           training on the program.

3 Q           Okay. And you've never used it before then?

4 A           No.

5 Q           All right. And do you know if Ms. Lovell or -- well,  
6           do you know if Ms. Lovell has ever used that program  
7           before?

8 A           No.

9 Q           Do you know if Ms. Perez has ever used that program  
10          before?

11 A          No.

12 Q          Is there anything else that you did to prepare for  
13          today's testimony?

14 A          No.

15 Q          Did you keep a file?

16 A          No.

17 Q          Where did you keep your notes?

18 A          Right here.

19 Q          Where did you keep them before today's preparation --  
20          before today's testimony?

21 A          They sat on my desk with a paper clip.

22 Q          Okay.

23           MR. SYREN: No further questions at this time, Your  
24 Honor.

25           HEARING OFFICER: Mr. Spaan, is there any redirect?

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**DONNA K. DANIELS**

testified as follows on:

**REDIRECT EXAMINATION**

**BY MR. SPAAN:**

Q Do you think the change in program, other than the time that you spoke to the computer person, Ms. Daniels, slowed you done considerably?

A No.

Q Okay.

MR. SPAAN: I have nothing further, Your Honor.

HEARING OFFICER: Any members of the Committee have questions.

MS. MCCOY: One quick question.

HEARING OFFICER: Okay.

**DONNA K. DANIELS**

testified as follows on:

**INQUIRY**

**BY MS. MCCOY:**

Q Ms. Daniels, is that.....

A Yes.

Q You testified that you type roughly a hundred words a minute?

A Yes, ma'am.

Q To your knowledge, is that above average?

MR. SYREN: Objection. I don't know what average is.

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1 MS. MCCOY: Well, most people.....

2 MR. SYREN: It calls for speculation.

3 HEARING OFFICER: I'm going to allow it to be answered.

4 A That's well above average. Average, my guess would be  
5 between 85 and 90 words a minute. It's rare to find  
6 somebody that types in excess of a hundred words a  
7 minute.

8 Q That's my understanding.

9 MS. MCCOY: No further questions.

10 HEARING OFFICER: Any additional questions by members  
11 of the Committee? Thank you, Ms. Daniels.

12 MR. SYREN: One more question.

13 DONNA K. DANIELS

14 testified as follows on:

15 RE CROSS EXAMINATION

16 BY MR. SYREN:

17 Q The folding and stapling process, do you know if that  
18 was the same as was used by Representative Sanders?

19 A No.

20 MR. SYREN: No further questions, Your Honor.

21 HEARING OFFICER: You may be excused. Thank you very  
22 much.

23 A Thank you.

24 MR. SPAAN: Your Honor, at this time the Committee's  
25 last witness will be Ms. Lovell, who's under -- who is also

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1 represented by Mr. Syren.

2 HEARING OFFICER: Is she by telephone or is she live?

3 MR. SPAAN: I think she's downstairs. It would be my  
4 intention to call her live.

5 HEARING OFFICER: Okay.

6 (Off record)

7 (On record)

8 HEARING OFFICER: Would you raise your right hand,  
9 please.

10 (Oath administered)

11 MS. LOVELL: I do.

12 HEARING OFFICER: Please be seated.

13 **JEANNE LOVELL**

14 called as a witness on behalf of the Committee, testified as  
15 follows on:

16 **DIRECT EXAMINATION**

17 HEARING OFFICER: Would you state your full name,  
18 please?

19 A Jeanne Lovell.

20 HEARING OFFICER: How do you spell your first and last  
21 name, please?

22 A J-e-a-n-n-e L-o-v-e-l-l.

23 HEARING OFFICER: Thank you. And your mailing address?

24 A 1125 I Street, Anchorage, Alaska 99501.

25 HEARING OFFICER: Your occupation, please?

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1 A I'm a Legislative Aide.  
2 HEARING OFFICER: Thank you. Mr. Spaan.  
3 BY MR. SPAAN:  
4 Q Ms. Lovell, good afternoon.  
5 A Hi.  
6 Q Where are you currently employed?  
7 A For Representative Jerry Sanders.  
8 Q And how long have you been so employed?  
9 A Four years.  
10 Q And what is your position with Representative Sanders?  
11 A I do all the constituent work and just manage his  
12 office.  
13 Q And during the Legislative session, Ms. Lovell, is your  
14 duty assignment here or in Juneau?  
15 A Both places.  
16 Q In March of this year 1996, did you work for  
17 Representative Sanders in his Juneau office?  
18 A Yes, I did.  
19 Q Okay. Do you remember whether or not you took leave  
20 time during any period in March.....  
21 A No.  
22 Q .....in 1996?  
23 A I did not.  
24 Q Okay. And as part of your job duties on March 4th or  
25 March 5th or around that time, did you participate in

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1 the preparation of a letter to Republicans who  
2 participated in a Republicans Straw Poll?

3 MR. SYREN: I'll instruct my client not to answer on  
4 the basis of the Fifth Amendment.

5 BY MR. SPAAN:

6 Q Is Lester Syren your lawyer?

7 A Yes, he is.

8 Q Are you going to follow his advice, Ms. Lovell?

9 A Yes, I am.

10 Q Okay. Did you have a co-employee by the name of Ms.  
11 Perez during March of 1996?

12 A Yes, I did.

13 Q Do you know whether or not she participated in the  
14 preparation of a letter thanking the public for  
15 participating in a straw poll that was held in January  
16 of 1996?

17 MR. SYREN: Objection. Same instruction. Fifth  
18 Amendment.

19 MR. SPAAN: It's the same comment, Your Honor. That  
20 that's not a proper assertion of the Fifth Amendment privilege.  
21 I asked her if she had any knowledge regarding Ms. Perez.

22 HEARING OFFICER: Well, I think in this case it's  
23 somewhat different than with Ms. Perez. There are initials  
24 that are consistent with this witness on the letter itself, how  
25 she obtained the knowledge about Ms. Perez' participation

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5 BY MR. SPAAN:

6 Q Is Lester Syren your lawyer?

7 A Yes, he is.

8 Q Are you going to follow his advice, Ms. Lovell?

9 A Yes, I am.

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11 Perez during March of 1996?

12 A Yes, I did.

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14 preparation of a letter thanking the public for  
15 participating in a straw poll that was held in January  
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22 HEARING OFFICER: Well, I think in this case it's  
23 somewhat different than with Ms. Perez. There are initials  
24 that are consistent with this witness on the letter itself, how  
25 she obtained the knowledge about Ms. Perez' participation

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1 legitimately could be something for which there is a basis for  
2 a Fifth Amendment claim.

3 MR. SPAAN: Okay.

4 HEARING OFFICER: And I will allow the Fifth Amendment  
5 claim.

6 Q Ms. Lovell, does your initial appear on a letter dated  
7 March 4th, 1996 addressed to people who participated in  
8 a Republican Straw Poll?

9 MR. SYREN: Objection. Same instruction. Same  
10 objection, Fifth Amendment.

11 Q Ms. Lovell, do the letters JS that appear on that  
12 letter, do those represent Representative Jerry Sanders  
13 as the author of the letter?

14 MR. SYREN: Same instruction. Don't answer the  
15 question.

16 MR. SPAAN: I have no further questions of this  
17 witness, Your Honor.

18 MR. SYREN: No further questions, Your Honor.

19 HEARING OFFICER: Do the members of the Committee have  
20 any questions?

21 MS. MCCOY: I would like to ask a couple of questions  
22 that I asked the earlier witness.

23 JEANNE LOVELL

24 testified as follows on:

25 INQUIRY

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1 BY MS. MCCOY:

2 Q Ms. Lovell, did you hire Les Syres to represent you in  
3 this matter?

4 MR. SYREN: I'll object on attorney/client privilege  
5 and instruct the witness not to answer that question.

6 HEARING OFFICER: Well, I'm -- for the record I'm going  
7 to find that that's not her act of whether she hired Mr. Syren  
8 or someone else is not something that's privileged.

9 MR. SYREN: Don't answer the question.

10 HEARING OFFICER: You can tell her whether to answer or  
11 not.

12 MR. SYREN: Yeah, I'm going to instruct the client not  
13 to answer the question.

14 HEARING OFFICER: And I'll leave it to the Committee  
15 whether they want to follow through with the Legislature or  
16 not.

17 BY MS. MCCOY:

18 Q Well, one other question then. Are you paying Mr.  
19 Syres to represent you?

20 MR. SYREN: Same instruction. Don't answer the  
21 question and same objection.

22 HEARING OFFICER: Do you want to be heard at all?

23 MR. SPAAN: I think it -- I think the source of the  
24 payment, if it were from Representative Sanders, is directly  
25 relevant and not protected by the attorney/client privilege or

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1 any other privilege. I think the Committee has a right to  
2 know.

3 HEARING OFFICER: Ma'am, I want to make sure there's a  
4 clear record and don't respond to this until Mr. Syren does. I  
5 think so that there's a clear record as far as whether you  
6 willfully fail to answer questions before this Committee, if  
7 that comes up, I need to direct you to answer the questions of  
8 the Committee member.

9 MR. SYREN: And I'm going to instruct her not to answer  
10 the question. I'm also going to make the objection of  
11 relevance.

12 HEARING OFFICER: I'm sorry.

13 MR. SYREN: Objection of relevance. All the same  
14 objections that I had with respect to.....

15 HEARING OFFICER: Very well.

16 MR. SYREN: .....Ms. Perez.

17 HEARING OFFICER: Very well. The witness is refusing  
18 to answer it after being directed by the Committee; is that  
19 correct?

20 MR. SYREN: Yes, that's my understanding.

21 HEARING OFFICER: Do other members of the Committee  
22 have questions? Mr. Granger.

23 JEANNE LOVELL

24 testified as follows on:

25 INQUIRY

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8 the Committee member.

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18 to answer it after being directed by the Committee; is that  
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1 BY MR. GRANGER:

2 Q Yes, I'm Ed Granger, ma'am, from the public side of  
3 this. Would you say that your secretarial skills are  
4 above average?

5 MR. SYREN: Objection. There's bee no definition of  
6 what average is or above average.

7 HEARING OFFICER: Mr. Granger, you might rephrase the  
8 question and just ask her to describe how her secretarial  
9 skills are.

10 Q Yes. Do you type more than 80 words a minute?

11 A I haven't tested myself in a long time, but I used to.

12 Q Would you say it's 60 then perhaps?

13 A I would -- I would think I'm.....

14 MR. SYREN: Objection. Asked and answered. Before you  
15 answer the question, I think the witness has said that she  
16 hasn't tested herself in some time and so she doesn't know.

17 HEARING OFFICER: The objection's overruled. She can  
18 answer it if she can. I believe she was answering it.

19 A Yes, 80 words a minute, I'm sure.

20 BY MR. GRANGER:

21 Q And the lady that assisted you in the office, would you  
22 say the same of her?

23 MR. SYREN: Objection as to foundation.

24 HEARING OFFICER: Do you know about Ms. Perez' typing  
25 skills?

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1 A No, I don't.

2 HEARING OFFICER: Okay. In relation to yours, do you  
3 know how they are?

4 A No. I'm sorry, I don't.

5 HEARING OFFICER: Continue if you'd like, Mr. Granger,  
6 I'm sorry.

7 MR. GRANGER: That's all, thank you.

8 JEANNE LOVELL

9 testified as follows on:

10 INQUIRY

11 BY MS. VORDERSTRASSE:

12 Q I have a question in reference to how your office is  
13 setup. Where does Ms. -- where did Ms. Perez sit and  
14 where did you sit.....

15 MR. SYREN: Okay. And I'll.....

16 Q .....within your office area at work?

17 MR. SYREN: .....object as -- excuse me, are you  
18 finished?

19 MS. VORDERSTRASSE: Yes.

20 MR. SYREN: I'd like to know at what time of period are  
21 we talking about. The objection is vagueness. I don't know  
22 when this is or where this is even.

23 HEARING OFFICER: Are you asking about it in March of  
24 '96?

25 MS. VORDERSTRASSE: Yeah.

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1 Q In March of '96, where is your work stations within  
2 your office?

3 A Patricia is in the outer office and I have an office  
4 behind hers, over off to the side of hers.

5 Q In the same -- in the same room or.....

6 A No, sperate rooms.

7 Q .....separate rooms?

8 A Right.

9 MS. VORDERSTRASSE: Thank you.

10 HEARING OFFICER: Any additional questions by members  
11 of the Committee? Mr. Spaan, any redirect?

12 MR. SPAAN: No.

13 HEARING OFFICER: Mr. Syren, anything?

14 MR. SYREN: Nothing by me, Your Honor.

15 HEARING OFFICER: Thank you very much, ma'am, you're  
16 excused.

17 MR. SPAAN: Mr. White, members of the Committee, at  
18 this time I'd rest the case for the Committee.

19 HEARING OFFICER: Ms. Syren, do you wish to take a  
20 deposition of Ms. Barnett before tomorrow's session to do  
21 anymore cross examination regarding the note?

22 MR. SYREN: I haven't -- I haven't decided that yet,  
23 Your Honor. But I'd like to lodge a motion at this time for a  
24 directed verdict for failure to satisfy Mr. Spaan's burden of  
25 proof in this matter. Also I'd like to make it on the grounds

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1 that Representative Sanders has testified that he's away on  
2 official government business. And so I'll -- well, we submit  
3 that he's immune from prosecution under A.S. 24.40.010.

4 HEARING OFFICER: 24?

5 MR. SYREN: .40.010.

6 MR. SPAAN: Mr. White, Representative Sanders requested  
7 and was given the opportunity to participate by telephone  
8 because of his schedule. And if, Your Honor, would like  
9 argument on the directed verdict, I'm prepared to give it.

10 HEARING OFFICER: One moment, let me just read the  
11 statute. First of all, I'll state that the statute clearly  
12 doesn't apply even the first sentence. A Legislator may not be  
13 held to answer before any other tribunal. I mean it excludes  
14 being held to answer before the Legislature to start off with.  
15 Aside from that, it regards statements, essentially it's -- the  
16 State speech and debate clause which doesn't apply to this  
17 proceeding.

18 As to the directed verdict, do you wish to give any  
19 argument?

20 MR. SPAAN: Yes, Your Honor. I think based on giving  
21 the inference most favorable to the Committee, that a panel can  
22 find that Representative Sanders did violate the Ethics Law. I  
23 think that's the standard you have and I don't think it's  
24 appropriate and would argue against any granting of such a  
25 motion.

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1 HEARING OFFICER: I'll explain to the Committee, that  
2 in any case, after one side presents the evidence, the other  
3 side can move for what's called a directed verdict. And in  
4 evaluating a directed verdict, you are the factfinders in this  
5 case, so you should disregard what I say as facts, this is just  
6 one factual thing that I need to make a determination of. And  
7 in making this, I make this considering the evidence in the  
8 light most favorable to the Committee. That's the standard and  
9 that's not the standard when you use when you decide the case.

10 I find that there is sufficient evidence to go forward.  
11 That the Committee may draw inferences from many things. The  
12 fact that it's on Representative Sanders' letterhead, the fact  
13 that it shows up in the computer, the fact that the list from  
14 which it was based had been obtained by Mr. Sanders' attorney  
15 from the Republican Party, the fact that there are entries in  
16 the postage -- I forget what you call it, the postage account  
17 at or near that time, the statement by Ms. Perez to Ms. Barnett  
18 as well as inferences that can be drawn by Representative  
19 Sanders and the other witnesses or especially regarding  
20 Representative Sanders' exercise of the Fifth Amendment which  
21 can be drawn; I find that there's sufficient evidence by clear  
22 and convincing evidence that the Committee has met its burden  
23 and the motion for directed verdict is denied.

24 And again, I emphasize to the Committee that that is  
25 taken in a standard with the evidence in the light most

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1 favorable to the Committee.

2 Mr. Syren, are you calling any witnesses?

3 MR. SYREN: No, I'm not, Your Honor.

4 HEARING OFFICER: Then why don't we.....

5 MR. SPAAN: Your Honor?

6 HEARING OFFICER: Go ahead.

7 MR. SPAAN: That leaves what to do with Ms. Barnett?

8 HEARING OFFICER: Well, that's what I was going to say,  
9 why don't we go at ease for about five minutes and I want to  
10 talk to both attorneys about scheduling. And Mr. Syren, at  
11 that point, can decide what he's going to do with Ms. Barnett.

12 (Off record)

13 (On record)

14 HEARING OFFICER: The evidence in this matter is  
15 probably concluded. Mr. Syren has reserved until tomorrow  
16 morning deciding whether he wants to recall Ms. Barnett. He  
17 will notify her between 8:00 and 8:15 tomorrow morning if he  
18 wants to take a deposition of her, it will start by 8:30 and  
19 presumably finish by 9:00. We'll be able to start at 9:00.  
20 What will happen tomorrow, Ms. Barnett will either testify or  
21 not testify, briefly, and then each of the attorneys will give  
22 closing arguments to you, I'll give you a very brief  
23 explanation of some of the applicable law, you will then have  
24 the case to deliberate and decide.

25 REPRESENTATIVE TOOHEY: Okay.

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1 HEARING OFFICER: I'll remind you again, you shouldn't  
2 talk to each other about it. This isn't a Legislative -- it is  
3 a factfinding type issue and the case isn't over yet. So with  
4 that, I wish everybody a good night and we'll go off record.

5 MR. SYREN: Excuse me, we're set to resume tomorrow at  
6 9:00 o'clock?

7 HEARING OFFICER: At 9:00 o'clock. And I've asked, the  
8 Court Reporter will be here at 8:30 in the event you do want to  
9 take the deposition of Ms. Barnett.

10 MR. SPAAN: Thank you, Your Honor.

11 MR. SYREN: Thank you, Your Honor.

12 REPRESENTATIVE TOOHEY: Thank you.

13 HEARING OFFICER: Thank you all.

14 (Hearing recessed)

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SELECT COMMITTEE ON LEGISLATIVE ETHICS HEARING  
BEFORE HEARING OFFICER MICHAEL WHITE

Anchorage, Alaska  
November 15, 1996  
9:30 o'clock a.m.

SUBCOMMITTEE MEMBERS PRESENT:

- Margie Mac Neille, Chairman
- Joseph P. Donahue
- Ed Granger
- Shirley McCoy
- Cynthia Toohey
- Edith Vorderstrasse

APPEARANCES:

FOR THE RESPONDENT:

MR. LESTER K. SYREN  
Law Offices of Lester K. Syren  
Attorney at Law  
1351 Huffman Road, Suite 2A  
Anchorage, Alaska 99515  
(907) 345-3111

FOR THE HOUSE SUBCOMMITTEE  
OF THE SELECT COMMITTEE ON  
LEGISLATIVE ETHICS:

MR. MICHAEL R. SPAAN  
Bogle & Gates  
Attorneys at Law  
1031 West 4th Avenue, Suite 600  
Anchorage, Alaska 99501  
(907) 276-4557

ALSO PRESENT:

SUSAN BARNETT  
Staff to Ethics Committee

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P R O C E E D I N G S

(On record)

HEARING OFFICER: Are the parties ready to proceed?

MR. SYREN: Yes, Your Honor, we are.

HEARING OFFICER: Is the Committee ready to go?

CHAIRMAN MAC NEILLE: Yes.

HEARING OFFICER: We are back on record. It's Friday morning, all members of the Committee are present as are the attorneys for the parties. Mr. Syren, when we broke yesterday you were going to decide whether you wished to depose Ms. Barnett and take additional questioning of her today.

MR. SYREN: Yes. And I've decided not to do that, Your Honor.

HEARING OFFICER: Okay. So I take it you have no witnesses to present?

MR. SYREN: No.

HEARING OFFICER: At this point then, members of the Committee, we will head into the closing arguments of the parties. I'll remind you, as I did at the beginning of the case, the arguments of attorneys aren't evidence, but they are helpful in terms of interpreting the evidence.

MR. DONAHUE: Before we go to the closing I'd like to ask a procedural question?

HEARING OFFICER: Go ahead.

MR. DONAHUE: Is it possible, if the Committee desired

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1 to recall a witness that it could do that?

2 HEARING OFFICER: I would ask the parties position on  
3 that, but I would not discourage you from doing that if you  
4 feel that's necessary.

5 MR. DONAHUE: There's one witness that I would like to  
6 ask at least one or two questions of as follow-up because of  
7 testimony that came later.

8 HEARING OFFICER: I think it would probably be better  
9 to do that now -- to ask to do that now.....

10 MR. DONAHUE: That's why I.....

11 HEARING OFFICER: .....and address that now before the  
12 closing.

13 MR. DONAHUE: .....that's why I thought I'd bring it up  
14 before you got into the closing argument.

15 HEARING OFFICER: What witness is it?

16 MR. DONAHUE: Ms. Perez.

17 HEARING OFFICER: Do the parties want to be heard on  
18 that?

19 MR. SPAAN: I'd have no objection.

20 MR. SYREN: It's in my opinion, too late Your Honor. I  
21 mean we're ready for closing arguments here and we're finished  
22 so I would object.

23 HEARING OFFICER: Can you tell me in some way that  
24 you're prejudiced by that? I mean it seems to me the Committee  
25 wants to get at as many of the facts as it can.

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1 MR. SYREN: I understand that. And I think they had  
2 their opportunity yesterday. And we -- I was ready, actually  
3 to close yesterday and Mr. Spaan requested waiting until  
4 tomorrow, but I guess the prejudice is that the Committee has  
5 put on its case and -- the Committee's attorney has put on its  
6 case and has rested. I think if anyone had any questions they  
7 should have asked him yesterday or asked the witness.

8 HEARING OFFICER: Mr. Donahue, could you be a little  
9 more specific.

10 MR. DONAHUE: Certainly, I'd be glad to. There was  
11 testimony after we had the opportunity to question Ms. Perez  
12 which appears to be in conflict with her testimony but the  
13 specific answers or questions asked were not identical and so I  
14 would like to try to ask the identical question of Ms. Perez  
15 and she will, you know, either give me an answer or she'll be  
16 able to take the Fifth or whatever. But, at least, I would  
17 then be able to reconcile what appeared to be a discrepancy.  
18 And the question had to do with Ms. Barnett's questions of her  
19 in regards to whether or not she was represented by an  
20 attorney. It seems that the question that was asked of her  
21 yesterday was whether or not Mr. Syren represented her and she  
22 said -- I'll get confused here, she stated that Susie Barnett  
23 did not ask her if she was represented by Mr. Syren. Later Ms.  
24 Barnett said that she had asked if she was represented by an  
25 attorney or if she had an attorney, it's a different question.

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1 HEARING OFFICER: Right.

2 MR. DONAHUE: Ms. Barnett said that that's what she  
3 asked her. I would like to reconcile between those two  
4 testimonies whether or not she will say whether Ms. Barnett  
5 asked her whether she had had an attorney or whether she was  
6 represented by an attorney without the use of the name of the  
7 specific attorney. So it's -- in my mind to try to clarify  
8 that piece of fact, that's why I wanted to.

9 MR. SYREN: Right. And I can tell you now I think I'll  
10 instruct -- I would instruct my client not to answer that  
11 question. And I don't think it has anything to do with the  
12 merits of this case, quite frankly. We're here to discuss  
13 Jerry Sanders, not somebody's attorney/client relationship,  
14 somebody who's a non-party.

15 The other fact is, Your Honor, I don't see a difference  
16 between that question and any other questions that were asked  
17 repeatedly yesterday.

18 HEARING OFFICER: I didn't hear the first part, what  
19 you said?

20 MR. SYREN: I don't see the difference between the two  
21 questions proposed here the Committee member wants to have  
22 resolved, the difference between those questions he has now and  
23 the questions that were asked yesterday and that he had the  
24 opportunity to ask yesterday. It's a second bite of the apple.

25 HEARING OFFICER: In light of Counsel's assertion that

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1 he would instruct the witness not to answer that question, do  
2 you want us to go ahead and try to reach her or do you want to  
3 go ahead?

4 MR. DONAHUE: No. If that would be his instructions, I  
5 am assuming that she would take those instructions, the same as  
6 she did yesterday and there's no sense in putting us all  
7 through that.

8 HEARING OFFICER: Okay.

9 MR. DONAHUE: I was only trying to direct a piece of  
10 fact.

11 HEARING OFFICER: Yeah. If you'd like to do that, we  
12 can, but it seems with Counsel indicating that she wouldn't  
13 answer the question.

14 MR. DONAHUE: I have one more thing.

15 HEARING OFFICER: Sure.

16 MR. DONAHUE: Which is not discussing the recall of a  
17 witness, but it's -- and you may do -- may tell us this before  
18 you send us to deliberations.....

19 HEARING OFFICER: Yeah.

20 MR. DONAHUE: .....but a couple of times yesterday,  
21 maybe two, maybe three, and with a couple of different  
22 witnesses, after the large discussions on Fifth Amendments,  
23 which as a lay person, you know, we're trying to understand,  
24 but in a couple of instances, as I understood it, you basically  
25 said you didn't like the Fifth argument and you were directing

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1 the witness to answer the question and then the attorney said  
2 they were telling the witness not to answer the question and  
3 then the witness didn't answer the question. And I just need  
4 to know what that means to us different than the cases where  
5 you agreed that it was a Fifth Amendment.....

6 HEARING OFFICER: The only.....

7 MR. DONAHUE: .....in terms of how we deal with that?

8 HEARING OFFICER: In the terms of evaluating the  
9 evidence, you shouldn't deal with it any differently. The only  
10 real difference is that if the Committee chose, the Committee  
11 could seek censure of the witnesses or contempt citations of  
12 the witnesses if -- and I'm not suggesting it, but if the  
13 Committee chose to do that through the Legislature. And the  
14 Legislature, you are a Committee of the Legislature, the  
15 Legislature has the ability to compel people to testify unless  
16 there's a legal basis for them not to testify.

17 I disagreed with the witness on certain instances, on  
18 most instances I felt it was an appropriate use, on certain  
19 ones I didn't. If this was a court of law, I could have taken  
20 action at the time. It's not -- it's up to the Legislature --  
21 the House, as a whole, to take any action if it chooses to do  
22 so. As far as your deliberations it shouldn't make any  
23 difference at all.

24 MR. DONAHUE: Okay. I'm through.

25 MS. MCCOY: I appreciate you clearing that up because I

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1 had the same question.

2 HEARING OFFICER: Sure. I mean it should not have any  
3 effect on how you view the testimony one way or the other.  
4 That being taken care of, if there's nothing further, at this  
5 point the attorneys will give closing arguments. Since the  
6 burden of proof is on the Committee, is on Mr. Spaan, he has  
7 two opportunities to talk to you, first, then Mr. Syren will  
8 have an opportunity and then Mr. Spaan can rebut whatever he  
9 says. The attorneys have been very efficient during this case  
10 and I assume they will continue to do so and they've assured me  
11 they won't be terribly wrong.

12 Mr. Spaan.

13 MR. SPAAN: Thank you, Mr. White, Chair members of the  
14 Committee, Mr. Syren. At this time I think I'm tired of  
15 arguing, I think what I'd like to share is some observations  
16 with you before you deliberate this matter. And I think I'd  
17 like to start on the uniqueness of this Committee in American  
18 politics. It's not very old. It's still getting its legs.  
19 It's the only one I'm aware of where the private citizens  
20 outnumber the Legislators. It sets the tone of the conduct of  
21 the people's elected representatives and they do this mainly  
22 through cooperation. Through informational type of things.  
23 From informal inquiries or informal advice. But the importance  
24 of this is to raise the level of the public trust in its  
25 elected representatives. It's important in what it does. And

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1 in order to do it efficiently, it's important that members of  
2 the Legislature cooperate with the Committee, to give their  
3 point of view and the Committee can consider that. The  
4 Committee has a limited budget. It counts on the cooperation.

5 In preparing for these remarks, I once again, and you  
6 have this, read 24.60.170 (k) and in that section it says, if  
7 the Committee finds a violation, that's what you're going to  
8 consider, or, there's a comma, lack of cooperation by the  
9 subject, there's another comma, the decision shall recommend  
10 what sanction, if any, the Committee believes are appropriate.  
11 Now, I don't suggest that if you found that these charges had  
12 no merit at all, that you could recommend a sanction. But I do  
13 point that out that the Legislature did consider the importance  
14 of the cooperation of the individual Legislators. And this  
15 cooperation is important. In this instance there's been no  
16 cooperation. Representative Sanders, from the beginning has  
17 thumbed his nose at this Committee. He's stonewalled a  
18 legitimate inquiry of the Ethics Committee.

