

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11150 SENATE JUDICIARY

6. A statement of the motion and record of the vote taken to reach the final decision.

The committee reserves discretion to determine which documents are subject to public inspection. The committee will not release investigative files, notes from deliberations held in confidential sessions or documents produced by legal counsel, protected by attorney-client privilege, unless the committee or sub-committee reviews the materials, removes any information that would infringe upon the constitutional right of privacy of an individual or another subject's right to maintain confidentiality and formally adopts a motion to release the identified materials.

(d) COMMUNICATION: When the nature of the complaint is generally known to the public, the committee may clarify the procedural aspects of a complaint or explain the right of a person to a fair hearing. The committee may not identify the individual against whom the complaint has been filed. The committee may dismiss a complaint pursuant to AS 24.60.170(c) for lack of jurisdiction. After investigation, if the committee dismisses a complaint or finds probable cause, the committee will issue an explanatory statement.

(e) COMPLAINT AGAINST A REHIRED EMPLOYEE: The committee may consider a complaint filed against a person previously employed by the legislative branch of government who has been rehired in the legislative branch, within the time limitations specified in AS 24.60.170(a).

(f) RESPONSE BY THE SUBJECT OF A COMPLAINT: The committee may invite the subject of a complaint to appear before the appropriate subcommittee or representatives of the subcommittee, to meet with the assigned investigator and/or to respond in writing at any time after receipt of the complaint. The committee is not limited to one response from the subject of a complaint; request for information may be on-going. Pre-investigative contact with the subject may be made for the purposes of defining the scope of the investigation.

(g) PRELIMINARY EXAMINATION OF COMPLAINT: Before the committee considers a complaint, staff will conduct a preliminary examination of the complaint to determine and make a recommendation to the committee as to whether, based on the information and evidence on hand:

(1) the act(s) complained of is within the jurisdiction and time limitation of the committee under AS 24.60 and

(2) there is specific and credible information to indicate that an investigation is warranted.

SEC. 6: CONFIDENTIAL MATERIALS

(a) IDENTIFICATION: All confidential documents will be marked "confidential. Copies of confidential documents may be conspicuously marked using notations (such as pre-assigned numbers) that will identify the recipients.

(b) DISTRIBUTION: Confidential documents, other than those delivered to committee members, will be hand delivered and signed for, or delivered by a receipted process. Confidential documents will not be faxed unless absolutely necessary and the sender first faxes a cover letter while on the phone with the designated recipient, who confirms that the fax is being received properly. When confidential documents are distributed to committee members, they will be contained in sealed folders or envelopes, which distinguish them from other committee materials.

(c) SECURITY: Committee staff, members and contractors will store confidential documents in locked receptacles. Before anyone other than a committee member is authorized to handle confidential documents, his or her name must first be submitted to the committee. The individual must also sign a statement that he or she is aware of the laws and procedures governing access to confidential information. All outstanding copies of confidential documents must be returned to the Ethics Committee staff at the conclusion of the relevant meeting, unless the committee authorizes continued possession or personal destruction by the committee member. The staff will dispose of unnecessary copies by shredding.

(d) RECEIPT: If a committee member receives the original complaint letter or advisory opinion request, s/he will send the original, without making any copies, to the Ethics Committee staff, who will record it in the log and make any necessary copies.

(e) CLOSURE:

1.) See Sec. 2 (e) for closure of advisory opinion files.

2.) A complaint file is considered closed upon completion of proceedings under AS 24.60.170. All originals and copies of confidential information, including those of legal counsel and investigators, are to be returned to the committee office, logged in and scheduled for destruction. Copies may be destroyed at any time.

Destruction of the originals of closed confidential materials under this section will be scheduled for 2 years and 6 months from the date of final committee action.

(f) INVESTIGATIVE MATERIALS: An investigative report, and any attorney or investigator work products related to the investigation, either prepared on behalf of the committee or disclosed to it as part of the investigation are required to be kept confidential. The committee will request all original products generated by an investigator at the close of the investigation and will require that the investigator destroy all copies in his or her possession.

SEC. 7 DECISIONS

(a) PUBLIC DECISIONS AND ORDERS: Reports on decisions will include the names of those in attendance and the vote on the specific decision, if publicly determined. Decisions that require public release will be transmitted in the fastest mode possible in the following order,

- (1) Subject of the complaint.
- (2) Speaker of the House and Senate President
- (3) Members of the committee
- (4) Complainant
- (5) Media request list

A formal copy will be sent to the Senate Secretary, Senate President, House Clerk, and Speaker of the House via pouch or mail:

(b) CONFIDENTIAL DECISIONS: Complaints dismissed for lack of jurisdiction under AS 24.60.170(c), will not be made public either during the time when the vote is taken or afterwards. When a complaint is dismissed under (c), the committee will only notify the complainant and the subject of the complaint. The notification will only contain the determination that the complaint is dismissed on jurisdictional grounds.

(c) ANNUAL PUBLICATION: The committee will publish all public decisions and orders on an annual basis.

(d) WAIVER OF CONFIDENTIALITY

See Section 5(c), COMPLAINTS, concerning waiver of confidentiality.

(e) DISMISSAL FOR LACK OF PROBABLE CAUSE

If the committee or sub-committee determines, after investigation, that there is not probable cause to believe the subject has violated the Ethics Code, the committee or sub-committee shall issue an order dismissing the complaint and a written decision explaining the dismissal. The dismissal order shall be sent to the subject of the complaint and the complainant. The dismissal order shall also be open to inspection and copying by the public.

The committee will publicly issue a dismissal order for lack of probable cause, under AS 24.60.170(f), which identifies the subject and the allegations made against the subject, following delivery of a copy to the subject of the complaint and the complainant.

(f) PROBABLE CAUSE In cases under AS 24.60.170(g) where the subcommittee finds probable cause of a violation and recommends corrective action(s), the following information will be included with the recommendation in the public decision:

1. An explanation of the subject's right to request, within 20 days after receiving the decision, a confidential meeting or teleconference with the committee at which the committee shall explain the reasons for its explanation.

2. Requirement for the subject to submit a letter to the subcommittee, within 30 days from the date of receipt of the public decision, either accepting the corrective actions or requesting a public hearing.

3. If the subject accepts the recommended corrective actions, the letter must also contain a statement acknowledging the violation.

4. Each recommended corrective action must include a date by which it must be accomplished or a statement specifying the period of time that the corrective action

remains in effect. (e.g. if the action is a commitment to file timely disclosures, the decision would include a statement "for as long as the subject serves in the legislature").

5. The public decision must state when and how compliance with the recommendations will be reviewed. (e.g. the subcommittee will review the status of the recommended actions by (date) or the subcommittee authorizes the chair to review the status by (date) and to report any non-compliance to members.)

6. The public decision may also include the statement; "If the actions have not been completed as specified, the subcommittee may issue formal charges on the complaint".

SEC. 8 DELEGATION OF AUTHORITIES/CONTRACTS

(a) AUTHORIZATION: Any authorities delegated to the Chair, may be redelegated to the Vice-Chairs. The Chair may authorize or delegate authority:

to approve travel/per diem for members, staff time sheets, ability to incur and be reimbursed for expenses, and purchases less than \$400; to negotiate with and retain professional service contractors, issue and sign subpoenas and to approve/disapprove payment of professional contract invoices.

(b) CONTRACTS: Contracts with the committee must receive approval, in a public meeting, of a majority of the members of the full committee, if it is an issue under the jurisdiction of the full committee or a majority of the members of the subcommittee, if it is an issue under the jurisdiction of the subcommittee. Members of the full committee and members of the sub-committees delegate authority to the chair of the appropriate committee or sub-committee to serve as Project Director for approved contracts.

SEC. 9 DISCLOSURES

(a) FORMS: The committee will provide forms upon request and will encourage use of the appropriate form. Disclosures will be accepted in any written, signed form which identifies the type of disclosure. The committee will accept faxed forms. The committee may request additional information for the purpose of identifying which type of disclosure has been filed.

(b) RECORD: The committee will maintain a public record and log of those disclosures that are not confidential by law and a confidential record and log of those which fall under AS 24.60.080(c)(6).

(c) PUBLICATION: During session, a copy of those public disclosures that require publication will be sent to the clerk of the appropriate body following a schedule mutually agreed upon by the clerks of both bodies and the committee staff. During the interim, the record will be kept by the committee and sent to the clerk of the appropriate body the first week of the legislative session. The committee staff will send the necessary copies to the Alaska Public Offices Commission.

- (d) REVIEW OF CONFIDENTIAL DISCLOSURES: The Chair shall appoint three members to review confidential disclosures under AS 24.60.080(c)(6).
- (e) CLOSURE: The public disclosure files may be destroyed 6 months after the end of the legislature in which they were filed and published. The disclosures under AS 24.60.080(c)(6) are not considered closed until 2 years and six months from date of receipt by the committee, at which time they will be destroyed.
- (f) LATE DISCLOSURES:
1. Committee staff will mark the date of disclosure on all disclosure reports received. The date of disclosure is considered the date the form is faxed, postmarked for mailing, pouched or hand delivered.
 2. Committee staff will mark as "late" if the report is received more than 5 days late.
 3. Staff will send a letter notifying the discloser of receipt of late report and alerting the discloser of a future monetary fine if any subsequent reports are late. Letter will include an offer for the discloser to explain lateness. Staff will keep a list of all those who have received the letter of notification.
 4. Upon receipt of a second late disclosure report from an individual on the list described in #3, staff will notify committee of intent to impose a fine and then send a letter notifying the discloser of the fine due (\$2.00 per day, maximum of \$100). Fine will begin on the 6th day after the due date. Letter will explain that payment is to be made to LAA but sent to the Ethics Committee for recording. Staff will forward the payment to LAA.
 5. If the fine is not paid within 30 days from date letter is sent, the names of those late in payment or those who refuse to make payment will be listed in the following month's ethics committee newsletter.

SEC. 10 DISCOVERY

(a) DISCOVERY BY SUBJECT: AS 24.60.170 (i) A person against whom a complaint has been filed is entitled to engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure, subject to reasonable restrictions imposed by the committee for the time of discovery and the materials that may be discovered. When allowing discovery, the committee will take into consideration the potential for public distribution of materials, under AS 24.60.170(i).

(1) TIME: The subject of a complaint may request discovery at any time after the committee has formally charged the subject, under AS 24.60.170(h). The committee is authorized but not required, to allow discovery at an earlier stage of the proceeding.

(A) The subject of the complaint may request discovery after the determination of probable cause but before making a decision as to whether or not to comply with the decision or to request a public hearing. If the committee authorizes the chair to allow early discovery, the committee shall have 20 days to respond to this

discovery request. The subject of the complaint remains obligated to respond to the committee under the conditions set out in the decision and order.

(B) If the discovery request is made after the subject requests a public hearing or the committee issues formal charges, but before the committee has scheduled the public hearing, the committee shall have 30 days to respond to the discovery request. The committee shall set a date for the public hearing not fewer than 30 days after serving its responses to the discovery request.

(C) If a discovery request is made by the subject after the committee has set the date for the public hearing, the committee shall make all reasonable efforts to respond fully to the request prior to the public hearing but is not obligated to do so and is not obligated to postpone the hearing.

(D) Under AS 24.60.170(p), the discovery process may continue during a campaign period, if the committee has formally charged the subject prior to the beginning of the campaign period.

(2) MATERIALS: The committee must produce to the subject of the complaint any materials relevant to the subject matter involved in the pending investigation that is not privileged material, in accordance with subsections (b), (c), (d) and (e) of this section. Such material includes the names and addresses of persons known to have knowledge or relevant facts, their written or recorded statements, any reports or statements of experts, books, papers, documents, photographs or tangible objects relevant to the probable cause determination.

(b) DUTY TO SUPPLEMENT: The committee has an on-going duty to supplement produced materials.

(c) CONFIDENTIALITY: The subject is required by law to keep confidential all materials discovered in this process, unless the subject who was formally charged under AS 24.60.170(h) provides written notification to the committee that he or she is not restricted under the provisions in AS 24.60.170(i) and attaches supporting evidence. The committee can not make materials subject to public inspection unless produced at a public hearing.

