

*Minutes approved September 22, 2020*

**ALASKA STATE LEGISLATURE  
SELECT COMMITTEE ON LEGISLATIVE ETHICS**

JANUARY 21, 2020

3:00 PM

**Full Committee Meeting**

3:15:24 PM

**1. CALL THE MEETING TO ORDER**

Joyce Anderson called the meeting to order at 3:16 p.m. and directed Jerry Anderson to conduct roll call.

**Roll call**

Senator Elvi Gray-Jackson  
(Alternate for Senator Tom Begich)  
Representative DeLena Johnson  
Skip Cook  
Conner Thomas  
Joyce Anderson  
Lee Holmes  
Patrick FitzGerald (Alternate Public Member)  
Deb Fancher (telephonic)

Quorum present.

**Absent**

Senator Tom Begich  
Representative Louise Stutes  
Senator John Coghill

**Others present**

Jerry Anderson  
Jacqui Yeagle

Joyce Anderson relinquished the chair position to Lee Holmes.

3:18:05 PM

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### 2. APPROVAL OF AGENDA

Lee Holmes entertained a motion to approve the agenda.

Conner Thomas moved to approve the agenda. There were no objections. The agenda was approved.

[3:18:28 PM](#)

### 3. APPROVAL OF MINUTES

Lee Holmes entertained a motion to approve the December 2, 2019 Full Committee Meeting Minutes.

Skip Cook so moved. Senator Elvi Gray-Jackson seconded.

Joyce Anderson said she thought it important that member absences from committee meetings be included in the minutes and asked that they be added to the December 2, 2019 Full Committee Meeting Minutes.

There were no objections. The minutes were approved.

Lee Holmes entertained a motion to approve the December 2, 2019 House Subcommittee Meeting Minutes.

Senator Elvi Gray-Jackson announced she would be returning to floor session at 3:35 p.m.

Representative DeLena Johnson left the meeting.

[3:20:40 PM](#)

### 4. PUBLIC COMMENT

Vikki Jo Kennedy expressed outrage that at a June 13, 2019 executive session retroactive per diem payment for legislators was approved. She also reported that following the meeting, she heard a senator say, "we sure don't want the public to know about this." Vikki Jo Kennedy thanked the committee for their time.

[3:23:32 PM](#)

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**5. REVIEW OF COMMITTEE RULES OF PROCEDURE**

*[Reference Section 2 Administrative Policies (a) Authorizations]*

Lee Holmes opened a discussion of the Rules of Procedure by directing the committee's attention to Section 2(a) Administrative Policies. He read the rationale, and entertained discussion on the proposed revision.

Conner Thomas asked how the committee would proceed through the proposed revisions. Lee Holmes answered that they would review each of the proposed revisions and vote on them at one time, and in the event of contention with any of the proposed revisions, it could be removed by individual motion. Skip Cook proposed approving each of the revisions as reviewed due to the possibility of interruptions.

[3:25:30](#)

Lee Holmes responded that with the departure of Representative DeLena Johnson, there was no quorum for voting purposes. Holmes suggested that Skip Cook make a motion when there was a quorum. Skip Cook acknowledged Lee Holmes's suggestion.

Jerry Anderson asked to be recognized. Lee Holmes agreed. Jerry Anderson said that he understood that house members may return and had asked staffers to encourage house members back to the meeting.

[3:26:54](#)

Representative DeLena Johnson returned to the meeting.

Lee Holmes asked Skip Cook if he wanted to make a motion to vote on changing the language in Section 2(a) Administrative Policies to reflect an increase in the amount the chair is authorized to approve to \$2,000 as decided at the January 31, 2019 committee meeting. Skip Cook so moved. There were no objections. The motion was approved.

Representative Sara Hannan (Alternate for Representative Louise Stutes) joined the meeting.

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*[Reference Section 2 Administrative Policies (b) Communication]*

Lee Holmes directed the committee's attention to Section 2(b) Communication and entertained discussion or a motion about adding a reference to the Rules of Procedure, Section 9 Informal Advice. Conner Thomas moved. Senator Elvi Gray-Jackson seconded the motion. There was no objection or discussion; the motion was approved.

*[Reference Section 2 Administrative Policies (e) Compassionate Gift Approval]*

Lee Holmes referred to the proposed revisions in the Compassionate Gift Approval section and entertained discussion. Deb Fancher asked the meaning of the word "immediately" as used in the section. Lee Holmes referred the question to Joyce Anderson. Joyce Anderson said that a compassionate gift request needs to be looked at right away but allowed that another word could convey that directive. Deb Fancher said she understood the need to specify a timeline and suggested using instead "as soon as possible" or "within 24 hours."

