

Alaska State Legislature

Select Committee on Legislative Ethics

716 W. 4th, Suite 230
Anchorage AK
(907) 269-0150
FAX: 269-0152

Mailing Address:
P.O. Box 101468
Anchorage, AK.
99510 - 1468

HOUSE SUBCOMMITTEE DISMISSAL OF COMPLAINT H 04-29

The House Subcommittee hereby dismisses Complaint H 04-29 against Representative Vic Kohring in its entirety.

The House Subcommittee reviewed the results of the investigation of the complaint and determined that:

1. The House Subcommittee received a properly filed complaint against Representative Vic Kohring, dated February 27, 2004. The complaint fell within the two-year statute of limitations.
2. The complaint alleged the following:
 - That Representative Kohring, chair of the House Special Committee on Oil and Gas, violated the legislative ethics code by calling an "at ease" to have a meeting outside of the Oil and Gas Committee Room on February 24, 2004, with several republican members of the committee. The complaint alleges a decision was made at this meeting on the timing of moving HB 395, An act relating to shallow natural gas leasing and the regulation of shallow natural gas operations, out of committee. Although AS 24.60.037 Open Meetings Law was not directly mentioned in the complaint, the reference is clearly indicated.
 - That Representative Kohring violated Uniform Rule 22, Section B and C, of the Alaska State Legislature Uniform Rules.

The House Subcommittee reviewed AS 24.60.037 and Alaska State Legislature Uniform Rule 22 Section B and C, conducted interviews of legislators and the public, and reviewed the February 24, 2004 Gavel-to-Gavel tape of the House Special Committee on Oil and Gas in relation to the complaint.

The House Subcommittee finds that after an extensive and thorough investigation, the actions of Representative Kohring, set out in Complaint H 04-29, did not give rise to a violation of the Legislative Ethics Code and therefore dismisses the complaint.

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Based on the investigation, the Subcommittee concluded that no meeting occurred. However, the Subcommittee determined that Representative Kohring initially intended to hold a meeting in violation of the open meetings law; had the meeting occurred it would have violated the Legislative Ethics Code. While the facts of this incident did not rise to the level of a violation of the Legislative Ethics Code, they clearly created the appearance of a violation. As a result, the Subcommittee recommends that an effort be made in the future to avoid any similar actions.

Adopted this 7th day of May 2004
by a majority of the House Subcommittee.

Signature redacted for privacy

H. Conner Thomas, Chair
House Subcommittee

Members Participating

H. Conner Thomas, Chair
Dennis "Skip" Cook
Herman Walker, Jr.
Marianne Stillner
Ann Rabinowitz
Representative Mary Kapsner

Member Present for a Portion of the Meeting
and Absent for the Vote

Representative Norman Rokeberg