

SCOMM

147:21

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
345 W. Sterling Hwy
Suite 102B
Homer, Alaska 99603
Phone: (907) 235-2921
Fax: (907) 235-4008



Session Address:
State Capitol, Room 102
Juneau, Alaska 99801
Phone: (907) 465-2689
Fax: (907) 465-3472

REPRESENTATIVE PAUL SEATON DISTRICT 35

HB 15 Sponsor Statement

HB 15 expands the ability of Board of Fish members to offer their experienced viewpoint during board debates.

Current law requires board members to declare a conflict and recuse themselves from discussion and voting if they have a personal or financial interest in a matter before the board. This requirement prevents commercial fishermen and sport fishing guides from discussing fishery issues that they are intimately familiar with through their participation in the fishery. HB 15 allows commercial and sport fishermen to deliberate and vote on fishing issues in which they have a conflict of interest based on their participation in the fishery. Disclosure of potential conflicts is still required.

The Board of Fish is composed of seven members. If one or two members are conflicted out of a decision because of their in depth knowledge, the entire process suffers. On average between 2001 and 2006 individual board members were required to recuse themselves on nearly ten percent of the proposals in each board cycle.

HB 15 does not allow board members to participate on issues in which they have a paid financial interest as a consultant or a lobbyist.

HB 15 contains a sunset of 2011, giving the legislature the opportunity to review the effect of the changes imposed by the bill. The Department of Fish and Game is to submit a report to the legislature at this time, detailing the recusals prevented by this change in statute, and providing a recommendation on whether or not the statutory change should be allowed to expire.

25-LS0114\C
Kane
3/13/07

CS FOR HOUSE BILL NO. 15()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES SEATON, Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to participation in matters before the Board of Fisheries by members**
2 **of the board; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **PURPOSE.** The purpose of this Act is to preserve and enhance the ability of the Board
7 of Fisheries to act as a lay board. To accomplish this goal, this Act allows members of the
8 board to participate in the issues that come before the board even though the members have a
9 personal or financial interest in the matter by virtue of their participation in a fishery.

10 *** Sec. 2.** AS 39.52.120 is amended by adding a new subsection to read:

11 (f) Notwithstanding any other provision of this chapter, a personal or financial
12 interest in a matter arising directly from involvement of the member of the Board of
13 Fisheries or an immediate family member conducted under a permit or license issued
14 under AS 16.05, AS 16.40.270, or AS 16.43 does not disqualify a member of the

1 Board of Fisheries from participating in a matter before the board. Before
2 participating, the member shall disclose the interest on the record.

3 * **Sec. 3.** AS 39.52.120(f) is repealed.

4 * **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to
5 read:

6 REPORT AND RECOMMENDATIONS. The Department of Fish and Game shall
7 review AS 39.52.120(f), added by sec. 2 of this Act, and not later than January 31, 2011,
8 submit a report to the legislature that compares the effect of that subsection on the rate of
9 recusals by members of the Board of Fisheries in matters that have come before the board and
10 makes a recommendation regarding whether the effective date of the repeal of
11 AS 39.52.120(f), made by sec. 6 of this Act, should be extended.

12 * **Sec. 5.** Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

13 * **Sec. 6.** Section 3 of this Act takes effect June 30, 2011.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB015-DFG-DAS-03-13-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Title Board of Fisheries conflicts of interest

Dept. Affected: Fish and Game

RDU Administration and Support

Component Fish & Game Boards & Advisory

Committees

Sponsor Seaton, Wilson

Requester House Fisheries Special Committee

Component No. 2825

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0					
-----------------------------	------------	--	--	--	--	--

CHANGE IN REVENUES ()	0.0					
-------------------------------	------------	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time	0					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the department.

Prepared by: Tom Lawson, Director

Division Administrative Services

Approved by: Denby Lloyd, Commissioner

Agency Fish and Game

Phone 465-5999

Date/Time 3/13/07 12:00 AM

Date 3/13/2007



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 12, 2007

Representative Paul Seaton
Chairman, House Special Committee on Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton,

United Fishermen of Alaska supports passage of HB 15 to provide for Board of Fisheries members to participate in matters before the Board, if they declare their personal or financial interest in a fishery.

Members are on the Board for their expertise in some aspect of fishing. It is vital that all seven Board members, especially those most informed of the issues concerning a fishery, be able to participate in the discussions and decision making process on matters before the Board..

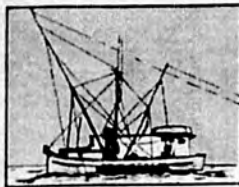
UFA is the largest statewide commercial fishing trade association, representing 36 organizations participating in fisheries throughout Alaska and its offshore waters. We appreciate your consideration on this legislation.

Sincerely,

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Dragger's Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



Alaska Trollers Association

130 Seward St., No. 211
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

March 9, 2007

Representative Paul Seaton, Chair
House Fisheries
Alaska House of Representatives
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Seaton and Committee Members:

The Alaska Trollers Association strongly supports HB 15, which seeks to allow Board of Fisheries (BOF) members to act on all matters before the Board, so long as they have declared their personal or financial interests.

In years past, BOF members were able to fully participate in all discussions and votes. Board members used a recusal process similar to the North Pacific Fishery Management Council and were rarely found to have a true conflict of interest. Due to grey areas in the state law, this has not been the case in recent years, and extremely capable Board members have been restricted from addressing and voting on the very issues they are most knowledgeable about. ATA believes that, at times, this has been damaging to the decision-making process and has been a deterrent to some well-qualified people who might have applied to serve the state on this lay regulatory board.

The strength of the BOF process is directly related to the caliber of its membership and the science, law, and policy that underpin its actions. An exceptional group of fishermen have served on the BOF over the years. When they were fully enabled to act, the resource, industry, and communities have benefited.

ATA believes that the voting mandate that serves the state legislature also serves its regulatory boards. We encourage you to pass HB 15 – let all members of the Board of Fisheries vote!

If I can be of assistance on this or other matters, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dale Kelley".

Dale Kelley
Executive Director

John E. Jensen
P.O. Box 681
Petersburg Alaska
907-772-4635
omasou@pci.net

March 22, 2007

House Fisheries Special Committee

Dear Chair Seaton and Committee Members,

This is a note in support of HB 15.

My name is John Jensen and I'm a commercial fisherman and also a member of the Alaska Board of Fisheries. Two other members of my immediate family are commercial fishermen and are permit holders.

It is frustrating at times not being able to participate in the discussions on proposals that come before the Board of Fish that we are involved in. These three permits kept me from participating in 61 proposals (a third of the SE proposals) last year during the Southeast Alaska portion of the yearly cycle.

I am one of the two commercial seats on the board. I am a life-long fisherman from Southeast Alaska and I couldn't provide my expertise and perspective on the subjects before us in order to provide a better understanding for the rest of the Board members on the issues.

I believe a person should be able to disclose his or her interests on record and then be able to fully participate in the matters before them. Many issues require clarification that I can provide.

There is a set of criteria that we have to follow on allocative issues; these are found in AS 16.05 .251 (e). These 7 criteria are our guide lines for allocating fish between user groups and are read into the record for each allocative issue using one or all seven criteria. These criteria, in my opinion, if followed would keep personal interests on the straight and narrow.

As stated in AS 16.02. 221 (a),

The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and the ability in the field of action of the board and with a view to providing diversity of interest and points of view in the membership.

Currently I am not able to fully utilize *my ability in the field of action*, and my job on the Board is compromised.

I urge you to please consider and pass HB15 so that I may fully participate in the process and be a totally effective member of the Board of Fisheries.

Respectfully submitted,
John E. Jensen

HB 15 Testimony

My name is Christine Koski, I have held a Cook Inlet salmon set net permit for 15 years and have actively fished in Cook Inlet for over 25 years. I am a single mom with 4 children. The majority of my income comes from commercial fishing. I currently live in the Kenai/Soldotna area. My children are also actively involved in commercial set net fishing and have been since they were born.

Approximately 35% of women are permit holders involved in Cook Inlet salmon set net commercial fishing as well as being involved in other commercial fisheries in the entire State.

I have attended BOF regulatory meetings for decades and in the last 5 years I have been active in the process. My involvement is to ensure that there is an opportunity for my children to continue commercial fishing as their parents and grandparents have.

It is impossible to express my concerns or to suggest changes to improve my capability to harvest salmon when I feel that there is no way to communicate with representation from the current members of the BOF.

Since I have been involved in the process there has been no set net commercial fishing person. To make matters worse it is difficult to converse with the gender bias on the Board. I can appreciate that there is a 14% representation for my gender currently, it still leaves me with a significant impediment with communicating and making changes relative to my situation. I want active participants from my area so that not only will I be able to communicate but so will other similarly situated stakeholders.

HB 15 moves to open up more representation for individuals like myself. Please consider the changes that will give more fair and equitable representation to the commercial fisher women in the State. Committee members please realize that Cook Inlet set net fisher women are hard working individuals who do not wish entitlements but want to make our own way and to instill in our children the lessons of hard work and just rewards. The majority of my livelihood is derived and supplemented with part time employment. We are not wealthy, we do not make 10's of thousands of dollars. Please support HB 15 as presented.

MULLEN	STEVE
ABFALTER	WILLIAM
ADFG ANCHORAGE	
ADRIAN	DANIEL
ANDERSON	MARK
ANDERSON	HAROLD
ARMSTRONG	SARAH
ARNESS	JAMES
ARNESS	JAMES
ARNESS	REBECCA
ARNESS	JAMES
ARNESS	JOSEPH
ARNOLD	KELLY
ARNOLD	ROBERT
BAILEY	DON
BAILEY	GLORIA
BAILEY	VON
BAILEY	REBECCA
BAILEY	LANCE
BARBER	EDWARD
BARBER	EDWARD
BARBER	PATRICIA
BARKSDALE	KEVIN
BARNES	H
BAXTER	SERA
BEAUDOIN	SYLVIA
BEAUDOIN	JEFF
BEDINGFIELD	SIMEON
BEEMAN	EDWARD
BENJAMIN	LESLIE
BENNETT	JOHN
BERCEE	LOVERNE
BEREAN	MARK
BERGA	AMY
BERGA	NATHAN
BILLMAN	DANIEL
BIRCH	JOCELYN
BISMARCK	ROBERT
BISMARCK	FREDRICK
BLOCH	FAY
BLOSSOM	DOUGLAS
BLOSSOM	MARY
BLOSSOM	DOUGLAS
BLOSSOM	MITZI
BLOSSOM	DEBRA
BLOSSOM	KATIE
BLOSSOM	DAVID
BLOSSOM	BRIAN
BLOSSOM	DAVID
BOUSSELAIRE	GEORGE
BRAUND	STEPHEN

35%
Women

BRAUND	ERIK
BRENNEMAN	JEROLD
BROWN	BERNICE
BROWN	MATTHEW
BROWN	RITA
BUNKER	DEAN
BUNKER	MAZIE
BUNKER	TRAVIS
BUNKER	DANIEL
BUNKER	TAMMY
BURRIS	JOSEPH
BUTLER	JAMES
BUTLER	TANA
BYERS	WAYNE
CARAWAY	KELLY
CARAWAY	TIMOTHY
CASTNER	KENNETH
CAULKINS	DONALD
CHALUP	ELAINE
CHALUP	EMILY
CHARLES	RANDY
CHARLES	SCOTT
CHARLES	BRENDA
CHARTIER	BRYAN
CHARTIER	DAVID
CHASE	BRIAN
CHASE	MICHAEL
CHASE	ELIZABETH
CHASE	CALEB
CHESSIK	DAVID
CHESSIK	DEREK
CHESSIK	NORBERT
CHESSIK	ELIZABETH
CHICKALUSION	LEONARD
CHILDERS	JAMES
CHRONIC	STEVE
CHUITT	PATRICK
CLARKE	CAMILLE
CLAYTON	LESTER
CLEVELAND	BRYNDA
CLEVELAND	BENNETT
CLUCAS	CAMILLE
CLUCAS	ROBERT
CLUCAS	ROBERT
CLUCAS	MARK
COLEMAN	KENNETH
COLEMAN	BYRON
COLEMAN	VICTORIA
COLLINS	TONYA
COLLINS	LLOYD
CONFER	LISA

CONKLIN	RICHARD
CONNER	LINDA
CONSTANTINE	GEORGE
CONSTANTINE	CORNELL
COOPER	TERRY
CORESON	LORLANN
CORESON	TERRY
CORREIA	CAROLINE
CORREIA	STACY
CORREIA	ROBERT
CORREIA	RAY
CRAIG	ROBERT
DAIGLE	PATRICK
DAIGLE	SIMEON
DAUGHERTY	KAREN
DEIMAN	KELSEY
DEIMAN	GARY
DEKERLEGAND	GENE
DENBLEYKER	MICHAEL
DENBLEYKER	MARVA
DENT	JEFF
DEXHEIMER	STEPHEN
DILLON	EDWARD
DILLON	JOYCE
DILLON	WILLIAM
DONER	JOEL
DONER	TIMOTHY
DONER	MARK
DONER	AUDRA
DORMAN	TYRA
DRAGSETH	GINA
DRAGSETH	ROSETTA
DRAGSETH	ROSETTA
DRAGSETH	MARVIN
DUCKER	JEANNETTE
DUCKER	SUZANNE
DUCKER	MARK
DUCKER	CRYSTAL
DUCKER	DANELL
DUCKER	AARON
DUCKER	SAMANTHA
DUNCAN	DIANA
ECKHARDT-CAUL	DENISE
EDELMAN	ROSALIND
EDELMAN	EDWIN
EFFENBECK	DENNIS
ELVSAAS	FRED
ENCELEWSKI	RICHARD
ENCELEWSKI	KAREN
ENCELEWSKI	IVAN
EPPES	MARVIN

ERICKSON	KEN
EVANS	KENNETH
EVANS	MATTHEW
EVERITT	JOHN
EVERY	MARILYN
EVERY	IVAN
FARRER	DAN
FEJES	JAMES
FIELD	DOUGLAS
FIELD	LOLA
FIELD	WILLIAM
FILKILL	DAVID
FINCH	LOUIS
FINCH	HARVEY
FISHER	COURTNEY
FRANCISCO	ROGER
FROSTAD	GENE
FROSTAD	LARS
FULTON	KEVIN
GABRIEL	BRIAN
GABRIEL	EDITHANNE
GABRIEL	CHRISTOPHER
GABRIEL	JAMIE
GABRIEL	LISA
GALLIAND	WILLIAM
GARRANT	RONALD
GARRANT	SHEILA
GARRANT	SARA
GEIERMANN	SUZETTE
GILCRIST	GEORGE
GILCRIST	BETTY
GILCRIST	JOHN
GOELDNER	PETER
GORDON	TOM
GRADWELL	SHELLY
GRANGER	ALFRED
GREEN	CONNIE
GREENE	TIMOTHY
GUARIN	BRYSON
HAEG	ROBERT
HAEG	DAVID
HAINES	SUZANNE
HALE	RICHARD
HAMILTON	RICHARD
HAMILTON	PATTI
HANNAMAN	MICHAEL
HANSEN	MARTHA
HARRISON	BRIAN
HARRISON	STEPHEN
HARRISON	HERBERT
HARTLEY	TONI

HARTLEY	ROBERT
HARTLEY	KIRK
HASBROUCK	THOMAS
HATTEN	LAURA
HAYES	DUSTEN
HAYES	GREGORY
HAYES	BEVERLY
HAYNES	MACHELLE
HELLEN	JOHN
HENLEY	CHERYL
HERMANSEN	HERMAN
HERMANSEN	MARIE.ELISE
HERMANSEN	DOROTHY
HERMANSEN	MARTIN
HERMANSEN	GORDON
HERMANSEN	LAURA
HERMANSEN-JEN	SUSAN
HERMON	DONA
HERMON	MARK
HERMON	KENT
HERMON	GEORGE
HERMON	SAM
HERMON	MARIANNE
HERMON	JAMES
HERMON	THOMAS
HERRING	PAGE
HERSHBERGER	GARY
HIBBS	ANDREW
HILLEARY	ANGELA
HILLEARY	RICHARD
HILLSTRAND	NANCY
HINDMAN	THOMAS
HINDMAN	ROMAYNE
HOLLIER	DEBRA
HOLLIER	CARRIE
HOLLIER	JOANNA
HOLLIER	SARAH
HOLLIER	GARY
HONRUD	CODY
HUDSON	SCOTT
HUDSON	CHARLES
HUDSON	BRUCE
HUEBSCH	LILY
HUEBSCH	DAVID
HUGHES	CHARLES
HUGHES	INA
HUHNDORF	STANLEY
HUHNDORF	JOSHUA
HUHNDORF	MICHAEL
HUTCHENS	MARDI
JACKINSKY	JOANN

