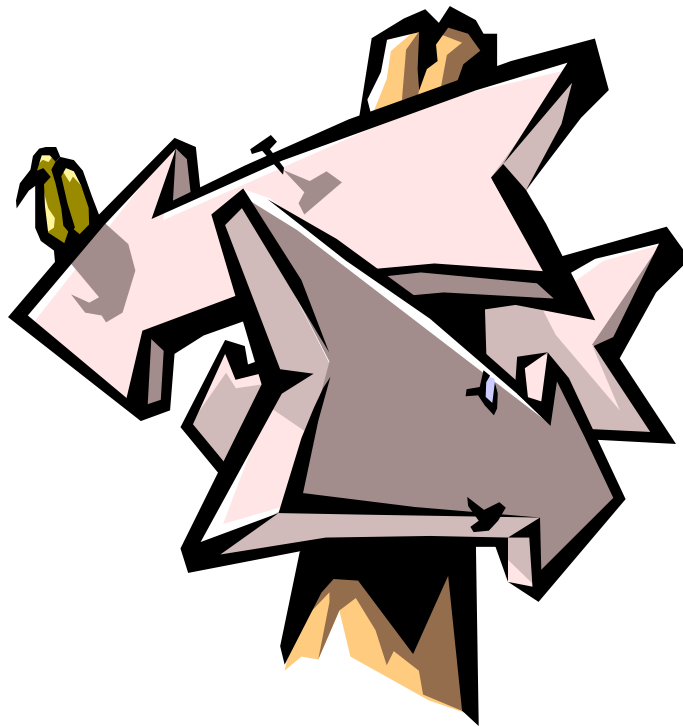


# ALASKA'S EXECUTIVE BRANCH ETHICS ACT



TRAINING MANUAL  
AUGUST 2011

BOARD OF AGRICULTURE  
AND CONSERVATION

## TRAINING MANUAL INDEX

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# **EXECUTIVE BRANCH ETHICS ACT**

## **RESOURCES**

Ethics Supervisor for Members of the Board of Agriculture and Conservation  
Chair Ben VanderWeele

State Ethics Attorney – Judy Bockmon 269-5216  
[judy.bockmon@alaska.gov](mailto:judy.bockmon@alaska.gov)

Department of Law Ethics Webpage  
<http://www.law.state.ak.us/doclibrary/ethics.html>  
Links to guidance, statute, regulations and forms

Published Attorney General Opinions  
on Westlaw, the State Public Notice website,  
and the Attorney General's Website

# State of Alaska

## ETHICS INFORMATION FOR MEMBERS OF BOARDS AND COMMISSIONS (AS 39.52)

### INTRODUCTION

This is an introduction to AS 39.52, the *Alaska Executive Branch Ethics Act*. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and *members of statutorily created boards and commissions*.

### SCOPE OF ETHICS ACT (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members cannot improperly benefit financially or personally from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

### MISUSE OF OFFICIAL POSITION (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- ◆ use their official positions to secure employment or contracts;
- ◆ accept compensation from anyone other than the State for performing official duties;
- ◆ use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- ◆ take or withhold official action on a matter in which they have a personal or financial interest; or
- ◆ coerce subordinates for his/her personal or financial benefit.
- ◆ attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

### IMPROPER GIFTS (AS 39.52.130)

A board member may not solicit or accept gifts if it could reasonably be inferred that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is an immediate family member of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's family must be reported within 30 days if:

- ◆ the board member can take official action that can affect the giver, or
- ◆ the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if it could reasonably be inferred that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

*A form for reporting gifts is available at [www.law.state.ak.us/doclibrary/ethics](http://www.law.state.ak.us/doclibrary/ethics) or from the board or commission staff.*

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Sam buys a holiday gift every year for Jody. Jody was recently appointed to a board, but Sam has no business that is up before the board.

### **IMPROPER USE OR DISCLOSURE OF INFORMATION (AS 39.52.140)**

No former or current member of a board may use or disclose any information acquired through the board if that use or disclosure could result in a financial or personal benefit to the board member (or a family member), unless that information has already been disseminated to the public.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.

### **IMPROPER INFLUENCE IN STATE GRANTS, CONTRACTS, LEASES OR LOANS (AS 39.52.150)**

A board member who can affect the award or administration of a State grant, contract, lease, or loan may not apply for, or have an interest in that State grant, contract, lease, or loan. This prohibition also applies to the board member's immediate family.

