

Alaska State Legislature

Select Committee on Legislative Ethics

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HOUSE SUBCOMMITTEE COMPLAINT H 07-08

DISMISSAL ORDER

The House Subcommittee hereby dismisses the complaint filed against former Representative Pete Kott.

The House Subcommittee investigated allegations contained in complaint H 07-08 and determined that:

1. The House Subcommittee received a properly filed complaint against former Representative Pete Kott dated May 16, 2007.
2. This complaint was filed past the two year limitation on initiating a complaint. The House Subcommittee moved the complaint forward and initiated an investigation for the premise that former Representative Pete Kott intentionally prevented discovery of the alleged acts. AS 24.60.170(a)
3. The complaint alleged the following:
 - a. That former Representative Pete Kott used his status as a legislator to obtain personal gain for his domestic partner, Debora J. Stovern. No dates are listed for this allegation.
 - b. That former Representative Pete Kott used state resources for a nonlegislative purpose in 2003.
 - c. That former Representative Pete Kott did not disclose a Close Economic Association in 2003 with Ms. Stovern, who he was residing with and also worked for the legislature.

SCOPE OF INVESTIGATION:

The House Subcommittee met on the following dates: June 11, 2007 and September 28, 2007 and December 12, 2007.

On June 11 2007, the subcommittee adopted a Scope of Investigation as follows:

Allegation 3.a.) The subcommittee declined to investigate the allegation that former Representative Kott used his status as a legislator to obtain personal gain for Debora J. Stovern in a court hearing.

Allegation 3.b.) The subcommittee dismissed the allegation that former Representative Kott used state resources in 2003, specifically his legislative office fax machine, for a nonlegislative purpose to fax eight documents that were not of a legislative nature to a court administrator. AS 24.60.030(a)(2)(A) allows for the 'de minimis' use of state resources. The subcommittee determined faxing eight documents falls within this definition of limited, nominal and infrequent use.

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; this paragraph does not prohibit limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

Allegation 3.c.) The subcommittee will investigate whether former Representative Kott and Debora J. Stovern failed to file a Close Economic Association naming Debora J. Stovern as his domestic partner and someone with whom he shared housing with while she was employed by the Legislative Affairs Agency in 2002 and 2003. AS 24.60.070(a)(5)

AS 24.60.070(a)(5) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with a legislative employee if the person required to make the disclosure is a legislator.

The subcommittee reviewed: AS 24.60.070(a)(5), Ms. Stovern's term of employment for the Internet Technology Subcommittee of the Legislative Council, discussions with Legislative Affairs Agency personnel, the audio recording of Debora J. Stovern's testimony on September 19, 2007 in the Pete Kott trial, a letter from former Representative Pete Kott

dated June 11, 2007 to the House Subcommittee and a letter from Debora J. Stovern dated November 11, 2007 to Honorable John W. Sedwick, U.S. District Court.

DISMISSAL

The House Subcommittee finds the actions of former Representative Pete Kott, set out in Complaint H 07-08, Allegation 3.c., did not give rise to a violation of the Legislative Ethics Act and therefore dismisses the complaint.

Adopted this 12th day of December 2007
by a majority of the House Subcommittee

Signature redacted for privacy

Herman G. Walker, Jr., Chair

Members Participating

Herman G. Walker, Jr., Chair

Dennis "Skip" Cook

H. Conner Thomas

Gary J. Turner

Representative Bob Roses

Representative Berta Gardner