19 I want to talk about what this case is not about.  
20 We've heard the invocation of the Fifth Amendment by all Mr.  
21 Syren's clients on any issue that related to this March 4th  
22 letter. The inference was, if Representative Sanders or these  
23 witnesses testified, responded to legitimate questions that  
24 this could lead to a criminal prosecution under the Official  
25 Misconduct Statute. I'd like to read you the Official

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1 Misconduct Statute; a public servant commits a crime of  
2 official misconduct if, with intent to obtain a benefit or to  
3 endure or deprive another person of a benefit, the public  
4 servant is (1) performs an act relating to the public servants  
5 office, but constitutes an unauthorized exercise of the public  
6 servants official function, and this is important, knowing that  
7 the act is unauthorized. It's a violation of law. He could  
8 have answered that question, what do you know? He could have  
9 said, geez, I didn't think I was doing anything wrong, but he  
10 chose not to answer it. And this Committee's going to have to  
11 draw what inferences they want from the invocation of the Fifth  
12 Amendment by all the witnesses.

13           This case is not about the Republican Party holding a  
14 straw poll. For the people who are in this room who are  
15 Republicans or even if you're not Republicans, I think you  
16 ought to be proud of the Republican Party getting that many  
17 people to participate, getting Alaska issues on the map,  
18 there's nothing wrong with that. And the Committee's cast no  
19 aspersion on doing that. This case is not about the letter  
20 that Representative Sanders wrote. The issue is whether that  
21 letter should have been done with State funds and State  
22 personnel on State time. Not whether Representative Sanders  
23 could have sent that letter out of his campaign funds. Not  
24 whether the Republican Party couldn't have sent a letter and  
25 properly reported it and thanked those people for

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1 participating. There's nothing wrong with that. This case is  
2 not about a conspiracy against Representative Jerry Sanders. A  
3 complaint was made. The complaint was investigated by this  
4 Committee. Representative Sanders was given every opportunity  
5 to explain his side of these facts, he chose not to do it. The  
6 Committee, based on the investigation done by the staff found  
7 probable cause. After that time, a more investigation was  
8 conducted, it was done by the books. Representative Sanders  
9 was given every opportunity to tell his side, to tell us what  
10 happened, why he sent that letter, what was his intent, what  
11 was the official or the legitimate Legislative purpose to send  
12 that letter? You're going to have to infer that now, because I  
13 can't tell you what his purpose was, what was in his mind and  
14 he wouldn't tell you and his staff wouldn't tell you, so you're  
15 going to have to draw the inferences from the evidence or the  
16 lack of the evidence. And I suggest to you that this  
17 investigation was done by the book, without the cooperation of  
18 the subject of the complaint. It was done brick by brick. We  
19 put in the evidence.

20           And when you review the evidence, look at the exhibits.  
21 Look at Exhibit 6, that's the letter. That's the letter. Read  
22 that letter and say, what's the legitimate State purpose for  
23 that letter. What other inferences can you draw? It was sent  
24 during an election year where Representative Sanders was up, he  
25 had a primary, he had a general election. It was sent to

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1 registered Republicans who attended the straw poll, people who  
2 would be likely to vote for him. He talked about, you know,  
3 the Republican Party. But take a look at the letter, what  
4 inferences would you draw from that letter? What else do we  
5 show? That letter itself shows, by the initials on it, that it  
6 was prepared by Representative Sanders and it was typed by  
7 Jeanne Lovell. That letter, on its face, said it was for  
8 official business.

9           When you look at Exhibit 10 you'll show the Committee  
10 proved to you by clear and convincing evidence that at least  
11 230 of these letters were sent, that the cost was \$76 on an  
12 accountable account that Representative Sanders took to be used  
13 for business purposes. The Committee has shown you through  
14 Exhibit 11 and 12 that a State computer was used. And I think  
15 you could also infer that by Ms. Lovell's invocation of the  
16 Fifth Amendment, Ms. Perez and by the testimony of Ms. Barnett  
17 of what Ms. Perez told her before she realized that Mr. Syren  
18 was her lawyer, okay. And I think you could consider and think  
19 about these staff people whose economic future, whose very  
20 being is dependent on working for Representative Sanders. And  
21 think about who orchestrated this thing. Did they all of a  
22 sudden realize that they might be charged with some crime, non-  
23 existent crime? Did they, all of a sudden think of it, phone  
24 Mr. Syren and say, what do you think and get some legal advice,  
25 I don't think so. I don't think so. Who organized the

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1 stonewall?

2           The evidence did show you, by clear and convincing  
3 standard, that Representative Sanders used his employees, State  
4 employees during official working hours. We've got Exhibit 12  
5 from the computer which shows that the last modification to the  
6 letter was made at 10:00 a.m. on a work day. We had, what Ms.  
7 Perez told Ms. Barnett, that we did this in between our other  
8 Legislature duties. You also have the other inferences that  
9 you could draw from the remainder of the exhibits and the  
10 evidence. I think you could also find, by clear and convincing  
11 evidence, that this was not a nominal use. This used State  
12 employees during State time and State assets.

13           Since we got to the Code of Silence, I put my secretary  
14 and I didn't try and tell you Donna Daniels was some sort of  
15 independent, I tried to save you some bucks, she got on and  
16 testified how long it took her to do a task that was similar.  
17 It's not perfect, she wasn't in the room. But Representative  
18 Sanders and his employees wouldn't tell us. They wouldn't tell  
19 us. And I think that you could give that testimony  
20 credibility. Exhibits 2 will explain to you the difference  
21 between the accountable and the non-accountable, the options  
22 that Representative Sanders had. Exhibit 4 shows you  
23 Representative Sanders used the accountable funds and then  
24 knew, knew that was for legitimate business purposes. The  
25 Republican list, we had Ms. McKay testify that they kept this

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1 list, that she gave it to Mr. Syren, who was the district  
2 chairman.

3 We've got the letter itself and we'll come back to  
4 that, because that, at its core is what this case is about.  
5 And then I want you to judge the defense to this and I think  
6 there's a couple ways to cut this. I mean I guess if you  
7 honestly think that somebody is going to prosecute you for  
8 sending this letter you can invoke the Fifth Amendment, there's  
9 no dispute between Mr. Syren, Mr. White, any of the lawyers in  
10 this room, that's proper. But it's not proper for you not to  
11 make an inference from why somebody would invoke the Fifth  
12 Amendment on this issue.

13 And let's look at the inferences that I picked up from  
14 the defense. One was by the cross examination of some of these  
15 witnesses that Representative Sanders didn't sent this letter.  
16 Somebody on a lark in detour using Representative Sanders'  
17 name. That's not true, we showed it came out of his computer.  
18 That somehow we tricked -- the Committee tricked Representative  
19 Sanders' employees -- that somehow they didn't realize they had  
20 a lawyer. Well, I submit that's not credible, it didn't  
21 happen. That the Committee staff was somehow unfair. You  
22 could judge the evidence.

23 This case, in the three issues I gave you, were the use  
24 of the government resources, no question that government  
25 resources were used. No question that these resources were not

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1 nominal. It was not picking up the phone for two minutes and  
2 making one call. The purpose of the letter, since  
3 Representative Sanders won't tell us, you're going to have to  
4 look at that letter and say, what's a reasonable inference for  
5 the purpose of that letter. Again, it was an election year.  
6 Representative Sanders was a candidate. There's no evidence he  
7 sent a letter to the Democrats who participated, to the  
8 Libertarians, to the Alaska Independence Party out of some  
9 thought that he wants to encourage participation. No, he sent  
10 it to people that he thought would probably vote for him.

11 Was it political campaigning? Was there a private  
12 benefit, in that Representative Sanders might get reelected,  
13 that this might help his reelection campaign? Was it political  
14 campaigning to send this letter? You're going to look at that  
15 letter. Was it to assist the Republican Party about their  
16 primary? And did he use his people? Did he require those  
17 people to work on State time to benefit the Republican Party?

18 And I'm not going to tell you, you're going to  
19 deliberate this matter. But I am going to ask you to remember  
20 what Committee member Donahue said at a similar hearing held  
21 several years ago, that when you analyze in fractions, if you  
22 find an infraction of the Ethical Code, you got to look at the  
23 spectrum of possible violations. And I am not going to tell  
24 this Committee this is the most serious violation a  
25 representative of the State of Alaska can make. I'm not going

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1 to tell you that, you know that's not true. So look at that.  
2 But then, don't forget, if you do find there was a violation,  
3 that this Committee is dictated by statute and should consider  
4 the cooperation of Representative Sanders. That cooperation  
5 was non-existent. So if any recommendations are made, I would  
6 urge this Committee to take a look at the recommendation for  
7 the violation, if a violation was found and then say what  
8 recommendation for sanctions can be made for not cooperating  
9 with this Committee.

10 I'm going to ask the Hearing Officer, prior to your  
11 deliberation, to make available to you what are public  
12 documents, the pleadings in this case and the correspondence  
13 back and forth between Counsel, which we haven't shared with  
14 you because the Committee had determined it did not want to  
15 prejudice any of its members. If the Hearing Officer allows  
16 that, I'm going to ask that in the interest of fairness, to  
17 take up whether or not there's a violation. If you get past  
18 that, I'm going to ask you to look at that and see what weight,  
19 if any, that has to go on the cooperation or the lack of  
20 cooperation. Now, I'm not going to ask for any notes or any of  
21 my opinions, any of Susie Barnett's opinions, but the documents  
22 that went back and forth and you judge whether Representative  
23 Sanders cooperated in the way that you think is appropriate.  
24 And what, if any effect, that would have on any recommendation.

25 I thank you for your time and attention. Thank you for

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1 allowing me to present this case.

2 HEARING OFFICER: Mr. Syren.

3 MR. SYREN: With the Committee's permission, I prefer  
4 to sit here?

5 HEARING OFFICER: That's fine.

6 MR. SYREN: Ladies and gentlemen, I don't envy the  
7 position that you're in at this time. I think it's a very  
8 difficult one. I think you've sort have been boxed into a  
9 corner and it's not your fault. I think it's the fault of the  
10 statute that we have which is a very, very unique statute.  
11 Which in this case, allows you to be not only the plaintiff,  
12 but also the judge and the jury in this case. And I've  
13 observed your actions over the past day and a half and over at  
14 the meeting that you had a few weeks ago and I've been very  
15 impressed because this Committee gets along very, very well and  
16 I wish all Committees got along as well, were as charitable  
17 with each other and had as good a sense of humor. But that  
18 sort of makes your decision a little bit more difficult because  
19 you are friends and because you did file the complaint in this  
20 matter.

21 These are the charges, you've all seen them. It says  
22 here in the first paragraph, that the Committee finds probable  
23 cause to accuse Jerry Sanders to charge him with these  
24 violations, this is an actual charge. It's signed by Margie  
25 Mac Neille. And therein lies the difficulty. Because what do

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1 you do now when you come back to rule on the merits of this,  
2 when you come back to decide whether or not this is true, what  
3 are you going to do? If you say it's not true, then you're all  
4 a bunch of liars and you're not all a bunch of liars, you all  
5 tell the truth. But if you say, this is false, what does that  
6 do for you? What does that do to your credibility? Are you  
7 the kind of Committee that runs around charging people and then  
8 a month or two later says, oh, no, we were wrong, that was  
9 false? No, you have no choice at this point but to convict,  
10 you have to and it's not your fault. It's the fault of the  
11 statute that allows you to file the complaint and then rule on  
12 whether or not the complaint is true. And your Chairman is the  
13 one who signed the complaint. What does that do to her  
14 credibility if you decide that Jerry is innocent? What does  
15 that do to your own credibility?

16 Again, it's as if you are, not only the person that  
17 sued somebody, but you're also the judge and the jury. And I  
18 think we can all imagine the horrible consequences if the laws  
19 in our country allowed somebody to sue anybody that they wanted  
20 to and then be the judge and then be the jury in that case.  
21 You can imagine what the consequences would be and there are  
22 good reasons why that's not the rule in this country.

23 The difficulty of your position doesn't stop there. We  
24 need to take a look at the evidence and I'll do that in a  
25 little bit. But before we do that, I want to point out that

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1 there are other people involved in this hearing who aren't  
2 here, but you might as well assume they're here and they're the  
3 people who, five of them who wear black robes and say what the  
4 law is in the State of Alaska. We did file a petition for  
5 review in this matter, it was accepted by Judge Murphy and set  
6 on for a hearing and he granted the order stayed and he even  
7 asked -- one of his questions at the hearing was going to be  
8 whether or not this Committee broke the law. Whether this  
9 Committee acted in accordance with the law. And I'm not sure  
10 if you know about that order or not. But because of a  
11 technical manoeuver and a change of judge, it got set before a  
12 different judge, but we have reserved our right to appeal this  
13 to the Supreme Court by filing a petition for review. So, in  
14 terms of appeal and so on, that's no over yet. So you can  
15 just, for purposes of today's hearing, assume that the Supreme  
16 Court is here watching everything that you do. And they will  
17 be very interested to know whether you have followed the law.  
18 Whether you've understood what clear and convincing means. I  
19 know certain members of the Committee have struggled with some  
20 of the legal requirements and definitions and so on and I don't  
21 blame you. Some people describe the process or discussing  
22 matters with an attorney, they described it like wrestling with  
23 a pig in the mud. You get covered with mud and after all you  
24 realize that the pig likes it. It's very tricky stuff. Clear  
25 and convincing evidence, I know very, very sharp attorneys who

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1 disagree over what that means. But the fact remains, there's a  
2 very real likelihood that your actions today will be  
3 scrutinized by the people who say what the law is in Alaska.  
4 And I can assure you these folks don't suffer fools gladly and  
5 they eat law for breakfast and they know exactly what clear and  
6 convincing evidence means. So that's the other difficulty that  
7 you face. You have to find Representative Sanders guilty,  
8 otherwise you lose all your credibility. And yet if you do,  
9 you have this other horn of the dilemma and that's the Supreme  
10 Court who will be scrutinizing all of your actions and deciding  
11 whether or not you have applied the law correctly. And there's  
12 already been one judge who has raised the question of whether  
13 or not this Committee has acted in accordance with the law.

14 I'd like to discuss the evidence in a little more in  
15 detail a little bit. But before that, I want to tell you a  
16 couple stories about two different men. The first man is a  
17 community leader who some of you may or may not agree with. He  
18 was elected to office and he holds certain issues very near and  
19 dear to his heart. So near and dear to his heart, as a matter-  
20 of-fact, that some months ago he wrote a letter to his  
21 constituents, it was on official State letterhead, official  
22 State business and it advocated a certain position. And I  
23 think you are all familiar with the message that he sent. But  
24 to be sure I want to hand out the letter he wrote to a very,  
25 very focused group of individuals.

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1 MR. SPAAN: Could I inquire of the Hearing Officer, is  
2 this new evidence or is it something that's before the  
3 Committee?

4 HEARING OFFICER: I'd ask you not to pass it out yet.  
5 Mr. Syren, has this been marked and admitted in evidence?

6 MR. SYREN: No, it hasn't. But I ask the Court to take  
7 judicial notice of the fact, this was reported in all the  
8 papers. A big, big controversy about this that I think  
9 everybody's familiar with. What I'm trying to do is, the fact  
10 that Tony Knowles wrote that very partisan message to people  
11 who received the longevity bonus saying, gee whiz, the  
12 Legislature failed in its duty and left this gaping hole, I'm  
13 against that and.....

14 HEARING OFFICER: Members of the Committee, you are to  
15 disregard argumentive comments about that. You're only to  
16 consider exhibits that have been admitted into evidence.

17 MR. SYREN: Okay.

18 HEARING OFFICER: I will mark this for the record,  
19 Respondent's Exhibit 1, but it will not be admitted.

20 MR. SYREN: Now, I want to tell you about another man  
21 who you should have met yesterday, but you didn't. He was  
22 subpoenaed to come here. Mr. Spaan listed him on his witness  
23 list and wanted to have him testify and he didn't show up.  
24 And, in fact, this man is the very reason that you're all here,  
25 that we're all here. That gentleman, of course, is Mr. Mike

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1 Miller. Mr. Mike Miller ran against Representative Sanders a  
2 couple of years ago and he lost and he apparently can't let go,  
3 but this Committee can.

4 By now you've all seen his letter which starts out  
5 innocently enough. I want to report what may be a violation,  
6 but I want to keep your attention to the last page, the second  
7 to the last paragraph, it's just kind of an offhanded comment,  
8 but I think it really, really notes or says a great deal about  
9 Mr. Miller. The paragraph reads, when investigating an earlier  
10 publication of Mr. Sanders, I found the accounting, blah, blah,  
11 blah. This man has apparently made it his life to investigate  
12 Representative Sanders. This man apparently has an obsession.  
13 He can't get over the fact that he lost the election. He won't  
14 let it go, but I think this Committee should. And I would  
15 beware of the person who cries wolf. The person who asks you  
16 to do his dirty work for him. Who files a complaint and then  
17 runs away. There's been a lot of discussion about taking the  
18 Fifth and so on, well, not showing up when you're subpoenaed to  
19 testify, I really don't see the difference between that and  
20 taking the Fifth. And remember, this is the gentleman who  
21 filed the complaint in the first place. This is the gentleman  
22 who thought that there was a great violation and he did not  
23 show up for the hearing yesterday.

24 The other point I think you need to recognize is that  
25 now that the ball is in your hands, and Mr. Miller is gone, he

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1 doesn't face the same consequences you do. For example, when  
2 Judge Murphy says that he wants to know whether this Committee  
3 has broken the law, Mike Miller isn't around and it's a whole  
4 different ball game at that point.

5           There's a reporter, I think that actually counted the  
6 number of times Representative Sanders took the Fifth. He  
7 didn't count the number of times that Representative Sanders  
8 did not have the burden of proof and that is the critical fact  
9 here. Representative Sanders does not have the burden of  
10 proof. The reporter also failed to mention that the star  
11 witness failed to show up, that's like taking the Fifth  
12 Amendment as well.

13           We should talk a little bit about that star witness's  
14 cooperation in this matter. I sent him discovery requests as  
15 well and he refused to answer them. And it's true, I guess I  
16 could have filed a motion to compel, but as Mr. Spaan said, we  
17 should have trust in the system. If people have accusations,  
18 especially if they're the ones bringing forth the accusation,  
19 well, they should carry their burden of proof. They should  
20 cooperate in the discovery process. They shouldn't be afraid  
21 of my questions or anybody else's questions, but Mr. Miller  
22 refused to answer those questions. So all I'm saying about Mr.  
23 Miller is beware of the person who cries wolf. Beware of the  
24 person who may be manipulating this Committee to do things, to  
25 do his bidding, especially when you face the consequences and

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1 he doesn't. By the way, Mr. Miller, I'm not sure if any of you  
2 are aware of this is the one who came up with the bumper  
3 sticker, Annoy Prevo, Think for Yourself. That, I think, says  
4 a lot about the character of the man. That he's just got an ax  
5 to grind and he can't let go, but this Committee can.

6 Now, let's talk a little bit more about the evidence in  
7 this case. Not one witness and go through all the testimony  
8 yourself, but not one witness can testify on personal knowledge  
9 about anything. About any of the elements in this case. And I  
10 asked the witnesses, I don't know whatever the document was, do  
11 you have any personal knowledge about the information contained  
12 in this document? No. Well, then we might as well just pull  
13 somebody off the street and we can ask them the same question.  
14 They'll have just as good of an idea as the witnesses who were  
15 called in this case. We don't know who wrote the letter. We  
16 don't know who sent the letter. We don't know where the letter  
17 came from. We don't know who paid for the letter. We don't  
18 know that. And your job today, and you'll receive the  
19 instruction on it, is to reach an opinion based on clear and  
20 convincing evidence. Not based on hearsay. Not based on  
21 something that's the lack of personal foundation. Mr. Spaan  
22 claims that this case was built brick by brick. And it may  
23 have been built brick by brick, but there was no glue holding  
24 the bricks together, there's no personal knowledge whatsoever,  
25 it's all hearsay.

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1           There's been some discussion as to whether or not  
2 Representative Sanders has stonewalled the process. There's  
3 also been discussion and you've heard testimony about the fact  
4 that Representative Sanders also sent out discovery requests,  
5 not all of which were answered. He sent discovery requests to  
6 Mr. Miller, who refused to answer them. Keep in mind that the  
7 cooperation does not mean that Representative Sanders has your  
8 burden of proof. He does not have your responsibility or your  
9 duty to investigate this matter and to prove that the  
10 allegations are true. Cooperation does not mean that he has to  
11 do your job. Representative Sanders, at least, and the other  
12 witnesses, they at least showed up for yesterday's testimony.  
13 Mike Miller, the star witness was nowhere to be found. Again,  
14 you'll hear Mr. Spaan say, well, I could have filed a motion to  
15 compel, I shouldn't have to file a motion to compel in this  
16 matter. If everybody's cooperating, we should all have trust  
17 in this system, people should cooperate themselves, especially  
18 the person who's filing the complaint in the first place. So  
19 when it comes to cooperation, I would just suggest that make  
20 sure the beam is removed from your own eye before you look for  
21 a splinter in someone else's eye.

22           Now, we can look at the letter a little more closely,  
23 especially the last line which, you know, in law school, I  
24 guess they told me was the most important part of any document  
25 and it refers to your civic duty; thanks for doing your civic

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1 duty. It doesn't ask for money. It doesn't say vote for a  
2 certain cause. It doesn't say the Legislature failed in their  
3 duty of closing the budget gap and I don't want to do that and  
4 I'm going to save your longevity bonus, it doesn't make any  
5 comments like that. Mr. Spaan has briefly alluded to the  
6 purpose of the letter and he's admitted that he doesn't know  
7 what the purpose of the letter is. And if he doesn't, then I  
8 can't imagine that anybody else could. Make sure you  
9 understand the purpose of the statute, the purpose of the  
10 letter, the exceptions contained in the statute. I'm sort of  
11 an idiot and that's why I've read the statute a thousand times,  
12 but you need to read the statute, too, several times and make  
13 sure you understand it. And when you read it, pretend the five  
14 people who eat law for breakfast and say what the law is in the  
15 State of Alaska, pretend that they are watching and listening  
16 and scrutinizing everything that you do.

17           During Ms. Barnett's testimony I asked the question  
18 about whether she believed this particular statement was true;  
19 the statement was and I'll repeat it again, it is extremely  
20 difficult to distinguish between official and campaign  
21 activities of an incumbent. This was taken from an opinion of  
22 the Attorney General in 1986 and I'll repeat it again, this is  
23 Alaska's Attorney General and he says; it is extremely  
24 difficult to distinguish between official and campaign  
25 activities of an incumbent. The lawyer for the State of Alaska

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1 thinks that it's extremely difficult to distinguish between  
2 campaign activities and official activities. Keep in mind that  
3 Representative Sanders had not declared his intentions to run  
4 for office at the time this letter was allegedly sent out. He  
5 hadn't told anybody in the newspaper, told anyone that he was  
6 going to run for office, so we're not even talking about  
7 campaigning.

8 I guess to sum up, I'd just like to emphasize that,  
9 don't take a risk for somebody else. Don't take the risk that  
10 should be taken by Mike Miller. This Committee has already  
11 sort of dodged a bullet once for him. And I mean that in the  
12 sense that Judge Murphy wanted to know whether or not this  
13 Committee had violated the law. And that's one bullet, I don't  
14 think you need to risk it again. Mr. Miller, I would compare  
15 to an arsonist, somebody who sneaks in under the cover of  
16 darkness, lights a match and then runs off and refuses to  
17 answer questions, but wants you guys to carry his water for  
18 him. Mr. Miller, unfortunately, can't let go and I think even  
19 under the very impossibly difficult circumstances that face you  
20 now, circumstances in which you have no choice but to say that  
21 you were right all along, even under those circumstances, I  
22 still think you can let go, even if Mr. Miller can't.

23 Thank you.

24 HEARING OFFICER: Rebuttal argument?

25 MR. SPAAN: Thank you, Mr. White, I'll be brief.

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1 Ladies and gentlemen, I bit my tongue, I thought some of these  
2 statements were objectionable, but I wanted to get  
3 Representative Sanders every chance, but I must reply to some  
4 of them. Number one, some of the people in this room were at a  
5 hearing that was held two years ago where the Committee Chair  
6 found probable cause, but when the evidence was evaluated by  
7 clear and convincing evidence, the Committee did not return  
8 charges on at least several of the cases. So to impugn that  
9 because you signed it, you're going to do it, is wrong. It's  
10 wrong historically. It's not correct. Two, Judge Murphy did  
11 what Judge Murphy did without hearing any reply from the Ethics  
12 Committee. Another judge evaluated it and kicked  
13 Representative Sanders out of court. So if you're thinking of  
14 five people with robes on, men and women who are sitting here  
15 watching you, Mr. Syren, bring it on and we'll litigate that.  
16 So don't be intimidated.

17 To call Mike Miller the key witness and to accuse,  
18 impugn his character and to accuse him of hiding from this  
19 Committee is wrong. When I looked on how I was going to  
20 present this case, I wanted to do it efficiently. Mike Miller  
21 brought nothing to the party. He got the letter from Mr.  
22 Woods. He didn't even attend -- he didn't even attend this --  
23 I mean I don't even know if he's a Republican, he didn't get  
24 the letter, he got it from Mr. Woods and he wrote a complaint  
25 to the Committee. Does he like Representative Sanders, he

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1 might not, but it's irrelevant. The letter is the letter. I  
2 mean it could have been Attila the Hun who made the complaint,  
3 but you still look at what the complaint was. Did this letter  
4 violate any Ethics laws.

5           Mr. Syren knows that the subpoena power runs both ways.  
6 If he wanted Mr. Miller, he could have subpoenaed him, he  
7 didn't do it. And to complain -- and that's why I want this  
8 evidence in front of you, to complain that Mr. Miller wouldn't  
9 ask (sic) his discovery, now, we're outside the record, but I'm  
10 going to tell you, you cannot send written interrogatories to a  
11 non-party and compel their answers. But I want you to look at  
12 those interrogatories. I want you to look at what information  
13 he wanted from Mr. Miller and determine whether or not what it  
14 had to do with the price of tea in China or this case.

15           That's all I have to say. Thank you very much for your  
16 attention.

17           HEARING OFFICER: That concludes the evidence and the  
18 arguments in the case. Yes, Representative.

19           REPRESENTATIVE TOOHEY: Thank you, Mr. White.  
20 Yesterday I asked a question of you whether I would be able to  
21 question Mr. Syren as being part of this case, I felt, because  
22 his name was on a document that was presented to us and you  
23 said that yes that would happen today or later. I have not had  
24 that opportunity, I would like that opportunity if it isn't  
25 going to throw this circus into more of a third ring.

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1 MR. SPAAN: Mr. White, with all due respect, I would,  
2 on behalf of the Committee, recommend against that. The  
3 evidence is closed. Mr. Syren is the attorney for  
4 Representative Sanders, I just don't think it's a good idea.

5 REPRESENTATIVE TOOHEY: Okay.

6 HEARING OFFICER: I agree with that. He wouldn't be  
7 able to answer.

8 REPRESENTATIVE TOOHEY: All right.

9 HEARING OFFICER: Not on Fifth Amendment grounds, but  
10 attorney/client privilege. And that's a privilege that you  
11 cannot draw any adverse inference based on the assertion.

12 REPRESENTATIVE TOOHEY: Okay, thank you.

13 HEARING OFFICER: I'm going to read you one  
14 instruction. The parties have agreed that unlike a normal  
15 trial that, I guess because you are a sophisticated body as  
16 opposed to a jury that's in for one case, that we're not going  
17 to go through a half hour of jury instructions and both parties  
18 agreed to that. I am going to read you the basic Alaska  
19 Standard Pattern Jury Instruction on clear and convincing  
20 evidence just to give a definition of the frame work under  
21 which you're working.

22 This is a form, so I will now define to what it means  
23 to prove something by clear and convincing evidence. An  
24 alleged fact is established by clear and convincing evidence if  
25 the evidence induces belief in your minds that the alleged fact

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1 is highly probable. It is not necessary that the alleged fact  
2 is certainly true or true beyond a reasonable doubt or  
3 conclusively true. However, it is not enough to show that the  
4 alleged fact is more likely true than not true.

5 In a moment we will all leave, I guess you're going to  
6 deliberate here and my understanding is that the Committee will  
7 issue a written decision when it's done, it won't be coming out  
8 and issuing an oral decision today. I want to thank all of you  
9 for this opportunity, I've enjoyed it and I'm impressed with  
10 the Committee's work and dedication and it's been an honor for  
11 me and thank you very much.