A board member (or a family member) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board member does not serve in the same administrative unit awarding or administering the grant, contract, or lease *and* so long as the board member does not take official action in the award or administration of the grant, contract, or lease.

A board member (or a family member) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the award or administration of the loan.

Board members must report to the board chair any personal or financial interest (or that of a family member) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. *A form for this purpose is available at [www.law.state.ak.us/doclibrary/ethics](http://www.law.state.ak.us/doclibrary/ethics) or from the board or commission staff.*



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

**IMPROPER REPRESENTATION (AS 39.52.160)**

A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refrains from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.

**RESTRICTION ON EMPLOYMENT AFTER LEAVING STATE SERVICE (AS 39.52.180)**

For two years after leaving a board, a former board member may not work on any matter on which the former member had personally and substantially participated while on the board. This prohibition applies to cases, proceedings, applications, and contracts and similar matters.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.

This section does not prohibit a State agency from contracting directly with a former board member. With the approval of the Attorney General, the board chair may waive this prohibition if a determination is made that the public interest is not jeopardized.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

**AIDING A VIOLATION PROHIBITED (AS 39.52.190)**

Aiding another public officer to violate this chapter is prohibited.

**AGENCY POLICIES (AS 39.52.920)**

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

**DISCLOSURE PROCEDURES**

**DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)**

A board member whose interests or activities could result in a violation of the Ethics Act must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. *A form for this purpose is available at [www.law.state.ak.us/doctrinary/ethics](http://www.law.state.ak.us/doctrinary/ethics) or from the board or commission staff.* If a board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) must vote on the matter. If the board chair or the board determines a violation would exist, the member must refrain from deliberating, voting, or participating in the matter. For more information, see *Ethics Act Procedures for Boards and Commissions* available at the above noted web site.

When determining whether a board member is involved in a matter that may result in a violation of the Ethics Act, either the board chair or the board or commission itself may request guidance from the Attorney General.

#### **ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)**

Board chairs or the board itself may request a written advisory opinion from the Attorney General. These opinions are confidential. Versions without identifying information may be made available to the public.

A former board member may request a written opinion from the Attorney General interpreting the Ethics Act.

#### **REPORTS BY THIRD PARTIES (AS 39.52.230)**

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

### **COMPLAINTS, HEARINGS, AND ENFORCEMENT**

#### **COMPLAINTS (AS 39.52.310-330)**

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints from information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal.

The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act.

#### **CONFIDENTIALITY (AS 39.52.340)**

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

#### **HEARINGS (AS 39.52.350-360)**

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the hearing are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days of the conclusion of the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

#### **PERSONNEL BOARD ACTION (AS 39.52.370)**

The hearing officer's report will be reviewed by the Personnel Board. The Personnel Board is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

### **PENALTIES (AS 39.52.410-460)**

When the Personnel Board determines a board member has violated the Ethics Act, the member must refrain from voting, deliberating, or participating in the matter. The Personnel Board may order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, the Personnel Board will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable.

Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

### **DEFINITIONS (AS 39.52.960)**

Please keep the following definitions in mind:

**Benefit** - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

**Board or Commission** - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

**Designated Ethics Supervisor** - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

**Financial Interest** - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit.

**Immediate Family** - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

**Personal Interest** - the interest or involvement of a board or commission member (or a family member) in any organization or political party from which a person or organization receives a benefit.

**Official Action** - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.



For further information and disclosure forms, visit our web site at <http://www.law.state.ak.us> (Executive Branch Ethics) or please contact:

State Ethics Attorney  
Alaska Department of Law  
1031 West 4<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501-5903  
(907) 269-5100  
[Attorney\\_General@alaska.gov](mailto:Attorney_General@alaska.gov)

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## **ETHICS ACT PROCEDURES for BOARDS and COMMISSIONS**

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

### **Who Is My Designated Ethics Supervisor (DES)?**

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- ◆ The chair serves as DES for board or commission members.
- ◆ The chair serves as DES for the executive director.
- ◆ The executive director serves as DES for the staff.
- ◆ The governor is the DES for a chair.<sup>2</sup>

### **What Do I Have To Disclose?**

The Ethics Act requires members of boards and commissions to disclose:

- ◆ Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- ◆ Any circumstance that may result in a violation of the Ethics Act.
- ◆ Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- ◆ The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- ◆ Compensated outside employment or services.
- ◆ Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, "*Ethics*

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<sup>1</sup> The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

<sup>2</sup> The governor has delegated the DES responsibility to Linda Perez, Administrative Director of the Office of the Governor.

