

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11149 SENATE JUDICIARY

influence legislative or administrative action. The Legislature repealed the "regular or substantial" language and adopted the forty (40) hour rule in order to establish a bright line test for when an employee must register as a lobbyist.

In addition to its obvious attempt to circumvent the forty (40) hour rule, the draft amendment also takes a step backward in that it reinjects an ambiguity into the definition of "lobbyist" by using the extraordinarily vague and legally undefinable language of "primary or substantial". Oddly, APOC previously found that the original statutory language of "substantial or regular" was ambiguous and adopted a four (4) hour rule to establish a concrete definition for "substantial or regular". 2 AAC 50.545(f). The four (4) hour rule was superseded by AS 24.45.171(10), but by adopting the four (4) hour rule, APOC acknowledged the ambiguity of the terms "substantial or regular." Now the Commission is attempting to defeat the concrete forty (40) hour rule established by the Legislature by creating an ambiguity in the definition of "lobbyist" with the use of the terms "primary or substantial." Given the clarity of the statutory definition of "lobbyist", the Commission does not have the proper authority to revise or supplement the statutory definition. See generally, Warner v. State, supra; Beran v. State, 705 P.2d 1280 (Alaska App. 1985); Kelly v. Zamarello, 486 P.2d 906 (Alaska 1971).

Finally, the draft regulation illegally attempts to establish a new classification for lobbyists which is not authorized by statute. The draft regulation attempts to define the term "professional lobbyist" pursuant to AS 24.45.171(8)(A) [The statutory citation is an error. The proper citation is AS 24.45.171(10)(A)]. No where in the statute is the term "professional lobbyist" used. Instead, the statute defines the term "lobbyist." Furthermore, the lobbyist statutes generally do not refer to "professional lobbyists" and do not establish any special or unique prohibitions, reporting or other legal requirements for "professional lobbyists". All such prohibitions and requirements apply only to "lobbyists". As a result, the use of the term "professional lobbyist" in the draft regulation creates an ambiguity throughout the lobbying statutes and APOC regulations. As you know, it is the intent of regulatory process to clarify ambiguities, not to create ambiguities.

Finally, the use of the terms "primary or substantial" in the draft regulation are unconstitutionally vague and unenforceable. The language is so imprecise that it does not provide adequate notice to individuals as to when they meet the requirements of the regulation. Additionally, the term "employee" is completely undefined.

Based on the foregoing, 2 AAC 50.545(a)(4) as currently stated is invalid and unenforceable.

3. 2 AAC 50.545(c). This draft regulation is objectionable because it is inconsistent with the statutory definition of "communicate directly" and has a chilling effect on the constitutional rights of Alaska citizens.

The draft regulation attempts to define the term "communicate directly" as that term is used in AS 24.45.171(8)(B). [The citation is an error. The correct citation is AS 24.45.171(10)(B)]. However, the Legislature has already defined the term "communicate directly", and therefore the Commission has no authority to adopt a contrary definition. See A.S. 24.45.171(4). Additionally, the statutory definition makes it clear that the Legislature intended to include only conversations with legislators, legislative employees, and other public officials within the definition of "communicate directly". There is no reference to communication through testimony at public hearings. By extending the definition, the Commission is attempting to defeat not only the express terms of the statute but the intent of the Legislature as well. As you know, State statutes take precedence over State regulations and therefore the draft regulation cannot stand. See also, AS 24.45.161(a)(1)(B).

We also note that Alaska citizens have a constitutionally protected right to petition their elected representatives. Subjecting citizens to the reporting and other legal requirements included in the lobbying statutes and regulations simply because they testify before a legislative committee will have a significant chilling effect on the free exercise of that constitutional right. See White v. Lee, 227 F.3d 1214 (9th Cir. 2000). Furthermore, the lobbying statutes are intended to require disclosure of lobbying activities which are not otherwise discoverable by the public. Hearings before legislative committees are open public forums and therefore do not fall within the coverage of the lobbying statutes. Given the fact that hearings are part of an open and public process, and the importance of a citizen's right to petition their government, the Commission has no authority to regulate or restrict a citizen's right to testify before a legislative committee. Any such attempt violates both the express and implied intent of the statutory scheme relating to lobbying activities and the Alaska constitution.

Based on the foregoing, 2 AAC 50.545(c) as currently stated is invalid and unenforceable.

Christina L. Ellingson
February 27, 2004
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CONCLUSION

For the reasons stated above, we ask that the Commission reject the draft regulations referred to herein. The regulations are poorly drafted, exceed the Commission's regulatory authority, are inconsistent with and/or violate current State statutes, and are unconstitutional. In over 25 years of practice, I have not reviewed draft regulations which are so clearly objectionable.

Thank you for your consideration of these comments. Please provide me with a date and time when the Commission will consider the draft regulations.

Very truly yours,

EIDE, MILLER & PATE


John M. Miller by ps

cc: Nancy Freeman (via e-mail)

**EIDE, MILLER
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March 4, 2004

Senator Ralph Seekins
Chair, Senate Judiciary Committee
State Capital, Room 125
Juneau, AK 99801-1182

Via Facsimile & 1st Class Mail

Re: Proposed Revisions to APOC Regulations

Dear Senator Seekins:

I understand that the Senate Judiciary Committee is holding a hearing on the proposed revisions to the APOC Regulations. Because I will not be available to testify at the hearing, I wanted to provide you with my written comments. I would appreciate it if you would share them with the Committee.

Attached is a copy of the public comment I submitted to APOC regarding the proposed revisions to the regulations covering lobbyists and lobbying activities. As stated in the conclusion of my public comment, "The regulations are poorly drafted, exceed the Commission's regulatory authority, are inconsistent with and/or violate current State statutes, and are unconstitutional. In over 25 years of practice, I have not reviewed draft regulations which are so clearly objectionable."

As you know during the 2003 session, the Legislature passed significant revisions to the lobbying statutes (AS 24.45.011, et seq.) in order to clear up ambiguities in the earlier statutes and APOC regulations. The statutory revisions set forth the rules of conduct for lobbyists and their employers in a clear and unambiguous manner. The proposed APOC regulations are inconsistent with the rules established by the Legislature and create ambiguity where none current exists. Additionally, the proposed regulations are a clear attempt to circumvent the 40 hour rule adopted by the Legislature last year to define in concrete terms when a person who is not a professional lobbyist must register with APOC. APOC does not have the authority to overrule the Legislature.

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Given the clarity of the current lobbying statutes, I ask that the Legislature revoke APOC's authority to adopt the regulations referenced in the attached letter. Alternatively, I ask that your Committee demand that APOC redraft its proposed regulations so that the regulations are consistent with State statutes.

Thank you for your consideration of my comments. If you or your staff have any questions, please feel free to contact me.

Very truly yours,

EIDE, MILLER & PATE



John M. Miller

Enclosure

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February 27, 2004

Christina L. Ellingson
Assistant Director
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Room 128
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Via e-mail & 1st Class Mail

Re: Proposed Changes to APOC Regulations

Dear Ms. Ellingson:

During the past few years, our firm has had the opportunity to study the State statutes and the APOC regulations relating to lobbyists and lobbying activities. We have also followed closely the amendments to the applicable statutes which were enacted during the 2003 Legislative session. Based on our familiarity with the current statutes, we offer the following public comments relating to the proposed amendments to the APOC regulations dealing with lobbyists and lobbying activities.

1. PROPOSED AMENDMENTS TO 2 AAC 50.545(e). Initially, we point out that the proposed amendments contain typographical errors, are poorly drafted, are inconsistent with applicable State statutes, and are unconstitutional. As a result, as currently drafted, the proposed amendments are invalid and unenforceable. As stated in more detail below, except for subsection (e)(1), the provision must be completely redrafted or discarded.

(a) Introductory Language to 2 AAC 50.545(e). The introductory language cites to AS 24.45.171(10)(B). However, because of revisions to the cited statute during the 2003 Legislative session, the correct cite is AS 24.45.171(12)(B). Additionally, the introductory language attempts to quote a section of the cited statute, but does so incorrectly. The correct quotation is "A payment is support of or assistance to a lobbyist or the lobbyist's activities".

(b) 2 AAC 50.545(e)(2) through (7). We address each of the referenced subsections below, but we first want to set forth a number of general objections which apply to all of the subsections. Subsections (2) through (7) reference items which the

Commission apparently intends to include within the definition of "Payment in support of or assistance to a lobbyist or the lobbyist's activities". However, that language from AS 24.45.171(12)(B) cannot be read independently from AS 24.45.171(12). That section deals with "Payment to influence legislative or administration action", and subsection (12)(B) merely sets forth a category of payments which fall within the broader definition. In order to comply with the statute, items referenced in the draft amendments to the regulation must meet both criteria set forth in the statute. In other words, all of the items referenced in the regulation must (1) constitute a payment to influence legislative or administrative action and (2) constitute a payment in support of or assistance to a lobbyist or the lobbyist's activities. Putting it another way, a payment in support of or assistance to a lobbyist or his activities is not subject to regulation by APOC, unless the payment also is intended to influence legislative or administrative action. The draft amendments to 2 AAC 50.545(e)(2) through (7) do not comply with the statutory requirements and therefore are unenforceable. See generally, Warner v. State, 819 P.2d 28 (Alaska 1991).

(c) 2 AAC 50.545(e)(2). This subsection is invalid because, as stated above, it does not meet the statutory requirements of AS 24.45.171(12). That is, the draft amendment does not make it clear that the "costs of social events such as receptions, dinners, and luncheons" must be part of an effort to "influence legislative or administrative action". Additionally, this provision is unconstitutionally vague. The provision does not define whose attendance at a social event is subject to the regulation, does not define whether or not a legislator, legislative staffer, or other public official must be present at the social event in order to fall within the regulation and does not specify whether or not communication between the unidentified person who is subject to the regulation and a public official is required before the regulation applies. All Alaskans enjoy the constitutionally protected rights of free speech and free association. This provision is so vague and over broad that it chills the exercise of those rights. Furthermore, the language is so imprecise that it does not give adequate notice of the conduct which is subject to regulation and allows for the possibility of arbitrary enforcement which is prohibited under Alaska law. See generally, Summers v. Anchorage, 589 P.2d 863 (Alaska 1979); Halliburton Energy Services v. State, Department of Labor, 2 P.3d 41 (Alaska 2000); State v. Marathon Oil Co., 528 P.2d 293 (Alaska 1974).

Finally, this subsection is invalid because its application is dependent upon the subjective intent of the unidentified person attending the social event. For example, assume that an employee of Acme Co. attends the Governor's Annual Summer Picnic on the Park Strip in Anchorage during work hours. Further assume that the Governor and a number of other public officials are present at the picnic. Does the regulation apply automatically based on mere attendance; does it apply only if the Acme employee speaks

with a public official; does it apply if the Acme employee speaks with a public official, but engages only in light social conversation without any effort to influence legislative or administrative action; or does it apply only if there is "direct communication" between the Acme employee and a public official and the communication is intended to influence legislative or administrative action. The language of the regulation is so imprecise that its application must be based on the subjective intent of the individual the Commission is charging with a violation. Basing the determination of whether or not a violation has occurred on the subjective intent of the accused, is impermissible under both State and Federal law.

(d) 2 AAC 50.545(e)(3). This subsection deals with "the cost of media to communicate the employer's position on issues relating to the employer's lobbying activities". This provision is invalid and unenforceable for each of the reasons set forth above. That is, it is inconsistent with the applicable State statutes and is unconstitutionally vague. In addition, this provision violates the constitutionally protected right of free speech. As you know, the stated purpose of the State lobbying statutes is to require disclosure of the identity of persons engaged in an effort to influence legislative or administrative action and the disclosure of payments to such persons in furtherance of that effort. Under the applicable lobbying statutes, there is no prohibition or regulation of efforts to inform the public on any issues, or to affect public opinion. Any effort to prohibit or regulate such activities under the authority of the lobbying statutes constitutes a direct violation of the free speech rights guaranteed in the State and Federal constitutions. Alaska Gay Coalition v. Sullivan, 578 P.2d 951 (Alaska 1978).

Furthermore, as with subsection (e) (2), this provision is unconstitutionally vague because its enforcement depends entirely on the subjective intent of the party accused of a violation by the Commission. Only the person incurring the expense of a communication to the public through the media knows whether the communication is being used to inform the public or affect public opinion, or to influence legislative or administrative action. This is especially true given the fact that media communication does not fall within the statutory definition of "communicating directly" with a legislator, legislative employee, or other public official. See AS 24.45.171(4).

Based on the foregoing, there can be no question that, as stated, subsection (e) (3) is invalid and unenforceable.

(e) 2 AAC 50.545(e)(4). Again, this subsection is invalid and unenforceable for all of the reasons set forth above. In addition, this subsection relies on a standard for requiring compliance which is inapposite to the standard established in the applicable statutes.

This subsection deals with "the cost of conducting polls or surveys on issues relating to the employer's lobbying activities". As state above, pursuant to the applicable statutes, the only standard which can be applied when drafting regulations is the standard specifically set forth in AS 24.45.171(12) and (12)(B). That is, in order to be subject to regulation, the cost incurred by an employer must be directed to "influence legislative or administrative action" and must be "in support of or assistance to a lobbyist or the lobbyist's activities". Conducting polls or any other activity of an employer which is not performed in support of or assistance to a lobbyist or a lobbyist's activities are not subject to regulation by the Commission. As a result, this subsection fails for two reasons. First, it applies to the "employer's lobbying activities" rather than the activities of "a lobbyist or the lobbyist's activities". Independent conduct by an employer is not subject to regulation under AS 24.45.171(12)(B). Second, this subsection applies to polls or surveys on issues "relating" to the employer's activities. Whether a poll or any other conduct by an employer "relates" to the employer's activities is completely irrelevant. The cost of such conduct is only subject to disclosure pursuant to the applicable statutes if it is intended to influence legislative or administrative action and used in support of or assistance to a lobbyist or the lobbyist's activities.

In addition to the other problems with this provision, it is so over broad that it would be impossible to separate out conduct which falls within the prescriptions of the applicable statutes and conduct which falls outside of the regulatory scheme. Because the regulation attempts to regulate conduct not covered by the lobbying statutes, it is invalid and unenforceable.

(f) 2 AAC 50.545(e)(5). This subsection deals with "the costs an employer incurs communicating with the employer's lobbyist to discuss issues and strategies relating to the employer's lobbying activities, including compensation, travel expenses and per diem, and related expenses". Once again, this provision does not meet the requirements of the applicable State statutes. In order to be subject to regulation, the employer's communications with its lobbyist must be intended to "influence legislative or administrative action" and be "in support or assistance to a lobbyist or the lobbyist's activities". As you must know, most communications between employers and lobbyists fall outside of that regulatory scheme. In fact, employers retain the services of a lobbyist based on the lobbyist's ability to develop successful strategies to support the employer's goals. We submit that it would be extremely unusual for an employer to give advice to a qualified lobbyist regarding strategies, approaches or any other matter relating to the lobbyist's activities. Nevertheless, if an employer incurs costs associated with communicating with the employer's lobbyist and the communication is intended "to influence legislative or administrative action" and "in support of or assistance to the lobbyist or the lobbyist's activities" (AS 24.45.171(12), (12)(B)) the cost would be subject to regulation. However, that is not the standard used in subsection (e)(5). Additionally, AS 24.45.171(12)(B)

addresses only the activities of a lobbyist. The proposed regulation turns the statute on its head and addresses only "the employer's lobbying activities". As written, the provision is grossly over broad, inconsistent with statutory authority and unconstitutionally vague. As such, it is invalid and unenforceable.

(g) 2 AAC 50.545(e)(6). This subsection deals with "the cost an employer incurs in direct communication with a public official, including compensation, travel expenses and per diem, and related expenses". Again, this provision misses the point of the applicable statute. It relates solely to an employer's direct communication with a public official rather than costs incurred in support of the employer's "lobbyist or the lobbyist's activities". More importantly, this provision is in direct conflict with AS 24.45.171(10) which specifically defines when an employer, or the employee of an employer, is subject to regulation as a lobbyist. That statute states that a person becomes a lobbyist subject to regulation by the Commission, when he or she "receives wages or other economic consideration, . . . to communicate directly with any public official (i) for the express purpose of influencing legislative or administrative action; and (ii) during more than forty (40) hours in any thirty- (30) day period in one calendar year". Until an employer, or the employee of an employer, exceeds the forty (40) hour rule, he or she is not subject to regulation as a lobbyist. On that point, we refer specifically to AS 24.45.061(b) which requires reporting of payments from employers only when the employer retains "the services of one or more lobbyists . . . and who directly or indirectly makes payments to influence legislative or administrative action". (Emphasis added.) In other words, if an employer does not retain a lobbyist or an employee who meets the forty (40) hour rule, expenditures by the employer are not subject to disclosure or regulation. Subsection (e)(6) is an obvious effort to contravene the forty (40) hour rule which was adopted by the Legislature, and therefore it is invalid and unenforceable.

(h) 2 AAC 50.545(e)(7). This subsection deals with "the costs an employer incurs to provide a trip for a public official, including transportation, accommodations, and meals, when the trip is primarily for obtaining information on matter of legislative or administrative concern." Again, this provision is invalid for the reasons set forth above. Principally, the provision is inconsistent with the authorizing statutes because it refers specifically to "obtaining" information on matters of legislative or administrative concern. That simply is not consistent with the statutory scheme relating to the regulation of lobbying activities. As stated above, pursuant to the applicable statutes, in order to be subject to regulation, a payment must be intended "to influence legislative or administrative action" and be "in support of or assistance to a lobbyist or the lobbyist's activities". Instead, this subsection deals expressly with costs associated with "obtaining information". There is nothing in the applicable statutes which prohibits or regulates a person's efforts to obtain information, and therefore the Commission cannot presume to regulate such

activities.

