

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 12-02

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee (committee) hereby finds there is probable cause to believe that Karen Sawyer, chief of staff to former Representative Carl Gatto and now staff to Representative Shelley Hughes, violated the Legislative Ethics Act, AS 24.60.030(a)(2), Prohibitions related to conflicts of interest and unethical conduct.

The House Subcommittee investigated allegations contained in complaint H 12-02 and determined:

1. The House Subcommittee received a properly filed complaint dated February 23, 2012.
2. The complaint alleged the following:
 - a.) Ms. Sawyer allowed state resources to be used for a “nonlegislative purpose” and for the “private benefit” of Mr. David Heckert, Alaska Regional Director of the organization, Stop Islamization of America (SIOA) Alaska Chapter, in violation of AS 24.60.030(a)(2).
 - Ms. Sawyer allowed Mr. Heckert to use the Wasilla Legislative Information Office (LIO), equipment and services over several months for work related to SIOA.
 - b.) Ms. Sawyer allowed state resources to be used for a “nonlegislative purpose” and for the “private benefit” of SIOA in violation of AS 24.60.030(a)(2).

- Ms. Sawyer allowed SIOA to use state equipment and services for activities related to at least two meetings of the organization held at the Wasilla LIO under the guise of a legislative meeting for House Bill 88, Use of Foreign Law.
- Ms. Sawyer provided a key to the Wasilla LIO to Mr. Heckert which allowed him unlimited access and use of a state facility.

c.) Ms. Sawyer performed “nonlegislative” work on government time with the use of state resources and for her “private benefit” and that of SIOA all of which were in violation of AS 24.60.030(a)(2).

- Ms. Sawyer assisted Mr. Heckert with activities he performed at the Wasilla LIO related to SIOA including helping organize and facilitate meetings. These meetings were advertised as a discussion of HB 88 but in reality were recruitment meetings where funds were solicited for the organization.

SCOPE OF INVESTIGATION:

The House Subcommittee met on the following dates: September 27, 2011, February 23, 2012, and November 20, 2012. The length of time to process the complaint was due to Ms. Sawyer’s schedule and other contributing factors.

On February 23, 2012, the committee adopted a Scope of Investigation focusing on AS 24.60.030(a)(2), Prohibitions related to conflicts of interest and unethical conduct.

AS 24.60.030(a)(2) A legislator or a legislative employee may not use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, . . .or for the private benefit of the legislator, legislative employee, or another person;

AS 24.60.990(a)(2) “benefit” includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, or material worth, use or service to the person to whom it is conferred; the terms are intended to be interpreted broadly and encompass all matters that the recipient might find sufficiently desirable to do something in exchange for.

The committee conducted an investigation, and on November 20, 2012, the committee reviewed and analyzed the following materials:

- Above named statutes.
- Ms. Sawyer’s written response to Complaint H 12-02 and H 12-03.
- Transcript of the August 3, 2011 meeting held at the Wasilla LIO.
- Handouts from the August 3, 2011 meeting held at the Wasilla LIO.
- National and Alaska SIOA web site pages.
- Internet pages noticing interim meetings of HB 88 and Alaska SIOA meetings.
- HB 88 and the packet of materials provided for Legislative Committee Meetings from the Legislature’s BASIS web site.
- HB 88 committee meeting minutes from the 2011 House State Affairs meetings of March 17 and 24, and the House Judiciary meetings of March 30 and April 1.
- Transcripts and/or summaries of six interviews.
- Ms. Sawyer’s emails related to HB 88 and SIOA.
- Legislature Personal Information and Materials Receipt Form; Use of Legislative Affairs Agency Equipment, Space and Staff Policy; Legislative Affairs Agency Application for Keys; and Legislative Affairs Agency Keys, Parking Permits and Other Accountable Property Policy.
- Other applicable background materials.

FINDING OF PROBABLE CAUSE

The House Subcommittee finds that, after a thorough investigation, the actions of Ms. Sawyer as outlined in 2(a), 2(b), and 2(c), were in violation of AS 24.60.030(a)(2).

The committee determined that Ms. Sawyer lost sight of the purpose of HB 88 and became personally and obsessively involved with SIOA and its mission. In at least three emails from March 2011, the authors stressed that the bill was about “protecting constitutional rights” and not about Sharia law. One email in particular from a national non-profit, non-partisan, national security organization stated, “... ease up on the Sharia/Islam angle.” Even Ms. Sawyer seemed to be cognizant of her obsession as she stated in a March 2011 email, “My co-workers wonder if I’m getting obsessed with Sharia.” SIOA supported HB 88 but the committee determined that their main mission appeared to be promoting their organization and its mission with HB 88 as a validation point.