*Information for Members of Boards and Commissions.*” The executive director and staff should refer to the guide, *Ethics Information for Public Employees.*” Both guides and disclosure forms may be found on the Department of Law’s ethics website: <http://www.law.state.ak.us/doclibrary/ethics.html>.

### **How Do I Avoid Violations of the Ethics Act?**

- ◆ Make timely disclosures!
- ◆ Follow required procedures!
- ◆ Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- ◆ When in doubt, disclose and seek advice!
- ◆ Follow the advice of your DES!

### **What Are The Disclosure Procedures for Board and Commission Members?**

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

#### **Procedure for declaring actual or potential conflicts.**

Members must declare potential conflicts and other matters that may violate the Ethics Act on the public record and in writing to the chair.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission’s public meeting in advance of participating in deliberations or taking any official action on the matter.

- ◆ A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>

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<sup>3</sup> You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

<sup>4</sup> In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

- ◆ If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- ◆ If the meeting is recorded, a tape or transcript of the meeting is preserved and there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- ◆ Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- ◆ A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- ◆ This written disclosure is considered confidential.
- ◆ The chair may seek advice from the Attorney General.
- ◆ The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- ◆ If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- ◆ An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- ◆ The chair states his or her determination regarding whether the member may participate.
- ◆ Any member may then object to the chair's determination.

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<sup>5</sup> The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

<sup>6</sup> In this manner, a member's detailed personal and financial information may be protected from public disclosure.

- ◆ If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- ◆ Exception: A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- ◆ If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict*, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

### **Procedures for Other Member Disclosures**

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website: <http://www.law.state.ak.us/doclibrary/ethics.html>.

### **What Are The Disclosure Procedures for Executive Directors and Staff?**

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- ◆ Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- ◆ These disclosures are not required to be made part of the public record.
- ◆ A copy of a determination is provided to the employee.

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<sup>7</sup> When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

- ◆ Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- ◆ The DES must provide a copy of an approved disclosure or other determination the employee.

### **How Are Third Party Reports of Potential Violations or Complaints Handled?**

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- ◆ Notices of potential violations and complaints must be submitted in writing and under oath.
- ◆ Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- ◆ Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- ◆ These matters are confidential, unless the subject waives confidentiality or the matter results in a public accusation.

### **What Are The Procedures for Quarterly Reports?**

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- ◆ Reports are due in April, July, October and January for the preceding quarter.
- ◆ A sample report may be found on the Department of Law's ethics website.

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<sup>8</sup> The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- ◆ An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- ◆ If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises Kamie Willis by e-mail at [Kamie.Willis@alaska.gov](mailto:Kamie.Willis@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

### **How Does A DES or Board or Commission Get Ethics Advice?**

A DES or board or commission may make a written request to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides advice by phone or e-mail to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- ◆ A request for advice and the advisory opinion are confidential.
- ◆ The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- ◆ The DES must make his or her determination addressing the potential violation based on the opinion provided.

\* \* \* \* \*

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

# ETHICS DISCLOSURE FORM

## Notification of Receipt of Gift

To: \_\_\_\_\_, Designated Ethics Supervisor

In accordance with AS 39.52.130(b), I am providing notice of my receipt of a gift given to me or a member of my family with a value in excess of \$150.00.

1. Was the gift given to you because you are a state employee or a member of a state board or commission?  Yes  No

2. I can take official action that may affect the person who gave me the gift?  
 Yes  No

If the answer to both of these questions is no, you do not need to report this gift. If the answer to either question is yes, or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.

The gift is \_\_\_\_\_

My estimate of its value is \$ \_\_\_\_\_

I received it from \_\_\_\_\_

The date of receipt was \_\_\_\_\_

I can take or withhold the following official action that affects the giver:

\_\_\_\_\_  
\_\_\_\_\_

The gift was received by a member of my family  Yes  No

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Division/Agency/Corporation/Board/Commission)

\_\_\_\_\_  
(Designated Ethics Supervisor)

Approved: \_\_\_\_\_ (initials)

\_\_\_\_\_  
(Date)

If action is necessary under AS 39.52.210 or AS 39.52.220 please attach explanation.