Additionally, as with all of the other subsections of 2 AAC 50.545(e), subsection (7) is grossly over broad in that it attempts to regulate both conduct which could possibly be regulated under the statute and conduct which clearly falls outside of the regulatory scheme established by the statutes. Finally, the provision is unconstitutionally vague in that the determination of whether or not a violation has occurred turns solely on the subjective intent of the target of the alleged violation.

Based on the foregoing, we strongly suggest that the Commission dramatically revise the proposed amendments to 2 AAC 50.545(e). As stated, the proposed amendments are, without question, invalid and unenforceable. If the amendments are adopted in their current form, they are, as a legal matter, completely meaningless in that the Commission would not be able to compel compliance.

2. PROPOSED AMENDMENT TO 2 AAC 50.545(a)(4). The addition of this subsection to 2 AAC 50.545(a) is objectionable because it is an obvious attempt to circumvent the effect of AS 24.45.171(10) which was adopted by the Legislature during the 2003 Legislative session. That Legislation specifically states that a person who receives wages or other economic consideration (referred to as an "employee" in the draft regulation) does not qualify as a lobbyist unless he or she communicates directly with a public official "(i) for the express purpose of influencing legislative or administrative action; and (ii) during more than forty (40) hours in any thirty- (30) day period in one calendar year". That Legislation was specifically adopted in order to avoid the ambiguity contained in the preexisting statutory definition of a "lobbyist" which required that a person spend "a substantial or regular" portion of his or her activities attempting to influence legislative or administrative action. The Legislature repealed the "regular or substantial" language and adopted the forty (40) hour rule in order to establish a bright line test for when an employee must register as a lobbyist.

In addition to its obvious attempt to circumvent the forty (40) hour rule, the draft amendment also takes a step backward in that it reinjects an ambiguity into the definition of "lobbyist" by using the extraordinarily vague and legally undefinable language of "primary or substantial". Oddly, APOC previously found that the original statutory language of "substantial or regular" was ambiguous and adopted a four (4) hour rule to establish a concrete definition for "substantial or regular". 2 AAC 50.545(f). The four (4) hour rule was superseded by AS 24.45.171(10), but by adopting the four (4) hour rule, APOC acknowledged the ambiguity of the terms "substantial or regular." Now the Commission is attempting to defeat the concrete forty (40) hour rule established by the Legislature by creating an ambiguity in the definition of "lobbyist" with the use of the terms "primary or substantial." Given the clarity of the statutory definition of "lobbyist", the Commission

does not have the proper authority to revise or supplement the statutory definition. See generally, Warner v. State, supra; Beran v. State, 705 P.2d 1280 (Alaska App. 1985); Kelly v. Zamarello, 486 P.2d 906 (Alaska 1971).

Finally, the draft regulation illegally attempts to establish a new classification for lobbyists which is not authorized by statute. The draft regulation attempts to define the term "professional lobbyist" pursuant to AS 24.45.171(8)(A) [The statutory citation is an error. The proper citation is AS 24.45.171(10)(A)]. No where in the statute is the term "professional lobbyist" used. Instead, the statute defines the term "lobbyist." Furthermore, the lobbyist statutes generally do not refer to "professional lobbyists" and do not establish any special or unique prohibitions, reporting or other legal requirements for "professional lobbyists". All such prohibitions and requirements apply only to "lobbyists". As a result, the use of the term "professional lobbyist" in the draft regulation creates an ambiguity throughout the lobbying statutes and APOC regulations. As you know, it is the intent of regulatory process to clarify ambiguities, not to create ambiguities.

Finally, the use of the terms "primary or substantial" in the draft regulation are unconstitutionally vague and unenforceable. The language is so imprecise that it does not provide adequate notice to individuals as to when they meet the requirements of the regulation. Additionally, the term "employee" is completely undefined.

Based on the foregoing, 2 AAC 50.545(a)(4) as currently stated is invalid and unenforceable.

3. 2 AAC 50.545(c). This draft regulation is objectionable because it is inconsistent with the statutory definition of "communicate directly" and has a chilling effect on the constitutional rights of Alaska citizens.

The draft regulation attempts to define the term "communicate directly" as that term is used in AS 24.45.171(8)(B). [The citation is an error. The correct citation is AS 24.45.171(10)(B)]. However, the Legislature has already defined the term "communicate directly", and therefore the Commission has no authority to adopt a contrary definition. See A.S. 24.45.171(4). Additionally, the statutory definition makes it clear that the Legislature intended to include only conversations with legislators, legislative employees, and other public officials within the definition of "communicate directly". There is no reference to communication through testimony at public hearings. By extending the definition, the Commission is attempting to defeat not only the express terms of the statute but the intent of the Legislature as well. As you know, State statutes take precedence over State regulations and therefore the draft regulation cannot stand. See also, AS 24.45.161(a)(1)(B).

We also note that Alaska citizens have a constitutionally protected right to petition

Christina L. Ellingson
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their elected representatives. Subjecting citizens to the reporting and other legal requirements included in the lobbying statutes and regulations simply because they testify before a legislative committee will have a significant chilling effect on the free exercise of that constitutional right. See White v. Lec., 227 F.3d 1214 (9th Cir. 2000). Furthermore, the lobbying statutes are intended to require disclosure of lobbying activities which are not otherwise discoverable by the public. Hearings before legislative committees are open public forums and therefore do not fall within the coverage of the lobbying statutes. Given the fact that hearings are part of an open and public process, and the importance of a citizen's right to petition their government, the Commission has no authority to regulate or restrict a citizen's right to testify before a legislative committee. Any such attempt violates both the express and implied intent of the statutory scheme relating to lobbying activities and the Alaska constitution.

Based on the foregoing, 2 AAC 50.545(c) as currently stated is invalid and unenforceable.

CONCLUSION

For the reasons stated above, we ask that the Commission reject the draft regulations referred to herein. The regulations are poorly drafted, exceed the Commission's regulatory authority, are inconsistent with and/or violate current State statutes, and are unconstitutional. In over 25 years of practice, I have not reviewed draft regulations which are so clearly objectionable.

Thank you for your consideration of these comments. Please provide me with a date and time when the Commission will consider the draft regulations.

Very truly yours,

EIDE, MILLER & PATE

John M. Miller

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Re: Proposed Changes to APOC Regulations

Dear Ms. Ellingson:

The Alaska State Chamber of Commerce has reviewed the proposed amendments to the APOC regulations dealing with lobbyists and lobbying activities, and we have found many areas of concern with the regulations as proposed.

It is our opinion that the proposed amendments to 2 AAC 50.545(a)(4) are an obvious attempt to circumvent the effect of AS 24.45.171(10) which was adopted by Legislature and signed into law by the Governor in 2003. That legislation was specifically adopted in order to avoid the ambiguity contained in the former definition of a "lobbyist" which required that a person spend "a substantial or regular" portion of his or her activities attempting to influence legislative or administrative action. Last year, in acknowledgement of the ambiguity of this language, APOC adopted a four-hour rule. The Commission is now attempting to defeat the concrete forty-hour rule established by the Legislature by creating further ambiguity with the use of the terms "primary or substantial". The Commission does not have the authority to revise or supplement the statutory definition.

Additionally, the draft regulation illegally attempts to establish a new classification for a lobbyist that is not authorized by statute. The draft regulation attempts to define the term "professional lobbyist" pursuant to AS 24.45.171(8)(A) [The correct statutory citation AS 24.45.171(10)(A)]. Nowhere in the statute is the term "professional lobbyist" used. Instead, the statute defines the term "lobbyist." Therefore, the use of the term in the draft regulation creates another ambiguity throughout the lobbying statutes and APOC regulations.

Draft regulation 2 AAC 50.545(c) is objectionable because it is inconsistent with the statutory definition of "communicate directly" and has a chilling effect on the constitutional rights of Alaska citizens. The draft regulation attempts to define the term "communicate directly" as that term is used in AS 24.45.171(8)(B). [The citation is in error. The correct citation is AS 24.45.171(10)(B)]. However, the Legislature has already defined the term "communicate directly", and therefore the Commission has no authority to adopt a contrary definition.

Furthermore, the statutory definition makes it clear that the Legislature intended to include only conversations with legislators, legislative employees, and other public officials within the definition of "communicate directly". There is no reference to communication through testimony at public

Christina Ellingson

March 2, 2004

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hearings. By extending the definition, APOC is attempting to defeat not only the express terms of the statute but the intent of the Legislature as well.

We also believe 2 AAC 50.545(c) is unconstitutional. Alaska citizens have a constitutionally protected right to petition their elected representatives. Subjecting citizens to the reporting and other legal requirements included in the lobbying statutes and regulations simply because they testify before a legislative committee will have a chilling effect on the free exercise of that constitutional right. Furthermore, hearings before legislative committees are open public forums and therefore do not fall within the coverage of the lobbying statutes. Given the fact that hearings are part of an open and public process, and the importance of a citizen's right to petition their government, the Commission has no authority to regulate or restrict a citizen's right to testify before a legislative committee. Any such attempt violates both the express and implied intent of the statutory scheme relating to lobbying activities and the Alaska constitution.

Proposed amendments to 2 AAC 50.545(e) are inconsistent with applicable State statutes and are unconstitutional. We believe, therefore, that they are invalid and unenforceable.

Subsections (2) through (7) of 2 AAC 50.545(e) reference items which APOC apparently intends to include within the definition of "Payment in support of or assistance to a lobbyist or the lobbyist's activities". However, that language from AS 24.45.171(12)(B) cannot be read independently from AS 24.45.171(12). That section deals with "Payment to influence legislative or administration action", and subsection (12)(B) merely sets forth a category of payments that fall within the broader definition. In order to comply with the statute, items referenced in the draft amendments to the regulation must meet both criteria set forth in the statute. All of the items referenced in the regulation must (1) constitute a payment to influence legislative or administrative action and (2) constitute a payment in support of or assistance to a lobbyist or the lobbyist's activities. A payment in support of or assistance to a lobbyist or his activities is not subject to regulation by APOC, unless the payment also is intended to influence legislative or administrative action.

Subsection 2 AAC 50.545(e)(2) is invalid because, as stated above, it does not meet the statutory requirements of AS 24.45.171(12). The draft amendment does not make it clear that the "costs of social events such as receptions, dinners, and luncheons" must be part of an effort to "influence legislative or administrative action". This provision is unconstitutionally vague as it does not define whose attendance at a social event is subject to the regulation, does not define whether or not a legislator, legislative staffer, or other public official must be present at the social event in order to fall within the regulation and does not specify whether or not communication between the unidentified person who is subject to the regulation and a public official is required before the regulation applies. All Alaskans enjoy the constitutionally protected rights of free speech and free association. Furthermore, the language is so vague that it does not give adequate notice of the conduct that is subject to regulation and allows for the possibility of arbitrary enforcement, which is prohibited under Alaska law.

Christina Ellingson

March 2, 2004

Page 3

Finally, this subsection is invalid because its application is dependent upon the subjective intent of the unidentified person attending the social event must be based on the subjective intent of the individual the Commission is charging with a violation. Basing the determination of whether or not a violation has occurred on the subjective intent of the accused is impermissible under both State and Federal law.

Subsection 2 AAC 50.545(e)(3) deals with "the cost of media to communicate the employer's position on issues relating to the employer's lobbying activities". This provision is inconsistent with the applicable State statutes and is unconstitutionally vague. In addition, it violates the constitutionally protected right of free speech. The stated purpose of the State lobbying statutes is to require disclosure of the identity of persons engaged in an effort to influence legislative or administrative action and the disclosure of payments to such persons in furtherance of that effort. Under the applicable lobbying statutes, there is no prohibition or regulation of efforts to inform the public on any issues, or to affect public opinion. Any effort to prohibit or regulate such activities under the authority of the lobbying statutes constitutes a direct violation of the free speech rights guaranteed in the State and Federal constitutions.

Furthermore, as with subsection (e)(2), this provision is unconstitutionally vague because its enforcement depends entirely on the subjective intent of the party accused of a violation. Only the person incurring the expense of a communication to the public through the media knows whether the communication is being used to inform the public or affect public opinion, or to influence legislative or administrative action. This is especially true given the fact that media communication does not fall within the statutory definition of "communicating directly" with a legislator, legislative employee, or other public official.

Subsection 2 AAC 50.545(e)(4) deals with "the cost of conducting polls or surveys on issues relating to the employer's lobbying activities". As state above, pursuant to the applicable statutes, the only standard which can be applied when drafting regulations is the standard specifically set forth in AS 24.45.171(12) and (12)(B). That is, in order to be subject to regulation, the cost incurred by an employer must be directed to "influence legislative or administrative action" and must be "in support of or assistance to a lobbyist or the lobbyist's activities". Conducting polls or any other activity of an employer that is not performed in support of or assistance to a lobbyist or a lobbyist's activities are not subject to regulation by the Commission. As a result, this subsection fails for two reasons. First, it applies to the "employer's lobbying activities" rather than the activities of "a lobbyist or the lobbyist's activities". Independent conduct by an employer is not subject to regulation under AS 24.45.171(12)(B). Second, this subsection applies to polls or surveys on issues "relating" to the employer's activities. Whether a poll or any other conduct by an employer "relates" to the employer's activities is completely irrelevant. The cost of such conduct is only subject to disclosure pursuant to the applicable statutes if it is intended to influence legislative or administrative action and used in support of or assistance to a lobbyist or the lobbyist's activities. Because the regulation attempts to regulate conduct not covered by the lobbying statutes, it is invalid and unenforceable.

Subsection 2 AAC 50.545(e)(5) deals with "the costs an employer incurs communicating with the employer's lobbyist to discuss issues and strategies relating to the employer's lobbying activities, including compensation, travel expenses and per diem, and related expenses". Once again, this provision does not meet the requirements of the applicable State statutes. In order to be subject to regulation, the employer's communications with its lobbyist must be intended to "influence legislative or administrative action" and be "in support or assistance to a lobbyist or the lobbyist's activities". The proposed regulation addresses only "the employer's lobbying activities". As written, the provision is grossly over broad, inconsistent with statutory authority and unconstitutionally vague.

Subsection 2 AAC 50.545(e)(6) deals with "the cost an employer incurs in direct communication with a public official, including compensation, travel expenses and per diem, and related expenses". This provision relates solely to an employer's direct communication with a public official rather than costs incurred in support of the employer's "lobbyist or the lobbyist's activities". More importantly, this provision is in direct conflict with AS 24.45.171(10), which specifically defines when an employer, or the employee of an employer, is subject to regulation as a lobbyist. That statute states that a person becomes a lobbyist subject to regulation by the Commission, when he or she "receives wages or other economic consideration, . . . to communicate directly with any public official (i) for the express purpose of influencing legislative or administrative action; and (ii) during more than forty hours in any thirty-day period in one calendar year". Until an employer, or the employee of an employer, exceeds the forty-hour rule, he or she is not subject to regulation as a lobbyist.

Also, if an employer does not retain a lobbyist or an employee who meets the forty-hour rule, expenditures by the employer are not subject to disclosure or regulation. Subsection (e)(6) is an obvious effort to contravene the forty-hour rule adopted by the Legislature, and therefore it is invalid and unenforceable.

Subsection 2 AAC 50.545(e)(7) deals with "the costs an employer incurs to provide a trip for a public official, including transportation, accommodations, and meals, when the trip is primarily for obtaining information on matter of legislative or administrative concern." This provision is inconsistent with the authorizing statutes because it refers specifically to "obtaining" information on matters of legislative or administrative concern. This is not consistent with the statutory scheme relating to the regulation of lobbying activities. Pursuant to the applicable statutes, in order to be subject to regulation, a payment must be intended "to influence legislative or administrative action" and be "in support of or assistance to a lobbyist or the lobbyist's activities". Instead, this subsection deals expressly with costs associated with "obtaining information". There is nothing in the applicable statutes that prohibits or regulates a person's efforts to obtain information, and therefore such activities are not subject to APOC regulation.

Additionally, the provision is unconstitutionally vague in that the determination of whether or not a violation has occurred turns solely on the subjective intent of the target of the alleged violation.

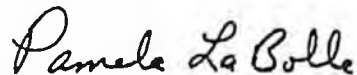
Christina Ellingson
March 2, 2004
Page 5

Based on the foregoing, it is our opinion that the Commission should dramatically revise the proposed amendments to the regulations referred to herein. The regulations are poorly drafted, exceed the Commission's regulatory authority, are inconsistent with and/or violate current State statutes, and are unconstitutional.

Additionally, we request that the Commission extend the comment period on the proposed regulations in order that adequate time be allowed for others in the business community to review and submit comments.

Thank you for your consideration of these comments.

Sincerely,



Pamela La Bolle
President

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALASKA PUBLIC OFFICES COMMISSION

The Alaska Public Offices Commission proposes to adopt regulation changes in Title 2 of the Alaska Administrative Code, dealing with changes to the campaign finance law, AS 15.13, lobbying law, AS 24.45, public Official financial disclosure law, AS 39.50, and legislative financial disclosure law, AS 24.60.