[3:31](#)

Senator Elvi Gray-Jackson left the meeting.

Joyce Anderson said she was not sure the committee wanted to define "immediately" because it would depend on the timing of the request and the possible approval timeline, but she was open to leaving that decision to the committee. Conner Thomas asked if there had ever been a problem or issue with the timeline for compassionate gift requests. Joyce Anderson and Jerry Anderson responded to Conner Thomas and both said that as far as they know, there had never been a problem. Conner Thomas expressed his opinion that using the word "immediately" was fine.

Jerry Anderson told the committee that the language in the section should reference Advisory Opinion 19-06, not Advisory Opinion 19-05. Lee Holmes noted that correction. Lee Holmes entertained further discussion. There was no discussion. Holmes entertained a motion to approve. Joyce Anderson moved. There were no objections. The motion was approved.

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Jerry Anderson asked for clarification purposes if the committee had voted to include or exclude the word "immediately." Lee Holmes replied that per discussion by Conner Thomas, the word "immediately" was included.

*[Section 2 Administrative Policies (f) Internship Program Approval]*

Lee Holmes referred to the multiple proposed revisions in Section 2(f) Internship Program Approval, read the rationale, and entertained discussion. Joyce Anderson said the directive to send the informational letter to legislative offices was added following a discussion at the August 2019 committee meeting. Holmes thanked Joyce Anderson for the information and entertained further discussion. There was no discussion. Lee Holmes entertained a motion to approve. Skip Cook moved. There were no objections. The motion was approved.

[3:34:01](#)

*[Reference Section 2 Administrative Policies (h) Benefit and Loan Annual Review]*

Lee Holmes read the rationale for the proposal to delete the word "mid" from the first sentence in Section 2(h) Benefit and Loan Annual Review and entertained discussion. There was no discussion. Lee Holmes asked for a motion. Conner Thomas moved to approve. There were no objections. The motion was approved.

[3:35:11](#)

Deb Fancher asked to be recognized. Lee Holmes consented. Deb Fancher addressed the language in brackets on page 6: "Grab your reader's attention with a great quote ..." and asked for more information about it. Joyce Anderson responded that she was not aware of that sentence and the bracketed comment was removed. Deb Fancher thanked the committee and thanked Joyce Anderson for her work on the Rules of Procedure.

*[Reference Section 10 Advisory Opinions (i) Summary/Publication]*

Lee Holmes directed the committee's attention to the Summary/Publication section, read the rationale, and

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entertained further discussion. There was no discussion. Lee Holmes asked for motion. Skip Cook moved. There were no objections. The revision was approved.

*[Reference Section 11 Disclosures (h)(2) Late Disclosure Fines-Unpaid Fines]*

Lee Holmes directed the committee's attention to the Late Disclosure Fines section, read the rationale, and entertained discussion. There was no discussion. Lee Holmes asked for a motion. Joyce Anderson moved. There were no objections. The motion was approved.

*[Reference Section 11 Disclosures (i)(1) Requirements After Leaving Office or Employment with the Legislature]*

Lee Holmes directed attention to the Requirements After Leaving Office or Employment with the Legislature section and entertained discussion. Joyce Anderson commented that if approved, the provision would save both paper and administrative time. Conner Thomas moved to approve. There were no objections. The motion was approved.

*[Reference Section 12 Education (b)(3) Training]*

Lee Holmes directed attention to the training portion of the Education section, read the rationale, and entertained discussion. Representative DeLena Johnson questioned whether there was a need to include direction to keep paper training records on file. Lee Holmes directed the question to Administrator Jerry Anderson. Jerry Anderson replied that he was confident that accurate training records are kept.

Lee Holmes entertained further discussion. There was no further discussion. Lee Holmes asked for a motion. Representative Sara Hannan moved to approve. There were no objections. The motion was approved.

*[Reference Section 14 Complaints (c) Legal Representation]*

Lee Holmes directed attention to the Legal Representation section and read the rationale. Conner Thomas said that the proposed language does not mention verbal communication and recommended modifying the language in (2) to "Verbal communication shall be directed to the representative." Joyce Anderson agreed with Conner Thomas's recommendations.

