

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE DISMISSAL OF COMPLAINT H 23-01

The House Subcommittee hereby dismisses Complaint H 23-01 against Representative David Eastman.

1. On May 10, 2023, the House Subcommittee received a properly filed complaint against Representative David Eastman.
2. The complaint alleged the following:

“On February 6th, Rep. Eastman, using the "Rep. David Eastman" Facebook and Twitter social media accounts, asserted that he had recently donated to “Freedom Convoy 2022,” and encouraged those perusing his social media accounts to do the same, providing a link to an advocacy website that in turn provided a link to the Freedom Convoy 2022 donation site on GiveSendGo, an online-donations web service. This constitutes a solicitation for donations to this organization, made during the legislative session and-because it was made from the “Rep David Eastman[”] rather than his personal “David Eastman” account, was representing himself as an elected official and therefore using state resources. “Freedom Convoy 2022” was a group of Canadian truckers and others who were conducting protests in Ottawa, Canada.

At the time Rep Eastman solicited these donations the Mayor of Ottawa had declared a state of emergency due to the “serious danger and threat to [t]he safety and security of residents posed by the ongoing demonstrations,” (i.e., the demonstrations organized by Freedom Convoy 2022 and funded by those who donated to the organization).

Furthermore, two days prior, another online-donations web service, GoFundMe, had shut down its donations page to Freedom Convoy 2022 after having received communications from law enforcement officials in Ottawa that the funds were being used to carry out illegal activities. Rep. Eastman was aware of this development because he referenced it in his post, stating, "GoFundMe de-platformed the truckers this past week." Therefore, Rep. Eastman was knowingly soliciting funds for illegal activities. Since illegal activities are by their nature nonlegislative, Rep. Eastman was in violation of the ethics [act] when soliciting funds for Freedom Convoy 2022.

Even if Rep. Eastman was not soliciting funds for an illegal purpose, the only exception to the general prohibition against solicitation found in this section of the Legislative Ethics Act is for "a recognized, nonpolitical charitable organization in a state facility." The Freedom Convoy 2022 clearly does not meet the definition of either a recognized or a nonpolitical charitable organization, nor was it in a State of Alaska facility.

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*

3. Representative Eastman waived confidentiality of the complaint process pursuant to AS 24.60.170(l) on May 17, 2023.
4. The committee was notified Representative Eastman retained legal counsel on December 12, 2023.

SCOPE OF INVESTIGATION:

In considering the complaint, the subcommittee reviewed AS 24.60.030 Prohibited Conduct and Conflicts of Interest, Subsection (a)(2). The interviews of two legislative staff were reviewed for pertinent information related to the allegations.

The House Subcommittee met on June 12, 2023, January 9, 2024, and February 16, 2024. At the February 16, 2024, meeting, Rep. Eastman's attorney provided public comments.

DISMISSAL ORDER

The House Subcommittee hereby dismisses Complaint H 23-01 in its entirety. The facts of the investigation lack probable cause conditions set forth in AS 24.60.030(a)(2).

The investigation determined a Facebook page titled, "Office of Representative David Eastman," is Representative Eastman's legislative social media account. This account is maintained with the use of government resources, as permissible under AS 24.60.030.

There is no documented evidence Representative Eastman used government assets or resources, such as legislative staff, to maintain his personal social media accounts, in violation of AS 24.60.030(a)(2).

Additionally, the complainant alleged Representative Eastman "donated [to the Freedom Convoy] and encouraged those perusing his social media accounts to do the same." The committee found no evidence that Representative Eastman's legislative social media account