Changes are proposed to 2 AAC 50.010 - 2 AAC 50.920, including the following:

1. Sections 010 and 025 will be changed to increase the threshold for reporting income to the commission from \$1,000 to \$5,000.
2. Sections 075 and 200 will be changed to replace the term "spousal equivalent" with "domestic partner."
3. Sections 100 and 102 will add to the list of exemptions from reporting sources of income by public officials and candidates to conform to the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.
4. Sections 250, 258, 266, 270, 298, 300, 317, 320, 321, 324, 332, 348, 368, 384, 394, and 399 will be changed and 291 will be added to add "nongroup entities" to the organizations that have duties under the campaign finance law in AS 15.13.
5. Sections 266, 320, 321, 328 will be changed to implement the changes to the reporting requirements in AS 15.13.040 and to make the requirements easier to understand.
6. Sections 254 and 368 will be changed to implement the increase of the campaign contribution limits.
7. Section 286 will be changed so that the reporting requirements reflect changes to the reporting requirements and to the increase in the campaign contribution limits.
8. Section 306 will be changed to make identifying a campaign chairperson in political communications voluntary.
9. Sections 310 will be changed and 329 will be added to require electronic filing of campaign finance reports and to set out requirements for reporting contributions by dues or payroll deduction.
10. Section 336 will be changed to simplify reporting requirements and make them easier to understand.
11. Sections 450, 460, and 470 will be changed and 452, 454, 456, 458, 476 will be added to implement the changes to the complaint, investigation, and hearing requirements in AS 15.13.380.
12. Section 505 will be changed to require electronic filing of lobbyist's reports when the commission converts to electronic filing.
13. Section 508 will be changed and 504 will be added to implement the changes to the definition of lobbyist in AS 24.45.171.
14. Section 507 will change penalty provisions for late filing by lobbyists to make them easier to follow and to make housekeeping changes.
15. Sections 542 and 545 will change the reporting requirements for lobbyists to implement changes to AS 24.45.121 and 24.45.171.
16. Sections 705 and 725 will increase the threshold for reporting income for legislative filers from \$1,000 to \$5,000.
17. Section 775 will add to the list of exemptions from reporting sources of income by legislative filers to conform to the requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.
18. Section 805 will change the time when the commission reports to the lieutenant governor late filing of financial disclosure reports by legislators.
19. Section 890 will replace the term "spousal equivalent" with "domestic partner."

20. Section 905 will be changed to implement AS 15.13.374, authorizing advisory opinions.
21. Section 929 makes housekeeping changes to the definitions of terms used in 2 AAC 50.
22. Section 364, which defines constitutionally qualified nonprofit corporations, will be repealed because the concept is now covered in AS 15.13.400.
23. Section 513, which defines administrative lobbying for purposes of enforcement, will be repealed because the concept is now covered in AS 24.45.171.
24. Section 530, which requires reporting on an accrual basis by lobbyists, will be repealed to simplify reporting by lobbyists.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Public Offices Commission, Christina Ellingson at 2221 E. Northern Lights Blvd, Rm 128 Anchorage, AK 99508. In addition, you may e-mail your comments to Nancy_Freeman@admin.state.ak.us. You may fax comments to 907-276-7018. The comments must be received no later than 5 p.m. on March 2, 2004.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Cynthia Lind at 276-4176 or 1-800-478-4176 no later than March 2, 2004, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Cynthia Lind at 2221 E. Northern Lights Blvd., Rm 128, Anchorage AK. 99508 or by telephone at 907-276-4176 or 800-478-4176 or go to our web site at www.state.ak.us/apoc.

After the public comment period ends, the Alaska Public Offices Commission will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. ALL WRITTEN COMMENTS RECEIVED ARE PUBLIC RECORDS AND ARE SUBJECT TO PUBLIC INSPECTION.**

Statutory Authority: AS 15.13.010; AS 15.13.030; 24.45.021; 24.60.220; 39.50.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 15.13.030, 15.13.040, 15.13.070, 15.13.072, 15.13.074, 15.13.110, 15.13.116, 375, 15.13.380, 15.13.400; AS 24.45.041, 24.45.051, 24.45.061, 24.45.116, 24.45.121, 24.45.171; AS 24.60.050, 24.60.070, 24.60.080, 24.60.090, 24.60.200, 24.60.990; AS 39.50.030, 39.50.050, 39.50.090, 39.50.200

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: _____

Brooke Miles, Executive Director

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Public Offices Commission
2. General subjects of regulations: Public Official Financial Disclosure; Campaign Disclosure; Lobbying Law; Legislative Financial Disclosure
3. Citation of regulation (may be grouped): 2 AAC 50.010 – .200; 2 AAC 50.250 –.399; 2 AAC 50.450 476; 2 AAC 50.504 – 545; 2 AAC 50.705 – 890; 2 AAC 50.905 - 920
4. Reason for the proposed action: compliance with new or changed state statutes
5. BRU/component affected: 70
6. Cost of implementation to the state agency and available funding (in thousands of dollars):

| | Initial Year FY 04 | Subsequent Years |
|-----------------------------------|-----------------------|---------------------|
| Cost | \$ 0 | \$ 0 |
| Federal receipts | \$ 0 | \$ 0 |
| General fund match | \$ 0 | \$ 0 |
| General fund | \$ 0 | \$ 0 |
| General fund/ program receipts | \$ 0 | \$ 0 |
| General fund/ mental health | \$ 0 | \$ 0 |
| Other funds (specify) | \$ 0 | \$ 0 |

7. The name of the contact person for the regulations:

Name Christina Ellingson
Title Assistant Director
Address 2221 E. Northern Lights Blvd. Room 128
Anchorage, AK 99508
Telephone (907) 276-4176
E-mail address Chris_Ellingson@admin.state.ak.us

8. The origin of the proposed action: Staff of state agency

9. Date: _____

Prepared by: _____

Name: Christina Ellingson
Title: Assistant Director
Telephone: (907) 276-4176

LEGISLATIVE REFERENCE LIBRARY

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Judiciary Committee, 3/26/03, 1:34 p.m.

2003

CONFIR-
MATIONS



OFFICIAL BUSINESS

Alaska State Legislature

Senate

STATE CAPITOL, ROOM 213
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX 465-2832

EMAIL: senate_secretary@legis.state.ak.us

May 1, 2003

MEMORANDUM

TO: Senator Seekins, Chair
Judiciary Committee

FROM: Kirsten Waid *KW*
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Therriault has referred the following name for legislative confirmation to your committee for a hearing, recommendation and report:

Board of Governors of the Alaska Bar Association

William Granger - Anchorage

Appointed: 06/29/01 Reappointed: 04/25/03 Term Expires: 03/01/07

KCW:sgf

Resume attached

William A. Granger
13810 Jarvi Drive
Anchorage, Alaska 99515
907-265-2114

References

Rick Owen Esq., Corporate Counsel, Natchig, Inc., 907-344-5757
David H. Bundy Esq., Bundy & Christinson 258-6016
Patrick B. Gilmore Esq., Atkinson, Conway & Gagnon, Inc., 276-1700
Barbara Schuhmann Esq., Cook, Schuhmann & Groseclose, Inc., 452-1855
Jan Ostrovsky, Esq., United States Trustee, 206-553-3200 ext. 261
Lawrence Z. Ostrovsky, Esq., Office of the Attorney General, Oil and Gas, 269-5255
Joseph M. Moran, Esq. DeLisio, Moran, Geraghty & Zobel, PC, 279-9574
David J. Schmid, Esq., 276-4335
William R. Hupprich, Esq., Associate General Counsel, Alaska Railroad Corporation, 265-2461
Richard Strutz, President, National Bank of Alaska, 265-2948
Thomas W. Mason, Senior Vice President, Alaska USA Federal Credit Union, 786-2746
Allen B. Bingham, CPA, Partner, Mikunda, Cottrell & Co., 278-8878

Affiliations

Past Board Member, Anchorage Center for Families
Past Board Member, Hilltop Youth, Inc. (operator of Hilltop ski area)
Past Board Member, Alaska Snowmobile Representatives Alliance
Past President, Make-A-Wish Foundation, Alaska Chapter
Board Member, Alaska Bar Foundation
Board Member, National Bank of Alaska
RMA Senior Member
American Institute of Banking Instructor
Alaska Bar Association Board of Governors, Treasurer 2002 / Secretary 2003

Licenses/Permits

Real Estate Agent (expired)
PADA Scuba Diver
Private Pilot SEL/SES
Concealed Weapon

Education

Dimond High School, 1972
Gonzaga University, 1972-1974
Anchorage Community College, 1969-1986
American Institute of Banking
Pacific Coast Banking School, 2003

Employment History

Matanuska Valley Bank, 1968 – 1978
Consumer lending and Branch Management

Alaska National Bank of the North, 1985-1987
Senior Vice President
Loan Administration/ Special Assets

National Bank of Alaska, 1988
Senior Vice President, Senior Loan Administration
Board Member

Wells Fargo Bank Alaska - Present
Senior Vice President

Personal

Alaska resident for 37 years. Married to Diane Otto, a lifelong Alaskan. Three children:
daughter teaches school in Seward, and sons are enrolled in the Anchorage School District.



OFFICIAL BUSINESS

Alaska State Legislature

Senate

STATE CAPITOL, ROOM 213
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832
EMAIL: senate_secretary@legis.state.ak.us

May 9, 2003

MAY - 9 2003

MEMORANDUM

TO: Senator Seekins, Chair
Judiciary Committee

FROM: Kirsten Waid *KW*
Secretary of the Senate

SUBJECT: Confirmation

Pursuant to AS 24.60.130, President Therriault has referred the following nomination to your committee for a hearing, recommendation and report:

Select Committee on Legislative Ethics
Marianne Stillner

KCW:lc

attachment



Chambers of
Dana Fabe
Chief Justice

Supreme Court
State of Alaska

303 K Street
Anchorage, Alaska
99501-2083

(907) 264-0622
FAX (907) 264-0554

May 6, 2003

The Honorable Gene Therriault
Senate President
State Capitol, Room 111
Juneau, Alaska 99801-1182

The Honorable Pete Kott
Speaker of the House
State Capitol, Room 208
Juneau, Alaska 99801-1182

Dear President Therriault
and Speaker Kott:

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating Marianne Stillner to a term as a public member of the Select Committee on Legislative Ethics.

Ms. Stillner is an Assistant Professor of Nursing Education at the University of Alaska Southeast. For purposes of determining compliance with AS 24.60.130(c), Ms. Stillner is non-partisan.

Ms. Stillner can be reached at (907) 789-7807 (home) or (907) 465-8775 (work). Her mailing address is P.O. Bcx 211433, Auke Bay, Alaska 99821. Please let me know if I can provide you with any other information on this matter.

Sincerely,

Dana Fabe
Chief Justice

DF:jd

cc: Marianne Stillner
Joyce Anderson

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

MARIANNE KOCH STILLNER
 PO BOX 211433
 AUKE BAY, AK 99823
 907-789-7807

- Objective:** To provide skilled professional nursing and nurse aide education to the Juneau, AK area in order to address the increasing need for nursing at all skill levels.
- Education:**
- | | |
|---|------|
| Post-graduate Pediatric Nurse Practitioner Program <i>University of Kentucky</i> | 1997 |
| Master of Science in Child Psychiatric Nursing <i>Boston University</i> | 1972 |
| Bachelor of Science in Nursing <i>Mercy College of Detroit</i> | 1965 |
- Professional Responsibilities:**
- Develop, prepare and present the didactic information needed for training certified nurse aides. Organize and supervise the nursing clinical experiences in two long-term care facilities and one general hospital. Setup laboratory space and equipment for practice of the various nurse aide and registered nursing skills. Perform the advisory and administrative functions of an assistant professor in a university system. Participate in the development of the UAS/UAA nursing education partnership in Southeast Alaska.
- Perform screening physical exams and evaluations, and provide ambulatory adolescent care to male youths admitted to a juvenile justice system.
- Prepare lectures/clinical experience and examinations for courses on Physical Assessment of Adults and Children and Adaptation to Acute and Chronic Illness for a BSN program.
- Serve as a public health field nurse for home visits to assess child growth and development and provide counseling; to promote elderly health through health maintenance clinics; to provide peri-natal education and newborn assessment; to provide TB case finding, medication supervision and education.
- Perform triage, therapeutic intervention, referral and consultation to Alaskan village schools. Participate in training of Yupik Mental Health Aids in areas of child development, therapeutic techniques with children and consultation the school systems.
- Serve as primary field worker responsible for clinical case finding and assessment of homes and child rearing practices; collaborate with psychologists and nutritionists in an inner-city failure-to-thrive study.
- Provide general school nursing duties in a summer program for Boston elementary school children needing remedial education.
- Provide health education and assessment through home and school visits as a public health nurse in two large inner cities and for a community of Arapaho and Shoshone Indians.

| | | |
|--|---|----------------|
| Employment: | <i>University of Alaska Southeast</i> | 1/00 – current |
| | Assistant Professor of Nursing | |
| | <i>Kentucky Department of Juvenile Justice</i> | 1998-1999 |
| | Pediatric Nurse Practitioner | |
| | <i>Midway College</i> | 1997-1998 |
| | Instructor, BSN program | |
| | <i>Lexington Fayette Co Health Department</i> | 1993-1998 |
| | Public Health Nurse, Field Services | |
| | <i>Yukon-Kuskokwim Health Corp.</i> | 1973-1975 |
| Child Psychiatric Nurse specialist | | |
| <i>Massachusetts Institute of Technology</i> | 1972-1973 | |
| Research Assistant, Dept. of Nutrition | | |
| <i>Boston School System</i> | summer '71 | |
| School Nurse | | |
| <i>Wind River Indian Reservation</i> | 1967-1968 | |
| Public Health Nurse | | |
| <i>Alameda Co. Health Dept.</i> | 1966-1967 | |
| Public Health Nurse | | |
| <i>Detroit City-Co Health Dept.</i> | 1965-1966 | |
| Public Health Nurse | | |
| Professional Activities: | Alaska Nurses Association, member | 2000-current |
| | National Association of Pediatric Nurse Practitioners, member | 1997-2002 |
| | Kentucky Nurses Association, District 2 | 1992-1999 |
| | KNA secretary | 1995-1997 |
| Volunteer Activities: | UAS Faculty Liaison, Native Education | current |
| | University of Kentucky Hospital Auxiliary | |
| | member & president | |
| | Fayette County Medical Auxiliary | |
| | Christ Church Cathedral Choir Guild | |
| | founding member & president | |
| | Christ Church Cathedral Music Committee | |
| | The Lexington School Parents' Committee | |
| member & president | | |
| Lexington Youth Soccer Association | | |

Sec. 24.60.130. Select committee on legislative ethics.

(a) There is established as a permanent interim committee within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

- (1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;
- (2) the house subcommittee, which consists of two members of the house, one of whom shall be a member of the minority organizational caucus, if any, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full membership of the house, and includes the five public members appointed under (3) of this subsection; and
- (3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full membership of each house of the legislature.


(m) Except as provided in (b)(1) and (2) of this section, a member may not be a legislator, a legislative employee, an elected or appointed official required to make disclosures under AS 39.50 (public official financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

Alaska State Legislature

Select Committee on Legislative Ethics

716 W. 4th, Suite 230
Anchorage AK
(907) 269-0150
FAX: 269-0152

Mailing Address:
P.O. Box 101468
Anchorage, AK.
99510 - 1468

TO: Senate/House Judiciary
FROM: Joyce Anderson 
DATE: January 27, 2003
RE: Ethics Committee Nominees

Enclosed are the resumes and financial disclosure statements for the three public member nominees for the Select Committee on Legislative Ethics:

Herman G. Walker, Jr
Shirley McCoy
Dennis "Skip" Cook

I have also included an explanation of why the financial disclosure statements are being provided for the confirmation hearings. This legislative session is the first time these reports have been provided for the confirmation hearings. Additionally, Herman G. Walker Jr has filed a disclosure of Membership on a Board of Directors. I have included this disclosure as well.

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

NOTE: Legislation passed in 2002 requires public members of the Select Committee on Legislative Ethics to file the annual financial disclosure by the second Monday of January of each year.

The intent of the legislation was to allow for legislators to have the opportunity to review not only the public member nominee's resume but also their financial disclosure statement at the time of the confirmation hearings.

Sec. 24.60.210. Deadlines for filing of disclosure statements.

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200 , on or before March 15 of each year.

(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before the second Monday of January of each year.



OFFICIAL BUSINESS

Alaska State Legislature

Senate

STATE CAPITOL, ROOM 213
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832
EMAIL: senate_secretary@legis.state.ak.us

February 20, 2003

MEMORANDUM

TO: Senator Seekins, Chair
Judiciary Committee

FROM: Kirsten Waid *KW*
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Therriault has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Alaska Judicial Council

Bill Gordon - Fairbanks
Appointed: 05/18/2003 Term Expires: 05/18/2009

Violent Crimes Compensation Board

LeRoy Barker - Anchorage
Appointed: 02/19/2003 Term Expires: 03/01/2005

Gerad G. Godfrey - Valdez
Appointed: 02/19/2003 Term Expires: 03/01/2004

KCW:sgf

Resumes attached

ROBERTSON, MONAGLE & EASTAUGH .

ATTORNEYS AT LAW .

Juneau • Anchorage • Washington .

APP / VCC / 103

PERSONAL RECORD OF

LERROY J. BARKER

1400 W. Benson Boulevard

Suite 315

Anchorage, Alaska 99503

Phone: 907-277-6693

Fax: 907-279-1959

E-Mail: ljbarker@romea.com

BOARDS & COMMISSIONS

FEB 07 2003

EDUCATION

1952-56 University of Southern California. Graduated, Bachelor of Science in Business Administration, June, 1956.

1958-61 University of California at Berkeley, School of Law. Graduated, Bachelor of Laws, June 1961.

BAR ASSOCIATIONS

Ninth Judicial Circuit Court - admitted to practice, 1962

California Bar - admitted to practice, 1962 (inactive)

Alaska Bar - admitted to practice, 1963

United States District Court, District of Alaska - admitted to practice, 1963

United States Supreme Court - admitted to practice, 1987

EXPERIENCE

1974 to Present Presently in private practice in Anchorage as a director in Robertson, Monagle & Eastaugh, Anchorage, Alaska.

Substantial experience in construction litigation, professional liability (including architects and engineers), product liability, and general commercial litigation.

1970-74 Practiced law with Robison, McCaskey, Strachan & Hoge, Anchorage, Alaska; engaged in general practice of law.