JACKINSKY	BENJAMIN
JACOB	RONALD
JARVIS	JOHN
JENT	JOHN
JOHNSON	PRESTON
JOHNSON	RUTH
JOHNSON	JASON
JOHNSON	TIM
JOHNSON	ARNOLD
JOHNSON	JUDITH
JOHNSON	EARL
JOHNSON	GINGER
JOHNSON	KEITH
JOHNSON	CAREY
JOHNSON	MELVIN
JOHNSON	CYNTHIA
JOHNSON	CHARINE
JOHNSON	RETA
JOHNSON	ROBERT
JOHNSON	JUDY
JOHNSON	NATHANAEL
JOHNSON	JONI
JOHNSON	EDWARD
JOHNSON	BRENT
JOHNSON	ROSS
JOHNSON.DEIMA	SHARON
JOHNSON-SPRAK	LINDA
JONES	GLENDA
JONES	SHAWN
JONES	STEVEN
JORDAN	MARJORIE
JORGENSEN	JAMES
JULIUSSEN	MICHAEL
JULIUSSEN	KATHERINE
KALLANDER	NORMAN
KAY	MARY
KAY	BARNEY
KEENER	MARILYN
KEENER	CLINTON
KEENER	LEONARD
KEENER	LINDSAY
KELLEY	TIMOTHY
KIDD	TAMARA
KIEL	ROSE
KIEL	KASSI
KIRCHER	KARL
KIRCHER	CYNTHIA
KISSEE-ROLLM	CORINNE
KIZER	STUART
KOCH	BARRY
KOPP	CHARLES

KORNSTAD	RENA
KORNSTAD	JANEECE
KORNSTAD	VERN
KORNSTAD	REID
KOSKI	MILDRED
KOSKI	JOE
KOSKI	GARY
KOSKI	CHRISTINE
KRAGER	JOAN
KRAGER	WILLIAM
KROGSTAD	ROBERT
KROLL	MARY
KROLL	HENRY
KROTO	MARVIN
KURTZ	STEVEN
KURTZ	MARJORIE
KURTZ	HELEN
KVASNIKOFF	WALLY
KVASNIKOFF	EMERSON
KVASNIKOFF	ERIC
KVASNIKOFF	DANIEL
KVASNIKOFF	JAMES
LADD	CLARENCE
LAMSON	LEWIS
LAMSON	JAMES
LANIER	JAMES
LAPE	MARY
LAPE	BRUCE
LARSON	ERIK
LAWALTER	GREGORY
LEMAN	NICK
LEMAN	JOSEPH
LEMAN	JUSTIN
LEMAN	LOREN
LEMAN	MARIAN
LEMAN	KRISTA
LEMAN	NICOLE
LEMAN	SHELLE
LEMAN	BOYD
LEMAN	HARRY
LEMAN	WHITNEY
LEMAN	ERIK
LEMAN	CAROLYN
LIGHT	JOHN
LIMACHER	MICHAEL
LITTLE	CHRISTOPHER
LLESHI	IAN
LOCKWOOD	MARK
LOCKWOOD	MICHAEL
LOCKWOOD	SUSAN
LORENTZ	PATRICK

VANHOOSE	WILLIAM
VANMETER	EVELYN
VANMETER	DUSTY
VASKO	RANDAL
VAUGHN	KYLE
VAUGHN	DARYL
VEAL	NANCY
VEATCH	JAMES
VERSTEEG	JAKE
VINCENT	MARK
WAGGONER	CHAD
WAGGONER	DANN
WAGGONER	CARL
WALKER	JOSEPH
WALKER	DIANA
WALKER	JO
WATSON	ADAM
WATSON	DAWNITA
WATSON	DAVID
WATSON	ANNA
WEAVER	JACOB
WEISSMAN	MICHAEL
WELLS	SUSAN
WERNBERG	ALLEN
WHIP	KATHLEEN
WHIP	BROOKE
WIK	GLORIA
WILD	RANDY
WILD	RONALD
WILD	SHARON
WILEY	HOLLY
WILEY	MICHAEL
WILEY.WONG	HEIDI
WILKES	JANE
WILKES	TIMOTHY
WILLIAMS	VANESSA
WILLIAMS	ROBERT
WILLIAMSON	BRIAN
WILSON	MARILYN
WONG	MAKAYLA
WONG	WAYNE
WORTHINGTON	MONTY
WRATE	DOUGLAS
YOUNG	THOMAS
ZINCK	BRIAN
GARRETT	GREGORY
HOPKINS	JERRY
PEARSON	JERRY
WEISSMAN	ELIZABETH
ALLDRIN	LANCE
ALLDRIN	CHARLES

ALLDRIN	CALEB
BAILEY	JAMES
BAILEY	JOHN
BAILEY	FRANK
BAILEY	KAREN
BLOCH	ALVIN
CARR	NICOLE
CARR	JUSTIN
CASEBEER	STACY
GLEASON	KAREN
JOHNSON	GERALD
JONES	MARK
JONES	PATRICIA
KISTLER	BRUCE
KODYSZ	JANET
KULHANEK	JON
ROOD	MICHAEL
SPLAN	PAUL
CLUCAS	RITA
CLUCAS	JON
HAYDEN	GEORGE
HAYDEN	SHARLA
KELLY	PATRIK
MARTIN	CLAIR
HISASHIMA	LINDA
DARCH	JAN
DARCH	ALYSSA
DARCH	NORMAN
MILLAR	ROBERT
BARNETT	SHAWN
BLANCHARD	DAVID
BLANCHARD	HORACE
BLANCHARD	DAVID
BLANCHARD	DANIEL
BLANCHARD	LORENA
BLANCHARD	LAURA
CLARE	BENJAMIN
CLARE	KELSIE
KISTLER	CANDICE
KISTLER	ROBERT
KRAGER	SUSAN
EVERITT	JOHN
BENJAMIN	ANN
BENJAMIN	BART
CHACON	CHANCE
ELLIOTT	JENNIFER
HAINES	BRIAN
HAINES	SANDRA
PATSOS	JUDY
STETZ	MATTHEW
ZIELINSKI	ROBERT

CLARK
CLARK
BOTNER
CHRISTENSEN
JOHNSON
JOHNSTON
JOHNSTON
JOHNSTON
PEDERSON
PEDERSON
SEATER
SVEICAR
SACK

RUSSELL
WHITNEY
SAM
DEBBIE
DONALD
AARON
MELVIN
LEANN
EDWARD
LEE
WILLIAM
DREW

Last Name	First Name
CARR	RAYMOND
HADELLA	PAUL
HALSEY	RONALD
HALSEY	DEBBIE
JOHNSON	CHRIS
LOUDERMILK	KRISTIN
RYBACKI	TRENTON
ANDERSON	JACOB
CAMPBELL	BEVERLY
CAMPBELL	BOYD
CROOKSTON	PAUL
CROOKSTON	TED
CROOKSTON	LAURIE
PETERSEN	CYNTHIA
PETERSEN	W.BRYAN
WOOD	JERRY
BARNES	ROBERT
BARNES	LEDA
DOW	LENORE
DUPUIS.LUND	LOREAL
DUPUIS.LUND	JOHAN
FOYE	PATRICIA
FROULA	DANIEL
GRANNUM	ROBERT
GRANNUM	DIANE
GRANNUM	WILLIAM
GRANNUM	AMY
HAGEL	AMBER
HARRISON	CRAIG
HUDKINS	SARAH
HUDKINS	JASON
JEWELL	ADAM
JEWELL	RICK
JOHNSON	DUSTIN
JOHNSON	DEBORAH
JOHNSON	TYLER
JOHNSON	MASON
JOHNSON	PATRICIA

14

**United Southeast Alaska Gillnetters**

P.O. Box 23378, Ketchikan, AK 99901 Phone & Fax (907) 247-2471 Email: usag@kpunet.net

March 16, 2007

Representative Paul Seaton, Chair
House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99801

Send Via Fax to: 907-465-3472

Dear Chairman Seaton,

The United Southeast Alaska Gillnetters (USAG) supports HB 15 which would give the members of the Alaska Board of Fisheries the same privileges with respect to conflict of interest regulations as other members of Alaska's boards and commissions. Under the current restrictions, an Alaska Board of Fisheries (BoF) member must excuse themselves from the table when issues in which they have a financial interest, no matter how slight, are addressed. This makes the knowledge of the board member who is most familiar with the issues involved in an area or situation unavailable to the other board members. USAG believes one result of this is less informed decisions and in some cases inaction on particular problems that would have been addressed if the conflicted member had been able to participate. We believe the passage of this legislation will result in the BoF making better decisions in all areas of the State. Implicit in this support is the provision that the conflicted member will fully disclose any such conflicts in advance of board action.

Thank you for introducing this important Bill and considering our support for it.

Yours Truly,

Kenneth Duckett
Executive Director

**QINUYANG -
South Naknek Village
Council**

P.O. Box 70029
South Naknek AK 99670
(907) 246-8614
(907) 246-8613 Fax
southnaknek@starband.net

February 1, 2007

Honorable Bryce Edgmon
Alaska State Legislature
House of Representatives
State Capitol, Room 424
Juneau, AK 99811

Re: House Bill 15

Dear Representative Edgmon:

The South Naknek Village Council objects to House Bill No. 15. The House Bill proposes to play a game of gamesmanship with Alaska Ethics Rules at the same time that there is a magnifying glass regarding the banality of our public servants. We object. I will describe some of the ways that House Bill 15 proposes to make a mockery of the principles of accountability and duties owed to the public by individuals accepting positions as public officials.

Section 1 of the legislation proposes to relax ethical rules so that members of the Board of Fisheries may participate in issues that come before the Board "even though the members have a personal or financial interest in the matter by virtue of their participation in a fishery." This "purpose" appears to be completely at odds with the requirements applicable to all public officials under A.S. 39.52.220. That statute requires a process leading to determine a member's right to vote if he/she has a personal or financial interest in the outcome. Thus, the laudable goal of citizen participation is significantly diminished by personal interests. The greater the financial interest, clearly, the more a position such as a member of the Board of Fisheries may be abused. Yet, Section 1 proposes to alter the existing balance in favor of those with greater power and access to power within our state. And that is wrong.

If this were not enough, Section 2, which is also to take effect immediately, would expressly permit (by deletion) a public officer who is a member of the Board of Fisheries from acting on matters before the Board without disclosing his/her financial interest or personal interest in a business or organization relating to the resource under consideration. Section 2 also further strips any oversight with respect to ethical conduct that A.S. 39.52.220 is intended to foster. Indeed, because A.S. 39.52.220 specifically requires full disclosure and a neutral, unbiased determination of the right to vote, while the proposed Section 2 eliminates that requirement, the amendment encourages self-interest in order to advance individual financial and personal agendas when dealing with public resources, and that is wrong.

● Page 2

February 1, 2007

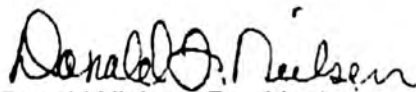
Section 3, by virtue of Section 7 to the proposed House Bill 15, would allow any appointees to the Board of Fisheries a free pass for a period of four years, that is, coincidentally, the length of time of the first term of the present administration with respect to the Board of Fishery matters. Section 3, pursuant to the clear language of Section 7, would not take effect until June 30, 2011. That is special interest legislation in order to protect one of two members of the Board of Fisheries, and it is wrong. It is an abuse of the public process.

Similarly, Section 4 is also intended to shield a public official sitting on the Board of Fisheries from public scrutiny with respect to his/her personal and financial interests brought to the Board of Fisheries for a period of four years. Indeed, Section 4, in referencing the 'Public Officials Ethical Rules' (Ch. 52, Title 39, Alaska Statutes), expressly permits any member with a personal or financial interest in a matter coming before him/her to participate in the matter, limited only to not selling his or her vote to a third person paying for the representation. The member, under such circumstances, is only required to disclose his/her interest on the record, but that disclosure is expressly not subject to the Conflict of Interest Rules under A.S. 39.52.220, which would otherwise expressly prohibit votes based upon self-interest.

Proposed Section 4 simply confirms the cynical and self-interested reasons for HB 15: The people of the State of Alaska will be regulated with respect to fisheries resources by individuals whose sole ethical constraint is not to sell his/her vote to the highest bidder. Section 4 expressly permits such self-interested "public" service, including the use of public funds and public facilities in order to benefit that public official's personal or financial interest.

HB 15 is a bad bill. Alaska has had enough of the scandals involving public officials making decisions to benefit their own personal or financial interests involving public resources. HB 15 is an embarrassment; is a travesty; it should be soundly defeated if it is ever brought for a vote in or out of any committee.

Very truly yours,



Donald Nielsen, President
South Naknek Village Council

cc: Governor Sarah Palin
Senator Lyman Hoffman
Members House of Representatives

Southeast Alaska Fishermen's Alliance

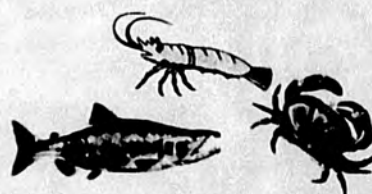
9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

Website: <http://www.seafa.org>



E-mail: seafa@gci.net

February 19, 2007

Representative Paul Seaton
Alaska State Legislature
State Capitol, Room 102
Juneau, AK 99801

RE: Support HB 15

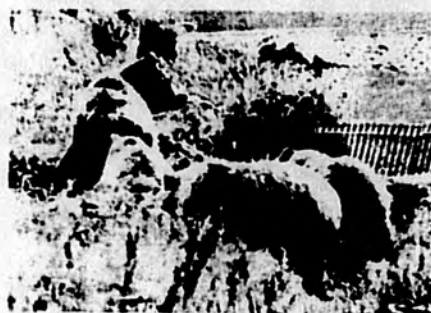
Southeast Alaska Fishermen's Alliance (SEAFa) supports HB 15 (conflict of interest) which deals with the issue of allowing a Board of Fish member that is confirmed by the legislature to participate in the process. One of the main strengths of the Alaska process for the management of the fisheries is the Board of Fish and the layman board and full public process but it doesn't make sense to have a layman board and then prohibit them from participating.

We believe that passage of this legislation will make more applicants more interested in participating in the process.

Sincerely,

Kathy Hansen

Kathy Hansen
Executive Director



Fish & Game Transition Team

Issues Report to

Governor Sarah Palin

Members

Dick Bishop, co-chair
Ben Mulligan
Craig Compeau
Eric Olsen
John Winther
Mark Vinsel
Roland Maw
Trefon Angason

Ken Johns, co-chair
Bruce Knowles
Dave Donald
Joe Klutsch
Larry Cotter
Phil Cutler
Tom Gemmel

Clem Tillion
Dave Otness
Dr "Jack" Frost
Linda Kozak
Rod Arno
Tony Gregorio



Board of Fisheries and Board of Game Conflict of Interest

Issue Statement: Currently Board of Fisheries (and perhaps Board of Game) conflict of interest rules bar commercial representatives with knowledge in a fishery from discussing the topics, losing a valuable source of information in discussions.

Discussion:

The conflict of interest interpretation has been expanded too far in the case of commercial fishermen or not far enough for other individuals. A commercial fisherman who tries to sit on the Board of Fish will be conflicted out of any discussion of any fishery he holds a permit for and additionally for any fishery that his parents, wife, brothers or sisters or children own. But in comparison a charter operator is almost never conflicted from action on any proposal even if they benefit the industry in allocation issues in an area they operate in or if they have a business partner that holds permits. At the time a proposal comes up for discussion that a board member has a conflict with the meeting is stopped until the board member has left the table and entered the audience. This policy makes it extremely difficult to get good individual to submit their name for the board of fish, and keeps the informed from participating on many matters pertaining to commercial fishing. When Board members are prevented from voting the balance of votes may be swayed.

In essence, the more you know on commercial fishing, the less likely you will be able to provide input if you are on the Board of Fisheries.

The issue does not seem to affect the Board of Game, as there are no professional market hunters that would be deemed to be at the same level of conflict of interest. A change in Board of Fisheries regulations may affect Board of Game conflicts in the future.

The Transition Team subgroups agree on the concept of allowing those with expertise to deliberate, but there are differing views as to whether those with conflicts should be allowed or required to vote, or excluded.

Recommendations:

-Legislative bills have been introduced in the last two sessions, and are expected to be introduced in the coming session, so this may not be an action item for the Governor, but the Transition Team feels compelled to advise her of the problem.

-Only the household members or immediate family should be considered for conflict so as not to unfairly bias the process against longstanding families with extensive affected relatives.

Consequences Of Inaction:

Lack of valid information in Board of Fisheries deliberations
Reluctance of well qualified members to serve on Board. Lack of public confidence in the Board of Fisheries Process, and state management.

Alaska Statutes

Title 16. Fish and Game.

Chapter

- 05. Fish and Game Code (§§ 16.05.010 — 16.05.950)
- 10. Fisheries and Fishing Regulations (§§ 16.10.010 — 16.10.800)
- 20. Conservation and Protection of Alaska Fish and Game (§§ 16.20.010 — 16.20.690)
- 25. Stocking of Public Land (§ 16.25.010)
- 30. Destruction of Big Game Animals and Wild Fowl (§§ 16.30.010 — 16.30.030)
- 35. Predatory Animals (§§ 16.35.200, 16.35.210)
- 40. Commercial Use of Fish and Game (§§ 16.40.010 — 16.40.299)
- 43. Regulation of Entry into Alaska Commercial Fisheries (§§ 16.43.010 — 16.43.990)
- 45. Pacific Marine Fisheries Compact (§§ 16.45.010 — 16.45.040)
- 51. Alaska Seafood Marketing Institute (§§ 16.51.010 — 16.51.180)
- 52. Fishery Industrial Technology Center (§§ 16.52.010 — 16.52.070)
- 55. Shooting and Firearm Safety (§§ 16.55.010 — 16.55.040)

Revisor's notes. — The provisions of this title were redrafted in 1983 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982. Other minor word changes were made in this title in 1981, 1983, and 1987, 1992, and 2004.