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Representative Sara Hannan recommended replacing in (1) the term "another person" with representative, which is the term used in the following paragraph. Joyce Anderson replied that "another person" is the language used in statute.

Conner Thomas questioned sending correspondence to both the subject and the subject's representative when the subject desires that all communication be sent only to the representative. Lee Holmes asked Jerry Anderson to respond to Conner Thomas. Jerry Anderson replied that attorney practice is to send correspondence only to the attorney.

Conner Thomas replied that his question was about a situation where the subject directed the administration to direct all communication to the representative. Jerry Anderson replied that the committee had been clear that communication should be directed to both the subject and representative. Conner Thomas countered that he wondered if that practice should continue. Jerry Anderson offered that the committee might consider allowing communication only with the attorney if directed to do so in writing by the subject. Conner Thomas agreed the instruction should be in writing.

Joyce Anderson expressed her opinion that communication with the subject should continue in order to compensate for an attorney's inability to act on the communication. Skip Cook agreed with Joyce Anderson's comment. Representative DeLena Johnson also agreed that communication should be directed to both the subject and attorney. Lee Holmes entertained further discussion. There was no further discussion. Lee Holmes summarized the proposal to revise the language to "Verbal communication shall be directed to the representative." and entertained a motion. Conner Thomas moved. There were no objections. The motion was approved.

[3:51](#)

*[Reference Section 14 Complaints (d)(2) Preliminary Examination of Complaint]*

Lee Holmes directed the committee to the revision in the Preliminary Examination of Complaint section, read the rationale, and entertained discussion. There was no

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discussion. Lee Holmes asked for a motion. Joyce Anderson moved. There were no objections. The motion was approved.

*[Reference Section 14 Complaints (e)(1) Waiver of Confidentiality by Subject of Complaint]*

Lee Holmes directed the committee to the proposed revision in the Waiver of Confidentiality by Subject of Complaint section, read the rationale, and entertained discussion. There was no discussion. Lee Holmes entertained a motion. Representative Sara Hannan moved. There were no objections. The motion was approved.

[3:52](#)

*[Reference Section 14 Complaints (e)(2) Types of Confidentiality Waivers and (e)(3) Waiver of Confidentiality Before or After a Decision by the Committee]*

Lee Holmes directed the committee to the proposed revisions in the Waiver of Confidentiality section, read the rationale, and entertained discussion. Joyce Anderson commented that adding the heading in Section 14 Complaints (e)(2) makes clear the types of confidentiality waivers.

Joyce Anderson explained she added the heading in (e)(2) to make clear the difference between the types of confidentiality waivers and in (e)(3)(A) addressed confidentiality waived prior to a decision by the committee and how the committee will report subsequent executive committee findings. Joyce Anderson said that Senator John Coghill had expressed concerns about the committee making decisions in executive session, which is not allowed on the legislative level. The revision in Section 14 Complaints (e)(3) is the result of her review of AS 24.60.170(f), that says, "... Committee deliberations and vote on the dismissal order and decision are not open to the public or to the subject of the complaint," which allows the committee to vote in executive session and later in public session state that the decision was by majority vote. Joyce Anderson said that the proposed revision makes it clear that there is no public vote, a question that arose in 2019.

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Representative DeLena Johnson said that in her municipal experience, an agreement could be reached in executive session and then for the record in public session state the agreement. Representative Johnson asked Joyce Anderson if that process aligned with the proposed revision. Joyce Anderson responded it did. Representative DeLena Johnson confirmed that committee members were prohibited from putting the vote on the record. Joyce Anderson confirmed Representative DeLena Johnson's understanding and recalled that in the early 2000s, a legislator had disagreed with a complaint vote and the legislator wrote an addendum to the complaint that clearly demonstrated disagreement with the decision and that if in the future a legislator wanted to do something similar that would be possible.

Conner Thomas commented that the committee does vote in executive session and the decision is affirmed in public session but individual votes are not put on the public record. Joyce Anderson said the numerical results of the vote are also not put on the record.

Deb Fancher reported there had been in her committee tenure a vote taken in executive session at which time she had been told that her vote would not become part of the public record. Then later the committee members had to reveal how they voted. Deb Fancher said that is why she thinks it important to have this made clear.

Lee Holmes asked if there were more discussion. Skip Cook moved to approve. There were no objections. The proposed revision was approved.