12 MR. DONAHUE: The definition you.....

13 CHAIRMAN MAC NEILLE: Before we let you off the  
14 hook.....

15 MR. DONAHUE: .....the definition you read will be here  
16 for us to re-look at and study?

17 HEARING OFFICER: Yes.

18 MR. DONAHUE: Thank you.

19 CHAIRMAN MAC NEILLE: I would like to ask you and I  
20 guess certainly the attorneys can complain or make suggestions,  
21 to also give the Committee some instruction on hearsay. Mr.  
22 Syren brought up a point in closing argument that we should  
23 consider the evidence hearsay and I would like to ask you to  
24 give us some instruction on that. And also perhaps repeat for  
25 us things I think you've said as we went along yesterday about

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1 what inference, if any, we can or shouldn't take from a witness  
2 taking the Fifth Amendment.

3 HEARING OFFICER: Okay. Well, first I'll start off  
4 with hearsay. There are a lot of exceptions to hearsay.  
5 Sometimes in a court proceeding, you are allowed to relate what  
6 someone else says, so you need not immerse yourself in the  
7 technical aspects of hearsay. As to all of the evidence that's  
8 been -- that you've been allowed to hear in this case, you  
9 should give it the weight you feel is appropriate based upon  
10 how it was presented. If you have somebody that was an event,  
11 you might give it more weight than someone who heard that from  
12 someone who was at an event. All of you make important  
13 decisions in your life and you should weight the evidence in  
14 light of the standards of how you normally consider things. If  
15 something has been testified to in this case or an exhibit  
16 admitted, you are allowed to consider it. The weight that you  
17 give it should depend on the circumstances of the evidence and  
18 what you think.

19 As to the Fifth Amendment, I've given you some oral  
20 instructions. Since there was a request made, I will read --  
21 there's a boiler plate instruction from Alaska to answer your  
22 question.

23 MR. SYREN: I thought this was not going to happen.

24 HEARING OFFICER: The Committee had a specific -- the  
25 parties -- Mr. Syren had asked that there not be formal jury

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1 instructions, the Committee has a specific question.....

2 MR. SYREN: They do, Your Honor, but it's -- you've  
3 already ruled, I think outside there when Mr. Spaan and I were  
4 chatting with you that there would not be any jury  
5 instructions.....

6 HEARING OFFICER: Right. But.....

7 MR. SYREN: .....aside from clear and convincing.

8 HEARING OFFICER: Right. And there's a specific  
9 question by the Committee and I don't see that it's in the  
10 benefit of the Committee or the public to have the Committee's  
11 questions unanswered.

12 MR. SYREN: I understand under any other circumstances  
13 here, although, Your Honor, you've already ruled that you  
14 weren't going to read any jury instructions except clear and  
15 convincing. And for purposes of the record, I'd just like to  
16 know the basis for the reversal of your decision? I mean they  
17 can ask a number of -- I mean they can ask me what my -- things  
18 about my attorney/client privilege, that doesn't mean they get  
19 to know.

20 HEARING OFFICER: Well, I think they should be able to  
21 know the law under which they're deciding the case.

22 CHAIRMAN MAC NEILLE: Excuse me, Mr. Syren, we have  
23 retained Mr. White to be our Hearing Officer and to provide us  
24 assistance in this hearing. It's my judgment, as Chairman,  
25 that in this instance we want the benefit of his advice to us

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1 and I have asked him for it, please give it to us.

2 MR. SYREN: All right. So just so the record's clear,  
3 I want it to be clear that the Committee is overruling the  
4 Judge's decision five minutes ago outside that door in which he  
5 said he was not -- and you weren't privy to that conversation.

6 HEARING OFFICER: Well.....

7 CHAIRMAN MAC NEILLE: It doesn't matter. I want to  
8 hear from Mr. White.

9 MR. SYREN: I understand, but I just want the.....

10 HEARING OFFICER: Okay. And let me just clarify.....

11 MR. SYREN: .....record to be clear.

12 HEARING OFFICER: Let me just clarify the record. Mr.  
13 Syren, the parties indicated they didn't wish any additional  
14 instructions, I didn't make a ruling based on argument, I said  
15 I'd go along with what the parties had agreed. And there's  
16 been a question and I'm going to answer it.

17 The defendant has the right not to answer any questions  
18 that might possibly be used against him in a future criminal  
19 case. His refusal to answer does not signify either that there  
20 actually will be a future criminal case or that he is guilty.  
21 It means only that he does not want to say something that might  
22 possibly be used against him later. By not answering  
23 questions, the defendant leaves the plaintiff without the  
24 answers that it seeks. In evaluating the plaintiff's or  
25 defendant's testimony, you're entitled to consider that the

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1 defendant did not answer questions because of the possibility  
2 that the answers would be used in a subsequent criminal case,  
3 even though you do not know what the answers would have been.

4 And I can leave a written copy of this for you all.

5 CHAIRMAN MAC NEILLE: Thank you. I appreciate it,  
6 thanks.

7 HEARING OFFICER: Are there any additional questions  
8 before you deliberate?

9 MR. DONAHUE: For purposes of that definition.....

10 HEARING OFFICER: Yes.

11 MR. DONAHUE: .....the same would apply to the word  
12 defendant in there, in this case, I guess would be  
13 Representative Sanders, but the same -- the concept of the  
14 defendant would also apply to the other people who used the  
15 Fifth, even though they are not in front of us in terms of any  
16 question?

17 HEARING OFFICER: You may consider anybody's exercise  
18 of the Fifth, not as a penalty against them, not that they  
19 should be punished or their testimony is less credible because  
20 of that, but you can consider the circumstances under which  
21 they're giving it to conclude what the answer may have been or  
22 may not have been to the answer to the question. Mr. Granger.

23 MR. GRANGER: In our deliberations, if we feel that  
24 there's a need to have a handwriting expert examine the 5 March  
25 '96 letter that was or was not, I don't know, supposedly signed

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1 by Representative Sanders, would that be out of the realm of  
2 possibility?

3 HEARING OFFICER: I think you're getting into the realm  
4 of deliberations now and I would prefer that you talked amongst  
5 yourselves and if, as a body, you want to ask a question about  
6 that, then you bring it up and contact me and I'll contact the  
7 parties. I just hesitate that you get into -- you know, you're  
8 a public body now and get into deliberations. But if you have  
9 questions like that, as a Committee, I encourage you to call  
10 and ask.

11 MR. SYREN: Judge, you said that they were going to --  
12 the Committee was going to deliberate today and issue a  
13 decision, was that today or some other time.

14 MR. DONAHUE: Whenever we're done.

15 MR. SYREN: I understand that. It sounded like that  
16 was going to not occur today and I'm just.....

17 CHAIRMAN MAC NEILLE: Mr. Syren, we deliberate in  
18 private, we do our own work and we try to do it as  
19 expeditiously as possible with or without the assistance of  
20 others. And we will do the best we can to have a prompt  
21 decision for your client.

22 MR. SYREN: Thank you. The only request I have is that  
23 somebody, either Ms. Barnett or somebody else inform me as soon  
24 as a decision is reached.

25 CHAIRMAN MAC NEILLE: Yes. You'll be amongst the first

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1 to know.

2 MR. SYREN: Thank you.

3 CHAIRMAN MAC NEILLE: I want to, at this point, thank  
4 Mr. White and thank the attorneys for presenting the case to us  
5 in an efficient and prompt fashion. And when I say to Mr.  
6 Syren, I know it's lonely to be here without a client and it  
7 must have been a difficult situation for you. I thank the  
8 Committee attorney and staff for the work they've done and now  
9 it's our turn.

10 MR. DONAHUE: Are we going to take a short break before  
11 we do this?

12 CHAIRMAN MAC NEILLE: We're going to take a break,  
13 we're going to cleanse the room so we only have the things  
14 before us that we're allowed to have before us.

15 HEARING OFFICER: I think during deliberations you'll  
16 be given the exhibits that have been admitted and then if you  
17 would like -- if you get to a stage where you're considering a  
18 sanction, Mr. Spaan mentioned the public documents, you'll then  
19 have them.

20 CHAIRMAN MAC NEILLE: Okay.

21 (Hearing recessed)

22 \* \* \* \* \*

23

24

25

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ATTN:  
Mike Spain

**STATE OF ALASKA**  
Alaska State Legislature

7 pages

*Administrative Services Division  
130 Seward Street, Suite 313  
Juneau, Alaska 99801-2197  
Ph. 465-3852 - Fax 465-3234*

**DATE:** October 16, 1996

**TO:** Susie Barnett, Staff  
Select Committee on Legislative Ethics

**FROM:** *Karla Schofield*  
Karla Schofield, Deputy Director  
Administrative Services  
Legislative Affairs Agency

**SUBJ:** Information Request

You have requested copies of any rules, policies, or guidelines concerning legislative office accounts and use of legislative postage meter machines.

I have attached pages from the Guide to Legislative Staff relating to the allowance accounts and an informational sheet which is given to each Legislator choosing an accountable allowance account. Legislators may only submit expenses for payment from the allowance account which meet the criteria for a business expense.

Legislative postage machines are used to meter official legislative business. In addition, Legislators are allowed to post personal or constituent mail on legislative postage meters as long as they pay for the postage. In Juneau, Legislators may set up an account for this purpose. Relevant pages from the Guide to Legislative Staff relating to the Juneau Mailroom personal postage accounts is attached. If Legislators use the postage meters in the Legislative Information Offices for personal mail they are billed for the postage.

Enclosures



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**ACCOUNTING**

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**Business Expense Allowance**

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Legislative Council policy provides that Legislators are entitled to receive a \$6000 annual allowance administered as an accountable or nonaccountable plan at their option. The allowance is for postage, stationery, stenographic services and other expenses. A nonaccountable plan means the Legislator allowance is issued in a lump sum from which taxes, SBS, and Medicare deductions are withheld. An accountable plan means that an allowance account is set up in the Legislative Affairs Agency from which business expenses are paid. Business expenses are the normal and current costs of carrying on a trade, business, or profession. Accountable plan expenses have a business connection and are substantiated by receipts. Deductions by the federal and state government are not required with an accountable plan.

Legislators receive an option form (Exhibit A) prior to the beginning of session. They complete the form and return it to the Accounting Office.

If the nonaccountable plan is chosen, a lump sum check will be issued to the Legislator on the first day of session.

If the accountable plan is chosen, the Accounting Office will set up the account and issue instructions and forms to the account holder on the first day of session. Legislators will submit bills and reimbursement requests to the Accounting Office and the Legislator's allowance account will be charged.

Accountable plan expenditures are on file in the Accounting Office and are public information.

Annual allowances are administered on a calendar year. Any remaining balance in an accountable plan on December 15 will be issued through the payroll system with the appropriate taxes and deductions withheld.

Legislators who wish to draw a portion of their accountable allowance account as personal cash may do so. Any cash disbursement will be issued through the payroll system and designated as a nonaccountable allowance payment.

Any allowance amounts issued through the payroll system are reported on the W-2. Any allowance amounts administered as an accountable plan are not reported on the W-2.

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**Business Expense Allowance**

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Legislators may not add funds from a campaign account to a legislative allowance account.

Legislators may request that a portion of their allowance be issued as an accountable allowance account and a portion be issued as a nonaccountable allowance account.

**Common Allowance Questions**

1. **I requested a nonaccountable allowance plan. When will I receive my check, less taxes and state deductions?**
  - A. On the first day of session. Checks for new Legislators who have not completed personnel documents will be delayed until the paperwork is complete.
2. **I requested an accountable allowance plan. How do I get reimbursed for my expenses?**
  - A. Submit an original invoice to the Accounting Office.
  - B. The original invoice needs to be signed by the Legislator or designee.
3. **How do I deposit money from my allowance account to the Mail Room for postage or to Supply for the purchase of flags or state seals?**
  - A. Complete the Allowance Account Request Form (Exhibit B) or send a memo to the Accounting Office requesting the transfer.
4. **How do I get an advance check to cover US Postmaster charges or election district list charges?**
  - A. Send a completed Allowance Request Form or a memo to the Accounting Office requesting a check.
  - B. Save the postage or election district list receipts as you are required to submit them to the Accounting Office.
5. **How soon can I expect check turn around?**

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**Business Expense Allowance**

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- A. 2-3 days from receipt of the request by the Accounting Office. If the check must be available sooner, notify the Accounting Office as soon as possible. Remember, if you are not in Juneau, allow transit time in both directions.
6. What is the current balance in my allowance account?
- A. Call the Accounting Office at 465-3852 to request the information.
  - B. The balance is also available on the monthly Legislator Salary and Business Expense Report which is issued once a month. The balance on the monthly report will show items paid, not items in transit or items paid after the date of the report.
7. Who can sign on my allowance account?
- A. The Legislator or their designee.

**Business Expense Allowance**

**Annual Allowance Option Form, Exhibit A**

**LEGISLATIVE AFFAIRS AGENCY**  
130 Seward Street, Suite 313, Juneau, AK 99801-2197

**LEGISLATORS' \$6,000 ANNUAL ALLOWANCE OPTION FORM**  
Return this form to the Accounting Office by January 1st of each year.

Please check one of the options below on how you would like your \$6,000 annual allowance payment processed:

Option 1 - Nonaccountable Plan (unvouchered)

— Withhold per W-4 on file in Personnel along with medicare & SBS deductions; reportable on W-2.

Option 2 - Accountable Plan (vouchered)

— Legislators submit receipts or bills to Accounting up to \$6,000 for expense reimbursement; no withholding; not reportable on W-2.

Signature \_\_\_\_\_

Legislator Name \_\_\_\_\_  
(Please Print)

Date \_\_\_\_\_

Nonaccountable plan allowance checks or accountable plan forms and instructions will be delivered the first day of session if this form is received in the Accounting Office by January 1st.

Form A-1

STATE OF ALASKA  
The Legislature  
Legislative Affairs Agency



Administrative Services  
130 Seward Street, Suite 313  
Juneau, Alaska 99801-2197  
Phone 465-3852 Fax 465-3234

MEMORANDUM

TO: Mindy Lobaugh, Accounting Technician Account Number: \_\_\_\_\_  
FROM: \_\_\_\_\_ Signature Date: \_\_\_\_\_  
OFFICE: \_\_\_\_\_ Printed Name

1. Please reimburse the following individual(s) from my allowance account. *The original receipt is attached to this request.*

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Name _____                          | Name _____                          |
| Address _____                       | Address _____                       |
| City, State, Zip _____              | City, State, Zip _____              |
| Item _____                          | Item _____                          |
| Amount \$ _____                     | Amount \$ _____                     |
| Mail Check _____ Return Check _____ | Mail Check _____ Return Check _____ |

2. Please transfer \$\_\_\_\_\_ to:

|  |
|--|
| _____ Postage Account Juneau Mailroom  |
| _____ Supply Office State Seal \$_____   |
| _____ Supply Office Alaska Flag (3x5) \$_____ (5x9) \$_____                        |
| _____ Supply Office U.S. Flag (3x5) \$_____ (5x8) \$_____                          |
| _____ Division of Elections \$_____ Election District List - District Number _____ |

*Use this form to order lists from Elections and forward a copy of your request to Accounting.*

3. Please issue a warrant in the amount of \$\_\_\_\_\_ made payable to:

|   |
|---|
| _____ U.S. Postmaster @ _____ for               |
| _____ Bulk Mail City Address/Station            |
| _____ Stamps                                    |
| _____ Other Mail Check _____ Return Check _____ |

*A receipt must be requested at the time of purchase and forwarded to Accounting.*

Information Sheet  
Accountable Allowance Expenses

Expenses submitted to the Accounting Office under the Accountable \$6,000 Allowance Plan will be paid if they meet the criteria for a business expense. Business expenses are the normal and current costs of carrying on a trade, business, or profession. Legislators may have private vendors bill the Legislative Affairs Agency directly or may submit receipts to the Accounting Office for reimbursement.

If an expenditure is a combined business and personal expense, only the business portion of the expenses will be paid by the Accounting Office. It is the responsibility of the Legislator to indicate which portion of a particular expense is personal and which portion is business with a receipt of this type.

The allowance expense definition is "Postage, stationery, stenographic services and other expenses." The types of expenses which would fall under "other" could include airline tickets, coffee for the office, business lunches, a computer for the office, office supplies, etc.

Legislators should be aware that although an expense is a legitimate business expense and will be paid, all expenses related to the \$6,000 allowance vouchered through the Legislative Affairs Agency are public information.

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**Mail Service**

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The following sites receive DHL pouch service:

|           |           |        |
|-----------|-----------|--------|
| Anchorage | Kenai     | Mat-Su |
| Fairbanks | Ketchikan | Sitka  |
| Homer     | Kodiak    |        |

The following sites receive express mail:

|        |            |      |
|--------|------------|------|
| Barrow | Dillingham | Nome |
| Bethel | Kotzebue   |      |

The following sites receive first class mail:

|                |            |          |
|----------------|------------|----------|
| Cordova        | Petersburg | Valdez   |
| Delta Junction | Seward     | Wrangell |
| Giennallen     | Tok        |          |

***Interdepartmental Mail***

Official Juneau state business mail may be sent interdepartmentally via the Central Mail Room in the State Office Building without postage. The Central Mail Room requires mail to be in an interdepartmental envelope addressed with the department mail stop numbers which are listed in the Directory of State Officials. The Legislature's mail stop number is 3100. All mail not in interdepartmental envelopes with mail stop numbers will be returned by the Central Mail Room.

If interdepartmental mail is not placed in an interdepartmental envelope, it may get mixed with outgoing mail to be posted. The postage machine cannot differentiate and postage will be added to your postage account. Your correspondence will end up at the post office and subsequently returned to you marked "incomplete address".

***Personal Postage Account***

A personal postage account can be set up for any Legislator for the purposes of posting personal and/or constituent mail that is not charged to a committee.

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**Mail Service**

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To open a personal postage account, contact the LAA Print Shop mail room at 465-3738 and request one be set up for you. You must make a deposit of \$250.00 either with a personal check or memo requesting that a deposit be made from your office expense account. When sending a personal check, please make it payable to LAA and send it to the LAA Print Shop mail room, Attention Susie. An account of your expenses will be kept and you will be notified when your account is getting low. You must keep your account current since we cannot extend credit beyond \$50.00.

**Interim Service**

Mail service continues Monday through Friday during the interim for the convenience of interim offices in Juneau. Incoming mail is picked up at the Post Office at 8:00 a.m. and distributed in mail bins located in Supply. Juneau offices can pick up their incoming mail around 9:00 a.m. There is no mail pick up in offices but mail can be brought down to Supply at anytime and placed in the mail slot.

There is limited pouch service during the interim as many of the LIOs are closed. However, because of the large volume of mail going to and from Anchorage, Fairbanks, and Juneau, there is a daily pouch to these LIOs. The Juneau Information Office provides a list of all LIOs and their hours.

First class mail is forwarded on a daily basis to Legislators whose interim offices are not in Juneau. Other class mail is forwarded twice a week.

**Anchorage LIO Mail**

Incoming mail is delivered once a day at varying times to the Anchorage LIO and distributed to mail boxes in the copy room on the second floor.

Outgoing mail is posted by each office in the copy room. The postage meter is for legislative mail only; no personal mail should be posted. The postage log must be filled out when using the postage meter. Any mail not picked up by the postman goes out the following day.

**ALASKA STATE LEGISLATURE**  
**LEGISLATIVE AFFAIRS AGENCY**  
*Office of the Executive Director*

130 Seward St., Suite 313  
 Juneau, AK 99801-2197  
 (907) 465-3800

**MEMORANDUM**

TO: All Legislators

FROM: Pamela A. Vami *PAV*  
 Executive Director

DATE: November 7, 1995

SUBJECT: Options for \$6,000 Allowance

Legislators receive an annual allowance for postage, stationery, stenographic services and other expenses.

IRS regulations require that business allowance plans be administered either as accountable to the employer or be subject to withholding. A plan is considered accountable if it meets three requirements: (1) business connection, (2) substantiation and (3) returning amounts in excess of expenses. Legislative Council policy allows each Legislator their choice on an accountable plan or nonaccountable plan regarding their \$6,000 annual allowance.

Attached is a form for you to fill out and return to Accounting indicating how you would like your \$6,000 allowance plan administered. We would like to have your allowance check available to you on January 8, 1996, if you choose Option 1. As we will not take any action until we receive your allowance option form, your timely response is appreciated.

Although there are variables depending on whether you have Medicare Tax or the Elected Public Officials Retirement System deductions, the example below provides an approximate estimate of your net check amount.

|          |               |  |
|----------|---------------|--|
| Option 1 | \$6,000       | allowance  |
|          | - 87          | medicare   |
|          | - 368         | SBS  |
|          | <u>-1,500</u> | example amount; federal withholding varies by individual |
|          | \$4,045       | approximate value  |

Option 2 \$6,000 reimbursed after substantiation with receipts or bills

If you have any questions, please give me or Karla Schufield a call at 465-3800.

Attachment

|                                   |
|-----------------------------------|
| <b>PLAINTIFF</b>                  |
| EXHIBIT NO. <u>2</u>              |
| ADMITTED <input type="checkbox"/> |
| <u>H96-02</u>                     |
| (CASE NUMBER)                     |

# ALASKA LEGISLATIVE COUNCIL



## --Minutes--

AMENDED

November 9-10, 1990

The meeting was called to order at 2:46 p.m. in the Resolution Room of the Captain Cook Hotel in Anchorage by Chair Davis.

The roll was taken and in attendance were Council members Cotten, Davis, Fahrenkamp, Frank, Jones, Pearce, Szymanski, Uehling and Zharoff. Members absent were Collins, Davidson, Grussendorf, Navarre and Zawacki. Other legislators present were Senators Pourchot and Duncan. Staff present were Endicott and Fink.

### 1. APPROVAL OF THE MINUTES

Senator Frank moved and asked unanimous consent that the minutes of the June 28, 1990 and the September 28, 1990 meetings be approved. There was no objection and the motion passed.

### 2. PROPOSAL BY GROH, EGGERS AND PRICE

Mr. Cliff Groh and Ms. Sally Kucko, representing Groh, Eggers and Price, made a presentation regarding a possible lawsuit challenging the Governor's veto authority on certain reappropriations in Ch. 208, SLA 1990. Senator Fahrenkamp moved that a contract not to exceed \$25,000 be authorized for Groh, Eggers and Price to litigate this issue through the Supreme Court and be signed off by the Chair of Council, the Speaker of the House and the President of the Senate.

The roll was taken and the motion failed by the following vote:

|         |  |   |
|---------|--|---|
| YEAS:   | Davis, Fahrenkamp, Jones, Pearce, Szymanski, Uehling and Zharoff | 7 |
| NAYS:   | Cotten and Frank   | 2 |
| ABSENT: | Collins, Davidson, Grussendorf, Navarre and Zawacki              | 5 |

### 3. TELEVISION COVERAGE FOR 17TH LEGISLATURE

Representative Davis requested that Warren Endicott and Mike Harmon evaluate the television responses to the RFP based on the point system outlined in the RFP and report to the Council on Saturday, November 10, 1990.



4. APPROVAL OF RFP'S
  - A. GLENNALLEN LIO LEASE
  - B. HOUSE VAN
  - C. TRAILERS FOR OFFICE MOVES FROM ANCHORAGE AND FAIRBANKS

Senator Fahrenkamp moved that the three RFP's before the Council be approved. There was no objection and the motion passed with unanimous consent.

5. APPOINTMENT TO THE CODE REVISION COMMISSION

Chair Davis indicated that there were two applicants for the vacancy on the Code Revision Commission, Mr. Eric LeRoy and Mr. Ralph E. Duerre. Chair Davis appointed a subcommittee consisting of Senator Uehling and himself to interview the applicants and make a recommendation to the Council at its next meeting.

6. LEGISLATOR'S WITHHOLDING - NEW IRS REGULATIONS

Pam Stoops indicated that the Agency would be required to withhold per the W-4 on file in the Personnel Office or the legislator could submit another W-4 for the \$4,000 allowance. The new regulations require that if the \$4,000 is unaccountable, withholding of approximately \$303 not including taxes will be required; if it is accountable, receipts would be submitted to the Agency up to \$4,000.

Senator Frank moved that the Council approve the unaccountable (withhold a percentage based on the W-4) plan. The members voted with a show of hand and the motion failed by a vote of 6 to 3.

Representative Cotten moved that the Council approve a policy whereby legislators could choose the accountable plan or the nonaccountable plan. There was no objection and the motion passed with unanimous consent.

7. ASSIGNMENT OF GALLAGHER & CO. CONTRACT TO JEFF MALEK

Senator Duncan explained that Mr. Malek had changed employers and the Health Care Cost Containment Task Force wished to stay with him and asked the Council to assign the contract to him. Senator Uehling moved and asked unanimous consent that the Council approve assigning the contract to Mr. Jeff Malek. There was no objection and the motion passed with unanimous consent.

8. OVERSIGHT COUNCIL/TELEVISION COVERAGE

Chair Davis indicated that the Oversight Council subcommittee and television subcommittee still needed to conduct further meetings.

9. PROPOSAL BY GROH, EGGERS AND PRICE

Senator Zharoff asked that the contract between Groh, Eggers and Price be reconsidered when the meeting resumed on Saturday.

10. RECESS UNTIL 1 PM, NOVEMBER 10, 1990

Chair Davis recessed the Council meeting at 4.09 pm until 1 pm on November 10, 1990.

The Council reconvened at 1:40 pm on November 10, 1990 in the Resolution Room of the Captain Cook Hotel. Members present were Davidson, Davis, Fahrenkamp, Jones, Pearce, Szymanski, Uehling and Zharoff. Mr. Endicott participated by teleconference from Juneau.

11. PROPOSAL BY GROH, EGGERS AND PRICE

Senator Zharoff moved that the Council approve a contract with Groh, Eggers and Price not to exceed \$25,000 to challenge the Governor's veto authority on certain reappropriations in Ch. 208, SLA 1990 through the Supreme Court. The motion passed by the following vote:

|        |  |   |
|--------|--|---|
| YEAS   | Davidson, Davis, Fahrenkamp, Jones, Pearce<br>Szymanski, Uehling and Zharoff | 8 |
| NAYS   |  | 0 |
| ABSENT | Collins, Cotten, Grussendorf, Frank,<br>Navarre, Zawacki                     | 6 |

12. TELEVISION COVERAGE OF 17TH LEGISLATURE

Mr. Endicott reviewed the evaluations he and Mr. Harmon had prepared for the four RFP's for television coverage of the 17th Legislature. Mr. Ramblett, ... Grubb, Mr. O'Malley and Mr. Mahan responded to the evaluation of their individual RFP's.

Chair Davis indicated that the subcommittees on the Oversight Council and the television coverage would present their reports at the next Council meeting.

The meeting was adjourned at 2:30 pm.

*Sanders*  
~~422~~414

LEGISLATIVE AFFAIRS AGENCY  
130 Seward Street, Suite 313, Juneau, AK 99801-2197

LEGISLATORS' \$6,000 ANNUAL ALLOWANCE OPTION FORM  
Return this form to the Accounting Office by January 1st of each year.

Please check one of the options below on how you would like your \$6,000 annual allowance payment processed:

Option 1 - Nonaccountable Plan (unvouchered)

Withhold per W-4 on file in Personnel along with medicare & SBS deductions; reportable on W-2.

Option 2 - Accountable Plan (vouchered)

Legislators submit receipts or bills to Accounting up to \$6,000 for expense reimbursement; no withholding; not reportable on W-2.

Signature *Jerry Sanders*

Legislator Name Jerry Sanders  
(Please Print)

Date 1/7/96

PLAINTIFF  
EXHIBIT NO. 4  
ADMITTED   
(CASE NUMBER)

RECEIVED  
JAN 03 1996

L.A.A.  
FISCAL

Nonaccountable plan allowance checks or accountable plan forms and instructions will be delivered the first day of session if this form is received in the Accounting Office by January 1st.