Cross references. — For fisheries business license, taxes and assessments, see AS 43.76.

Administrative Code. — For fish and game, see 5 AAC.

NOTES TO DECISIONS

Prejudgment Interest. — In a lawsuit centering on whether Alaska could charge nonresidents more for commercial fishing licenses than it charged resident commercial fishers, because AS 43.05.280 served as the primary justification for providing the class with a refund, the prejudgment interest available

under AS 43.10.210 in other actions extended to the recovery of prejudgment interest for overpayment of commercial fishing fees, even though those were ostensibly created under this title. *State v. Carlson*, 65 P.3d 851 (Alaska 2003), cert. denied, 540 U.S. 963, 124 S. Ct. 387, 157 L. Ed. 2d 305 (2003).

Collateral references. — 35A Am. Jur. 2d, Fish, Game and Wildlife Conservation, § 35 et seq.

36A C.J.S., Fish, §§ 9, 28; 38 C.J.S., Game, §§ 3, 51 et seq.

Chapter 05. Fish and Game Code.

Article

- 1. The Department of Fish and Game (§§ 16.05.010 — 16.05.210)
- 2. Boards of Fisheries and Game (§§ 16.05.221 — 16.05.320)
- 3. Licensing of Sport Fishing and Hunting (§§ 16.05.330 — 16.05.430)
- 4. Licensing of Commercial Fishing Crewmembers and Vessels (§§ 16.05.440 — 16.05.723)
- 5. Management of Fish and Fisheries (§§ 16.05.730, 16.05.735)
- 6. Miscellaneous Provisions (§§ 16.05.780 — 16.05.905)
- 7. General Provisions (§§ 16.05.920 — 16.05.950)

Effective dates. — Section 11, ch. 70, SLA 2004, makes this article effective January 1, 2005.

Sec. 16.40.260. Sport fishing operator license. (a) The department shall issue an annual sport fishing operator license to a person who

(1) holds a current business license under AS 43.70 to provide services to sport fishermen;

(2) presents proof satisfactory to the department of a general liability insurance policy or marine protection and indemnity insurance policy, covering the services provided by the person and the person's employees to sport fishermen, that provides coverage of at least \$100,000 for each incident, and \$300,000 for all incidents in a year;

(3) pays the license fee prescribed by AS 16.05.340(a); and

(4) satisfies all additional requirements adopted in regulation by the Board of Fisheries.

(b) A person may not provide sport fishing services unless the person holds a current sport fishing operator license and has current insurance coverage as required in (a)(2) of this section.

(c) A person who holds a current sport fishing operator license may contract to provide sport fishing guide services to a sport fisherman through an employee who holds a current sport fishing guide license under AS 16.40.270.

(d) A person who holds a current sport fishing operator license may not directly provide sport fishing guide services to a sport fisherman unless the person also holds a current sport fishing guide license under AS 16.40.270(b).

(e) A person who holds a sport fishing operator license may not aid in the commission of a violation of AS 16.05 — AS 16.40 or a regulation adopted under AS 16.05 — AS 16.40, including regulations relating to the proper method to release fish, by a sport fishing guide who is employed by the person or by a sport fisherman who is a client of the person.

(§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 8, ch. 70, SLA 2004, this section is repealed January 1, 2010.

Sec. 16.40.270. Sport fishing guide license. (a) A natural person may obtain an annual sport fishing guide license if the person

(1) is a citizen of the United States, Canada, or Mexico, or is a resident alien;

(2) is certified in first aid by the American Red Cross or a similar organization;

(3) holds a license to carry passengers for hire issued by the United States Coast Guard if the person operates a vessel in the provision of sport fishing guide services and the license is required by the United States Coast Guard for the area in which the fishing guide provides fishing guide services;

(4) holds a current sport fishing license from this state;

(5) pays the license fee prescribed by AS 16.05.340(a); and

(6) satisfies all additional requirements adopted in regulation by the Board of Fisheries.

(b) A natural person may obtain an annual sport fishing operator and sport fishing guide combined license if the person satisfies the requirements for a sport fishing operator license under AS 16.40.260 and for a sport fishing guide license under this section and pays the license fee prescribed by AS 16.05.340(a).

(c) A person may not provide sport fishing guide services unless the person

(1) holds a current sport fishing guide license; and

(2) holds a current sport fishing operator license or is an employee of a person who holds a current sport fishing operator license.

Sec. 16.40.290. Penalty. (a) Except as provided in (b) and (c) of this section, a person who knowingly violates AS 16.40.260 — 16.40.299 or a regulation adopted under AS 16.40.260 — 16.40.299 is guilty of a class A misdemeanor.

(b) A person who, without any culpable mental state, violates AS 16.40.270(e) is guilty of a violation.

(c) A person who knowingly violates AS 16.40.270(e) or who knowingly fails to comply with a requirement for timely submission of reports required by a regulation adopted under AS 16.40.280(b) is, for a

- 1) first offense in a three-year period, guilty of a violation; and
- 2) second or subsequent offense in a three-year period, guilty of a class B misdemeanor.

(d) In addition to any other penalty provided by law, a court may revoke the sport fishing guide license of a person who is convicted under (a) or (c)(2) of this section.

(e) In this section, "knowingly" has the meaning given in AS 11.81.900. (§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 8, ch. 70, SLA 2004, this section is repealed January 1, 2010.

Sec. 16.40.299. Definitions. In AS 16.40.260 — 16.40.299,

(1) "sport fishing guide" means a person who is licensed to provide sport fishing guide services to persons who are engaged in sport fishing;

(2) "sport fishing guide services" means assistance, for compensation or with the intent to receive compensation, to a sport fisherman to take or to attempt to take fish by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip; "sport fishing guide services" does not include

(A) sport fishing services; or

(B) services provided by an assistant, deckhand, or similar person who works directly under the supervision of and on the same vessel as a sport fishing guide;

(3) "sport fishing services" means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip; "sport fishing services" does not include

(A) an activity for which a sport fishing guide license is required; or

(B) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator. (§ 6 ch 70 SLA 2004)

Delayed repeal. — Under § 8, ch. 70, SLA 2004, this section is repealed January 1, 2010.

Chapter 43. Regulation of Entry into Alaska Commercial Fisheries.

Article

1. Alaska Commercial Fisheries Entry Commission (§§ 16.43.010 — 16.43.120)
2. Entry Permit System (§§ 16.43.140 — 16.43.180)
3. Initial Issuance of Entry Permits (§§ 16.43.200 — 16.43.270)
4. Reduction to Optimum Number of Entry Permits (§§ 16.43.290 — 16.43.320)
5. Educational Entry Permits (§§ 16.43.340 — 16.43.390)
6. Special Harvest Area Entry Permits (§§ 16.43.400 — 16.43.440)
7. Vessel Permit System for Bering Sea Hair Crab Fishery and Weathervane Scallop Fisheries (§§ 16.43.450 — 16.43.520)
8. Point System for Commercial Fishing Violations in Salmon Fisheries (§§ 16.43.850 — 16.43.895)
9. General Provisions (§§ 16.43.940 — 16.43.990)

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. (§ 1 ch 87 SLA 1986)

NOTES TO DECISIONS

Significance of personal or financial interest.

— Substantial evidence supported the hearing officer's findings that Department of Corrections' official had neither a personal nor a financial interest in the awarding of a contract concerning the housing of

minimum security prisoners to a bidder for whom she had served as vice-president of operations. *KILA, Inc. v. State, Dep't of Admin.*, 876 P.2d 1102 (Alaska 1994).

Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.120. Misuse of official position. (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of the communications equipment in the governor's residence so long as there is no special charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

(d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.

(e) Except for supplying authority to make the final decision in the case administrative hearing hearing officer or individual decision in the case assigned

(1) contact is made representatives and the

(2) fact and substance parties to the hearing are am § 5 ch 121 SLA 199

Cross references. — For otism, see AS 39.90.020.

Official action not requiring use of official position not require "official action," but use their position for personal ment. *Skvore v. State Person* (Alaska 2000).

Solicitation of compensation Since the ethics statute does

Sec. 39.52.130. Imp receive, directly or indirectly entertainment, hospital to the officer's personal reasonably be inferred duties, actions, or judgments

(b) Notice of the receipt including the name of the must be provided to the

(1) if the public officer

(2) if the gift is connected

(c) In accordance with from the attorney general; ited.

(d) The restrictions on contribution to a candidate regulations governing election

(e) A public officer who or from an official of another Office of the Governor appropriate disposition foreign government or territory, or another jurisdiction

(f) A public officer who received a gift because the public officer shall officer's designated supervisor it had been received by be prohibited under this

(e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record. (§ 1 ch 87 SLA 1986; am § 5 ch 121 SLA 1992; am §§ 81, 82 ch 74 SLA 1998; am § 59 ch 163 SLA 2004)

Cross references. — For prohibition against nepotism, see AS 39.90.020.

Effect of amendments. — The 2004 amendment, effective July 1, 2005 added subsection (e).

NOTES TO DECISIONS

Official action not required. — The statute prohibiting use of official position for personal gain does not require "official action," but only that employees use their position for personal gain or to seek employment. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Solicitation of compensation sufficient. — Since the ethics statute does not require that a viola-

tion involve actual or present receipt of money, solicitation of compensation, including prospective or contingent economic benefits, suffices. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Cited in *Gates v. City of Tenakee Springs*, 822 P.2d 455 (Alaska 1991).

Sec. 39.52.130. Improper gifts. (a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

(1) if the public officer may take or withhold official action that affects the giver; or

(2) if the gift is connected to the public officer's governmental status.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section. (§ 1 ch 87 SLA 1986; am §§ 83, 84 ch 74 SLA 1998)

Section

230. Reporting of potential violations
240. Advisory opinions
250. Advice to former public officers

Section

260. Designated supervisor's report and attorney
general review
270. Disclosure statements

Sec. 39.52.210. Declaration of potential violations by public employees. (a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 — 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

- (1) reassign duties to cure the employee's potential violation, if feasible; or
- (2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am §§ 87, 88 ch 74 SLA 1998)

NOTES TO DECISIONS

Silence is not approval of activity. — Because the ethics statute requires an employee involved in activities potentially barred by the statute to refrain from taking any official action relating to that matter until a determination is made, approval is a prereq-

uisite to entering into any otherwise prohibited contract, and a failure to respond may not be construed as approval. *Skvorc v. State Personnel Bd.*, 996 P.2d 1192 (Alaska 2000).

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions. (a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 — 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am § 89 ch 74 SLA 1998)

Sec. 39.52.230. Reporting of potential violations. A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 — 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter

may result in a violation of the
74 SLA 1998)

Sec. 39.52.240. Ad-
supervisor or a board c
ing this chapter. The r
attorney general in ord
request, the attorney g

(b) The attorney general shall not be liable for any inconvenience or damage caused by the exercise of his powers under this section.

(c) The designated determination based on general provides more under AS 39.52.110 — shall, after consultation appropriate and advise the problem.

(d) A public officer
accordance with a dete
disclosed all relevant

(e) The attorney general shall, at any time, including upon request for the opinion of the attorney general, advise the president of the United States of the results of the investigation.

(f) A person may re

(g) A request for ad

(h) The attorney ge

44.62.175), with sufficient
are confidential under
that the attorney general
applicability to execut

Opinion not required.
personal or financial inter
tract, and given the fact
participate in or influence t

Sec. 39.52.250. Access to records. Upon request, in writing, an attorney general shall furnish opinions in accordance with

(b) A former public
accordance with the a
officer fully disclosed
(§ 1 ch 87 SLA 1986)

Sec. 39.52.260. D.
(a) A designated super

states the facts, cir
39.52.210 — 39.52.24

(b) The attorney general may require specific disclosure and

may result in a violation of AS 39.52.110 — 39.52.190. (§ 1 ch 87 SLA 1986; am § 90 ch 74 SLA 1998)

Sec. 39.52.240. Advisory opinions. (a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 — 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 — 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers. (§ 1 ch 87 SLA 1986; am § 2 ch 54 SLA 2000)

NOTES TO DECISIONS

Opinion not required. — In the absence of any personal or financial interest in the contested contract, and given the fact that state official did not participate in or influence the contract award process,

official was not required to contact the Attorney General regarding the alleged conflict of interest. *KILA, Inc. v. State, Dep't of Admin.*, 876 P.2d 1102 (Alaska 1994).

Sec. 39.52.250. Advice to former public officers. (a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice. (§ 1 ch 87 SLA 1986)

Sec. 39.52.260. Designated supervisor's report and attorney general review. (a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 — 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

[Home](#) | [Newsroom](#) | [Photos](#) | [Office Locations](#) | [Bio](#) | [Email Governor Palin](#)Governor Palin [find](#)

Boards & Commissions

State of Alaska > Governor > Boards and Commissions

Fisheries

Board: Board of Fisheries**Board identification number:** 037**Department:** DEPARTMENT OF FISH AND GAME**Authority:** AS 16.05.221**Status:** Active**Sunset date:****Requirements:** Legislative Confirmation and Financial Disclosure**Prohibitions:** None**Term:** 3 years

Description: 7 members appointed by Governor: residents of the state, appointed without regard to political affiliation or geographical location of residence; Commissioner of the Dept. of Fish and Game is not a member, but serves as ex-officio secretary. Appointments must be done by April 1st. Terms begin July 1.

Function: Conservation and development of fishery resources

Chair: Board selects.

Special facts: Regulatory: Quorum - majority of the members of the board; may be removed only for inefficiency, neglect of duty, or misconduct in office (AS 16.05.280). Statute requires board to hold at least one meeting a year where the board selects time and place. May hold at least one meeting per year with the Board of Game in joint session. Historically meets four times each year, for a total of approximately 50-65 days. Joint Boards of Fisheries and Game historically meet for approximately 7-15 days each year. May meet at any time upon the call of the commissioner or upon the request of two board members. Compensation is based on salary schedule for Juneau.

Compensation: Standard Travel and Per Diem. Range 20A for board meetings; 1/2 Range 20A for other mtgs.

Meetings: Historically meets 4 times/year, total 50-65 days; Joint F&G Boards meet approximately 7-15 days.

For further information contact:

Mr. James Marcotte

Executive Director

Board of Fisheries, Boards Support Section

ADF&G, P.O. Box 25526, M/S 1100

Juneau, AK 99802-5526

Phone: (907) 465-6095, FAX: (907) 465-6094

Fisheries Roster

[Go to the Fisheries Home page](#)

We appreciate your interest in boards and commissions. For further information contact the boards and commissions staff at (907) 465-3500 or at B&C@gov.state.ak.us.

[State of Alaska](#) - [Governor](#) - [Webmaster](#) - [Office Locations](#) - [Email Governor](#)

Quick Links

[Contacts/Locations](#)
[Office of the Lt. Governor](#)
[Management & Budget](#)
[Administrative Orders](#)
[FY'07 Enacted Budget](#)
[Proclamations](#)
[Official Portraits](#)

Of Interest

[Alaska Export Report](#)
[Status of the Flags](#)
[Boards and Commissions](#)
[Human Rights Commission](#)
[Homeland Security](#)
[Same-sex Benefits Info](#)
[Denali Awards](#)
[USMC Roll of Honor](#)
[Avian/Pandemic Flu Info](#)

Article 02. BOARDS OF FISHERIES AND GAME

Sec. 16.05.220. The Board of Fish and Game. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.221. Boards of fisheries and game.

(a) For purposes of the conservation and development of the fishery resources of the state, there is created the Board of Fisheries composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Fisheries, but shall be ex officio secretary.

(b) For purposes of the conservation and development of the game resources of the state, there is created a Board of Game composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence. The commissioner is not a member of the Board of Game, but shall be ex officio secretary.

(c) Members of the Board of Game serve staggered terms of three years and, except as provided in AS 39.05.080 (4), each member serves until a successor is appointed. An appointment to fill a vacancy in the membership of the Board of Game shall be made in the same manner as the original appointment and, except as provided in AS 39.05.080 (4), an appointment to fill a vacancy is for the balance of the unexpired term.

(d) Members of the Board of Fisheries serve staggered terms of three years. The terms of members of the board begin on July 1. Notwithstanding AS 39.05.080 (1), by April 1 of the calendar year in which the term expires, the governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation. If a vacancy arises on the board, the governor shall, within 30 days after the vacancy arises, appoint a person to serve the balance of the unexpired term and submit the name of the person to the legislature for confirmation. A person appointed to fill the balance of an unexpired term shall serve on the board from the date of appointment until the earlier of the expiration of the term or the failure of the legislature to confirm the person under AS 39.05.080.

Sec. 16.05.230. Term of office. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.240. Powers excluded. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.241. Powers excluded.

The boards have regulation-making powers as set out in this chapter, but do not have administrative, budgeting, or fiscal powers.

Sec. 16.05.250. Regulations. [Repealed, Sec. 40 ch 206 SLA 1975].

Repealed or Renumbered

Sec. 16.05.251. Regulations of the Board of Fisheries.

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for

(A) persons 60 years of age and older to participate in sport, personal use, or subsistence fishing; or

(B) persons under 16 years of age to participate in sport fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475 (d), that are registered under the laws of the state, as defined in AS 16.05.475 (c), after making a written determination that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission;

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530;

(17) promoting fishing and preserving the heritage of fishing in the state.

(b) *[Repealed, Sec. 12 ch 52 SLA 1986]*.

