

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

**MINUTES from September 29, 2015
FULL COMMITTEE MEETING
ANCHORAGE LIO AUDITORIUM**

8:31:29 AM

Committee Members Present:

Skip Cook
Janie Leask
Gary Turner (by teleconference)
Conner Thomas
Sen Stevens
Sen Egan
Rep Tuck
Rep Vazquez (Joined meeting at 8:39)

Others Present:

Jerry Anderson, Administrator
Joyce Anderson, Contract Employee
Dan Wayne, LAA Legal

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair Cook at 8:31 a.m.

2. APPROVAL OF AGENDA:

Motion to approve the agenda with no changes or additions by Representative Tuck. Motion passed.

3. APPROVAL OF MINUTES:

a. June 16, 2105 - Full Committee

Motion to approve with no changes or additions by Janie Leask. Motion passed.

4. PUBLIC COMMENT: No public comments.

5. CHAIR STAFF REPORT

a. Comments from Administrator

Administrator Jerry Anderson reviewed the supplemental materials provided to committee members. He noted

that the job posting for administrative assistant was delayed for a week due to insufficiency of the generic language. An amended posting describing confidentiality requirements, possible travel to Juneau, requirement of a background check, and variable work hours was reposted.

Other supplemental materials related to the Advisory Opinions were distributed.

The committee is receiving regular payments regarding an outstanding ethics fine. It is the only outstanding fine.

b. Informal Advice Staff Report

Informal advice from the management log was presented. Mr. Anderson explained that the log was organized by categories, and that identifying information was removed. The time frame for this report was from January to April of 2015. Previous advice could be accessed on the website based on either category or date.

Mr. Anderson noted that Rep. Vazquez joined meeting. Dan Wayne was present by teleconference as well.

The members discussed specific advice from the management log.

c. 2015 Ethics Training

Mr. Anderson reported that 602 people had completed training, either in-person or online. Everyone was in compliance.

d. Ethics Disclosures

All fines were paid except Representative Gattis. Mr. Anderson will make final contact.

Member Turner asked about late disclosures from Representative Gruenberg and Senator Micciche. Mr. Anderson stated that they had been instructed regarding time frames and they had since filed late disclosures.

Close Economic Association (CEA) disclosure numbers have decreased because of the "less than \$250" advice.

6. BUDGET

a. FY 15 Budget Recap

FY 15 is closed out. Ten percent was not spent. Categories have changed for 2016, and are flat except for personnel.

7. COGEL CONFERENCE

The 2015 COGEL conference will be in Boston, MA, December 6-9. Mr. Anderson will attend as it provides valuable education and resources. Mr. Cook encouraged members to attend if their schedules would allow.

8. CONTRACT REVIEW

a. Brent Cole, Outside Counsel, FY 16 Contract

The committee was asked to consider raising the rate from \$175 per hour to \$200 per hour for attorney Brent Cole. The total contract amount of \$10,000 would remain the same. Chair Cook noted that Mr. Cole's rate has always been substantially under market value.

Mr. Thomas made a motion to raise the rate to \$200 and approve the FY 2016 contract. There was no objection and the motion passed.

b. Monique Rapuzzi, Investigator, FY 16 Contract

No requested changes on the contract. A motion was made by Rep. Tuck to approve the FY 16 contract. No objection. Motion passed.

9. ADVISORY OPINION 15-02 - Lunch & Learn Presentations

Mr. Anderson stated that AO 15-02 was requested by the Chair, and that confidentiality was previously waived. Supplemental materials contained AO 13-04 as a reference. Dan Wayne from Legislative Legal presented the draft advisory opinion.

Mr. Wayne noted there were two questions to be answered. (1) Does the opportunity for a person other than a legislator, to provide a free meal to legislators and legislative staff at a lunch and learn event relating to a matter of legislative concern in a state facility, create the appearance of a conflict of interest?

(2) Does the event presenter get a private benefit by providing a lunch presentation at a lunch and learn event?

DISCUSSION OF AO 15-02

Members discussed the terms "legislative purpose" vs. "legislative concern."

The members discussed private benefit in conjunction with legislative purpose or concern.

Mr. Wayne said he would list out the 3 prohibitions in AS 24.60.030(a)(2) more clearly, and then address each one, pointing out that it has a legislative purpose.

Chair Cook asked Mr. Wayne if he had enough information to work on redrafting the Opinion. Mr. Wayne replied yes, verifying that he would add sentences about publicity focusing on topics rather than a particular business, and work on the 'legislative purpose' or 'legislative concern' issues.

Chair Cook asked Mr. Wayne to take into account that there is a concern that the emphasis be on matters of legislative concern rather than the food.

10. ADVISORY OPINION SUBCOMMITTEE UPDATE

Member Leask stated that the AO Subcommittee consisted of Senator Stevens, Representative Tuck, Gary Turner, and herself. Two separate meetings had been held. There were a number of conversations between Jerry Anderson, Joyce Anderson and herself, which resulted in materials provided to the committee. This particular advisory opinion would be discussed in executive session. The committee had been provided with a number of comments by members of the AO subcommittee, which would also be taken into consideration when meeting in executive session. It was also reviewed by legislative legal, Dan Wayne, who added comments as well.

11. MOTION TO GO INTO EXECUTIVE SESSION

Motion was made by Representative Tuck to go into Executive Session to discuss items which by law must

remain confidential. No objections. The committee went into Executive Session at 10:09 a.m.

12. EXECUTIVE SESSION

The Committee returned to public session at 12:11 a.m.

13. OTHER BUSINESS

a. Public Member Herman Walker

Chair Cook announced that Public Member Herman Walker submitted his resignation due to his appointment as a Superior Court Judge. He was not able to join the meeting, but they desired to wish him well and to thank him for his service on the committee. Chair Cook also noted that the current committee alternate indicated that she did not wish to continue serving as an alternate nor to serve as Mr. Walker's replacement. It was noted that the Chief Justice would be asked to appoint both a permanent member and an alternate.

b. Next Meeting

A discussion regarding the next meeting date was held, and it was determined that several items needed to be discussed. The special AO Subcommittee agreed to hold a meeting prior to the end of the year. The full committee was scheduled to meet on January 25-26, 2016, in Juneau.

c. Administrator's Evaluation

Member Turner stated that Mr. Anderson was due to have an evaluation. Chair Cook determined that Member Leask, Ms. Anderson, Mr. Turner, and he would write the evaluation and that he would present it to Mr. Anderson in a timely manner.

14. Adjourn: Member Thomas moved to adjourn the meeting. No objection. The meeting was adjourned at 12:33 pm.

[12:33:34 PM](#)