Sanders, Jerry

| Jerry Sanders    |                          | PVN - JES92317        | LC - 263  |           |          |
|------------------|--------------------------|-----------------------|-----------|-----------|----------|
| Annual Allowance |                          | \$6,000.00            |           |           |          |
| Date             | Vendor                   | Item                  | WR Number | WR-amount | Balance  |
| 1/8/96           |                          |                       |           |           | 6,000.00 |
| 1/16/96          | The Print Shop Inc       | printing              | 24679408  | 65.18     | 5,934.82 |
| 1/16/96          | Newspaper machine        | Newspaper             | 24679423  | 10.00     | 5,924.82 |
| 1/16/96          | Campaign & Elections     | subscription          | 24679432  | 29.95     | 5,894.87 |
| 1/16/96          | Reliable Transfer Coffee | Coffee service        | 24679445  | 26.95     | 5,867.92 |
| 1/16/96          | Mailroom                 | Postage               | 955260/11 | 100.00    | 5,767.92 |
| 1/18/96          | Patricia Perez           | reimburse/costco (FW) | 70274242  | 707.18    | 5,060.74 |
| 2/1/96           | Alaska Laundry           | Cleaning              | 24702085  | 9.56      | 5,051.18 |
| 2/2/96           | Print Shop               | Annuncements          | 24710487  | 1895.45   | 3,155.73 |
| 2/9/96           | Nat. Conf. of St. Legis. | Book order            | 24708377  | 31.50     | 3,124.23 |
| 2/23/96          | Lounge                   | food                  | 964930/1  | 14.00     | 3,110.23 |
| 2/23/96          | Rep. Sanders             | reimburse/newspaper   | 24727792  | 20.00     | 3,090.23 |
| 2/23/96          | Scarletts flowers        | flowers               | 24725922  | 70.82     | 3,019.61 |
| 3/7/96           | Mailroom                 | Postage               | 968436/43 | 250.00    | 2,769.61 |
| 3/18/96          | ARWC                     | Membership            | 24751635  | 25.00     | 2,744.61 |
| 3/18/96          | Reliable Transfer        | Coffee                | 24751636  | 28.03     | 2,716.58 |
| 3/18/96          | Lounge                   | food                  | 970431/46 | 40.50     | 2,676.08 |
| 3/18/96          | AK Laundry               | dry cleaning          | 24751637  | 24.13     | 2,651.95 |
| 3/22/96          | Patricia Perez           | Reimburse/coffee      | 24758044  | 18.62     | 2,633.33 |
| 3/29/96          | Friends of NRA           | Banquet               | 24765133  | 25.00     | 2,608.33 |
| 3/30/96          | Friends of NRA           | Banquet               | CANCELLED | (25.00)   | 2,633.33 |
| 4/8/96           | Patricia Perez           | Reimburse/newspapers  | 24775300  | 20.00     | 2,613.33 |
| 4/15/96          | AK Laundry               | Dry Cleaning          | 24782992  | 20.59     | 2,592.74 |
| 4/15/96          | Lounge                   | food                  | 977108/30 | 83.00     | 2,509.74 |
| 5/6/96           | Patricia Perez           | Reimburse/Coffee      | 24707399  | 18.62     | 2,491.12 |
| 5/6/96           | AK Laundry & cleaner     | Laundry bill-april    | 24807401  | 22.88     | 2,468.24 |
| 5/15/96          | Leg Council              | House pin             | 984616/1  | 30.00     | 2,438.24 |
| 5/15/96          | Lounge                   | Food                  | 984616/3  | 111.00    | 2,327.24 |
| 6/5/96           | Northlight Photography   | photo                 | 24841356  | 180.00    | 2,147.24 |
| 6/17/96          | Lounge                   | Food                  | 993881/2  | 119.50    | 2,027.74 |
| 6/25/96          | Miss Scarlett's          | Flowers               | 24868764  | 62.40     | 1,965.34 |
| 6/26/96          | Resource Development     | Membership dues       | 24868796  | 50.00     | 1,915.34 |
| 6/26/96          | Anch Chamber of Comm     | Membership dues       | 24868800  | 110.00    | 1,805.34 |
| 6/27/96          | Motznik Computer Svc     | constituent labels    | 24870825  | 63.45     | 1,741.89 |
| 7/2/96           | Postmaster               | Bulk Mailing          | 70303000  | 256.37    | 1,485.52 |
| 7/3/96           | Print Shop               | Printing              | 24878157  | 565.00    | 920.52   |
| 9/13/96          | Print Shop               | Printing/WRONG VENDOR | REFUNDED  | (565.00)  | 1,485.52 |
| 7/31/96          | Artic Power              | Membership            | 24912049  | 25.00     | 1,460.52 |
| 7/31/96          | Anchorage Daily News     | Subscription          | 24912051  | 30.00     | 1,430.52 |
| 9/6/96           | The Print Shop           | Printing              | 70302993  | 565.00    | 865.52   |

Republican Party of Alaska  
1996 Statewide Precinct Caucuses

Republican Presidential Nominee  
Straw Poll Precinct Caucus Pre-Registration Form

Note: use more than one page if needed, form is due to RPA HQ by 1/12/96 (fax # 907-276-0425)

District Number: 19 District Chairman: Les Syren

Address: P.O. Box 232182 Phone Number(s): 345-3111

Precinct#   Caucus Date   Caucus Time   Caucus Location   StrawPoll Officer in Charge

All precincts\* will have their caucus on 1/29/96 at 7:00 at  
Abbott Loop Christian Center. The officer in charge  
will be Les Syren.

371, 367, 369, 373, 375, 379, 365

PLAINTIFF  
EXHIBIT NO. 5  
ADMITTED   
H916-02  
(CASE NUMBER)

District 19 Precinct Caucus  
Monday, January 29, 1996

The 1996 District 19 Precinct Caucus met at Abbott Loop Community Church on Monday, January 29, 1996. The meeting coincided with the Republican Presidential Straw Poll. Chairman Les Syren called the meeting to order at 8:10 p.m. It began with an Invocation and the Pledge of Allegiance led by Chairman Syren. It was moved and seconded that Roberts Rules of Order be adopted for the meeting.

Mr. Syren explained that the purpose of the caucus was to elect precinct officers along with delegates and alternates to attend the District Convention to be held Saturday, March 16, 1996, at Romig Jr. High School. The cost of \$40.00 includes lunch. District 19 is allowed 108 delegates and 108 alternates to attend the Convention.

With all eight precincts reporting, seventy-seven delegates and sixteen alternates for a total of ninety-three have been elected to the District Convention. The breakdown is as follows:

| Precinct | #of Delegates | #of Alternates | Total # |
|----------|---------------|----------------|---------|
| 365 (19) | 12            | 0              | 12      |
| 367 (10) | 7             | 0              | 7       |
| 369 (11) | 7             | 1              | 8       |
| 371 (8)  | 4             | 0              | 4       |
| 373 (10) | 5             | 2              | 7       |
| 375 (14) | 8             | 6              | 14      |
| 377 (24) | 22            | 0              | 22      |
| 379 (12) | 12            | 7              | 19      |
| Totals   | 77            | 16             | 93      |

Chairman Syren announced that he had tickets for the Lincoln Day Gala. A meeting was announced for those people interested in trying to find a Republican replacement for Democratic State Senator Dave Donley in the upcoming election. The meeting divided into individual precincts at 8:20 p.m.

Respectfully Submitted,

Donna Edmonds, Dist. Secretary

*Donna Edmonds*

Republican Party of Alaska

District: 19  
District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u> | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|---------------------------------|----------------|--------------|
| 1  | DONALD FRITZ                       | 7120 HENDERSON LOOP             | 349 8034       |              |
| 2  | BEN GRUNWALD                       | 7331 BULLEN DR                  | 344-2687       |              |
| 3  | Jonnett Christensen                | 4217 POLLINS TRIVE Anch 99508   | 237-2662       |              |
| 4  | ERNEST L. WOODS III                | 3457 E. 67TH AVE 99507          | 344-5583       |              |
| 5  | Sheri Ruiz                         | 4141 E 10th Ave. 99507          | 344-6614       |              |
| 6  | CONNIE HICE                        | 4035 TONA CIR. 99507            | 349-7933       |              |
| 7  | KARI KORIS-HALL                    | 8931 JUPITER DR 99507           | 346-2624       |              |
| 8  | GARY DIXON                         | 8060 CHIMNEY TREE CIRCLE 99507  | 349-4439       |              |
| 9  | Arvid O. HALL                      | 8931 JUPITER DRIVE 99507        | 346-2626       | 783-2450     |
| 10 | Virginia Hackney                   | 6740 Tiffany Ter 99507          | 344-4604       |              |
| 11 | Therese J. Syren                   | 7027 Lk Otis Anch AK 99507      | 349-5966       | 344-9519     |
| 12 | Elaine M Johnson                   | 6921 Shane Place Anch AK 99507  | 344-1920       |              |
| 13 |                                    |                                 |                |              |
| 14 |                                    |                                 |                |              |
| 15 |                                    |                                 |                |              |

NOTE: FAX THIS FORM WHEN COMPLETE WITH STRAW POLL TALLY SHEET TO RPA HEADQUARTERS AT (907) 276-0425. CALL 276-4467 WITH ANY QUESTIONS.

# SIGN-IN FORM

DATE \_\_\_\_\_ PRECINCT \_\_\_\_\_ 19

Must be a Republican to vote

| Name                          | Mail and Street Address                             | Phone Number | Registration Confirmed |
|-------------------------------|---|--------------|------------------------|
| 1. <i>Theresa Rankin</i>      | 7020 V. Burnum Dr.                                  | 344-2786     | Y/N                    |
| 2. <i>Dwight Rankin</i>       | 7020 V. Burnum Dr.                                  | 344-2786     | Y/N                    |
| 3. <i>Nicki McFeron</i>       | 6381 Neust Dr.                                      | 563-8528     | Y/N                    |
| 4. <i>Scott McFeron</i>       | 6381 Neust Dr.                                      | 563-8528     | Y/N                    |
| 5. <i>Karen Hernandez</i>     | 3531 E 68th Ave                                     | 349 1593     | Y/N                    |
| 6. <i>STEVE STEPHAN</i>       | 7530 - BASSET ST                                    | 522-3959     | Y/N                    |
| 7. <i>Heidi Goris</i>         | 3249 Dail Dr <sup>99507</sup>                       | 562-3856     | Y/N                    |
| 8. <i>Barbara Sarno</i>       | 4424 Zodiack Dr <sup>99507</sup>                    | 346-3720     | Y/N                    |
| 9. <i>Phil King</i>           | 4910 E 104th  | 348-1580     | Y/N                    |
| 10. <i>Robert King</i>        | <del>3201</del> 3201 RAQUET Circle <sup>99507</sup> | 349-9981     | Y/N                    |
| 11. <i>Marianne Titman</i>    | 3201 Raquet Circle <sup>99507</sup>                 | 349-9981     | Y/N                    |
| 12. <i>Hella L. Hill</i>      | P.O. Box 230228 <sup>3841</sup> midvale             | 349-3724     | Y/N                    |
| 13. <i>Matt M. B...</i>       | 3101 Norm Cir <sup>99507</sup>                      | 561-5901     | Y/N                    |
| 14. <i>Carol K...</i>         | 7731 Retham Cir                                     | 349-8257     | Y/N                    |
| 15. <i>ADITHA...</i>          | 7627 Lake Cir. Flaming                              | 349-5966     | Y/N                    |
| 16. <i>Tina C. Davis</i>      | P.O. Bx. 230705                                     | 562-1390     | Y/N                    |
| 17. <i>Tory McL...</i>        | 3300 Dail Dr Arch                                   | 561-2601     | Y/N                    |
| 18. <i>MARLENE DEAN</i>       | 3827 SCOTT ST #2                                    | 561-8101     | Y/N                    |
| 19. <i>Marian</i>             | 7050 Feeley Cir                                     | 349-6496     | Y/N                    |
| 20. <i>Barbara L. Bean</i>    | 8621 Barney Cir                                     | 522-2034     | Y/N                    |
| 21. <i>Charles E. Bean</i>    | 8621 BARNEY Cir                                     | 522-2034     | Y/N                    |
| 22. <i>MIRU VITRICE BROWN</i> | 10551 PACER PLIKE                                   | 346-1546     | Y/N                    |
| 23. <i>Gary J. Priestley</i>  | 2900 Bass Str.                                      | 349-3438     | Y/N                    |
| 24. _____                     |   |              | Y/N                    |
| 25. _____                     |   |              | Y/N                    |

## SIGN-IN FORM

DATE \_\_\_\_\_

PRECINCT \_\_\_\_\_

19

Must be a Republican to vote

| Name                  | Mail and Street Address                           | Phone Number | Registration Confirmed |
|-----------------------|---|--------------|------------------------|
| 1. Eugene Boston      | 3210 - E-42 ave                                   | 561-2506     | Y/N                    |
| 2. Riley F Boston     | 3210 E 42nd Ave                                   | 561-2506     | Y/N                    |
| 3. Kurt Roth          | 7251 Bolen dr.                                    | 349-4260     | Y/N                    |
| 4. Marie Buckley      | 2160 IVAN DR                                      | 522-3865     | Y/N                    |
| 5. Grace Willy        | 4041 E. 84  | 349-2365     | Y/N                    |
| 6. Jerry Kivimaa      | 3130 Uno Cir                                      | 349-3750     | Y/N                    |
| 7. Alvin Kivimaa      | 3130 Uno Cir                                      | 349-3750     | Y/N                    |
| 8. Lino & Wilam       | 3913 LUNN DR #A                                   | 333-4854     | Y/N                    |
| 9. ... ..             | 7139 Henderson Loop                               | 522-5109     | Y/N                    |
| 10. ... ..            | 7139 Henderson Loop                               | 522-5109     | Y/N                    |
| 11. Ross R. ...       | 3721 ... ..                                       | 349-6492     | Y/N                    |
| 12. Bryan V. Lee      | 3771 ... ..                                       | 344-6492     | Y/N                    |
| 13. John R. Myatt     | 5359 F 41st Ave                                   | 337-4738     | Y/N                    |
| 14. Callio Orion      | 3930 ENC Cir                                      | 349-3924     | Y/N                    |
| 15. ... ..            | 3930 Eric Cir                                     | 345-3924     | Y/N                    |
| 16. Betty L. McFadden | 3782 Coventry Dr.                                 | 344-7565     | Y/N                    |
| 17. ... ..            | 3782 Coventry Dr                                  | 344-7565     | Y/N                    |
| 18. ... ..            | 2948 Kimberly Ct                                  | 561-1865     | Y/N                    |
| 19. ... ..            | 2948 Kimberly Ct                                  | 561-1865     | Y/N                    |
| 20. Barbara Robert    | 8330 Spruce ES                                    | 522-2505     | Y/N                    |
| 21. Mary M. Auld      | 8840 Rendon Drive                                 | 344-6924     | Y/N                    |
| 22. ... ..            | PO BOX 230646, 99523-0646<br>9763 New Haven 90507 | 344-9943     | Y/N                    |
| 23. Wayne Edmonds     | 7940 Ladoga<br>Anch. AK. 99507                    | 349-6448     | Y/N                    |
| Donna Edmonds         | 7940 Ladoga<br>Anch. AK 99507                     | 349-6448     | Y/N                    |
| 25. Steven Shearson   | 6786 W. Rochester Dr<br>Anch. AK. 99507           | 338-4113     | Y/N                    |

## SIGN-IN FORM

DATE \_\_\_\_\_

PRECINCT \_\_\_\_\_

19

Must be a Republican to vote

| Name                             | Mail and Street Address  | Phone Number | Registration Confirmed                  |
|----------------------------------|--|--------------|---|
| 1. Martin Carlton                | 8351 Hensy Cir.  | 346-6697     | Y/N                                     |
| 2. Michael WASH                  | 8132 Parkside Cir  | 522-1166     | Y/N                                     |
| 3. PARK, STEVE                   | 6241 Gross Dr.   | 562-2172     | Y/N                                     |
| 4. Pamela Dunfee                 | 3771 Coventry Dr   | 344-6492     | Y/N                                     |
| 5. Shelley Myatt                 | 5359 E. 41 <sup>st</sup> Ave.  | 337-4738     | Y/N                                     |
| 6. Sarah Wimmer                  | 8340 Pokes Circle  | 344-6349     | Y/N                                     |
| 7. Shirley Carr                  | P.O. Box 241252  | 344-1447     | Y/N                                     |
| 8. JAMES P. KERKO                | 8840 Rendon Dr   | 344-6924     | Y/N                                     |
| 9. Sean P Gordon                 | 7700 Virida Lee Circle   | 344-4201     | Y/N                                     |
| 10. Christina P. Parrott         | 5641 E. 98 <sup>th</sup> St.   | 346-1041     | Y/N                                     |
| 11. Martin Conyac                | 8721 Plata Dr.   | 346-1725     | Y/N                                     |
| 12. <del>Louise M. Stokes</del>  | 2111 E 16 <sup>th</sup> St <sup>94507</sup> 3 <sup>rd</sup> Ave N 41 | 344-9898     | <input checked="" type="checkbox"/> Y/N |
| 13. Richard Kerschel             | 3021 Hill Dr   | 563-3632     | Y/N                                     |
| 14. <del>Burt Dugan</del>        | 4433 Wright  | 562-1421     | Y/N                                     |
| 15. <del>Wendy Dugan</del>       | 11362 Hidera Dr Tr 1   | 346-1748     | Y/N                                     |
| 16. <del>Paul Smith</del>        | 7031 S. 4500 Cir   | 349-3301     | Y/N                                     |
| 17. Robert B. Slalley            | 7330 Christopher Cir   | 522-3331     | Y/N                                     |
| 18. <del>Donald C. Hinkley</del> | 7321 Bulen Dr. NE  | 344-2059     | <input checked="" type="checkbox"/> Y/N |
| 19. <del>J. M. H.</del>          | 4040 Coventry  | 344-5375     | <input checked="" type="checkbox"/> Y/N |
| 20. <del>Janet M. H.</del>       | 4040 Coventry  | 344-5375     | Y/N                                     |
| 21. <del>James H.</del>          | 1961 Viburnum  | 522-5057     | <input checked="" type="checkbox"/> Y/N |
| 22. <del>John H.</del>           | 3960 Coventry dr.  | 349-2609     | <input checked="" type="checkbox"/> Y/N |
| 23. Keith Osborn                 | 3719 Corps Cir   | 344-0164     | <input checked="" type="checkbox"/> Y/N |
| 24. Kathy Osborn                 | 3719 Corps Cir   | 344-0164     | <input checked="" type="checkbox"/> Y/N |
| 25. Ken Lowrey                   | 3700 Gary Corp Circle  | 349-6093     | Y/N                                     |

## SIGN-IN FORM

DATE \_\_\_\_\_

PRECINCT \_\_\_\_\_

19

Must be a Republican to vote

| Name                             | Mail and Street Address | Phone Number | Registration Confirmed |
|----------------------------------|-------------------------|--------------|------------------------|
| 1. <del>James J. Jones</del>     | 2411 E 66th #3 Anch AK  | 349-9898     | Y/N                    |
| 2. PAUL CAITE                    | 8850 RIMMON DR 99507    | 344-0134     | Y/N                    |
| 3. JOHN SLOWE                    | 3631 East 42nd CIR 1240 | 563-7742     | Y/N                    |
| 4. <del>M. N. DeLand</del>       | 2303 E 49th CT          | 563-3996     | Y/N                    |
| 5. <del>James DeLand</del>       | 2303 E. 49th Ct.        | 563-7480     | Y/N                    |
| 6. Dennis M. Lindgren            | 5601 Kamao -            | 562-3301     | Y/N                    |
| 7. <del>Robert Anderson</del>    | 5601 JAMAICA ST 99507   | 563-3352     | Y/N                    |
| 8. <del>Anthony Smith</del>      | 7031 Seaside Cir 99507  | 349-3301     | Y/N                    |
| 9. <del>James Shellus</del>      | 7330 Christopher Circle | 522-3321     | Y/N                    |
| 10. <del>Mikko Kerdap</del>      | 3100 Norman Cir         | 562-7186     | Y/N                    |
| 11. Daniel J. Krills             | 7140 Fergu Cir          | 344-9654     | Y/N                    |
| 12. Lu A. Kruis                  | 7140 Fergu Cir          | 344-9654     | Y/N                    |
| 13. <del>Kathleen Schwenk</del>  | 3260 S Circle           | 344-7518     | Y/N                    |
| 14. <del>Jim M. Williams</del>   | 7340 Biederwille Cir    | 522-4629     | Y/N                    |
| 15. <del>John D. Williams</del>  | 7340 Biederwille Cir    | 349-1624     | Y/N                    |
| 16. Jerry Jundt                  | 2620 E 80th #1          | 344-9601     | Y/N                    |
| 17. Victoria Sparger             | 8324 Dahl Drive         | 562-2774     | Y/N                    |
| 18. <del>Dicki O'Higgins</del>   | 8724 Pluto Drive        | 346-3658     | Y/N                    |
| 19. <del>John H. O'Higgins</del> | 8724 PLUTO DRIVE        | 346-3658     | Y/N                    |
| 20. <del>Bob Washburn</del>      | 5650 Fir St.            | 561-8154     | Y/N                    |
| 21. <del>Mike Washburn</del>     | Sher. Fir St            | 561-7154     | Y/N                    |
| 22. <del>Mike Washburn</del>     | 3529 E. 88th Ave        | 344 9409     | Y/N                    |
| 23. <del>Alice J. Jones</del>    | 3700 Gary Cooper Cr.    | 349-6083     | Y/N                    |
| <del>Julia Schubert</del>        | Kano Vande              | 333-0993     | Y/N                    |
| 25. <del>Xavier WAGG</del>       | "                       | " "          | Y/N                    |

# SIGN-IN FORM

DATE \_\_\_\_\_

PRECINCT \_\_\_\_\_

19

Must be a Republican to vote

| Name                          | Mail and Street Address    | Phone Number    | Registration Confirmed                  |
|-------------------------------|----------------------------|-----------------|---|
| 1. <u>YVONNE BALL</u>         | <u>6130 NENAPA PI</u>      | <u>345-1025</u> | <input checked="" type="checkbox"/> Y/N |
| 2. <u>P.L. Odger</u>          | <u>80 to Nadine</u>        | <u>522-4554</u> | <input checked="" type="checkbox"/> Y/N |
| 3. <u>Keith Thompson</u>      | <u>1740 CANTONMENT CT</u>  | <u>349-4224</u> | <input checked="" type="checkbox"/> Y/N |
| 4. <u>Athleen Lyday</u>       | <u>6961 Viburnum</u>       | <u>522-5052</u> | Y/N                                     |
| 5. <u>BLAINE GHAN</u>         | <u>6761 REEDYKE CIRCLE</u> | <u>344-1302</u> | <input checked="" type="checkbox"/> Y/N |
| 6. <u>KEVIN CREASON</u>       | <u>4129 Lana Ct</u>        | <u>333-8439</u> | <input checked="" type="checkbox"/> Y/N |
| 7. <u>Angela Creason</u>      | " "                        | " "             | <input checked="" type="checkbox"/> Y/N |
| 8. <u>Vicki Ghan</u>          | <u>6761 Reedyke</u>        | <u>344-1302</u> | <input checked="" type="checkbox"/> Y/N |
| 9. <u>Debbie Simpson</u>      | <u>6903 - 7th Ave St</u>   | <u>349-4116</u> | Y/N                                     |
| 10. <u>Willie Mae</u>         | <u>3411 E 106</u>          | <u>349-3207</u> | Y/N                                     |
| 11. <u>Patrick C. Cochran</u> | <u>3369 DOLL DR.</u>       | <u>274-9962</u> | Y/N                                     |
| 12. <u>William C Young</u>    | <u>5939 E 38th Ct</u>      | <u>333-5186</u> | Y/N                                     |
| 13. <u>LUANA K. STEEN</u>     | <u>2404 E 48TH</u>         | <u>274-1308</u> | <input checked="" type="checkbox"/> Y/N |
| 14. <u>VICK HARVEY</u>        | <u>311 E 84th</u>          | <u>344-2105</u> | <input checked="" type="checkbox"/> Y/N |
| 15. <u>Wanda</u>              | <u>PROVINCIAL #260</u>     | <u>337-2057</u> | <input checked="" type="checkbox"/> Y/N |
| 16.                           |                            |                 | Y/N                                     |
| 17.                           |                            |                 | Y/N                                     |
| 18.                           |                            |                 | Y/N                                     |
| 19.                           |                            |                 | Y/N                                     |
| 20.                           |                            |                 | Y/N                                     |
| 21.                           |                            |                 | Y/N                                     |
| 22.                           |                            |                 | Y/N                                     |
| 23.                           |                            |                 | Y/N                                     |
| 24.                           |                            |                 | Y/N                                     |
| 25.                           |                            |                 | Y/N                                     |

# SIGN-IN FORM

DATE \_\_\_\_\_

PRECINCT \_\_\_\_\_

19

Must be a Republican to vote

| Name                          | Mail and Street Address                                      | Phone Number | Registrar Confirmed                     |
|-------------------------------|--|--------------|---|
| 1. Sheril Melcher             | 7210 Buley Dr.   | 344-5509     | <input checked="" type="checkbox"/> Y/N |
| 2. Christa Metzger            | 3884 E. 42nd   | 346-3449     | Y/N                                     |
| 3. Tim Metzger                | <del>2507 E. 42nd Anch.</del><br>3449 JUPITER DRIVE ANCH. PR | 346-3449     | Y/N                                     |
| 4. Joel Guenzel               | 8541 Jupiter Dr  | 346-3638     | Y/N                                     |
| 5. Malik Roberts              | 7731 Bethany Cir   | 349-8257     | <input checked="" type="checkbox"/> Y/N |
| 6. <del>Latasha Roberts</del> | P.O. Box 10484   | 344-0565     | Y/N                                     |
| 7. Charles A. Gwynne          | 3529 E 67th Ave  | 349-1336     | Y/N                                     |
| 8. Jerry Sanders              | 6551 Asteland  | 344-9402     | Y/N                                     |
| 9. Carol Rater                | 3701 E. 84   | 344-1708     | Y/N                                     |
| 10. Ethel Sanders             | P.O. Box 23090 Anch.   | 344-9402     | <input checked="" type="checkbox"/> Y/N |
| 11. Xauscha Davis             | P.O. Box 230705 Anch.  | 562-1390     | <input checked="" type="checkbox"/> Y/N |
| 12. Richard Benjamin          | 9321 Stutz Ave   | 3463164      | <input checked="" type="checkbox"/> Y/N |
| 13.                           |  |              | Y/N                                     |
| 14.                           |  |              | Y/N                                     |
| 15.                           |  |              | Y/N                                     |
| 16.                           |  |              | Y/N                                     |
| 17.                           |  |              | Y/N                                     |
| 18.                           |  |              | Y/N                                     |
| 19.                           |  |              | Y/N                                     |
| 20.                           |  |              | Y/N                                     |
| 21.                           |  |              | Y/N                                     |
| 22.                           |  |              | Y/N                                     |
| 23.                           |  |              | Y/N                                     |
| 24.                           |  |              | Y/N                                     |
| 25.                           |  |              | Y/N                                     |

# SIGN-IN FORM

DATE \_\_\_\_\_ PRECINCT \_\_\_\_\_ 19

Must be a Republican to vote

| Name                | Mail and Street Address           | Phone Number | Registration Confirmed                  |
|---------------------|-----------------------------------|--------------|---|
| 1. Richard Hanlin   | 9150 King David Dr                | 522-6726     | Y/N                                     |
| 2. Paula Seely      | 3440 E. 101st Ave                 | 349-3207     | <input checked="" type="checkbox"/> Y/N |
| 3. Sheena Minton    | 8341 Pokey Creek <sup>97507</sup> | 344-2105     | <input checked="" type="checkbox"/> Y/N |
| 4. Darrell Mace     | 3321 MAX CIR #4                   | 561-7871     | Y/N                                     |
| 5. Joseph Mace      | 3321 MAX CIR #4                   | 561-7871     | Y/N                                     |
| 6. Dawn Finn        | 8747 Phoebe Dr                    | 346-3003     | <input checked="" type="checkbox"/> Y/N |
| 7. Zady R Curtis    | 6920 Vehavua Pl. (Cuch)           | 544-5189     | Y/N                                     |
| 8. GEORGE M. HANSEN | 4860 FULKERT ST                   | 563-7578     | <input checked="" type="checkbox"/> Y/N |
| 9. Duic J. Brollier | PO Box 152 Cantwell               | 349-2710     | <input checked="" type="checkbox"/> Y/N |
| 10.                 |                                   |              | Y/N                                     |
| 11.                 |                                   |              | Y/N                                     |
| 12.                 |                                   |              | Y/N                                     |
| 13.                 |                                   |              | Y/N                                     |
| 14.                 |                                   |              | Y/N                                     |
| 15.                 |                                   |              | Y/N                                     |
| 16.                 |                                   |              | Y/N                                     |
| 17.                 |                                   |              | Y/N                                     |
| 18.                 |                                   |              | Y/N                                     |
| 19.                 |                                   |              | Y/N                                     |
| 20.                 |                                   |              | Y/N                                     |
| 21.                 |                                   |              | Y/N                                     |
| 22.                 |                                   |              | Y/N                                     |
| 23.                 |                                   |              | Y/N                                     |
| 24.                 |                                   |              | Y/N                                     |
| 25.                 |                                   |              | Y/N                                     |