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

- (1) the history of each personal use, sport, guided sport, and commercial fishery;
- (2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;
- (3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- (4) the availability of alternative fisheries resources;
- (5) the importance of each fishery to the economy of the state;
- (6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- (7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

(f) Except as expressly provided in AS 16.40.120 (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's

next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

(i) Notwithstanding AS 16.43.140 (c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

Sec. 16.05.253. Operation of stationary fishing gear.

(a) The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when the permit holder is at or traveling to or from the location of

- (1) a sale of fish caught in the gear; or
- (2) other stationary gear of the permit holder.

(b) In this section, "fishing site " means fishing site as defined by the Board of Fisheries and includes any structure used for providing shelter in support of the operation of the net gear or other stationary fishing gear.

Sec. 16.05.255. Regulations of the Board of Game; management requirements.

(a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

- (1) setting apart game reserve areas, refuges, and sanctuaries in the water or on the land of the state over which it has jurisdiction, subject to the approval of the legislature;
- (2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture, taking, and transport of game, including regulations, consistent with resource conservation and development goals, establishing means and methods that may be employed by persons with physical disabilities;

(4) setting quotas, bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators, or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of game;

(8) prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) establishing the times and dates during which the issuance of game licenses, permits, and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed;

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game;

(11) taking game to ensure public safety;

(12) regulating the activities of persons licensed to control nuisance wild birds and nuisance wild small mammals;

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

(b) *[Repealed, Sec. 12 ch 52 SLA 1986].*

(c) If the Board of Game denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must provide that, consistent with the provisions of AS 16.05.258, the taking of moose, deer, elk, and caribou by residents for personal or family consumption has preference over taking by nonresidents.

(e) The Board of Game shall adopt regulations to provide for intensive management programs to restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals of the board in an area where the board has determined that

(1) consumptive use of the big game prey population is a preferred use;

(2) depletion of the big game prey population or reduction of the productivity of the big game prey population has occurred and may result in a significant reduction in the allowable human harvest of the population; and

(3) enhancement of abundance or productivity of the big game prey population is feasibly achievable utilizing recognized and prudent active management techniques.

(f) The Board of Game may not significantly reduce the taking of an identified big game prey population by adopting regulations relating to restrictions on harvest or access to the population, or to management of the population by customary adjustments in seasons, bag limits, open and closed areas, methods and means, or by other customary means authorized under (a) of this section, unless the board has adopted regulations, or has scheduled for adoption at the next regularly scheduled meeting of the board regulations, that provide for intensive management to increase the take of the population for human harvest consistent with (e) of this section. This subsection does not apply if the board

(1) determines that intensive management would be

(A) ineffective, based on scientific information;

(B) inappropriate due to land ownership patterns; or

(C) against the best interest of subsistence uses; or

(2) declares that a biological emergency exists and takes immediate action to protect or maintain the big game prey population in conjunction with the scheduling for adoption of those regulations that are necessary to implement (e) of this section.

(g) The Board of Game shall establish population and harvest goals and seasons for intensive management of identified big game prey populations to achieve a high level of human harvest.

(h) *[Repealed, 2000 Ballot Measure No. 6].*

(i) For the purpose of encouraging adults to take children hunting, the board shall establish annual hunting seasons in appropriate areas of the state for big game, other than bison and musk ox, that are open before schools start in the fall and before regular hunting seasons begin. Only a resident child accompanied by a resident adult or a child accompanied by the child's resident parent, resident stepparent, or resident legal guardian may take big game in an area where a season established under this subsection is in effect. The adult, parent, stepparent, or legal guardian who accompanies the child may only assist the child in taking big game. A big game animal taken under this subsection must be counted against the bag limits of both the child and the adult, parent, stepparent, or legal guardian who accompanies the child. In this subsection,

(1) "adult" means an individual who is 21 years of age or older;

(2) "child" means an individual who is not more than 17 years of age and not younger than eight years of age.

(j) In this section,

(1) "harvestable surplus" means the number of animals that is estimated to equal the number of offspring born in a game population during a year less the number of animals required for recruitment for population maintenance and enhancement, when necessary, and the number of animals in the population that die from all causes, other than predation or human harvest, during that year;

(2) "high level of human harvest" means the allocation of a sufficient portion of the harvestable surplus of a game population to achieve a high probability of success for human harvest of the game population based on biological capabilities of the population and considering hunter demand;

(3) "identified big game prey population" means a population of ungulates that is identified by the Board of Game and that is important for providing high levels of harvest for human consumptive use;

(4) "intensive management" means management of an identified big game prey population consistent with sustained yield through active management measures to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.

(5) "sustained yield" means the achievement and maintenance in perpetuity of the ability to support a high level of human harvest of game, subject to preferences among beneficial uses, on an annual or periodic basis.

Sec. 16.05.256. Nonresident and nonresident alien permits.

Whenever it is necessary to restrict the taking of big game so that the opportunity for state residents to take big game can be reasonably satisfied in accordance with sustained yield principles, the Board of Game may, through a permit system, limit the taking of big game by nonresidents and nonresident aliens to accomplish that purpose.

Sec. 16.05.257. Subsistence hunting regulations. [Repealed, Sec. 12 ch 52 SLA 1986].

Repealed or Renumbered

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Sec. 16.05.259. No subsistence defense.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.

Sec. 16.05.260. Advisory committees.

The Board of Fisheries and the Board of Game may adopt regulations they consider advisable in accordance with AS 44.62 (Administrative Procedure Act) establishing, at places in the state designated by the individual boards, advisory committees to be composed of persons well informed on the fish or game resources of the locality. The boards shall set the number and terms of each of the members of the advisory committees, shall delegate one member of each committee as chairman, and shall give the chairman authority to hold public hearings on fish or game matters.

Recommendations from the advisory committees shall be forwarded to the appropriate board for their consideration but if the Board of Fisheries or the Board of Game chooses not to follow the recommendations of the local advisory committee the appropriate board shall inform the appropriate advisory committee of this action and state the reasons for not following the recommendations. The commissioner shall delegate authority to advisory committees for emergency closures during established seasons. The commissioner is empowered to set aside and make null and void only opening of seasons set by the advisory committees under this section. The appropriate board shall adopt the necessary regulations governing these closures.

Sec. 16.05.261. [Renumbered as AS 16.05.259].

Repealed or Renumbered

Sec. 16.05.270. Delegation of authority to commissioner.

For the purpose of administering AS 16.05.251 and 16.05.255, each board may delegate authority to the commissioner to act in its behalf. If there is a conflict between the board and the commissioner on proposed regulations, public hearings shall be held concerning the issues in question. If, after the public hearings, the board and the commissioner continue to disagree, the issue shall be certified in writing by the board and the commissioner to the governor who shall make a decision. The decision of the governor is final.

Sec. 16.05.280. Removal of board members.

The governor may only remove a board member for inefficiency, neglect of duty, or misconduct in office, or because the member while serving on the board is convicted of a misdemeanor for violating a statute or regulation related to fish or game or of a felony, and shall do so by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or through counsel at a public hearing before the governor or a designee upon at least 10 days' notice by registered mail. The member may confront and cross-examine adverse witnesses. Upon removal, the governor

or a designee shall file in the proper state office the findings and a complete statement of all charges made against the member.

Sec. 16.05.290. Compensation of board members.

Each member of a board is entitled to compensation at a rate equal to Step A, Range 20, of the salary schedule in AS 39.27.011 (a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in actual attendance. Each member of a board is also entitled to travel expenses and per diem authorized for boards and commissions under AS 39.20.180.

Sec. 16.05.300. Board meetings.

(a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon - Kuskokwim - Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat).

Sec. 16.05.305. Clerical assistance for boards.

The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board.

Sec. 16.05.310. Special board meetings.

A board may meet at any time upon the call of the commissioner or upon the request of two board members.

Sec. 16.05.315. Joint board meetings.

The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to

consider matters, as determined by the commissioner or a board, that require the consideration of both boards.

Sec. 16.05.320. Quorum.

A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations, and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations, and resolutions of the boards.



✚ 9 AAC 52.120. Declaration of potential violation by member of a board or commission

✚ (a) A declaration by a member of a board or commission of the facts and circumstances about a matter that may result in a violation of AS 39.52.110 - 39.52.190 or this chapter may serve as the disclosure in writing to the designated supervisor required by AS 39.52.220 if

(1) the declaration is made at a recorded public meeting of each board and commission on which the member serves;

(2) a tape or transcript of each meeting is preserved in accordance with the records retention schedule of the board or commission; and

(3) a method for identifying each portion of tape or transcript containing the declaration is used and the identifications are preserved.

(b) A member of a board or commission who takes or withholds an action that violates the Ethics Act or this chapter will not be held liable under the Ethics Act for the action if

(1) the action is taken or withheld in accordance with a determination by the chair as designated supervisor or the board under the procedures set out in AS 39.52.220 ;

(2) the member fully discloses all facts reasonably necessary to the determination of the chair or the board; and

(3) the attorney general has not advised the member, chair, board, or commission that the action violates the Ethics Act or this chapter.

✚ History: Eff. 4/24/94, Register 130

✚ Authority: AS 39.52.220

AS 39.52.240 (d)

AS 39.52.950



Sec. 39.52.260 Designated supervisor's report and attorney general review.

(a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts, circumstances, and disposition of any disclosure made under AS 39.52.210 - 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

(d) The attorney general shall submit to the personnel board a copy of the quarterly reports received from designated supervisors under (a) of this section together with a report on the attorney general's review conducted under (b) of this section.

[Home](#) | [Newsroom](#) | [Photos](#) | [Office Locations](#) | [Bio](#) | [Email Governor Palin](#)**Governor Palin** [find](#)

Boards & Commissions

State of Alaska > Governor > Boards and Commissions

Medical Board

Board: State Medical Board**Board identification number:** 061**Department:** DEPARTMENT OF COMMERCE COMMUNITY AND ECONOMIC DEV**Authority:** AS 08.64.010**Status:** Active**Sunset date:** 6/30/2007**Requirements:** Legislative Confirmation**Prohibitions:** Cannot serve more than all or part of two consecutive terms.**Term:** 4 years

Description: 8 members appointed by Governor; 5 licensed physicians residing in as many separate Alaska judicial districts as possible, 1 physician assistant licensed under AS 08.64.107, and 2 persons with no direct financial interest in the health care industry.

Function: Prescribes and establishes rules and regulations to carry into effect provisions of chapter; examines and issues licenses to applicants.

Chair: Board selects.

Special facts: Quorum - 5 members; serve at the pleasure of the Governor (AS 08.01.020). Staffed with an executive administrator located in Anchorage. Members serve until a successor is appointed. An appointment to fill a vacancy is for the remainder of the unexpired term. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served.

Compensation: Standard Travel and Per Diem.**Meetings:** At least 4 times per year.**For further information contact:**

Ms. Leslie Gallant
Executive Administrator, Medical Board
Corporations, Business, and Professional Licensing
550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Phone: (907) 269-8163, FAX: (907) 269-8196

Medical Board Roster[Go to the Medical Board Home page](#)

We appreciate your interest in boards and commissions. For further information contact the boards and commissions staff at (907) 465-3500 or at B&C@gov.state.ak.us.

[State of Alaska](#) - [Governor](#) - [Webmaster](#) - [Office Locations](#) - [Email Governor](#)

Quick Links

[Contacts/Locations](#)
[Office of the Lt. Governor](#)
[Management & Budget](#)
[Administrative Orders](#)
[FY'07 Enacted Budget](#)
[Proclamations](#)
[Official Portraits](#)

Of Interest

[Alaska Export Report](#)
[Status of the Flags](#)
[Boards and Commissions](#)
[Human Rights Commission](#)
[Homeland Security](#)
[Same-sex Benefits Info](#)
[Denali Awards](#)
[USMC Roll of Honor](#)
[Avian/Pandemic Flu Info](#)

Article 01. STATE MEDICAL BOARD

Sec. 08.64.010. Creation and membership of State Medical Board.

The governor shall appoint a board of medical examiners, to be known as the State Medical Board, consisting of five physicians licensed in the state and residing in as many separate geographical areas of the state as possible, one physician assistant licensed under AS 08.64.107, and two persons with no direct financial interest in the health care industry.

Sec. 08.64.020. Term of office. [Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.035].

Repealed or Renumbered

Sec. 08.64.030. Substitution of members. [Repealed, Sec. 19 ch 48 SLA 1983].

Repealed or Renumbered

Sec. 08.64.040. Removal of members. [Repealed, Sec. 49 ch 94 SLA 1987. For current law, see AS 08.01.020].

Repealed or Renumbered

Sec. 08.64.050. Oath of office.

Each member shall take an oath of office. The oath shall be filed and preserved in the department.

Sec. 08.64.060. Seal.

The board shall adopt a seal.

Sec. 08.64.070. Officers.

The board shall elect a president and secretary from among its members. The president and secretary may administer oaths.

Sec. 08.64.075. Designees.

If this chapter authorizes a designee to perform a duty, the board may designate a single board member, the executive secretary, or another employee of the department.

Sec. 08.64.080. Meetings of board. [Repealed, Sec. 3 ch 59 SLA 1966].

Repealed or Renumbered

Sec. 08.64.085. Meetings of the board.

The board shall meet at least four times a year.

Sec. 08.64.090. Quorum.

Five members of the board constitute a quorum for the transaction of all business properly before the board.

Sec. 08.64.100. Power of board to adopt regulations.

The board may adopt regulations necessary to carry into effect the provisions of this chapter.

Sec. 08.64.101. Duties.

The board shall

- (1) examine and issue licenses to applicants;
- (2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;
- (3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;
- (4) adopt regulations ensuring that renewal of licenses is contingent upon proof of continued competency on the part of the licensee; and
- (5) under regulations adopted by the board, contract with private professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired.

Sec. 08.64.103. Investigator; executive secretary.

After consulting with the board, the department shall employ two persons who are not members of the board; one shall be assigned as the investigator for the board; the other shall be assigned as the executive secretary for the board. The investigator shall

- (1) conduct investigations into alleged violations of this chapter and into alleged violations of regulations and orders of the board;
- (2) at the request of the board, conduct investigations based on complaints filed with the department or with the board; and

(3) be directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment and the department shall provide day to day and administrative supervision of the investigator.

Sec. 08.64.105. Regulation of abortion procedures.

The board shall adopt regulations necessary to carry into effect the provisions of AS 18.16.010 and shall define ethical, unprofessional, or dishonorable conduct as related to abortions, set standards of professional competency in the performance of abortions, and establish procedures and set standards for facilities, equipment, and care of patients in the performance of an abortion.

Sec. 08.64.107. Regulation of physician assistants and intensive care paramedics.

The board shall adopt regulations regarding the licensure of physician assistants and registration of mobile intensive care paramedics, and the medical services that they may perform, including the

- (1) educational and other qualifications;
- (2) application and registration procedures;
- (3) scope of activities authorized; and
- (4) responsibilities of the supervising or training physician.

Sec. 08.64.110. Per diem and expenses.

The members of the board are entitled to per diem and expenses authorized by law.

Sec. 08.64.120. Coverage of funds and warrants for expenses. [Repealed, Sec. 3 ch 59 SLA 1966].

Repealed or Renumbered

Sec. 08.64.130. Board records.

(a) The board shall preserve a record of its proceedings, which must contain the name, age, residence, and duration of residence of each applicant for a license, the time spent by the applicant in medical study, the place of medical study, and the year and school from which degrees were granted. The record must also show whether the applicant was granted a license or rejected.

(b) The board shall maintain records for each person licensed under this chapter concerning the outcome of malpractice actions and claims as reported under AS 08.64.200 (a) and 08.64.345. The board shall periodically review these records to

determine if the licensee should be found to be professionally incompetent under AS 08.64.326 (a)(8)(A).

(c) The board shall make available to the public the information maintained under (a) and (b) of this section for each person licensed under this chapter.

Sec. 08.64.140. Annual report to governor. [Repealed, Sec. 19 ch 48 SLA 1983].

Repealed or Renumbered

Sec. 08.64.150. Bond of secretary-treasurer. [Repealed, Sec. 28 ch 77 SLA 1969].

Repealed or Renumbered

Sec. 08.64.160. Applicability of Administrative Procedure Act.

The board shall comply with AS 44.62 (Administrative Procedure Act).

