

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE Complaint H 17-03: Representative David Eastman

DETERMINATION OF PROBABLE CAUSE

Dennis “Skip” Cook, Chair of the House Subcommittee on Legislative Ethics, filed a complaint in this matter on behalf of the House Subcommittee. The House Subcommittee met on January 12, 2018, and determined there was probable cause to believe that a violation of the Ethics Law had occurred, and that Representative David Eastman committed such a violation.

The facts supporting the Committee’s belief that a violation of the Act occurred:

Date(s) or the time period during which alleged violation occurred: May 2017

Part of the Ethics Act that was allegedly violated:

Sec. 24.60.170. Proceedings before the committee; limitations...

(c) When the committee receives a complaint under (a) of this section ... [a] proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection...

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, the person filing a complaint shall keep confidential the fact that the person has filed a complaint under this section as well as the contents of the complaint filed...

Description of the activities that are an alleged violation of Legislative Ethics Act:

Representative David Eastman violated the Legislative Ethics Act by disclosing to a member of the public the existence of a complaint filed with the Select Committee on Legislative Ethics that was confidential under specific provisions of AS 24.60.170(c) and (l).

THE INVESTIGATION

A contract private investigator was used to conduct an interview with Representative Eastman and others regarding the allegations in the complaint. The investigator report to the committee was reviewed at the House Subcommittee meeting on January 12, 2018.

DETERMINATION OF PROBABLE CAUSE ORDER AND DECISION

The House Subcommittee on January 12, 2018, found probable cause that Representative David Eastman violated AS 24.60.170(c) and (l) by disclosing to a member of the public the existence of a complaint filed with the Select Committee on Legislative Ethics that was confidential under specific provisions of AS 24.60.170(c) and (l).

RECOMMENDATION:

The committee recognizes the importance of confidentiality in the complaint process. Confidentiality is essential to assure the trust and respect of the people in the fairness of the complaint process under the Legislative Ethics Act. The integrity of the committee depends on the members of the committee upholding the provisions of the Legislative Ethics Act and avoiding improper conduct such as an unwarranted disclosure of a complaint during the confidential stages of the complaint process.

The committee recommends and determines that a sanction of censure under AS 24.60.178(b)(7) is warranted for Representative Eastman in the form of removal from the Select Committee on Legislative Ethics for the remainder of the 30th Legislature.

Adopted January 12, 2018
by a majority of the House Subcommittee

_____/s/
Dennis “Skip” Cook, Chair

Members Participating

Dennis “Skip” Cook, Chair
Representative Chris Tuck
Deb Fancher
Lee Holmes
H. Conner Thomas