(d) DISCOVERABLE DOCUMENTS: Materials or information subject to the attorney-client privilege or the work-product doctrine shall not be discoverable. This privilege shall extend to the work-product of investigators or others concerning work supervised by the committee's attorneys. Documents produced or discovered during the committee's investigation shall remain confidential and are not subject to public inspection unless produced at a public hearing. The subject of an investigation, however, may exercise his or her limited rights to waive confidentiality under AS 24.60.170(1). Unless the entire confidentiality is waived, the subject may not release the confidential documents per AS 24.60.060. See Sec. 5 COMPLAINTS, subsection (c) for additional information on waiver of confidentiality.

(e) RESTRICTIONS: The committee is authorized to issue protective orders under AS 24.60.170(i)(1). A legislator or legislative employee who makes an unauthorized disclosure of information under a protective order is in violation, under AS 24.60.060(b). Materials obtained during the course of investigation that will not be used in deliberations on specific allegations may be discoverable by the subject of the complaint. The committee may place reasonable restrictions on the material's discoverability in order to protect the privacy of individuals not under investigation or for any other reasonable, legitimate purpose. Such restrictions may include providing for "in camera" review of the materials, providing copies of the materials with the names of people mentioned therein deleted, or denying discovery altogether. The committee, or the person authorized by the committee, will review all information, prior to release for discovery by the subject. If the committee has not reviewed the irrelevant materials, production of such materials may be denied in total. The principle of fundamental fairness to all involved will be applied to discovery decisions.

(f) DEPOSING COMMITTEE MEMBERS/STAFF: Committee members are not subject to deposition by the subject of the complaint, or the subject's counsel, unless a member has personal, first-hand knowledge relevant to the case and is considered a potential witness. A member who has personal, first-hand knowledge relevant to the case is recused from participation in matters related to the complaint and may be subject to deposition. A member whose knowledge of information relevant to the case is based solely upon information gathered from the complainant, the complaint or the investigation of the complaint does not have "personal, firsthand knowledge" and may not be deposed on matters relating to the complaint.

Committee staff is not subject to deposition by the subject of the complaint, or the subject's counsel, unless the staff person has personal first-hand knowledge relevant to the case or if the staff person is performing investigative duties related to the case. A staff person who is performing investigative duties may not be deposed until after the investigation is complete.

Depositions taken under this subsection are subject to all attorney work product privileges and other applicable privileges and must be kept confidential.

SEC. 11 EDUCATION

(a) HANDBOOK: The committee will publish a current standards of conduct handbook for the purpose of providing a practical guide for those affected by the legislation, a copy of the statutes of the Ethics Law and examples of the disclosure and complaint forms.

(b) TRAINING: The committee will participate in training new legislators and staff on the requirements and prohibitions in the legislative ethics law.

(c) INFORMATION: The committee will provide the leadership of both legislative bodies a list of requirements and deadlines, for general announcement and distribution to all legislators and their staff at the beginning of each legislative session.

(d) COMMUNICATION: Any decision or opinion rendered by the committee that may affect more than one legislator or employee, will be cleansed of any confidential information and communicated to members and staffs as soon as possible. Communication may be in newsletter, memo or other informal presentations.

(e) NEWSLETTER: The committee will issue a monthly newsletter, in any form including electronic, highlighting various sections of the ethics code, informing of upcoming deadlines and providing other information of value to legislators and legislative employees statewide.

SEC. 12 EXECUTIVE SESSIONS

(a) LIMITATIONS: Attendance at executive sessions will be limited to members of the committee and essential personnel, as determined by the committee. In cases of discussion, investigation, data gathering, interviews, deliberations or decision making on complaints prior to probable cause determination, neither the subject of the complaint, nor any other legislator, not on the appropriate subcommittee, shall be allowed in the executive session.

(b) EXCEPTION: The only exception to (a) above will be if the legislator or legislative employee is a witness and is requested to be a part of the executive session by the committee. The subject of the complaint will have an opportunity pursuant to AS 24.60.170(d) to explain the conduct alleged to be a violation of this chapter to the committee in executive session, at a time set by the committee. The subject may choose to give a written explanation.

(c) ADVISORY OPINIONS: In discussions on advisory opinion requests, the legal advisor and essential personnel will be allowed in the executive session but no other individuals, including the person requesting the opinion, will be allowed in the executive session. If the requester waives confidentiality in writing, the issue will be discussed in public session.

(d) LEGISLATOR IN ATTENDANCE: Except as provided in (a) above, under AS 44.62.310-AS 44.62.312, of the Open Meetings law, any legislator can request to be in the session as an observer but will be bound by the ethics committee confidentiality standards.

(e) EXECUTIVE SESSIONS WILL NOT BE TAPE RECORDED.

SEC. 13 GUIDELINES

- (a) AUTHORITY: The committee may issue guidelines other than those statutorily mandated.
- (b) DEFINITION: *Guidelines* are defined as those interpretations of the Ethics Law formally made and adopted by the committee for use by covered employees and legislators in making a judgment or determining a policy or course of action under this law.
- (c) BINDING/PUBLICATION: Guidelines, as well as any amendments or deletions of guidelines, adopted by the committee will be published on the same schedule as the Advisory Opinions and will be considered binding after publication.
- (d) ANNUAL REVIEW: The committee will annually review guidelines in a public meeting.

SEC. 14 HEARING PROCEDURES

(a) GENERAL: The same procedure will apply to either the house or senate subcommittee. The intent of these procedures is to provide due process to people charged under the ethics law and to protect the privacy and rights of the victims, complainants and the public in the process. Every effort has been made to make these procedures consistent with and parallel to those for State Administrative Hearings pursuant to AS 44.62.330-630, Alaska Bar Rule 22 and the Commission on Judicial Conduct, Rule 10.

These procedures are applicable to all hearings of the Select Committee on Legislative ethics and its subcommittees pursuant to AS 24.60.170(g)(h)(j)(m). These procedures are adopted under AS 24.60.150(a)(1).

(b) COUNSEL: A person who is subject to charges under AS 24.60.170(h) or findings of probable cause with corrective action under AS 24.60.170(g), is entitled to a hearing in accordance with AS 24.60.170(j). The subject of the probable cause determination or the charge shall be entitled to be represented by counsel in all pre-hearing and hearing matters. The committee shall designate its own counsel to present the evidence supporting the violations alleged in the probable cause findings.

(c) COMMITTEE RESTRICTIONS: In order to assure a separation between the determination of probable cause and the hearing, the committee members will not avail themselves of any information, notes or other materials from confidential deliberations in the probable cause stage, unless introduced in the hearing as evidence. Following a finding of probable cause, the committee members should avoid any ex parte discussions with the committee counsel on the merits of the matter.

(d) TIMELINESS: A hearing will be scheduled no sooner than 20 days and no later than 60 days from the date of service of charges or probable cause findings on the person subject to the charges, unless conditions in Committee Procedures: Sec. 10 (a) apply.

Upon summons and notice of hearing, the person subject to the charges pursuant to AS 24.60.170(h) shall have 10 days to admit to the charges or request a hearing.

(e) DISCOVERY: The subject and/or the counsel for the subject shall have the right to reasonable discovery, under Section 10 in these Procedures.

The counsel for the committee, in a manner consistent with the Alaska Civil Rules of Procedure, shall have rights of discovery and productions of documents relating to the hearing once a hearing has been requested and scheduled.

(f) PRE-HEARING PROCEDURES: The committee may issue a pre-hearing order including such items as:

time limits on opening statements, presentation of evidence and closing arguments and deadlines for submitting witness lists, exhibit lists and any motions raising issues resolvable prior to the beginning of the hearing. Pre-trial motions should be submitted to the committee at least one week prior to the hearing.

Counsel for the committee and the person subject to charges or their counsel, are encouraged to stipulate prior to hearing, as to any matters including evidentiary matters or undisputed facts.

(g) CONDUCT OF HEARING: The hearing shall be in front of the appropriate subcommittee of the Select Committee on Legislative Ethics and presided over by the chair of that subcommittee or the full committee if the case requires full committee participation.

1. Hearing Officer: The committee may appoint an impartial Hearing Officer to facilitate and expedite procedural aspects of the hearing. Both the committee counsel and the counsel for the person charged or the person charged, will be provided a list of the final candidates for the Hearing Officer position and may submit recommendations to the chair for selection or disqualification of any candidate. The committee's decision is final.

The Hearing Officer will rule on whether a witness is to appear in person or on teleconference; on admission and exclusion of evidence; advise the chair on matters of law; and control the conduct of participants and the time allotments to participants. Decisions on all procedural matters will be made by the Hearing Officer, subject to a right to appeal to the chair of the subcommittee. The subcommittee may overrule a determination by the Hearing Officer. The chair and the members may question the witnesses and the person charged or ask clarifying question of either counsel, the person charged or the hearing officer.

2. Person Charged: The person charged shall have the right to appear personally before the subcommittee at the hearing. The hearing will proceed with or without the appearance of the person charged.

3. Witnesses: Both counsel (or the person charged if counsel is not used), have the right to subpoena witnesses. All witnesses shall testify under oath. In the event of problems in travel arrangements, especially for witnesses not subject to subpoena; depositions or affidavits may be used in lieu of live testimony. If agreed to by both parties, a witness may participate via teleconference. The Hearing Officer will intervene if agreement is not reached. The opposing party must have been offered the opportunity to participate in any deposition or to refute any affidavit which is admitted.

4. Order of Proceedings: The person charged and the committee counsel will have the opportunity to make opening and closing statements. Each party will have the right to examine and cross-examine witnesses and present evidence in his or her behalf. One opportunity for redirect for each witness will be allowed. The entire proceeding will be recorded and evidence will be secured and preserved.

5. Decorum in the hearing room: All media personnel, citizens and participants will be required to conduct themselves in an orderly manner consistent with that of a court room. Failure to do so or disruption of the hearing may result in removal from the hearing room and charges of disturbing the peace in a public place. If the person charged is disruptive, that lack of cooperation will be considered during deliberations on any sanctions recommended. Media personnel will be provided a designated place and will not be allowed to move freely throughout the hearing room.

6. Teleconference: In the interest of the public, the proceedings of the hearing may teleconferenced on a listen only basis, with the exception of witnesses who have been scheduled to participate.

(h) POST-HEARING: At the end of the hearing and prior to subcommittee deliberations, the Hearing Officer will provide to the chair, a summary of the rulings and issues unresolved. Only the subcommittee members will participate in the deliberations and those deliberations shall be confidential as required by AS 24.60.170(m).

After deliberations, the subcommittee will either issue a written decision and determination with findings of violation(s) of AS 24.60, based on clear and convincing evidence or dismiss the charge. If the subcommittee finds that a violation occurred or that the subject did not cooperate, it will make a written recommendation of sanctions to the appropriate body of the legislature.

SEC. 15 INFORMAL ADVICE

A brief summary of informal advice and responses to inquiries given by committee staff will be provided in the quarterly staff report. The advice and responses will be cleansed of identifying information.

SEC. 16 INVESTIGATIONS

(a) SCOPE: The resolution defining the scope of the investigation will include steps to follow, whenever possible.

EXAMPLE:

1. Did Senator Q accept a campaign contribution during the 199- legislative session?
 - a. If Senator Q did accept the contribution, was it kept or was it returned within a reasonable period of time per APOC?
 - b. If the contribution was kept, who made the contribution, date, amount?
 - c. Did Senator Q take any legislative, administrative or political actions that during the 199- session on behalf of the contributor?
 - d. Did Senator Q require an employee to assist in any part of the contribution activity?

(b) INVESTIGATIVE PLAN: After the committee or subcommittee adopts a resolution defining the scope of the investigation, the committee or subcommittee will set an investigative plan to include the following:

1. Who will coordinate the investigation? Committee chair, subcommittee vice-chair, legal services contractor, other?
2. Will the investigation be conducted by one firm or person or will portions be conducted by several persons; such as APOC reports reviewed by staff, interviews with Senator Q and Contributor Z conducted by attorney.
3. Specific identification of those involved in the investigation: Professional investigator, staff, or others.
4. Determination as to when and whether findings are to be reported verbally, in writing or both.

SEC. 17 JURISDICTION

(a) PROCESS TO DETERMINE WHICH SUBCOMMITTEE: In circumstances where both the House and Senate subcommittees have jurisdiction over a complaint, the complaint will be referred to one subcommittee as follows:

- (1) If the subject of the complaint is a member of the legislature at the time of the filing of the complaint, the complaint will be referred to and handled by the subcommittee of the house in which the subject presently serves, even if the alleged conduct complained of occurred during service in the other house.
- (2) If the subject of the complaint is a former legislator, the complaint will be referred and handled by the subcommittee of the house in which the subject served when the alleged conduct occurred. If the complaint alleges conduct during

the subject's service in both houses, the complaint will be referred to and handled by the subcommittee of the house in which the subject most recently served.

