

Alaska State Legislature

Select Committee on Legislative Ethics

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SENATE SUBCOMMITTEE Complaint S 18-04: Liz Clark, Senate Secretary

DETERMINATION OF PROBABLE CAUSE

H. Conner Thomas, Chair of the Senate Subcommittee on Legislative Ethics, received a complaint dated March 9, 2018 in this matter on behalf of the Senate Subcommittee (Subcommittee). The Subcommittee met on April 21, 2018. The Subcommittee determined that the preliminary examination requirements to accept the complaint were present, that the subject of the complaint, Liz Clark, admitted that the allegations were true, and that no further investigation of this matter was warranted or required. The Subcommittee further determined that there was probable cause to believe that a violation of the Ethics Law had occurred, and that Senate Secretary Liz Clark committed such a violation.

The facts supporting the Committee's belief that a violation of the Act occurred:

Date(s) or time period during which alleged violation occurred: At the time of the complaint and for some time prior to filing of the complaint. [Note: Subsequent disclosure filings by the subject Liz Clark show that the Close Economic Association under AS 24.60.070(a)(1) began in June 2013].

Part of the Ethics Act that was allegedly violated:

Sec. 24.60.070. Disclosure of close economic associations.

(a) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with (1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; ...[a] legislative employee required to make a disclosure under this section shall make a disclosure by the date set under AS 24.60.105 of the legislator's or legislative employee's close economic

associations then in existence. A disclosure under this section must be sufficiently detailed that a reader of the disclosure can ascertain the nature of the association. ... (d) In this section, "close economic association" means a financial relationship that exists between a person covered by this chapter and some other person or entity, including but not limited to relationships where the person covered by this chapter serves as a consultant or advisor to, is a member or representative of, or has a financial interest in, any association, partnership, business, or corporation.

Sec. 24.60.105. Deadlines for filing disclosures; requests to refrain from disclosure.

(a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadline for filing the disclosure shall be 30 days after the commencement of the matter or interest or the date the legislator or legislative employee first becomes subject to this chapter, whichever comes later. (b) Disclosures under the following statutes are subject to the deadlines set out in this section: ... (4) formation or maintenance of a close economic association under AS 24.60.070; ... (c) In addition to the filing requirements under (a) and (b) of this section, the disclosures under (b) of this section shall be made annually, in a report filed with the committee within 30 days after the first day of the regular legislative session.

THE INVESTIGATION

The Senate Subcommittee has determined that with the admission by the subject of the complaint that no further investigation is necessary or warranted.

DETERMINATION OF PROBABLE CAUSE ORDER AND DECISION

The Senate Subcommittee on April 21, 2018, found probable cause that Liz Clark, Senate Secretary, violated AS 24.60.070(a) and AS 24.60.105 by failing to disclose with the Ethics Office the existence of a Close Economic Association as defined in AS 24.60.070. The Close Economic Association consisted of a shared phone plan with other legislative employees who were supervised by Liz Clark. A Close Economic Association disclosure is required in such a case when a substantial financial interest of \$250 or more is involved in accordance with Advisory Opinion AO 14-01.

RECOMMENDATION:

The Senate Subcommittee determined that the normal procedures for a late disclosure of a Close Economic Association under AS 24.60.260(c) and Rules of Procedure Section 11(g) were followed in this matter. Liz Clark filed disclosures on March 13, 2018 in response to this complaint. Liz Clark was sent a letter by ethics staff on April 5, 2018 addressing the late disclosures and imposing a fine in the amount of \$100.00. That fine was paid by Liz Clark by check and documented to the Subcommittee.

The Subcommittee determined no further corrective action beyond the \$100 fine imposed and paid under the normal procedural steps was warranted. The late disclosures filed by Liz Clark, only after the filing of this complaint, was a violation of the Legislative Ethics Act. The disclosures

The committee has determined in Advisory Opinion AO 14-01 that any Close Economic Association in the amount of \$250 or more should be disclosed within 30 days after the commencement of the matter or interest or the date the legislator or legislative employee first becomes subject to this chapter, whichever comes later and annually thereafter if a continuing association.

Signature redacted for privacy

Adopted April 21, 2018
by a majority of the Senate Subcommittee

H. Conner Thomas, Chair

Members Participating

Senator John Coghill
Senator Berta Gardner
Dennis "Skip" Cook
Deb Fancher
Lee Holmes
Joyce Anderson
H. Conner Thomas, Chair