

ALASKA'S EXECUTIVE BRANCH ETHICS ACT



REFERENCE MANUAL
JANUARY 2014

ALASKA WORKFORCE INVESTMENT BOARD

REFERENCE MANUAL INDEX

Resources.....	3
Ethics Information for Members of Boards & Commissions.....	4
Ethics Act Procedures for Boards & Commissions.....	10
Forms	17
Ethics Challenges	22

EXECUTIVE BRANCH ETHICS ACT

RESOURCES

Ethics Supervisor for Board Members

Jim Lynch, Chair

Ethics Supervisor for Chair

Guy Bell, Director of Administrative Services

Office of the Governor

907-465-3876

guy.bell@alaska.gov

State Ethics Attorney

Jon Woodman 269-5210

jonathan.woodman@alaska.gov

Department of Law Ethics Webpage

<http://www.law.state.ak.us/doclibrary/ethics.html>

Links to guidance, statutes, 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, and their immediate family, may not 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 their personal or financial benefit.
- ◆ attempt to influence the 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 a person could reasonably infer from the circumstances 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 immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate 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 a person could reasonably infer from the circumstances 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.u/sdoclibrary/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.

 Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

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 from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.

 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.

 Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

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

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease *and* so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) 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 loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) 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 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. Board member 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 board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. 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 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.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

RESTRICTION ON EMPLOYMENT AFTER LEAVING STATE SERVICE (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. 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 the above prohibition if a determination is made that the public interest is not jeopardized.

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.



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 the Ethics Act 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 if the member participates in board action 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/doclibrary/ethics or from the board or commission staff.* If another 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) vote on the matter. If the chair or the board determines a violation will occur, 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's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

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 based on 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 or recommend corrective action. 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.

Complaints or accusations may also be resolved by settlement with the subject.

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 will 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 matters such as the hearing's time and place. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after 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 Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. The board member may file an appeal in superior court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also 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, it 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, and 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 or self-interest, or from which a person profits, regardless of the financial gain.

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. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

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 adopted child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

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.

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

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

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
Attorney_General@alaska.gov

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 Act¹ 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.²

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.

¹ 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.

² The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

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 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!³
- ◆ 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 before participating in deliberations or taking any official action on the matter.

³ 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.

- ◆ A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- ◆ 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, a member's disclosure 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, the tape or transcript of 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.⁵
- ◆ If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.

⁴ 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.

⁵ 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.

- ◆ 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.⁶

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.
- ◆ 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.⁷

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 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>.

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

⁷ 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.

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 will 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.
- ◆ 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 to 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.⁸
- ◆ 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.
- ◆ 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, a report is still required: the DES must advise the Litigation Assistant for Opinions, Appeals, & Ethics at the Department of Law by e-mail.

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, board's, or commission's determination and acted consistently with the determination.

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

A DES, 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

⁸ 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's written determination is provided to the subject employee and the complaining party. The DES submits copies of the notice and the determination to the Attorney General for review as part of the DES's quarterly report. If feasible, the DES will 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.

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 meeting your obligations.

Ethics Disclosure Form

Interest in State Grant, Contract, Lease, or Loan

TO: _____, Designated Ethics Supervisor

(Agency, Public Corporation, Board, Commission, Council)

As required by AS 39.52.150(d), this disclosure reports a personal or financial interest held by me or a family member and awarded, executed, or administered by the agency that I serve:

contract state grant lease loan

The state grant, contract, lease, loan was awarded on _____
by: _____

Describe the grant, contract, lease, or loan:

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

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

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

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)

(Division)

(Position Title)

(Location)

(Work Supervisor's Signature)

(Date)

Ethics Supervisor Determination: Approved Action Required _____
(Date)

Designated Ethics Supervisor*

**Designated Ethics Supervisor: Provide a copy of the signed disclosure to the employee. If action is required under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, 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 _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

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)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

Ethics Disclosure Form

Receipt of Gift from Another Government

To: Director of Administrative Services, Office of the Governor

As required by AS 39.52.130(e), this disclosure reports receipt of a gift from another government given to me or a member of my family and accepted on behalf of the state.

The gift is:

My estimate of its value is \$ _____

I received it from: _____
(Identify by full name, title, government)

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. Who? _____

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)

(Division)

(Position Title)

(Location)

(Department/Agency/Corporation/Board/Commission)

Designated Ethics Supervisor Review: _____
(Signature of Ethics Supervisor and Date)

Office of the Governor

Determination of appropriate disposition: _____

Director of Administrative Services, Office of the Governor *(Date)*

Return a copy of this disclosure showing disposition to the designated ethics supervisor for forwarding to the gift recipient.

Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION
--

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, 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)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Revised 2012

Ethics Disclosure Form

CONFIDENTIAL
Report of Potential Violation
By Public Officer

TO: _____, Designated Ethics Supervisor, _____
(Name) (Agency, Board, Commission)

Under AS 39.52.230, I am notifying you of a situation which may be or result in a violation of the Code of Ethics by: _____
(Identify subject by name, position and agency, board, or commission)

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 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

The situation is as follows:

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

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)

(Contact Telephone Number or Email Address)

Note: Under AS 39.52.230, any person may report a potential violation of AS 39.52.110 - 39.52.190 to a public officer's designated ethics supervisor, who shall make a determination as provided in AS 39.52.210 or 39.52.220. A copy of this disclosure and the ethics supervisor's determination must be submitted to the attorney general with the next quarterly report.

Revised 2012



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 you). The ethics regulations provide guidance on permissible amounts of personal use.

Because there is a cost to the state (or you are 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 you have 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: 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 copies of large documents 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 a personal benefit or travel that is not part of your state duties is considered as any other gift, which could not be accepted if a reasonable person would infer that the gift was intended to influence your 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 without 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. You should have disclosed the conflict and followed the board chair's determination on participating 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 their private financial interests, such as a 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. If it were an isolated incident and involved no special effort and only a very few pieces of paper, it might be considered an insignificant misuse.

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 the offer to pay for your dinner. All gifts from lobbyists are presumed to be intended to influence your actions. Generally, acceptance would violate the gift provision of the Ethics Act.

If 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.

If the board will still have oversight and take action regarding the program, the member could not remain on the board because a 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 and the chair determined that the member's employment would not be adverse to the public interest.