(3) If the subject of the complaint is a person employed by a member or committee of a house, the complaint will be referred to the subcommittee of the house in which the person is presently employed, even if the alleged conduct complained of occurred during employment in the other house.

(b) REFERRAL: Referral shall be automatic, without the need for action on the part of the subcommittee declining jurisdiction.

SEC. 13 MEETINGS/NOTICE

(a) SESSION: Meetings during session will be held in Juneau, unless the committee agrees to another location.

(b) NOTICE: Notice providing date, time, place of the committee and subcommittee meetings will be sent to the House clerk for House subcommittee meetings, the Senate Secretary for Senate Subcommittee meetings, to the clerk and secretary for full committee matters, a minimum of 5 days in advance. It is the committee's preference to provide notice as far in advance as possible.

(c) RULE 23(a): The committee is subject to the notification requirements in Rule 23(a) of the Uniform Rules of the Alaska State Legislature during session.

SEC. 19 TELECONFERENCE

(a) NON-CONFIDENTIAL: Use of teleconference or telephonic equipment to communicate with off-site members or persons designated by the committee is permitted for non-confidential business,

(b) ADVISORY OPINIONS: Discussion of advisory opinions, which may require off-site communication with a legal advisor, is allowed if no portable, cellular, partyline or speaker phones are used and the committee and caller verify that no one else can listen in and that the bridge for teleconference is secure.

(c) COMPLAINTS: Use of teleconference or telephonic equipment is not permitted for discussion of complaints, unless the committee approves use of teleconference in advance of meeting and the rules under (b) of this subsection are adhered to. Deliberations must be conducted in person.

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.

COMPLAINTS

WHO CAN FILE AN ETHICS COMPLAINT?

Anyone who believes the legislative ethics law has been violated may file a complaint with the Ethics Committee. For more information, see pages 32-35 of this handbook.

HOW DOES ONE FILE A COMPLAINT?

Appendix H of this handbook contains a complaint form. Complaints will be accepted in any form so long as they are in writing, notarized and include a statement that the complainant has reason to believe a violation occurred and that they understand they may be called upon to testify as to their belief that a violation occurred.

AGAINST WHOM MAY AN ETHICS COMPLAINT BE FILED?

The Ethics Committee may consider complaints filed against current legislators and legislative employees, including public members of the Ethics Committee, if the complaint alleges that a violation occurred within two years of the filing date. The committee may also consider complaints filed against a former member of the legislature if the complaint alleges violations committed while the member was in office and the complaint is filed within one year of the legislator's departure from office.

The committee has the authority to reinstate a complaint that was closed upon an employee's termination, if the employee is rehired within two years of the date of the complaint. The same procedure is available for a former legislator who resumes legislative service within two years of the complaint.

The committee may not consider complaints filed against all members of the legislature or all members of one house. The committee lacks authority to consider complaints filed against family members of either legislators or legislative employees.

ARE THERE RESTRICTIONS ON WHEN A COMPLAINT MAY BE FILED?

If a complaint is filed against a legislator or legislative employee who is a candidate for state office and if the complaint is filed during a *campaign period, the committee must return the complaint without action, unless the subject of the complaint waives suspension of action. The complaint may be refiled after the closure of the *campaign period. **Campaign Period: begins on the later of 45 days before a primary election or the day on which the individual files as a candidate for state office and ends at the close of election day for general or special elections or on the day the candidate withdraws from the elections, whichever is earlier.*

WOULD I KNOW IF A COMPLAINT HAD BEEN FILED AGAINST ME?

AS 24.60.170(b)

Yes. A copy of the complaint is delivered to the subject of the complaint as soon as possible.

COMPLAINTS ALLEGING VIOLATION OF THE ETHICS CODE

AS 24.60.170

Anyone who believes the legislative ethics law has been violated may file a complaint with the Ethics Committee. A complaint must be in writing and notarized. Complaints should be sent to the committee chair at the Ethics Committee office. It is a Class A misdemeanor under AS 11.56.805 to knowingly or intentionally file a false complaint with the Ethics Committee. Complainants may be asked to testify in support of their complaint. A complaint form is provided in Appendix H.

Complaints received during a *campaign period against a candidate who is subject to the ethics code, will be returned without action, unless the subject of the complaint waives the right to suspend consideration within 11 days. *A campaign period begins 45 days before the primary election in which one is a candidate or the day one files for office, whichever is later and ends the day of the general or special election, the day after primary results are certified for a candidate who loses in the primary or the day a candidate withdraws. Complaints may be refiled at the end of the campaign period.

During the campaign period (described in the paragraph above), the committee is restricted from proceeding beyond the point of confidentiality on a pending complaint concerning a candidate, unless the subject waives the right to suspended proceedings.

The Ethics Committee and its House and Senate subcommittees have authority to consider complaints against legislative employees, including the public members of the Ethics Committee, and current or former legislators. The Ethics Committee does not have the authority to consider a complaint against a legislative employee after the employee has stopped working for the Legislature. If the employee leaves legislative work, the Ethics Committee must dismiss a complaint against the employee. However, the committee may reinstate a complaint if that person is rehired as a legislative employee. The Ethics Committee may not consider complaints against the family members of legislators or legislative employees.

A complaint must be filed within two years after the date of the alleged ethics violation. A complaint against a former legislator for alleged violations he or she committed while in office must be filed within one year after the legislator's departure from office. The time limitations on complaints do not apply if the subject of the complaint intentionally prevented discovery of the violation of the law.

The House Subcommittee handles complaints against representatives, former representatives, and employees of representatives and committees of the House, chaired by representatives. The Senate Subcommittee handles complaints against senators, former senators and employees of senators and committees of the Senate, chaired by senators. The full Ethics Committee considers complaints against employees of legislative agencies, joint committees and the public members and employees of the Ethics Committee. When the Ethics Committee Chair receives a complaint, the Chair refers it to the appropriate subcommittee or to the full Committee.

In considering a complaint, the Ethics Committee, or the appropriate House or Senate subcommittee (referred to collectively as "the committee"), must take the following steps:

1. Verify the complaint is sworn to, validly filed against a person subject to the ethics code and not filed against a person who is a candidate during a campaign period. If filed against a candidate during the campaign period, complaint must be returned, unless the subject waives suspension. Send a copy of the complaint to the subject(s) of the complaint immediately. Determine if the alleged misconduct occurred over two years ago and if it did, was there an attempt to intentionally prevent discovery. If it did occur over two years ago and there was no cover-up, the complaint must be dismissed.
2. Decide whether the allegations in the complaint would constitute a violation of the legislative ethics law over which the committee has jurisdiction if they were proven to be true. If not, the complaint must be dismissed.
3. Pass a resolution defining the scope of the investigation which will be made, then investigate the facts of the case. A copy of the resolution is given to the complainant and the subject of the complaint.
4. Decide whether there is probable cause to believe the accused person has violated the legislative ethics law. If not, the complaint must be dismissed. If probable cause is found, the committee must determine whether they may proceed if the complaint concerns a candidate during the campaign period.
5. Decide whether the probable violation can be corrected by the accused person and whether or not additional penalty is warranted. If a probable violation can be corrected, the committee may issue an opinion recommending corrective action. The accused person may request a meeting with the committee for the purpose of explaining the decision and then he or she may accept the recommended corrective action or request a formal hearing. After the meeting, the committee may change or reissue its opinion on corrective action. If the accused person does not take the recommended corrective action or the committee decides the

probable violation cannot be corrected without additional penalty, the complaint continues to the next step.

6. Formally charge the accused person. If the person admits he or she violated the law, the committee shall state the facts of the case and recommend a penalty. If the accused person does not admit to the allegations, the committee must schedule a formal, public hearing.
7. Hold a formal hearing to take testimony and other evidence, and decide whether there is clear and convincing evidence that the accused person violated the legislative ethics law. The committee may also indicate whether the accused person cooperated with the committee in the complaint process.
8. Recommend to the appropriate legislative body (for legislators) or the appointing authority (for legislative employees) the penalty the committee believes is warranted.

Meetings of the Ethics Committee to consider a complaint are confidential until the committee determines there is probable cause to believe the accused person violated the law. Committee documents are confidential until that point as well. After a finding of probable cause, hearings are open to the public and documents issued by the committee or documents presented at the formal hearing are open to public inspection. All committee deliberations, however, are confidential. Please see AS 24.60.170 for information on a subject's ability to waive confidentiality for portions of complaint proceeding.

FAILURE TO COMPLY WITH CORRECTIVE ACTIONS

AS 24.60.170(g)

If a subject of a complaint agrees to comply with the committee's recommended corrective actions but fails to do so in a timely manner, the committee may formally charge the person or refer the matter to a supervisory authority.

VIOLATIONS OF ETHICS CODE: PENALTIES

AS 24.60.174 - 176 and 24.60.970

If the Ethics Committee decides a person has violated the legislative ethics law, the committee, or the appropriate House or Senate subcommittee, must recommend what penalty should be imposed.

If the violator is or was a legislator, the body in which the legislator served (i.e. the House or Senate) must vote on the penalty. The body has the power to review the committee's recommendation and to alter the penalty. Expulsion from the legislature requires a two-thirds vote of the full body. All other penalties require a majority vote of the full body in which the legislator served. If the violator is or was a legislative employee, the appointing authority (defined in AS 24.60176(b)) must determine the penalty. The appointing authority must assume the Ethics Committee's finding that the law was broken is correct and must impose an appropriate penalty.

In addition to any Ethics Committee action, the Attorney General may bring civil lawsuits against anyone covered by the legislative ethics law.

Sec. 24.60.170. Proceedings before the committee; limitations.

- (a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within two years before the date that the complaint is filed with the committee and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject's departure from the legislature. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstitute proceedings concerning a complaint that was closed because a former employee terminated legislative service or because a legislator left the legislature if the former employee or legislator resumes legislative service, whether as an employee or a legislator, within two years after the alleged violation. The time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter.
- (b) A complaint may be initiated by any person. The complaint must be in writing and signed under oath by the person making the complaint and must contain a statement that the complainant has reason to believe that a violation of this chapter has occurred and describe any facts known to the complainant to support that belief. The committee shall upon request provide a form for a complaint to a person wishing to file a complaint. Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter. The committee shall respond to a complaint concerning the conduct of a candidate for election to state office received during the campaign period in accordance with (o) of this section. The committee shall treat a complaint concerning the conduct of a candidate for election to state office that is pending at the beginning of a campaign period in accordance with (p) of this section. The committee shall immediately provide a copy of the complaint to the person who is the subject of the complaint.
- (c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the complainant to provide clarification or additional information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.

(d) If the committee determines that some or all of the allegations of a complaint, if proven, would constitute a violation of this chapter, or if the committee has initiated a complaint, the committee shall investigate the complaint, on a confidential basis. Before beginning an investigation of a complaint, the committee shall adopt a resolution defining the scope of the investigation. A copy of this resolution shall be provided to the complainant and to the subject of the complaint. As part of its investigation, the committee shall afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

(e) If during the investigation under (d) of this section, the committee discovers facts that justify an expansion of the investigation and the possibility of additional charges beyond those contained in the complaint, the resolution described in (d) of this section shall be amended accordingly and a copy of the amended resolution shall be provided to the subject of the complaint.

(f) If the committee determines after investigation that there is not probable cause to believe that the subject of the complaint has violated this chapter, the committee shall dismiss the complaint. The committee may also dismiss portions of a complaint if it finds no probable cause to believe that the subject of the complaint has violated this chapter as alleged in those portions. The committee shall issue a decision explaining its dismissal. Committee deliberations and vote on the dismissal order and decision are not open to the public or to the subject of the complaint. A copy of the dismissal order and decision shall be sent to the complainant and to the subject of the complaint. Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and copying by the public.

