

Alaska State Legislature

Select Committee on Legislative Ethics

1500 West Benson, Suite 220
Anchorage, AK 99503
(907) 269-0150
FAX: 269-0152
<http://ethics.akleg.gov/>

Mailing Address:
PO Box 90251
Anchorage, AK 99509-0251
Ethics.Committee@akleg.gov

HOUSE SUBCOMMITTEE DISMISSAL OF COMPLAINT H 22-01

The House Subcommittee hereby dismisses Complaint H 22-01 against Representative Christopher Kurka.

1. On May 3, 2022, the House Subcommittee received a properly filed complaint against former Representative Christopher Kurka dated April 25, 2022.
2. The complaint alleged the following:

“On 4/14/22 and 4/15/22, Mr. Pat Martin, an unregistered lobbyist for Alaska Right Life [sic], visited the Alaska State Capitol with the stated intent to distribute signed petitions to the legislature. He and his assistant apparently used the offices of two different legislators as his “base of operations” spending more than half a day in Representative Kurka’s office, and almost a full day and part of the evening in Representative ...’s office. During that time, he was visiting other offices to lobby legislators and intimidate staffers. No other lobbyist would be allowed to do this and certainly no activist such as Martin. Both Kurka and ... and their staffs were present at the time, and it is unknown if he was allowed to use computers or telephones. Allowing an aggressive activist and lobbyist to use your office as his base of operating in the Capitol building is a misuse of State resources IAW AS 24.06.030(a)(2) [sic].”

Relevant Statutes

Sec. 24.60.030. Prohibited conduct and conflicts of interest.

- (a) A legislator or legislative employee may not ...*
- (2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit*

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use; ...

3. Former Representative Christopher Kurka waived confidentiality of the complaint process pursuant to AS 24.60.170(l) on June 26, 2022. Waiver of confidentiality allows proceedings of the subcommittee to be conducted in a public forum. Committee deliberations and vote on the decision, however, are not open to the public or the subject of the complaint pursuant to AS 24.60.170(f).
4. Former Representative Kurka retained legal counsel on May 13, 2022. Legal counsel withdrew representation on October 31, 2023. On November 24, 2023, the committee was informed Representative Kurka retained new legal representation.

SCOPE OF INVESTIGATION:

The House Subcommittee met on June 28, 2022, November 18, 2022, and November 29, 2023, to discuss the complaint. The House Subcommittee also met on September 28, 2023, to discuss procedural matters.

In considering the complaint, the subcommittee reviewed AS 24.60.030 Prohibited Conduct and Conflicts of Interest, Subsection (a)(2) and Subsection (a)(2)(A) relative to the allegations. The interviews of three legislators, five legislative staff, and staff in the Legislative Affairs Agency were also reviewed for pertinent information related to the allegations.

The Legislative Affairs Agency time stamp records for April 14, 2022, were reviewed. Activities in public spaces of the capitol are monitored via security footage. Mr. Pat Martin, Outreach and Development Director for Alaska Right to Life, and his assistant spent one hour and two minutes in Representative Kurka's office, on and off, between the hours of 12:03 p.m. and 5:31 p.m. No records were available for April 15, 2022.

Alaska Public Offices Commission records confirmed Mr. Martin is not a registered lobbyist or a representational lobbyist for Alaska Right to Life. Although there are other types of lobbyists, determining whether Mr. Martin falls under another lobbyist category is beyond the scope of this investigation.

Mr. Pat Martin spoke before the subcommittee on November 18, 2022, during the public session of the meeting and provided information about his activities on April 14 and April 15, 2022. The approved subcommittee minutes from November 18, 2022, record his comments. Mr. Martin also spoke before the subcommittee on November 29, 2023, where he reiterated his activities in April 2022. Mr. Martin's comments was reviewed by the subcommittee.

DISMISSAL ORDER

The House Subcommittee hereby dismisses Complaint H 22-01 in its entirety. Based upon the facts of the investigation, the subcommittee dismisses the complaint for lack of probable cause as the conditions set forth in AS 24.60.030(a)(2) and AS 24.60.030(a)(2)(A) were not violated. First, there is no documented evidence Mr. Martin, or his assistant, used public funds, equipment, services or another government asset or resource, e.g., legislative computers, phones, office supplies, copy machines. Second, there is no documented evidence that Mr. Martin stored petition boxes in former Representative Kurka's office. Third, there is no documented evidence Mr. Martin used Representative Kurka's office as a "base of operations" on April 14 and April 15, 2022. The committee notes that guests, as well as lobbyists, will sometimes ask to leave items in a legislator's office for a short period of time while visiting the Capitol.

COMMENTS

The House Subcommittee is troubled by former Rep Kurka's lack of cooperation during the complaint process. The investigator made multiple calls to former Representative Kurka with no response on September 14, 2022, September 21, 2022, October 10, 2022, and November 1, 2022. The investigator called former Representative Kurka again on January 9, 2023. The phone call was followed up with an email from the ethics administrator. An interview was finally conducted on January 11, 2023; four months after the initial phone call from the investigator.

Further, the House subcommittee notes there were two extenuating circumstances beyond the control of the subcommittee which prevented the subcommittee from meeting earlier to discuss the investigation which was completed in February 2023.

RECOMMENDATIONS

The subcommittee cautions former Representative Kurka if a future ethics complaint is received, pursuant to AS 24.60.170(a), a request to respond to inquiries from the Select Committee on Legislative Ethics should be answered in a timely manner.

Adopted this 29th day of November 2023
by a majority of the House Subcommittee

_____/s/
Deborah Fancher, Chair

Members Participating

Deborah Fancher, Chair
Representative Sara Hannan
Representative Mike Prax
Dennis "Skip" Cook
H. Conner Thomas
Jerry McBeath