Republican Party of Alaska

District: 19

District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>             | <u>Phone #</u>      | <u>Fax #</u> |
|----|------------------------------------|---|---------------------|--------------|
| 1  | WILLIAM KARN                       | 2001 IVAM DR ANCH. 99507                    | 349-7770            |              |
| 2  | Shelley Burbank                    | 4320C Heckmat Dr #5 <sup>99508</sup>        | 338-5807            |              |
| 3  | Woodward Johnson                   | 8920 Winchord St Anchorage <sup>99502</sup> | 349-6036            |              |
| 4  | William H. Remstead                | 4420 View Circle #1 Anch ak                 | 563-8516            |              |
| 5  | <del>William H. Remstead</del>     | <del>4420 VIEW CIR #1 anch ak</del>         | <del>563-8516</del> |              |
| 6  | Larry Hice                         | 4035 Pont cir Anch ak                       | 349-7933            |              |
| 7  | CHRISTA METZGER                    | 2884 E. 42nd Anch 99508                     | 346-3449            |              |
| 8  | Debra S Wakefield                  | 2910 Sunspot Cir 99507                      | 344-8797            |              |
| 9  | Paul Wakefield                     | 2910 Sunspot Cir 99507                      | 314-8797            |              |
| 10 | DEWEY PRINCE                       | 8747 PLUTO DR ANCH AK 99507                 | 346-3003            |              |
| 11 |                                    |   |                     |              |
| 12 |                                    |   |                     |              |
| 13 |                                    |   |                     |              |
| 14 |                                    |   |                     |              |
| 15 |                                    |   |                     |              |

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Republican Party of Alaska

District: 19  
District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>        | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|--|----------------|--------------|
| 1  | Reed Christensen                   | 4217 Rollins Dr. Anch 99508            | 337-2662       | 563-4721     |
| 2  | Ken Meays                          | 1941 Wickham 99507                     | 277-0502       |              |
| 3  | Janet Nitro                        | 8449 JUPITER DR 99507                  | 346-3449       |              |
| 4  | William Swanson                    | 11500 241221 Anch. 99521-1221          | 562-7321       |              |
| 5  | Timothy A. Swancy                  | 5325 E. 40 <sup>th</sup> A ANCH. 99508 | 338-0630       |              |
| 6  | Nancy Britton                      | 6969 Stella Pl 99507                   | 344-2778       |              |
| 7  | Michela F. Boodry                  | 7149 Snow View Dr 99507                | 349-8865       |              |
| 8  |                                    |  |                |              |
| 9  |                                    |  |                |              |
| 10 |                                    |  |                |              |
| 11 |                                    |  |                |              |
| 12 |                                    |  |                |              |
| 13 |                                    |  |                |              |
| 14 |                                    |  |                |              |
| 15 |                                    |  |                |              |

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Republican Party of Alaska

District: 19  
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1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>       | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|---------------------------------------|----------------|--------------|
| 1  | Charles M Conder                   | 4050 Winchester Loop Anch AK 99507    | 522-2758       |              |
| 2  | Barbara Press                      | 8330 Spruce E5 Anch AK 99507          | 522-2505       |              |
| 3  | David J Buckley                    | 3600 E 1st Ave Anchorage AK           | 264-9171       |              |
| 4  | Chloe J Smith                      | 2106 E 67th Ave Anchorage AK          | 522-7600       |              |
| 5  | Genevieve Tuttle                   | 7461 Solarsset Cir Anch AK 99507      | 349-4170       |              |
| 6  | Jim L Doss                         | 7461 Solarsset Cir Anch AK 99507      | 349-4170       |              |
| 7  | Lynn Joseph                        | 3705 Arctic Ave Anchorage AK 99503    | 563-5410       |              |
| 8  | Mary Ellen Bruer                   | 8000 Pinebrook Cir Anchorage AK 99507 | 349-9950       |              |
| 9  | Tobias Ninsger                     | 341 Eric Circle Anchorage AK          | 344-8419       |              |
| 10 | Bob Greenwall                      | 8541 Jupiter Dr Anchorage AK          | 346-3636       |              |
| 11 | JOHN GAMASH                        | 4001 IOWA Cir Anchorage AK            | 349-3857       |              |
| 12 | Richard Satterfield                | 7901 Moose Run Cir Anchorage AK       | 347-7382       |              |
| 13 | Bethanna DeLand                    | 2303 E. 49th Ct. Anchorage AK         | 563-7480       |              |
| 14 | Wynelle D. Pace                    | 3930 E. 66th Ave Anchorage AK         | 344-8191       |              |
| 15 | WILLIAM R. RICHARDSON              | 3930 IOWA CIR. ANCH. AK 99507         | 522-1893       |              |

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Republican Party of Alaska

District: 19

District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-In Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>        | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|--|----------------|--------------|
| 1  | Richard L. Hanlin                  | 9150 King David Dr Anch AK 99507       | 522-6226       | 265-5695     |
| 2  | Marta Lacey                        | 3440 E. 104th Ave Anch AK 99507        | 349-3207       |              |
| 3  | Carol Roten                        | 3701 E. 84th Anchorage, AL. 99507      | 344-1708       |              |
| 4  | CAROL E. ROTENI                    | 3701 E. 84th ANCH. AK 99507            | 344-1708       |              |
| 5  | Marvin Mosen                       | 6631 Eiken Circle Anch 99507           | 344-3031       |              |
| 6  | Grant R. Clark                     | 4021 TANA Circle Anch 99507            | 344-6042       |              |
| 7  | Richard G. HESS                    | 5907 Raymond St Anch 99507             | 561-2752       |              |
| 8  | Jimmie G. Darden                   | 3740 E. 66th Ave Anch. AK 99507        | 522-2292       |              |
| 9  | Tony Y. Scott                      | 1750 New Haven Loop Anchorage AK 99507 | 344-7039       |              |
| 10 | Vicki Ghan                         | 16761 Reedyke Anchorage 99507          | 344-1302       |              |
| 11 | Patrick W. Hall                    | 2210 Sertoy Dr Anchorage AK 99507      | 522-6198       |              |
| 12 | Elizabeth Condon                   | 3529 E. 88th Anch AK                   | 349-4510       |              |
| 13 | Richard Condon                     | 3520 E 88                              | 599-4510       |              |
| 14 | Bonita J. Welsh                    | 4300 Arctic Blvd SP 41                 | 265-3494       |              |
| 15 | Anita K Syren                      | 7027 Lake Otis 99507                   | 349-5966       |              |

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Republican Party of Alaska

District: 19

District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-In Sheet

|    | <u>Name (please write legibly)</u>                      | <u>Complete Mailing Address</u>                   | <u>Phone #</u> | <u>Fax #</u> |
|----|---|---|----------------|--------------|
| 1  | Yveerid Horton  | 8341 Poke Circle Anch AK 99507                    | 344-2105       |              |
| 2  | Yvonne Mack   | 3321 MAX CIR. H4                                  | 470-7871       |              |
| 3  | Martha LaCroix  | 7731 BETHANY CIR                                  | 349-8257       |              |
| 4  | Carson M. Ridelillo                                     | 7020 Parklawn Cir.                                | 347-6521       |              |
| 5  | Richard R. Novak  | 5061 LAUREL                                       | 561-2959       |              |
| 6  | Jeff Scott  | 9752 New Haven Loop Anch AK <sup>99507</sup>      | 344-7239       |              |
| 7  | Mark Boehm  | 8322 TEMPEST ANCH. AK 99507                       | 344-6146       |              |
| 8  | Dinesh Go Chand   | 7521 CRAIGER CT Anch AK 99507                     | 344-1590       |              |
| 9  | <del>LAURENCE W. HEMMESER</del><br>Theodore M. Hemmeser | 2900 BONIFAX #260 ANCHORAGE AK 99504              | 337-2987       |              |
| 10 | Shirley K. Paikowski                                    | 8133 Parkridge Cir. Anchorage <sup>AK</sup> 99507 | 344-3491       |              |
| 11 | Carol L. LaCroix  | 7731 BETHANY CIR 99507                            | 349-8257       |              |
| 12 | Charles E. Bean   | 8621 BARNEY CIR Anch, AK 99507                    | 522-2034       |              |
| 13 | MARY PATRICE BROWN                                      | 10550 PACER PLACE, ANCH, AK 99516                 | 346-1596       |              |
| 14 | JAY M. Johnson  | 3211 Racquet Cir Anch AK 99507                    | 753 6223       |              |
| 15 | Larry Vandegrift  | 7311 Christopher Circle Anch, AK 99507            | 349-1337       |              |

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Republican Party of Alaska

District: 19  
 District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-In Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>        | <u>Phone #</u>                  | <u>Fax #</u> |
|----|------------------------------------|--|---------------------------------|--------------|
| 1  | Robert Donald Cloud                | 9842 Reliance Drive Anchorage AK 99507 | 344-9588                        | 344-9691     |
| 2  | Brian Fritsch                      | 8150 Evans Circle Anchorage AK 99507   | 522-3214                        | —            |
| 3  | Jennifer Hall                      | 2210 Sentra Dr. #5 Anch. 99507         | 522-6198                        |              |
| 4  | William M Froelich                 | 7077 Lake Hills Placem Ala 99507       | <del>349-5966</del><br>349-5966 |              |
| 5  | Zady R Curtis                      | 6920 Valhalla Dr. Anch 99507           | 344-5187                        |              |
| 6  | Marlene H. Dean                    | 3827 SCOTT ST. #2 Anch. AK 99508       | 561-8101                        |              |
| 7  | Gary W. Mariani                    | 7050 FERGUSON Cir Anch AK 99507        | 349-6496                        | Same         |
| 8  | Michael Litman                     | 7351 Duranda Cir Anch AK 99507         | 397-0442                        |              |
| 9  | Gary T. Priestley                  | 2900 Cassis. St. Anch AK 99507         | 349-3435                        |              |
| 10 | Walter M. Hansen                   | 4810 Folker St. Anch. AK 99507         | 523-7518                        |              |
| 11 | Shereka Hansen                     | 4810 Folker St. Anchorage AK 99507     | 523-7518                        |              |
| 12 | Carol Bralier                      | P.O. Box 152 Cantwell AK 99729         | 349-2710                        |              |
| 13 | Daniel Bralier                     | P.O. Box 152 Cantwell AK 99729         | 349-2710                        |              |
| 14 | James Harrison Palmer              | PO Box 230042 ANCH AK 99523            | 344-8156                        |              |
| 15 | John Andriele                      | 6101-boulder dr. Anch AK 99507         | 344-7758                        |              |

NOTE: FAX THIS FORM WHEN COMPLETE WITH STRAW POLL TALLY SHEET TO RPA HEADQUARTERS AT (907) 276-0425. CALL 276-4467 WITH ANY QUESTIONS.

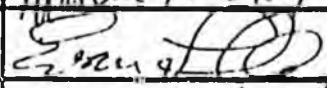
Republican Party of Alaska

District: 19

District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u>  | <u>Complete Mailing Address</u>                             | <u>Phone #</u> | <u>Fax #</u> |
|----|---|---|----------------|--------------|
| 1  | MICHAEL L<br>STOIANOFF  | 4048 WRIGHT, <sup>99508</sup> ANCHORAGE                     | 561-0916       | 51MO         |
| 2  | Michael Vania   | 8930 Ranch Dr.  | 344-7742       |              |
| 3  | PARK, Steven S.   | 6241 Gross Dr., Anch. AK 99507                              | 562-2172       |              |
| 4  | Brett Kloft   | 3160 Rosalind Ln Anch (07)                                  | 522-2290       |              |
| 5  | Nam Ju Park   | 6241 Gross Dr., Anch. AK 99507                              | 562-2172       |              |
| 6  | Denise Swanson  | 4934 Nottingham Wy Anch AK 99503                            | 562-4510       |              |
| 7  | Melissa H. Clay   | 7039 Henderson Loop Anch - AK 99507                         | 522-5109       |              |
| 8  |  | 7039 Henderson Loop, Anch. 99507                            | 522-5709       |              |
| 9  | Karl T. Kuehler   | 3506 E. 66th Ave Anch AK 99507                              | 349-9990       |              |
| 10 | Ronald D. Little  | 7141 FERGUSON CIRCLE  | 522-3786       |              |
| 11 | Bonela P. Dundee  | 3771 Coventry Dr 99507                                      | 344-6492       |              |
| 12 | John R. Dwyer   | P.O. Box 21605 5359 E. 41st Anchorage <sup>99521-1005</sup> | 327-4738       |              |
| 13 | BRAO GREENE   | 3930 ERIC CIR Anch AK 99507                                 | 349-3924       |              |
| 14 | William Wimmer  | 8380 Palmy Circle 99507                                     | 344-6348       |              |
| 15 | JAMES P Parker  | 8840 Ranch Dr 99507   | 344-6924       |              |

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Republican Party of Alaska

District: 19

District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>                | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|--|----------------|--------------|
| 1  | Elisabeth F. Richardson            | 4313 East 9 <sup>th</sup> Ave Anch. AK 99508   | 337-5107       |              |
| 2  | KRISTIE KEELE                      | PO Box 241743                                  | 349-2711       |              |
| 3  | DAVID TANNYR                       | 7700 VIRDA LEE Anch AK 99507                   | 344-4201       |              |
| 4  | Sean P. Gordon                     | 7700 Virda Lee Circle, Anch., AK. 99507        | 344-4201       |              |
| 5  | MORREL ELDON                       | 7651 Pleasures View Circle Anchorage, AK 99507 | 522-6333       | 522-6333     |
| 6  | Steven P. Sharrow                  | 6706 Winchester Dr. Anchorage, AK. 99509       | 338-4113       |              |
| 7  | Deanna M. Plank                    | 4021 Iona Circle, Anchorage AK 99507           | 344-6082       |              |
| 8  | Kelly E. Turner                    | 7680 Virda Lee Anch. AK 99507                  | 3441507        |              |
| 9  | MARVIN L. GOFFENA                  | 7340 BIGLERVILLE Circle, Anchorage 99507       | 522-4629       |              |
| 10 | Roger L. Belson                    | 6700 Eileen Cir Anchorage AK 99507             | 349-9635       |              |
| 11 | RUTH V ANDREWS                     | 7531 Salmonst Circle Anch. AK 99507            | 344-6819       |              |
| 12 | EUGENE T. HAECKER                  | 5627 Tonga St.                                 | 561-2384       |              |
| 13 | Louisa Davis                       | P.O. Box 230705 Anch AK- 99523                 | 562-1390       |              |
| 14 | Therese J. Syren                   | 7027 CK Otis Pkwy Anch AK 99507                | 349-5966       |              |
| 15 | Theresa C. Beyers                  | 9321 State Ave Anch AK 99507                   | 3442164        |              |

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Republican Party of Alaska

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District Chairman: Les Syren

1996 Statewide Precinct Caucuses

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|----|------------------------------------|--|---------------------|--------------|
| 1  | MARIE BUCKLEY                      | 2160 IVAN DR., ANCH. AK. 99507             | 522-3865            |              |
| 2  | PRISCILLA M. PRZYBYLA              | 7327 SPRUCE RD ANCH AK 99507               | 344-0238            |              |
| 3  | <del>M. TERESA F. PRZYBYLA</del>   | <del>4327 SPRUCE RD. ANCH. AK. 99507</del> | <del>344-8731</del> |              |
| 4  | Martin D Carlton                   | 8351 Hengy Cir/ls. 99507                   | 349-6697            |              |
| 5  | Terry Kitamura                     | 3130 Uno Cir 99507                         | 349-3750            |              |
| 6  | Mari Kitamura                      | 3130 Uno Cir 99507                         | 349-3750            |              |
| 7  | THOMAS PITZKE                      | 2620 ECLIND #5 99508                       | (407) 349-5256      |              |
| 8  | Mike Walsh                         | 4132 Parkridge Cir 99507                   | 522-1168            |              |
| 9  | Kurt Roth                          | 7251 Bulandr. N/A 99507                    | 349-4260            |              |
|    | Ross B. Acunese                    | 3771 Coventry Ave 99507                    | 744-6492            |              |
| 11 | Mark Slama                         | 4424 Zodiac Drive 99507                    | 346-3720            | 346-1261     |
| 12 | CHRIS PILLAR                       | PO Box 230646 99523                        | 344-9943            |              |
| 13 | K.R. KUNNERT                       | 9157 CATHEDRAL PL 99507                    | 349-4231            |              |
| 14 | Gregory L. Steffen                 | 7350 Christopher Circle 99507              | 344-2357            |              |
| 15 | Margaret A. Hughes                 | 2627 East 88th Ave 99507                   | 344-8882            |              |

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Republican Party of Alaska

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1996 Statewide Precinct Caucuses

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|----|------------------------------------|---------------------------------------|----------------|--------------|
| 1  | Bryan Dintee                       | 3771 Coventry Dr Anchorage AK 99507   | 344-6492       |              |
| 2  | Shelley Myatt                      | P.O. Box 211605 Anchorage AK 99521    | 337-4738       |              |
| 3  | Orville Green                      | 3930 Eric Cir Anch AK                 | 349-3930       |              |
| 4  | Gasak Williams                     | 8340 Pakey Circle Anch AK             | 344-6349       |              |
| 5  | Mary M. Rubin                      | 8840 Rendon Dr.                       | 344-6924       |              |
| 6  | Imbaca Roberts                     | 8330 Spruce ES                        | 522-2505       |              |
| 7  | W. W. Wanelle                      | 3529 E 88                             | 349-2116       |              |
| 8  | Wayne A. Edmonds                   | 7940 Lidasa Anch. AK 99507            | 349-6448       |              |
| 9  | Harold Bryan                       | 6900 Shore Place                      | 344-2281       |              |
| 10 | Michael R.                         | 3221 Racquet Club                     | 349-3409       |              |
| 11 | Martin Conyac                      | 8721 Pluto Dr.                        | 346-1725       |              |
| 12 | Horia Bryan                        | 6900 Shore Place                      | 344-2281       |              |
| 13 | Lawrence M. Stokes                 | 2411 E 66 Apt 3 Anch AK 99507         | 348-9898       |              |
| 14 | JOHN                               | 8221 Henry Cir. Anch. AK 99507        | 344-1270       |              |
| 15 | Richard G. Wilson                  | 5621 E 97 <sup>th</sup> Anch AK 99546 | 346-3277       |              |

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|----|------------------------------------|---------------------------------------|----------------|--------------|
| 1  | <i>Karen &amp; Steve</i>           | 2411 E 66th #3 Anch, AK 99501         | 349-9898       |              |
| 2  | DAVID L. BRONSON                   | 2721 CRYSTAL BAY CIRCLE Anch AK 99507 | 349-0747       |              |
| 3  | <i>Richard K. Kheel</i>            | 302 230736 ANCH AK 99523              | 563-3632       |              |
| 4  | Stephen C. Prossato                | 6711 Reedyke Cir Anch AK 99507        | 344-9775       |              |
| 5  | LUCINDA DURHAM                     | 4433 WRIGHT #6 99507                  | 562-1421       |              |
| 6  | <i>Burt R. Durham</i>              | 4433 Wright #6 99507                  | 562-1421       |              |
| 7  | <i>M. W. P. P. P.</i>              | 2303 E 49th Ct Anch AK 99507          | 563-7480       |              |
| 8  | Uonica M. Anderson                 | 5601 - Daimon - Anch - AK             | 562-5501       |              |
| 9  | <i>Dave Drocge</i>                 | 8604 SWISE Pl. Anch AK                | 344-3732       |              |
| 10 | Laurabelle Larson                  | 11360 Hildaway Tr. Anch               | 346-1748       |              |
| 11 | Dawn L. Shellen                    | 7330 Christopher Cir 99507            | 522-3321       |              |
| 12 | Michael Keriapp                    | 3100 Norm Cir Anch AK 99507           | 562-7186       |              |
| 13 | Daniel L. Kruis                    | 7140 Fergy Cir Anch AK 99507          | 344-9654       |              |
| 14 | <i>Archie Kruis</i>                | 4244 Lance Drive Anch AK              | 333-0111       |              |
| 15 | JAMES BAISDEN                      | 4244 LANCE DRIVE ANCH AK 99508        | 333-0111       |              |

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Republican Party of Alaska

District: 19  
 District Chairman: Les Syren

1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-In Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>    | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|------------------------------------|----------------|--------------|
| 1  | Vera-Samyn S. Judd                 | 8811 Winchester St Anch 99507      | 907.344.6568   |              |
| 2  | Bruce J. Judd                      | 8811 Winchester St, Anch AK 99507  | 907 344 6568   |              |
| 3  | PAUL COITÉ                         | 8850 REASON DR ANCH AK 99507       | 344-0134       |              |
| 4  | JOHN SLOVE                         | 3631 East 42nd Cir Anch AK 99507   | 563-7742       |              |
| 5  | CHRISTINE R FRANCO                 | PO Box 233004, Anch.               | 316-1011       |              |
| 6  | Janine DeLaud                      | 2303 E. 49th Ct. Anch 99507        | 563-7480       |              |
| 7  | Rodger Anderson                    | 5601 SAMOA ST ANCH 99507           | 563-3352       | SAME         |
| 8  | Rita A. Araege                     | 8604 Aiviee Pl                     | 344-3732       |              |
| 9  | Michael V. Hanson                  | 11360 Hiderway Tr. ANCH. AK. 99516 | 346-1748       |              |
| 10 | Robert B. Shelly                   | 7330 Christopher Cir 99507         | 522-3381       |              |
| 11 | JAN KLUSKA                         | 7736 SNOWVIEW DR                   | 522-5215       |              |
| 12 | LuAnn Kravis                       | 7140 Fergy Cir. 99507              | 344-9654       |              |
| 13 | Jenice Munlean                     | 4040 Coveville, 99507              | 344-5375       |              |
| 14 | Kenneth M. H. Stover               | 7821 Buleen Drive 99507            | 344-2059       |              |
| 15 | Kathy deSchweinitz                 | 3260 S. Circle 99507 9             | 344-7518       |              |

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Republican Party of Alaska

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|----|------------------------------------|---------------------------------------|----------------|--------------|
| 1  | Jacqueline K Sawyer                | 3840 E 65th ANCH 99507                | 349-7486       |              |
| 2  | Bernie SM: FATHER                  | 3782 Coventry Dr ANCH 99507           | 344-7565       |              |
| 3  | Bozly J. McFether                  | 3782 Coventry DR ANCH. 99507          | 344-7565       |              |
| 4  | ROBERT E CARL                      | 7111 B STELLA ANCH                    | 344-1447       |              |
| 5  | Barbara Fagg                       | 5116 Wesleyan Dr Anchorage, AK 99505  | 337-2527       |              |
| 6  | Dorothy Rowland                    | 2948 Kimberly Ct Anch 99508           | 561-1805       |              |
| 7  | Ellen J Rowland                    | 2948 Kimberly Ct Anch 99508           | 561-1805       |              |
| 8  | John S Stout                       | <del>3479</del> -w: 4829 E 43rd 99508 | 338-9587       |              |
| 9  | BERNARD D HOFFMAN                  | 1162 Snowline Circle                  | 563-2171       | 561-2151     |
| 10 | Carol SARTIN                       | 7031 Sealed Air                       | 349-3301       |              |
| 11 | Don Winter                         | 4040 Coventry                         | 344-5375       |              |
| 12 | David Denston                      | 4242 Unacc Dr                         | 337-3627       |              |
| 13 | Cheryl Dine                        | 6808 Spenner St Anchorage 99507       | 52-6451        |              |
| 14 | Jerry Jundt                        | 2620 E 80th                           | 344-9601       |              |
| 15 | Jerry Cosgrove                     | 7806 Moose Run Cir                    | 344-0418       |              |

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Republican Party of Alaska

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|----|------------------------------------|------------------------------------|----------------|--------------|
| 1  | BERNARD BROEGE                     | 8604 SWISS PLACE / ANCH. AK. 99507 | 344-3732       |              |
| 2  | John Repaski, Jr                   | 5029 Vance Dr. Anch. 99508         | 337-1848       |              |
| 2  | Barbara L. Ball                    | 6030 NENANA Pl. Anch 99516         | 345-1025       |              |
| 4  | Richard Lyday                      | 6961 Tebernum Anch 99507           | 522-5052       |              |
| 5  | Joseph Ricotta                     | 11080 MUMBY CIRCLE ANCH. 99516     | 264-3004       |              |
| 6  | Brenda Riordan                     | 11080 Mumby Circle Anch. 99516     | 346-1360       |              |
| 7  | Mary Ann Bradley                   | 7808 Moose Run Cir Anch. AK 99507  | 344-0418       |              |
| 8  | Niki D. Higgins                    | 8724 Pluto Dr. Anch. Ak. 99507     | 346-3658       |              |
| 9  | Ken Higgins                        | 8724 Pluto Dr. " "                 | 346-3658       |              |
| 10 | Kevin Cream                        | 4129 Lana Ct " " 99508             | 333-8439       |              |
| 11 | Allyce Cream                       | Same " " " "                       | " "            |              |
| 12 | Dale Duppre                        | 4040 Vance                         | 333-0942       |              |
| 13 | Aiane MISTAGIC                     | " "                                | " "            |              |
| 14 | Jill Wharton                       | 6903 Meadow St 99507               | 349-4116       |              |
| 15 | Sheri Melcher                      | 7210 Buler Jr. Anch AK 99507       | 344-5509       |              |

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Republican Party of Alaska

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District Chairman: Les Syren

1996 Statewide Precinct Caucuses

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|----|------------------------------------|----------------------------------|----------------------|--------------|
| 1  | DAN WALSH                          | 4600 MARS DR ANCH AK 99507       | 907 346-1859         | Same         |
| 2  | Antonia Scanlin                    | 7031 Saalim Cir " " "            | " 349-3301           | "            |
| 3  | Donald W. Warrior                  | 4621 Piper St C-16 ANCH AK 99507 | " 362-8389           | None         |
| 4  | Stephen L. Pavisli                 | 9141 Claridge Pl., Anch AK 99507 | 344-5396             | —            |
| 5  | Patricia Fike                      | 8951 Foxfair Cir. N, AK 99507    |                      |              |
| 6  | Tim Trout                          | POB 220013 ANCH AK 99522         | 542-5013             |              |
| 7  | Ed Bair                            | 8000 Pmelarock Cir Anch          | —                    |              |
| 8  | Kevin Meyer                        | 7240 Bulew Dr. Anch              | 263-4387             |              |
| 9  | Charlotte Renaud                   | 3369 Dail Dr. Anchorage AK       | 274-9962<br>563-4936 |              |
| 10 | Patrick C. Cochran                 | 3369 Dail Dr Anch AK 99501       | 274-9962             |              |
| 11 | CHUCK ANTHONY                      | POB 110484 A/A 99511             | 344-0565             |              |
| 12 | Alice J. Rowney                    | 3700 Gary Cooper Cr. A/A 99501   | 349-6083             |              |
| 13 | Andrea D. Denny                    | 3529 E 67 <sup>th</sup> Ave      | 349-1336             |              |
| 14 | Keith W Osborn                     | 3719 CORPS Cir. Anch 99507       | 344-0164             |              |
| 15 | W.T. BAGLEY                        | 7161 Miranda Dr, Anch, 99507     | 344-5846             |              |

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Republican Party of Alaska

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1996 Statewide Precinct Caucuses