# ETHICS DISCLOSURE FORM

## Notification of Receipt of Gift from Another Government

To: Director of Administrative Services, Office of the Governor

In accordance with AS 39.52.130(e), I am providing notice of my receipt of a gift accepted on behalf of the state given to me or a member of my family from another government.

The gift is \_\_\_\_\_  
\_\_\_\_\_

My estimate of its value is \$ \_\_\_\_\_

I received it from \_\_\_\_\_

The date of receipt was \_\_\_\_\_

I received this gift under the following circumstances:

\_\_\_\_\_

I can take or withhold the following official action that affects the giver:

\_\_\_\_\_

The gift was received by a member of my family  Yes  No

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Division/Agency/Corporation/Board/Commission)

Designated Ethics Supervisor: Reviewed: \_\_\_\_\_ (Initials) \_\_\_\_\_ (Date)

\_\_\_\_\_  
(Director of Administrative Services, Office of the Governor)

\_\_\_\_\_  
(Date)

Determination of appropriate disposition: \_\_\_\_\_

A copy of this disclosure showing disposition should be returned to the designated ethics supervisor for forwarding to the gift recipient.

# ETHICS DISCLOSURE FORM

## Grants/Contracts/Leases/Loans Notification

To: \_\_\_\_\_, Designated Ethics Supervisor

In accordance with AS 39.52.150(d), I am reporting a personal or financial interest in a state grant, contract, lease, or loan (circle one) held by me or a family member and awarded, executed, or administered by the agency that I serve.

The grant, contract, lease, loan was awarded by:

\_\_\_\_\_

on \_\_\_\_\_ (date).

Description of the state grant, contract, lease, or loan:

\_\_\_\_\_  
\_\_\_\_\_

Recipient(s) of the state grant, contract, lease, or loan:

\_\_\_\_\_  
\_\_\_\_\_

My financial or personal interest in the state grant, contract, lease, or loan:

\_\_\_\_\_  
\_\_\_\_\_

Official action I can take regarding the state grant, contract, lease or loan:

\_\_\_\_\_  
\_\_\_\_\_

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

(Division/Agency/Corporation/Board/Commission)

\_\_\_\_\_  
(Work Supervisor's Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Designated Ethics Supervisor's Signature)

Approved: \_\_\_\_\_ (initials) \_\_\_\_\_  
(Date)

If action is necessary under AS 39.52.210 or AS 39.52.220 please attach explanation.

## Ethics Disclosure Form

<b>CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</b>
--

TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
(My Department, Agency, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 – .960) to my situation. The situation involves the following:

\_\_\_\_\_  
\_\_\_\_\_

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:
_____ AS 39.52.120, Misuse of Official Position
_____ AS 39.52.130, Improper Gifts
_____ AS 39.52.140, Improper Use or Disclosure of Information
_____ AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
_____ AS 39.52.160, Improper Representation
_____ AS 39.52.170, Outside Employment Restricted
_____ AS 39.52.180, Restrictions on Employment after Leaving State Service
_____ AS 39.52.190, Aiding a Violation Prohibited
_____

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Division/Agency/Board/Commission)

## ETHICS DISCLOSURE FORM

**CONFIDENTIAL**  
**Notification of Potential Violation**  
**Board or Commission Member**

TO: \_\_\_\_\_, Designated Ethics Supervisor  
(Board or Commission)

In accordance with AS 39.52.220(a), I am notifying you of a situation which may result in a violation of the Code of Ethics. I am requesting your determination regarding a possible violation of:

_____	AS 39.52.120, Misuse of Official Position
_____	AS 39.52.130, Improper Gifts
_____	AS 39.52.140, Improper Use or Disclosure of Information
_____	AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
_____	AS 39.52.160, Improper Representation
_____	AS 39.52.180, Restrictions on Employment after Leaving State Service
_____	AS 39.52.190, Aiding a Violation Prohibited

The situation is as follows (please use a separate sheet for additional space): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
(Member Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

**Note:** Under AS 39.52.220, if the designated ethics supervisor or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110 – 39.52.190 will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be held liable under the Ethics Act for actions in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Disclosures and determinations must be forwarded to the State Ethics Attorney, Office of the Attorney General, Department of Law, 1031 West 4<sup>th</sup> Avenue, Suite 200, Anchorage, Alaska 99501-1994.