Ms. Sawyer allowed Mr. Heckert to work for several months or longer at the Wasilla LIO. He was there almost every day for at least several hours and at times all day. Ms. Sawyer provided Mr. Heckert with her personal laptop and internet card to use while at the LIO. She also provided a cell phone number for SIOA

using her family plan. The committee was unable to determine exactly what activities Mr. Heckert performed while at the LIO. However, Ms. Sawyer inferred that Mr. Heckert was performing research for HB 88 and working on slide presentations. The committee concluded the slide presentation at the August 3, 2011, meeting was one such presentation.

Ms. Sawyer acknowledged that she occasionally accessed the SIOA Yahoo account from her state computer. Investigative materials show that Ms. Sawyer, during the regular work day, used state equipment to help plan activities related to an October, 2011, SIOA conference. Ms. Sawyer acknowledged that she allowed Mr. Heckert to use the Wasilla LIO projector for several presentations outside of the Wasilla LIO. Evidence showed that Ms. Sawyer allowed Mr. Heckert access to the key to the Wasilla LIO for approximately two weeks which allowed him unlimited access and use of a state facility. Ms. Sawyer was out of town during this time period.

The committee determined that the August 3, 2011 meeting held at the Wasilla LIO was in actuality an SIOA meeting. The participant sign-in sheet was an SIOA sign-in sheet. Mr. Heckert asked for donations of money and airline miles for an SIOA conference planned for October. Cupcakes and cookies were available for participants that had a symbol on them that reflected SIOA philosophy. The slide presentation ended with a picture of a man holding a sign that was political in nature. HB 88 was only briefly mentioned twice during the approximately two hour meeting. No staff from former Representative Carl Gatto's office attended the meeting which is customary when a legislative office holds an interim meeting. Mr. Heckert opened and closed the Wasilla LIO building with Ms. Sawyer's key.

RECOMMENDATION

The committee, under authority of AS 24.60.178(b)(4), is recommending that Ms. Sawyer be terminated effective immediately. The committee also recommends that Ms. Sawyer never be reemployed by the Legislature again. A copy of this decision will be placed permanently in Ms. Sawyer's personnel file with the Legislative Affairs Agency.

The committee will notify Ms. Sawyer's appointing authority, Representative Hughes, of this decision and recommended sanction. Under AS 24.60.176(a), the appointing authority may not question the committee's findings of fact. Representative Hughes may act on the committee's recommendation or impose a different sanction pursuant to AS 24.60.176(a). Representative Hughes may request the House Rules Committee to act on her behalf under the provisions of AS 24.60.176(b)(5).

The committee acknowledges that termination of a legislative employee is serious. Based on the investigation, the committee determined that Ms. Sawyer was unable to distinguish where the bright line should be drawn between promoting HB 88 and

activities related to SIOA's agenda to promote their organization and its mission. Many of Ms. Sawyer's emails contained statements that related to both SIOA activities and HB 88 in the same email. Additionally, some emails Ms. Sawyer sent from her legislative email address contained SIOA contact information and her personal cell phone number. The committee determined the two became interchangeable in Ms. Sawyer's eyes. Ms. Sawyer was advised on August 15, 2011, by Ethics Committee staff, to separate activities related to HB 88 from activities related to SIOA. However, written documentation showed that she continued to use state resources for activities related to SIOA and combined legislative business with SIOA activities. In addition, the committee was concerned about Ms. Sawyer's lack of candor and cooperation during the investigation and her unwillingness to acknowledge the ethical issues raised by her actions.

The committee recognized that Ms. Sawyer was out of town due to a family emergency when the August 3, 2011 meeting was held. However, the meeting had already been scheduled and according to Ms. Sawyer the format was to be similar to previous meetings held. The committee concluded, based on Ms. Sawyer's interview and written response to the complaint, that she blamed everyone else for what occurred at the August 3, 2011 meeting but herself.

Further, based on investigative interviews, the committee concluded that Ms. Sawyer did not regularly update former Representative Gatto on activities related to HB 88 and SIOA; particularly Mr. Heckert's activities while at the Wasilla LIO and the purpose/agenda of multiple meetings and presentations set up by Ms. Sawyer.

The committee noted that Ms. Sawyer was first hired as a legislative employee in 2002 and had attended numerous ethics training sessions over the years; and, therefore was very much aware of the fact state resources could not be used for nonlegislative purposes or for the private benefit of anyone. The committee finds that Ms. Sawyer could have avoided this situation by exercising good judgment and/or contacting the Ethics Office for advice when the above stated activities became intertwined and ultimately questionable.



Herman G. Walker, Jr., Chair

Adopted this 19th day of November 2012
by a majority of the House Subcommittee

Members Participating

Herman G. Walker, Jr. Chair

Dennis (Skip) Cook

Antoinette "Toni" Mallott

H. Conner Thomas

Gary J. Turner

Representative Craig Johnson

Representative Chris Tuck