

Minutes approved May 30, 2025

**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS**

JUNE 10, 2024

9:00 AM

FULL COMMITTEE MEETING MINUTES

9:08 AM

A. CALL THE MEETING TO ORDER

Chair Deb Fancher called the June 10, 2024, Legislative Ethics Full Committee meeting to order at 9:08 AM. She directed Jacqueline Yeagle to conduct roll call.

Roll Call

Skip Cook
Conner Thomas
Jerry McBeath
Joyce Anderson
Deb Fancher
Senator David Wilson
Senator Löki Tobin
Representative DeLena Johnson

There was a quorum.

Others

Jacqueline Yeagle

B. UPDATE ON PUBLIC COMMITTEE MEMBER CONFIRMATIONS

Chair Deb Fancher noted that public members are appointed for a three year term by the Chief Justice of Alaska [Peter J. Maassen]. On January 17, 2024, the Chief Justice reappointed Skip Cook and Joyce Anderson. He appointed a new alternate member, Rachel Kelly. On January 26, 2024, the senate approved all three nominees.

Chair Deb Fancher continued, on January 24, 2024, the house moved the nominees to the House Judiciary Committee, and on March 8, 2024, the House Judiciary Committee moved the nominees forward for a vote on the floor. On April 29, 2024, Joyce Anderson and Skip Cook's appointments were

Minutes approved May 30, 2025

ratified for three year terms. Rachel Kelly's appointment was not ratified by the house.

Joyce Anderson asked whether the Chief Justice had been informed that the alternate member appointee had not been ratified.

Jacqueline Yeagle replied that she would look into it.

9:10 AM

C. APPROVAL OF THE AGENDA

Chair Deb Fancher entertained a motion to approve the agenda.

Jerry McBeath said before he could vote in favor of the agenda, he would like that the contract discussion could be moved to the executive session because it concerns matters that may affect the reputation of the person considered.

Chair Deb Fancher replied that Brent Cole had been invited to present information to the committee and answer questions at 10:00 AM. She noted that changing the agenda as Jerry McBeath suggested would be difficult.

Joyce Anderson reported that discussions about the committee's outside counsel and investigator contracts have always been conducted in public session. She asked Jerry McBeath to be more specific about what he thought needed to be discussed in executive session since the discussion would be about invoices and FY 25.

Jerry McBeath responded that the motion to go into executive session says, "the immediate knowledge of would adversely affect the finances of a governmental unit and discussion of subjects that tend to prejudice the reputation and character of a person." If he were to ask questions about the competence of a person engaged in a contract with the committee, that would be interpreted by anyone as affecting that person's reputation and thus should not be considered [in] public session.

Representative DeLena Johnson said she would agree with Jerry McBeath about some of the things that have happened in the past with what has been worked on and expectations

Minutes approved May 30, 2025

moving forward. But the actual contract discussion amount could be done outside of executive session.

Skip Cook said that the committee discussed qualifications in executive session and conducted a vote on the contracts in public session.

Joyce Anderson agreed with Skip Cook. Action taken regarding money or contracts has to be done in a public session. She did not see a problem with moving the contracts discussion into executive session, then approve a contract extension or not in public session. She added that Brent Cole's reason for attending the meeting was to update the committee regarding item F [Complaint S 21-01].

Chair Deb Fancher asked if there were any objections to moving the contract discussion into executive session.

Senator David Wilson asked Jerry McBeath if he wanted Brent Cole to be included in the discussion in executive session or not.

Jerry McBeath said his questions were primarily about the investigator and also about Brent Cole's recent bills, which will influence future spending on the contract.

Chair Deb Fancher asked if Jerry McBeath was agreeable to allowing Brent Cole to participate in that part of executive session so he could address those questions.

Jerry McBeath said he was agreeable.

Representative DeLena Johnson made a motion to move discussion of item G Contracts to item J Executive Session, then take up the contracts after executive session.

[9:18 AM](#)

Chair Deb Fancher entertained other discussion. There was no other discussion. She entertained objections to Representative DeLena Johnson's motion. Hearing none, the agenda was approved as modified.