(g) If the committee investigation determines that a probable violation of this chapter exists that may be corrected by action of the subject of the complaint and that does not warrant sanctions other than correction, the committee may issue an opinion recommending corrective action. This opinion shall be provided to the complainant and to the subject of the complaint, and is open to inspection by the public. Within 20 days after receiving the opinion, the subject of the complaint may request a confidential meeting with the committee at which meeting the committee shall explain the reasons for its recommendations. The committee may divulge confidential information to the subject of the complaint. The information remains confidential. The subject of the complaint may comply with the opinion or may request a hearing before the committee under (j) of this section. After the hearing, the committee may amend or affirm the opinion. If the subject of the complaint agrees to comply with the opinion but later fails to complete the corrective action in a timely manner, the committee may formally charge the person as provided in (h) of this section or may refer the matter to the appropriate house of the legislature, in the case of a legislator, or, in the case of a legislative employee, to the employee's appointing authority. The appropriate house of the legislature or the appointing authority, as appropriate, may take action to enforce the corrective action or may decline to take action and refer the matter to the committee. In either case, the committee may formally charge the person under (h) of this section.

(h) If the subject of a complaint fails to comply with an opinion and the committee decides under (g) of this section to charge the person, or if the committee determines after investigation that there is probable cause to believe that the subject of the complaint has committed a violation of this chapter that may require sanctions instead of or in addition to corrective action, the committee shall formally charge the person. The charge shall be served on the person charged, in a manner consistent with the service of summons under the rules of civil procedure, and a copy of the charge shall be sent to the complainant. The person charged may file a responsive pleading to the committee admitting or denying some or all of the allegations of the charge.

(i) A person charged under (h) of this section may engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure. The committee may adopt procedures that

(1) impose reasonable restrictions on the time for this discovery and on the materials that may be discovered;

(2) permit a person who is the subject of a complaint to engage in discovery at an earlier stage of the proceedings;

(3) impose reasonable restrictions on the release of information that the subject of a complaint acquires from the committee in the course of discovery, or on information obtained by use of the committee's authority, in order to protect the privacy of persons not under investigation to whom the information pertains; however, the committee may not impose restrictions on the release of information by the subject of the complaint unless the complainant has agreed to be bound by similar restrictions and has not made public the information contained in the complaint, information about the complaint, or the fact of filing the complaint.

(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The hearing shall be scheduled for a date more than 20 days after service of the charge on the person charged, unless the person agrees to an earlier hearing date. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded and evidence shall be maintained.

(k) Following the hearing, the committee shall issue a decision stating whether or not the subject of the complaint violated this chapter, and explaining the reasons for the determination. The committee's decision may also indicate whether the subject cooperated with the committee in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the decision shall recommend what sanctions, if any, the committee believes are appropriate. If there has not been a hearing because the person charged admitted to the allegations of the charge, the committee shall issue a decision outlining the facts of the violation and containing a sanctions recommendation.

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. The complaint and all documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of AS 15.13, the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. All meetings of the committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint.

(m) All documents issued by the committee after a determination of probable cause to believe that the subject of a complaint has violated this chapter, including an opinion recommending corrective action under (g) of this section and a formal charge under (h) of this section, are

subject to public inspection. Hearings of the committee under (j) of this section are open to the public, and documents presented at a hearing, and motions filed in connection with the hearing, are subject to inspection by the public. Deliberations of the committee following a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and deliberations concerning appropriate sanctions are confidential.

(n) The committee shall dismiss a complaint against a person employed by the legislative branch of government if the person terminates legislative service. The committee may in its discretion dismiss a complaint against a former member of the legislature whether the complaint was filed before or after the former member departed from the legislature.

(o) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(p) When the committee has a complaint concerning the conduct of a candidate for state office pending before it at the beginning of a campaign period that has not resulted in the issuance of formal charges under (h) of this section, the committee may proceed with its consideration of the complaint only to the extent that the committee's actions are confidential under this section. The committee may not, during a campaign period, issue a dismissal order or decision under (f) of this section, issue an opinion under (g) of this section, or formally charge a person under (h) of this section. If the committee has formally charged a person under (h) of this section and the charge is still pending when a campaign period begins, the committee shall suspend any public hearings on the matter until after the campaign period ends. The parties to the hearing may continue with discovery during the campaign period. If a hearing has been completed before the beginning of a campaign period but the committee has not yet issued its decision, the committee may not issue the decision until after the end of the campaign period. Notwithstanding the suspension of public proceedings provided for in this subsection, a candidate who is the subject of a complaint may notify the committee in writing that the candidate chooses to have the committee proceed with the complaint under this section.

(q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

Sec. 24.60.176. Recommendations where violator is a legislative employee.

(a) If the person found to have violated this chapter is or was a legislative employee, the committee's recommendations shall be forwarded to the appropriate appointing authority which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The appointing authority may not question the committee's findings of fact. The appointing authority shall assume the validity of the committee's findings and determine and impose the appropriate sanctions. The appointing authority has the power to impose a sanction recommended by the committee or to impose a different sanction. The appointing authority shall enforce the sanction and shall report to the committee at a time specified by the committee concerning the employee's compliance with the sanction.

(b) In this section, "appointing authority" means

- (1) the legislative council for employees of the Legislative Affairs Agency and of the legislative council and for legislative employees not otherwise covered under this subsection;
- (2) the Legislative Budget and Audit Committee for the legislative fiscal analyst and employees of the division of legislative finance, the legislative auditor and employees of the division of legislative audit, and employees of the Legislative Budget and Audit Committee;
- (3) the appropriate finance committee for employees of the senate or house finance committees;
- (4) the appropriate rules committee for employees of
 - (A) standing committees of the legislature, other than the finance committees;
 - (B) the senate secretary's office and the office of the chief clerk of the house of representatives; and
 - (C) house records and senate records;
- (5) the legislator who made the hiring decision for employees of individual legislators; however, the legislator may request the appropriate rules committee to act in the legislator's stead;
- (6) the ombudsman for employees of the office of the ombudsman, other than the ombudsman;
- (7) the legislature for the ombudsman.

Sec. 24.60.178. Recommended sanctions.

(a) When the committee finds that a person has violated this chapter, the committee may recommend appropriate sanctions, including sanctions set out in (b) of this section.

(b) The sanctions that the committee may recommend include

- (1) imposition of a civil penalty of not more than \$5,000 for each offense or twice the amount improperly gained, whichever is greater;
- (2) divestiture of specified assets or withdrawal from specified associations;
- (3) additional, detailed disclosure, either as a public disclosure or as a confidential disclosure to the committee;
- (4) in the case of a legislative employee, suspension of employment with or without pay for a stated period of time or until stated conditions are met, or termination from legislative employment;
- (5) restitution of property or reimbursement of improperly received benefits;
- (6) public or private written reprimand;

- (7) censure, including, in the case of a legislator, removal from a leadership position or committee membership and a determination that the legislator will not be appointed to serve in a leadership position or on a committee during the remainder of that legislature;
- (8) placing the person on probationary status;
- (9) in the case of a legislator, expulsion from the house of the legislature;
- (10) any other appropriate measure.

(c) In addition to or in place of a sanction recommended under (b) of this section, the committee may recommend that the subject of a complaint be required to pay all or a portion of the costs related to the investigation and adjudication of a complaint.

CONFIDENTIAL

COMPLAINT

Alleging a Violation of the Alaska Legislative Ethics Law

This form lists the basic information the Ethics Committee needs to consider a complaint. An ethics complaint must be notarized and sent or delivered to the Ethics Committee office in a sealed envelope. Please provide as much information as possible, including details of the violation and evidence. Should you have any questions, please contact the committee office at (907) 269-0150.

**COMPLAINT ALLEGING A VIOLATION OF THE
LEGISLATIVE ETHICS LAW**

Name of person against whom complaint is filed: _____

Date(s) or time period during which alleged violation occurred: _____

Part of the Ethics Law that was allegedly violated (describe the law(s) allegedly violated as well as you can): _____

Description of the activities that were an alleged violation of the Legislative Ethics Law:

(continued on next page)

(continued from prior page)

Please list any additional materials attached to this complaint:

Name of person filing complaint (please print): _____

Daytime phone number: _____
Evening phone number: _____

Address: _____

I understand that a person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics (AS 11.56.805). I understand that I may be asked by the committee or the subject of the complaint to testify at any stage of the complaint proceeding as to my belief that the subject(s) of this complaint violated the ethics law. I understand there may be later implications under AS 24.60.170(i)(3) if I make public the information contained in this complaint. The above is a true and accurate representation of my belief that a violation of the Legislative Ethics Law occurred.

Signature Date

Subscribed and sworn to before me this _____ day of _____ in the year _____

Notary Public's Signature Notary Public's Printed Name

State of _____ Judicial District _____
Commission expires: _____

Note: If a complaint is filed against a legislator or legislative employee who is a candidate for state office and if the complaint is filed during a ***campaign period**, the committee must return the complaint without action, unless the subject of the complaint waives suspension. The complaint may be refiled after the closure of the ***campaign period**. **Campaign Period: begins on the later of 45 days before a primary election or the day on which the individual files as a candidate for state office and ends at the close of election day for general or special elections or on the day the candidate withdraws from the elections, whichever is earlier.*



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

March 31, 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:

Commission on Judicial Conduct

Richard Burton - Ketchikan

Appointed: 03/25/03 Term Expires: 03/01/07

KCW:sgf

Resume attached

Richard L. Burton
443 Forest Park Drive
Ketchikan, Alaska 99901
Phone 907-247-3334
Fax 907-247-3335

rburton@kpunet.net

Public Safety Consultant: 1995 - Present

Owner and principal consultant of business of management audits, background investigations, internal affairs, administrative investigations, locating and providing temporary personnel, recruit selection and all services relative to operating and managing police or public safety agencies.

Commissioner of Public Safety: 1991 - 1995 State of Alaska, Department of Public Safety

Chief administrator of all state public safety functions. Responsible for budget in excess of \$100 million and over 900 employees. Functions included the Divisions of State Troopers, Fish and Wildlife Protection, Motor Vehicles, Fire Prevention, and Administrative Services. Related functions included State Training Academy, State Crime Lab, Highway Safety Planning, and Police Standards Council.

Burton & Associates 1988 - 1990

Started Public Safety Management consulting business. Stopped in 1991 to accept appointment by Governor as Commissioner of Public Safety.

Alaska Security, Inc. 1985 - 1988

President and co-owner of a full service security and armored car company. Started the company with 1 employee and built it to over 100 employees and 3 armored vehicles.

Private Consultant 1983 - 1985

Consultant to various law firms on issues related to lawsuits involving police practices and procedures.

Justice Services Administrator 1981 - 1982 Warm Springs Indian Reservation, Warm Springs, Oregon Chief Administrator for all law enforcement including criminal laws and natural resource protection. Administered the operation of the tribal prosecutor, legal aides, and the tribal jail.

Police Specialist/planner 1979 - 1980 U.S. Dept. of Justice, Criminal Justice Planning Agency

Under contract worked with the Commonwealth of the Northern Mariana Islands at Saipan. Provided technical assistance in Public Safety management and operations. This included manpower allocation, training, job description and reporting development and instituting basic police practices. Restructured employee compensation benefits, management training and policies and procedures.

Commissioner of Public Safety 1975 - 1979 State of Alaska, Department of Public Safety

First appointment as Commissioner and Chief Administrator of State Public Safety functions including the State Troopers, Fish & Wildlife Protection, DMV, State Fire Marshal, Training Academy and enforcement of all state criminal laws.

Chief of Police 1973 - 1974 City and Borough of Juneau, Alaska

Administrator over all municipal police functions, provided law enforcement within the cities of Juneau and Douglas, Alaska.

Public Safety Advisor 1971 – 1973 U.S. State Department, AID, Republic of South Vietnam

Consulted and trained Provincial Police Command in implementation of modern management principles. Command consisted of 1 Province and 7 District police stations and corrections centers with 1,800 police personnel. Corrections centers exceeded 1,000 inmates. Coordinated emergency procedures to react to terrorist activities against the civilian population.

Sergeant, Lieutenant, Captain 1959 – 1971 Alaska Department of Public Safety, Alaska State Troopers

Joined the Alaska State Troopers following 4 years as a city police officer in Ketchikan and Fairbanks. Served in all ranks and was assigned to remote outposts, as detachment patrol supervisor, detachment commander and regional commander as lieutenant and captain. In 1967 was assigned as Chief of Security for the Office of the Governor and created first Governor's security.

Professional Affiliations

DELEGATION LEADER, to Khabarovsk, Russia in September 1991. Professional visit to establish relationship with the Far East Russian Militia for information exchange on criminal activity between Russia and Alaska. In 1993 was a member of an international delegation of law enforcement officials to visit with Russian Militia Officials in Moscow and St. Petersburg. In 1994 lead third delegation to Magadan in the Russian Far East and established intelligence network capability between the Militia and the Alaska State Troopers.

