

## **AS 24.60.160 Advisory Opinions**

**(a)** On the request of the committee, the Alaska Public Offices Commission, a person to whom this chapter applies, or a person who has been newly elected to the legislature, the committee shall issue an advisory opinion within 60 days as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. If it finds that it is advisable to do so, the committee may issue an opinion under this section on the request of a person who reasonably expects to become subject to this chapter within the next 45 days. The 60-day period for issuing an opinion may be extended by the committee if the person requesting the opinion consents.

**(b)** An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. An opinion issued under this section must be issued with sufficient deletions to prevent disclosing the identity of the person or persons involved. Advisory opinion discussions and deliberations are confidential, unless the requester and anyone else named in the request who is covered by this chapter waives confidentiality. The committee's final vote on the advisory opinion is a public record.

### **WHO MAY REQUEST:**

- legislator
- legislative employee
- legislative employee on lay-off status
- person elected to the legislature but not sworn in

### **HOW TO REQUEST:**

- email
- letter
- fax

### **INFORMATION CONCERNING THE REQUEST:**

- Request must relate a set of circumstances of a particular situation.
- Request must be detailed enough, with factual background, for the committee to determine the facts of the request. General questions will not be considered.
- Background information that would be helpful to the committee should be attached.
- Request must be for actions the requester is considering and not conduct by another person.
- Request may be withdrawn at any point prior to the rendering of an opinion.
- Committee must issue an opinion within 60 days. Committee has the option to request an extension from the requester.

- **Opinion is a binding interpretation of the Ethics Code from the committee to guide the requester's actions in a particular case.**
- **Request and deliberations are confidential unless the requester waives confidentiality via written notice.**
- **Committee may not use the information provided in the request against the person in an ethics complaint unless the person ignored the advice.**
- **Advisory Opinion vote by the committee and the decision is public. Identifying information removed.**

**FORMAT OF REQUEST:**

- **Include name, address, phone and email.**
- **Request does not have to be signed if via email but should be signed if by fax or letter.**
- **Request should be as complete as possible in describing the action(s) being considered.**
- **Ethics staff may request additional information.**