Straw Poll / Precinct Caucus Sign-in Sheet

|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>    | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|------------------------------------|----------------|--------------|
| 1  | <i>Russell Johnson</i>             | 205 E Dimond #475 Anchorage 99515  | 522-5052       |              |
| 2  | <i>Victoria Sargaret</i>           | 3324 Doil Drive Anchorage AK 99527 | 702-2774       |              |
| 3  | <i>G. Owen Johnson</i>             | 3960 Coventry Dr                   | 349-2609       |              |
| 4  | <i>Ed D. Francis</i>               | P.O. Box 233004 Anchorage AK 99573 | 346-1041       |              |
| 5  | <i>R.L. Odseth</i>                 | 8340 Nodine Anch AK 99507          | 522-4554       |              |
| 6  | <i>Henry Paul Smith</i>            | 3529 E 88th Ave Anch 99507         | 344 7409       |              |
| 7  | <i>Annita L. Lawrence</i>          | 3700 Gary Cooper Circle 99507      | 749-6083       |              |
| 8  | <i>Loretta L. Paulsen</i>          | 7020 Viburnum Dr 99507             | 344-2786       |              |
| 9  | <i>Audrey Paulsen</i>              | 7020 Viburnum Dr 99507             | 344-2786       |              |
| 10 | <i>Kathy Paulsen</i>               | 3719 Parks Cir 99507               | 344-0164       |              |
| 11 | <i>David A. Sadowski</i>           | 9031 King David 99507              | 344-4701       | SAME         |
| 12 | <i>STEVE M. STEFAN</i>             | 7230 - BASSEL ST #2 99507          | 522-3959       |              |
| 13 | <i>William C. Young</i>            | 5939 E 38th Ave Anch AK 99504      | 333-5156       |              |
| 14 | <i>Barbara Slame</i>               | 4424 Zodiac Dr 99507               | 346-3720       |              |
| 15 | <i>ANNITA K. STEEN</i>             | 2404 E. 48TH 99507                 | 274-1320       |              |

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1996 Statewide Precinct Caucuses

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|----|------------------------------------|---------------------------------|----------------|--------------|
| 1  | PERNA Tom                          | 7140 TRAVES CEN. A.A. 99507     | 344-1092       |              |
| 2  | PERNA PAULA                        | 7140 TRAVES CEN A.A. 99507      | 344-1092       |              |
| 3  | WADE D. Lacey                      | 3440 E 166TH ANCH. AK 99507     | 349-3207       |              |
| 4  | Scott B. McFeron                   | 6381 Newt DR. ANCH. AK 99507    | 563-8528       |              |
| 5  | Jerry Sanders                      | PO BOX 23-0090                  | 344-9402       |              |
| 6  | Heidi Goris                        | 3249 Doil Dr Anch AK 99507      | 562-3856       |              |
| 7  | Art Sanders                        | PO BOX 230090 Anch. AK 99523    | 344-9402       |              |
| 8  | Timothy D. King                    | 4956 Cistle Court Anch. 99508   | 337-3033       | 333-4393     |
| 9  | Phil [unclear]                     | 4910 E 104th                    | 346-1586       |              |
| 10 | JOE [unclear]                      | 3321 MAX Circle #4 Anch 99507   | 344-6229       |              |
| 11 | [unclear]                          | 3201 Regent Circle Anch 99507   | 349-9981       |              |
| 12 | Keith Syren                        | 7340 CANTONMENT CT 99507        | 349-4224       |              |
| 13 | David Hackney                      | 6740 Tiffany Anch 99507         | 344-604        |              |
| 14 | Kenneth Ratchle                    | 7620 Rindamer Circle 99507      | 349-6521       |              |
| 15 | Mark F. Sinker                     | 4010 Winchester Loop Anch 99507 | 344-5809       |              |

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Republican Party of Alaska

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1996 Statewide Precinct Caucuses

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|----|------------------------------------|---|---------------------|--------------|
| 1  | ZICK HARVEY                        | PO Box 111834 Anch AK 99511                 | 344-2105            |              |
| 2  | Nicki G. McFerson                  | 10381 Newt Dr. 99507                        | 503-8528            |              |
| 3  | Robert R. Jeltman                  | 3201 Raguet Cir Anch AK 99507               | 349-9981            |              |
| 4  | BLAINE A. GIAN                     | 6761 RIZDALL CIL                            | 344-1302            |              |
| 5  | Karen Ann Hernandez                | 3531 E 68th Anch 99507                      | 349-1593            |              |
| 6  | Stella G. Walker                   | PO Box 230228 Anch, AK 99521                | 349-3724            |              |
| 7  | Michelle K. Kocourek               | 8133 Parkridge Ave Anchorage AK 99507       | 734-3477            |              |
| 8  | Paul MS P. (M.)                    | 3101 Norm Cir Anchorage 99507               | 561-5901            |              |
| 9  | Les Syren                          | mile 536 Old Tidewater Trl C/O Phik AK NONE |                     |              |
| 10 | Gene C. Davis, Jr.                 | P.O. BX. 230705                             | 562-1390            |              |
| 11 | Louy McLennan                      | 3300 Doll Dr Anch                           | 561-2601            |              |
| 12 | Kazuko Bradley                     | P.O. Box 110003 Anch. AK                    | 344-2752            |              |
| 13 | Dee Curtis                         | 6920 VIBURNUM DR ANCH AK                    | 344-5189            |              |
| 14 | Barbara C. Bean                    | 8621 Barney Cir Anch AK                     | 522-2034            |              |
| 15 | <del>Anita K Syren</del>           | <del>7027 Lake Otis Anch AK</del>           | <del>344-5966</del> |              |

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# SIGN-IN FORM

DATE \_\_\_\_\_ PRECINCT \_\_\_\_\_ 19

Must be a Republican to vote

Registration  
Confirmed

| Name                 | Mail and Street Address      | Phone Number | Registration Confirmed                  |
|----------------------|------------------------------|--------------|---|
| 1. POMEROY R. E      | 2824 Kimberley               | 561-0651     | Y/N                                     |
| 2. STOKANOFF         | 4048 WRIGHT ST               | 561-0916     | Y/N                                     |
| 3. Proudfoot C       | 3131 Dos Circles ANCH        | 522-1494     | Y/N                                     |
| 4. Proudfoot C       | 3131 Dos Circles ANCH        | 522-1494     | Y/N                                     |
| 5. Kevin A BROWN     | 10550 PACER PL               | 346 1596     | <input checked="" type="checkbox"/> Y/N |
| 6. MATTHEW A. CRONIN | 8415 JUPITER DR              | 346 3516     | <input checked="" type="checkbox"/> Y/N |
| 7. THOMAS KITZLE     | 2620 F42ND AVE <sup>AS</sup> | (W) 349-5656 | <input checked="" type="checkbox"/> Y/N |
| 8. Michael Vania     | 8930 Rendon Dr               | 344-7742     | <input checked="" type="checkbox"/> Y/N |
| 9. Brett K left      | 3160 Rose Lind LD            | 522-2290     | Y/N                                     |
| 10. KARL KUEHN       | 3506 E 66TH AVE              | 349 9190     | Y/N                                     |
| 11. Ron Little       | 7141 Percy Circle            | 522-3786     | Y/N                                     |
| 12. William W. Wines | 8340 Polkay Cir              | 344 6349     | Y/N                                     |
| 13. ROBERT ELAR      | 71113 STELLA                 | 344-1447     | Y/N                                     |
| 14. Eugene M. Lyon   | 2412 E 50th                  | 563-5972     | Y/N                                     |
| 15. Florence L Eldon | 7651 Pleasure view cir       | 522-1-333    | Y/N                                     |
| 16. Paul W. Wenzel   | 3527 E 58                    | 349-2116     | <input checked="" type="checkbox"/> Y/N |
| 17. Paul M. Condy    | 4050 Winchester LD           | 522-2755     | <input checked="" type="checkbox"/> Y/N |
| 18. Lewis Swan       | 6900 Shore Place             | 344-2281     | Y/N                                     |
| 19. Lewis Swan       | 6900 Shore Place             | 344-3281     | <input checked="" type="checkbox"/> Y/N |
| 20. J. J. Driscoll   | 2721 PIVOTAL BAY Plz         | 349-0747     | <input checked="" type="checkbox"/> Y/N |
| 21. Dave Hachinger   | 6740 Tiffany 99507           | 344-4604     | <input checked="" type="checkbox"/> Y/N |
| 22. Steve Pasquale   | 6711 Reedyke Circle 99507    | 344-9775     | Y/N                                     |
| 23. Lucia Lulliam    | 4433 Wright #6               | 562-1421     | <input checked="" type="checkbox"/> Y/N |
| 24. Rita A. Nease    | 8604 Swerth St.              | 344-3732     | Y/N                                     |
| 25. J. J. Driscoll   | 3601 SW                      | 344-3732     | Y/N                                     |

# SIGN-IN FORM

DATE \_\_\_\_\_ PRECINCT \_\_\_\_\_ 19

Must be a Republican to vote

| Name                           | Mail and Street Address    | Phone Number | Registration Confirmed |
|--------------------------------|----------------------------|--------------|------------------------|
| 1. <sup>LARRY</sup> VandeGrift | 7311 Christopher Circle    | 349-1337     | (Y/N)                  |
| 2. THERESA HANSEN              | 4860 FOLKER ST             | 563-7518     | (Y/N)                  |
| 3. Carol Brellier              | P.O. Box 152 Cottrell, Ark | 349-2710     | (Y/N)                  |
| 4.                             |                            |              | Y/N                    |
| 5.                             |                            |              | Y/N                    |
| 6.                             |                            |              | Y/N                    |
| 7.                             |                            |              | Y/N                    |
| 8.                             |                            |              | Y/N                    |
| 9.                             |                            |              | Y/N                    |
| 10.                            |                            |              | Y/N                    |
| 11.                            |                            |              | Y/N                    |
| 12.                            |                            |              | Y/N                    |
| 13.                            |                            |              | Y/N                    |
| 14.                            |                            |              | Y/N                    |
| 15.                            |                            |              | Y/N                    |
| 16.                            |                            |              | Y/N                    |
| 17.                            |                            |              | Y/N                    |
| 18.                            |                            |              | Y/N                    |
| 19.                            |                            |              | Y/N                    |
| 20.                            |                            |              | Y/N                    |
| 21.                            |                            |              | Y/N                    |
| 22.                            |                            |              | Y/N                    |
| 23.                            |                            |              | Y/N                    |
| 24.                            |                            |              | Y/N                    |
| 25.                            |                            |              | Y/N                    |

Republican Party of Alaska

District: 19

District Chairman: Les Syren

1996 Statewide Precinct Caucuses

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|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>    | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|------------------------------------|----------------|--------------|
| 1  | Donna Edmonds                      | 7940 Ladasa 99507                  | 349-6448       |              |
| 2  | John R. Ingler                     | 3221 Racquet Circle 99507          | 349-3409       |              |
| 3  | William Scott                      | 6321 North Star Anch 99507         | 562-3753       |              |
| 4  | Shirley Ann                        | P.O. Box 241252 Anch 99524         | 344-1447       |              |
| 5  | Arnell W. Jarry                    | 5116 West Lynn Dr Anch 99508       | 337-2527       |              |
| 6  | Joe C. Mahy                        | 7111 Spruce St. Anchorage AK 99501 | 344-5181       | 344-6172     |
| 7  | Kristen L. Marky                   | 7111 Spruce St Anchorage, AK 99507 | 344-5181       | 344-6172     |
| 8  | Beverly Giles                      | P.O. Box 243312 99524              | 562-7526       | 563-9893     |
| 9  | Linda L. Welsh                     | 4600 Mars Dr. Anchorage AK 99507   | 346-1859       | SAME         |
| 10 | John C. Minix                      | 3941 Eric Cir Anch. AK 99507       | 344-8419       | 563-3634     |
| 11 |                                    |                                    |                |              |
| 12 |                                    |                                    |                |              |
| 13 |                                    |                                    |                |              |
| 14 |                                    |                                    |                |              |
| 15 |                                    |                                    |                |              |

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|    | <u>Name (please write legibly)</u> | <u>Complete Mailing Address</u>                 | <u>Phone #</u> | <u>Fax #</u> |
|----|------------------------------------|---|----------------|--------------|
| 1  | RICHARD L Whitbeck Jr              | 7741 Hill View Cir                              | 337-8868       | same.        |
| 2  | Patricia H. Leatherby              | P.O. Box 232173 HA 523                          | 274-2562       |              |
| 3  | Roxolane E. Pomroy                 | 2824 Kimberlie Court                            | 561-0651       |              |
| 4  | Evagene Boston                     | 3210 - E-42 <sup>nd</sup> Ave, Anch, AK         | 561-2506       |              |
| 5  | Billy F Boston                     | 3210 E 42 <sup>nd</sup> Ave Anch, AK            | 561-2506       |              |
| 6  | CHESTER L. Proudfoot               | 3131 Dos Circle, Anch. AK                       | 522-1494       |              |
| 7  | Martha C Proudfoot                 | 3131 Dos Circle                                 | 522-1494       |              |
| 8  | Weston N. Shreeve                  | 7811 Snow View DR Anch, AK                      | 522-1459       |              |
| 9  | Dixie D. Dixon                     | 4829 E. 43 <sup>rd</sup>                        | 338-9587       |              |
| 10 | Hope Vin                           | 4041 E. 84 <sup>th</sup>                        | 399-2305       |              |
| 11 | MATHEW CRONIN                      | 8415 Jupiter Dr. Anchorage AK                   | 346 3916       |              |
| 12 | CARL J. KOENIGER                   | 3232 Wolcott Circle, Apt #2 Anchorage, AK 99507 | 907) 563 4562  |              |
| 13 |                                    |   |                |              |
| 14 |                                    |   |                |              |
| 15 |                                    |   |                |              |

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Michael Miser  
3457 E. 67th Ave.  
Anchorage, AK 99507

APR 19 1996  
REC'D  
H 96-02

April 19, 1996

Alaska State Legislature  
Select Committee on Legislative Ethics  
P.O. Box 101468  
Anchorage, AK 99510-1468

**CONFIDENTIAL**

Dear Committee Members:

As provided in your complaint procedure, please accept this document in lieu of the complaint form provided in Appendix H to your Standards of Conduct Handbook. Information in this document will be provided in the same order as suggested by that form.

This complaint, as explained to me by your assistant, Susan Barnett, is for me to convey to you what I feel *may* be a violation of the ethics laws of the State of Alaska. I am not an attorney, and have no legal training or authority, but I find the term "alleging," as used on the suggested form ("Complaint Alleging a Violation of the Legislative Ethics Law"), to be a bit stern and intimidating. I file this complaint because I wish to point out a set of existing conditions, and ask for you, the members of the Committee, to decide if these conditions constitute a breach of the Legislative Ethics Law.

So much for semantics.

This complaint is filed against Rep. Jerry Sanders.

The action I feel violates the Legislative Ethics Law took place on or about March 4, 1996.

There are two portions of the Legislative Ethics Law that I feel may have been violated.

Sec. 24.60.030 a.2: A legislator or legislative employee may not use public funds, facilities, equipment, services, or another government asset or resource for a nongovernmental purpose or for the private benefit of either the legislator, legislative employee, or another person...

Sec. 24.60.030 a.5: A legislator or legislative employee may not use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning...

The description of activities I feel are in violation of one or both of these sections follows

My roommate, Ernest Woods, participated in the Alaska Republican Party's presidential straw poll held earlier this year. Mr. Woods is a registered Republican.

On or about March 7, 1996, Mr. Woods received a letter (enclosed) from Mr. Sanders. After reading the letter, he told me of its content and gave it to me, after which I contacted your committee's office in Anchorage.

The return address on the envelope (also enclosed) was "Representative Jerry Sanders, State Capitol, Room 13, Juneau, Alaska." This was not a letter from his political organization, "Friends of Jerry Sanders." The postage paid was .32 (full postage, not bulk mail) from metered mail #6128010. The letter was postmarked in Juneau on March 5

|                                   |
|-----------------------------------|
| <b>PLAINTIFF</b>                  |
| EXHIBIT NO. <u>6</u>              |
| ADMITTED <input type="checkbox"/> |
| <u>H96-02</u>                     |
| (CASE NUMBER)                     |

The letter itself was printed on Alaska State Legislature letterhead, and was marked "Official Business." The full content of the letter is as follows:

Dear Ernest,

I would like to take this opportunity to thank you for your participation in the first presidential straw poll to be held in Alaska. Not only have we broken new ground historically, politically we have gained prestige on the national level.

It was exciting to learn that District 19's participation was among the strongest areas to go out and cast a vote for a presidential candidate. With the inclement weather to deal with, I really appreciate the interest shown by my fellow Republicans.

Seeing a lot of you in the halls of the polling station within my district was indeed a pleasure. If I didn't get a chance to talk with you, please accept my apology.

I have always held in high regard those people who will go that "extra mile" to do what is needed. Taking the time out of your busy schedule to fulfill your civic duty is greatly appreciated.

With warm regards, I remain

[signed]

Representative Jerry Sanders

At the end of the letter are the typist's marks, "JS:jl"

I feel that the preparation and/or distribution of the enclosed letter may constitute the use of "... public funds, facilities, equipment, services, or another government asset or resource for a nongovernmental purpose," which is prohibited by the Legislative Ethics Law. It may or may not violate the other cited section, depending on whether or not you feel the content of the letter constitutes "campaigning." There is a definite political advantage to contacting voting Republicans in an election year. The message reminds those voting Republicans of the incumbent's name and position as chair of the Economic Development Committee. At very least, however, the letter has only nongovernmental content.

The political process and the political parties involved are *not* a part of our government. They are a means for the governed public to influence the government. The Republican Party is *not* a part of our government. To use state funds and/or resources (including computers, software, employees, paper, or envelopes) to thank "fellow Republicans" for their participation in a Republican Party function is not a part of the official business of the government. The entire affair is nongovernmental.

This was a straw poll for the presidential nomination. The presidency of the United States Government is definitely not an official concern of the Alaska State Government.

I see nothing in the letter that addresses a single issue that is a concern of the Alaska State Legislature, the Economic Development Committee, Labor and Commerce, or Transportation. All I see in the letter is a pat on the back to Mr. Sanders' fellow party members.

There are a few reasons that I feel it likely that Alaska State funds or resources of some sort may have been used. As the letter is marked "Official Business," shows typist's marks, and was mailed from Juneau, it seems unlikely that it was produced by Mr. Sanders' political orga-

nization in Anchorage. (If so, APOC stipulates that the letter must be marked, "Paid for by Friends of Jerry Sanders." It is not so marked.)

The letter was personally addressed to Mr. Woods, it did not say "Dear Voter" or the like. This indicates that each letter was printed, and that xerography was not used. That, along with the Juneau mailing address, makes me assume that Mr. Sanders' personal print shop was not used.

I am familiar with computer operations. This was more than likely a letter printed on a laser printer by merging the contents of a word processor with a database generated by the polling records. But someone typed that letter. Someone printed the letter on someone's laser printer and stuffed it into an envelope. All of this involves labor and equipment. Even if the cost of the letterhead, envelopes, and postage came from Mr. Sanders' office account, someone did the labor, and someone supplied the equipment.

When investigating an earlier publication of Mr. Sanders, I found the accounting facts easy to obtain from the Legislature's accounts payable office. I have not yet had the time to learn from which account this letter was mailed, nor how many more like it (if any) were sent to District 19 Republicans. I can only assume that there was more than one of these letters sent to participants in the Republican straw poll.

Even if your committee does not find these actions contrary to the law as you interpret it, you must at least admit this is *wrong*. Even the indication that a legislator is passing out his party's thanks as "Official Business" is wrong. If the current laws as you perceive them *do* allow a legislator to conduct nongovernmental business while posing as a representative of our government, then our laws are too weak, and specific legislative guidelines should be developed to prevent the use of State resources for this type of political communication.

Sincerely,



Michael E. Miller  
3457 E. 67th Avenue  
Anchorage, AK 99507  
Home 522-8524  
Day 265-8791

Attachments:

1. Letter from Rep. Sanders, 3/4/96
2. Envelope received with that letter

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

*[Signature]*

4/19/96

Michael E. Miller

Date

Subscribed and sworn to before me this 19<sup>th</sup> day of April in the year 1996.

*[Signature]*

LANA DECKER

Notary Public

(Printed Name)

State of AK

Judicial District 3rd

Commission Expires 11/15/96



Official Business

COMMITTEES  
LABOR and Commerce  
Transportation

# Alaska State Legislature

## Chairman - Economic Development Committee

REPRESENTATIVE  
**JERRY SANDERS**  
District 19Anchorage  
716 W 4th Ave.  
Anchorage, AK 99501  
(907) 258-8199State Capitol  
Juneau, AK 99801  
(907) 485-4045

March 4, 1996

Ernest Woods, III  
3457 E 67th Ave  
Anchorage, AK 99507-2333

Dear Ernest,

I would like to take this opportunity to thank you for your participation in the first presidential straw poll to be held in Alaska. Not only have we broken new ground historically, politically we have gained prestige on the national level.

It was exciting to learn that District 19's participation was among the strongest areas to go out and cast a vote for a presidential candidate. With the inclement weather to deal with, I really appreciate the interest shown by my fellow Republicans.

Seeing a lot of you in the halls of the polling station within my district was indeed a pleasure. If I didn't get a chance to talk with you, please accept my apology.

I have always held in high regard those people who will go that "extra mile" to do what is needed. Taking the time out of your busy schedule to fulfill your civic duty is greatly appreciated.

With warm regards, I remain

A handwritten signature in cursive script, appearing to read "Jerry Sanders".

Representative Jerry Sanders

JS:jl

**Representative Jerry Sanders**  
State Capitol, Room 13  
Juneau, Alaska 99801-1182



4722 533



**ALASKA STATE LEGISLATURE**  
PERSONNEL OFFICE

130 S. Seward, Suite 311  
Juneau, Alaska 99801  
907-465-3854

October 17, 1996

Select Committee on Legislative Ethics  
Attn: Susan Barnett  
P.O. Box 101468  
Anchorage, AK 99510-1468

Dear Ms. Barnett:

Enclosed are the records you requested. Information in these records is considered confidential under Legislative Affairs Agency policy and is being released pursuant to subpoena by the Select Committee on Legislative Ethics.

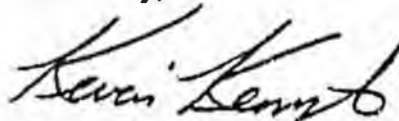
Ms. Lovell was an employee during the period of January 29, 1996 through March 5, 1996. She was employed as a Legislative Administrative Assistant at range 19F. Her salary was \$2,155 per semi-monthly pay period. During this period no leave was reported for Ms. Lovell.

The majority of personnel and payroll records are maintained in an automated computer program operated by the State of Alaska, Department of Administration. For the dates indicated in the subpoena there were no payroll records placed in her personnel file folder.

The enclosed records consist of screen prints from computer database files and copies of payroll reports and a copy of the manual leave record. Because the data is cryptic, it is difficult to read for someone not associated with payroll processing, therefore, I am including an extra copy with an explanation of pertinent entries on each.

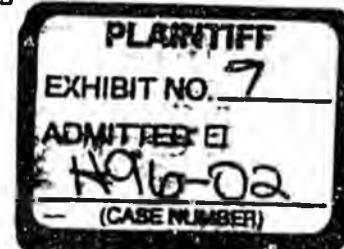
A copy of this letter and an identical set of these documents are being mailed to Ms. Lovell and given to Agency counsel advising on this matter. If you have questions, please let me know.

Sincerely,



Kevin Kempton  
Human Resource Manager

Enclosures







**ALASKA STATE LEGISLATURE**  
**LEGISLATIVE AFFAIRS AGENCY**  
*Personnel Office*

130 Seward St., Suite 311  
Juneau, AK 99801-2197  
907-465-3854  
Fax: 465-3234

**MEMORANDUM**

To: Susie Barnett  
Ethics Committee

From: Kris Drouillard *AD*  
Personnel Assistant

Date: October 11, 1996

RE: Representative Sander's Staff

Here is your request for staff names and dates of employment for Representative Sander's office.  
This the staff for 1996:

Jeanne Lovell: 1/1/96 to present

Jerry Ward: 1/1/96 to 5/31/96 (separated)

Patrice Perez: 1/5/96 to 5/11/96 (layoff)

Margaret Ward: 6/10/96 to 9/4/96 (layoff)

Isabelle White: 9/5/96 to present

Staff for July and August were: Jeanne Lovell and Margaret Ward

Should you need more information, please do not hesitate to call.



**NINETEENTH  
ALASKA STATE LEGISLATURE  
Second Session, 1996**

2/1/96

| Employer  | Staff                    | Phone    | Location         | Fax      |
|---|--------------------------|----------|------------------|----------|
| ROBINSON, CAREN<br><i>Representative</i><br>Democrat, Dist 4                        | Kattaryna Stiles Bennett | 465-3744 | Capitol Room 114 | 465-6790 |
|   | Carla Timpone            | 465-6828 | Capitol Room 114 |          |
| ROKEBERG, NORMAN<br><i>Representative</i><br>Republican, Dist. 11<br>H Oil & Gas Ch | Shirley Armstrong        | 465-4968 | Capitol Room 110 | 465-2040 |
|   | Carrie Baxter            | 465-4968 | Capitol Room 110 |          |
|   | Mia Costello             | 465-4968 | Capitol Room 110 |          |
| SALO, JUDITH<br><i>Senator</i><br>Democrat, Dist E                                  | Andrew Mack              | 465-4940 | Capitol Room 504 | 465-3766 |
|   | Bruce Richards           | 465-4940 | Capitol Room 504 |          |
| SANDERS, JERRY<br><i>Representative</i><br>Republican, Dist. 19<br>H Econ Dev Ch    | Jeanne Lovell            | 465-4945 | Capitol Room 414 | 465-3476 |
|   | Patricia Perez           | 465-4945 | Capitol Room 414 |          |
|   | Jerry Ward               | 258-8199 | Anchorage        |          |
| SECURITY  | Norm Carson              | 485-2479 | Ground Floor     |          |
|   | Tom Lopez                | 485-2479 | Ground Floor     |          |
|   | Brian Rainick            | 465-2479 | Ground Floor     |          |
| SELECT COMMITTEE ON<br>LEGISLATIVE ETHICS   | Susie Barnett            | 258-8172 | Anchorage        | 258-2106 |
| SENATE FINANCE STAFF  | Kathy Holmquist          | 465-2618 | Capitol Room 520 | 465-2187 |
|   | Quentin Simeon           | 465-6815 | Capitol Room 520 |          |
|   | Jerry Lee Soltani        | 465-4935 | Capitol Room 520 |          |
| SENATE FLOOR STAFF  | William Arthur           | 465-4987 | Senate Chambers  |          |
|   | Sanya Bailey             | 465-4987 | Senate Chambers  |          |
|   | Carol Davis              | 465-4987 | Senate Chambers  |          |
|   | Mike Davis               | 465-4987 | Senate Chambers  |          |
|   | Ethan Falatko            | 465-4987 | Senate Chambers  |          |
|   | Adam Johnson             | 465-4987 | Senate Chambers  |          |
|   | Zeb Strong               | 465-4987 | Senate Chambers  |          |
|   | Rose Sturgis             | 465-4987 | Senate Chambers  |          |
| SENATE MAJORITY   | Wendy Lindskoog          | 465-4993 | Capitol Room 111 | 465-3872 |
|   | Ted Popely (shared)      | 465-4993 | Capitol Room 111 |          |
|   | Stephanie Szymanski      | 465-4993 | Capitol Room 111 |          |
|   | Ronda Thompson           | 465-4993 | Capitol Room 111 |          |
|   | Laura Williams           | 465-4993 | Capitol Room 111 |          |
|   | Jo Fenety                | 258-8187 | Capitol Room 111 |          |



**STATE OF ALASKA**  
Alaska State Legislature

Rec'd - Oct. 16, 96  
*L.B.H.*

*Administrative Services Division  
130 Seward Street, Suite 313  
Juneau, Alaska 99801-2197  
Ph. 465-3852 - Fax 465-3234*

**DATE:** October 15, 1996

**TO:** Susie Barnett, Staff  
Select Committee on Legislative Ethics

**FROM:** *Karla Schofield*  
Karla Schofield, Deputy Director  
Administrative Services  
Legislative Affairs Agency

**SUBJ:** Information Request

Enclosed, per your request, are copies of Representative Sanders Office Account Records for the time period beginning January 1, 1996 to present.

You have also asked for records related to any mailings from Representative Sanders on March 5, 1996. Our records show that \$76.48 was charged to Representative Sanders' Juneau Mailroom Account on March 5, 1996 for mailing 239 pieces of mail.

cc: Representative Jerry Sanders

*Note from S. Barnett  
10.16.96 - I contacted Karla Schofield to ask  
if the entire packet had been provided to  
Rep. Sanders. She stated that it had been.*



Hard copy  
of computer  
documents  
subject to  
subpoena

«DATA HD:Desktop Folder:poll»

March 4, 1996

«first\_name» «last\_name»  
«mailing\_address»  
«mailing\_city», AK «mailing\_zip»

Dear «first\_name»,

I would like to take this opportunity to thank you for your participation in the first presidential straw poll to be held in Alaska. Not only have we broken new ground historically, politically we have gained prestige on the national level.