[4:02](#)

*[Reference Section 14 Complaints (e)(3)(B) Confidentiality Waived after a Decision by the Committee]*

Lee Holmes directed the committee to the proposed changes in the Waiver of Confidentiality after a Decision by the Committee section. Lee Holmes read the rationale and asked if there were any discussion.

Joyce Anderson explained that section (e)(3)(B) focuses on confidentiality waived after a committee decision. Lee Holmes thanked Joyce Anderson for her explanation and entertained discussion. There was no discussion and Lee

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Holmes entertained a motion. Representative Sara Hannan moved. There were no objections. The motion was approved.

4:04

Joyce Anderson advised that the next highlighted section was moved to section (e)(1)(A) and required no action. Lee Holmes agreed.

*[Reference Section 14 Complaints (f) Response by the Subject of a Complaint]*

Lee Holmes directed attention to the Response by the Subject of a Complaint section, read the rationale, and entertained discussion.

Skip Cook said the rules do not address whether an acknowledgement of receipt is verbal or written and wondered how acknowledgement of receipt is documented. Lee Holmes directed the question to Jerry Anderson, who responded that he always requires written acknowledgment via email or a signed certified mail receipt.

Conner Thomas said he had asked Jerry Anderson what action he would take if acknowledgement was not received. Jerry Anderson responded that he would take whatever additional steps were necessary, including using a process server, to ensure acknowledgment. Jerry Anderson added to Conner Thomas's statement saying the he had never used a process server but that he thinks it appropriate if other means have failed.

Lee Holmes entertained further discussion. Joyce Anderson asked the committee if adding the words "written acknowledgement" was sufficient. Lee Holmes built on Joyce Anderson's question by asking what type of written acknowledgement was required.

Representative DeLena Johnson suggested using established criteria and deferred to the rest of the committee. Lee Holmes asked the attorneys on the committee if there was legal precedent for acknowledgement of receipt. Conner Thomas said that there is a legal process in litigation but wondered if the committee wanted to limit the administrator by requiring the legal process. Skip Cook recommended changing the language to direct the administrator to

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"obtain acknowledgement of receipt," which would allow for a variety of communication methods.

Joyce Anderson said that she was aware of a time in which a process server was needed in order to obtain acknowledgement of receipt, and for that reason recommended leaving it to the administrator to decide on a case by case basis.

Representative Sara Hannan asked Jerry Anderson for a sense of how often different methods of acknowledgement are used. Jerry Anderson responded that he has received acknowledgement by email and by signed certified mail receipt.

Patrick FitzGerald stated that he understood the rules would require acknowledgment of receipt by the subject and representative if used and Joyce Anderson responded that his understanding was correct.

Lee Holmes restated the proposed revision: The administrator shall obtain acknowledgment of receipt of the correspondence by the subject, and the subject's representative if appropriate.

Skip Cook moved to approve. There were no objections. The motion was approved.

[4:12](#)

*[Reference Section 14 Complaints (h) Committee Restrictions]*

Lee Holmes directed the committee's attention to the discussion item at the bottom of page 21: Should Ethics staff be included in (h) Committee Restrictions and also avoid ex parte communication with the listed parties? Lee Holmes explained that the rules of procedure stipulate that only committee members avoid such communication and entertained discussion.

Hearing no discussion, Lee Holmes asked Jerry Anderson to comment. Jerry Anderson replied that he strongly recommending not restricting staff because staff need to provide documents.

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Lee Holmes entertained further discussion. Representative Sara Hannan asked if the question was whether to include staff in the ex parte communication restriction. Lee Holmes replied affirmatively. Skip Cook asked who would provide the documents if staff are restricted. Joyce Anderson replied that it was included only as a discussion topic. No action taken.

*[Reference Section 15 Complaints-Investigations (a) Scope of Investigation Resolution]*

Lee Holmes said that as no motion was required, the committee would move on to the proposed revisions in Section 15 Complaints-Investigations. Lee Holmes read the rationale, and entertained discussion. Conner Thomas expressed his opinion that for consistency the same language used in Section 14(f) addressing acknowledgement of receipt should be used in Section 15(a).

Lee Holmes entertained further discussion. There was no further discussion. Lee Holmes entertained a motion. Representative Sara Hannan moved. Lee Holmes entertained objections. There were no objections. The motion was approved.

[4:21](#)

*[Reference Section 15 Complaints-Investigations (b) Investigative Plan]*

Lee Holmes moved to the next proposed revision and entertained discussion. Seeing none, Lee Holmes entertained a motion. Joyce Anderson moved. There were no objections. The motion was approved.