ROBERTSON, MONAGLE & EASTAUGH

ATTORNEYS AT LAW

Juneau • Anchorage • Washington

- 1964-1970. Assistant District Attorney in both Alaska and California; extensive litigation experience; numerous felony cases including several high profile murder and fraud cases.
- 1961-1964 Department of Law, State of Alaska. Worked in Juneau, Ketchikan, and Anchorage as an Assistant Attorney General and Assistant District Attorney; represented the Department of Public Works and Highways; participated in various civil cases involving these two departments.
- 1956-58 U.S. Navy, LTJG, Legal Officer, San Diego Group, Pacific Reserve Fleet; graduated with distinction from Naval Justice School, Newport, Rhode Island.

PROFESSIONAL ACTIVITIES

1. Member (and former state chair) of the public contract section of the American Bar Association.
2. Experience as a discovery master for the State Superior Court and the Federal District Court.
3. Member, Board of Governors, Alaska Bar Association, 1974 -1977.
4. Alaska Bar Association Professionalism Award 1990.
5. Fellow (and past state chair) American College of Trial Lawyers, 1990 to date.
6. Lawyer representative, United States Court of Appeals for the Ninth Circuit 1986 - 1988.

ALASKA STATE SENATE



Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245

Session
(907)-465-2327
FAX# (907)-465-5241
State Capitol
Room 125

SENATE JUDICIARY COMMITTEE Senator Ralph Seekins, Chairman

REPORT ON CONFIRMATION OF APPOINTMENTS

March 5, 2003

The Honorable Gene Therriault
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

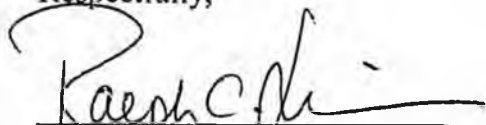
Dear President Therriault:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration


Violent Crimes Compensation Board: Gerad G. Godfrey

This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Respectfully,



Senator Seekins, Chair



Senator Ellis



Senator Therriault



Senator French



Senator Ogan

ALASKA STATE SENATE



Interim Address:
119 N. Cushman, Suite 211
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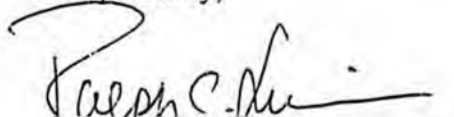
Dear President Therriault:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration

Judicial Council: Bill Gordon

This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Respectfully,



Senator Seekins, Chair

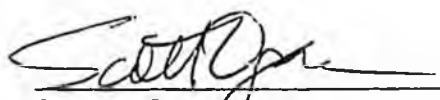


Senator Ellis

Senator Therriault



Senator French



Senator Ogan

ALASKA STATE SENATE



Session

(907)-465-2327
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Fairbanks, AK 99701
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SENATE JUDICIARY COMMITTEE Senator Ralph Seekins, Chairman

REPORT ON CONFIRMATION OF APPOINTMENTS

March 5, 2003

The Honorable Gene Therriault
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear President Therriault:

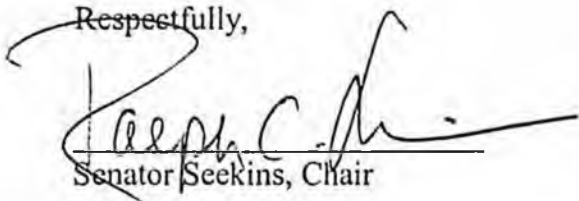
In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration

Select Committee on Legislative Ethics:

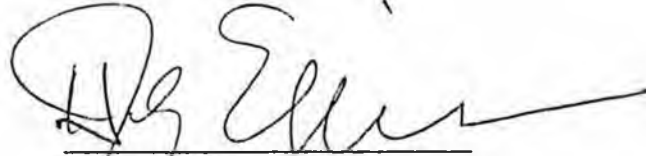
-Herman G. Waiker, Jr.
-Dennis "Skip" Cook

This does not reflect an intent by any of the members to vote for or against the individuals during any further sessions.

Respectfully,



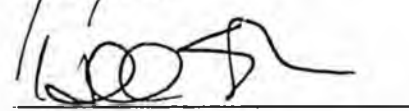
Senator Seekins, Chair



Senator Ellis



Senator Therriault



Senator French



Senator Ogan

Bill Gordon
907-474-0303
3205 Riverview Drive
Fairbanks, Alaska 99709

BACKGROUND SUMMARY

Lifelong Alaskan with extensive background in public and private sectors

Have worked in responsible positions in Alaskan government and industry. Have extensive travel to nearly every city, town and village in Alaska and have conducted business activity in foreign countries. Have experience in both regulating industry and being regulated by government agencies. Have been involved in searching for and appointing top talent to state government.

EXPERIENCE

Utility Services of Alaska (a subsidiary of FSW Inc.) Fairbanks, Alaska

Vice President and shareholder, since 1997

Operates 7 certificated water and wastewater utilities in interior Alaska. Served on EPA funded Capacity Development initiatives for State compliance to the amendments to the Safe Drinking Water Act of 1996. Presently serves on the State and Federal Committee on Sustainability for Rural Alaskan Utilities

Campus Leasing Fairbanks, Alaska

Owner and operator 1978-1996

Managed a profitable Alaskan company's real estate holdings and product sales in Alaska, Japan, Guam and Korea. Sold company in 1996.

State of Alaska Juneau, Alaska

Served Governor Jay Hammond in various positions including executive assistant (chief of staff). 1974-1978

Responsible for the day-to-day operations of the Governor's offices including appointment to top state positions.

Chaired Western Governor's Policy Council 1976-1977

Anchorage School District Anchorage, Alaska

High school teacher and coach 1970-1974

Civic Service

Alcohol Beverage Control Board 1979-1982; Chairman 1980-1982

Alaska Athletic Commission 1979-1980

Policy Review Committee; Fairbanks North Star Borough School District 1992-1995

Discipline Task Force; Fairbanks North Star Borough School District 1994-1995

Vocational Education Subcommittee; North Star Borough School District 1995

Organized and served as Commissioner of Region VI high school varsity baseball 1993-1996

Volunteered, organized and chaired various political campaigns for local and statewide candidates

EDUCATION

Bachelor of Arts; University of North Carolina-Chapel Hill, NC. Graduated 1969

Graduate studies; University of Alaska-Fairbanks

PERSONAL

Married, two children.

Gerad G. Godfrey

P.O. Box 1254
Valdez, AK 99686
(907) 835-2329

OBJECTIVE: To obtain a position on the State of Alaska Violent Crimes Compensation Board.

EDUCATION: Bachelor's of Science Degree - University of Great Falls, Great Falls, MT
Criminal Justice Major, with Counseling Psychology Minor
Financed 100% of College Education Expenses

WORK EXPERIENCE:

Aug. 2001 – Present
Doyon Universal Services, Valdez, AK
- Provide patrol security for the Marine Terminal and pipeline access points
- Process incoming dispatch services/control room functions
- Monitor personnel shift changes

Nov. 1998 – Aug. 2001
Kelly Services, Ft. Richardson Army Base, Anchorage, AK
- Provided audio/visual technical support for military trainers
- Design and implement floor plans for conferences and seminars
- Maintained inventory of essential facility materials

Sept. 1998 – Nov. 1998
Alaska Department of Public Safety, Sitka, AK
- Training Academy for the position of Fish & Wildlife Trooper

Oct. 1997 – Sept. 1998
Guardsmark, Inc., Anchorage, AK
- Interviewed, screened, and hired applicants for security positions
- Staffed supervisors' man-power shortages at various contract posts
- Accounted for staff's billable working hours

April 1997 – Aug. 1997
Total Nutrition & Fitness, Great Falls, MT
- Managed supplement retail/tanning business
- Advised patrons concerning nutrition and fitness programs

May 1996 – April 1997
Nana-Marriott, Prudhoe Bay, AK
- Preparation cook, kitchen maintenance, and supply stocker
- Also worked these positions seasonally during three years of college

June 1981 – Aug. 1992
Commercial Salmon Fishing, seasonally in waters around Kodiak, AK
- Fished aboard F/V's Millennium, Armageddon, Jenna, and Miss Valeiy
- Experienced in operating the skiff, deck boss, and deck hand

ACTIVITIES: Member – Oversight Committee Taskforce of APD 911 system review

Alaska State Legislature

Select Committee on Legislative Ethics

716 W. 4th, Suite 230
Anchorage AK
(907) 269-0150
FAX: 269-0152

Mailing Address:
P.O. Box 101468
Anchorage, AK.
99510 - 1468

December 20, 2002

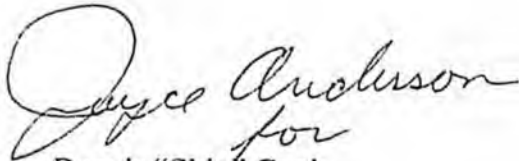
Ronald Irwin
Senate Majority Press Secretary
716 West 4th Avenue
Suite 540
Anchorage AK 99501

Mr. Irwin:

The question has been raised as to whether Mr. Popely, an employee of the Legislative Majority, may provide legal services to a legislative employee of the majority, without charge to that person, at the public hearing stage of an ethics complaint.

The concern is that public resources may be used to represent a legislative employee in an individual capacity. The committee has not addressed this issue but wanted you to be aware of the concern so you could consider possible ramifications of continued representation in connection with next month's hearing.

Sincerely,

A handwritten signature in cursive script that reads "Jayce Anclison". Below the signature, the word "for" is written in a smaller, simpler script.

Dennis "Skip" Cook
Chair, Senate Subcommittee

cc: Ted Popely
Majority Legal Counsel

LEGAL SERVICES

**DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 23, 2002

SUBJECT: Use of leadership staff attorney time to defend legislative employee at hearing before Legislative Ethics Committee

TO: Senator Rick Halford
Attn: Ted Popely

FROM: Barbara R. Craver *BRC*
Legislative Counsel *MB*

You have asked whether it is a violation of the legislative ethics code for the legislative majority to direct Ted Popely, staff attorney for the majority, to advise and represent Ron Irwin, the majority press secretary, in regard to a complaint against Mr. Irwin by the Legislative Ethics Committee. The conduct at issue in the ethics complaint involves whether it was appropriate for Mr. Irwin to issue a press release in regard to statements made by Lieutenant Governor Fran Ulmer about her plans to address the state's budget if elected to the governorship. You say that the ethics complaint charges Mr. Irwin with using public funds for a partisan political purpose. The basis of the ethics complaint against Mr. Irwin is triggered by the fact that Fran Ulmer was a candidate for governor while she was serving as lieutenant governor, and running as the candidate of the opposition party to that in the legislative majority.

The select Committee on Legislative Ethics has the authority to hear complaints about the conduct of legislators and legislative branch employees and is responsible for the enforcement of the Legislative Ethics Code. The Select Committee on Legislative Ethics has not reviewed this opinion. It is therefore not necessarily the opinion of the committee and is not binding on the committee. You may wish to seek informal written nonbinding advice from the Legislative Ethics Committee staff under AS 24.60.158 or you may request a formal advisory opinion from the committee under AS 24.60.160.

Legislators, including majority members, are bound by the provisions of the ethics code which prohibit the use of "public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in our support of or opposition to partisan political activity, or for the private benefit of either the legislator, legislative employee, or another person..." AS 24.60.030(a)(2). The issue here is whether Mr. Popely's representation of Mr. Irwin is for a legislative purpose.

Senator Rick Halford
December 23, 2002
Page 2

I believe an argument can be made that there is a legislative purpose involved in Mr. Popely's representation of Mr. Irwin. Mr. Irwin was performing his job in good faith. His supervisors contend that Mr. Irwin was performing his job properly when he issued the press release, and dispute that the action violated the ethics code. The majority argues that it is in its own interest to defend the parameters of how a majority press secretary performs his or her job. The outcome of this matter is of concern to the majority. The holding of the Ethics Committee may restrict how the majority is allowed to direct its employees to perform their jobs.

I do not think that it would always be appropriate for the majority or another legislative entity to represent individuals that are the subject of ethics complaints. Where a person takes an action that results in purely personal benefit, such as accepting an improper gift, or granting public funds to a personal friend or relative, there probably would be little legislative purpose to support the use of public assets and services, such as those of Mr. Popely, to defend that person's actions. However, the majority has some discretion to determine when a legislative purpose is served in using its resources.

Arguably, when an employee, such as Mr. Irwin, is performing the functions he or she has been directed to perform by a legislative employer and that performance results in the filing of an ethics complaint against the employee, the legislative employer ought to provide a defense.

The ethical issue of using public funds to represent an individual arises in cases when reimbursement is sought for the cost of private defense incurred by a public official who is found to have acted in the course and scope of the official's employment. Generally, a public body may reimburse a public official for his or her legal expenses if (1) the legal action arises from the discharge of an official duty in which the government has an interest; (2) the official acted in good faith; and (3) the body has the implied or express power to make the reimbursement. Powers v. Goodwin, 291 S.E. 2d 466 (W.Va. Ct. App. 1982); Edison v. Reid, 397 So.2d 352 (Fla. Ct. App. 1981); Annot. 130 ALR 736. Reimbursement in other circumstances would probably violate the requirement of article IX, section 6 of Alaska's Constitution that public money be appropriated only for a "public" purpose. Bowling v. Brown, 469 A.2d 896, 902 (Md. Ct. Spec. App. 1984)(payment of legal fees for criminal defense, even where criminal charges were dismissed, did not further a public purpose).

Courts have had some trouble applying the "scope of employment" and "good faith" tests in a consistent manner, but in general a factual finding that the official used a public office for private gain will preclude reimbursement of attorneys fees. Powers v. Goodwin, 291 S.E.2d 466 at 475 (W.Va. Ct. App. 1982) (use of government credit card for private purposes is not within the scope of employment.) Courts have usually been willing to allow reimbursement of attorney's fees for successful defenses of claims of unethical behavior, Ellison v. Reid, 397 So.2d 352 (Fla. Ct. App. 1981)(charges of official misconduct before ethics committee). However, in one case, where it appeared the successful defense was based more on legal technicalities than true innocence of

Senator Rick Halford
December 23, 2002
Page 3

wrongdoing, the court found it was wrong to reimburse an official for attorney's fees incurred in successfully defending against charges of using a public employee for private gain. Bowling v. Brown, 469 A.2d 896 at 899 (Md. Ct. App. 1984) (criminal charges dismissed because accused was not an official within the meaning of the criminal statute).

BRC:mdr
02-036:mdr

HERMAN GENE WALKER, JR.

3306 Doris Street # 1 Anchorage, Alaska 99517-2076 907(274-9003) e-mail: hermanjr@alaska.net

EDUCATION

- UNIVERSITY OF WYOMING Laramie, Wyoming. May, 1992
J.D. Degree.
- ARIZONA STATE UNIVERSITY Tempe, Arizona. May, 1988
B.S. Political Science. Tempe, Arizona. May, 1988.

LAW EXPERIENCE

- REX LAMONT BUTLER AND ASSOCIATES Anchorage, Alaska. November, 1993-Present
Associate Attorney

Responsibilities include representing felony and misdemeanor clients in all phases of their criminal proceedings from arraignment to trial
- LAW OFFICE OF REX LAMONT BUTLER Anchorage, Alaska. March, 1993- October, 1993
Law Clerk

Prepared case files, client conferences and research and writing.
- OFFICE OF PUBLIC ADVOCACY Anchorage, Alaska. July, 1992 - January, 1993
Legal Intern

Represented clients at change of pleas, sentencing and bail hearings. Research and writing appellate briefs and motions.
- DEFENDER ASSOCIATION OF PHILADELPHIA Philadelphia, Pennsylvania. Summer, 1991
Legal Intern

Represented clients at arraignments and bench warrant hearings. Provided legal and factual analysis of new and pending cases. Performed initial client interviews. Research and writing appellate briefs and motions.
- MARICOPA COUNTY SUPERIOR COURT Phoenix, Arizona. February - August, 1989
Pre-Trial Services Officer

Interviewed defendants and recommended conditions of release to the judge. Supervised drug monitoring program.

MEMBERSHIPS AND AFFILIATIONS

Alaska Bar Association, United States District Court of Alaska, Anchorage Bar Association, American Bar Association, National Association of Criminal Defense Lawyers, Young Lawyer Section Board, Alaska Academy of Trial Lawyers

JAN-21-2003 TUE 11:48 AM

FAX NO.

P. 02

FAX: 269-0152 Mail: P.O. Box 101468, Anch. AK 99510 Pouch: Anchorage

Disclosure of Membership on a Board of Directors of any organization that has a substantial interest in the legislative activities of the legislator or legislative employee.

NAME OF DISCLOSER: Herman Walker, JR.
ADDRESS: 606 E St. Suite 203
PHONE NUMBER (Daytime) 279-2889
EMPLOYER (if legislative employee) N/A

Disclosure of membership on a board of directors in accordance with AS 24.60.030(f)

Table with 3 columns: Name of Organization or Entity, Address, Date of Board Membership. Row 1: Alaska Academy of Trial Lawyers, P.O. Box 102723, Anchorage, AK, 2000.

The above is a true and accurate representation of my membership on boards of directors in accordance with AS 24.60.030(f)

Signature: [Handwritten Signature] Date: 1-21-03

Reporting Deadlines:

Within 30 days of becoming a director on a board or, if during the last 30 days of session or during the interim between regular sessions, by March 15 of the following year.

Explanation

A legislator or legislative employee may serve on a board of an organization, including a governmental entity, that regularly has a substantial interest in the legislative activities of the legislator or employee, if the legislator or employee discloses the board membership to the committee. A legislative employee may not serve in a position that requires confirmation by the legislature.