In April 1994 was selected as a member to be the guest of the Turkish Government at an international meeting of 31 countries in a first of its kind meeting to discuss international extradition's, drug trafficking and related mutual criminal activity.

GENERAL CHAIRMAN, of the Division of State and Provincial Police of the International Association of Chiefs of Police, 1977 - 1978. Traveled extensively throughout the U.S. and Canada, meeting with Chief Administrators of major law enforcement agencies, members of Congress and heads of federal and state departments and agencies. Member National Highway Committee 1991-1995.

PAST PRESIDENT AND VICE-PRESIDENT, of the Alaska Chiefs of Police Association. Served on legislative committees related to statewide criminal justice issues.

LIFE MEMBER, of the International Chiefs of Police, Alaska Chiefs of Police and the Alaska Peace Officers Association.

MEMBER, Alumni of the University of Louisville, Southern Police Institute.



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

January 28, 2003

MEMORANDUM

TO: Senator Seekins, Chair
Judiciary Committee

FROM: Kirsten Waid *KW*
Secretary of the Senate

SUBJECT: Confirmations

Pursuant to AS 24.60.130(b)(3), President Therriault has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Select Committee on Legislative Ethics
Shirley McCoy
Dennis "Skip" Cook
Herman G. Walker

KW:lc
Letters attached

Shirley A. McCoy
P.O. Box 33475
Juneau, AK 99803
1-907-790-2705

BACKGROUND SUMMARY

As OFFICE & GENERAL MANAGER for ALPHA DIVERSIFIED, LLC I maintain and operate a one-person office for the primary purpose of purchasing contracts on real estate throughout southeast Alaska. Related areas of expertise are:

Negotiations

Collections

Public Relations

EXPERIENCE

ALPHA DIVERSIFIED, LLC (formerly Alpha Investments, Inc.)
Manager, Juneau, AK since 1990 with extensive experience in real estate, marketing, sales, and proposals. The company was a DBA of Dawson Construction, Company until 1998.

DAWSON CONSTRUCTION CO.

Office Manager 1990 to 1998

I managed the Alaska office for this commercial contractor, who main office is based in Bellingham, WA. As such I was responsible for turning in job quotes, negotiating for the buying and selling of real estate, property management, and in general representing the company. I served as assistant to J.R. Dawson, President of the company.

SITKA READY-MIX/BIRCH EQUIPMENT RENTALS

OFFICE/CREDIT MANAGER 1979 to 1990

SRM delivers ready-mix concrete, aggregate and related supplies. Birch is a full equipment rental company that specializes in commercial rental equipment. I was hired as secretary/bookkeeper with full responsibilities of the office. I moved into management of the companies in 1985 and worked directly under the supervision of J.R. Dawson, the owner until my move to Juneau in 1990.

EDUCATION

Robert E. Lee High School, Dallas, TX 1963. Sitka Community College, Sitka, AK 1971-74
Business Administration, Accounting and Liberal Arts

PERSONAL

Was Married 31 yr. and have 3 sons and 6 grandchildren. Enjoy skiing, singing, softball, bowling, art, reading and trips to sunny climates.

CIVIC & COMMUNITY

Elected and served on Sitka School Board for 6 yr. Appointed and served on Legislative Ethics Committee since 1993. Was Executive Director of the Miss American Pageant while in Sitka. Currently serve as Government Relations Officer for AK Moose Lodge, President of the Juneau Emblem Club, President of the Jordan Creek Office Assoc., member of the Juneau Eagles Lodge.

1/11/03

2003 LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
(AS 24.60.200 - 24.60.260)

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: SHIRLEY A. McCarty 990-2400 990-2705 789-6909 office
Phone Number Fax Number
OCCUPATION: Office Manager
MAILING ADDRESS: P.O. Box 33475 smccarty@gci.net
(Street Address or Post Office Box) E-Mail Address
Juneau AK 99803
(City/Town and Zip Code)

DAY PHONE NUMBER 907-790-2400 FAX NUMBER 1-907-789-6909

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

TITLE: Co-Chair (Public Member)

FAMILY MEMBER INFORMATION (list names):
SPOUSE OR SPOUSAL EQUIVALENT: _____
DEPENDENT CHILDREN: _____
NON-DEPENDENT CHILDREN LIVING WITH YOU: _____

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: _____
Employer's Name: DAWSON CONT. CO / ALPHA DIVERSIFIED
Employer's Address: P.O. Box 34297 JUNEAU AK 99803
Nature of Services Provided: purchase contracts on Real Estate
Amount: \$ 75,000 -

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: \$ _____

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: _____

Business Name: _____

Business Address: _____

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: _____

Amount: \$ _____

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)

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)

~~DEBRA GONZALEZ~~
SHIRLEY A. McCoy
" "
" "

DEBRA GONZALEZ
CLINT SONGER
JOHN MACKINNON

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

SHIRLEY A. McCoy
" "
" "

KURT BURNS E
SONJA DUNCAN
AK PFD

**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: _____

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: _____

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: SHIRLEY A. McCoy
Street Address or Legal Description: 8580 DURAN ST
City or Borough and State: SUNNEAU, AK 99801
Nature of Interest: OWNER HOME
(Option to Buy, Ownership, Leasehold) Current Use (Optional)

Name of filer, spouse, spousal equivalent, or child: SHIRLEY A. McCoy
Street Address or Legal Description: #51 GLACIER VIEW MOBILE HOME PARK
City or Borough and State: SUNNEAU, AK 99801
Nature of Interest: OWNER RENTAL
(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)

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.

SHIRLEY A. McCoy
Name of Debtor (filer, spouse, spousal equivalent or child)

WELLS FARGO
Name of Lender/Creditor/Guarantor

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

JAMES MONTAGNE
Name of Lender/Creditor/Guarantor

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

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

_____ % _____ 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.

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

DAWSON CONSTRUCTION Co.
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

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

PUTNAM INVESTMENTS / IRA
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

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

PUTNAM INVESTMENTS / ROTH IRA
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

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

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

T. ROWE PRICE / ROTH IRA
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

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.

Shirley A. McCoy
SIGNATURE

01-10-03
DATE

SHIRLEY A. MCCOY
Printed Name of Filer

JUNEAU, 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



SENATE JUDICIARY COMMITTEE

STATE CAPITOL, BELTZ ROOM 211, 1:30 pm

Monday February 10, 2003

Joint House/Senate Confirmation Hearing for
Attorney General appointee Gregg D. Renkes.

Note change of meeting location—this hearing will
be held in the Butrovich Room #205. Time remains
unchanged.

Alaska Attorney General Gregg D. Renkes

Attorney General Gregg D. Renkes worked in Anchorage, Alaska during law school and moved to Palmer, Alaska to work for the Alaska Court System after graduation in 1986. He has been licensed to practice law in Alaska since 1987. During law school and after in his professional career, he has focused on Alaska energy, land and Native law. General Renkes is a frequent speaker on energy and natural resources policy and at one time regularly contributed articles to the *Tundra Times* concerning legal issues affecting Alaska Native people. Most recently he served as President of The Renkes Group, Ltd., an energy project development and public policy consulting firm specializing in energy, environmental, and natural resource matters. In addition, General Renkes was invited to serve as Of Counsel to the law firm of Steptoe and Johnson, assisting them with their American Indian Law Practice Group.

General Renkes served as the Majority Staff Director of the U.S. Senate Committee on Energy and Natural Resources from 1995 - 1998. Before leading the Committee staff, General Renkes worked as Chief of Staff and Chief Counsel to U.S. Senator Frank Murkowski (R-AK) directing his Washington, D.C. and State of Alaska staff. During his nearly twelve years working in the U.S. Senate, General Renkes was responsible for major and diverse legislative efforts including the restructuring of the U.S. electric utility industry, the reformation of U.S. high level nuclear waste policies, the 1992 Energy Policy Act, amendments to the Alaska Native Claims Settlement Act, Joint Federal-State Alaska Native Commission, Alaska Native Languages Preservation Act, oil and gas development on the Arctic Coastal Plain, national oil spill prevention legislation (OPA 90), the reform of management in the Tongass National Forest, U.S. Japan and U.S. China Nuclear Agreements, deep water Gulf of Mexico oil and gas development, export of Alaska North Slope oil, reform of U.S. mining laws, and the reform of National Park polices.

General Renkes also coordinated the 1992 and 1998 Alaska political campaigns to re-elect Senator Frank Murkowski to his third and fourth terms in the U.S. Senate and the Murkowski 2002 Alaska gubernatorial campaign. General Renkes worked as staff to the 1996 Republican National Convention Platform Committee and drafted the section of the *Republican Platform* addressing energy and environment issues. More recently, he assisted the 2000 Republican National Convention Platform Committee on energy policy issues and was named to the Bush/Cheney Transition Advisory Committees for the Department of Energy and the Department of the Interior.

General Renkes holds a Juris Doctor degree from the University of Colorado School of Law, Boulder, Colorado, a Masters of Science degree from Yale University, New Haven, Connecticut, and a Bachelors of Arts degree from Vassar College, Poughkeepsie, New York. He is admitted to the Alaska Bar for the

practice of law and served as a law clerk and magistrate for the State of Alaska Court System under the direction of Superior Court Judge Beverly Cutler in Palmer, Alaska.

Prior to moving to Alaska, General Renkes focused his studies on public land, natural resources, and American Indian Law. In law school, he clerked for Professor Charles Wilkenson, assisting in the rewrite of his casebooks on American Indian Law and Public Land Law, he clerked for the National Wildlife Federation, and assisted the Rocky Mountain Mineral Law Foundation with its conference and publications activities. General Renkes also assisted the University of Colorado Natural Resources Law Center with several projects related to water law and the Endangered Species. In addition, he created and edited a legal publication at the University of Colorado School of Law titled "Mining Law Dialogue", dedicated to providing a point-counterpoint forum for the debate of controversial legal questions impacting mining on the public lands.

At the Yale University graduate school, General Renkes spread his work across disciplines including work at the School of Forestry, School of Law, and School of Organization and Management. His Master's thesis researched the biosocial impacts of endangered species habitat protection in the Florida Keys. As an undergraduate student General Renkes split his concentration between biology and geology and had his research published in professional journals including the "Journal of Animal Behaviour" and the "Journal of Arachnology".

General Renkes and wife Maureen live in Juneau, Alaska with their two children Anja Josephine and Ian Gregory.

2004

CONFIR-
MATIONS

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

January 6, 2004

Senator Ralph Seekins
Chair, Judiciary Committee
119 N Cushman Road, Suite 201
Fairbanks AK 99701

Dear Senator Seekins:


The Select Committee on Legislative Ethics has two public members whose terms will expire at the beginning of the legislative session in 2004. Chief Justice Alexander Bryner, on December 29, 2003, forwarded to Senate President, Gene Therriault, the names of two nominees: H. Conner Thomas for a third term and Ann Rabinowitz, a new nominee. To serve on the committee, public members must be ratified by two-thirds of the full membership of each body, under AS 24.60.130(b).

I respectfully ask you to consider assisting us by scheduling confirmation hearings sometime during the first three weeks of the session should the letter of nomination be referred to your committee.

The ethics office will provide your committee with a resume for each nominee and a copy of their financial disclosure. Ethics committee members must file a financial disclosure with APOC by January 12, 2004.

Attached is a copy of applicable statutes. Should you have any questions, I can be reached at 269-0150.

Sincerely,



Joyce Anderson
Administrator, Ethics Committee

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.



Chambers of
Alexander O. Bryner
Chief Justice

Supreme Court
State of Alaska

303 K Street
Anchorage, Alaska
99501-2083

(907) 264-0632
FAX (907) 264-0640

December 29, 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:

Alaska Statute 24.60.130(b)(3) designates the Chief Justice of the Alaska Supreme Court to nominate the five public members who sit on the Select Committee on Legislative Ethics. The terms of two current public members will expire as of January 12, 2004, the first day of the legislative session.

In my capacity as Chief Justice, and pursuant to AS 24.60.130(b)(3), I am nominating the following persons to fill these positions:

(1) H. Conner Thomas (incumbent). Mr. Thomas is an attorney in Nome and can be reached at (907) 443-5226. His mailing address is P.O. Box 61, Nome, Alaska 99762. For purposes of determining compliance with AS 24.60.130(c), Mr. Thomas is a Democrat.