It was exciting to learn that District 19's participation was among the strongest areas to go out and cast a vote for a presidential candidate. With the inclement weather to deal with, I really appreciate the interest shown by my fellow Republicans.

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With warm regards, I remain

Representative Jerry Sanders

J[S:j]



First\_Name.Last\_Name.Mailing\_Address.Mailing\_City.Mailing\_Zip  
 "Rodger","Anderson","5601 Samoa St","Anchorage","99507-1832"  
 "Venice","Anderson","5601 Samoa St","Anchorage","99507-1832"  
 "Ruth","Andrews","7531 Solarset Cir","Anchorage","99507-2884"  
 "Charles","Anthony","PO Box 110484","Anchorage","99511-0484"  
 "Sidney","Armistead","4420 View Cir Apt 1","Anchorage","99507-1501"  
 "Yoshie","Armistead","4420 View Cir Apt 1","Anchorage","99507-1501"  
 "William","Bagron","7161 Miranda Dr","Anchorage","99507-5107"  
 "Mary","Baier","8000 Pinebrook Cir","Anchorage","99507-3278"  
 "Edward","Baier","8000 Pinebrook Cir","Anchorage","99507-3278"  
 "Charles","Bean","8621 Barney Cir","Anchorage","99507-3686"  
 "Barbara","Bean","8621 Barney Cir","Anchorage","99507-3686"  
 "Roger","Belson","6700 Eileen Cir","Anchorage","99507-2224"  
 "Michela","Boodry","7649 Snow View Dr","Anchorage","99507-3077"  
 "Evagene","Boston","3210 E 42nd Ave","Anchorage","99508-5417"  
 "Billy","Boston","3210 E 42nd Ave","Anchorage","99508-5417"  
 "Peggy","Brennan","PO Box 241221","Anchorage","99524-1221"  
 "Nancy","Britton","7011 Stella Pl","Anchorage","99507-2455"  
 "Verna","Bryan","6900 Shane Pl","Anchorage","99507-2500"  
 "Harold","Bryan","6900 Shane Pl","Anchorage","99507-2500"  
 "Marie","Buckley","2160 Ivan Dr","Anchorage","99507-2117"  
 "Shelley","Burbank","4318 Checkmate Dr Apt 18","Anchorage","99508-5736"  
 "Clinton","Caress","6808 Spruce St","Anchorage","99507-2551"  
 "Paul","Carlson","8221 Henry Cir","Anchorage","99507-3254"  
 "Martin","Carlton","8351 Henry Cir","Anchorage","99507"  
 "Shirley","Carr","PO Box 241252","Anchorage","99524-1252"  
 "Robert","Carr","PO Box 241252","Anchorage","99524-1252"  
 "Jonnett","Christensen","4217 Rollins Dr","Anchorage","99508-5637"  
 "Reed","Christensen","4217 Rollins Dr","Anchorage","99508-5637"  
 "Grant","Clark","4021 Iona Cir","Anchorage","99507-3341"  
 "Deanna","Clark","4021 Iona Cir","Anchorage","99507-3341"  
 "Marcia","Clay","7039 Henderson Loop","Anchorage","99507-2540"  
 "Evan","Clay","7039 Henderson Loop","Anchorage","99507-2540"  
 "Patrick","Cochran","3369 Doil Dr","Anchorage","99507-2066"  
 "Elizabeth","Congdon","3529 E 88th Ave","Anchorage","99507-3915"  
 "Richard","Congdon","3529 E 88th Ave","Anchorage","99507-3915"  
 "Martin","Conyac","8721 Pluto Dr","Anchorage","99507-3738"  
 "Paul","Cote","8850 Rendon Dr","Anchorage","99507-3973"  
 "Angela","Creason","4129 Lana Ct","Anchorage","99508-5634"  
 "Kevin","Creason","4129 Lana Ct","Anchorage","99508-5634"

"Matthew", "Cronin", "8415 Jupiter Dr", "Anchorage", "99507-3704"  
"Zady", "Curtis", "6920 Viburnum Dr", "Anchorage", "99507-2470"  
"Jimmie", "Darden", "3740 E 66th Ave", "Anchorage", "99507-2324"  
"Gene", "Davis", "PO Box 230705", "Anchorage", "99523-0705"  
"Lourdes", "Davis", "PO Box 230705", "Anchorage", "99523-0705"  
"David", "De Chambeau", "8521 Craiger Ct", "Anchorage", "99507-3640"  
"Jannis", "De Land", "2303 E 49th Ct", "Anchorage", "99507-1401"  
"Michael", "De Land", "2303 E 49th Ct", "Anchorage", "99507-1401"  
"William", "De Schweinitz", "3260 South Cir", "Anchorage", "99507-3961"  
"Kathryn", "De Schweinitz", "3260 South Cir", "Anchorage", "99507-3961"  
"Gary", "Dixon", "8060 Chipper Tree Cir", "Anchorage", "99507-3300"  
"Jim", "Doss", "7461 Solarset Cir", "Anchorage", "99507-2884"  
"Rita", "Droege", "8604 Swiss Pl", "Anchorage", "99507-3655"  
"David", "Droege", "8604 Swiss Pl", "Anchorage", "99507-3655"  
"Ross", "Dunfee", "3771 Coventry Dr", "Anchorage", "99507-3332"  
"Pamela", "Dunfee", "3771 Coventry Dr", "Anchorage", "99507-3332"  
"Bryan", "Dunfee", "3771 Coventry Dr", "Anchorage", "99507-3332"  
"Lucinda", "Durham", "4433 Wright St Lot 6", "Anchorage", "99507-1143"  
"Burt", "Durhan", "4433 Wright St Lot 6", "Anchorage", "99507-1143"  
"Donna", "Edmonds", "7940 Ladasa Pl", "Anchorage", "99507-3052"  
"Wayne", "Edmonds", "7940 Ladasa Pl", "Anchorage", "99507-3052"  
"Morrel", "Eldon, Jr.", "7651 Pleasure View Cir", "Anchorage", "99507-3073"  
"Lois", "Eychaner", "PO Box 111450", "Anchorage", "99511-1450"  
"Barbara", "Fagg", "5116 Wesleyan Dr", "Anchorage", "99508-4830"  
"Patricia", "Fike", "8451 Fox Lair Cir", "Anchorage", "99507-3668"  
"Beth", "Fritsch", "8150 Evans Cir", "Anchorage", "99507-3248"  
"Donald", "Fritz", "7120 Henderson Loop", "Anchorage", "99507-2543"  
"Wyn", "Froelich", "7027 Lake Otis Pky", "Anchorage", "99507-2481"  
"John", "Gamash", "4001 Iona Cir", "Anchorage", "99507-3341"  
"Vicki", "Ghan", "6761 Reedyke Cir", "Anchorage", "99507-2216"  
"Blaine", "Ghan", "6761 Reedyke Cir", "Anchorage", "99507-2216"  
"Joy", "Goffena", "7340 Biglerville Cir", "Anchorage", "99507-2885"  
"Marvin", "Goffena", "7340 Biglerville Cir", "Anchorage", "99507-2885"  
"Mark", "Goodman", "8920 Tempest Cir", "Anchorage", "99507-3969"  
"Alain", "Goris", "3249 Doil Dr", "Anchorage", "99507-2063"  
"Heidi", "Goris", "3249 Doil Dr", "Anchorage", "99507-2063"  
"Julie", "Green", "3930 Eric Cir", "Anchorage", "99507-3967"  
"Bradley", "Green", "3930 Eric Cir", "Anchorage", "99507-3967"  
"Joel", "Grunwaldr", "8541 Jupiter Dr", "Anchorage", "99507-3706"  
"Ardra", "Gump", "3529 E 67th Ave", "Anchorage", "99507-2335"

"Virginia", "Hackney", "6740 Tiffany Ter", "Anchorage", "99507-2212"  
"David", "Hackney", "6740 Tiffany Ter", "Anchorage", "99507-2212"  
"Eugene", "Hasccker", "5627 Tonga St", "Anchorage", "99507-1855"  
"Richard", "Hanlin", "9150 King David Dr", "Anchorage", "99507"  
"George", "Hansen", "4860 Folker St", "Anchorage", "99507-1469"  
"Theresa", "Hansen", "4860 Folker St", "Anchorage", "99507-1469"  
"Richard", "Harvey", "PO Box 111834", "Anchorage", "99511-1834"  
"Richard", "Hebb", "5907 Raymond Dr", "Anchorage", "99507-1828"  
"Karen", "Hernandez", "3531 E 68th Ave", "Anchorage", "99507-2519"  
"Larry", "Hice", "4035 Iona Cir", "Anchorage", "99507-3341"  
"Connie", "Hice", "4035 Iona Cir", "Anchorage", "99507-3341"  
"Kent", "Higgins", "8724 Pluto Dr", "Anchorage", "99507-3739"  
"Niki", "Higgins", "8724 Pluto Dr", "Anchorage", "99507-3739"  
"Ronald", "Hightower", "7321 Bulen Dr", "Anchorage", "99507-2882"  
"Keith", "Hoopman", "7340 Cantonment Ct", "Anchorage", "99507-2838"  
"Brenda", "Hoopman", "7340 Cantonment Ct", "Anchorage", "99507-2838"  
"Marjorie", "Hughes", "3627 E 88th Ave", "Anchorage", "99507-3917"  
"Elaine", "Johnson", "6921 Shane Place", "Anchorage", "99507"  
"G. Owen", "Johnson", "3960 Coventry Dr", "Anchorage", "99507-3318"  
"Jay", "Johnson", "3211 Racquet Cir", "Anchorage", "99507-2575"  
"Brian", "Judd", "8811 Winchester St", "Anchorage", "99507-3972"  
"Vera-Samyn", "Judd", "8811 Winchester St", "Anchorage", "99507-3972"  
"Jerry", "Jundt", "2620 E 80th Ave # 3", "Anchorage", "99507-3202"  
"William", "Karn", "2001 Ivan Dr", "Anchorage", "99507-2114"  
"Michael", "Kaupp", "3100 Norm Cir", "Anchorage", "99507-2055"  
"Kristie", "Keele", "PO Box 241743", "Anchorage", "99523-0090"  
"Lowell", "King", "4956 Castle Ct", "Anchorage", "99508-4804"  
"Neil", "Kitamura", "3130 Uno Cir", "Anchorage", "99507-3979"  
"Terry", "Kitamura", "3130 Uno Cir", "Anchorage", "99507-3979"  
"Brett", "Klaft", "3160 Rosalind Loop", "Anchorage", "99507-3673"  
"Karl", "Klinnert", "9151 Cathedral Pl", "Anchorage", "99507-3987"  
"Jan", "Kluska", "7736 Snow View Dr", "Anchorage", "99507-3076"  
"Kari", "Kordus-Hall", "733 W 4th Ave Ste 302", "Anchorage", "99501-2162"  
"Lu", "Kruis", "7140 Fergy Cir", "Anchorage", "99507-2597"  
"Daniel", "Kruis", "7140 Fergy Cir", "Anchorage", "99507-2597"  
"Karl", "Kuehn", "3506 E 66th Ave", "Anchorage", "99507-2320"  
"Verla", "Kuehn", "3506 E 66th Ave", "Anchorage", "99507-2320"  
"Paula", "Lacey", "3440 E 66th Ave", "Anchorage", "99507-2318"  
"Wade", "Lacey", "3440 E 66th Ave", "Anchorage", "99507-2318"  
"Drexel", "Larson, Jr.", "11360 Hideaway Trl", "Anchorage", "99516"

"Ronald", "Little", "7141 Fergy Cir", "Anchorage", "99507-2598"  
"Alice", "Lowney", "3700 Gary Cooper Cir", "Anchorage", "99507-3670"  
"Kenneth", "Lowney", "3700 Gary Cooper Cir", "Anchorage", "99507-3670"  
"Russell", "Lyday", "205 E Dimond #475", "Anchorage", "99515"  
"Kathleen", "Lyday", "205 E Dimond #475", "Anchorage", "99515"  
"Grayce", "Lyon", "2412 E 50th Ave", "Anchorage", "99507-1403"  
"Joseph", "Macy", "3321 Max Cir # 14", "Anchorage", "99507-1564"  
"Darus", "Macy", "3321 Max Cir Apt 4", "Anchorage", "99507-1564"  
"Gary", "Marian", "7050 Fergy Cir", "Anchorage", "99507-2578"  
"Bennie", "Mc Father", "3782 Coventry Dr", "Anchorage", "99507-3314"  
"Betty", "Mc Father", "3782 Coventry Dr", "Anchorage", "99507-3314"  
"Melvin", "Mc Laughlin, Jr.", "3101 Norm Cir", "Anchorage", "99507-2073"  
"Tory", "Mc Lennan", "3300 Doil Dr", "Anchorage", "99507-2064"  
"Lyman", "Meacham", "3245 Doil Dr", "Anchorage", "99507-2063"  
"Lynda", "Meacham", "3245 Doil Dr", "Anchorage", "99507-2063"  
"Sheri", "Melcher", "7210 Bulen Dr", "Anchorage", "99507-2879"  
"William", "Melcher", "7210 Bulen Dr", "Anchorage", "99507-2879"  
"Christa", "Metzger", "8449 Jupiter Dr", "Anchorage", "99507"  
"Timothy", "Metzger", "8449 Jupiter Dr", "Anchorage", "99507"  
"Kevin", "Meyer", "7240 Bulen Dr", "Anchorage", "99507-2879"  
"Sherri", "Morton", "PO Box 201352", "Anchorage", "99520-1352"  
"Marvin", "Moser", "6631 Eileen Cir", "Anchorage", "99507-2214"  
"Milo", "Mujagic", "PO Box 90536", "Anchorage", "99509-0536"  
"Diane", "Mujagic", "PO Box 90536", "Anchorage", "99509-0536"  
"Gary", "Muntean", "4040 Coventry Dr", "Anchorage", "99507-3320"  
"Janice", "Muntean", "4040 Coventry Dr", "Anchorage", "99507-3320"  
"John", "Myatt", "PO Box 211605", "Anchorage", "99521-1605"  
"Shelley", "Myatt", "PO Box 211605", "Anchorage", "99521-1605"  
"Terry", "Nininger", "3941 Eric Cir", "Anchorage", "99507-3967"  
"Richard", "Novak", "5061 Laurel St", "Anchorage", "99507-1429"  
"Richard", "Odsather", "8340 Nadine St", "Anchorage", "99507-3229"  
"Keith", "Osborn", "3719 Corps Cir", "Anchorage", "99507-2538"  
"James", "Palmer", "PO Box 230042", "Anchorage", "99523-0042"  
"Victoria", "Pargeter", "3324 Doil Dr", "Anchorage", "99507-2064"  
"Steven", "Park", "6241 Gross Dr", "Anchorage", "99507-2059"  
"Nam Ju", "Park", "6241 Gross Dr", "Anchorage", "99507-2059"  
"Stephen", "Pavish", "9141 Claridge Dr", "Anchorage", "99507-3942"  
"Paula", "Perra", "7140 Travis Cir", "Anchorage", "99507-2572"  
"Thomas", "Perra", "7140 Travis Cir", "Anchorage", "99507-2572"  
"Robert", "Piaskowski", "8133 Parkridge Cir", "Anchorage", "99507-3281"

"Shirley", "Piaskowski", "8133 Parkridge Cir", "Anchorage", "99507-3281"  
"Christopher", "Pillar", "PO Box 230646", "Anchorage", "99523-0646"  
"Thomas", "Pitzke", "2620 E 42nd Ave Apt 5", "Anchorage", "99508-5356"  
"Lilly", "Plimpton", "6903 Meadow St", "Anchorage", "99507-2461"  
"Roxolana", "Pomeroy", "2824 Kimberlie Ct", "Anchorage", "99508-5329"  
"Stephen", "Posegate", "6711 Reedyke Cir", "Anchorage", "99507-2216"  
"Angela", "Price", "3930 E 66th Ave", "Anchorage", "99507-2328"  
"Devery", "Prince", "8747 Pluto Dr", "Anchorage", "99507-3738"  
"Chester", "Proudfoot", "3131 Dos Cir", "Anchorage", "99507-3980"  
"Martha", "Proudfoot", "3131 Dos Cir", "Anchorage", "99507-3980"  
"Priscilla", "Przybyla", "7327 Spruce St", "Anchorage", "99507-2843"  
"Jerome", "Przybyla", "7327 Spruce St", "Anchorage", "99507-2843"  
"Scott", "Railing", "7020 Viburnum Dr", "Anchorage", "99507-2472"  
"Loretta", "Railing", "7020 Viburnum Dr", "Anchorage", "99507-2472"  
"Kenneth", "Ratcliffe", "7620 Randamar Cir", "Anchorage", "99507-3060"  
"Susan", "Ratcliffe", "7620 Randamar Cir", "Anchorage", "99507-3060"  
"Michael", "Ray", "3221 Racquet Cir", "Anchorage", "99507-2575"  
"Charlotte", "Renaud", "3369 Doil Dr", "Anchorage", "99507-2066"  
"John", "Repasky", "5029 Vance Dr", "Anchorage", "99508-5652"  
"James", "Rerko", "8840 Rendon Dr", "Anchorage", "99507-3973"  
"Mary", "Rerko", "8840 Rendon Dr", "Anchorage", "99507-3973"  
"Robert", "Roehl. Sr.", "6721 Teshlar Dr", "Anchorage", "99507-2207"  
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"Carl", "Roten", "3701 E 84th Ave", "Anchorage", "99507-3619"  
"Kurt", "Roth", "733 W 4th Ave # 627", "Anchorage", "99501-2132"  
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"Donna", "Rowland", "2948 Kimberlie Ct", "Anchorage", "99508-5331"  
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"Jacqueline", "Sawyer", "3840 E 65th Ave", "Anchorage", "99507-2310"  
"Gerold", "Scantlin", "7031 Scalero Cir", "Anchorage", "99507-5101"  
"Antonya", "Scantlin", "7031 Scalero Cir", "Anchorage", "99507-5101"  
"Steven", "Sharrow", "6706 Winchester St", "Anchorage", "99507-2362"  
"Dawn", "Shelley", "7330 Christopher Cir", "Anchorage", "99507-2877"  
"Robert", "Shelley", "7330 Christopher Cir", "Anchorage", "99507-2877"  
"Mark", "Sinclair", "4010 Winchester Loop", "Anchorage", "99507-3992"  
"Mark", "Slama", "4424 Zodiak Dr", "Anchorage", "99507-3732"  
"Barbara", "Slama", "4424 Zodiak Dr", "Anchorage", "99507-3732"  
"John", "Slone", "3631 E 42nd Cir Apt 8", "Anchorage", "99508-5560"

"Luana", "Steen", "2404 E 48th Ave", "Anchorage", "99507-1112"  
 "Gregory", "Stefany", "7350 Christopher Cir", "Anchorage", "99507-2877"  
 "Michael", "Stoianoff", "4048 Wright St", "Anchorage", "99508-5345"  
 "Lawrence", "Stokes", "2411 E 66th Ave # 3", "Anchorage", "99507-2145"  
 "Karen", "Stokes", "2411 E 66th Ave # 3", "Anchorage", "99507-2145"  
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 "Therese", "Syren", "7027 Lake Otis Pky", "Anchorage", "99507-2431"  
 "Lester", "Syren", "7330 Durenda Ct", "Anchorage", "99507-2892"  
 "David", "Tanner", "7700 Virda Lee Cir", "Anchorage", "99507-3069"  
 "Kelly", "Turner", "7680 Virda Lee Cir", "Anchorage", "99507-3069"  
 "Gerene", "Turtle", "7461 Solarset Cir", "Anchorage", "99507-2884"  
 "Larry", "Vandegrift", "7311 Christopher Cir", "Anchorage", "99507-2878"  
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 "Debbie", "Wakefield", "2910 Sunspot Cir", "Anchorage", "99507-3275"  
 "Paul", "Wakefield", "2910 Sun Spot Cir", "Anchorage", "99507-3275"  
 "Michael", "Walsh", "8132 Parkridge Cir", "Anchorage", "99507-3280"  
 "Donald", "Warrick", "4621 Piper St # C-16", "Anchorage", "99507-1529"  
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 "Mary", "Worrell", "3529 E 88th Ave", "Anchorage", "99507-3915"  
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 "Sheri", "Ruiz", "4141 E 66th Ave", "Anchorage", "99507"  
 "Arvid", "Hall", "8931 Jupiter Dr", "Anchorage", "99507"  
 "John", "Stout", "4829 E 43rd", "Anchorage", "99508"  
 "Dennis", "Wilson", "3913 Lynn Dr. Apt. A", "Anchorage", "99508"  
 "Bethany", "De Land", "2303 E 49th Ct", "Anchorage", "99507"  
 "Bonita", "Welsh", "4300 Arctic Blv Sp 41", "Anchorage", "99503"

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"Dave","Brollier","P O Box 152","Cantwell","99729"  
"Carol","Brollier","PO Box 152","Cantwell","99729"  
"Jerry","Cosgrove","7806 Moose Run Cir","Anchorage","99507"  
"Marry","Bradley","7808 Moose Run Cir","Anchorage","99507-3078"  
"Dan","Walsh","4600 Mars Dr","Anchorage","99507-3723"  
"Tim","Trout","PO Box 220013","Anchorage","99522-0013"  
"Barbara","Roberts","8330 Spruce E-5","Anchorage","99507"  
"Robert","Francett","PO Box 233064","Anchorage","99523-3064"  
"Kathy","Osborn","3719 Corps Cir","Anchorage","99507-2538"  
"David","Sadlowski","9031 King David","Anchorage","99507"  
"Kathy","Osborne","3719 Corps Cir","Anchorage","99507"  
"Steve","Stefan","7230 Basel St #2","Anchorage","99507"  
"Scott","McFeron","6381 Newt Dr","Anchorage","99507-2048"  
"Gary","Priestley","2900 Bass St","Anchorage","99507-2872"  
"Sean","Gordon","7700 Virda Lee Cir","Anchorage","99507"  
"Christine","Francett","5641 E 98th Str","Anchorage","99507"  
"Nicki","McFeron","6381 Newt Dr","Anchorage","99507-2048"  
"Carol","LaCroix","7731 Bethany Cir","Anchorage","99507-3098"  
"David","Bronson","2721 Crystal Bay Cir","Anchorage","99507"  
"Laurabelle","Larson","11360 Hideaway Trail","Anchorage","99516"  
"James","Smith","3600 E 67th Ave","Anchorage","99507-2338"  
"Phyllis","Smith","3600 E 67th Ave","Anchorage","99507-2338"  
"William","Richardson","3930 Iona Cir","Anchorage","99507"  
"Michael","LaCroix","7731 Bethany Cir","Anchorage","99507-3098"

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LEGISLATIVE AFFAIRS AGENCY  
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FAX (907) 485-2029  
Mail Stop 3101

130 Seward Street, Suite 40P  
Juneau, Alaska 99801-2108

October 30, 1996

Attention -  
Mike Spear

Susie Barnett  
Professional Assistant  
Legislative Ethics Committee  
P.O. Box 101468  
Anchorage, Alaska 99510-1468

RE: H96-02

Via Fax  
(907) 258-2106

Dear Ms. Barnett:

Enclosed is the computer-generated identification information for the documents previously sent to the committee: the information suggests that one of the documents was apparently last modified on March 4, 1996, at 10:38 am and that the other document was apparently last modified on the same date at 10:43 am.

Sincerely,  
*James P. Crawford*  
James P. Crawford, Esq.  
Assistant Revisor of Statutes

cc: Pam Finley, Esq.  
Lester K. Syren, Esq.

Enclosures

|                                   |
|-----------------------------------|
| PLAINTIFF                         |
| EXHIBIT NO. 12                    |
| ADMITTED <input type="checkbox"/> |
| H96-02                            |
| -(CASE NUMBER)                    |

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20K Text document Mon, Mar 4, 1998, 10:38 AM

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Mail Stop 3101

**COPY**  
150 Beward Street, Suite 409  
Juneau, Alaska 99801-2108

October 30, 1996

Lester K. Syren, Esq.  
1351 Huffman Road, Suite 2A  
Anchorage, Alaska 99516

RE: H96-02

Via Fax  
(907) 345-3459

Dear Mr. Syren:

Enclosed please find information faxed to Ms. Barnett in the above referenced matter.

Sincerely,

James P. Crawford, Esq.  
Assistant Revisor of Statutes

cc: Susie Barnett  
Pam Finley, Esq.

Enclosures

March 1996  
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Monday, March 4

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**PLAINTIFF**  
 EXHIBIT NO. 13  
 ADMITTED   
H916-02  
 (CAS NUMBER)

SELECT COMMITTEE ON LEGISLATIVE ETHICS

ANCHORAGE, ALASKA

RECEIVED

OCT 11 1996

OFFICE OF  
LESTER K. SYREN

Margie MacNeille, on behalf of )  
the House Subcommittee of the )  
Select Committee on Legis- )  
lative Ethics, )

Complainant, )

vs. )

Representative Jerry Sanders, )

Respondent. )

Complaint No.: H96-02

RESPONSES TO REPRESENTATIVE SANDERS SECOND SET OF  
INTERROGATORIES PROPOUNDED TO MARGIE MAC NEILLE

COMES NOW Jerry Sanders, by and through his attorney, Lester K. Syren, and propounds the following Interrogatories to Margie Mac Neille. Pursuant to Rules 26 and 34 of the Alaska Civil Rules and Procedure, AS 24.60.170(I), AS 39.35.080, AS 36.30.530, AS 44.62.310 and .312, you shall answer each of the following interrogatories under oath, in writing, separately, in the fullest detail possible, and in accordance with the definitions and instructions as set forth in ARCP 26 and 34. The answers shall be signed by Margie Mac Neille, and a copy of the answers together with your objections, if any, shall be served no later than 30 days after the service upon you.

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Ex 14

You are further under a duty to reasonably supplement your responses with respect to any interrogatory directly addressed to (1) the identity and location of persons having knowledge of discoverable matters, and (2) the identity of each person expected to be called as an expert witness at trial, the subject matter on which he or she is expected to testify, and the substance of his or her testimony. In addition, you are under a duty to amend a prior response if you obtain information on the basis of which you know or have reason to know that the response was incorrect or misleading when made, or that the response, though correct when made, is no longer true, and the circumstances are such that failure to amend the response is, in substance, knowing concealment.

#### DEFINITIONS

The following definitions shall be controlling for the purposes of these interrogatories.

As used herein, the term "document" means any medium upon which intelligence or information can be recorded or from which it may be retrieved.

As used herein, the term "communication" means any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultants, agreement, and other understandings between or among two or more persons.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
PAGE - 2 -

### INSTRUCTION

With respect to each interrogatory, in addition to supplying the information requested, you are to identify all documents that support, refer to, or evidence the subject matter of each interrogatory and your answer thereto.

If any documents identified herein are no longer in your possession, custody or control because of destruction, loss, or any other reason, then do the following with respect to each and every document: a) describe the nature of the document (e.g., letter or memorandum), b) state the date of the document, c) identify the persons who sent and received the original and a copy of the document, d) state in as much detail as possible the contents of the document, and e) state the manner and date of the disposition of the document.

If you claim objections to any document or to any interrogatory on the grounds that it is privileged, please state a) the basis for your contention that the information is privileged, b) a means of identification of the document, c) the date of the document, d) the name, address, and relationship of the person who prepared the document, e) the name, address, and relationship to you of all persons to whom the document was addressed, given, or sent, and f) the name, address, and phone number, place of employment, occupation, and current whereabouts in relation to of every person having possession, custody, or control of the document.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
PAGE - 3 -

### GENERAL OBJECTIONS

The House Subcommittee of the Select Committee on Legislative Ethics objects to each and every interrogatory propounded herein if respondent intended to propound interrogatories on one member of the subcommittee. These interrogatories will therefore be treated as though propounded to the whole subcommittee. The Subcommittee further objects and does not answer these interrogatories because they are irrelevant to the subject complaint, burdensome, immaterial, and not likely to lead to the discovery of admissible evidence. In other words, these interrogatories have nothing to do with the charges against Representative Sanders.