*[Reference Section 17 Complaints-Decisions (a) Committee - Meetings]*

Lee Holmes directed the committee's attention to Section 17 Complaints - Decisions, read the rationale, and advised using the same language as previously adopted in Section 14(f). Conner Thomas and Joyce Anderson agreed that consistency throughout is desirable. Lee Holmes entertained further discussion. There was no further discussion. Lee Holmes entertained a motion. Conner Thomas moved. There were no objections. The motion was approved.

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*[Reference Section 17 Complaints-Decisions (b) Public Decisions and Orders]*

Lee Holmes moved to the proposed revision in the Public Decisions and Orders section and read the rationale. Joyce Anderson advised modifying the language in (1) and she, Skip Cook, and Conner Thomas collaborated in modifying the proposed revision in (1) to: "After deliberations and vote in executive session, pursuant to AS 24.60.170(f), the committee will reconvene in a public session." Lee Holmes entertained further discussion about the revisions in (1). There was no further discussion.

Lee Holmes entertained discussion about the balance of the proposed revisions in the Public Decisions and Orders section. Skip Cook advised that the language in (3) should be consistent with the language previously adopted directing the administrator to obtain acknowledgement of receipt by the parties listed and he added that he thought there should be a colon after the media (the last word in the paragraph). Joyce Anderson agreed with Skip Cook's recommendation. Lee Holmes reviewed the modifications, "The administrator shall obtain acknowledgement of receipt of the Public Decision and Order by the subject of the complaint or the subject's representative, Speaker of the House and Senate President (or designated staff) and complainant is required prior to informing the media:"

Lee Holmes entertained further discussion. There was no further discussion. Lee Holmes entertained a motion. Skip Cook moved. There were no objections. The motion was approved.

Joyce Anderson advised revisiting the revisions made to Section 14(3)(A)(2) Confidentiality Waived Prior to a Decision by the Committee section, and for consistency, modifying (2) to, "After deliberations and vote in executive session, pursuant to AS 24.60.170(f), the committee will reconvene in a public session." Joyce Anderson moved. There were no objections. The motion was approved.

Lee Holmes directed the committee's attention to the proposed deletion of the paragraph at the top of page 25 and entertained discussion. There was no discussion. Lee Holmes entertained a motion. Conner Thomas moved. There were no objections. The motion was approved.

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*[Reference Section 17 Complaints-Decisions (c) Dismissal Prior to Investigation]*

Lee Holmes addressed the proposed revisions in (c) Dismissal Prior to Investigation section, read the rationale, and entertained discussion. There was no discussion. Lee Holmes entertained a motion to approve. Joyce Anderson moved. There were no objections. The motion was approved.

*[Reference Section 17 Complaints-Decisions (d) Dismissal for Lack of Probable Cause]*

Lee Holmes directed the committee's attention to the proposed revisions in the Dismissal for Lack of Probable Cause section, read the rationale, and entertained discussion. There was no discussion. Lee Holmes entertained a motion to approve. Skip Cook moved. There were no objections. The motion was approved.

*[Reference Section 17 Complaints-Decisions (e) Determination of Probable Cause]*

Lee Holmes moved to the proposed revisions in the Determination of Probable Cause section, read the rationale, and entertained discussion. There was no discussion. Lee Holmes entertained a motion to approve. Representative Sara Hannan moved. There were no objections. The motion was approved.

*[Reference Section 17 Complaints-Decisions (f) Annual Summary Publication]*

Lee Holmes directed the committee's attention to the proposed revisions in the Annual Summary Publication section, read the rationale, and entertained discussion. There was no discussion. Lee Holmes entertained a motion to approve. Conner Thomas moved. There were no objections. The motion was approved.

*[Reference Section 18 Complaints-Hearing Procedures (g) General]*

Lee Holmes addressed the proposed revisions in Section 18 Complaints - Hearing Procedures. He read the rationale then entertained discussion. There was no discussion. Lee Holmes

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entertained a motion to approve. Skip Cook moved. There were no objections. The motion was approved.

*[Reference Section 18 Complaints-Hearing Procedures (b) General]*

Lee Holmes moved to the proposed revisions in the Counsel Representation at Hearing section. Joyce Anderson pointed out that the language proposed for deletion had been moved to Section 18 (a)(1).