D. PUBLIC COMMENT

Minutes approved May 30, 2025

Chair Deb Fancher opened public comment. There was no public comment.

9:20 AM

E. CHAIR/STAFF REPORT

1. Staff reports

Chair Deb Fancher directed Jacqueline Yeagle to address the revised staff report of April 4, 2024.

Jacqueline Yeagle referred to tab 1, the revised staff report of April 4, 2024, and she asked for committee comments.

Joyce Anderson noted that one of the questions was duplicated in the report.

Jerry McBeath commented that if he were a busy legislator he would appreciate a simple yes or no answer to the questions. He cited the first question as an example.

Representative DeLena Johnson responded that the first question falls outside the scope of the Ethics Act and therefore the committee and staff do not have the authority to provide a yes-or-no response.

Jerry McBeath asked Representative DeLena Johnson if she was satisfied with the current wording. If so, he said he would withdraw his objection.

Representative DeLena Johnson replied that the answer could be clearer. She suggested that it would be beneficial to develop a standard response for questions that fall outside the committee's purview.

Chair Deb Fancher solicited comment on page 2, then page 3.

Jerry McBeath referred to the first answer on page 3. He asked if the answer could be more specific when referencing "the appropriate authority."

Chair Deb Fancher replied that a reason for the non-specificity is that the appropriate authority is different depending on where you are. If you are in a small village,

Minutes approved May 30, 2025

the appropriate authority may be the village safety officer, while in Anchorage it may be Anchorage Police Department.

Senator Löki Tobin agreed and said that she thinks using the term "appropriate authority" allows for that flexibility.

Joyce Anderson also agreed. Additionally, she noted that she did not think it was within the committee's purview to recommend who should be contacted.

Jerry McBeath asked Joyce Anderson if there was a record that shows the extent of the problem and where incidents tended to occur. If not, he said the current language was acceptable.

Joyce Anderson said she was not aware of such record.

Skip Cook suggested using the term "appropriate protective authority."

Jerry McBeath expressed satisfaction with Skip Cook's suggestion.

Chair Deb Fancher prompted Jerry McBeath to address his next issue with page 3.

Jerry McBeath raised concern about the first question under "Contracts/Leases." Specifically, he questioned whether a legislator who co-owns a strategy and consulting firm can advise the governor, as that might blur the lines between the legislative and executive branches.

Senator Löki Tobin responded that the executive branch has its own ethics laws, and it is up to them to determine what is permissible for the governor and others in that branch.

Joyce Anderson noted that the staff report addressed the question that was actually submitted, and the scenario raised by Jerry McBeath was not part of that original inquiry.

[9:33 AM](#)

Minutes approved May 30, 2025

[Representative Sara Hannan joined the meeting telephonically.]

Representative Sara Hannan raised concerns about the first question under the "Legislative Communication" section of the report. Specifically, she was worried that the response might mislead legislators – especially new ones—into thinking that sending political mass mailings during the 60-day campaign blackout period is permissible depending on the funding source, which would contradict Alaska Public Offices Commission (APOC) rules.

Chair Deb Fancher asked how Representative Sara Hannan would change the advice.

Representative Sara Hannan recommended that the advice clearly state that legislators should not use any state resources to send political mass mailings starting 60 days before an election.

Joyce Anderson replied that the Ethics Act stipulates a 60-day blackout period using state funds, but exempts the office allowance account and permits using other funds such as a POET account or personal funds.

Representative Sara Hannan countered that the advice is unclear. Most legislators rely primarily on their office allowance accounts.

Representative DeLena Johnson asked whether sending birthday cards during the campaign period is allowed.

Joyce Anderson replied that sending a birthday card is not a political mass mailing.

Chair Deb Fancher suggested that the root of Representative Hannan's concern lies in a discrepancy between what the Ethics Act allows and what APOC rules prohibit. She asked if Representative Hannan would support further research into the issue.