APPENDIX H 2003

Select Committee on Legislative Ethics

Rec'd Page H-2 22-03

By Joint

Via fax

ARRIVED

JAN 16 2003

2003 LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
(AS 24.60.200 - 24.60.260)

APOC - ANCH
PM HC FAX

INFORMATION ABOUT HOW TO COMPLETE THIS REPORT

NO POSTMARK

- ◆ This report is for incumbent legislators, legislative directors and public members of the Select Committee on Legislative Ethics.
- ◆ This report covers the preceding calendar year, so include only information about financial interests held and business involvement's between January 1, 2002 and December 31, 2002.
- ◆ You must show your own financial interests and those held by your spouse or spousal equivalent, dependent children, and non-dependent children living with you during calendar year 2002.
- ◆ If you need additional space to complete this report, use copies of the pages needed.
- ◆ The LFD Manual contains useful information about how to complete this report.
- ◆ If you have any questions or need help completing the form, refer to the instruction manual.
- ◆ If you still need help, call APOC at 907/276-4176.

SIGN THIS REPORT ON THE LAST PAGE. THIS REPORT IS DUE March 15, 2003.
Members of the Select Committee on Legislative Ethics file on January 13, 2003.

BACKGROUND INFORMATION

NAME: Heiman G. Wilphok, Jr. (907) 279-2889 (907) 258-4428
Phone Number Fax Number

OCCUPATION: Attorney, Business Owner

MAILING ADDRESS: 9314 Steathmoor Drive heiman@cab.net
(Street Address or Post Office Box) E-Mail Address

Anchorage, Alaska 99515
(City/Town and Zip Code)

DAY PHONE NUMBER _____

FAX NUMBER _____

OFFICE HELD (Check One): Legislator Legislative Director

Public member of the Select Committee on Legislative Ethics Victim's Advocate

TITLE: _____

FAMILY MEMBER INFORMATION (list names):

SPOUSE OR SPOUSAL EQUIVALENT: Lynda A. Limon

DEPENDENT CHILDREN: 2

NON-DEPENDENT CHILDREN LIVING WITH YOU: 0

SCHEDULE A
SOURCES OF INCOME OVER \$1000

Salaried Employment

If NONE reportable, check box

Report the name and address of each employer from whom more than \$1000 was received during calendar year 2002.

List your employment as a legislator or legislative director, and each source of salaried income over \$1000 for your spouse, dependent children and non-dependent children living with you. You are not required to disclose the amount of salary received by your family members or the salary you received from your state employment. Provide enough detail when describing the nature of services to tell a reader what work was performed for the salary received.

Report the amount of income you received when your employer:

- Hired a lobbyist or was a lobbyist;
- Had or sought contracts with the legislature or agency of the state that exceeded \$10,000;
- Was a municipality or local government entity; or
- Was affected financially by an action of the legislature or any other state agency in an amount exceeding \$5,000 including actions concerning professional or occupational licenses, natural resource permits or quotas, rates of assessment or taxation, health, safety or environmental standards and insurance or business practices.

Use copies of this page if you need additional space to complete this section.

See pages 7-8 of the LFD manual for more help with this section.

Name of filer, spouse, spousal equivalent, or child: Herman G. Walker, Jr.

Employer's Name: Law Office of Lynda A. Linn

Employer's Address: 606 E Street, Suite 203

Nature of Services Provided: Legal

Amount: \$ 60,000.00

Name of filer, spouse, spousal equivalent, or child: Lynda A. Linn

Employer's Name: Self Employed

Employer's Address: Self Employed, Same as Above

Nature of Services Provided: Legal

Amount: \$ Have not filed 2002 Taxes

Name of filer, spouse, spousal equivalent, or child: _____

Employer's Name: _____

Employer's Address: _____

Nature of Services Provided: _____

Amount: \$ _____

JAN 16 2003

SCHEDULE A
SOURCES OF INCOME OVER \$1000

Self-Employment

If NONE reportable, check box

Self-employment results when the person whose income is being reported worked for any of the following: a corporation in which you, your spouse or spousal equivalent, dependent children and non-dependent children living with you or a combination of them held a controlling interest, or sole proprietorship, limited liability company, partnership, or professional corporation in which the person whose income is being reported has an ownership interest.

List the name, address, and nature of services provided for each non-retail source of income from whom more than \$1000 was received as compensation for personal services by you or a family member. Provide enough detail when describing the nature of services to tell a reader what work was performed for the compensation received.

If the business is non-retail, list the nature of services performed and the name and address of each client or customer who paid the business over \$1000 during calendar year 2002.

Report the amount of income you received from a client, patient or customer when the client, patient or customer:

- Hired a lobbyist or was a lobbyist;
- Had or sought contracts with the legislature or agency of the state that exceeded \$10,000;
- Was a municipality or local government entity; or
- Was affected financially by an action of the legislature or any other state agency in an amount exceeding \$5,000 including actions concerning professional or occupational licenses, natural resource permits or quotas, rates of assessment or taxation, health, safety or environmental standards and insurance or business practices.

Use copies of this page if you need additional space to complete this section.

Name of filer, spouse, spousal equivalent, or child: Herman G. Wilphor, Jr.

Business Name: The Body Shop

Business Address: 606 E Street, Suite 203, Anchorage, Alaska 99501/Administrative Office

Retail Non-Retail (If you check non-retail, list clients/customers, and amounts if required, below.)

Name of client/customer: _____

Client/Customer Address: _____

Nature of Services Provided: Bath & Body Products

Amount: \$ 50,000.00

Name of client/customer: _____

Client/Customer Address: _____

Nature of Services Provided: _____

Amount: \$ _____

Name of client/customer: _____

Client/Customer Address: _____

Nature of Services Provided: _____

Amount: \$ _____

JAN 16 2003

**SCHEDULE A
SOURCES OF INCOME OVER \$1000**

Dividends and Interest

If NONE reportable, check box ⇒

Report the source of all dividends, interest and capital gains over \$1000 earned during calendar year 2002.

- List the financial institutions in which cash accounts or CD's were held.
- List the name(s) of a stock, bond, mutual fund or other entity which paid you a dividend, interest or capital gain of more than \$1000 during last year, whether held directly or through a brokerage account.
- (Report the assets of a retirement account or trust on page 8)

See page 14 of the LFD manual for more help with this section.

Recipient (filer, spouse, spousal equivalent, or child)

Name of Source of Income

Rental Income

If NONE reportable, check box ⇒

List the first and last name of each tenant from whom over \$1000 was received during calendar year 2002. If property is located outside Alaska and managed by a person other than you, your spouse, dependent child or non-dependent child living with you, you may list the managing agent instead of listing each tenant.

See page 15 of the LFD manual for more help with this section.

Owner (filer, spouse, spousal equivalent, or child)

Tenant(s)

Lynda A. Limon

Bridgeman Realty

Other Income

If NONE reportable, check box ⇒

List each source of income over \$1000 not listed elsewhere on this statement, including income from the sale of real property; Permanent Fund Dividend; social security; longevity bonus; retirement; the assets of an IRA cash-out; the name of the person who paid alimony or child support; government entitlements; honoraria and shared living expenses.

See page 16 in the LFD manual for more help.

Recipient (filer, spouse, spousal equivalent, or child)

Name of Source

Herman G. Walker, Jr.
Lynda A. Limon
DuPre L. Walker
Lucero L. Walker

Permanent Fund Dividend
Permanent Fund Dividend
Permanent Dividend
Permanent Fund Dividend

JAN 16 2003

SCHEDULE B
BUSINESS INTERESTS

Business Interests

If NONE reportable, check box

Report all business relationships even if they were not sources of income to you, your spouse, spousal equivalent, or dependent children and non-dependent children living with you during calendar year 2002.

- List ownership interests as a shareholder, regardless of income, that are not listed elsewhere on this Statement. (A list of the names of publicly traded stocks such as IBM or Microsoft may be listed only by the name on a separate page.)
- List interests as a shareholder owner, partner, officer, or director including native corporations.
- List involvements in profit and non-profit corporations as a director or officer.

Describe the business's activity with enough detail to tell a reader what the organization actually does.

See page 19 of the LFD manual for more help.

Name of filer, spouse, spousal equivalent, or child: Herman G. Walker, Jr.
Business Name: The Body Shop
Business Address: 606 E Street, Suite 203, Anchorage, Alaska 99501/Administrative Office
Nature of Interest: LLC Member
Description of Business's Activity: Sell Bath & Body Products, Aromatherapy & Cosmetics

Name of filer, spouse, spousal equivalent, or child: Linda A. Limon
Business Name: The Body Shop
Business Address: 606 E Street, Suite 203, Anchorage, Alaska 99501/Administrative Office
Nature of Interest: LLC Member
Description of Business's Activity: Sell Bath & Body Products, Aromatherapy & Cosmetics

Name of filer, spouse, spousal equivalent, or child: _____
Business Name: _____
Business Address: _____
Nature of Interest: _____
Description of Business's Activity: _____

Name of filer, spouse, spousal equivalent, or child: _____
Business Name: _____
Business Address: _____
Nature of Interest: _____
Description of Business's Activity: _____

Name of filer, spouse, spousal equivalent, or child: _____
Business Name: _____
Business Address: _____
Nature of Interest: _____
Description of Business's Activity: _____

**SCHEDULE B
REAL PROPERTY INTERESTS**

Real Property Interests

If NONE reportable, check box

Report all real property interests, including real estate held through a trust or sold during calendar year 2002.

Include a street address, city and state or complete legal description for each piece of property listed.

Do not list an interest in real property held through a limited partnership here. List the name of the limited partnership in the "Business Interests" section on page six.

Use copies of this page if you need additional space to complete this section.

See page 20 of the LFD manual for more help.

Name of filer, spouse, spousal equivalent, or child: Herman G. Walker, Jr.

Street Address or Legal Description: 9314 Stratmore Drive

City or Borough and State: Anchorage, Alaska 99515

Nature of Interest: Ownership _____
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: Lynnda A. Limon

Street Address or Legal Description: 7440 F 5th Place

City or Borough and State: Tempe, Arizona 85281

Nature of Interest: Ownership _____
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

Nature of Interest: _____
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

Nature of Interest: _____
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

Nature of Interest: _____
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

JAN 16 2003

SCHEDULE C

LOANS, LOAN GUARANTEES, AND DEBTS

Loans, Loan Guarantees, and Debts

If NONE reportable, check box

Report the name of each creditor or lender to whom more than \$1000 was owed during any part of the prior calendar year by you, your spouse, spousal equivalent, dependent children and non-dependent children living with you.

List financial obligations including mortgages on property sold during calendar year 2002; delinquent taxes, alimony, child support payments; medical bills; mortgage, boat and auto loans; business and personal loans; escrow's; student loans; signature loans; and promissory notes. Loans include secured, unsecured and contingent loans. Do not report credit card obligations or revolving charge accounts.

Report the address of the creditor or lender, the original amount of the obligation, current balance owed, interest rate, length of the loan, and whether a written loan agreement exists for a creditor or lender who:

- Hired a lobbyist or was a lobbyist;
- Had or sought contracts with the legislature or agency of the state that exceeded \$10,000;
- Was a municipality or local government entity; or
- Was affected financially by an action of the legislature or any other state agency in an amount exceeding \$5,000 including actions concerning professional or occupational licenses, natural resource permits or quotas, rates of assessment or taxation, health, safety or environmental standards and insurance or business practices.

Use copies of this page if you need additional space to complete this section.

See page 22 of the LFD manual for more information about the reporting requirements.

Herman G. Walker, Jr.

Name of Debtor (filer, spouse, spousal equivalent or child)

Northern Bank

Name of Lender/Creditor/Guarantor

Linda A. Limon

Name of Debtor (filer, spouse, spousal equivalent or child)

Northern Bank/Credit Union One

Name of Lender/Creditor/Guarantor

Herman G. Walker, Jr.

Name of Debtor (filer, spouse, spousal equivalent or child)

Wells Fargo

Name of Lender/Creditor/Guarantor

Herman G. Walker, Jr.

Name of Debtor (filer, spouse, spousal equivalent or child)

Wyoming Student Loan Corp.

Name of Lender/Creditor/Guarantor

Source of a loan or loan guarantee that had a substantial interest in legislative, administrative or political actions.

Name of Debtor (filer, spouse, spousal equivalent, or child)

Name of Lender/Creditor

\$ _____
Original Amount Owed

\$ _____
Balance Owed

Address of Lender/Creditor

_____% _____ Years
Interest Rate Length of Loan

Does written loan agreement exist? YES NO

SCHEDULE C
BENEFICIAL INTEREST IN RETIREMENT ACCOUNTS/TRUSTS
Exceeding \$1000

Retirement Accounts Trusts

If NONE reportable, check box

Report each beneficial interest in a trust during calendar year 2002 for you, your spouse, spousal equivalent, dependent children and non-dependent children living with you. Trusts include employee benefit accounts (pension and profit-sharing accounts), retirement accounts (IRA, 401K, SEP, Keogh) and family trust funds. Assets of a trust include stocks, bonds, mutual funds, cash accounts, CD's, real property, and interests in limited partnerships.

- Name the trustor (the person who provided the funds or assets for the trust).
- List the assets (by name, not type)

See page 23 of the LFD manual for more help.

Herman G. Walker, Jr. 20%
Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)

Herman G. Walker, Sr., Trustor Is Living
Name of the person or entity who provided the funds or assets (Trustor)

Various Properties Around The Country. No Properties In Alaska
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

Linda A. Limon 100%
Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)

North Western, Prudential
Name of the person or entity who provided the funds or assets (Trustor)

Simple, Sep. IRA
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

Herman G. Walker, Jr. 100%
Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)

State of Alaska
Name of the person or entity who provided the funds or assets (Trustor)

PERS
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

Herman G. Walker, Jr. 100%
Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)

Northwestern, Prudential
Name of the person or entity who provided the funds or assets (Trustor)

Simple, IRA
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

JAN 16 2003

**SCHEDULE C
GOVERNMENT CONTRACTS AND LEASES
CERTIFICATION**

Contracts and Offers to Contract

If NONE reportable, check box

List all contracts and offers to contract with the state or instrumentality of the state during calendar year 2002 held, bid or offered by you, your spouse or spousal equivalent, dependent children and non-dependent children living with you, a partnership or professional corporation of which you are a member; or a corporation in which you or your family members listed above (or a combination of them) held a controlling interest. See page 24 of the LFD manual for more help.

State Of Alaska
Name(s) of Contractor

Office Of Public Advocacy Administration
Contracting Agency/Department

\$122,880.00
Indicate: Bid, held or offer made

2001-0200-1856
Contract number and description

Natural Resource Leases

If NONE reportable, check box

List all natural resource leases, including mineral, timber, or oil leases held or offered during calendar year 2002 by you, your spouse or spousal equivalent, dependent children and non-dependent children living with you; a partnership, professional corporation of which you are a member; or a corporation in which you, your spouse, spousal equivalent, or children (or combination of them) held a controlling interest. See page 25 of the LFD manual for more help.

Leaseholder

Nature of Lease

Indicate: Bid, held or offer made

Identity of Lease and Description

CERTIFICATION

I certify under penalty of perjury that the information in this Statement is, to the best of my knowledge, true, correct and complete. A person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

[Signature]
SIGNATURE

1-14-03
DATE

Herman G. Walker, Jr.
Printed Name of Filer

Anchorage, AK
Place

File this Statement with the

ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights #128
Anchorage, AK 99508-4149
Telephone 907/276-4176
FAX 907/276-7018

OR

ALASKA PUBLIC OFFICES COMMISSION
PO Box 110222
Juneau, AK 99811-0222
240 Main, Rm. 201
Telephone 907/465-4864
FAX 907/465-4832

| |
|-----------------------------|
| Bean, Robert |
| Cowles, Daniel and Ebony |
| Cox, Elaine |
| Curran, Sheila |
| Davis, Denise (Wurth) |
| Degenstein, Felicia |
| Ferguson, Victoria |
| Fleenor, Carrol |
| Foland, Mary Ann |
| Gamache, Christie |
| Gower, Judy |
| Klein & McClung |
| Levine, Howard |
| Raelson, Zona |
| Repp, Stephen |
| Safranek, Kelly |
| Sandel, Thomas |
| Sept, Bob |
| Sines, Minda |
| Stevens, Richard |
| Sullivan, Karen |
| Symonds, Cathy |
| Thomas, Dale |
| Waldron, David |
| Warth, Dennis |

JAN 16 2003

| |
|-------------------------------|
| Adair, Tammie |
| Alessi, Robert |
| Allison, Tracy (Appeal) |
| Belarde, Pat |
| Bowen, Jennifer A. |
| Brandon, Richard |
| Cross, Bruce |
| Davis, Corey |
| DeRoche, Nina |
| Easley, Gevonte |
| Friend, Mary Lou |
| Gale, Karen |
| Gust, Mathew |
| Halliday, Linda |
| Hendrickson, Timothy |
| Holzheimer, Fred |
| Hughes, Theresa |
| Johnston, Forrest |
| Kinegak, Theresa |
| Lythgoe, Leanne |
| McCoskey, Billy |
| McGhee, Lamar |
| Moses, Kirk |
| Noel, Keith |
| Pierce, Michael (PCR) |
| Reyes, Julio |
| Ridgway, Jim |
| Robinson, Darrel Keith Jr. |
| Simon, Geraldine |
| Talamaivao, Ropati |

JAN 16 2003



Allegoys et Lex

COOK SCHUEMANN & GROSECLOSE, INC.