(2) Ann Rabinowitz. Mrs. Rabinowitz is a teacher in Juneau and can be reached at (907) 586-2103. Her mailing address is P.O. Box 22528, Juneau, Alaska 99802. For purposes of determining compliance with AS 24.60.130(c), Mrs. Rabinowitz is a Democrat.

President Therriault and Speaker Kott
December 29, 2003
Page Two

Please let me know if I can provide you with any other information on this matter.

Sincerely,



Alexander O. Bryner
Chief Justice

AOB:da

cc: H. Conner Thomas
Ann Rabinowitz
Joyce Anderson, Select Committee on Legislative Ethics

Annie Rabinowitz
P.O. Box 22528
Juneau, Alaska 99802
Resume Highlights

Work History

Harborview Elementary School 2001-Present
Teacher's Aide
Assistant to head Montessori Teacher. Work with Special Needs children with learning disabilities. Provide support for the lead teacher in implementing the Montessori program.

Big City Books 1995-1998
Salesperson
Ordered books from publishers and sold books to customers.

Woodriver Elementary School 1979-1994
Classroom Teacher
Taught fourth and fifth grade students at an elementary school in Fairbanks. Classroom responsibilities included teaching the curriculum established by the School Board.

Education

University of Alaska Fairbanks
Bachelor of Arts, 1979
Philosophy Major Education Minor

Fairbanks High School
High School Degree, 1954

Community and Volunteer Activities

Alaska State Museum 1997-Present
Volunteer in the Docent Program. Lead tours in the summer for tourists. Lead tours during the school year for school programs.

Friends of the Alaska State Museum Board Member 1997-2001
Assisted with fundraising and advocacy for the Museum. Helped design the Museum education program.

Johnson Youth Center 1996-2000
Provided GED tutoring for incarcerated youth. Taught arts and crafts classes.

ARRIVED

JAN 27 2004

APOC JUNEAU
PM HC FAX

2004 LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
(AS 24.60.200 - 24.60.260)

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, 2003 and December 31, 2003.
- ◆ You must show your own financial interests and those held by your spouse or domestic partner and dependent children living with you during calendar year 2003.
- ◆ 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, 2004.

Members of the Select Committee on Legislative Ethics file on January 12, 2004.

BACKGROUND INFORMATION

NAME: Ann M. Rubincowitz (907) 586-2103 _____
Phone Number Fax Number

OCCUPATION: Teacher _____

MAILING ADDRESS: P.O. Box 22528 _____
(Street Address or Post Office Box) E-Mail Address

Juneau AK 99802 _____
(City/Town and Zip Code)

Day Phone Number ⁽⁹⁰⁷⁾ 463-1875 (mornings) Day Fax Number _____

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

TITLE: Teacher _____

FAMILY MEMBER INFORMATION (list names):

SPOUSE OR DOMESTIC PARTNER: _____

DEPENDENT CHILDREN: _____

**SCHEDULE A
SOURCES OF INCOME OVER \$5000**

Salaried Employment

If NONE reportable, check box

Report the name and address of each employer from whom more than \$5000 was received during calendar year 2003.

List your employment as a legislator or legislative director, and each source of salaried income over \$5000 for your spouse, domestic partner and dependent children. 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 6-8 of the LFD manual for more help with this section.

Name of filer, spouse, domestic partner, or child: Ann M. Rabinowitz
Employer's Name: Juneau School District
Employer's Address: 10014 Crazy Horse Dr. Juneau, AK 99801
Nature of Services Provided: Teacher's Aide
Amount: \$ _____

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

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

JAN 27 2004

**SCHEDULE A
SOURCES OF INCOME OVER \$5000**

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, domestic partner or dependent children or a combination of them held a controlling interest, or a 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 \$5000 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 \$5000 during calendar year 2003.

Report the amount of income you received from a client, patient or customer when the client, 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.
See pages 8-10 of the LFD manual for more help with this section.

Name of filer, spouse, domestic partner, or child: _____

Business Name: _____

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: _____

Amount: \$ _____

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 27 2004

**SCHEDULE A
SOURCES OF INCOME OVER \$5000**

Dividends and Interest

If NONE reportable, check box ⇒

Report the source of all dividends, interest and capital gains over \$5000 earned during calendar year 2003.

- 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 \$5000 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 13 of the LFD manual for more help with this section.

Recipient (filer, spouse, domestic partner, 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 \$5000 was received during calendar year 2003. If property is located outside Alaska and managed by a person other than you, your spouse, domestic partner or dependent child, you may list the managing agent instead of listing each tenant.

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

Owner (filer, spouse, domestic partner, or child)

Tenant(s)

Other Income

If NONE reportable, check box ⇒

List each source of income over \$5000 not listed elsewhere on this statement, including income from the sale of real property; 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 14 of the LFD manual for more help.

Recipient (filer, spouse, domestic partner, or child)

Name of Source

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**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, domestic partner, or dependent children during calendar year 2003.

- List ownership interests of more than \$5000 as a shareholder in publicly traded stocks, 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 by name only on a separate page.)
- List interests as a sole proprietor, 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 16 of the LFD manual for more help.

Name of filer, spouse, domestic partner, or child: Ann M. Rabinowitz
Business Name: "2395 Palisade Ave"
Business Address: 2395 Palisade Ave Bronx, New York
Nature of Interest: Shareholder
Description of Business's Activity: Apartment Ownership

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

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

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

Name of filer, spouse, domestic partner, 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 2003.

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

List the name of Limited Partnerships in the "Business Interests" section on page five.

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

See page 17 of the LFD manual for more help.

Name of filer, spouse, domestic partner, or child: Ann M. Rabinowitz

Street Address or Legal Description: 909 Goldbelt

City or Borough and State: Juneau, AK 99801

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

Name of filer, spouse, domestic partner, or child: Ann M. Rabinowitz

Street Address or Legal Description: Egg Harbor Road

City or Borough and State: Friday Harbor, WA

Nature of Interest: Ownership None
(Option to Buy, Ownership, Leasehold) Current Use

Name of filer, spouse, domestic partner, or child: Ann M. Rabinowitz

Street Address or Legal Description: 27 Mile Elliott Highway

City or Borough and State: Fairbanks, AK

Nature of Interest: Ownership None
(Option to Buy, Ownership, Leasehold) Current Use

Name of filer, spouse, domestic partner, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

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

Name of filer, spouse, domestic partner, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

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

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**SCHEDULE C
LOANS, LOAN GUARANTEES, AND DEBTS
Of More Than \$5000**

Loans, Loan Guarantees, and Debts

If NONE reportable, check box

Report the name of each creditor or lender to whom more than \$5000 was owed during any part of the prior calendar year by you, your spouse, domestic partner or dependent children.

List financial obligations including mortgages on property sold during calendar year 2003; loans that have been guaranteed, 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.

Circle whether the entity is a lender, creditor or guarantor.

See page 18 of the LFD manual for more information about the reporting requirements.

Ann M Rabinowitz
Name of Debtor (filer, spouse, domestic partner or child)

Wells Fargo Bank
Name of Lender/Creditor/Guarantor

Ann M. Rabinowitz
Name of Debtor (filer, spouse, domestic partner or child)

ACS Company P.O. Box 7057
Name of Lender/Creditor/Guarantor Utica/NU 13504-7057

Name of Debtor (filer, spouse, domestic partner or child)

Name of Lender/Creditor/Guarantor

Name of Debtor (filer, spouse, domestic partner or child)

Name of Lender/Creditor/Guarantor

LOANS, and LOAN GUARANTEES, Of More Than \$1000

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 18 of the LFD manual for more information about the reporting requirements.

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

Name of Debtor (filer, spouse, domestic partner, 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 \$5000**

Retirement Accounts Trusts

If NONE reportable, check box

Report each beneficial interest in a retirement account or trust during calendar year 2003 for you, your spouse, domestic partner or dependent children. 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 such as IBM stock or Templeton Growth Fund

See page 20 of the LFD manual for more help.

Ann^M Rabinowitz 100%
Name of filer, spouse, domestic partner or child: Extent of Interest (Percent)

State of Alaska (Teacher Retirement)
Name of the person, employer 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

Ann-M. Rabinowitz 100% of spousal benefit
Name of filer, spouse, domestic partner, or child: Extent of Interest (Percent)

Judicial Retirement System (Spouse Jay A. Rabinowitz)
Name of the person, employer 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

Ann M. Rabinowitz 100%
Name of filer, spouse, domestic partner, or child: Extent of Interest (Percent)

Merrill Lynch IRA
Name of the person, employer 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

Name of filer, spouse or domestic partner, or child: Extent of Interest (Percent)

Name of the person, employer 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

Name of filer, spouse or domestic partner, or child: Extent of Interest (Percent)

Name of the person, employer 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 27 2004

**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 2003 held, bid or offered. Report this information for yourself, your spouse, domestic partner or, dependent child who was a sole proprietor, 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 21 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 bid held or offered during calendar year 2003. Report this information for yourself, your spouse, domestic partner or dependent child who was a sole proprietor, 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 22 of the LFD manual for more help.

Lenseholder

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

DATE

Printed Name of Filer

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

JAN 27 2004

RESUME

H. Conner Thomas
P.O. Box 865
Nome, Alaska 99762
907-443-5226/fax: 907-443-5098
e-mail: nomelaw@gci.net

EDUCATION

University of Louisville, School of Law
Louisville, Kentucky
J.D. (1977)

University of Kentucky
Lexington, Kentucky
B.A. Economics (1973)

EMPLOYMENT

Larson, Timbers & Thomas, P.C. August 1986 to present
Nome, Alaska
Associate and partner in a small general practice law firm

State of Alaska, Public Defender Agency May 1983 to August 1986
Nome, Alaska
Representing indigent criminal defendants

State of Alaska Court System - magistrate September 1982 to May 1983
Nome, Alaska
Arraign criminal defendants, preside over misdemeanor trials, act as master in child in need of aid and juvenile delinquency cases

Alaska Legal Services Corporation October 1979 to September 1982
Nome, Alaska
Staff and supervising attorney for law office representing indigent clients in civil cases

U.S. Department of Interior May 1979 to October 1979
Anchorage, Alaska
Land adjudicator

VISTA Volunteer October 1977 to January 1979
Fairbanks and Nome, Alaska
Staff attorney with Protection and Advocacy for developmentally disabled, Fairbanks, Alaska

Staff attorney with Alaska Legal Services Corporation, Nome, Alaska

ORGANIZATION

Legislative Ethic Committee
Public Member

January 1999 to present

Nome Kennel Club
Nome, Alaska
President, Board of Directors

December 1992 to present

Alaska Civil Liberties Union
Board of Directors

April 1994 to October 1997

Citizen Review Committee
Department of Health & Social Services

October 1985 to January 1987

ALASKA PUBLIC OFFICES COMMISSION
2221 E. NORTHERN LIGHTS, #128
ANCHORAGE, AK 99508-4149
907/276-4176 - FAX: 276-7018

ARRIVED

JAN 12 2004

APOC - ANCH
PM HC FAX

1-9-04

2004 LEGISLATIVE FINANCIAL DISCLOSURE STATEMENT
(AS 24.60.200 - 24.60.260)

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, 2003 and December 31, 2003.**
- ◆ You must show your own financial interests and those held by your spouse or domestic partner and dependent children living with you during calendar year 2003.
- ◆ 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, 2004.

Members of the Select Committee on Legislative Ethics file on January 12, 2004.

BACKGROUND INFORMATION

NAME: H. Conner Thomas 907-443-5226 907-443-5098
Phone Number Fax Number

OCCUPATION: Attorney

MAILING ADDRESS: P.O. Box 61 nomelaw@gci.net
(Street Address or Post Office Box) E-Mail Address

Nome, Alaska 99762
(City/Town and Zip Code)

Day Phone Number 907-443-5226 Day Fax Number 907-443-5098

OFFICE HELD (Check One): Legislator Legislative Director

Public member of the Select Committee on Legislative Ethics

TITLE: Chairperson of House Subcommittee

FAMILY MEMBER INFORMATION (list names):

SPOUSE OR DOMESTIC PARTNER: Margaret Ann Thomas

DEPENDENT CHILDREN: Maisie Emerson Thomas

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**SCHEDULE A
SOURCES OF INCOME OVER \$5000**

Salaried Employment

If NONE reportable, check box

Report the name and address of each employer from whom more than \$5000 was received during calendar year 2003.

