

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 12-03

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 12-03 and determined:

1. The House Subcommittee received a properly filed complaint dated February 23, 2012.
2. The complaint alleged the following:
 - Ms. Sawyer failed to file a timely disclosure for board membership on the Stop Islamization of America (SIOA) board for calendar year 2011 in violation of AS 24.60.030(f) and AS 24.60.105(a).

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(f), Prohibitions related to conflicts of interest and unethical conduct.

AS 24.60.030(f) . . . A ... legislative employee who serves on a board of an organization, including a governmental entity, shall disclose the board membership to the committee. A person required to make a disclosure under this subsection shall file the disclosure with the committee by the deadlines set out in AS 24.60.105 stating the name of each organization on whose board the person serves.

AS 24.60.105(a) When a . . . legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadline for filing the disclosure shall be 30 days after the commencement of the matter or interest or the date the ... legislative employee first becomes subject to this chapter, whichever comes later.

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.
- National and Alaska SIOA web site pages from 2011 and 2012.
- Transcripts and/or summaries of six interviews.
- Ms. Sawyer’s emails related to HB 88, Use of Foreign Law, and SIOA.
- Other applicable background materials.

FINDING OF PROBABLE CAUSE

The House Subcommittee finds that, after a thorough investigation, Ms. Sawyer failed to file a board membership disclosure for the years 2011 and 2012 in violation of AS 24.60.030(f).

The committee reasoned that a board membership disclosure is required regardless if the board membership is a volunteer position, a paid position, an elected position, an appointed position or an agreed upon position.

AS 24.60.010(2) states, “The legislature finds that a fair and open government requires that ... legislative employees conduct the public’s business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest.” The rationale for disclosure of board membership is twofold: disclosure is the most effective way to avoid conflicts of interest related to legislative work and disclosure provides transparency when there is a perceived conflict of interest.

The facts the committee considered were:

- Ms. Sawyer opened a checking account under the SIOA name and listed herself as Secretary/Treasurer and signed the bank card as such.

- Several individuals stated on record that Ms. Sawyer informed them she was secretary/treasurer of SIOA.
- Investigative evidence shows that Ms. Sawyer's involvement with SIOA and the activities she performed over a period of many months was telling of her role in the organization.
- Ms. Sawyer is the only other person listed on the Alaska SIOA web site other than Mr. David Heckert, Alaska Regional Director. Her title on the web site is 'Administrative Volunteer'. Ms. Sawyer stated her position with SIOA was as a volunteer. The web site was viewed on November 11, 2011, and again on November 1, 2012. She was listed on the site on both dates as Administrative Volunteer. The web site was launched on June 24, 2011.

RECOMMENDATION

The committee, under authority of AS 24.60.178(b)(3), is recommending corrective action. Ms. Sawyer must file a board membership disclosure for the years 2011 and 2012 within two weeks from receipt of this decision.

A fine may be imposed under AS 24.60.260(c) for late disclosures.¹ The committee waives the fine for the two late disclosures if they are received within the time stipulated in this decision. A willful late filing is subject to a fine of \$100 each day the disclosure is late and may not exceed a maximum of \$2,500.



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

¹ AS 24.60.260(c) The committee may impose a fine on a person who files a disclosure after the deadline set by this chapter. The amount of the fine imposed under this subsection may not exceed \$2 for each day to a maximum of \$100 for each late filing unless the committee determines that the late filing was inadvertent or willful. If the committee finds that a late filing was inadvertent, the maximum fine the committee may impose under this subsection is \$25. If the committee determines that the late filing was willful, the amount of the fine imposed under this subsection may be \$100 for each day but may not exceed a maximum of \$2,500.

Representative Chris Tuck