## You make the call...

- You use your state cell phone as your home phone.
- You make a long distance call from a state office phone to a relative who is sick.
- You participate on a state committee that can take action that may affect the value of property you own.
- You are looking for a new job (outside state service) and hint to a contractor that for the right position you will 'grease the wheels' on his bid before the state.



A state cell phone is not a substitute for a personal phone. An occasional personal call would be considered insignificant use of state equipment so long as there is no cost to the state (or relief from a cost for the employee).

Because there is a cost to the state (or the employee is being relieved from a long-distance charge), this call is a misuse of state equipment. If it were an unavoidable or emergency situation, the violation would be excused upon disclosure and reimbursement to the state.

Participation would constitute misuse of an official position (taking official action in order to affect a matter in which the employee has a personal or financial interest). In some circumstances, it might nonetheless be permissible if the effects on the property's value would be insignificant or conjectural.

This action is plainly a misuse of official position; that is, seeking other employment through the use of an official position.



## You Make the Call!



- You make copies of your personal business's tax forms and financial report using a state copier.
- You serve on a state board and are offered a job with a grant applicant or recipient.
- You are invited to an all expense paid conference.



This action misuses state equipment to benefit your personal interest. Making the copies is not an insignificant use.

You may not consider the job offer and continue serving on the board if a grant application is pending. You must reject the overture or resign from the board or the application must be withdrawn. You may not continue to serve on the board if you have a financial interest, such as employment, in a grant recipient and the board will take action to administer the grant. The applicant would not be able to apply for subsequent grants so long as you remained on the board.

This is a gift of transportation and lodging expenses. If you will attend as part of your state duties, the cost of the trip is a gift to the state so long as the travel provided is comparable to what the state would have paid to have you attend. The head of your agency must approve the acceptance of the gift as a gift to the state. More extravagant accommodations would result in a gift to you. Such personal benefit to the employee or circumstances where the travel is not part of the employee's state duties are considered as any other gift, which could not be accepted if a reasonable person would infer that the gift was intended to influence the employee's performance of official duties, action, or judgment.



## You Make the Call!



- A proposal before a board would harm your business competitor. You vote on the proposal with disclosing the matter.
- While attending the quarterly board meeting, you have a staff member prepare a letter for your business.
- Your employer needs you to review a contract. You have her email it to the board's executive director for delivery to you at the board meeting.



Board members are required to disclose on the public record all situations that potentially violate the Ethics Act. The Act bars a member from taking action that may affect a financial interest, such as a business. The member should have disclose the conflict and followed the determination of the board chair regarding participation in the vote.

This action is a misuse of office. Members may not require a state employee to perform services or use state resources to benefit the member's private financial interest, the business.

The use of the state computer for private business to benefit your private interest is a misuse of state resources. The assistance of the executive director in printing and delivering the contract is also a misuse. Assuming it were an isolated incident and assuming it involved no special effort and only a very few pieces of paper, it may be considered an insignificant violation.

## You Make the Call!



- A lobbyist meets you at a restaurant to discuss a regulation before the board. He offers to pay for dinner.
- You sit on a state board that awards grants. The nonprofit your spouse works for applies for a grant.
- The board hires a consultant to administer a grant program. A member is interested in working for the consultant as the lead staff person on the program.

You should decline. All gifts from lobbyists are presumed to be intended to influence your actions and acceptance would violate the gift provision of the Ethics Act.

Assuming, board action is required to award the grant, the nonprofit may not apply for the grant. Alternatively, you could resign from the board. Board members may not have interests in state grants over which they have authority. Your spouse, and therefore you, have a financial interest in the nonprofit. Refraining from voting or other action is not adequate when addressing influence over a state grant by a board member.

Assuming the board will still have oversight and take action regarding the program, the member could not remain on the board because the member may not have an interest in a state grant over which the member would have authority. If the member resigned from the board, the member would be barred from working on the program for two years unless a waiver was obtained from the chair who must find that the member's employment would not be adverse to the public interest.