

**ALASKA EXECUTIVE BRANCH ETHICS ACT (AS 39.52)**  
**Highlights for State Board Members**

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

Service on a state board is a public trust. The Ethics Act prohibits board members from participating in board actions if they have a substantial and material conflict of interest. The Act recognizes, however, that board members, many of whom serve as volunteers, are otherwise engaged in private business and other independent pursuits and that minor and inconsequential conflicts of interest are unavoidable. The Act's goal is to protect the integrity of state action. Board members may not improperly benefit financially or personally from their actions as members.

These highlights are not a substitute for reading the law and regulations. Board members should review the more detailed Ethics Act guides provided to them and go to the Department of Law's Executive Branch Ethics web page for additional information and training about their responsibilities under the Act. Members may also consult the board chair, who serves as their designated ethics supervisor, and executive staff.

The Ethics Act addresses the following:

**MISUSE OF OFFICIAL POSITION (AS 39.52.120)**

Board members may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. They may not take or withhold action to affect a matter in which the member has a personal or financial interest.

**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 member's family) must be reported within 30 days if (1) the board member can take official action that can affect the giver, or (2) the gift is given to the board member because he or she serves on a state board.

**IMPROPER USE OF INFORMATION (AS 39.52.140)**

No former or current board member 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.

**IMPROPER INFLUENCE IN GRANTS, CONTRACTS, ETC. (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. There are limited exceptions for competitively solicited grants, contracts and leases and some loans. Board members must report to the board chair any personal or financial interest (or that

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of a family member) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves.

**IMPROPER REPRESENTATION (AS 39.52.160)**

A non-salaried board 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 refraining 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.

**POST-STATE SERVICE PROHIBITION (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 personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, and similar matters as well as the consideration of legislation and promulgation of regulations.

The Ethics Act also established procedures for board members to disclose conflicts or other circumstances that may potentially violate the Ethics Act so that they may be addressed in advance and avoided.

**PROCEDURE FOR DECLARING CONFLICTS (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. 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.

When violations of the Ethics Act occur, the Act specifies how complaints are to be addressed and the remedies or penalties that may be imposed.

Again, these highlights are not a substitute for review of the Ethics Act requirements.

The board chair may seek advice regarding ethics issues from the state ethics attorney on behalf of the attorney general. Former board members may also seek advice from the state ethics attorney regarding post-state service restrictions. Ethics Act guides and disclosure forms are available at Law's ethics web page located at [www.law.state.ak.us/doclibrary/ethics](http://www.law.state.ak.us/doclibrary/ethics) or from the board staff.