

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 07-07

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee hereby finds that there is probable cause to believe that Representative Mike Kelly violated the Ethics Code.

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

1. The House Subcommittee received a properly filed complaint against Representative Mike Kelly dated June 28, 2007. The complaint fell within the two-year statute of limitations.
2. The complaint alleged the following:
 - That Representative Kelly used his legislative email address and state resources to send an email on February 27, 2007, to twenty-three Republican House members and eleven Republican Senate members encouraging them to make a donation to a web site advocating to "Vote Yes for Marriage" on the April 3, 2007, state-wide advisory vote question in violation of AS 24.60.030(a)(5).

SCOPE OF INVESTIGATION:

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

- On June 28, 2007 the subcommittee adopted a Scope of Investigation focusing on AS 24.60.030(a)(5), prohibitions related to the use of public funds, facilities, equipment, services, or another government asset or resource.

AS 24.60.030(a)(5) A legislator or legislative employee may not use public funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning;

The subcommittee reviewed and analyzed the following:

- AS 24.60.030(a)(5) Prohibitions related to conflicts of interest and unethical conduct
- Email of February 27, 2007 from Representative Kelly to thirty-four legislators
- Written statement from Representative Kelly dated July 20, 2007

DETERMINATION OF PROBABLE CAUSE

The House Subcommittee finds the actions of Representative Kelly, use of his legislative email address to solicit donations for a state-wide advisory vote question, violated AS 24.60.030(a)(5) in that state resources were used for the purpose of political fund raising and campaigning.

RECOMMENDATION:

In light of Representative Kelly's letter acknowledging the email communication was inappropriate and should have been sent from a non-state email account and computer and his statement indicating this type of action will not occur in the future, the subcommittee determined no further corrective action was required.

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

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

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