Representative Sara Hannan agreed and encouraged additional review. She emphasized that it is confusing to advise legislators not to use state resources for mass mailings and then list alternative funds that can be used especially when time is limited and decisions must be made quickly.

Minutes approved May 30, 2025

Senator David Wilson said the advice was clear. It is up to the legislator to read the advice and follow it. If they do, that is on them. He concluded simply, "Just don't do it."

Representative Sara Hannan recalled that over the past several years she has consistently heard that APOC prohibits the distribution of political mass mailings during the 60-day period regardless of the funding source. She noted that the current advice appears to allow it.

Senator David Wilson said he believed that the use of the office allowance account is also prohibited.

Joyce Anderson read from AS 24.60.130, "Unless approved by the committee, during a campaign period for an election in which the legislator or legislative employee is a candidate, a legislator or legislative employee may not use or permit another to use state funds, other than funds to which the legislator is entitled under AS 24.10.110, ..."

So, Joyce Anderson said, there is an exception in statute allowing those funds to be used. She read the rest of that section of statute, "...to print or distribute a political mass mailing to individuals eligible to vote for the candidate.

Senator David Wilson noted office funds may be used for office communications, but their use for political party messaging is prohibited.

Joyce Anderson agreed with Senator David Wilson, noting that content is what determines whether a communication crosses into campaigning. She cited a past complaint about a legislator discussing plans for the upcoming session in a newsletter, which was deemed campaign related.

Representative Sara Hannan restated she thought the answer given will create problems. Most people do not read past complaint decisions. The answer contributes to a gray area of interpretation, and she predicts if a complaint is filed against someone for sending a newsletter using, for instance, a POET account, they will point back to the Ethics Committee advice. If that happens, they should not be punished, they were following committee guidance.

Minutes approved May 30, 2025

Skip Cook recommended redrafting the advice, perhaps with Representative Sara Hannan taking the lead, and presenting it to the committee at the next meeting.

Representative DeLena Johnson commented that the question must have been asked numerous times in the past.

Chair Deb Fancher supported Skip Cook's suggestion to revise the advice, noting that with campaign season approaching, it is important to clarify the issue. She also recommended removing any mention of birthday cards from the guidance.

Jerry McBeath referred to a highlighted section on page 5 that asked, "Should legislators have to give permission to use their photographs for [a legislative] purpose?" He questioned how enforcement would work if a legislative employee took a photo without permission.

Representative DeLena Johnson responded that legislators are public figures and do not have control over whether their photo is taken in public. She asked whether images captured by the legislative press team could be used in campaign materials.

Senator David Wilson agreed with Representative DeLena Johnson that legislators cannot dictate whether in a public setting a photo is taken. He answered Representative DeLena Johnson's question, that yes, a photo may be used for personal purposes.

Chair Deb Fancher asked Joyce Anderson to comment on the corrected advice on page 6.

Joyce Anderson explained that the question – whether a legislator may solicit wedding gifts through a gift registry and receive cash gifts from in-laws – was not discussed at the April 4, 2024, meeting. She clarified that under AS 24.60.080(c)(6), gifts unrelated to a legislator's status are allowed. Therefore, both registry gifts and cash from in-laws are permitted.

Joyce Anderson added that lobbyists may give a wedding gift to a legislator if the lobbyist is a member of the legislator's immediate family, as defined in AS

Minutes approved May 30, 2025

24.60.080(c)(5). A legislator who accepts a gift under AS 24.60.080(c)(6) must disclose the gift to the Ethics Committee within 30 days, including the donor's name, occupation, and a description of the gift. The committee maintains these disclosures as confidential records unless a complaint under AS 24.60.170 is received.

Jerry McBeath asked if there were a lot of questions about gift registries.

Joyce Anderson replied it was not a unique question.

2. Revised complaint form

Chair Deb Fancher directed the committee to the revised complaint form.

Jacqueline Yeagle said the first document under tab 2 is the form currently in use. None of the content changed, only [formatting]. Based on concerns at the last meeting, language from AS 24.60.170(b), which states that the complainant may be called to testify, has been added under a new "Complainant Acknowledgement" section on the back of the form. This section also highlights AS 11.56.805, which defines the offense of knowingly or intentionally filing a false complaint.