List your employment as a legislator or legislative director, and each source of salaried income over \$5000 for your spouse, domestic partner and dependent children. 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 6-8 of the LFD manual for more help with this section.

Name of filer, spouse, domestic partner, or child: Margaret Ann Thomas

Employer's Name: Nome Public Schools

Employer's Address: P.O. Box 131, Nome, Alaska 99762

Nature of Services Provided: Substitute Teacher

Amount: Not required for family member

Name of filer, spouse, domestic partner, or child: _____

Employer's Name: _____

Employer's Address: _____

Nature of Services Provided: _____

Amount: \$ _____

Name of filer, spouse, domestic partner, or child: _____

Employer's Name: _____

Employer's Address: _____

Nature of Services Provided: _____

Amount: \$ _____

JAN 18 2004

JAN 1 2 2004

**SCHEDULE A
SOURCES OF INCOME OVER \$5000**

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, domestic partner or dependent children or a combination of them held a controlling interest, or a 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 \$5000 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 \$5000 during calendar year 2003.

Report the amount of income you received from a client, patient or customer when the client, 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.
See pages 8-10 of the LFD manual for more help with this section.

Name of filer, spouse, domestic partner, or child: H. Conner Thomas

Business Name: Lewis & Thomas, P.C., P.O. Box 61, Nome, Alaska 99762

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

Name of client/customer: Attachment A

Client/Customer Address: Attachment A

Nature of Services Provided: Legal Services

Amount: \$ _____

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 12 2004

**SCHEDULE A
SOURCES OF INCOME OVER \$5000**

Dividends and Interest

If NONE reportable, check box ⇒

Report the source of all dividends, interest and capital gains over \$5000 earned during calendar year 2003.

- 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 \$5000 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 13 of the LFD manual for more help with this section.

Recipient (filer, spouse, domestic partner, or child)

Name of Source of Income

H. Conner and Margaret A. Thomas _____

Wachovia Securities Brokerage Account _____

See Attachment B _____

Rental Income

If NONE reportable, check box ⇒

List the first and last name of each tenant from whom over \$5000 was received during calendar year 2003. If property is located outside Alaska and managed by a person other than you, your spouse, domestic partner or dependent child, you may list the managing agent instead of listing each tenant.

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

Owner (filer, spouse, domestic partner, or child)

Tenant(s)

Other Income

If NONE reportable, check box ⇒

List each source of income over \$5000 not listed elsewhere on this statement, including income from the sale of real property; 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 14 of the LFD manual for more help.

Recipient (filer, spouse, domestic partner, or child)

Name of Source

**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, domestic partner, or dependent children during calendar year 2003.

- List ownership interests of more than \$5000 as a shareholder in publicly traded stocks, 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 by name only on a separate page.)
- List interests as a sole proprietor, 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 16 of the LFD manual for more help.

Name of filer, spouse, domestic partner, or child: H. Conner Thomas

Business Name: Lewis & Thomas, P.C.

Business Address: P.O. Box 61, Nome, Alaska 99762

Nature of Interest: Shareholder/Partner/Owner

Description of Business's Activity: Legal services

Name of filer, spouse, domestic partner, or child: H. Conner Thomas and Margaret A. Thomas

Business Name: _____

Business Address: _____

Nature of Interest: Shareholder

Description of Business's Activity: Investment Account. See Attachment B

Name of filer, spouse, domestic partner, or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner, or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

Name of filer, spouse, domestic partner, or child: _____

Business Name: _____

Business Address: _____

Nature of Interest: _____

Description of Business's Activity: _____

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**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 2003.

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

List the name of Limited Partnerships in the "Business Interests" section on page five.

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

See page 17 of the LFD manual for more help.

Name of filer, spouse, domestic partner, or child: H. Conner Thomas and Margaret A. Thomas

Street Address or Legal Description: Lots 13B, 14B and 15B, First Addition to Banner Creek Subdivision,

Plat 83-11, Cape Nome Recording District, State of Alaska

City or Borough and State: Cape Nome Recording District, State of Alaska

Nature of Interest: Owner Residential and investment
(Option to Buy, Ownership, Leasehold) Current Use

Name of filer, spouse, domestic partner, or child: H. Conner Thomas and Margaret A. Thomas

Street Address or Legal Description: Lots 5 and 6, Melsing Creek Subdivision, Second Judicial District

City or Borough and State: Cape Nome Recording District, State of Alaska

Nature of Interest: Owner Recreational
(Option to Buy, Ownership, Leasehold) Current Use

Name of filer, spouse, domestic partner, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

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

Name of filer, spouse, domestic partner, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

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

Name of filer, spouse, domestic partner, or child: _____

Street Address or Legal Description: _____

City or Borough and State: _____

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

JAN 12 2004

**SCHEDULE C
LOANS, LOAN GUARANTEES, AND DEBTS
Of More Than \$5000**

Loans, Loan Guarantees, and Debts

If NONE reportable, check box ⇒ X

Report the name of each creditor or lender to whom more than \$5000 was owed during any part of the prior calendar year by you, your spouse, domestic partner or dependent children.

List financial obligations including mortgages on property sold during calendar year 2003; loans that have been guaranteed, 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.

Circle whether the entity is a lender, creditor or guarantor.

See page 18 of the LFD manual for more information about the reporting requirements.

Name of Debtor (filer, spouse, domestic partner or child)

Name of Lender/Creditor/Guarantor

Name of Debtor (filer, spouse, domestic partner or child)

Name of Lender/Creditor/Guarantor

Name of Debtor (filer, spouse, domestic partner or child)

Name of Lender/Creditor/Guarantor

Name of Debtor (filer, spouse, domestic partner or child)

Name of Lender/Creditor/Guarantor

LOANS, and LOAN GUARANTEES, Of More Than \$1000

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 18 of the LFD manual for more information about the reporting requirements.

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

Name of Debtor (filer, spouse, domestic partner, 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

**SCHEDULE C
BENEFICIAL INTEREST IN RETIREMENT ACCOUNTS/TRUSTS
Exceeding \$5000**

Retirement Accounts Trusts

If NONE reportable, check box

Report each beneficial interest in a retirement account or trust during calendar year 2003 for you, your spouse, domestic partner or dependent children. 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 such as IBM stock or Templeton Growth Fund

See page 20 of the LFD manual for more help.

H. Conner Thomas Various (see below)
Name of filer, spouse, domestic partner or child: Extent of Interest (Percent)

Lewis & Thomas, P.C.
Name of the person, employer or entity who provided the funds or assets (Trustor)

Ltd. Partnership Merrill Lynch (33% ownership; Attachment C); 401(K) plan (100% ownership; Attachment D)
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

H. Conner Thomas 100%
Name of filer, spouse, domestic partner, or child: Extent of Interest (Percent)

IRA Account, Wachovia Securities
Name of the person, employer or entity who provided the funds or assets (Trustor)

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

H. Conner Thomas 100%
Name of filer, spouse, domestic partner, or child: Extent of Interest (Percent)

State of Alaska, SBS, PERS
Name of the person, employer or entity who provided the funds or assets (Trustor)

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

Margaret A. Thomas 100%
Name of filer, spouse or domestic partner, or child: Extent of Interest (Percent)

New York Life Insurance Annuity, Sun Life of Canada Annuity, IRA Account Wachovia Securities
Name of the person, employer or entity who provided the funds or assets (Trustor)

Attachment G, H, and I
Name(s) of the stocks, bonds, mutual funds or other assets contained in the retirement account or trust

Maisie E. Thomas 100%
Name of filer, spouse or domestic partner, or child: Extent of Interest (Percent)

Henry and Betty Landsberger (Golden State Scholarshare 529 Account),
H. Conner and Margaret A. Thomas (T. Rowe Price University of Alaska 529 Account)
Name of the person, employer or entity who provided the funds or assets (Trustor)

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

**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 2003 held, bid or offered. Report this information for yourself, your spouse, domestic partner or, dependent child who was a sole proprietor, 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 21 of the LFD manual for more help.

Lewis and Thomas, P.C.
Name(s) of Contractor

Department of Administration
Office of Public Advocacy
Contracting Agency/Department

\$500,000
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 bid held or offered during calendar year 2003. Report this information for yourself, your spouse, domestic partner or dependent child who was a sole proprietor, 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 22 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.

H. Conner Thomas
SIGNATURE

1-9-04
DATE

H. Conner Thomas
Printed Name of Filer

Womek Alaska
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

JAN 12 2004

2003 Disclosures

Sitnasuak Native Corp Box 905 Nome, AK 99762	Office of Public Advocacy 900 W. 5th Ave. Suite 525 Anchorage, AK 99501	Natasha Gamache P.O. Box 1553 Nome, AK 99762	David Antonsen-Csiki P.O. Box 1111 Nome, AK 99762
Tia Wakolee P.O. Box 407 Kotzebue, AK 99752	Erick Baxter P.O. Box 1449 Nome, AK 99762	Bonanza Fuel, Inc. P.O. Box 1129 Nome, AK 99762	Rene Merchant c/o Earl & Lisa Merchant P.O. Box 1321 Nome, AK 99762
Estate of Duane Cocking C/o Karen Voggenthaler 2511 117 th Ave., N.E. Lake Stevens, WA 98258	Michael Badberg 202 Clark Talmage, NE 68448	Michael Scott P.O. Box 1471 Nome, AK 99762	Cody Iya c/o Cora Iya P.O. Box 899 Nome, AK 99762
Linnea Baker P.O. Box 1103 Nome, AK 99762			



ATTACHMENT A

**H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

JAN 1 2004

Portfolio Assets

This section includes estimated or unrealized gains or losses for your information only and should not be used for tax purposes. If acquisition information is not available, the gain/loss information may not be displayed and section and summary totals may not reflect your complete portfolio. Cost basis information provided by the account owner is not verified by First Clearing, LLC and should not be relied upon for legal or tax purposes. Bonds purchased at a premium or O.I.D. (Original Issue Discount) will be carried at the original cost basis. Factored bonds (GNMA, CMO, etc.) will be adjusted for paydown of principal. Systematic investments in mutual funds and reinvested dividends for mutual funds and stocks have been consolidated for each position. Unit cost data for systematic investments and dividend reinvestment securities is provided for informational purposes only and is a non-weighted average. To update your cost information or provide omitted cost information, contact your Financial Advisor. Estimated Annual Income, when available, reflects the estimated amount you would earn on a security if your current position and its related income remained constant for a year. Estimated Annual Yield, when available, reflects the current estimated annual income divided by the current value of the security as of the statement closing date. The information used to derive these estimates is obtained from various outside vendors; FCC is not responsible for incorrect or missing estimated annual income and yields.

Cash and money market funds

Description

Cash

BANK DEPOSIT SWEEP

OPTION

Interest Period 11/03/03 - 11/30/03

EVERGREEN MONEY MKT FD

CL A *

Interest Period 11/03/03 - 11/30/03

Total cash and money market

Curious how your securities are which may not be complete). For costs, contact Your Financial Advisor.

Stocks and options

Stocks

Description

ALLIED WASTE INDS INC

NEW PAR \$0.01

Acquired 12/09/02

AMERISOURCEBERGEN CORP

Acquired 12/20/01

Acquired 02/01/02

Acquired 07/17/02

Total

BANK OF AMERICA CORP

Acquired 07/01/99

Acquired 09/05/00

ATTACHMENT B

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska



WACHOVIA SECURITIES

Investment Account

17,659

**H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

Page 1 of 8

ACCOUNT STATEMENT

Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

JAN 1 2004

Your Financial Advisor:
LISA DOCHE/RAY YERKES
20551 N. PIMA ROAD, STE 200
SCOTTSDALE, AZ 85255
800-453-6737
480-419-2015

Current Investment Objective: *Growth + Moderate*

Account Summary

Portfolio Summary

Portfolio assets

- _____ Cash and money market
- _____ Stocks and options
- _____ Preferred stocks
- _____ Bonds
- _____ Certificates of Deposit
- _____ Mutual funds
- _____ Annuities/Insurance
- _____ Unit Investment trusts
- _____ Total assets
- _____ Outstanding margin balance
- _____ Net portfolio value

Other assets

These positions reflect purchases in for informational purposes only. If you can update this section. These are protected by SIPC.