Summary of Board of Fisheries Vote Abstentions (2001-2006)



**Board Support Section
Alaska Department of Fish and Game
January 29, 2007**

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2001/2002 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Coffey</u>	<u>Miller</u>	<u>White</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Umphenour</u>	<u>Comments</u>
Oct. 11-13, 2001	Worksession (17 ACRs)	0	0	0	0	0	0	0	0	
Nov. 8-12, 2001	Lower Cook Inlet	44	0	0	0	0	0	12	0	Dersham conflict on 15-20, 24, 25, 29, 30, 35, 36 salmon
Nov. 13-14, 2001	Groundfish, Crab	7	0	0	0	0	0	0	0	
Jan. 7-14, 2002	Kodiak and Chignik finfish	69	0	0	0	0	0	0	0	
Feb. 6-20, 2002	Upper Cook Inlet finfish	291	0	0	0	0	0	27	0	Dersham conflict on 126, 147-150, 152-162, 201-206, 265, 266, 265-267 (guided fisheries and saltwater sport salmon).
Mar. 14-21, 2002	Statewide king and Tanner crab, supplemental issues	107	0	0	3	0	0	0	0	Miller conflict on 475, 480, and 483 (crab and Area A)
Jun. 16, 2002	VMS, Kenai chinook	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		520	0	0	3	0	0	39	0	
NUMBER OF PROPOSALS WITH CONFLICT:		42								
PERCENT OF PROPOSALS WITH CONFLICT:		8.1%								
TOTAL NUMBER OF VOTES		3,640								
NUMBER OF VOTES WITH CONFLICT:		42								
PERCENT OF VOTES WITH CONFLICT:		1.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.3%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2002/2003 PWS AND SOUTHEAST CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Engel</u>	<u>Jordan</u>	<u>White</u>	<u>Szczesny</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Holm</u>	<u>Comments</u>
Oct. 17-19, 2002	Worksession (36 ACRs)	0	0	0	0	0	0	0	0	
Oct. 20-21, 2002	Groundfish, Chinook	5	0	0	0	0	0	0	0	
Dec. 5-6, 2002	Chinook	16	<u>Engel</u> 0	<u>Jordan</u> 0	<u>vacant</u> 0	<u>Szczesny</u> 0	<u>R. Nelson</u> 0	<u>Dersham</u> 0	<u>Holm</u> 0	
Jan. 20-28, 2003	Southeast herring, groundfish, Dungeness crab, shrimp, misc. shellfish	174	<u>Engel</u> 0	<u>Morris</u> 0	<u>Jensen</u> 19	<u>A. Nelson</u> 0	<u>R. Nelson</u> 0	<u>Dersham</u> 0	<u>Andrews</u> 0	Jensen conflict on 198, A, 200-209, 212-216, 218, 220 (Dungeness crab).
Jan. 31-Feb. 5, 2003	Prince William Sound and Copper River finfish	104	0	0	0	0	0	0	0	
Feb. 20-28, 2003	Southeast and Yakutat finfish	122	0	0	16	0	0	0	0	Jensen conflict on 366-370 (Hidden Falls, Deep Inlet, and Anita Bay terminal area), 380 (allocation), 383-385, 388-392 (allocation and seasons), and 210-211 (Dungeness crab).
Mar. 17-25, 2003	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	71	0	0	0	0	0	0	0	
Apr. 30, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
May 14, 2003	Dutch Harbor food and bait herring	1	0	0	0	0	0	0	0	
Jun. 24, 2003	Bristol Bay red king crab	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		496	0	0	35	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		35								
PERCENT OF PROPOSALS WITH CONFLICT:		7.1%								
TOTAL NUMBER OF VOTES		3,472								
NUMBER OF VOTES WITH CONFLICT:		35								
PERCENT OF VOTES WITH CONFLICT:		1.0%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		13.1%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2003/2004 BRISTOL BAY, A-Y-K, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>R. Nelson</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 1-3, 2003	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Oct. 4, 2003	Pribilof Islands blue king crab	1	0	0	0	0	0	0	0	
Nov. 12-17, 2003	Statewide finfish	31	0	0	1	0	0	0	0	Jensen conflict on Area A registration
Nov. 18-19, 2003	Chignik purse seine coop fishery	6	0	6	0	0	0	0	0	Nelson conflict on all proposals
Dec. 9-17, 2003	Bristol Bay finfish	75	0	0	0	0	0	0	0	
Jan. 12-19, 2004	Arctic-Yukon-Kuskokwim finfish	32	0	0	0	0	0	0	0	
Feb. 15-26, 2004	Alaska Peninsula/Aleutian Islands finfish	84	0	0	0	0	0	0	0	
Apr. 4-5, 2004	Prince William Sound allocation plan	2	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		231	0	6	1	0	0	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		7								
PERCENT OF PROPOSALS WITH CONFLICT:		3.0%								
TOTAL NUMBER OF VOTES		1,617								
NUMBER OF VOTES WITH CONFLICT:		7								
PERCENT OF VOTES WITH CONFLICT:		0.4%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		3.2%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2004/2005 COOK INLET/KODIAK CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Dersham</u>	<u>Bouse</u>	<u>Comments</u>
Jul. 1, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 5, 2004	Teleconference re Kasilof sockeye	1	0	0	0	0	0	0	0	
Jul. 19, 2004	Teleconference re Kasilof and Kenai late-run sockeye	1	1	0	0	0	0	0	0	Morris conflict on emergency petition re Cook Inlet
Aug. 4, 2004	Teleconference re Cook Inlet eastside commercial and Kenai personal use	1	0	0	0	0	0	0	0	
Sep. 28, 2004	Teleconference re Kenai River coho	1	0	0	0	0	0	0	0	
Oct. 5-7, 2004	Worksession (24 ACRs)	0	0	0	0	0	0	0	0	
Nov. 11-13, 2004	Lower Cook Inlet finfish	34	0	0	0	0	3	6	0	Dersham conflict on 17-21 and 23 (guide registration, Dolly Varden, trout, enforcement, and gaff use). Heyano conflict on 33 (Bristol Bay drift gear).
Nov. 14-17, 2004	Chignik finfish	33	0	0	1	0	0	0	0	Jensen conflict with emergency petition re Dungeness crab in southeast.
Jan. 7-10, 2005	Kodiak finfish	134	0	0	0	0	3	0	0	Heyano conflict on three herring proposals
Jan. 17-29, 2005	Upper Cook Inlet finfish	258	25	0	0	0	0	3	0	Dersham conflict on 149, 250, and 289. Morris conflict on 144, 145, 147, 148, 151, 153-156, 191 (Kenai sockeye), 158 (Russian River sockeye), 178, 188, 182, 184, 196 (Northern District salmon), 189 (Central District periods), 231, 134, 135, 139, 242, and 243 (Upper Cook Inlet plans).
Mar. 7-13, 2005	Statewide king and Tanner crab, supplemental issues	68	0	0	3	0	4	0	0	Heyano conflict on Proposals 456 (OEG for Kvichak), 420 (Bering sea crab CDQ) 424 & 426 (pot gear Bering sea crab). Jensen conflict on 402 & 404 (Southeast Tanner crab) and 457 (Taku and Sitikine king salmon)
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		532	26	0	4	0	10	9	0	
NUMBER OF PROPOSALS WITH CONFLICT:		49								
PERCENT OF PROPOSALS WITH CONFLICT:		9.2%								
TOTAL NUMBER OF VOTES		3,724								
NUMBER OF VOTES WITH CONFLICT:		49								
PERCENT OF VOTES WITH CONFLICT:		1.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		9.7%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2005/2006 PWS AND SOUTHEAST CYCLE

		<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Bouse</u>	<u>Comments</u>
Oct. 13-14, 2005	Worksession (45 ACRs)	0	0	0	0	0	0	0	0	
Oct. 15-16, 2005	State-waters trawl	3	1	0	0	0	0	0	0	Morris conflict on Central Gulf of Alaska portion of proposal
Nov. 15-16, 2005	Chignik salmon	1	0	0	0	0	0	0	0	
Dec. 1-6, 2005	Prince William Sound and Copper River finfish	84	0	0	0	0	2	0	0	Heyano conflict on Proposals 78 and 79 (sablefish, herring)
Dec. 29, 2005	Teleconference re Adak P-cod	0	0	0	0	0	0	0	0	
Jan. 22-Feb. 1, 2006	Southeast and Yakutat finfish	142	0	0	39	0	0	0	0	Jensen conflict on specific salmon and herring proposals
Feb. 20-26, 2006	Southeast groundfish, dungeness crab, shrimp, misc. shellfish; plus Aleutian Island P-cod	82	0	1	22	0	0	0	0	Nelson conflict on Proposal 399 (Aleutian Islands P-cod); Jensen conflict on 226-234, 269, and 271-282 (crab, groundfish)
Mar. 17-23, 2006	Statewide dungeness crab, shrimp, misc. shellfish, supplemental issues	107	0	1	0	0	1	0	0	Heyano conflict on Proposal 398 (alter CDQ crab quotas); Nelson conflict on Nunavut coop plan
May 3, 2006	Bering Sea crab	1	0	0	0	0	0	0	0	
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		420	1	2	61	0	3	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		67								
PERCENT OF PROPOSALS WITH CONFLICT:		16.0%								
TOTAL NUMBER OF VOTES		2,940								
NUMBER OF VOTES WITH CONFLICT:		67								
PERCENT OF VOTES WITH CONFLICT:		2.3%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		27.5%								

Summary of Board of Fisheries Vote Abstentions (2001-2006)

2006/2007 BRISTOL BAY, AYK, ALASKA PENINSULA CYCLE

<u>Meeting dates</u>	<u>Topics</u>	<u>Proposals</u>	<u>Morris</u>	<u>A. Nelson</u>	<u>Jensen</u>	<u>Andrews</u>	<u>Heyano</u>	<u>Campbell</u>	<u>Williams</u>	<u>Comments</u>
Oct. 12-13, 2006	Worksession (29 ACRs)	0	0	0	0	0	0	0	0	
Oct. 14-15, 2006	State-waters trawl	6	1	0	0	0	0	0	0	Morris conflict on Cook Inlet Pollock
Oct. 31, 2006	Teleconference re Adak pollock	0	0	0	0	0	0	0	0	
Dec. 4-12, 2006	Bristol Bay finfish	120	0	0	0	0	38	0	0	Heyano conflict on Nushagak River salmon, herring
Jan. 31-Feb. 5, 2007	Arctic-Yukon-Kuskokwim finfish	56								
Feb. 6-11, 2007	Alaska Peninsula/Aleutian Islands finfish	48								
Mar. 9-13, 2007	Statewide finfish	26								
TOTAL NUMBER OF PROPOSALS FOR CYCLE:		256	1	0	0	0	38	0	0	
NUMBER OF PROPOSALS WITH CONFLICT:		39								
PERCENT OF PROPOSALS WITH CONFLICT:		15.2%								
TOTAL NUMBER OF VOTES		1,792								
NUMBER OF VOTES WITH CONFLICT:		39								
PERCENT OF VOTES WITH CONFLICT:		2.2%								
MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:		31.7%								

Six-year summary for 2001/2002 through 2006/2007 cycles

MEAN NUMBER OF PROPOSALS PER CYCLE:	409	(Range: 231 - 532)
MEAN NO. OF PROPOSALS WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF PROPOSALS WITH CONFLICT:	9.7%	(Range: 3.0 - 15.7%)
MEAN NUMBER OF VOTES PER CYCLE:	2,864	(Range: 1,717 - 3,724)
MEAN NUMBER OF VOTES WITH CONFLICT:	40	(Range: 7 - 67)
PERCENT OF VOTES WITH CONFLICT:	1.4%	(Range: 0.4 - 2.2%)
AVERAGE MAXIMUM PERCENTAGE OF MEMBER CONFLICTS PER MEETING:	15.7%	(Range: 3.2 - 31.7%)

PREPARED
BY THE
OFFICE OF
REP. SEATON

- **Unlike all other 122 Boards and Commissions, the Boards of Fish and Game deal strictly with regulations, as opposed to having an additional professional licensing or an adjudicatory function. The management of fish and game resources is a function inherent to the legislature as provided in Article 8 section 2 of the Constitution. This function is delegated to the Boards of Fish and Game by the legislature, putting these boards in a different class than other boards and commissions.**
- **The statutory guidance for Board of Fish and Game membership is by far the broadest language of any Board and Commission. Board of Fish members are picked “on the basis of interest in public affairs, good judgment, knowledge, and ability in the field of action of the board, and with a view to providing diversity of interest and points of view in the membership. The appointed members shall be residents of the state and shall be appointed without regard to political affiliation or geographical location of residence.”**

Conversely, the guidance for professional boards such as the Board of Dental Examiners is specific “Six members shall be licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, two members shall be dental hygienists licensed under AS 08.32 who have been engaged in the practice of dental hygiene in the state for five years immediately preceding appointment, and one member shall be a public member.”

Per the spreadsheet entitled “Recusals due to Conflict of Interest in Quarterly Reports 2003-2006” of all of the other 120 boards and commissions with specific statutory guidance to be composed of specialized members, only a fraction of these report recusals due to conflicts of interest. The existing statutory framework, applied the same to the broadly selected Board of Fish as to the specialized professional licensing and adjudicatory boards causes a disproportionate amount of recusals for the Board of Fisheries.

At issue is the interpretation of the “large class exemption”. AS 39.52.110(b)(1) states “unethical conduct is prohibited, but there

is no substantial impropriety if, as to a specific matter, a public officer's (1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs;"

This has been interpreted to allow a professional member of a board to continue to act on regulations when their personal or financial interests are identical to that of other professionals in their field affected by the regulation. This would allow a Medical Board member who practices in a specialized field in medicine for which there exist a small pool of practitioners operating in the state to participate on matters in which they have a direct financial interest. While a member of the Board of Fish would be precluded from acting on a matter affecting a fishery with several hundred other participants of which the member is one, a member of the Medical Board is able to participate in deliberations and voting on a matter that affects a proportionally smaller pool of participants.

Attorney General opinions on the large class exemption state that "in considering whether a board members interest in a matter could give rise to a conflict under the Act, we concluded that a significant factor was whether the action would have a regional as opposed to a statewide effect." This analysis has been used in the determination to conflict out a Board of Fish member with a participatory interest in a regional fishery. However, according to Medical Board staff, a practitioner of open heart surgery (which is only practiced in a single city in the state by a very small group of people) would not be precluded from participation in discussion on a regulation affecting the practice of open heart surgery.

Louie Flora

From: Dave Jones [Dave_Jones@law.state.ak.us]
Sent: Thursday, March 22, 2007 11:42 AM
To: Louie Flora
Cc: Judy Bockmon; Lance Nelson; Steven Daugherty
Subject: Re: Your Summary

Louie,

Offhand, there are some things I can't confirm because, for example, to confirm that the Boards of Fish and Game are the only boards with solely regulatory authority, we'd need to check the statutes for all of the boards. Similarly, to confirm that the qualification standards for members of the Boards of Fish and Game are unique, we'd need to check the statutes for all of the boards.

I agree that article VIII, section 2 of the Alaska Constitution states that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state for the maximum benefit of its people, if that's what you mean by "a function inherent to the legislature." I'm not certain whether that means, though, that the Boards of Fish and Game are in a different class than other boards.

As Steve indicated, I don't know whether the quarterly reports accurately reflect the total number of recusals for all state boards or the reasons for recusals. They probably should, but may not.

When describing application of the "large class" exception, it might be more accurate to say that professional members may continue to act when their interests are identical to those of all other professionals in their field affected by a regulation. I'm not sure that I agree with the general statement regarding a "small pool of professionals" or the follow-up comment comparing the effects on Fish Board members. Conflict issues are resolved on a case-by-case basis, applying the same standards under the Ethics Act.

I don't recall what Ms. Gallant may have said about heart surgeons acting on regulations affecting heart surgery. However, in that case, the chair may have determined that the regulation would have only an insignificant or conjectural effect on the participating heart surgeon's personal or financial interests, allowing the heart surgeon to participate.

Because these determinations are made on a case-by-case basis, it is very difficult to draw reliable conclusions without knowing all of the considerations that affected resolution of the conflict issues.

>>> Louie Flora <Louie_Flora@legis.state.ak.us> Thursday, March 22, 2007 11:07 AM >>>

Please take a look at this small write up I have done based off the discussion in House Fisheries and the AG opinions that Dave sent over yesterday...and let me know if I'm off base with what I've written.

Thanks,

Louie

-----Original Message-----

From: Dave Jones [mailto:Dave_Jones@law.state.ak.us]
Sent: Wednesday, March 21, 2007 5:36 PM
To: Louie Flora
Cc: Judy Bockmon; Lance Nelson; Steven Daugherty
Subject: Ethics Opinions

Louie,

-----Original Message-----

From: Lance Nelson [mailto:Lance_Nelson@law.state.ak.us]

Sent: Thursday, March 22, 2007 1:53 PM

To: Dave Jones; Louie Flora

Cc: Judy Bockmon; Steven Daugherty

Subject: Re: Your Summary

I think Louie's point on the Alaska Constitution is correct in that the grant of authority to the legislature was very specifically made to the legislative, and not executive branch. While other boards and commissions are also creatures of statute, I don't think that the authority given them has the same "expressly legislative" designation.

Recusals due to Conflict of Interest in Quarterly Ethics Reports 2003 - 2006

2003

AIDEA - four recusals
Social Work Examiners - one recusal
Local Boundary Comm. - one recusal
Real Estate Appraisers - one recusal
Pharmacy Board - one recusal
Board of Marine Pilots - one recusal
Board of Fisheries - three recusals
(on 42 regulatory proposals)

2004

Local Boundary Comm. - one recusal
AIDEA - one recusal
Real Estate Comm. - two recusals
Board of Fisheries - four recusals
(on 11 regulatory proposals)

2005

Board of Dental Examiners - one recusal
Social Work Examiners - four recusals
Local Boundary Commission - one recusal
Ag. and Conservation Board - one recusal
Board of Regents - one recusal
Railroad Corporation - one recusal
Board of Fisheries - seven recusals
(on 41 regulatory proposals)

2006

Oil and Gas Conservation Comm. - one recusal (on single issue)
Board of Regents - one recusal (on single issue)
Board of Game - one recusal (on single issue)
Board of Marine Pilots - three recusals (on single issue)
Public Broadcasting Commission - one recusal (on two issues)
Social Work Examiners - two recusals (on two issues)
Local Boundary Commission - one recusal (on two issues)
Board of Professional Counselors - one recusal (on single issue)
Board of Fisheries - three recusals
(on 103 regulatory proposals)

Quarterly Ethics reports (required of boards under AS 39.52.260) may not contain data on all conflicts because they may fail to reflect voluntary recusal where a board member does not appear at the relevant meeting or portion of a meeting because of a conflict. Reports may fail to reflect whether a recusal is for a single matter or a number of matters before a board or commission.