10:00 AM

Chair Deb Fancher reiterated that the draft had only been reformatted. No new content was added.

Representative Sara Hannan expressed concern that the form still did not clarify an important issue: if the subject of a complaint waives confidentiality, the complainant's identity may also be disclosed. She thinks complainants should be made clearly aware of this possibility.

Chair Deb Fancher remarked that Representative Sara Hannan's concern was noted, and that it would be addressed in future legislation changes.

Representative Sara Hannan replied that she did not think statute change was required, just more of a statement of interpretation of statute.

Minutes approved May 30, 2025

Chair Deb Fancher responded that the issue lies in how the law is currently interpreted and that the statute should be clarified first.

Conner Thomas agreed with Representative Sara Hannan's concerns. Complainants think their names are confidential and complainants have been upset about their identity being released. He emphasized that the form should explicitly inform complainants of this possibility.

Representative DeLena Johnson agreed that complainants need to know whether their names will be held in confidence when filing a complaint. She reminded the committee that it had previously agreed to form a subcommittee to review the relevant statutes.

Chair Deb Fancher said she thought it best to put the complaint form approval on hold.

3. Administrator position update

Chair Deb Fancher asked Joyce Anderson to provide a quick update on the administrator hiring process.

[Brent Cole joined the meeting.]

10:08 AM

Joyce Anderson asked Jacqueline Yeagle report where the job opening had been advertised.

Jacqueline Yeagle said that the position was posted through several outlets: COGEL, NCSL, the Alaska Bar Association, the University of Alaska Job Board (thanks to Jerry McBeath), Workplace Alaska via the state personnel system, and MaxRecruit, a service of the *Anchorage Daily News*. Through MaxRecruit, the posting was also distributed to LinkedIn, Indeed, Glassdoor, Next, Jobs to Careers, ZipRecruiter, CareerBuilder, and the *Anchorage Daily News* Job Board.

Joyce Anderson reported that the application filing deadline was Friday, May 31, 2024. She conducted a stage one review of the applicants. Stage one criteria required:

Minutes approved May 30, 2025

- A minimum of three years of experience in an administrative role with a legislature, committee, or nonprofit organization
- Three references
- Three writing samples

There were 25 applicants for the position.

- Seven applicants did not meet the minimum qualifications and were disqualified.
- Four applicants met some, but not all, of the minimum requirements.
- Fourteen applicants met most qualifications and should be reviewed further by the hiring subcommittee.
- Six applicants were from out of state; of those, three did not meet qualifications.

Joyce Anderson reported that only four applicants met all of the requirements. Most applicants did not provide writing samples. Some did not provide the references. Only those lacking the required three years of experience were eliminated from consideration.

Joyce Anderson reported that a couple of applicants did not meet the minimum qualification of a bachelor's degree. However, they had very impressive backgrounds, more than the three year minimum required, and they provided references. She wondered if members of the committee were open to considering them further, and if so, whether that decision should be made by the full committee or the hiring subcommittee.

Senator David Wilson asked if any of the out of state applicants were among the top four candidates and was offered the job, would the committee pay moving expenses.

Joyce Anderson replied that based on past experience, no, but that is a decision the committee would need to make. Two of the top four candidates were from out of state, one from Washington and one from Idaho.

Chair Deb Fancher urged discussion of whether the bachelor's degree requirement should be waived.

Jerry McBeath said he was open to waiving the degree requirement. However, he raised a fairness concern: doing

Minutes approved May 30, 2025

so now would disadvantage qualified individuals who did not apply because they believed they did not meet the stated requirement. He acknowledged that experience can sometimes be considered the equivalent of a college degree. A number of students have graduated from the university system without having met all of the formal course requirements because they had equivalent experience that made up for lacking the credits. He added that he would want to review the candidates personally before deciding whether to make an exception.