714 Fourth Avenue, Suite 200 • Post Office Box 70810 • Fairbanks, Alaska 99707-0810 • 907 / 452-1855 • Fax 907 / 452-8154
Tel (907) 883-8489 • Delta Junction (907) 893-4438 • Toll Free Number 800-550-1855 (Alaska Only)
Email csg@alaskalaw.com • www.alaskalaw.com

DENNIS E. "SKIP" COOK

Home Address: 431 Birch Hill Road
Fairbanks, Alaska 99712
(907) 456-6994

Business Address: Cook Schumann & Groseclose, Inc.
714 Fourth Avenue, Suite 200
P. O. Box 70810
Fairbanks, Alaska 99707-0810
(907) 452-1855 - FAX (907) 452-8154

PERSONAL

Date of Birth: February 8, 1940
Place of Birth: Fairbanks, Alaska
Marital Status: Married to Olga B. Cook
Children: Tyler Cook, Born April 16, 1964
Bret D. Cook, Born July 19, 1966
Dana B. Cook, Born May 3, 1968
Zachary B. Cook, Born June 15, 1972
Katherine M. Cook, Born January 31, 1976
Eliza N. Cook, Born July 10, 1980
Whitney D. Cook, Born May 1, 1984

EDUCATION

1962 Graduated with a Bachelor of Science in Economics, Politics and Engineering from Massachusetts Institute of Technology

1963 Received Master of Arts in Political Science from Northwestern University

1970 Received Juris Doctor Degree from Willamette University

Dennis E. "Skip" Cook
Barbara L. Schumann
Robert B. Groseclose

Jo A. Kuehlic
Jane D. Wilson
Bret D. Cook

Michael C. Kramer
of Counsel
Grace Berg Schatzle

EMPLOYMENT

5/70 - Present COOK SCHUHMANN & GROSECLOSE, INC.,
and its predecessors, P. O. Box 70810,
Fairbanks, Alaska 99707-0810 (907) 452-1855
Became a partner in 1972. Practice concentrates on personal
injury, workers' compensation defense, domestic
relations and commercial law.

8/69-5/70 Alaskan Adventures, Minneapolis, MN, worked in
Salem, OR as western states distributor of movie
"This is My Alaska"

1968-69 Horton, Gib & O'Rourke, Salem, Oregon, licensed
securities dealer

1967-68 State of Oregon, state police, part-time clerk

2/65 - 8/67 Alaska 67 Centennial Exposition (commemorating the
U. S. purchase of Alaska from Russia), General Manager

10/63 - 1/65 State of Alaska, Office of the Governor, Local Affairs Agency,
Juneau, Alaska, Assistant Director and Director

5/63 - 5/63 State of Alaska, Election Director for organizational election of
Fairbanks North Star Borough

PROFESSIONAL ASSOCIATIONS

The American Bar Association, Alaska Bar Association,
Tanana Valley Bar Association

PUBLIC SERVICE POSITION

Tanana Valley State Fair Association -
Director 1971-1985; President 1976-1985

Church of Jesus Christ of Latter-day Saints -
Bishop, 1970 - 1974; District President 1977 - 1979;
Stake President 1979-1989; Regional Representative
1992 - 1995; Scoutmaster 1995 - Present

Rotary Club of Fairbanks - 1977 - Present;
Director 1986-1990; Secretary 1991; President
1993-1994; District 5010 Rotary Youth Leadership
Conference Co-Chair 1995-1997

Midnight Sun Council, Boy Scouts of America -
Merit Badge Counselor 1970 - Present; Executive
Board 1989 - Present; Executive Committee 1993 -
Present; President 1998; Silver Beaver Award 1997

ARRIVED

JAN 22 2003

2003 LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
(AS 24.60.200 - 24.60.260)

APOC - ANCH
PM HC FAX

1-17

INFORMATION ABOUT HOW TO COMPLETE THIS REPORT

- ◆ This report is for incumbent legislators, legislative directors and public members of the Select Committee on Legislative Ethics.
- ◆ This report covers the preceding calendar year, so include only information about financial interests held and business involvement's between January 1, 2002 and December 31, 2002.
- ◆ You must show your own financial interests and those held by your spouse or spousal equivalent, dependent children, and non-dependent children living with you during calendar year 2002.
- ◆ If you need additional space to complete this report, use copies of the pages needed.
- ◆ The LFD Manual contains useful information about how to complete this report.
- ◆ If you have any questions or need help completing the form, refer to the instruction manual.
- ◆ If you still need help, call APOC at 907/276-4176.

SIGN THIS REPORT ON THE LAST PAGE. THIS REPORT IS DUE March 15, 2003.
Members of the Select Committee on Legislative Ethics file on January 13, 2003.

BACKGROUND INFORMATION

NAME: Dennis E. "Skip" Cook 907-452-1855(W) 907-452-8154
Phone Number Fax Number
OCCUPATION: Attorney
MAILING ADDRESS: P.O. Box 70810 Skip@alaskalaw.com
(Street Address or Post Office Box) E-Mail Address
Fairbanks Ak 99707-0810
(City/Town and Zip Code)

DAY PHONE NUMBER _____ FAX NUMBER _____

OFFICE HELD (Check One): Legislator Legislative Director
 Public member of the Select Committee on Legislative Ethics Victim's Advocate

TITLE: Senate Subcommittee Chair

FAMILY MEMBER INFORMATION (list names):

SPOUSE OR SPOUSAL EQUIVALENT: Wife B Cook

DEPENDENT CHILDREN: Eliza N. Cook Whitney D. Cook

NON-DEPENDENT CHILDREN LIVING WITH YOU: N/A

SCHEDULE A
SOURCES OF INCOME OVER \$1000

Salaried Employment

If NONE reportable, check box

Report the name and address of each employer from whom more than \$1000 was received during calendar year 2002.

List your employment as a legislator or legislative director, and each source of salaried income over \$1000 for your spouse, dependent children and non-dependent children living with you. You are not required to disclose the amount of salary received by your family members or the salary you received from your state employment. Provide enough detail when describing the nature of services to tell a reader what work was performed for the salary received.

Report the amount of income you received when your employer:

- Hired a lobbyist or was a lobbyist;
- Had or sought contracts with the legislature or agency of the state that exceeded \$10,000;
- Was a municipality or local government entity; or
- Was affected financially by an action of the legislature or any other state agency in an amount exceeding \$5,000 including actions concerning professional or occupational licenses, natural resource permits or quotas, rates of assessment or taxation, health, safety or environmental standards and insurance or business practices.

Use copies of this page if you need additional space to complete this section.
See pages 7-8 of the LFD manual for more help with this section.

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
Employer's Name: Cook Schuhmann & Groseclose, Inc.
Employer's Address: P.O. Box 70810 Fairbanks AK 99701-0810
Nature of Services Provided: Staff Attorney
Amount: \$ 72,000

Name of filer, spouse, spousal equivalent, or child: _____
Employer's Name: _____
Employer's Address: _____
Nature of Services Provided: _____
Amount: \$ _____

Name of filer, spouse, spousal equivalent, or child: _____
Employer's Name: _____
Employer's Address: _____
Nature of Services Provided: _____
Amount: \$ _____

JAN 22 2003

SCHEDULE A
SOURCES OF INCOME OVER \$1000

Self-Employment

If NONE reportable, check box

Self-employment results when the person whose income is being reported worked for any of the following: a corporation in which you, your spouse or spousal equivalent, dependent children and non-dependent children living with you or a combination of them held a controlling interest, or sole proprietorship, limited liability company, partnership, or professional corporation in which the person whose income is being reported has an ownership interest.

List the name, address, and nature of services provided for each non-retail source of income from whom more than \$1000 was received as compensation for personal services by you or a family member. Provide enough detail when describing the nature of services to tell a reader what work was performed for the compensation received.

If the business is non-retail, list the nature of services performed and the name and address of each client or customer who paid the business over \$1000 during calendar year 2002.

Report the amount of income you received from a client, patient or customer when the client, patient or customer:

- Hired a lobbyist or was a lobbyist;
- Had or sought contracts with the legislature or agency of the state that exceeded \$10,000;
- Was a municipality or local government entity; or
- Was affected financially by an action of the legislature or any other state agency in an amount exceeding \$5,000 including actions concerning professional or occupational licenses, natural resource permits or quotas, rates of assessment or taxation, health, safety or environmental standards and insurance or business practices.

Use copies of this page if you need additional space to complete this section.

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook

Business Name: Cook Schumann & Groseclose, Inc.

Business Address: P.O. Box 70810 Fairbanks Ak 99701-0810

Retail Non-Retail (If you check non-retail, list clients/customers, and amounts if required, below.)

Name of client/customer: Clients of law firm CS + G, Inc.

Client/Customer Address: Various

Nature of Services Provided: Legal

Amount: \$ see attached list

Name of client/customer: _____

Client/Customer Address: _____

Nature of Services Provided: _____

Amount: \$ _____

Name of client/customer: _____

Client/Customer Address: _____

Nature of Services Provided: _____

Amount: \$ _____

SCHEDULE A
SOURCES OF INCOME OVER \$1000

Dividends and Interest

If NONE reportable, check box

Report the source of all dividends, interest and capital gains over \$1000 earned during calendar year 2002.

- List the financial institutions in which cash accounts or CD's were held.
- List the name(s) of a stock, bond, mutual fund or other entity which paid you a dividend, interest or capital gain of more than \$1000 during last year, whether held directly or through a brokerage account.
- (Report the assets of a retirement account or trust on page 8)

See page 14 of the LFD manual for more help with this section.

Recipient (filer, spouse, spousal equivalent, or child)

Dennis E. Cook

Dennis E. Cook

Name of Source of Income

Polar Cache Corporation

LD & K Partnership

Rental Income

If NONE reportable, check box

List the first and last name of each tenant from whom over \$1000 was received during calendar year 2002. If property is located outside Alaska and managed by a person other than you, your spouse, dependent child or non-dependent child living with you, you may list the managing agent instead of listing each tenant.

See page 15 of the LFD manual for more help with this section.

Owner (filer, spouse, spousal equivalent, or child)

Dennis E. Cook

Tenant(s)

Delisio Marian Greenleaf + Zabel
(Tenants of LD & K Partnership)

(Dennis E. Cook owned a
1/3 interest through part of
2002)

Other Income

If NONE reportable, check box

List each source of income over \$1000 not listed elsewhere on this statement, including income from the sale of real property; Permanent Fund Dividend; social security; longevity bonus; retirement; the assets of an IRA cash-out; the name of the person who paid alimony or child support; government entitlements; honoraria and shared living expenses.

See page 16 in the LFD manual for more help.

Recipient (filer, spouse, spousal equivalent, or child)

Name of Source

JAN 2 2 2003

SCHEDULE B
BUSINESS INTERESTS

Business Interests

If NONE reportable, check box

Report all business relationships even if they were not sources of income to you, your spouse, spousal equivalent, or dependent children and non-dependent children living with you during calendar year 2002.

- List ownership interests as a shareholder, regardless of income, that are not listed elsewhere on this Statement. (A list of the names of publicly traded stocks such as IBM or Microsoft may be listed only by the name on a separate page.)
- List interests as a shareholder owner, partner, officer, or director including native corporations.
- List involvements in profit and non-profit corporations as a director or officer.

Describe the business's activity with enough detail to tell a reader what the organization actually does.

See page 19 of the LFD manual for more help.

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
Business Name: Cook Schuhmann & Groseclose, Inc.
Business Address: P.O. Box 70810 Fairbanks AK 99701-0810
Nature of Interest: 1/5 Owner
Description of Business's Activity: Law Firm

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
Business Name: 6th 1k Partnership
Business Address: 543 W 6th Ave. Anchorage AK 99501-2033
Nature of Interest: 1/9 Owner
Description of Business's Activity: Owms + rents Commercial Office building

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
Business Name: Polar Cache Corporation
Business Address: P.O. Box 72134 Fairbanks AK 99707
Nature of Interest: 1/6 interest
Description of Business's Activity: Family Corporation with siblings - owns real property interests

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
Business Name: Midnight Sun Council, Boy Scouts of America
Business Address: 1400 Gilliam Way Fairbanks AK 99701
Nature of Interest: Past President, Executive Committee, VP for Program
Description of Business's Activity: Board of Directors Non-profit youth organization

Name of filer, spouse, spousal equivalent, or child: _____
Business Name: _____
Business Address: _____
Nature of Interest: _____
Description of Business's Activity: _____

JAN 22 2003

**SCHEDULE B
REAL PROPERTY INTERESTS**

Real Property Interests

If NONE reportable, check box

Report all real property interests, including real estate held through a trust or sold during calendar year 2002.

Include a street address, city and state or complete legal description for each piece of property listed.

Do not list an interest in real property held through a limited partnership here. List the name of the limited partnership in the "Business Interests" section on page six.

Use copies of this page if you need additional space to complete this section.

See page 20 of the LFD manual for more help.

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook + Olga B. Cook
 Street Address or Legal Description: 431 Birch Hill Rd. Fairbanks AK 99712
 City or Borough and State: Fairbanks North Star
 Nature of Interest: Own as JTWRos Home
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook + Olga B. Cook
 Street Address or Legal Description: Salchalet Drive, Harding Lake AK
 City or Borough and State: Fairbanks North Star
 Nature of Interest: Own as JTWRos Recreational Cabin
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
 Street Address or Legal Description: Polar Cache Corp P.O. Box 72134 Fbks AK
 City or Borough and State: Fairbanks North Star 99707
 Nature of Interest: 1/6 Interest Investment Properties
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: Dennis E. Cook
 Street Address or Legal Description: Gth + K Partnership 943 W 6th Ave
 City or Borough and State: Municipality of Anchorage Anchorage AK 99501
 Nature of Interest: 1/4 Ownership Rental office Building
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: _____
 Street Address or Legal Description: _____
 City or Borough and State: _____
 Nature of Interest: _____
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

JAN 22 2003

SCHEDULE C

LOANS, LOAN GUARANTEES, AND DEBTS

Loans, Loan Guarantees, and Debts

If NONE reportable, check box

Report the name of each creditor or lender to whom more than \$1000 was owed during any part of the prior calendar year by you, your spouse, spousal equivalent, dependent children and non-dependent children living with you.

List financial obligations including mortgages on property sold during calendar year 2002; delinquent taxes, alimony, child support payments; medical bills; mortgage, boat and auto loans; business and personal loans; escrow's; student loans; signature loans; and promissory notes. Loans include secured, unsecured and contingent loans. Do not report credit card obligations or revolving charge accounts.

Report the address of the creditor or lender, the original amount of the obligation, current balance owed, interest rate, length of the loan, and whether a written loan agreement exists for a creditor or lender who:

- Hired a lobbyist or was a lobbyist;
- Had or sought contracts with the legislature or agency of the state that exceeded \$10,000;
- Was a municipality or local government entity; or
- Was affected financially by an action of the legislature or any other state agency in an amount exceeding \$5,000 including actions concerning professional or occupational licenses, natural resource permits or quotas, rates of assessment or taxation, health, safety or environmental standards and insurance or business practices.

Use copies of this page if you need additional space to complete this section.

See page 22 of the LFD manual for more information about the reporting requirements.

Dennis E. Cook & Olga B. Cook
Name of Debtor (filer, spouse, spousal equivalent or child)

Mt. McKinley Bank
Name of Lender/Creditor/Guarantor

Dennis E. Cook & Olga B. Cook
Name of Debtor (filer, spouse, spousal equivalent or child)

Key Bank
Name of Lender/Creditor/Guarantor

Dennis E. Cook
Name of Debtor (filer, spouse, spousal equivalent or child)

ABA Retirement Plan
Name of Lender/Creditor/Guarantor

Name of Debtor (filer, spouse, spousal equivalent or child)

Name of Lender/Creditor/Guarantor

Source of a loan or loan guarantee that had a substantial interest in legislative, administrative or political actions.

Name of Debtor (filer, spouse, spousal equivalent, or child)

Name of Lender/Creditor

\$ _____
Original Amount. Owed

\$ _____
Balance Owed

Address of Lender/Creditor

_____%
Interest Rate

Length of Loan

Does written loan agreement exist? YES NO

JAN 22 2003

SCHEDULE C
BENEFICIAL INTEREST IN RETIREMENT ACCOUNTS/TRUSTS
 Exceeding \$1000

Retirement Accounts Trusts

If NONE reportable, check box

Report each beneficial interest in a trust during calendar year 2002 for you, your spouse, spousal equivalent, dependent children and non-dependent children living with you. Trusts include employee benefit accounts (pension and profit-sharing accounts), retirement accounts (IRA, 401K, SEP, Keogh) and family trust funds. Assets of a trust include stocks, bonds, mutual funds, cash accounts, CD's, real property, and interests in limited partnerships.

- Name the trustor (the person who provided the funds or assets for the trust).
- List the assets (by name, not type)

See page 23 of the LFD manual for more help.

Dennis E. Cook 100% of my account
 Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)
American Bar Assn. Retirement Plan via State Street Bank of Boston
 Name of the person or entity who provided the funds or assets (Trustor)
Cook Schumann + Grosselore - Pension, profit sharing 401K
 Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

Dennis E. Cook 100%
 Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)
Regan Mackenzie Division, Wells Fargo Investments
 Name of the person or entity who provided the funds or assets (Trustor)
Dennis E. Cook IRA - Various stocks
 Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

Oleg B. Cook 100%
 Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)
Regan Mackenzie Division, Wells Fargo Investments
 Name of the person or entity who provided the funds or assets (Trustor)
Oleg B. Cook IRA - Various stocks
 Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

 Name of filer, spouse or spousal equivalent, or child: Extent of Interest (Percent)

 Name of the person or entity who provided the funds or assets (Trustor)

 Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

JAN 22 2003

**SCHEDULE C
GOVERNMENT CONTRACTS AND LEASES
CERTIFICATION**

Contracts and Offers to Contract

If NONE reportable, check box

List all contracts and offers to contract with the state or instrumentality of the state during calendar year 2002 held, bid or offered by you, your spouse or spousal equivalent, dependent children and non-dependent children living with you, a partnership or professional corporation of which you are a member; or a corporation in which you or your family members listed above (or a combination of them) held a controlling interest. See page 24 of the LFD manual for more help.

Name(s) of Contractor

Contracting Agency/Department

Indicate: Bid, held or offer made

Contract number and description

Natural Resource Leases

If NONE reportable, check box

List all natural resource leases, including mineral, timber, or oil leases held or offered during calendar year 2002 by you, your spouse or spousal equivalent, dependent children and non-dependent children living with you; a partnership, professional corporation of which you are a member; or a corporation in which you, your spouse, spousal equivalent, or children (or combination of them) held a controlling interest. See page 25 of the LFD manual for more help.