*[Reference Section 18 Complaints-Hearing Procedures (a) Conduct of Hearing]*

Lee Holmes then directed the committee's attention to the proposed changes in the Conduct of Hearing section and entertained discussion. Jerry Anderson noted the first line of the paragraph following the rationale was inadvertently deleted. Joyce Anderson read the missing text: The hearing office will rule on whether a witness is to appear in person or on ... .

Lee Holmes entertained a motion to approve. Skip Cook advised modifying the first sentence of the section that says, "The committee shall appoint ..." to, "The committee chair shall appoint ..." in order to better align with the intent in the last sentence, which he contended, would no longer be needed. Lee Holmes responded that the modification would authorize the chair to appoint a hearing officer regardless of the committee's stance. Representative Sara Hannan added her concern that there was no appeal process in the choice of hearing officer. Skip Cook advised looking at statute.

[4:43](#)

Patrick FitzGerald left the meeting.

Lee Holmes opined that the section seemed to be in line with legislative committee chair authority. Representative DeLena Johnson recommended deleting the last line and modifying the first sentence to say, "The committee chair may appoint." Skip Cook asked if rather than "may" it should be "shall." Lee Holmes asked Jerry Anderson if the word "shall" would make a hearing officer mandatory. Jerry Anderson agreed that the expense of a hearing officer may not be desirable. Joyce Anderson countered that the section

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under discussion is part of the procedure after the decision to hire a hearing officer takes place.

Lee Holmes read the sentence just before the sentence under discussion: The hearing shall be in front of the appropriate committee of the Select Committee on Legislative Ethics and presided over by the chair of that committee. Lee Holmes understood the next line would say, "The committee chair may appoint an impartial Hearing Officer to facilitate and expedite procedural aspects of the hearing." Lee Holmes added that it is clear that the chair presides and the chair may appoint.

Representative Sara Hannan asked if the committee chair can serve as the hearing officer. Skip Cook replied affirmatively and added that the committee had in the past used administrative hearing statute procedures. Skip Cook supported the use of the word "may" in the first sentence.

Patrick FitzGerald returned to the meeting.

[4:46](#)

Representative Sara Hannan concluded it was important to say the committee chair's decision is final. Skip Cook checked his understanding that the chair would decide if a hearing officer is needed and who that hearing officer will be. Lee Holmes agreed with Skip Cook's assessment. Skip Cook stated that is out of line with past committee practice; the decision to hire a hearing officer was made by the committee. Conner Thomas agreed with Skip Cook. Skip Cook opined that he did not want to put that responsibility on the chair and recommended modifying the proposed revision to "The committee may authorize the chair ... . Joyce Anderson voiced agreement with Skip Cook's recommendation and together they expressed the sentiment that the committee makes the decision to hire a hearing officer and the chair decides the hearing officer.

Representative DeLena Johnson iterated her understanding of the difference between the responsibility of the committee and that of the chair - the committee makes the decision to appoint a hearing officer and the chair appoints the hearing officer. Joyce Anderson replied that Representative DeLena Johnson's understanding was correct.

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Lee Holmes asked Jerry Anderson if the committee can act outside of a formal meeting in choosing to hire a hearing officer or in choosing a hearing officer. Lee Holmes expressed his concern that a delay in the decision could delay the public hearing. Jerry Anderson replied that by the time a complaint is at the public hearing stage, the process is involved and expressed his opinion that delay would not be an impediment. Skip Cook added that the committee is involved all along so they would know if the situation were serious enough to hire a hearing officer and he repeated his opinion that the decision to hire a hearing officer belongs to the whole committee. Representative Sara Hannan agreed that the whole committee should determine the need for a hearing officer and the chair should determine the identity of the hearing officer.

Skip Cook reiterated his suggestion to say, "The committee may authorize the chair to appoint an impartial hearing officer ..." Joyce Anderson advised dividing the hearing officer section into two sections: one that says the committee determines the need for a hearing officer and the other defining the chair's authority. Representative DeLena Johnson advised only modifying the last sentence to, "The committee chair appoints the hearing officer and the committee chair's decision is final." The committee continued the discussion and reviewed for Representative DeLena Johnson's benefit the process used in the most recent public hearing.

[5:08](#)

Representative DeLena Johnson left the meeting.

Lee Holmes asked Jerry Anderson if it would be possible to continue wordsmithing the section by email outside of the meeting and then to distribute the final product to all the committee members. Jerry Anderson replied that it would be possible to proceed per Lee Holmes's proposal. Lee Holmes entertained discussion of tabling the paragraph. There was no discussion. The committee moved forward with the understanding that Jerry Anderson would provide a first draft, which would be sent to Joyce Anderson and Skip Cook for review. When complete, the final product would be emailed to all committee members for electronic approval.

