

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 07-02

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee hereby finds that there is probable cause to believe that Rynniva Moss violated the Ethics Code.

The House Subcommittee investigated allegations contained in complaint H 07-02 and determined that:

1. The House Subcommittee received a properly filed complaint against Rynniva Moss dated April 24, 2007. The complaint fell within the two-year statute of limitations.
2. The complaint alleged the following:
 - That Ms. Moss represented a constituent before the State Workers Compensation Board while on government time and with the use of state resources for a period beginning in late 2004 through 2006.
 - That Ms. Moss used Representative John Coghill's letterhead for all written correspondence.

SCOPE OF INVESTIGATION:

The House Subcommittee met on the following dates: April 17, 2007 and September 28, 2007.

- On April 17, 2007 the subcommittee adopted a Scope of Investigation focusing on AS 24.60.030(a)(2)(A), prohibitions related to the use of public funds, facilities, equipment, services, or another government asset or resource.

AS 24.60.030(a)(2)(A) A legislator or legislative employee may not use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, ... or for the private benefit of either the legislator, legislative employee, or another person;

The subcommittee reviewed and analyzed the following:

- AS 24.60.030(a)(2)(A)
- memo dated December 29, 2004 from LAA Legal concerning a legislative staffer representing a constituent at a Workers Compensation hearing
- memo dated January 24, 2005 from Ethics Staff on the subject of constituent service
- interviews of Ms. Moss, Representative John Coghill, the case worker for the Alaska Workers Compensation Board and the attorney representing the employer in the case
- copies of all correspondence generated by Ms. Moss or to Ms. Moss from the attorney, the Alaska Workers Compensation Board
- copies of correspondence from Ms. Moss
- copies all pleadings prepared by Ms. Moss
- a timeline of activities performed
- an estimate of the number of hours spent on the Workers Compensation case by Ms. Moss
- personal statements from Ms. Moss

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee finds that after an extensive and thorough investigation, the actions of Rynniva Moss went beyond constituent service in that Ms. Moss took on the role of personal advocate for the constituent and under 8 AAC 45.178 became the constituent's "non-attorney representative" before the Workers Compensation Board. The time period in question covered November 2004 through December 2006. Ms. Moss violated AS 24.60.030(a)(2)(A) in that state resources, including her time and the use of the Representative's legislative office and legislative stationery, were used for a nonlegislative purpose and for the private benefit of another.

RECOMMENDATION:

As a result of Ms. Moss' immediate compliance with notification to cease representation of the constituent before the Workers Compensation Board, no additional public resources were improperly used. In light of this action, the subcommittee determined no further corrective action was required.

The subcommittee hereby attaches the December 29, 2004 memo from Legislative Affairs Agency legal department addressing representation of a constituent before the Workers Compensation Board. The subcommittee requests that Ms. Moss refrain from personal representation of constituents before state agencies in the future.

The subcommittee further points out that Ms. Moss operated in good faith and received no personal benefit or gain from the representation. Ms. Moss' commitment to the district's constituents is commendable.

Adopted this 28th day of September 2007
by a majority of the House Subcommittee

_____/s/_____
Herman G. Walker, Jr., Chair

Members Participating

Herman G. Walker, Jr., Chair
Dennis "Skip" Cook
Ann Rabinowitz
H. Conner Thomas
Gary J. Turner
Representative Bob Roses

Member Absent

Representative Berta Gardner