Leaseholder

Nature of Lease

Indicate: Bid, held or offer made

Identity of Lease and Description

CERTIFICATION

I certify under penalty of perjury that the information in this Statement is, to the best of my knowledge, true, correct and complete. A person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

Dennis E. Cook

SIGNATURE

1/14/03

DATE

Dennis E. Cook

Printed Name of Filer

Fairbanks AK

Place

File this Statement with the

ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northerr. Lights #128
Anchorage, AK 99508-4149
Telephone 907/276-4176
FAX 907/276-7018

OR

ALASKA PUBLIC OFFICES COMMISSION
PO Box 110222
Juneau, AK 99811-0222
240 Main, Rm. 201
Telephone 907/465-4864
FAX 907/465-4832

JAN 22 2003

2003 APMC Reporting

| | | | |
|-----------|---|-----------|--|
| 107.02M | TRANSPORTATION & MARKETING SYSTEMS | 1207.10M | UNIVERSITY OF ALASKA FAIRBANKS |
| 107.10M | CRAWFORD & COMPANY | 1207.11II | UNIVERSITY OF ALASKA FAIRBANKS |
| 107.11M | CRAWFORD & COMPANY | 1207.12II | UNIVERSITY OF ALASKA FAIRBANKS |
| 118.02M | GREY/JANE | 1218.07II | CARLIN/MATTHEW & BARBARA |
| 137.05II | BLANC/DONALD & AFTON | 1239.01C | LINTELMAN/JEFFERY |
| 144.26M | FAIRBANKS/CITY OF | 1259.06M | VORISEK/KEN |
| 162.05M | DESIGN ALASKA, INC. | 1284.68I | BONHAM: PARKAN, CHRISTOPHER C. |
| 162.06M | DA INVESTMENTS LLC | 1290.02M | LUCIEN/WAYNE |
| 162.07M | WILBUR/JACK B. | 1329.02M | COOK/MRS. PAT |
| 174.12M | FAIRBANKS NORTH STAR BOROUGH | 1444.02II | JOHNSON/RICHARD & KIM |
| 174.21M | FAIRBANKS NORTH STAR BOROUGH | 1449.03M | WILKEN/GARY |
| 176.10M | WARBELOW/ESTATE OF CHARLES | 1456.05M | TANANA CHIEFS CONFERENCE |
| 176.11M | WARBELOW/NETTIE | 1461.01M | CASTOR/STEPHEN & BONNIE |
| 176.12M | WARBELOW/NETTIE | 1480.01II | MILLIRON/TOM W. |
| 176.13DI | WARBELOW/NETTIE | 1536.02M | SCIBOR/MICHAEL |
| 176.15M | CHARLIE INC. | 1547.01M | KNAPMAN/SUSAN S. |
| 197.04II | THOMPSON/STEVE | 1579.01M | ROCKSTAD/RON |
| 209.02II | FINCH/JACK G. | 1579.03II | MT. HAYES PROPERTIES, LLC |
| 213.03M | DINEEGA FUEL CO. | 1592.01H | WEBB/SAMUEL |
| 235.03M | GALLAGHER/MARY ANN | 1622.02II | MARTIAN/GABRIEL |
| 239.11M | MURRAY INSURANCE/KENNETH A. | 1683.04II | VINTON/WILLARD & WILMA |
| 239.13M | MURRAY INSURANCE/KENNETH A. re: BLOOD A | 1685.02II | BEERS/CLARENCE GEORGE |
| 242.07M | ANTRIM/AMANDA | 1697.03II | RICKARDS/VALERIE |
| 247.06M | SILVERADO MINES (US) INC. | 1699.02II | WASHBURN/NITA |
| 255.02M | DINEEGA CORP. | 1706.01C | RYMAN/TIM |
| 274.11M | SPORTSMEDICINE | 1720.02M | GREGERSEN/REYHAUN R. |
| 274.12M | SPORTSMEDICINE | 1736.03II | KRUCKENBERG/DEAN |
| 303.01M | CATHOLIC BISHOP | 1741.02M | CRAMER/DAVID |
| 306.11M | BOYLES/RHONDA | 1747.01M | BRENNER/RUSSELL, H. |
| 306.12M | BOYLES/RHONDA | 1769.02Q | FAIRBANKS MEMORIAL HOSPITAL |
| 317.06M | HOLADAY-PARKS, INC. | 1769.06Q | FAIRBANKS MEMORIAL HOSPITAL |
| 354.07M | DRISCOLL/PAT | 1771.01M | MCGOWAN/GLENN J. |
| 367.02MI | COLBERT/BEN & BARBARA | 1776.01M | MOBLEY/DIANNE L. |
| 422.02H | PLAQUET/BRANDON | 1780.01HI | ROGERS/KATHY L. |
| 454.01M | LAGELL/DEBBIE | 1801.02M | NORTHKIM BANK |
| 508.02M | SCHROADER/TIMOTHY | 1824.01M | ARTER/RONALD W. |
| 514.14II | NORTH POLE/CITY OF | 1835.01C | TIMOFEEVA/OLGA H. |
| 514.99M | NORTH POLE/CITY OF | 1846.04M | COBB/LES & NORMA |
| 549.02M | NAPOLILLI/NOEL & NANCY | 1846.99M | COBB/LES & NORMA |
| 551.02M | GREAT NORTHWEST, INC. | 1851.01M | KOWALSKI/M. KAREN |
| 573.02M | BOUSE/FRED | 1857.02M | NAVACHAI/TERAPONG |
| 641.04M | CRHEME/WAYNE | 1853.01M | KLEPASKI/CYNTHIA M. |
| 670.03M | FULLFORD/JIM | 1855.02II | CIT GROUP |
| 686.01M | RUSSELL DUBIA/LYNETT | 1900.04Q | FAIRBANKS COMMUNITY MENTAL HEALTH CENT |
| 724.04M | STOCK/RICHARD J. | 1932.03M | FRANUS/JOANN |
| 832.01II | CARTER/THOMAS & DENISE | 1939.01M | WELLS FARGO BANK |
| 832.03M | CARTER/THOMAS (Tom) | 1953.04II | EARTH SCIENCE & TECHNOLOGY ORGANIZATIO |
| 840.04M | PORTWINE/DANIEL & JOANNE | 1953.05II | EARTH SCIENCE & TECHNOLOGY ORGANIZATIO |
| 848.02M | CAMPBELL/STEPHEN C. RE: ESTATE OF BOBB | 1953.06M | ADVANCED EARTH SCIENCE & TECHNOLOGY OR |
| 898.02E | GREEN/WILLIAM | 1953.07M | ADVANCED EARTH SCIENCE & TECHNOLOGY OR |
| 905.01H | GENZ/ERIC A. | 1965.02M | BOYER/JOHN C. |
| 966.09II | SCHOOLEY/LORETTA | 2000.02M | NORTH STAR COUNCIL ON AGING |
| 1029.01CI | LEMETA PAINTING CONTRACTORS | 2064.02MI | KOVA GOLD RESOURCES, INC. |
| 1071.02C | AH SA WAN | 2070.03M | BEISTEL/SUN HUI |
| 1071.04II | AH SA WAN | 2070.04M | BEISTEL/SUN HUI |
| 1183.19M | TORTORELLA/KEVIN | 2070.06M | BEISTEL/SUN HUI |
| 1183.20M | TORTORELLA/KEVIN | | |
| 1153.21M | TORTORELLA/KEVIN | | |
| 1197.01H | DAMITZ/JAIME D. | | |
| 1207.08M | UNIVERSITY OF ALASKA FAIRBANKS | | |

JAN 22 2003

| | | | |
|-----------|---------------------------------------|-----------|--------------------------------|
| 2072.0111 | TKKO, INC. | 2569.0111 | SHARRAH/JOSEPH L. |
| 2093.01M | RUSSELL/DEBORAH | 2572.01M | SMITH/CHRISTINE |
| 2096.02M | CENTAC MOBILE SYSTEMS, LLC | 2570.0111 | HOLT/JEFF |
| 2108.02M | ICE BROTHERS LLC | 2585.0111 | SANFORD/MILDRED |
| 2120.03M | SAFENAY, INC. | 2586.0111 | GRIFFIN/BETH & LOUIS |
| 2155.01M | R & M ENGINEERING | 2507.01M | HILLER/DANIEL G |
| 2156.0411 | GOODHAND/JOHN | 2595.01M | GHEZZI/MARY E |
| 2187.03H | HIGGINS/DR. PETE B. & CHRISTINE | 2602.01M | SHEILS/KEVIN R |
| 2201.01M | HELD/STEPHANIE | 2603.01M | MORGAN/DONNA J. |
| 2200.01M | BURTON/DIANA | 2605.01D | VIALE/NANCY J. |
| 2200.02M | BURTON/DIANA | 2605.0211 | VIALE/NANCY J. |
| 2243.01M | KENNEDY/ALBERT | 2606.01M | SNOW/FRANK R. |
| 2243.03M | KENNEDY/ALBERT | 2611.01M | HURST/JIM & CASSIE |
| 2252.0111 | CALLOS/TRACIE | 2612.01M | NICOLL/JEREMY & CATRINA |
| 2255.01E | PRECHTEL/ANTON & HERTA | 2614.01M | BALSTER/JENNIFER R. |
| 2256.01M | WALKER/ANNE | 2615.01M | SHEPPARD/SHANE |
| 2259.26M | COMMUNITY ADVOCACY PROJECT OF ALASKA, | 2619.01M | WILSON/THOMAS H. |
| 2268.0111 | DECKER/TAMMY | 2623.01M | WIREN/SUSAN |
| 2279.02M | KHODSEN/DAN | 2623.02M | WIREN/SUSAN |
| 2318.02M | OFFICE OF PUBLIC ADVOCACY | 2626.01M | HANNA/TRICIA |
| 2322.01M | CHILDERS/THELMA | 2628.01M | WATSON JR./WILLIAM |
| 2322.02M | CHILDERS/THELMA | 2628.02H | WATSON JR./WILLIAM & MARY SUE |
| 2346.01M | WESTERN STAR TRUCKS, INC. | 2629.01M | KING/PEGGY SUE C. |
| 2350.01M | SHARP/KATHERIN | 2631.01M | CRAWFORD/ROY L. |
| 2352.01M | CLDHAM/TOMMY | 2635.03M | FINNERTY/RONALD |
| 2382.01M | ROSS/DAVID | 2636.01M | ALLEN/WANDA F. |
| 2398.0111 | JONES/CHI | 2640.01M | KUDRALUK SR/ESTATE OF BARTLETT |
| 2401.01H | STENBERG/MIKKEL | 2643.01M | BOLDEN/JOEY R. |
| 2408.01M | PROBERT/JENNIFER | 2645.01M | STONE/JAMES W & ANN |
| 2420.0211 | CLERC/PHILIPPE | 2646.01M | GARDNER/CRAIG L. & MARY BETH |
| 2424.01M | VILLENEUVE/GLENN | 2647.01M | ALASKA WEST COAST SALES |
| 2425.01M | FAULKNER/KIMBERLY | 2648.0111 | ELLSWORTH/JOANNE |
| 2425.02M | FAULKNER/KIMBERLY | 2648.02M | ELLSWORTH/JOANNE & DICK |
| 2426.01M | TRIOLO/DEBORAH | 2649.01M | SINGH/BALJINDER |
| 2427.01M | MAENG/SUN H & SOO | 2650.01M | NATION-CRUIKSHANK/CYNTHIA |
| 2427.02M | EBADPOUR/SYMYO L. | 2655.01M | WATSON/JAMES & KIMBERLY |
| 2437.02M | O'CONNELL/KEVIN | 2670.01M | CROOK/MICHAEL L. |
| 2437.03M | O'CONNELL/KEVIN | 2671.01M | McNABB/JEFFREY |
| 2438.01M | BURTON/BETHANY | 2672.01M | BOYD/BEN L. |
| 2442.01E1 | CAPPS & DURREMBERGER | 2675.01M | SCHOK/RICHARD |
| 2443.01M | KETCHAM/COLLEEN | 2675.02M | SCHOK/RICHARD |
| 2444.01M | HELLER/JOHN | 2675.03M | SCHOK/RICHARD |
| 2445.01M | FOSTER/DANIEL | 2677.01M | HOLAND/LAURA |
| 2446.0111 | BAST/ALICIA | 2676.01M | DUBAY/CONNIE |
| 2447.02M | RANCHOFF/THOMAS | 2679.0111 | GREENWOOD/JOSEPH D. |
| 2449.01M | WARD/RAYMOND E. | 2680.01M | ERICKSON/KAREN |
| 2450.0111 | MCINTYRE/EDWARD | 2682.0111 | WINFRED/DAN |
| 2453.01M | HAGAN/LEORA | 2686.0111 | BECK/JOHN |
| 2457.01M | EDWARDS/ALICE | 2688.01M | FOURS/ROBERT A. |
| 2461.01M | CHESSER/MICHAEL | 2691.01M | FATH/JOSEPH A. |
| 2467.01M | WETTERHALL/SUZANNE | 2693.01M | WU/GIAN |
| 2474.0111 | ADAMS/DONNA | 2695.0111 | YRJANA/HENRY M. & JILL L. |
| 2487.02M | MCINTYRE/ANN | 2698.02M | O'CONNOR/JIM (REFINERY LOUNGE) |
| 2489.01M | EDIE/DALE E. | 2699.01M | WALLEY/SHANNON R. |
| 2511.01M | AMENT/JULIANA B. | 2700.01M | HOEWISCH/CAROL A. |
| 2511.02E | AMENT/JULIANA B., SOEANN RUEGNER | 2702.01M | LAMBERT/SHERI L. |
| 2512.0111 | HARDING/LINDA | 2703.01M | CULVER/CRAIG S. |
| 2519.0111 | WISHL/KIMBERLY | 2707.0111 | BUCKLER/JANICE |
| 2519.01M | WINSLOW/JAMES | 2710.01M | MUTTON/ELIZABETH |
| 2520.0111 | MCGOWAN/MICHAEL | 2711.01M | DEMAMIEL/SARAH |
| 2525.01M | PIERSON/MARGO L | 2717.01M | WILLIAMS/JIM |
| 2530.01M | HOBBS/JOHN T | 2719.01M | HEIN/GARY D. |
| 2532.01H | CATMAN/LLOYD A. | 2719.02M | HEIN/GARY D. & URSULA |
| 2532.02M | CATMAN/LLOYD A. | 2720.01M | HOLLINGSWORTH/ELIZABETH |
| 2532.03M | CATMAN/LLOYD A. | 2721.01M | GLAZE/MICHAEL B. |
| 2535.0111 | LAKIN/NATALIE | 2722.0111 | TEN/CHENG CHU |
| 2539.01M | CLSON/CAROLYN | 2724.01M | EVANS/LISA M. |
| 2546.01M | PRESTON/TRACEY | 2725.01M | CHAMBERS/MARK |
| 2551.01M | MARTINEZ/PABLO | 2725.02M | CHAMBERS/MARK |
| 2558.01M | BACHMAN/LOUISE | 2729.0111 | CONKEY/MARK & EDITHA |
| 2564.02M | BOHNET/CHUNGHEE | 2735.01M | WILLIAMS/JANE N. |
| | | 2736.01M | GUTHRIE/OWEN B. |
| | | 2737.01M | MELCHERT/TERI L. |
| | | 2738.01M | SINGSON/ERICK A. |
| | | 2739.01M | AMUNDSON/JAN & ALAN |
| | | 2741.01E | POLLEN/MIKE & PEGGY |
| | | 2742.01M | CRINES/IGNACIO |
| | | 2744.01M | RICHARDOCH/DAVID |
| | | 2746.01M | CARTIER/LAURA |
| | | 2748.01M | STEVENS/ROBERT W. |
| | | 2751.01E | LINCK/GERTRUDE |
| | | 2753.01M | EATCH/NATALIE L. |
| | | 2754.01M | LADERATION/HELEN |
| | | 2755.01M | TAUSCHER, DDS/DR. TERRENCE A. |
| | | 2757.01M | STRATTON/RYAN T. |
| | | 2758.01M | MCKEERAN/MAYNUS |
| | | 2759.01M | FERNANDEZ/BARBARA & MEDO |