**INTERROGATORY NO. 1:** Please identify by name, address, and phone number each and every person who assisted in any way with the letter dated September 28, 1995 (hereinafter Letter), addressed to Representative Jerry Sanders, and signed by Ms. Margie Mac Neille.

**RESPONSE:** See general objections.

**INTERROGATORY NO. 2:** Please identify by place, time, and persons present each and every meeting and/or conversation of two or more people in which the Letter and/or Representative Sanders were discussed in any way since February 1, 1995. This interrogatory includes but is not limited to any and all phone conversations or other communication between two or more persons.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
PAGE - 4 -

For each meeting and/or conversation, please identify:

a) whether and to what extent any notice was provided, including but not limited to by whom, to whom, and in what manner the notice was provided;

b) the authority under which the meeting/conversation was held;

c) whether and to what extent notes, diaries, minutes, or other memoranda were made at any meeting/conversation;

d) the person(s) in possession of said notes, diaries, minutes, or other memoranda identified in Interrogatory 2(c).

**RESPONSE:** See general objections.

**INTERROGATORY NO. 3:** Please explain why you sent the Letter to the media without providing Representative Sanders an opportunity to be heard beforehand.

**RESPONSE:** See general objections.

**INTERROGATORY NO. 4:** Please identify under what policies, and/or authority the Letter was drafted, finalized, and publicized to the media.

**RESPONSE:** See general objections.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
PAGE - 5 -

INTERROGATORY NO. 5: Please explain why you did not provide Representative Sanders an opportunity to be heard before you sent the Letter to him.

RESPONSE: See general objections.

INTERROGATORY NO. 6: Please state whether you acted alone or in conjunction with others in writing and issuing the Letter.

If you acted with others, please identify each and every person by name, address, and phone number, and describe in detail each and every contact with those person(s), the content of your conversations, whether notes or other memoranda were kept, who kept them, and who possesses them now.

RESPONSE: See general objections.

INTERROGATORY NO. 7: Please explain how you learned that "the members of the subcommittee...[were] offended," and that "the subcommittee feels very strongly that [Representative Sanders] should correct or retract" certain items in his newsletter. Letter at page 1 and 2.

Please describe in detail exactly how you obtained this information, identifying by name, address, and phone number each and every person contacted.

RESPONSE: See general objections.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
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**INTERROGATORY NO. 8:** Please explain why you sent the Letter to "assist [you] in correcting the public's understanding of [Representative Sander's] case" but also directed Representative Sanders to "correct or retract [alleged misstatements of fact] in [Representative Sander's] next newsletter." Letter at page 2.

In particular, please state:

a) whether at the time you sent the Letter to the media, you believed it would be successful in "correcting the public's understanding" and how that success would be measured.

b) why, if you believed the Letter would be successful, you directed Representative Sanders to "correct or retract" as well.

c) why, if you believed the Letter would not be successful or did not know whether it would be successful in correcting the public's understanding, the Letter was sent to the media.

d) whether the Letter was successful in correcting the public's understanding, and how that success was measured.

**RESPONSE:** See general objections.

**INTERROGATORY NO. 9:** Please state whether you intend to take further action without providing Representative Sanders an opportunity to be heard.

**RESPONSE:** See general objections.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOSED TO MARGIE MAC NEILLE  
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INTERROGATORY NO. 10: Please describe in detail the "options available to [you]" referenced on page 2 of the Letter.

RESPONSE: See general objections.

INTERROGATORY NO. 11: Please describe in detail the entire contents of your conversations with Shelia Toomey since November 1994.

a) in particular please state whether you told Shelia Toomey that "the panel could decide to reopen the case against Sanders," or words to that effect. If you did say words to that effect, please explain why you did not tell Representative Sanders this in the Letter.

b) whether you told Shelia Toomey that your options "start with talking to a lawyer," or words to that effect. If so, please explain why you did not tell Representative Sanders this in the Letter.

RESPONSE: See general objections.

INTERROGATORY NO. 12: Please describe in detail the entire contents of your conversation(s) with Shelia Toomey since November 1, 1994. In particular, please state whether you said:

(1) Representative Sander's apology was "minimal," and what you meant by the use of that term, and the facts and circumstances on which you based your statement.

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
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(2) "I think some committee member were irritated at the tone of his apology," and identified by name, address, and phone number who was irritated and why, and the facts and circumstances on which you based your statement.

(3) "it was a unanimous feeling from the committee that he had not lived up to his responsibility," and describe in detail how and when you obtained this information, and the facts and circumstances giving rise to your opinion.

(4) "the committee felt it was slapped in the face," and if so, whether you believe Representative Sanders has committed any ethics violations since February 1, 1995. Also please include a description of all facts and circumstances upon which you relief for your opinion.

**RESPONSE:** See general objections.

**INTERROGATORY NO. 13:** Please describe in detail the contents of any and all conversations you had with Shelia Toomey since November 1, 1994, including but not limited to where, when, and for how long the conversation occurred, whether you or anyone else took notes, and whether anyone else was present.

**RESPONSE:** See general objections.

**INTERROGATORY NO. 14:** Please state whether you told Shelia Toomey "I think it was an insult," or words to that effect, and if

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
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so, please describe in detail the facts or circumstances which gave rise to your opinion.

**RESPONSE:** See general objections.

**INTERROGATORY NO. 15:** Please identify by name, address, and phone number the identity of the person or persons who brought the March issue of Representative Sander's legislative newsletter to the attention of the subcommittee. Please describe in detail in what manner it was reported, i.e., whether informally or as a properly sworn complaint.

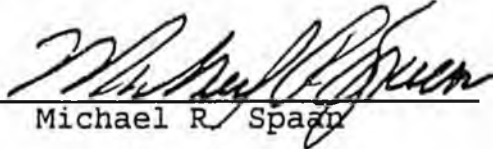
**RESPONSE:** See general objections.

**INTERROGATORY NO. 16:** Please identify any ethics charges brought by anyone, including the Ethics Committee or subcommittees against Representative Sanders prior to taking curative action by mailing the Letter to the media.

**RESPONSE:** See general objections.

WITNESSED this 11<sup>th</sup> day of October, 1996, at Anchorage, Alaska.

BOGLE & GATES, P.L.L.C.  
Attorneys for the House Subcommittee of the  
Select Committee on Legislative Ethics

By:   
Michael R. Spain

**BOGLE & GATES**  
P.L.L.C.  
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St. J  
1031 West 4th Avenue  
Anchorage, AK 99501  
(907) 276-4557

RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
PAGE - 10 -

This is to certify that on the  
11 of October, 1996, a true  
and correct copy of this document  
was hand delivered/mailed/faxed  
to:

Lester K. Syren, Esq.  
Law Offices of Lester K. Syren  
1351 Huffman Road, Suite 2A  
Anchorage, Alaska 99501

KLIVURUT SANDERS

**BOGLE & GATES  
P.L.L.C.**

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RESPONSES TO REPRESENTATIVE SANDERS  
SECOND SET OF INTERROGATORIES  
PROPOUNDED TO MARGIE MAC NEILLE  
PAGE - 11 -

10/31/95<sup>glo</sup>

Mike Spaan

Attn: Mike SPAAN

Confidential

Potential Witness:

**PATRICIA PEREZ:** P.O. Box 21243, Juneau, AK 99802 586-2579

Barnett contacted her on 10/31/96.

Perez verified that she worked for Sanders in 1996 and hopes to work for him in 1997. She recalls the March 4 letter to District 19 Straw Poll participants and she participated by printing out the letters, folding them and mailing them. She assisted Jeanne Lovell with the project. She estimates that the entire mailing project took about a day, with other legislative duties being done in between.

She commented that she was surprised to hear that Rep. Sanders was in trouble as he is very conscientious about the ethics law, after getting in trouble previously. She thinks she remembers him talking with Jeanne about whether the letter would be a problem.

Impression: She sounded candid, supportive of Sanders.

*P.S. I asked her if she was being represented by an attorney. She said no, she knew nothing about this had been gone 2 weeks.*

*I think we may wish to have her testify telephonically, if Lester will agree to it.*

Exhibit 15

Case H 96-02 Order No. 1 Page 1

Michael N. White  
Hearing Master  
1227 W. 9th Avenue  
Anchorage, AK 99501

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IN RE: REPRESENTATIVE JERRY SANDERS :

CASE H 96-02

ORDER NO. 1

By letter, counsel for Representative Sanders has filed a "Notice of Change of Judge". No authority for exercising a peremptory challenge to a master in an administrative proceeding has been cited. When this was pointed out by letter, counsel cited the civil rule provision that no reason must be given for such a challenge. There is an obvious distinction between setting forth a reason for the tactical decision for exercising a peremptory challenge and the legal authority that gives rise to the right to exercise such a challenge. I can find no authority for such a challenge. The issue was referred to the committee by letter on October 15, 1996 and the Committee has directed that the "Notice of Change of Judge" be disregarded. See attached letter from Susan Barnett.

By letter, counsel for Representative Sanders has identified what he sees to be a basis for recusal of the master, but has not formally moved for recusal. Counsel states that his fiancée, who is not identified in the letter, is the law clerk for Judge Sedwick. No legal authority has been presented as to why that would form a basis for recusal. Undersigned has reviewed the Judicial Canons and finds no basis for the recusal. Undersigned does not know who counsel's fiancée is, was not involved in the case discussed by counsel, and categorically can state that any involvement by counsel's fiancée in the case mentioned, or any other case master's firm has before Judge Sedwick is without significance to undersigned. This matter was also referred to the Committee and the Committee has directed that there be no basis found for a recusal.

Case H 96-02 Order No. 1 Page 2

Upon a complete review of the file in this matter, it is clear that a status conference would be beneficial to the parties and to the master. Therefore, it is ordered that a status conference will take place at 5:00 P.M. on October 16, 1996. This time was chosen to best accommodate counsel for Representative Sanders who has indicated that he has conflicts during the day. If the parties can reach agreement on a more convenient time on October 16, 1996 or before 1:00 PM on October 17, 1996 one of the attorneys should call undersigned.

Counsel for Representative Sanders has indicated that he has a busy schedule this week. As a result, undersigned is attempting to be as flexible as possible in fitting in such a hearing and will schedule the hearing at any reasonable time to fit counsel's schedule during the next two days or evenings. Said hearing will be limited in time and scope. If counsel for Representative Sanders decides not to appear at the status conference, the master will issue a scheduling order and render decisions on the following outstanding issues, without input from counsel:

1. Representative Sanders' failure to respond to the summons;
2. Whether a hearing will be held and, if so, when the hearing will be held;
3. Issues surrounding what documents are public and what documents are confidential;
4. Pre-hearing schedule, if a hearing is to be ordered;

This schedule will consist of discovery deadlines, motion deadlines and other dates which will be strictly adhered to in preparation for a possible hearing; and

5. Any other procedural matters that the parties wish addressed.

Dated this 15th day of October, 1996.



Michael N. White  
Master

Michael N. White  
Hearing Master  
1227 W. 9th Avenue  
Anchorage, AK 99501

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IN RE: REPRESENTATIVE JERRY SANDERS

CASE H 96-02

ORDER NO. 2

A status hearing was scheduled on October 16, 1996 at the office of the hearing officer. Counsel for Representative Sanders was provided the opportunity to reschedule the hearing at his convenience, but chose not to do so, and chose not to appear. As a courtesy, because Mr. Syren indicated that he had depositions this week, the hearing was set for 5:00 PM to accommodate his schedule. Rather than appearing, counsel for Representative Sanders sent a letter indicating that he was not appearing because the time was inconvenient and that he would not appear because he does not wish to waive his client's right to object to the master's appointment.

As stated in a previous order, certain procedural issues would be addressed at the status conference. Those issues would be either addressed at the status conference or would be determined by written order, if Representative Sanders waived his right to be present at the status conference. The committee indicated that due to scheduling issues a hearing, if held, must be held on November 14 and 15, 1996. There has been no motion to continue that date or setting forth reasons that those dates, which fall within the committee's procedural rules, would not be appropriate. It would have been helpful to the undersigned to hear the arguments of counsel, however, counsel waived the right to present such arguments. Had counsel contacted the master and tried to reschedule the hearing to a date convenient to him, every effort would have been made to do so. On the contrary, counsel simply indicated that he would not appear. Based upon the documents on file, I make the following

orders regarding scheduling and other procedural aspects of the case:

1. Representative Sanders has not responded to the summons. His attorney has appeared in the case. No objection has been raised as to the manner of service or notice, although objection has been made as to the time given for a response to the summons. Representative Sanders was charged by the committee on September 23, 1996. The summons and the charges were received by Representative Sanders' attorney on September 26, 1996. (October 7, 1996 letter from Lester Syren to Margie Mac Neille). Committee procedures provide for ten days to respond to the charges. Sec. 14(d). Ten days have passed and no response has been made. A.S. 24.60.170(j) provides that if a person formally charged has not admitted the allegations of the charge that the committee shall schedule a hearing on the charge. If Representative Sanders wishes to respond to the charges, he may do so, however, his delay in responding to the charges is not going to delay the proceedings. Therefore, a hearing will be scheduled on the charges.

2. A.S. 24.60.170(j) provides that the hearing shall be held more than twenty days after service of the summons. Committee procedures set forth that the hearing shall be held on a date more than twenty days after the service of the charges, but no later than sixty days from the service of the charges. Procedures at Sec. 14(d). The hearing shall take place on November 14-15, 1996 in Anchorage, Alaska.

3. The parties shall provide to each other by November 1, 1996 the following information in discovery:

- a) The names and addresses of all witnesses it intends to call at the hearing;
- b) A summary of the testimony to be elicited by each witness; and
- c) A copy of all documents expected to be admitted at the hearing.

A willful failure to comply with this, or any other discovery order may result in the exclusion of evidence at the hearing.

4. Either party may serve upon the other written discovery requests. Any requests served in writing shall be

served by October 28, 1996 and shall be answered by November 8, 1996.

5. Depositions may be conducted consistent with the Civil Rules and the Committee Procedures, but shall be completed by November 7, 1996.

6. Witness lists shall be exchanged on or before November 1, 1996.

7. A final pre-trial status conference shall be held on November 11, 1996 at 3:00 PM at a place to be determined later.

8. All documents, including letters sent to the committee, filed relating to this case since the date of the service of the complaint, are to be treated as public documents, in the absence of an order otherwise. A.S. 24.60.170(m). If either party has objection to any document generated after the filing of the complaint being treated as a public document, that party shall file a motion setting forth with particularity, the previously filed documents and the basis for a claim of confidentiality. Such a motion shall be filed by October 18, 1996. Absent an order to the contrary, all documents generated after the filing of the complaint may be released on October 21, 1996.


9. All requests for relief or for any type of ruling shall be in the form of a motion with the original sent to the committee and a copy facsimiled to the master. The letters that have been sent have been confusing. It is often difficult to determine whether somewhere within the rhetoric there is a request for relief or whether the entire document is simply sent to complain about the process, without seeking a ruling.

10. No appearance by counsel for Representative Sanders shall be construed to be a waiver to challenge his asserted right to exercise a peremptory challenge to the master.

11. If there are any further matters that the parties believe should be addressed, they are requested to call them to the attention of the master.

12. All deadlines set in this case will be strictly enforced, absent a demonstration of good cause otherwise.

Dated this 16th day of October, 1996.



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Michael N. White  
Master

Michael N. White  
Hearing Master  
1227 W. 9th Ave.  
Anchorage, AK 99501

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CASE H-96-02

ORDER NO. 3

Based upon the request by respondent for additional time to address issues relating to public disclosure, it is ordered that either party may file a brief by noon on October 23, 1996 as to public dissemination of documents relating to this case.

It is further ordered that no documents shall be released until further order of the master which is expected to be rendered on October 23 or October 24, 1996.

Dated this 18th day of October, 1996.

  
\_\_\_\_\_  
Michael N. White, Master

Michael N. White  
Hearing Master  
1227 W. 9th Ave.  
Anchorage, AK 99501

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CASE H-96-02

ORDER NO. 4

Based upon the scheduling in this case, all persons who are served with discovery requests for which there is a valid legal obligation to respond, shall do so within ten days of service of the request. If this order will cause an undue hardship upon the rescipient of the discovery, the person may contact the undersigned to seek additional time to the extent such is needed.

Dated this 18th day of October, 1996.

  
\_\_\_\_\_  
Michael N. White, Master

Michael N. White  
Hearing Master  
1227 W. 9th Ave.  
Anchorage, AK 99501

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CASE H-96-02

ORDER NO. 5

Counsel for Representative Sanders has filed an objection to a subpoena for back up files of Representative Sanders. The subpoena was not attached to the objection. Absent a copy of the subpoena it is difficult to assess the arguments made by Representative Sanders. Submitted with the objection is a two page letter to Pam Varni which sets forth in more detail the basis for the objections raised. I will treat the letter as an exhibit containing argument on the objection.

If the committee wishes to respond to the objections, it shall do so by October 24, 1996. If either party wishes a brief telephonic hearing on this issue, counsel shall discuss a convenient time for such and contact undersigned.

Dated this 21st day of October, 1996.

  
\_\_\_\_\_  
Michael N. White, Master

Michael N. White  
Hearing Master  
1227 W. 9th Ave.  
Anchorage, AK 99501

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**Document**

**CASE H-96-02**

**ORDER NO. 6**

1. Apparently in response to the objection to the subpoena served upon Legislative Affairs, the committee has delivered to the master, in a sealed envelope, the materials responsive to the subpoena. The parties should address what it is they wish the master to do in regard to these documents by October 25, 1996. If there is a request for the responsive documents to be screened, the parties should advise the master as to categories of documents that the respective parties believe should be produced and the categories of documents that should not be produced.

2. By Order No. 3, the parties were directed to brief, if they desired to do so, issues as to the public dissemination of documents by October 23, 1996. Pursuant to the order of the Superior Court, briefing shall be filed by October 28, 1996. Although it appears that the court did not stay a decision on this issue, and that the court did not indicate that it would address this particular issue, the parties can expect that no decision on this issue will be rendered until after the hearing of October 29, 1996. All other scheduling orders will remain in effect until modified or stayed by the court.

Dated this 22nd day of October, 1996.

\_\_\_\_\_/s/\_\_\_\_\_  
Michael N. White, Master

Received 8:05 AM.  
10-28-96

Michael N. White  
Hearing Master  
1227 W. 9th Avenue  
Anchorage, AK 99501

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IN RE: REPRESENTATIVE JERRY SANDERS  
CASE H 96-02

ORDER NO. 7

The committee served a subpoena on the Executive Director of the Legislative Affairs Agency on or about October 15, 1996. The subpoena called for certain backup files of Representative Sanders and payroll records.

On October 18, 1996, counsel for Representative Sanders filed a two paragraph "[O]bjection to Subpoena to Appear and Produce". In addition, counsel for Representative Sanders attached a two page letter to the subject of the subpoena in which he outlined his objections to the subpoena. On October 21, undersigned submitted Order Number 5 in which the parties were invited to initiate a hearing, to express their positions, if desired. Neither party sought a hearing. The committee submitted a memorandum setting forth its position on the subpoena. No additional materials or arguments were submitted by Representative Sanders.

During the week of October 21, 1996, the subject of the subpoena delivered the documents, in a sealed envelope to the master. In response, Order Number 6 was issued. That order invited input by either party as to the issues regarding the documents. Such input was to be provided by October 25, 1996. No response by Representative Sanders was filed.

Therefore, before the master is the two paragraph objection, the memorandum by the committee, and the actual documents responsive to the subpoena. Based on a careful review of the papers filed, the master holds that the documents responsive to the subpoena are properly

discoverable and will be provided to the committee forthwith.

The objection filed by Representative Sanders asserts that the subpoena is defective because it does not comply with AS 24.25.010, that it seeks attorney client privileged material, work product material and is in violation of the Fourth and Fifth Amendments to the United States Constitution. Additional objection is made that the subpoena is vague, overbroad and irrelevant.<sup>1</sup>

AS 24.60.150(b)(2) provides the legal authority for the issuance of the subpoena. The provisions of AS 24.25.010 are clearly not applicable to investigations by the Ethics Committee. The subpoena complies with AS 24.60.150(b)(2) and was therefore properly issued.

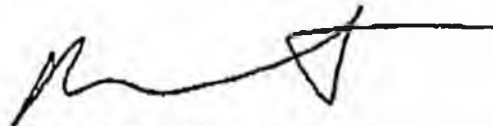
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<sup>1</sup>In a letter of October 23, 1996, counsel for Representative Sanders made additional assertions regarding the discoverability of the subject documents. Undersigned has repeatedly stated that arguments regarding issues in this case shall be set forth in pleadings, not in letters. Such a requirement assures fairness to both parties and assures an adequate record. Two points were made in the letter. First, counsel argues that the order of Judge Murphy prohibits dissemination of the subpoenaed documents. The master does not read the order to apply to distribution of discovery documents to the parties. The order addresses dissemination of documents to the public, not to the parties. Additionally, with due respect to the court, the order is not totally clear to the master about public dissemination of documents. The order clearly prohibits disclosure of documents until after Petitioner (Representative Sanders) has an opportunity to file motions regarding dissemination by the close of business on October 28, 1996. Undersigned does not read the order to go beyond providing Representative Sanders additional time to provide briefing to the master, based upon Representative Sanders argument to the court that he had been required to file briefing by October 18, 1996. Resolution of this issue is not necessary to deciding the subpoena issue, however, the parties may wish to obtain clarification from the court as to the breadth of the stay of public dissemination of documents. Based upon the scheduling of a hearing for October 29, 1996, undersigned told the parties that no order would issue as to public documents until after that hearing. There now is reason to believe that a hearing may not take place on October 29, 1996 due to additional pleadings filed by the committee. Undersigned reads the order as only staying dissemination of documents until October 28, 1996, by which time Petitioner will have an opportunity to brief the issues. It would be of assistance to the master for the parties to obtain clarification from the court, or in the absence of such clarification, filing a memorandum setting forth the parties' positions as to the intention of the court. The second argument set forth in counsel's letter has to do with the availability of discovery in this matter. Counsel misinterprets a prior statement by the master about whether written discovery to non-parties pursuant to Civil Rules 33 and 34 may be obtained from non-parties. The issue of whether a non-party can be subjected to interrogatories and requests for production is not remotely similar to whether the committee or the respondent may obtain documents through the use of a subpoena.

The other objections set forth by Representative Sanders have no merit and merit little discussion. Undersigned has reviewed the materials responsive to the subpoena. There are no documents which even arguably could fall under any of the privileges asserted by Representative Sanders. The documents consist of a computer preserved letter, along with an apparent computer mailing list of the recipients of the letter. No privilege even remotely would apply to these materials. Undersigned knows nothing of the facts of the allegations other than what is alleged in the complaint. Although Representative Sanders has asserted that the materials are irrelevant and would not lead to relevant or admissible evidence, he has failed to demonstrate the validity of that argument. On their face, the documents appear to be directly relevant to the charges asserted by the committee. Certainly, under standards relating to discovery, the materials are not irrelevant.

For the reasons set forth, the master produces the documents to the committee. The documents are attached to this order. These documents are not public documents and shall not be disseminated beyond the parties to this case.

Dated this 27th day of October, 1996.



---

Michael N. White  
Master

Michael N. White  
Hearing Master  
1227 W. 9th Avenue  
Anchorage, AK 99501

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IN RE: REPRESENTATIVE JERRY SANDERS  
CASE H 96-02

ORDER NO. 8

Although not required to do so, the committee submitted the issue of public disclosure of documents relating to this case to the hearing officer for decision. The hearing officer scheduled a status conference with the issue of the public dissemination of documents to be one of the topics addressed. Counsel for Representative Sanders did not attend the hearing. After the scheduled hearing, the hearing officer ordered that documents relating to this case, which were generated after the finding of probable cause, would become public as of October 21, 1996, in the absence of an order to the contrary. Representative Sanders was given until October 18, 1996 to file a motion or memorandum setting forth objections to the proposed public dissemination of documents. Rather than filing a substantive response, on October 18, 1996, Representative Sanders, through counsel, asserted that the order for briefing by October 18, 1996 gave him insufficient time. In response, the hearing officer ordered that briefing could be filed by October 23, 1996, and stayed release of documents until after that date. Prior to October 23, 1996, as a result of an order entered by Judge Murphy, the hearing officer once again extended the time for briefing this issue until October 28, 1996. The committee filed a memorandum urging release of documents, Representative Sanders has not filed a motion or memorandum objecting to the release of documents.

On October 28, 1996 the Superior Court dismissed Representative Sanders' appeal in which one of the issues was the public dissemination of documents. There is

sufficient information available for this order to be entered relating to the release of documents to the public.

Courts recognize that there is a fundamental public interest in Alaska in the disclosure of documents relating to public business. Anchorage School District v. Anchorage Daily News, 779 P.2d 1191 (Alaska 1989). Because of the fundamental nature of the public right to know, the burden of establishing a basis for non-disclosure is on the person or body which seeks non-disclosure. Anchorage School District v. Anchorage Daily News, 779 P.2d 1191, 1193 (Alaska 1989). In the Anchorage School District case, the court stated:

The people of this state, through their elected representatives, have stated in the clearest of terms that it is more important that they have access to this type of information than that it remain confidential. Id at 1193. [emphasis in original]

When specifically addressing the public right to know as to the legislative process, the issue is up to the legislature to decide. Aboud v. League of Women Voters of Alaska, 743 P.2d 333 (Alaska 1987). The legislature has decided when and to what extent its ethics committee process should be open to the public, and its decision in this regard is absolutely controlling.

AS 24.60.170(m) provides:

All documents issued by the committee after a determination of probable cause to believe that the subject of a complaint has violated this chapter, including an opinion recommending corrective action under (g) of this section and a formal charge under (h) of this section are subject to public inspection. Hearings of the committee under (j) of this section are open to the public, and documents presented at a hearing and motions filed in connection with the hearing, are subject to inspection by the public. Deliberations of the committee following a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and

deliberations concerning appropriate sanctions are confidential.

AS 24.60.170(m) differs from AS 24.60.170(d) which provides that committee action taken before the finding of probable cause is confidential. The structure enacted by the legislature is entirely sensible. Legislators accused of violations for which there is no probable cause are protected from public disclosure of what might amount to rumors and innuendo, while conduct that has been determined to establish probable cause of a violation will be disclosed.

AS 24.60.170(m) is relatively straightforward. It provides that documents issued by the committee after the determination of probable cause "are subject to public inspection". Additionally, the statute provides that documents submitted at hearing and motions connected with the hearing are public documents. Motions made before the hearing are "connected with the hearing" and should be considered public documents. Essentially, the legislature set forth a standard similar to that in effect for any civil litigation. Based upon the above, the hearing officer agrees with the position of the committee at page two of its memorandum which identifies categories of documents which should be subject to public inspection.

Therefore, it is ordered that the following documents shall be available for public inspection:

1. All motions filed by either party or by any person relating to discovery sought from that person;
2. All correspondence submitted to the hearing officer or the committee by any party to this case or by any person relating to discovery sought from the person;
3. All correspondence generated by the hearing officer relating to this case;
4. All orders issued by the hearing officer;
5. Public notices of hearings or public meetings; and
6. All documents generated after the finding of probable cause by the committee relating to this case.

Excepted from this order are documents which are subject to attorney-client or work product privileges, documents provided in discovery, investigative reports which

are not used at the hearing and documents relating to deliberations of the committee.

In sum, the rule is for disclosure of all those categories of documents which would be disclosed in any civil case. If there are any particular documents for which there is a doubt in either parties' mind about whether disclosure is required, the party should submit the document to the hearing officer and a decision on an expedited basis will be made.

Dated this 29th day of October, 1996.

A handwritten signature in black ink, appearing to read 'Michael N. White', written over a horizontal line.

Michael N. White  
Master

Michael N. White  
Hearing Master  
1227 W. 9th Avenue  
Anchorage, AK 99501


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IN RE: REPRESENTATIVE JERRY SANDERS  
CASE H 96-02

ORDER NO. 9

Respondent has moved for a protective order as to the timing of the depositions of Representative Sanders and another witness. The committee has responded that it does not oppose a change of dates, but indicates that there may be difficulty of holding the deposition on the proposed date of Respondent, due to travel plans. It is ordered that the motion is granted and that the depositions shall take place at a time convenient for the parties on November 7, 1996 or November 8, 1996, or on such other date as agreed to between the parties.

Dated this 29th day of October, 1996.

  
\_\_\_\_\_  
Michael N. White  
Master