*[Reference Section 18 Complaints-Hearing Procedures (g) (6) Teleconference]*

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Lee Holmes moved to the next proposed revision in the Conduct of Hearing, Teleconference section, he read the rationale, and entertained discussion. There was no discussion. Lee Holmes entertained a motion. Representative Sara Hannan moved. There were no objections. Lee Holmes stated there was a hold on the vote.

[5:13](#)

*[Reference Section 18 Complaints-Hearing Procedures (h) Post-Hearing]*

Lee Holmes directed the committee's attention to the proposed revisions in the Post-Hearing section and reviewed the rationale. Joyce Anderson said that the language in (2) of the Post Hearing section should be changed as it was changed in two previous sections to "After deliberations and vote in executive session, pursuant to AS 24.60.170(f), the committee will reconvene in a public session."

Lee Holmes entertained discussion. There was no discussion. Lee Holmes deliberated whether the committee could vote on the proposed revision under discussion or if the committee would need to wait until there was a quorum. Lee Holmes recommended waiting until that time to vote on all of the remaining revisions.

[5:15](#)

*[Reference Section 19 Complaints-Discovery]*

Lee Holmes moved to the proposed title change in Section 19 Complaints - Discovery and read the rationale. Skip Cook said that the section was confusing and needed re-working and he recommended proceeding in the same fashion as in the Hearing Officer section. Joyce Anderson said that she agreed with the idea of sending out for review a re-draft of the section but that she thought a committee discussion was necessary before approval. Joyce Anderson also said that she thought it was important that all committee members vote by email on the Conduct of Hearing and Post-Hearing sections and recommended adding discussion of the Complaints-Discovery section to the next meeting's agenda.

Lee Holmes said the committee had voted on all proposed revisions with the exception of the Conduct of Hearing, Post-Hearing, and the Complaints-Discovery sections. He

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said the proposed revisions in the Conduct of Hearing and Post-Hearing sections would be voted on by email and the Complaints-Discovery section would be on the next meeting agenda. Conner Thomas asked if there was a possibility there would be a quorum before the end of the day. Lee Holmes replied that it might be possible and called for a recess.

[5:21:41 PM](#)

RECESS

[5:45](#)

Lee Holmes called the meeting back to order.

**Roll call**

Representative Sara Hannan  
(Alternate for Representative Louise Stutes)  
Skip Cook  
Conner Thomas  
Joyce Anderson  
Representative DeLena Johnson  
Patrick FitzGerald (Alternate Public Member)  
Lee Holmes  
Deb Fancher (telephonically)

Quorum present.

Absent

Senator John Coghill  
Senator Tom Begich  
Representative Louise Stutes

**6. CHAIR/STAFF REPORT**

**a. Informal Advice Staff Report**

Jerry Anderson referred to the informal advice report in the packet, noting the uniqueness of the questions that were included, and advised the committee that their comments were welcome.

Representative Sara Hannan asked for clarification about the first question and answer.

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**May a legislator engage in fundraising activities including solicitations for a local or municipal race within 90 days during a special session?**

No. The exception at AS 24.60.031(b)(1)(A) is only for an election in which the legislator is the candidate. The legislator is not a candidate in the local or municipal race within 90 days in this instance. The question involved fundraising activities for another candidate.

[5:48](#)

Representative Sara Hannan noted that the answer begins with "No" but the narrative suggests an exception for a legislator who is not a candidate. Representative Sara Hannan asked for clarification.

Jerry Anderson responded that the answer is no, however, there is an exception to the general no fundraising rule in AS 24.60.031(b)(1)(A), which did not apply in the situation under review.

Representative Sara Hannan said her understanding was that as an elected person she may not fund raise during a session for herself or anyone running for a local or municipal race.

Jerry Anderson affirmed Representative Sara Hannan's understanding and referred to the language in AS 24.60.031(b)(1)(A).

Joyce Anderson suggested re-working the answer by moving the third sentence before the second sentence and modifying that sentence to say, "The exception is only in which the legislator is a candidate."

Joyce Anderson commented that the first question on page three should reference AS 24.60.105(c).

Joyce Anderson asked if the questions and answers would be available to read online. Jerry Anderson responded affirmatively, after they are approved and amended.