- _____ Direct Investments
- _____ Special products
- _____ other assets

Realized Gain/Loss

- _____ Short-term
- _____ Long-term
- _____ Total Realized gain/loss

**H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

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Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

JAN 1 2004

Portfolio Assets

This section includes estimated or unrealized gains or losses for your information only and should not be used for tax purposes. If acquisition information is not available, the gain/loss information may not be displayed and section and summary totals may not reflect your complete portfolio. Cost basis information provided by the account owner is not verified by First Clearing, LLC and should not be relied upon for legal or tax purposes. Bonds purchased at a premium or O.I.D. (Original Issue Discount) will be carried at the original cost basis. Factored bonds (GNMA, CMO, etc.) will be adjusted for paydown of principal. Systematic investments in mutual funds and reinvested dividends for mutual funds and stocks have been consolidated for each position. Unit cost data for systematic investments and dividend reinvestment securities is provided for informational purposes only and is a non-weighted average. To update your cost information or provide omitted cost information, contact your Financial Advisor. Estimated Annual Income, when available, reflects the estimated amount you would earn on a security if your current position and its related income remained constant for a year. Estimated Annual Yield, when available, reflects the current estimated annual income divided by the current value of the security as of the statement closing date. The information used to derive these estimates is obtained from various outside vendors; FCC is not responsible for incorrect or missing estimated annual income and yields.

Cash and money market funds

Description

Cash

BANK DEPOSIT SWEEP

OPTION

Interest Period 11/03/03 - 11/30/03

EVERGREEN MONEY MKT FD

CL A

Interest Period 11/03/03 - 11/30/03

Total cash and money market

Curious how your securities are which may not be complete). For costs, contact Your Financial Adv

Stocks and options

Stocks

Description

ALLIED WASTE INDS INC

NEW PAR \$0.01

Acquired 12/09/02

AMERISOURCEBERGEN CORP

Acquired 12/20/01

Acquired 02/01/02

Acquired 07/17/02

Total

BANK OF AMERICA CORP

Acquired 07/01/99

Acquired 09/05/00

ATTACHMENT B

**WACHOVIA SECURITIES****H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

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ACCOUNT STATEMENT

Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

Stocks and options**Stocks continued**

Description

Acquired 12/09/02

Total

BARNES & NOBLE INC

Acquired 08/28/02

BIOTECH HOLDERS TR
DEPOSITARY RCPTS

Acquired 05/02/03

CAREMARK RX INC

Acquired 12/09/02

CISCO SYSTEMS INC

Acquired 01/02/01

Acquired 03/06/01

Acquired 04/11/01

Acquired 05/27/03

Total

COMCAST CORP NEW CL A

Acquired 05/12/03

COMPUTER ASSOC INTL INC

Acquired 07/01/99

Acquired 06/06/00

Acquired 07/25/00

Acquired 12/11/02

Total

CONOCOPHILLIPS

Acquired 03/26/99

Acquired 11/03/99

Acquired 03/06/00

Total

DELL INC

Acquired 02/11/00

Acquired 11/27/00

Total

EXXON MOBIL CORP

Acquired 07/01/99

GENERAL ELECTRIC COMPANY

Acquired 05/09/02

**H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

Stocks and options

Stocks continued

Description
Acquired 07/18/02
Acquired 10/23/02

Total

ING GROEP N V
SPON ADR
Acquired 06/18/03

INTEL CORP
Acquired 06/21/99
Acquired 12/10/02

Total

MEDTRONIC INC
Acquired 11/07/01
Acquired 12/10/02
Acquired 11/11/03

Total

MICROSOFT CORP
Acquired 04/12/00
Acquired 06/02/00
Acquired 10/03/01
Acquired 03/08/02

Total

PFIZER INCORPORATED
Acquired 02/07/01
Acquired 03/14/01
Acquired 12/09/02
Acquired 11/11/03

Total

PIER 1 IMPORTS INC
Acquired 08/28/02

PITNEY BOWES INC
Acquired 01/09/03

SOUTHWEST AIRLINES CO
Acquired 06/06/02
Acquired 12/11/02

Total

JAN 12 2004

**WACHOVIA SECURITIES****H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

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ACCOUNT STATEMENT

Sub / Branch / Rep Account No.
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November 1 - November 30, 2003

Stocks and options**Stocks continued**

Description

US BANCORP NEW
Acquired 11/03/00
Acquired 03/11/02

Total

VISHAY INTERTECHNOLOGY
Acquired 06/10/03**Total Stocks****Total Stocks and options****Mutual funds**

Estimated annual income and ylt

Description

ADVISORS SER TR
AI FRANK FD
Acquired 03/14/02
Acquired 01/08/03

Total

ALLIANCEBERNSTEIN FDS
WORLDWIDE PRIVATIZATION
FUND CL A
Acquired 02/19/99
Dividend reinvestment

Total

CGM REALTY FUND
Acquired 12/11/02
Dividend reinvestment

Total

FIRST EAGLE SOGEN FDS
INC OVERSEAS FD CL A
Acquired 12/10/02ISHARES MSCI JAPAN
INDEX FD
Acquired 11/18/03

JAN 12 2004

H CONNER THOMAS &
MARGARET A THOMAS JTWROS

Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

Mutual funds

Description

MUNIYIELD FUND INC
Acquired 08/12/99
Acquired 12/10/02
Acquired 12/10/02

Total

NUVEEN INSD MUN OPPTY
INC
Acquired 12/27/94

SALOMON BROTHERS FUN
INC
Acquired 05/02/03

Total Mutual funds

Cost information for one o

Activity Detail

Date	Account Type
11/03	Cash
11/03	Cash
11/04	Cash
11/07	Cash
11/10	Cash
11/11	Cash
11/11	Cash
11/11	Cash
11/11	Cash
11/14	Cash

JAN 12 2004



WACHOVIA SECURITIES

H CONNER THOMAS &
MARGARET A THOMAS JTWROS

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ACCOUNT STATEMENT

Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

Activity Detail continued

Date	Account Type	Transaction	Quantity	Description
11/14	Cash	JOURNAL		MUTUAL FUND 12B-1 REBATE
11/14	Cash	TRANSFER TO		BANK DEPOSIT SWEEP OPTION
1	Cash	DIVIDEND		ALLIANCEBERNSTEIN FDS WORLDWIDE PRIVATIZATION FUND CL A 111403 1,585.24700 AS OF 11/14/03
11/17	Cash	REINVEST DIV	6.05500	ALLIANCEBERNSTEIN FDS WORLDWIDE PRIVATIZATION FUND CL A
11/18	Cash	PURCHASE	800.00000	ISHARES MSCI JAPAN INDEX FD
11/13	Cash	TRANSFER TO		BANK DEPOSIT SWEEP OPTION
11/19	Cash	DIVIDEND		PIER 1 IMPORTS INC 111903 225
11/21	Cash	TRANSFER FROM		EVERGREEN MONEY MKT FD CL A
11/26	Cash	DIVIDEND		MUNIYIELD FUND INC 112603 600
11/28	Cash	INTEREST		BANK DEPOSIT SWEEP OPTION
1	Cash	DIVIDEND		EVERGREEN MONEY MKT FD CL A 112803 39,463
11/28	Cash	REINVST DIV/INT		BANK DEPOSIT SWEEP OPTION
11/28	Cash	REINVST DIV/INT		EVERGREEN MONEY MKT FD CL A

JAN 12 2004

**H CONNER THOMAS &
MARGARET A THOMAS JTWROS**

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Sub / Branch / Rep Account No.
001 / 87 / 8751 8317-8599

November 1 - November 30, 2003

Realized Gain/Loss

The following section details security positions you closed this month through such transactions as sales, buys-to-close, redemptions, transfers, corporate actions, etc. If we have the acquisition date, close date, and cost information, the realized gain/loss will be calculated. In December, a recap of all transactions for the year is listed. The realized gains and losses for municipal bond positions purchased at a premium do not reflect the amortization of that premium. Capital gain distributions from mutual funds are not included. Please contact your tax advisor to determine the tax consequences of your securities transactions.

Realized gain/loss summary

	Year to date	Year to date
Short-term		
Long-term		
Total realized gain/loss		
Short-term		
Description		
HEALTH MANAGEMENT ASSOC INC NEW CL A		
Total Short-term		
Long-term		
Description		
EMERSON ELECTRIC CO		
Total Long-term		

JAN 12 2004

Thank you for allowing Wachovia

UNIT # 05C45	F/A # 8688	PAGE # 1	TELEPHONE # 907-561-4433
STATEMENT PERIOD 11/01/03 TO 11/28/03			
FINANCIAL ADVISOR NKLIN PETERSON GRP		INVESTOR CREDIT LINE	
OFFICE SERVING YOUR ACCOUNT: 01 C ST PENTHOUSE STE WEST CHORAGE AK 99503			TYPE CASH

LARSON TIMBERS & THOMAS PC
 PROFIT SHARING PLAN
 U/A 01/01/1994
 PO BOX 61
 NOME AK 99762-0061

** 99762-0061

CUSTOMER SERVICE PLEASE CALL TOLL-FREE 1-800-MERRILL

ACCOUNT SUMMARY

OPENING BALANCE \$594.00CR	CLOSING BALANCE \$594.00CR	INVESTMENTS \$0	MONEY ACCOUNTS \$0.00	PRICED PORTFOLIO \$594.00
-------------------------------	-------------------------------	--------------------	--------------------------	------------------------------

DAILY ACCOUNT ACTIVITY

DATE	TRANSACTION	DESCRIPTION	PRICE	AMOUNT
01	OPENING BALANCE			\$594.00CR
28	CLOSING BALANCE			\$594.00CR

OTHER

INDEPENDENTLY VALUED DIRECT INVESTMENTS

INVESTMENT DESCRIPTION	QUANTITY	EST. VALUE PER UNIT	EST. VALUE*
LLP ACQUISITION RETIREMENT FUND II LP 89	10	8.000	\$80(1)
SUB-TOTAL			\$80

THE AMOUNTS PRESENTED FOR LIMITED PARTNERSHIPS AND OTHER DIRECT INVESTMENTS ARE FOR INFORMATIONAL PURPOSES ONLY, GENERALLY DO NOT REPRESENT THE MARKET OR LIQUIDATION VALUE OF THESE INVESTMENTS, AND MAY VARY FROM VALUES (IF ANY) PROVIDED BY THE ISSUER OR OTHERS. THESE INVESTMENTS ARE GENERALLY ILLIQUID AND ARE NOT LISTED ON A NATIONAL SECURITIES EXCHANGE OR THE NASDAQ STOCK MARKET, AND INVESTORS MAY NOT BE ABLE TO SELL THEM OR REALIZE THE AMOUNTS SHOWN ABOVE UPON A SALE OR LIQUIDATION. ALSO, THESE AMOUNTS ARE NOT INCLUDED IN THE "PRICED PORTFOLIO" OR SIMILAR CATEGORIES OF THIS STATEMENT. THESE INVESTMENTS ARE NOT REGISTERED IN THE NAME OF OR HELD BY MLPF&S OR ITS NOMINEES AND ARE HELD BY YOU OR REGISTERED IN YOUR NAME WITH THE ISSUER OR ITS AGENT. MLPF&S DOES NOT HOLD OR ACT AS CUSTODIAN FOR THESE INVESTMENTS. THE AMOUNTS REPRESENT ONE OF THE FOLLOWING, AS INDICATED:

) - AN ESTIMATE OF VALUE PROVIDED TO MERRILL LYNCH BY AN INDEPENDENT VALUATION SERVICE ON A SEMI-ANNUAL BASIS; IN THIS CASE, AN ESTIMATE OF VALUE BASED ON INFORMATION AVAILABLE TO THE SERVICE ON MARCH 31, 2003. THIS AMOUNT HAS NOT BEEN ADJUSTED TO REFLECT CHANGES WHICH MAY HAVE TAKEN PLACE SUBSEQUENT TO THAT VALUATION DATE.

) - UNAVAILABLE; THE VALUE OF THIS INVESTMENT MAY BE DIFFERENT THAN ITS ORIGINAL PURCHASE PRICE.

SEE DISCLOSURE ON THE REVERSE SIDE OF THIS STATEMENT WITH RESPECT TO THE VALUE OF LIMITED PARTNERSHIPS AND OTHER DIRECT INVESTMENTS SHOULD BE DISREGARDED IN FAVOR OF THE ABOVE.