

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 07-04

DETERMINATION OF PROBABLE CAUSE AMENDED February 24, 2012

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

The House Subcommittee investigated allegations contained in complaint H 07-04 and determined that:

1. The House Subcommittee received a properly filed complaint against former Representative Vic Kohring dated June 28, 2007.
2. The date of the alleged actions, in or about January 2006 and continuing until in or about August 2006, are within the two year requirement for filing a complaint under AS 24.60.170(a).
3. The complaint alleged that former Representative Vic Kohring solicited and received money and other things of value for himself and his family in exchange for agreeing to perform, attempting to perform and ultimately performing official acts as a member of the Alaska State Legislature. Rep Kohring attempted to conceal the true nature and source of the monetary payments and other financial benefits. Official acts included: voting in favor of versions of the PPT bill supported by Company A, Company CEO, Company VP and the oil producers; lobbying other elected officials to support versions of PPT that Company A, Company CEO, Company VP and the oil producers favored; and repeatedly offering to assist and help Company A, Company CEO and Company VP by providing official support for the natural gas pipeline legislation and the PPT bill.

- a. Did former Representative Vic Kohring 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 Vic Kohring 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 Vic Kohring 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: June 11, 2007, December 12, 2007 and August 19, 2008.

- On June 11, 2007, the subcommittee initiated a complaint and adopted a Scope of Investigation.

The subcommittee reviewed and analyzed the following:

- U.S. Federal Indictment dated October 3, 2007
 - Count 1: Conspiracy to commit extortion and attempted extortion under color of official right and bribery – 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: Attempted interference with commerce by extortion induced under color of official right – 18 U.S.C. § 1951(a) and § 2
- Count 4: Bribery concerning programs receiving federal funds – 18 U.S.C. § 666 (a)(1)(B) and § 2
- Guilty verdicts issued for Counts 1, 2 and 4 on November 1, 2007.

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee finds probable cause that the actions of former Representative Vic Kohring violated AS 24.60.030(a)(1), AS 24.60.030(e)(1) and AS 24.60.100 as proven by the three guilty verdicts issued in Federal Court on November 1, 2007.

RECOMMENDATION:

The House Subcommittee recommends no sanctions as allowed under AS 24.60.178. The subcommittee determined former Representative Vic Kohring received sufficient punishment when he was sentenced to three and one half years in prison on May 8, 2008.



Adopted this 19th day of August 2008
by a majority of the House Subcommittee

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
Representative Berta Gardner

COMPLAINT DECISION H 07-04
AMENDED February 24, 2012

The House Subcommittee of the Select Committee on Legislative Ethics met on Friday, February 24, 2012 to discuss Complaint Decision H 07-04 against former Representative Vic Kohring. The committee amended the Complaint Decision issued August 19, 2008.

Complaint Decision H 07-04 is hereby amended on February 24, 2012 by a majority of the House Subcommittee. The amendment is based on the fact Mr. Kohring's conviction was overturned. On October 19, 2011 Mr. Kohring pled guilty to Count One of the original indictment, Conspiracy to Commit Bribery Concerning Programs that Receive Federal Funds in violation of 18 U.S. C. § 371.

The following statements are quoted from the Plea Agreement:

- January 28, 2006 phone conversation with Rick Smith, "I told Smith that I would be available to assist." Kohring was referring to the important PPT 20/20 legislation. (Page 7 of 19.)
- February 21, 2006 phone conversation with Rick Smith, "I assured Smith I would reluctantly go along and support the 20/20 PPT, but only if that tax rate was amenable to VECO and the oil producers." He would make points in caucus, committee meetings, radio programs and newspaper columns. (Page 7 of 19.)
- February 23, 2006 dinner with Rick Smith and Bill Allen., "Bill Allen handed me about \$1,000 and described it to me as a gift." (Page 8 of 19.)
- Kohring stated, "By accepting this money with that knowledge and intent, I knowingly became a part of the conspiracy to bribe elected officials." (Page 8 of 19.)
- March 30, 2006 met with Rick Smith and Bill Allen and mentioned his \$17,000 credit card debt. "During that meeting, Allen gave me money and I accepted it." (Page 9 of 19.)

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee finds probable cause that the actions of former Representative Vic Kohring as outlined in the October 19, 2011 Plea Agreement violated AS 24.60.030(a)(1), AS 24.60.030(e)(1) and AS 24.60.100 based on his admission of guilt to the factual basis stated in the plea agreement.

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RECOMMENDATION

The House Subcommittee recommends no sanctions as allowed under AS 24.60.170. The subcommittee recognizes former Representative Vic Kohring served twelve months of his three and one half year sentence and was placed on supervised release for a period of 18 months.

Adopted this 24th day of February 2012
by a majority of the House Subcommittee

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

Members Participating

Herman G. Walker, Jr., Chair
Dennis “Skip” Cook
Antoinette “Toni” Mallott
H. Conner Thomas
Gary J. Turner
Representative Chris Tuck

Member Absent

Representative Carl Gatto