From: Leslie Gallant [mailto:Leslie_Gallant@commerce.state.ak.us]
Sent: Thursday, March 22, 2007 8:13 AM
To: Louie Flora
Subject: Re: regulation passed by medical board

Louie, which regulation do you want to see?

No, if a member of the board were a heart surgeon and there was a regulation before the board about heart surgery, that individual would not be precluded from discussion and voting.

Leslie A. Gallant, Executive Administrator
Alaska State Medical Board
550 West Seventh Avenue - Suite 1500
Anchorage AK 99501

Email: Leslie_Gallant@commerce.state.ak.us
Office: 907/269-8163
Fax: 907/269-8196

a public officer's spouse, a relation by blood with and including the second degree of kindred, and a regular member of the officer's household. AS 39.52.960(11). Whether A or his wife owns the permit, there still is a conflict. Similarly, his daughter's ownership of an Area B permit would also give A a financial interest in proposals affecting the Area B permit holders.

There are approximately 129 Area B permit holders of one type and 120 Area B permit holders of another type. As a member of these user groups in Area B, A's financial interest in proposals affecting these user groups is not "of a type that is possessed generally by the public or a large class of persons to which the public officer belongs." AS 39.52.110(b)(2). We believe that it would be a violation of the Act for A to vote on a proposal that significantly affects his financial interests as a member of these user groups. Id.; see 1991 Inf. Op. Att'y Gen. (Nov. 25; 663-91- 0180) (in considering whether a board member's interest in a matter could give rise to a conflict under the Act, we concluded that a significant factor was whether the action would have regional as opposed to statewide effect); see, 1989 Inf. Op. Att'y Gen. (August 30; 663- 90-0073) (we advised a department that it would be a violation of the Act if one of its biologists held a limited entry permit for and possessed the management authority to influence and direct the economics of the same fishery); see, e.g., Carney v. State, 785 P.2d 544, 548 (Alaska 1990) (holding under common law conflict of interest rules that because of their active fishing interests in the commercial salmon drift net fishery in the Nushagak district, four members of the board of fisheries possessed conflicts of interests with respect to proposals that could benefit their user groups at the expense of competing user groups in the district). If a proposal has an insignificant effect on A's financial interests as a member of the Area B permit holders, then he should be allowed to participate.

With respect to proposals pertaining to allocations to competing user groups in Area B or in other regions of Alaska, a similar analysis applies. We advise that if a proposal to a competing user group significantly affects A's financial interests as a member of the Area B permit holders, then A should recuse himself from voting on that proposal. If a particular proposal concerning a competing user group has an insignificant effect on A's financial interests as a member of the Area B permit holders, then we advise that A should be allowed to vote on the proposal.

We believe the foregoing answers question

numbers 1, 2, 3, and 4.

B. A's membership in the Association, Corporation, and Council.

A is not an officer or director of the Association, Corporation, or Council. A is a member of the Association and Council and a shareholder of the Corporation. In accordance with the Ethics Act's definition of "personal interest," membership in these organizations gives him a "personal interest" in proposals before the board that would confer a "benefit" to these organizations. [FN7]

From a review of the lawsuits in which these organizations are parties either as co-defendants with the state or as plaintiffs against the state, the interests of these organizations appear to be concentrated on the board's management of Area B. Given A's independent financial interests in the Area B activities, it is unnecessary to analyze further what A's conflicts are based on these organizations' interests in the activities in Area B. We cannot conceive of a proposal that would specifically and significantly affect these organizations' interests in the Area B activities that would not also specifically and significantly affect A's financial interests in these activities. If a situation arises where a proposal might affect these organizations' interests in the Area B activities but not A's financial interests in these activities, we will address the issue at that time.

We believe that the foregoing answers question number 5.

C. A's position as Mayor of a Borough.

A is the Mayor of a Borough, which is an incorporated borough under the laws of Alaska that serves several communities. The Borough provides educational, social, health, and other governmental services and facilities to these remote communities. As discussed earlier in the opinion, the Borough has stated that it depends on the activities in Area B for its primary source of revenue.

Based on A's position as mayor, we believe that A has a personal interest in proposals that would confer a "benefit" to the Borough. However, similar to our discussion above, it is unnecessary to analyze further what A's conflicts are based on whether a particular proposal confers a significant "benefit" to the Borough. We cannot conceive of a proposal that would directly and specifically affect the Borough's interests in the Area B activities that would not also directly and specifically affect A's financial interests

(Cite as: 1992 Alaska Op. Atty. Gen. (Inf.) 1, 1991 WL 561443 (Alaska A.G.))

members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.

(b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's

(1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or

(2) action or influence would have insignificant or conjectural effect on the matter.

(c) The Attorney General, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions. AS 39.52.110.

Thus, resolution of this matter requires determination of whether the potential conflict of interest is "insignificant or conjectural" or whether any potential personal or financial interest is of "a type that is possessed generally by the public at large or a large class of persons to which the public officer belongs." This determination will, at times, be very difficult.

I am now referring resolution of this matter to you under AS 39.52.220. You, as chair of the board, will have a greater sense of when a conflict is insubstantial or when the participation of the professional members is indispensable. Additionally, under AS 39.52.220, if the board disagrees with your conclusion, it can put the matter to a vote. This process will create better understanding of ethical rules and obligations and will lead to greater compliance with these rules.

In this regard, this office has the following observations. First, in the structure of the board, the legislature created the situation where a potential conflict would inevitably arise by requiring that two active professional members be on the board. However, it also required that two representatives from the commercial portion of the

industry ("industry members") sit on the board.

Clearly, the legislature deliberately juxtaposed the professional members with the industry members.

The Act presupposes that each board member will, to some degree, promote the interest of the group that he or she represents. In each case, whether it be the industry or the professional member, the interests of the group and the personal interest of the member will coincide to some degree. Of course, the members have a duty to consider more than naked self-interest; this duty compels the members to recognize that self-interest will ultimately be served by promoting the health of the industry as a whole. The net effect of including both professional members and industry members on the board should be neutral.

From this structure, we can conclude that, for professional members, the "class of persons to which the public officer belongs" is the class of such professionals generally. Therefore, under AS 39.52.110(b)(1), when the professional members' personal or financial interests in a matter before the board are identical with that of such professionals generally, it would not be unethical for the professional board member to participate. Thus, when the matter before the board involves multiple regions and associations, both professional members may participate, even if they would personally benefit from the proposed action.

However, when the matter before the board has only regional effect, or effect on a single association, it becomes a closer question. In other words, as the size of the "class" shrinks, the substantiality of the member's personal benefit increases.

To give a concrete example, the board recently considered a tariff increase. When the board considered the tariff for only the member's region, the member's participation became a very close question. Yet, the ultimate action taken by the board related to statewide tariffs; the member's participation in this question is proper.

Accordingly, when tariffs generally are being discussed, full participation should be allowed. In this situation, even regional tariffs will have substantial statewide effect. However, if, for example, an emergency regulation were proposed to

under the Act for one of its members to participate on matters that generally affected his interests as a member of a statewide class of individuals. However, we advised the board that its member should recuse himself where a matter would have affected only the board member's region. 1991 Inf. Op. Atty. Gen. at 6 (Nov. 25; 663-91-0180). Significantly, we also advised the board that if a matter directly affects the rivalry between the board member's association and a second competing association from that region, then the board member must recuse himself. Id.

Although the structure of the board in the foregoing example is markedly different from the structure of this Board, it is instructive to note that we did not simply count the number of class members from the board member's region before concluding that the board member should recuse himself from matters specifically affecting his regional interests. [FN2]

Based on the principles in these opinions and the high standards of ethical conduct required of public officers under the Act, it is impossible to conclude outright, based solely on the class size of the permit holders in the area, that A will never have an impermissible conflict under the Act. Instead, the board should be guided by the principle that where A, taking into account both his financial interests as a permit holder and his immediate family members' financial interests as permit holders, possesses a direct and significant financial interest in a proposal, then it would be a conflict under the Act for him to participate as a board member. [FN3] It may be that given the large class size of users in the area, some proposals affecting this group will have an insignificant effect on individual users in the group, and therefore it would not be a conflict for A to participate as a board member.

This principle, then, leaves it for you to decide on a case-by-case basis whether a particular proposal is one which directly and significantly affects A's financial interests. If you conclude that the proposal would directly and significantly affect the financial interests of A and his family members then A should not participate as a board member. If you conclude that the effect on the financial interests of A and his family members is insignificant or conjectural, then A should be allowed to participate as a board member. See AS 39.52.110(b)(2).

If you have further questions, please do not hesitate to contact me.

Martin M. Weinstein
Assistant Attorney General
Natural Resources Section-Juneau

[FN1]

The Act defines "benefit" to mean

anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value. AS 39.52.960(3).

[FN2]

See also Department of Law's proposed 9 AAC 52.110(c), which states:

Under AS 39.52.110(b)(1), a public officer's membership is significant even if the public officer is a member of a large organization if the officer or an immediate family member has a significant financial interest by reason of membership in that organization and the organization is involved in a matter pending before the administrative unit that the officer serves. The proposed regulation emphasizes the significance of the board member's financial interest in the matter, not the size of the organization.

[FN3]

This of course does not mean that A cannot participate as a member of the public when he is conflicted out.

1994 Alaska Op. Atty. Gen. (Inf.) 23, 1993 WL 667346 (Alaska A.G.)
END OF DOCUMENT

HB 15 Board of Fisheries Conflict of Interest Materials

This packet of materials includes:

1. A spreadsheet detailing the boards and commissions that have reported recusals due to conflicts of interest 2003 through 2006.
2. A list of all boards and commissions.
3. Summary of the ethics issues reported by boards and commissions in quarterly ethics reports (required under AS 39.52.260) 2003 through 2006.
4. Board of Fish quarterly ethics reports 2003 through 2006.

Recusals due to Conflict of Interest in Quarterly Ethics Reports 2003 - 2006

2003

AIDEA - four recusals
Social Work Examiners - one recusal
Local Boundary Comm. - one recusal
Real Estate Appraisers - one recusal
Pharmacy Board - one recusal
Board of Marine Pilots - one recusal
Board of Fisheries - three recusals
(on 42 regulatory proposals)

2004

Local Boundary Comm. - one recusal
AIDEA - one recusal
Real Estate Comm. - two recusals
Board of Fisheries - four recusals
(on 11 regulatory proposals)

2005

Board of Dental Examiners - one recusal
Social Work Examiners - four recusals
Local Boundary Commission - one recusal
Ag. and Conservation Board - one recusal
Board of Regents - one recusal
Railroad Corporation - one recusal
Board of Fisheries - seven recusals
(on 41 regulatory proposals)

2006

Oil and Gas Conservation Comm. - one recusal
Board of Regents - one recusal
Board of Game - one recusal
Board of Marine Pilots - three recusals
Public Broadcasting Commission - one recusal
Social Work Examiners - two recusals
Local Boundary Commission - one recusal
Board of Professional Counselors - one recusal
Board of Fisheries - three recusals
(on 103 regulatory proposals)

Quarterly Ethics reports (required of boards under AS 39.52.260) may not contain data on all conflicts because they may fail to reflect voluntary recusal where a board member does not appear at the relevant meeting or portion of a meeting because of a conflict. Reports may fail to reflect whether a recusal is for a single matter or a number of matters before a board or commission.

[Home](#) | [Newsroom](#) | [Photos](#) | [Office Locations](#) | [Bio](#) | [Email Governor Palin](#)
Governor Palin [find](#)

Boards & Commissions

State of Alaska > Governor > Boards and Commissions

List of Boards and Commissions: Fact Sheets, Rosters and Websites

Accountancy, Alaska State Board of Public	Fact Sheet Roster Website
Aerospace Development Corporation Board of Directors, Alaska	Fact Sheet Roster Website
Aging, Alaska Commission on	Fact Sheet Roster Website
Agriculture and Conservation Board	Fact Sheet Roster Website
Alaska Health Care Strategies Planning Council	Fact Sheet
Alaska Retirement Management Board	Fact Sheet Roster
Alaska Statehood Celebration Commission	Fact Sheet Roster Website
Alaska-Alberta Bilateral Council	Fact Sheet Roster
Alcoholic Beverage Control Board	Fact Sheet Roster Website
Alcoholism and Drug Abuse, Advisory Board on	Fact Sheet Roster Website
Architects, Engineers, & Land Surveyors, State Board of Registration for	Fact Sheet Roster Website
Arts, Alaska State Council on the	Fact Sheet Roster Website
Assessment Review Board, State	Fact Sheet Roster
Aviation Advisory Board	Fact Sheet Roster
Bald Eagle Preserve Advisory Council, Alaska Chilkat	Fact Sheet Roster Website
Bar, Board of Governors of the Alaska	Fact Sheet Roster Website
Barbers and Hairdressers, Board of	Fact Sheet Roster Website
Big Game Commercial Services Board	Fact Sheet Roster Website
Boating Safety Advisory Board	Fact Sheet Roster Website
Broadcasting Commission, Alaska Public	Fact Sheet Roster Website
Children's Trust Board, Alaska	Fact Sheet Roster Website
Chiropractic Examiners, Board of	Fact Sheet Roster Website
Clemency Advisory Committee	Fact Sheet Roster
Commemorative Coin Commission, Alaska	Fact Sheet Roster Website
Commercial Fisheries Entry Commission, Alaska	Fact Sheet Roster Website
Commercial Fishing and Agriculture Bank Board of Directors	Fact Sheet Roster Website
Community Service Commission, Alaska	Fact Sheet Roster Website
Denali Access System Advisory Committee	Fact Sheet Roster Website
Dental Examiners, Board of - Fact Sheet Roster Website	
Disabilities and Special Education, Governor's Council on	Fact Sheet Roster Website
Domestic Violence and Sexual Assault, Council on	Fact Sheet Roster Website
Education and Early Development, Board of	Fact Sheet Roster Website
Education Commission of the States	Fact Sheet Roster Website
Emergency Medical Services, Alaska Council on	Fact Sheet Roster Website
Emergency Response Commission, Alaska State	Fact Sheet Roster Website
Employment and Rehabilitation of People With Disabilities, Governor's Committee on	Fact Sheet Roster Website
Exxon Valdez Oil Spill Settlement Trustees	Fact Sheet Roster Website
Faith-Based and Community Initiatives Advisory Council	Fact Sheet Roster Website
Fire Standards Council	Fact Sheet Roster Website
Fisheries, Board of	Fact Sheet Roster Website
Fishermen's Fund Advisory and Appeals Council	Fact Sheet Roster Website
Forestry, Board of	Fact Sheet Roster Website
Game, Board of	Fact Sheet Roster Website
Historical Commission, Alaska	Fact Sheet Roster Website



Quick Links

[Contacts/Locations](#)
[Office of the Lt. Governor](#)
[Management & Budget](#)
[Administrative Orders](#)
[FY'07 Enacted Budget](#)
[Proclamations](#)
[Official Portraits](#)

Of Interest

[Alaska Export Report](#)
[Status of the Flags](#)
[Boards and Commissions](#)
[Human Rights Commission](#)
[Homeland Security](#)
[Same-sex Benefits Info](#)
[Denali Awards](#)
[USMC Roll of Honor](#)
[Avian/Pandemic Flu Info](#)

