

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 07-03

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee hereby finds there is probable cause to believe that former Representative Tom Anderson violated the Ethics Code.

The House Subcommittee investigated allegations contained in complaint H 07-03 and determined that:

1. The House Subcommittee received a properly filed complaint against former Representative Tom Anderson dated April 17, 2007.
2. The date of the alleged actions, July 2004 until on or about March 2005, was outside the two-year statute of limitations; however, AS 24.60.170(a) allows the filing of a complaint outside of the two year limit if the person intentionally prevented the discovery of the alleged acts. The committee determined former Representative Anderson intentionally prevented discovery of the alleged facts as noted in the Federal indictment dated December 6, 2006.
3. The complaint alleged that former Representative Tom Anderson received \$26,000 in payments in exchange for an agreement to take official legislative action to further his own interest and the business of another company. Specifically, former Representative Anderson offered to secure positions on specific legislative committees and subcommittees that would hear legislation concerning a private Corrections project, vote for legislation concerning a private Corrections project, lobby other elected public officials to support the Corrections legislation and take other actions necessary to favorably consider the Corrections legislation.
 - a. Did former Representative Tom Anderson violate AS 24.60.030(a)(1) by:

soliciting, agreeing to accept or accepting a benefit other than official compensation for the performance of public duties;

- b. Did former Representative Tom Anderson violate AS 24.60.030(e)(1) by:

directly, or by authorizing another to act on the legislator's behalf, agree to, threaten to, or state or imply that the legislator will take or withhold a legislative, administrative, or political action, including support or opposition to a bill, employment, nominations, and appointments, as a result of a person's decision to provide or not provide a political contribution, or donate or not donate to a cause favored by the legislator, or provide a thing of value;

AS 24.60.990(a)(2) defines a "thing of value" as follows:

"anything of value," "benefit," or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, of material worth, use, or service to the person to whom it is conferred; the terms are intended to be interpreted broadly and encompass all matters that the recipient might find sufficiently desirable to do something in exchange for;

- c. Did former Representative Tom Anderson violate AS 24.60.100 by:

representing another person for compensation before an agency, committee, or other entity of the legislative branch;

SCOPE OF INVESTIGATION:

The House Subcommittee met on the following dates: April 17, 2007, September 28, 2007, and December 12, 2007.

- On April 17, 2007, the subcommittee adopted a Scope of Investigation.

The subcommittee reviewed and analyzed the following:

- U.S. Federal Indictment dated December 6, 2006
 - Count 1: Conspiracy to commit extortion under color of official right, bribery, and money laundering – 18 U.S.C. § 371
 - Count 2: Interference with commerce by extortion induced under color of official right – 18 U.S.C. § 1951(a) and § 2
 - Count 3: Bribery concerning programs receiving federal funds – 18 U.S.C. § 666 (a)(1)(B) and § 2
 - Count 4-6: Money laundering – 18 U.S.C. § 1956(a)(1) and § 2
 - Count 7: Interference with commerce by extortion induced under color of official right – 18 U.S.C. § 1951 (a) and § 2

- Guilty verdicts issued for Counts 1 through 7

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee finds probable cause that the actions of former Representative Tom Anderson violated AS 24.60.030(a)(1), AS 24.60.030(e)(1) and AS 24.60.100 as proven by the seven guilty verdicts issued in Federal Court on July 9, 2007.

RECOMMENDATION:

The House Subcommittee recommends no sanctions as allowed under AS 24.60.178. The subcommittee determined former Representative Tom Anderson received sufficient punishment when he was sentenced to five years in prison on October 14, 2007.

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

Adopted this 16 day of January 2008
by a majority of the House Subcommittee

Members Participating

Herman G. Walker, Jr., Chair
Dennis “Skip” Cook
H. Conner Thomas
Gary J. Turner
Representative Carl Gatto (alternate member)
Representative Berta Gardner

Member Absent

Ann Rabinowitz