JAN 2 2 2003

2764.01E WOOD/VIRGINIA & JAMES
 2765.01M FOURMONT/COURTNEY
 2766.01M STAHLHUT/KARIN L.
 2767.01M FIEL/ALLAN
 2768.01M GREEN/KAREN
 2771.01M BURNS/CYRESE
 2772.01M CHO/LEELAND P., DDS
 2773.01MI HARTSHORN/KIRT
 2774.01M PANKRATZ/FRED
 2780.01II BROWN/KEVIN
 2781.01II ADVANCED CONSTRUCTION TECHNOLOGIES
 2782.01M ALLSTATE INSURANCE COMPANY
 2784.01M FIELDS/ED
 2786.01II LESTENKOF/MARVIN
 2788.01M BAKER/ANNE
 2791.01M DENNEY/CHUN MAE
 2792.01M ALASKA TOOL COMPANY
 2793.01M LANGSTAFF/DLANE
 2794.01M SIMS/MICHAEL
 2795.01M DIXON/RICHARD
 2795.02M DIXON/RICHARD
 2797.01M THE OTHER LLC
 2798.01M TEEL/VELVIE
 2799.01M ODEN/NATALIE
 2799.02M ODEN/NATALIE
 2800.01M BAYSINGER/JENIFER
 2803.01M INFORMATION LEASING CORPORATION
 2803.02M INFORMATION LEASING CORPORATION
 2804.01Q UTICA NATIONAL INSURANCE GROUP
 2805.01M GOODWIN/BRETT E.
 2808.01M MARTIN/DARRELL E.
 2811.01MI HALL/DIANNA
 2813.02M AARON PLUMBING & HEATING
 2816.01II BOSWELL/ROBERT & ELLUCIA
 2817.01M CRAMER/JOHN
 2819.01M WARD NORTH AMERICA
 2822.01M VANBORG/VERONICA
 2823.01M NOLAN/JOHN
 2825.01M DAVIS WRIGHT TREMAINE
 2828.01M ROACH/CRAIG A.
 2832.01M MOORE/BARRY G.
 2833.01M CARR/SHIRLEY
 2835.01M O'DONNIGHUE/SHAWN
 2836.01M MCCOLLUM/DOUG & CATHIE
 2840.01M ALLEE/RITA
 2841.01M FOUNTAINHEAD DEVELOPMENT
 2842.01M FLOWMAN/TOM
 2846.01M FLEWELLING/TRAVIS
 2847.01M LOESCHE-CARTER/MARY
 2848.01M CORNWELL/ANNIKA
 2849.01M ERICKSON/CARL & FRANCES
 2850.01M HAGGARD/MARIE
 2851.01M TEXAS FARM BUREAU INS. CO.
 2853.01MI TOMS/SAMUEL
 2854.01M ALLEN/MIKE
 2856.01M PACE/RICHARD & DONNA
 2857.01M KRAPP/MARK & ANGEL
 2858.01II ESLEY/JEFF & CHARLENE K.
 2859.01M CHO/HYUNJOO
 2860.01M SAUNDERS/PETER
 2861.01M DRAKE/DWAYNE
 2862.01M O'ROCK/JUNE T.
 2864.01M ROUSSEAU/CHARLENE
 2866.01EI REGAR, JR/JASON W.
 2869.01M RUTLAND/EUGENE
 2870.01MI BOSWOD/KRISTINA
 2871.01E KOWALCZYK/TOM & DEDRA
 2877.01M BERTZ/KATHERINE
 2874.01M ALASKA RAILROAD CORPORATION
 2879.01M NELSON/DONALD
 2881.01M HASERT/ELIZABETH N.
 2883.01M KENNEDY/NANCI
 2884.01M PERRY/JAMES E.
 2891.01M MEIEROTTO/DCMINIQUE C.
 2892.01M NORVELLE/DEBCRAH S.
 2893.01M DRESSER/ROBLYN L.
 2894.01E DARO/EDWARD & HAZEL
 2896.01M EVANS/DAVID L.
 2897.01M WISWAR/LAURA
 2898.01M SWEARINGEN/TROY
 2901.01M KEYS/DR. BARBARA
 2902.01E BUSS/CLARKE & MARGARET
 2903.01M KENNEDY/MARY
 2904.01M WEBWEAVERS, INC.
 2906.01M MULLER/DAISY D.
 2917.01M KING/MIKE & GRETCHEN
 2920.01M WRIGHT/LEONARD & TANNY
 2921.01M PERUSICH/JOE
 2924.01M GUENZLER/ROBERT C
 2926.01M CHAPPELL/JANICE & IRA
 2929.01M CONGER/ARTHUR "TERRY"
 2935.01M RAMSEY/DAVID G.
 2942.01M UPICKSCUN/CHARLES
 2944.01M CORNWALL/BARBARA
 2946.01M HARRISON/DUSTIN
 2963.01M FORD/NANCY
 5003.07M HEBERT/TROXELL

JAN 22 2003

ALASKA PUBLIC OFFICES COMMISSION
2221 E. NORTHERN LIGHTS, #128
ANCHORAGE, AK 99508
907/276-4176
FAX 907/276-7018

LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
AMENDMENT FORM

Name of filer: Dennis E. Cook

1. Make the appropriate changes. Use additional pages as needed.
2. Sign and date this form and return it to APOC. It will be added to your original LFD statement as an amendment.

OTHER INCOME

If no changes are needed, check box

List the sources of income over \$1000 received from the sale of real property, Permanent Fund Dividend, money from a campaign account transferred to your legislative office account, or to you in excess of the amount of your personal contributions or loans to the campaign, honoraria, social security, retirement, shared living expenses, and all other income over \$1000 not reported elsewhere on the LFD statement. For more help, see page 14-15 of the LFD manual.

RECIPIENT:
(Filer, spouse, spousal equivalent, or child)

NAME OF SOURCE:

Dennis E. Cook

Alaska Permanent Fund Dividend

Dennis E. Cook

Sale of Interest in GTR + K
Partnership to
GTR + K, LLC Buyer

CERTIFICATION

I certify under penalty of perjury that the information in this statement is, to the best of my knowledge, true, correct, and complete.

Dennis E. Cook 1/22/03

Signature Date

JAN-27-2003 MON 02:25 PM

FAX NO.

P. 03

JAN-22-2003 WED 03:30 PM

FAX NO.

P. 04

ALASKA PUBLIC OFFICES COMMISSION
2221 E. NORTHERN LIGHTS, #128
ANCHORAGE, AK 99508
(907) 276-4176 - FAX (907) 276-7018

LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
AMENDMENT FORM

NAME OF FILER: Dennis E. Cook

1. Make the appropriate changes. Use additional pages as needed.
2. Sign and date this form and return it to APOC. It will be added to your original LFD statement as an amendment.

Self-Employment

If no changes are needed, check box

Report the amount of income received from self-employment when the client

On a careful re-reading of the instructions concerning self-employment, filer has discovered that he does not fall into the definition of self-employment for the following reasons:

Filer is employed by Cook Schuhmann & Groseclose, Inc., a C-Corporation. (See attached Certificate of Incorporation) Filer's interest in the corporation is 1/6 or 16.67%.

Filer is a salaried employee of Cook Schuhmann & Groseclose, Inc. This is the only source of salaried employment of filer.

ARRIVED
JAN 27 2003
APOC-ANCI
PM HC FAX

CERTIFICATION

I certify under penalty of perjury that the information in this Statement is, to the best of my knowledge, true, correct and complete.

Dennis E. Cook
Signature

1/22/03
Date



JUD

Chambers of
Dana Fabe
Chief Justice

Supreme Court

State of Alaska

June 13, 2002

303 K Street
Anchorage, Alaska
99501-2083

(907) 264-0622
FAX (907) 264-0554

The Honorable Rick Halford
Senate President
P.O. Box 676190
Chugiak, Alaska 99567-0190

The Honorable Brian Porter
Speaker of the House
716 West 4th Avenue, Suite 300
Anchorage, Alaska 99501

Dear President Halford
and Speaker Porter:

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating Herman G. Walker, Jr. to a term as a public member of the Select Committee on Legislative Ethics.

Mr. Walker is a highly respected attorney and businessman in Anchorage, and for purposes of determining compliance with AS 24.60.130(c), Mr. Walker is non-partisan.

Mr. Walker can be reached at (907) 279-2889. His mailing address is 606 E Street, Suite 203, Anchorage, Alaska 99501. Please let me know if I can provide you with any other information on this matter.

Sincerely,

Dana Fabe
Chief Justice

DF:jd

cc: Herman G. Walker, Jr.
Joyce Anderson



Chambers of
Dana Fabe
Chief Justice

Supreme Court
State of Alaska

303 K Street
Anchorage, Alaska
99501-2083
(907) 264-0622
FAX (907) 264-0554

January 22, 2003

The Honorable Gene Therriault
Senate President
State Capitol, Room 111
Juneau, AK 99801-1182

The Honorable Pete Kott
Speaker of the House
State Capitol, Room 208
Juneau, AK 99801-1182

Dear President Therriault
and Speaker Kott:

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating Dennis "Skip" Cook to a term as a public member of the Select Committee on Legislative Ethics.

Mr. Cook has served on the Select Committee since 1998. For purposes of determining compliance with AS 24.60.130(c), Mr. Cook is a Non-Partisan.

Sincerely,

Dana Fabe
Chief Justice

cc: Dennis "Skip" Cook
Joyce Anderson (faxed)

Subject: Ethics Procedures

Date: Fri, 31 Jan 2003 09:20:20 -0900







From: Ethics Committee <Ethics_Committee@legis.state.ak.us>

To: Brian Hove <Brian_Hove@legis.state.ak.us>,
Vanessa Tondini <Vanessa_Tondini@legis.state.ak.us>

Brian and Vanessa:

I received a request from Brian concerning procedures used by the Ethics Committee during the complaint process. I have attached several documents from the 2003 Standards of Conduct Handbook (of which you should have a copy) and also a copy of the Committee's procedures which are adopted by the full committee. If you have any questions, please give me a call.

Joyce Anderson
Administrator, Ethics Committee

| | |
|---|---|
|  Committee Procedures 7-00.doc | <p>Name: Committee Procedures 7-00.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message</p> |
|  03 Handbook - Complaints.doc | <p>Name: 03 Handbook - Complaints.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message</p> |
|  03 Handbook - Complaints2.doc | <p>Name: 03 Handbook - Complaints2.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message</p> |
|  AS 24.60.170 complaints.doc | <p>Name: AS 24.60.170 complaints.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message</p> |
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COMMITTEE PROCEDURES

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ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS

COMMITTEE PROCEDURES

SEC. 1 SCOPE

These publicly adopted procedures are intended to supplement the statutory procedures set forth in AS 24.60 and must be read in conjunction with those statutory procedures.

SEC. 2 ADVISORY OPINIONS

(a) **FORMAT**: A request for an advisory opinion by a person eligible to make a request (AS 24.60.160) may be filed with the committee in any written form, including electronic transmission. The requester may withdraw the request at any point prior to the committee's rendering of an opinion.

(b) **RESPONSE**: The committee's sixty day period to respond begins upon receipt at the committee office. The document will be dated and marked confidential, unless the requester waives confidentiality in writing.

If the request is clearly answerable in statute and does not require a formal opinion, a letter will be sent to the requester outlining the statutory response. The requester may either withdraw the request or maintain the request, after receipt of the statutory response letter.

The committee will send a confidential copy of the inquiry and a letter requesting a draft advisory opinion to the LAA Legal Counsel. If LAA Legal Counsel is unable to or has a conflict in drafting the opinion, committee staff will draft the opinion.

(c) **REQUEST FOR EXTENSION**: The committee will send a letter to the requester acknowledging receipt of the request, requesting an extension if the full committee is not able to meet within the sixty day period or if the period prior to the meeting does not allow LAA Legal adequate time to prepare a draft opinion, and advising when the opinion will be considered.

If the facts presented are not sufficient to allow the committee to render an opinion, a letter will be sent requesting additional information, noting the timeline and, if necessary, requesting an extension for response.

(d) **EXTENSION DENIAL**: If the requester does not grant an extension, at the discretion of the committee chair, a draft advisory opinion may be prepared and provided to all members of the committee. Members will be asked to concur or not concur in writing including counterpart. If a quorum of members who acknowledged receipt of the draft concur, the draft is adopted as a tentative advisory opinion of the committee, which does

not bind the committee unless formally adopted at a committee meeting. A copy of the tentative advisory opinion shall be made available to the requester, with an accompanying letter explaining the tentative status. If any member, who acknowledged receipt of the draft, objects to the adoption of the draft, the committee shall meet to discuss the opinion request.

(e) SUMMARY/PUBLICATION: The committee shall publish a summary of its advisory opinions rendered in the prior period, after deletions, as specified in AS 24.60.150(a)(2) promptly after June 30th each year and promptly after the day on which the legislature convenes each January. The committee will prepare a letter of transmittal, a cover identifying committee members and contents, a table of contents and any advisory opinions from that period. Copies will be prepared by the Legislative Print Shop. The committee will distribute the summaries. The committee will summarize advisory opinions, when appropriate, in the monthly newsletter.

(f) CLOSURE: All information concerning the request, with the exception of the publishable advisory opinion, shall be designated "closed" upon adoption of a formal advisory opinion and scheduled for destruction two years and six months thereafter. LAA Legal Services will destroy their copies of any confidential documents related to the opinion in accordance with their destruction policies.

(g) DELIBERATIONS/VOTING ON ADVISORY OPINIONS Unless the requester has waived confidentiality, deliberations on advisory opinions are to be conducted in executive session. Upon completion of deliberations, the committee will reconvene in open session and the chair will announce the advisory opinion number and the general topic. The committee will vote to concur or not concur with the draft advisory opinion. The published opinion will reflect the vote.

SEC. 3 POTENTIAL COMPLAINTS

(a). ANONYMOUS INFORMATION: Anonymous information concerning potential violations received by the committee will be treated confidentially, except as provided in (c) below. Anonymous information provided only verbally will not be considered, except as provided in (c) below. Committee staff or members will provide information on the complaint process and requirements to the caller. If anonymous information is received concerning a potential violation and if a complaint based on that information is not received within 30 days, committee staff and the appropriate subcommittee chair will review anonymous tangible information as to credibility, seriousness and jurisdiction. If it is found to be sufficient, the information will be forwarded to a subcommittee or the full committee as appropriate, for review. Copies of the information will not be made available to the subject unless a complaint is filed. If the subcommittee or the committee determines to not consider the anonymous information, it will be considered closed and scheduled for destruction two years and six months from the date of receipt of the information or at a later date if the committee specifically designates.

(b). INFORMATION FROM A KNOWN SOURCE: The committee will treat all material information received concerning potential violations of the ethics code as confidential, except as provided in (c) below. Information provided only verbally will not be considered, except as

provided in (c) below. Committee staff or members will provide information on the complaint process and requirements to the known source. If a complaint is not received within 30 days, committee staff and the appropriate subcommittee chair will review the tangible information as to credibility, seriousness and jurisdiction and if it is found to be sufficient, the information will be forwarded to the appropriate subcommittee. The subcommittee will review the information and make a determination as to whether to return the information to the source, with or without a recommendation to file a complaint. The committee may retain the information as support documentation. The source of the information will be notified, when possible, if a complaint has otherwise been initiated. The source will not receive a copy of the complaint or any other confidential information. If the subcommittee or the committee determines to not consider the anonymous information, it will be considered closed and scheduled for destruction two years and six months from the date of receipt of the information or at a later date if the committee specifically designates.

(c). INFORMING THE SUBJECT OF INFORMATION PROVIDED UNDER (a) OR (b) ABOVE. The committee authorizes the committee staff to contact the subject of the written or verbal information received under (a) or (b) above, at any point after receipt of the information prior to a complaint being filed, if the information appears to allege a possible violation of the ethics code. The purpose of the contact would be to inform the subject that there exists a perception by an unnamed source that a violation has occurred. Staff will clarify to the subject that the purpose of the contact is limited to alerting the subject of the existence of the perception, and that the call itself has no affect on whether or not a complaint may be filed. The contact does not obligate the subject to take any action, remedial or otherwise. Staff is not authorized to initiate investigative actions under this subsection.

SEC. 4 ATTORNEY-CLIENT PRIVILEGE

All communications between the committee, its members and the committee's legal counsel are protected by attorney-client privilege.

SEC. 5 COMPLAINTS

(a) PROCESS: The committee shall furnish forms to any person upon request. A complaint may be filed in any written form as long as it is signed under oath, pursuant to AS 24.60.170(b).

- 1. Complaints improperly submitted will be returned, with all accompanying materials, with instructions for proper filing, and, without reference to the specifics of the complaint. The committee will retain only the cover letter.
- 2. Invalid complaints will be returned to the complainant without action. A complaint is considered invalid if an alleged violation is not specified, if an alleged violator(s) is not identified, if the committee lacks jurisdiction over the allegation or if the allegation does not allow the committee to act.
- 3. Complaints that have been dismissed for lack of jurisdiction, that are refiled by the same complainant containing substantially the same allegations and information, will be returned to the complainant without action.

4. Complaints filed, during a campaign period, against a candidate for state office will be processed as specified in AS 24.60.170(o).
5. Complaints against a candidate for state office which are pending at the beginning of a campaign period will be processed as specified in AS 24.60.170(m).
6. Committee staff will immediately, upon receipt of a complaint, notify the complainant of the provisions in AS 24.60.170(i).

(b) RECEIPT: Upon receipt of a sworn complaint, the committee staff will mark the document "confidential", log in the complaint, assign a control number and file the complaint with the appropriate subcommittee or full committee chair. The chair will immediately direct staff to transmit a copy of the complaint to the person accused and ask the subject to acknowledge, in writing, receipt of the complaint.

(c) WAIVER OF CONFIDENTIALITY BY SUBJECT OF COMPLAINT: The subject of a complaint may waive confidentiality of proceedings at any point in the proceedings under AS 24.60.170 or at the close of the proceedings. The subject may not waive the committee's duty of confidentiality. The subject of a complaint may waive confidentiality only for those materials and proceedings that pertain to him or her. The subject may not waive confidentiality for others, including others named in the complaint and those involved or assisting in the committee's investigation of the complaint. If a complaint names more than one subject, the committee will release the complaint with sufficient deletions to preserve the confidentiality of the other named subject(s), an individual's constitutional right to privacy and/or any information related to juveniles or juvenile proceedings.

If confidentiality is waived prior to a determination of probable cause, the committee will treat any proceedings related to the complaint consistent with AS 24.60.170(m), which requires that hearings be public and documents presented at a hearing and motions filed in connection with the hearing are subject to public inspection. Under a waiver of confidentiality, deliberations of the committee will be conducted in closed session with the statement of the motion and vote held in public session. The subject may not waive, in whole or in part, the committee's confidentiality obligations as set forth in AS 24.60.170.

If confidentiality is waived after a determination of probable cause, the committee or subcommittee will release copies of all the following documents, after ensuring that release of documents will not infringe upon an individual's constitutional right to privacy or another subject's right to maintain confidentiality, including:

1. Public documents which are part of the investigative file e.g. reports filed with the Alaska Public Offices Commission.
2. Materials submitted to the committee by the subject of the complaint.
3. The formal complaint, with deletions if necessary, accompanying documents and correspondence from the complainant.
4. The resolution identifying the scope of the investigation.
5. Correspondence from the committee to the subject of the complaint and/or the complainant.