Historical Records Advisory Board, State	Fact Sheet Roster Website
Homeless Council	Fact Sheet Roster
Housing Finance Corporation, Alaska	Fact Sheet Roster Website
Human Rights, State Commission for	Fact Sheet Roster Website
Humanities Forum, Alaska	Fact Sheet Roster Website
Independent Living Council, Statewide	Fact Sheet Roster Website
Industrial Development and Export Authority, Alaska	Fact Sheet Roster Website
Interstate Oil and Gas Compact Commission	Fact Sheet Roster Website
Judicial Conduct, Commission on	Fact Sheet Roster Website
Judicial Council, Alaska	Fact Sheet Roster Website
Juvenile Justice Advisory Committee, Alaska	Fact Sheet Roster Website
Knik Arm Bridge And Toll Authority, Alaska	Fact Sheet Roster Website
Labor Relations Agency	Fact Sheet Roster Website
Libraries, Advisory Council on	Fact Sheet Roster Website
Local Boundary Commission - Fact Sheet Roster Website	
Marine Pilots, Board of	Fact Sheet Roster Website
Marine Transportation Advisory, Board of	Fact Sheet Roster
Marital and Family Therapy, Board of	Fact Sheet Roster Website
Medical Board, State	Fact Sheet Roster Website
Mental Health Board, Alaska	Fact Sheet Roster Website
Mental Health Trust Authority Board of Trustees, Alaska	Fact Sheet Roster Website
Midwives, Board of Certified Direct-Entry	Fact Sheet Roster Website
Minerals Commission, Alaska	Fact Sheet Roster Website
Municipal Bond Bank Authority, Alaska	Fact Sheet Roster Website
Natural Gas Development Authority, Alaska	Fact Sheet Roster
Natural Resources Conservation & Development Board	Fact Sheet Roster Website
North Pacific Anadromous Fish Commission - Advisory Panel to the U.S. Section	Fact Sheet Roster Website
North Pacific and Bering Sea Fisheries Advisory Body	Fact Sheet Roster
North Pacific Fishery Management Council	Fact Sheet Roster Website
North Pacific Research Board	Fact Sheet Roster
Nursing, Board of	Fact Sheet Roster Website
Occupational Safety and Health Review Board	Fact Sheet Roster Website
Oil and Gas Conservation Commission, Alaska	Fact Sheet Roster Website
Optometry, Board of Examiners in	Fact Sheet Roster Website
Pacific Marine Fisheries Commission	Fact Sheet Roster Website
Pacific Salmon Commission, Commissioners Panel	Fact Sheet Roster Website
Pacific Salmon Commission, Northern Panel	Fact Sheet Roster Website
Pacific Salmon Commission, Transboundary Panel	Fact Sheet Roster Website
Parole, State Board of	Fact Sheet Roster Website
Permanent Fund Corporation Board of Trustees, Alaska	Fact Sheet Roster Website
Personnel Board	Fact Sheet Roster
Pharmacy, Board of	Fact Sheet Roster Website
Physical Therapy and Occupational Therapy Board, State	Fact Sheet Roster Website
Pioneers' Homes Advisory Board, Alaska	Fact Sheet Roster Website
Police Standards Council, Alaska	Fact Sheet Roster Website
Postsecondary Education, Alaska Commission on	Fact Sheet Roster Website
Prince William Sound Oil Spill Recovery Institute Advisory Board	Fact Sheet Roster Website
Professional Counselors	Fact Sheet Roster Website
Professional Teaching Practices Commission	Fact Sheet Roster Website
Psychologist and Psychological Associate Examiners, Board of	Fact Sheet Roster Website
Public Offices Commission, Alaska	Fact Sheet Roster Website
Railroad Corporation, Board of Directors of the Alaska	Fact Sheet Roster Website

Real Estate Appraisers, Board of Certified	Fact Sheet Roster Website
Real Estate Commission	Fact Sheet Roster Website
Regents, University of Alaska Board of	Fact Sheet Roster Website
Regulatory Commission of Alaska	Fact Sheet Roster Website
Royalty Oil and Gas Development Advisory Board, Alaska	Fact Sheet Roster Website
Safety Advisory Council, Alaska	Fact Sheet Roster Website
Seafood Marketing Institute, Alaska	Fact Sheet Roster Website
Seismic Hazards Safety Commission, Alaska	Fact Sheet Roster Website
Social Work Examiners, Board of	Fact Sheet Roster Website
Student Loan Corporation, Alaska	Fact Sheet Roster Website
Subsistence Resource Commissions, National Park and Park Monument	Fact Sheet Roster Website
Suicide Prevention Council - Fact Sheet Roster Website	
Uniform State Laws, National Conference of Commissioners on	Fact Sheet Roster Website
Veterans Advisory Council, Alaska	Fact Sheet Roster Website
Veterinary Examiners, Board of	Fact Sheet Roster Website
Violent Crimes Compensation Board	Fact Sheet Roster Website
Water and Wastewater Works Advisory Board	Fact Sheet Roster Website
Western Interstate Commission for Higher Education	Fact Sheet Roster Website
Wood-Tikchik State Park Management Council	Fact Sheet Roster Website
Workers' Compensation Appeals Commission	Fact Sheet Roster Website
Workers' Compensation Board, Alaska	Fact Sheet Roster Website
Workforce Investment Board (formerly AHRIC), Alaska	Fact Sheet Roster Website
Yukon River Panel	Fact Sheet Roster Website

We appreciate your interest in boards and commissions. For further information contact the boards and commissions staff at (907) 465-3500 or at B&C@gov.state.ak.us.

[State of Alaska](#) - [Governor](#) - [Webmaster](#) - [Office Locations](#) - [Email Governor](#)

SUMMARY OF ETHICS REPORTS

October 1, 2006 – December 31, 2006

Local Boundary Commission: The designated ethics supervisor (DES) reported concerns raised by two commissioners regarding ex parte contacts by a legislator on a matter before the commission. These concerns are addressed in a Statement of Dissent to a Statement of Decision issued by the commission. The Statement of Dissent points to the prohibition against contacts with hearing officers and those with final decision-making authority in cases before hearing officers in AS 39.52.120(e) but acknowledges that legislators are not subject to the Executive Branch Ethics Act. The DES also notes that the contacts violated the commission's own regulations regarding ex parte contacts.

Oil and Gas Conservation Commission: The designated ethics supervisor approved a notice of outside employment addressing attendance at an industry sponsored seminar in October 2006. The same employee also gave notice in December 2006 that he would be accepting employment with a private company with which the commission interacts. The designated ethics supervisor directed the employee, and the employee agreed, to immediately refrain from participating in any matters concerning the company with which he had accepted employment.

Board of Regents: The chair of the Board of Regents reported two disclosures of potential conflicts by regents during 2006. One regent disclosed on the record his company's interest in purchasing property owned by the university. The company would only participate if the property was made available through a competitive solicitation. Currently the university is not proceeding with this sale. Another regent disclosed on the record his service on the Board of Directors of Alaska Communications Inc. and 0.05% stock ownership in ACS with respect to the board's review of a \$30 million budget request to the legislature for broadband internet connectivity. The regent advised he would refrain from discussion or vote on this matter because ACS may bid on or propose contracts that may be funded by the request. The chair ruled on the record that the regent should refrain from participating in matters on which ACS is expected to submit a bid or proposal but was free to discuss other items in the budget. She also ruled that the regent should avoid using his position to obtain information not disseminated to the public or provided to a potential vendor.

Railroad Corporation: The designated ethics supervisor approved nine notices of outside employment and three notifications of gifts.

Seafood Marketing Institute: The designated ethics supervisor approved a notice of outside employment.

SUMMARY OF ETHICS REPORTS

July 1, 2006 – September 30, 2006

Marine Pilots Board: A member recused himself from voting due to a conflict of interest.

Railroad Corporation: The designated ethics supervisor approved 43 notices of outside employment and seven gift notifications and determined that a conflict of interest was not present in two notices of potential violations. Additionally, one board member recused himself from discussions in a board meeting due to a conflict of interest.

Alaska Seafood Marketing Institute: The designated ethics supervisor approved one outside employment notification.

The remaining agencies, boards and commissions reported receiving no notices of potential violation.

SUMMARY OF ETHICS REPORTS
April 1, 2006 – June 30, 2006

Game: The chair ruled that a board member had a conflict on a petition before the board. That board member did not participate.

Local Boundary Commission: As reported last quarter, two members declared potential conflicts of interests regarding pending petitions. The Attorney General's office was consulted, and provided opinions regarding the conflicts. The commission also addressed the conflicts at a public meeting during this quarter. Consistent with the Attorney General's opinions, it determined that one member did not have a conflict interest and could participate in the matters. It determined that there was a potential conflict of interest for the other member and that member should refrain from participating in the proceedings.

Formatted

Deleted: .

Marine Pilots: A board member recused himself from voting due to a conflict of interest.

Public Broadcasting Commission: The designated ethics supervisors received two notices of potential violations and determined that each did not reflect a conflict of interest. The designated ethics supervisors received a third disclosure of potential conflicts of interest and found that conflicts of interest would occur if the member participated in three matters before the commission. The disclosing member objected to the determination with respect to one matter. The commission as a whole voted to require the member to refrain from participating in that matter.

Seafood Marketing Institute: The designated ethics supervisor approved an outside employment disclosure.

Social Work Examiners: 1st quarter 2006: A board member recused himself from voting due to a conflict of interest.

SUMMARY OF ETHICS REPORTS
January 1, 2006 –March 31, 2006

Board of Fisheries: In three separate matters, the chair ruled that a board member had a conflict of interests. In each case, the member did not participate in deliberation and voting on the matter. In one of those matters, the board overruled the chair's determination that another board member had a conflict of interests. The board determined that the member had an insignificant interest in the matter, allowing that member to participate.

Industrial Development/Export Authority: The chair recused himself from voting because of a potential conflict of interest. The chair disclosed the matter to the ethics attorney, who determined that the chair could participate in the matter because he did not have a significant personal or financial interest in that matter.

Local Boundary Commission: The chair and a member declared potential conflicts of interests involving two petitions pending before the commission. The commission has requested advice from the Department of Law on the issues.

Board of Marine Pilots: A board member recused himself from voting due to a conflict of interests.

Oil and Gas Conservation Commission: 1. The designated ethics supervisor found that an employee could accept an oil company's gift of travel for a rig tour. However, the work supervisor determined that the employee would need to take personal leave for the travel and tour.

2. The designated ethics supervisor determined that a commission member could send a memorandum encouraging members of the Interstate Oil and Gas Compact Commission's Public Lands Committee to be informed and active on ANWR.

Board of Professional Counselors: The chair recused herself from participating in the review of audits of continuing education units because she was among those randomly selected for audit.

Railroad Corporation: 4th quarter 2005: The designated ethics supervisor approved seven outside employment disclosures. 1st quarter 2006: The Designated Ethics Supervisor approved three outside employment disclosures.

Board of Real Estate Appraisers: The designated ethics supervisor determined that there was no ethics violation where a board member supervised an applicant and was listed as a reference.

University of Alaska Board of Regents: 4th quarter 2005: There were no new disclosures reported. However, the designated ethics supervisor clarified her advice to a regent on a matter disclosed during the 3rd quarter of 2005. The chair's clarification was consistent with the advice

SUMMARY OF ETHICS REPORTS
October 1, 2005 – December 31, 2005

Board of Fisheries: Due to conflicts of interest, the chair ruled that two members should not participate in deliberations or vote on particular issues.

Alaska Railroad Corporation: (3rd quarter) The designated ethics supervisor approved 25 notifications of outside employment and two gift disclosures.

University of Alaska Board of Regents: (3rd quarter) A regent disclosed his company's intention to bid on a project to be built on University of Alaska Fairbanks property. The designated ethics supervisor determined it would not be a violation provided that: the contract is competitively solicited, the board of regents does not award the contract, and the regent takes no official action with respect to the award, execution or administration of the contract and does not participate in any board discussions concerning the project lease, design, funding or construction.

A regent disclosed a potential violation. He is a shareholder of an entity that has a supply contract with UAF that began prior to his appointment to the board. The regent was concerned that an item on the draft capital budget could affect his financial interests. The designated ethics supervisor received advice from the Department of Law. The regent was advised to refrain from voting, discussion and receiving non-public information on any issue that would affect his financial interest.

SUMMARY OF ETHICS REPORTS

July 1, 2005 – September 30, 2005

Agriculture And Conservation Board: The designated ethics supervisor received three declarations of potential violations. A board member declared a potential conflict of interest in participating in a discussion due to his current business ownership. The designated ethics supervisor determined that there was not a conflict, there were no objections, and the board member was allowed to participate.

A board member declared a potential conflict of interest due his business relationship with the business under question. The designated ethics supervisor determined that a conflict of interest was present and the board member did not participate in the discussion.

A board member declared a potential conflict of interest due to potential business developments. The designated ethics supervisor determined that there was not a conflict, there were no objections, and the board member was allowed to participate.

Seafood Marketing Institute: The designated ethics supervisor approved one outside employment notification.

Social Work Examiners Board: Two board members recused themselves from voting on applicants with whom they previously worked.

SUMMARY OF ETHICS REPORTS

April 1, 2005 – June 30, 2005

Board of Education and Early Development: The designated ethics supervisor issued a written determination that a board member's establishment of a nonprofit organization was not a violation of the Ethics Act. The ethics supervisor advised that if a matter involving the nonprofit organization were to come before the board, the board member should declare a conflict of interest and request a ruling from the chair.

Board of Architects, Engineers & Land Surveyors: A member submitted a notice of potential violation based upon a potential conflict between his board duties and his recent appointment to serve on the board of a state professional society and as a delegate to a regional professional society. The state ethics attorney determined that the participation in the professional societies was compatible with the member's service on the board.

Board of Dental Examiners: A member recused himself from voting on an application before the board due to a conflict of interest.

Oil and Gas Conservation Commission: A member requested a determination regarding his former employment with a company, which was applying for a project before the board. The member could not recuse himself without losing a quorum. The designated ethics supervisor asked if there were any objections to the hearing continuing and offered to delay it so the other commissioner could step in. There were no objections. The ethics supervisor determined that, since the former employment was a general relationship and more than five years ago, a conflict did not exist. He received concurring advice from the Department of Law.

Railroad Corporation: The designated ethics supervisor approved 48 notices of outside employment. The ethics supervisor determined that an all-expense-paid trip for two employees to attend a training seminar was partially acceptable. The corporation paid for the employees' travel and lodging, and the training and meals were accepted as a gift.

Alaska Seafood Marketing Institute: The designated ethics supervisor approved an outside employment notice.

SUMMARY OF ETHICS REPORTS
January 1, 2005 – March 31, 2005

Commercial Fisheries Entry Commission: The designated ethics supervisor spoke with an employee that admitted to using state email to disseminate partisan political information. The employee received a warning and agreed to not engage in the activity again.

Board of Fish: During the first quarter's board meetings five members declared a conflict of interest and did not participate in deliberations or voting on those proposals.

Local Boundary Commission: The chair recused himself from any of the proceedings concerning the reclassification of the City of Dillingham because of his position as acting superintendant of the City of Dillingham school district.

Railroad: The designated ethics supervisor approved 4 notice of outside employment.

Social Work Examiners: The designated ethics supervisor determined that board member should refrain from taking action on an applicant before the board because the applicant was a previous supervisor. The designated ethics supervisor determined that a board member who was in the same graduate school class as an applicant was not a conflict of interest.

SUMMARY OF ETHICS REPORTS
October 1, 2004 – December 31, 2004

FISHERIES: 4th quarter 2003, a board member recused himself due to a conflict of interest. 2nd quarter 2004, a board member recused himself due to a conflict of interest. 4th quarter 2004 three members recused themselves due to a conflict of interest.

RAILROAD CORPORATION: The designated ethics supervisor approved six outside employment disclosures and seven gift disclosures at or under the limit. Two employees were required to reimburse the cost of a hunting trip to a contractor. They had disclosed the trip after they came back. The designated ethics supervisor send a memo to all employees regarding the ethics act and accepting gifts.

REAL ESTATE COMMISSION: Two member recused themselves from discussions on surety fund claims because of a conflict of interest.

SEAFOOD MARKETING INSTITUTE: reported two uncontested employment disclosures.

INDUSTRIAL DEVELOPMENT/EXPORT: The chair recused himself from discussions on a topic before the board due to a conflict of interest.

SUMMARY OF ETHICS REPORTS

July 1, 2004 – September 30, 2004

Local Boundary Commission: A member informed the commission of a potential violation concerning a possible conflict of interest. The attorney general office's was contacted and verbal advice was given that a conflict did not exist. The member was allowed to participate in the proceedings.

Railroad Corporation: The designated ethics supervisor submitted ethics reports to cover the quarters from the 2nd Quarter 2001 through 3rd Quarter 2004.

In the 2nd quarter 2001 two employees declined invitations from customers or potential contractors.

In the 3rd quarter 2001 a gift disclosure, disclosure of an employee's spouse's work, outside employment disclosure were reviewed and advised consistent with the ethics act.

In the 3rd quarter 2002 an employee declined a travel gift. A member recused himself from discussion on a lease in which his company does business.

In the 2nd quarter 2002 a member recused himself from discussion due to a conflict of interest.

In the 4th quarter 2002 a meeting was held with a new hire to go over the ethics requirements of separating his outside employment from his duties at the railroad. A member recused himself from a discussion at two separate meetings due to a conflict of interest.

In the 1st quarter 2003 disclosure of a gift was approved.

In the 2nd quarter 2004 a member recused himself from discussion due to a conflict of interest.

In the 3rd quarter 2004, the Designated Ethics Supervisor received four notices of potential violations all were approved, one outside employment notice was approved with restrictions.

SUMMARY OF ETHICS REPORTS
April 1, 2004 – June 30, 2004

Industrial Development and Export Authority:

An ethics question was forwarded to the Dept of Law's Ethics attorney for determination. Regarding an employee's son's seasonal employment with a state contractor. It was determined that a conflict does not exist as long as the employee does not take action affecting the contractor during his son's employment.

Alaska Seafood Marketing Institute:

Two outside employment disclosures were approved.

Oil and Gas Conservation Commission:

The ongoing ethics investigation was settled.

SUMMARY OF ETHICS REPORTS

January 1, 2004 – March 31, 2004

Local Boundary Commission: A notification of potential violation concerning a conflict of interest reported to the DES during the fourth quarter was referred to the Attorney General Office for review. The Department of Law agreed with the DES that recusal from proceedings concerning the matter was appropriate. The member was notified of this in writing.

SUMMARY OF ETHICS REPORTS
October 1, 2003 – December 31, 2003

Local Boundary Commission: December 8, 2003 the designated ethics supervisor received a notice of a potential violation due to a conflict of interest. The member refrained from participating in the hearing until a determination could be made. The Commission referred the matter to the Department of Law.

Marine Pilots: A member recused from voting on an issue concerning an association that he is also a member.

Pharmacy Board: At the October 2-3, 2003 meeting the chair recused herself from voting due to a conflict of interest.

