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AO 04-01 Use of Constituent Information gathered by a Candidate

On February 23, 2012, the Ethics Committee reaffirmed the parameters in AO 04-01. The opinion states that "constituent information gathered by a candidate using private resources can be used by that person if subsequently elected to serve as a legislator."

The committee further noted that the restrictions in AS 24.60.030(a)(2) and AS 24.60.030 (a)(5) prohibiting the use of state resources for campaign purposes was sufficient and no changes to AO 04-01 were necessary.



RESULT: Names and contact information of constituents on a campaign list may be combined with a legislative constituent list as long the individuals who are added to the legislative constituent list reside within the legislator's CURRENT legislative district.

Use of Wi-Fi and APOC computers for Electronic Filing of Campaign Reports



On February 23, 2012, the Ethics Committee determined the use of Capitol Wi-Fi and Alaska Public Offices Commission computers for filing of electronic campaign reports is permitted.

The Capitol Wi-Fi, a state resource, is available to the public as a public service and can be used for any purpose under conditions outlined in the "Terms of Service" agreement which must be acknowledged with each use.

APOC is charged with implementing campaign reporting requirements. In order to accomplish this statutory mandate state computers are provided for the convenience of candidates. Therefore the use of state resources is permitted in this instance.

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AO 11-04 PARTICIPATION IN A CHARITY EVENT

Approved February 23, 2012

Contribution versus Ticket

The committee clarified the distinction between a “contribution” and a “ticket” to a charity event. A “contribution” to a charity event does not entitle a legislator or legislative employee admission to the event or anything else of value. However, a “ticket” to a charity event entitles a legislator or legislative employee admittance to the event and anything else of value provided by the event.



Value of a Ticket



The value of a ticket to a charity event when a lobbyist or another person pays one charity event admission or participation fee that entitles two or more persons to attend is determined by the “fair market value” of the participation fee. The committee interpreted this to mean the “price a willing buyer would pay to a willing seller for an item for sale on the open market.” The example provided was a charity event that sold only five-person tickets ranging between \$1,500 and \$10,000. Because paying over the minimum does not result in the opportunity to receive greater value, the committee determined that \$300, or one-fifth of a minimum—priced ticket, is the fair market value of each of the entry fees paid for the legislators.

Educational Component

When a legislator or legislative employee attends a charity event that includes education, their attendance and participation in the charity event is covered by the exception for “obtaining information on a matter of legislative concern” under AS 24.60.080(c) (4) if the primary purpose of the legislator’s or legislative employee’s participation in the event is to obtain information on matters of legislative concern, or if the primary purpose of the event is to educate participating legislators and legislative employees on matters of legislative concern. This designation means the ticket may exceed the \$250 gift limit and requires disclosure within 30 days of the event. *However, please note receipt of a ticket from a lobbyist to a charity event deemed “educational” does not qualify for the “matter of legislative concern” exception and the gift limit of \$250 or less applies.*

For a list of approved charity events, click “[HERE](#)”

or go to: <http://ethics.legis.state.ak.us/documents/sanctioning.pdf>

AO 11-05 POTENTIAL CONFLICT OF INTEREST RELATED TO LEGISLATOR’S PRIVATE EMPLOYMENT

Approved February 23, 2012

Facts: Private sector employment for company A, a wholly owned subsidiary of company B.

Duties include developing rural business opportunities for company A, nationally and in rural Alaska; increasing product offerings in under-developed markets; representing company A in the Alaska business community and delivering consulting services for rural economic development partly through coordinating with other company B subsidiaries and organizations that deliver services to villages in Alaska.

The committee determined:

- ◆ Employment with company A did not, on its own, present a conflict of interest under the Act.
- ◆ Voting as a legislator on matters in which company B supports or opposes a particular political outcome, publicly or through lobbyists, would not necessarily violate conflict of interest provisions of the Act, although in some circumstances it might, depending on the facts of those particular circumstances.
- ◆ Communicating with constituents or taking legislative action on their behalf, in these circumstances, is not prohibited outright by the Act; however, it can raise issues under various sections of the Act, including AS 24.60.030(e), depending on specific facts.
- ◆ The Act does not prohibit a legislator in his/her role as employee of company A, from testifying before the U.S. Congress and other federal agencies, or interacting with officials from the federal government and states other than Alaska, regarding company A’s interests in one or more federal programs; however depending on additional facts in a specific instance, various sections of the Act may apply.



The full text of all Advisory Opinions can be accessed at: <http://www.legis.state.ak.us/search/ethics/>