Joyce Anderson recommended adding a reference to AS 24.60.030(f), which refers to board memberships, to the bottom of page two.

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**b. National Conference of State Legislatures (NCSL)**

**Ethics Training**

Lee Holmes reported that the National Conference of State Legislatures (NCSL) had held two trainings in Juneau and asked Jerry Anderson for comment.

Jerry Anderson reported that a total of 87 people attended the training sessions, 58 in the morning and 29 in the afternoon. Jerry Anderson also reported that response to the training was highly favorable and that there is interest in bringing them back for training in 2021.

Skip Cook said he thought the NCSL training was excellent and that Jerry Anderson's use of the limited time allotted to him was effective.

Joyce Anderson agreed with Skip Cook and added that she liked that Jerry Anderson covered the ethics statutes section by section.

Jerry Anderson said it was challenging to get through the Legislative Ethics Act in 40 minutes and so he tried to focus in on the parts most relevant to the attendees.

6:00

Senator Tom Begich joined the meeting.

**c. COGEL Reports**

Lee Holmes reported that Skip Cook, Conner Thomas, Representative Louise Stutes, Representative DeLena Johnson, and Jerry Anderson attended COGEL 2019. Lee Holmes invited Jerry Anderson to comment.

Jerry Anderson opined that COGEL conferences get better every year and it is reflected in increased attendance. Exposure to the issues outside Alaska is beneficial for Alaskans.

Representative DeLena Johnson expressed her opinion that the conference was outstanding, speaker quality was high, and the topics were relevant - all together one of the better learning experiences she has had.

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Conner Thomas agreed with Representative DeLena Johnson and said that the sessions he attended were well presented and extremely interesting.

Skip Cook agreed with Jerry Anderson that the quality of COGEL conferences increases every year and recommended committee members attend if the opportunity arises.

Joyce Anderson asked what the membership cost is now. Jerry Anderson responded about \$660. Joyce Anderson said that in her opinion, it was well worth it.

6:08

**5. REVIEW OF COMMITTEE RULES OF PROCEDURE - CONTINUED**

Lee Holmes directed the committee's attention back to the Rules of Procedure discussion. Lee Holmes reported that during the break Skip Cook, Joyce Anderson, and Conner Thomas had revised the hearing officer portion of the Rules of Procedure. Lee Holmes directed Joyce Anderson to read the revised language.

*[Reference Section 18 Complaints-Hearing Procedures (g) Conduct of Hearing]*

Joyce Anderson read the proposed revision:

a. The committee may determine the need for an impartial Hearing Officer to facilitate and expedite procedural aspects of the hearing.

b. The committee chair shall compile a list of hearing officers. The list will be provided to the committee counsel and the counsel for the person charged or the person charged. The counsels or the person charged may submit recommendations to the chair for selection or disqualification of any candidate. The committee chair's selection of the hearing officer is final.

Lee Holmes thanked the committee members and entertained discussion of the proposed revision. Senator Tom Begich recommended a motion prior to discussion. Skip Cook so moved. There was no discussion. There was no objection. The motion was approved.

## *Minutes approved September 22, 2020*

Lee Holmes reviewed two other proposed revisions not approved due to lack of a quorum: (6) Teleconference in the Conduct of Hearing section and (h) (2) in the Post-Hearing section. Lee Holmes entertained a motion to approve. Senator Tom Begich moved. Lee Holmes entertained discussion on the proposed revision. There was no discussion. There were no objections. The motion was approved.

Lee Holmes reminded the committee that the changes to the Complaints-Discovery section were tabled until the next meeting.

[6:12:45 PM](#)

### **7. OTHER BUSINESS**

Lee Holmes asked Jerry Anderson if he wanted to attempt to set a future meeting date.

Jerry Anderson responded that he was not aware of any pending business so the meeting would only need to address administrative matters and the balance of changes to the rules of procedure.

The committee discussed possible future meeting dates. Senator Tom Begich suggested that committee members inform Jerry Anderson about known absences. Lee Holmes agreed and asked Jerry Anderson if he would for discussion purposes propose a time frame. Jerry Anderson suggested a three-month time frame. Lee Holmes suggested a four-month time frame and asked committee members to contact Jerry Anderson with their known absences for February, March, April, and May.

Lee Holmes invited discussion about other business. There was none.

Senator Tom Begich moved to adjourn. There were no objections. The meeting adjourned.

[6:16:28 PM](#)