Real Estate Appraisers: October 24, 2003 a member reported a conflict of interest and recused himself from participating.

SUMMARY OF ETHICS REPORTS
July 1, 2003 – September 30, 2003

Commercial Fisheries Entry Commission: September 15, 2003, the DES consulted with Attorney General's office regarding a notice of two potential violations, one was determined to be a personnel problem and resolved internally. An investigation was opened by the ethics attorney concerning the second evaluation and after an investigation dismissed.

Industrial Development and Export Authority:

September 16, 2003 the chair declared a past business relationship with a matter before the board and recused himself from participating. The Vice-chair took over the meeting.

Regulatory Commission:

On June 3, 2003 and May 30, 2003, the DES approved two outside employment disclosures. On May 21, 2003 the DES approved the receipt of a gift estimated worth of \$130.00 because it was not for personal benefit and deemed not to affect the person's decisions.

SUMMARY OF ETHICS REPORTS

April 1 – June 30, 2003

Fire Standards Council: The chair disclosed his outside employment.

Industrial Development/Export: A board member declared a potential ethics violation due to a financial interest and was excused from participating. Another board member was excused from participating because of involvement as a former employee. The designated ethics supervisor for the staff disclosed that there were two notifications of stock ownership.

Social Work Examiners: A board member declared a conflict of interest and did not participate in reviewing that particular application.

SUMMARY OF ETHICS REPORTS

January 1, 2003 – March 31, 2003

Agriculture and Conservation:

In order to avoid a potential ethics violation a board member resigned to submit himself as a candidate for Director of the Division of Agriculture.

Architects, Engineers and Land Surveyors:

The chair disclosed that he no longer has a conflict of interest pertaining to the approval of arctic courses because is no longer teaching a course on the subject.

Fisheries:

January 20-28, a board member recused himself from deliberations and voting due to a conflict of interest.

February 20-28, a board member recused himself from deliberations and voting due to a conflict of interest.

Industrial Development and Export Authority:

January 22, 2003 a board member disclosed a potential conflict of interest between his business contract and appointment to the board. A written determination by the Attorney General's Office stated that there is not a conflict of interest as long as the roles of each position are kept separate and as a board member he does not participate in any matter before the board that involves his contract.

March 24, 2003, a board member disclosed a potential conflict of interest regarding Teck Cominco, she was recused from participating in any matters related to Teck Cominco.

Student Loan Corporation:

February 4, 2003 – Two members disclosed a potential conflict of interest and questioned if it would prohibit them from voting on the method of the rate of interest for the Consolidation Loan program because member of their families had state student loans. After consulting with the Attorney General's Office, the designated ethics supervisor determined participation in the vote would not be a violation.

FRANK H. MURKOWSKI, GOVERNOR**DEPARTMENT OF FISH AND GAME****BOARDS SUPPORT SECTION**

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: May 7, 2003

FROM: Diana Cote
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095

FAX: 465-6094

**RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Reports
January - March, 2003**

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter January - March, 2003.

During this time period, the Board of Fisheries met as follows:

January 20 - 28, Sitka. Regulatory meeting concerning Southeast and Yakutat areas herring, groundfish, subsistence finfish, and Dungeness crab, shrimp and miscellaneous shellfish. The chairman ruled that board member Jensen had conflicts of interest on a portion of the proposals concerning Southeast Alaska Dungeness crab fisheries. Mr. Jensen did not participate in deliberations or voting on proposal 198 (Dungeness crab pot marking requirements), proposals A and 200 - 209 (closed waters to commercial Dungeness crab fishing), proposals 212 - 215 (commercial fishing seasons for Dungeness crab), proposals 216 and 220 (operation of gear), and proposal 218 (align sport fish areas for Dungeness crab with the commercial areas).

January 31 - February 5, Cordova. Regulatory meeting concerning Prince William Sound and Upper Copper/Upper Susitna areas finfish. All members fully participated in board matters.

February 20 - 28, Ketchikan. Regulatory meeting concerning Southeast and Yakutat areas remaining finfish. The chairman ruled that board member Jensen had conflicts of interest on a portion of the proposals concerning Southeast Alaska salmon fisheries. Mr. Jensen did not participate in deliberations or voting on proposals 366 - 367 (Hidden Falls Hatchery Terminal Harvest Area management plan), proposal 368 (Deep Inlet Hatchery Terminal Harvest Area management plan), proposals 369 - 370 (Anita Bay Terminal Harvest Area management plan), proposal 380 (Allocation guidelines for pink, chum, sockeye salmon between commercial net fisheries), proposals 383 - 385 and 388 - 390 (Fishing seasons and periods for net gear), proposal 391 - 392 (Northern Southeast seine fishery allocation and seasons), and proposals 210 - 211 (creation of exclusive Dungeness crab harvest area).

March 17 - 25, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, miscellaneous shellfish, and miscellaneous items. All members fully participated in board matters.

cc: Ed Dersham, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

3/7 ✓
FRANK H. MURKOWSKI, GOVERNORP.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-8094TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: March 4, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of FisheriesPHONE: 465-6095
FAX: 465-8094RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Reports
April 2003 through December 2004

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the seven quarters beginning April 1, 2003 through December 31, 2004.

During this time period, the Board of Fisheries met as follows:

April 30 and May 14, 2003, Teleconferences. Regulatory meeting concerning Dutch Harbor food and bait herring fishery. All members fully participated in board matters.

June 24, 2003, Teleconference. Regulatory meeting concerning Bristol Bay Red King Crab fishery. All members fully participated in board matters.

October 4, 2003, Anchorage. Regulatory meeting concerning Pribilof Islands Blue King Crab fishery. All members fully participated in board matters.

November 12 – 17, 2003, Anchorage. Regulatory meeting concerning statewide finfish issues. All members fully participated in board matters.

November 18 – 19, 2003, Anchorage. Regulatory meeting concerning Chignik Salmon Purse Seine Cooperative fishery. The chair ruled that board member Art Nelson had conflicts of interest on all of the proposals before the board at this meeting. Mr. Nelson did not participate in deliberations or voting during this meeting.

December 9 – 17, 2003, Anchorage. Regulatory meeting concerning Bristol Bay Area finfish fisheries. All members fully participated in board matters.

January 12 – 19, 2004, Fairbanks. Regulatory meeting concerning Arctic-Yukon-Kuskokwim Area finfish fisheries. All members fully participated in board matters.

February 15 – 26, 2004, Anchorage. Regulatory meeting concerning Alaska Peninsula/Aleutian Islands finfish fisheries. All members fully participated in board matters.

April 4 – 5, 2004, Anchorage. Regulatory meeting concerning the Prince William Sound salmon allocation plan. All members fully participated in board matters.

Anne-Marie Palumbo

Page 2

July 1 and 5, 2004, Teleconference. Regulatory meeting concerning Kaslof River sockeye salmon fisheries. All members fully participated in board matters.

July 19, 2004, Teleconference. Regulatory meeting concerning Kaslof River and Kenai River late-run sockeye fisheries. The chair ruled that board member Mel Morris had a conflict of interest on the emergency petition that was before the board. Mr. Morris did not participate in deliberations or voting during this meeting.

August 4, 2004, Teleconference. Regulatory meeting concerning Cook Inlet Eastside commercial setnet and Kenai River personal use fisheries. All members fully participated in board matters.

September 28, 2004, Teleconference. Regulatory meeting concerning Kenai River coho fisheries. All members fully participated in board matters.

November 11 - 13, 2004, Anchorage. Regulatory meeting concerning Lower Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 17 (concerning guide registration), 18 (concerning Dolly Varden management plan), 19 and 20 (both concerning trout fisheries), 21 (requiring presentment of fishing gear upon request) and 23 (prohibiting the use of a gaff on fish intended to be released). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Robert Heyano had a conflict of interest on proposal 33 (concerning the amount of allowable drift gillnet gear in Bristol Bay). Mr. Heyano did not participate in deliberations or voting on this proposal during the meeting.

November 14 - 17, 2004, Anchorage. Regulatory meeting concerning Chignik Area finfish fisheries. The chair ruled that board member John Jensen had a conflict of interest in an emergency petition that was submitted to the board, concerning Dungeness crab fisheries in Southeast Alaska. Mr. Jensen did not participate in deliberations or voting on this emergency petition during the meeting.

January 7 - 10, 2005, Anchorage. Regulatory meeting concerning Kodiak Area finfish fisheries. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 95, 97, and 98 (herring fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting.

January 17 - 29, 2005, Anchorage. Regulatory meeting concerning Upper Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 149 (concerning restrict nonresident user before restricting resident user), 250 (concerning nonresident angler limit for king salmon), and 298 (limiting the number of pounds of sport-caught fish that can be exported). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Mel Morris had a conflict of interest on proposals 144, 145, 147, 148, 151, 153, 154, 155, 156, 191 (concerning Kenai late-run sockeye commercial fisheries), 158 (concerning Russian River sockeye salmon fisheries), 178, 188, 192, 194, 196 (concerning Northern District commercial salmon fisheries), 189 (concerning Central District weekly fishing periods), 217 and 224 (concerning allowable commercial gear), 231, 234, 235, 239, 242, and 243 (concerning changes to the Upper Cook Inlet Salmon Management Plan). Mr. Morris did not participate in deliberations or voting on these proposals during the meeting.

cc: Art Nelson, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: May 12, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2005

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2005 through March 31, 2005. Please note that the information concerning the two January 2005 meetings below was previously reported in a memorandum dated March 4, 2005.

During this time period, the Board of Fisheries met as follows:

January 7 - 10, 2005, Anchorage. Regulatory meeting concerning Kodiak Area finfish fisheries. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 95, 97, and 98 (herring fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting.

January 17 - 29, 2005, Anchorage. Regulatory meeting concerning Upper Cook Inlet Area finfish fisheries. The chair ruled that board member Ed Dersham had a conflict of interest on proposals 149 (concerning restrict nonresident user before restricting resident user), 250 (concerning nonresident angler limit for king salmon), and 298 (limiting the number of pounds of sport-caught fish that can be exported). Mr. Dersham did not participate in deliberations or voting on these proposals during the meeting. The chair also ruled that board member Mel Morris had a conflict of interest on proposals 144, 145, 147, 148, 151, 153, 154, 155, 156, 191 (concerning Kenai late-run sockeye commercial fisheries), 158 (concerning Russian River sockeye salmon fisheries), 178, 188, 192, 194, 196 (concerning Northern District commercial salmon fisheries), 189 (concerning Central District weekly fishing periods), 217 and 224 (concerning allowable commercial gear), 231, 234, 235, 239, 242, and 243 (concerning changes to the Upper Cook Inlet Salmon Management Plan). Mr. Morris did not participate in deliberations or voting on these proposals during the meeting.

March 7 - 13, 2005, Anchorage. Regulatory meeting concerning statewide king and Tanner crab fisheries, and supplemental issues. The chair ruled that board member Robert Heyano had a conflict of interest on a portion of proposal 456 (as related to the request to establish an optimal escapement goal for Kvichak River sockeye salmon), and proposals 420 (Bering Sea/Aleutian Islands king and Tanner crab community development quota), 424 and 426 (pot gear in BS/AI

Anne-Marie Palumbo

Page 2

king and Tanner crab fisheries). Mr. Heyano did not participate in deliberations or voting on these proposals during the meeting. In addition, the chair ruled that board member John Jensen had a conflict of interest on proposals 402, 404 (Southeast Alaska Tanner crab fisheries), and 457 (king salmon fisheries in Taku and Stikine rivers in Southeast Alaska). Mr. Jensen did not participate in deliberations or voting on these proposals during the meeting.

cc: Art Nelson, Chairman
Lance Nelson, Dept. of Law

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: December 30, 2005

FROM: Diana Cote 
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
October through December 2005

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning October 1, 2005 through December 31, 2005.

During this time period, the Board of Fisheries met as follows:

October 13 – 14, 2005, Girdwood. Nonregulatory meeting concerning organization for the 2005/2006 meeting cycle. All members participated fully in board matters.

October 15 – 16, 2005, Girdwood. Regulatory meeting concerning state waters trawl fisheries for pollock in Cook Inlet/Central Gulf, Western Gulf of Alaska, and Aleutian Islands areas. The chair ruled that board member Mel Morris had a conflict of interest on the Central Gulf of Alaska portion of the proposal. Mr. Morris did not participate in deliberation or voting on this portion of the proposal during the meeting.

November 15 – 16, 2005, Anchorage. Regulatory meeting concerning Chignik purse seine cooperative fishery. All members participated fully in board matters.

December 1 – 6, 2005, Valdez. Regulatory meeting concerning Prince William Sound, Upper Copper River, and Upper Susitna River finfish issues. The chair ruled that board member Robert Heyano had a conflict of interest on proposals 78 and 79. Mr. Heyano did not participate in deliberation or voting on this portion of the proposal during the meeting.

December 29, 2005, Teleconference. Nonregulatory meeting concerning scheduling issues for the January and March 2006 meetings. All members participated fully in board matters.

cc: Art Nelson, Chair
Lance Nelson, Dept. of Law

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

P.O. BOX 25528
JUNEAU, AK 99802-5528
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: April 6, 2006

FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries met as follows:

January 22 – February 1, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska and Yakutat finfish. The chair ruled that board member John Jensen had a conflict on proposals 84, 87, 88, 103-106, 111, 117, 123-127, 131, 133, 134, 136, 138-142, 156-158, 160-164, 166-168, 170, 186, 188, 189, and 192. These proposals addressed herring and salmon fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

February 20 – 26, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska groundfish, Dungeness crab, shrimp, and miscellaneous shellfish and Aleutian Islands area Pacific cod fishery. The chair ruled that board member Robert Heyano had a conflict of interest on proposal 399 to establish an Aleutian Islands district Pacific cod fishery. That determination was overridden by a vote of the board after further discussion of Mr. Heyano's involvement in a Community Development Quota program. The board concluded that the establishment of a state managed fishery was a broader state policy issue and that the relationship between Mr. Heyano's CDQ program and the proposed fishery was insignificant. The vice chair ruled that board member Art Nelson had a conflict of interest on proposal 399. Mr. Nelson did not participate in deliberation or voting on this proposal. The chair ruled that board member John Jensen had a conflict on proposals 226-234, 269, and 271-282. These proposals addressed Dungeness crab and groundfish fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

March 17 – 23, 2006, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, and miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues. The chair ruled that board member Robert Heyano had a conflict proposal 396 to alter CDQ crab quotas. Mr. Heyano did not participate in deliberation or voting on this proposal.

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME**BOARDS SUPPORT SECTION**

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

TO: Anne-Marie Palumbo
Associate Attorney
Department of Law

DATE: April 6, 2006

FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries

PHONE: 465-6095
FAX: 465-6094

RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006

As executive director and on behalf of the chair of the Board of Fisheries, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries met as follows:

January 22 – February 1, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska and Yakutat finfish. The chair ruled that board member John Jensen had a conflict on proposals 84, 87, 88, 103-106, 111, 117, 123-127, 131, 133, 134, 136, 138-142, 156-158, 160-164, 166-168, 170, 186, 188, 189, and 192. These proposals addressed herring and salmon fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

February 20 – 26, 2006, Ketchikan. Regulatory meeting concerning Southeast Alaska groundfish, Dungeness crab, shrimp, and miscellaneous shellfish and Aleutian Islands area Pacific cod fishery. The chair ruled that board member Robert Heyano had a conflict of interest on proposal 399 to establish an Aleutian Islands district Pacific cod fishery. That determination was overridden by a vote of the board after further discussion of Mr. Heyano's involvement in a Community Development Quota program. The board concluded that the establishment of a state managed fishery was a broader state policy issue and that the relationship between Mr. Heyano's CDQ program and the proposed fishery was insignificant. The vice chair ruled that board member Art Nelson had a conflict of interest on proposal 399. Mr. Nelson did not participate in deliberation or voting on this proposal. The chair ruled that board member John Jensen had a conflict on proposals 226-234, 269, and 271-282. These proposals addressed Dungeness crab and groundfish fisheries. Mr. Jensen did not participate in deliberation or voting on these proposals.

March 17 – 23, 2006, Anchorage. Regulatory meeting concerning statewide Dungeness crab, shrimp, and miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues. The chair ruled that board member Robert Heyano had a conflict proposal 396 to alter CDQ crab quotas. Mr. Heyano did not participate in deliberation or voting on this proposal.

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

BOARDS SUPPORT SECTION

P.O. BOX 25528
JUNEAU, AK 99802-5528
PHONE: (907) 465-4110
FAX: (907) 465-6094

**TO: Anne-Marie Palumbo
Associate Attorney
Department of Law**

DATE: April 6, 2006

**FROM: Jim Marcotte
Executive Director
Alaska Board of Fisheries**

**PHONE: 465-6095
FAX: 465-6094**

**RE: Executive Branch Ethics Act,
AS 39.52 Quarterly Report
January through March 2006**

As executive director and on behalf of the chair of the Board of Fisheries and Board of Game, following is submitted as the ethics reports for the quarter beginning January 1, 2006 through March 31, 2006.

During this time period, the Board of Fisheries and Board of Game met jointly as follows:

March 21, 2006, Anchorage. Regulatory meeting concerning qualifications for advisory committee membership. All members participated fully in board matters.

**cc: Kristy Tibbles, Executive Director, Board of Game
Lance Nelson, Dept. of Law
Steve Daugherty, Dept. of Law**