The Chair agreed, emphasizing that a bachelor's degree was clearly listed as a requirement, just like specific work experience or recommendation letters would be. Changing that now could be unfair.

Representative DeLena Johnson suggested the hiring subcommittee could make that decision, perhaps depending on the whether the candidate pool needed to be enlarged.

Chair Deb Fancher commented that a hiring subcommittee still needed to be formed. She proposed that Jacqueline Yeagle, as interim administrator, be among the subcommittee members and she asked for additional volunteers.

Representative DeLena Johnson indicated she was willing to serve on the hiring subcommittee.

Representative Sara Hannan agreed with Jerry McBeath that waiving the bachelor's degree requirement mid-process is unfair to individuals who may have chosen not to apply based on the stated qualifications. She added that if the subcommittee later finds that no strong candidate exists, the committee could consider reopening the position and revising the requirements. However, changing the rules after reviewing applications is not appropriate.

10:18 AM

Representative DeLena Johnson repeated her suggestion that the hiring subcommittee make the decision whether to consider applicants who do not have a college degree.

Representative Sara Hannan agreed with Representative DeLena Johnson.

Minutes approved May 30, 2025

Chair Deb Fancher asked Representative Sara Hannan if she was willing to be on the hiring subcommittee.

Representative Sara Hannan said she was willing, though her travel schedule might limit her availability.

Chair Deb Fancher asked if anyone else was willing.

Jerry McBeath replied he would, though he has travel plans to work around.

Chair Deb Fancher confirmed with Joyce Anderson that she planned to be on the subcommittee, which Ms. Anderson affirmed.

Senator Löki Tobin also indicated a willingness to serve on the subcommittee.

Chair Deb Fancher encouraged the subcommittee to meet quickly to get an administrator hired soon. She recommended Jacqueline Yeagle and LAA Executive Director Jessica Geary train the new administrator.

Chair Deb Fancher called for a brief at ease while the meeting platform, Microsoft Teams, was set up.

10:28 AM

Chair Fancher called the meeting back to order, and introduced Brent Cole, the committee's outside counsel.

F. UPDATE BY BRENT COLE ON COMPLAINT S 21-01 FORMER SENATOR LORA REINBOLD

Chair Deb Fancher welcomed outside counsel Brent Cole to the meeting. She reported Brent Cole has been outside counsel to the committee since 2001 and he would provide an update on the status of Complaint S 21-01 against former Senator Reinbold.

Brent Cole reported that in his 23 years as outside counsel, the last two have been the most litigious. The complaint against former Senator Reinbold has been ongoing for two years. The complaint involved a finding by the committee of probable cause that she violated the Ethics Act, though she later corrected the violation. She objected

Minutes approved May 30, 2025

to the process, particularly that she was not allowed to pursue discovery to understand why the complaint was initially filed. Although the Committee followed the procedures laid out in statute, former Senator Lora Reinbold disagreed with the process and filed her complaint in 2022.

Brent Cole reported he prepared a Motion to Dismiss, based on the premise that this is really a legislative matter, not a judicial matter. He advised the former senator to address her concerns to the legislature, noting that judicial involvement would infringe on legislative authority. On July 17, 2023, the superior court agreed with this position and dismissed the case.

Former Senator Lora Reinbold filed an amended complaint. The judge dismissed it. She followed that with a motion for reconsideration. In response, Brent Cole argued that even a second amended complaint would not change the outcome. On May 3, 2024, the court issued a 24-page ruling denying her request to file a second amended complaint.

At the committee staff's direction, Brent Cole filed a motion for attorney fees under Standard Rule 82, which awards about 30% of actual legal fees. The court granted the motion and ordered the former senator to pay approximately \$1,539. Brent Cole contacted her and offered to waive the fee if she agreed not to appeal the decision to the supreme court – a common practice in civil cases. She rejected the offer.

Almost immediately, she filed another motion to reconsider, which was denied. In his view, Brent Cole believes she has exhausted her legal remedies at the superior court level. While individuals can file repeated motions, eventually the court stops them.

Brent Cole added that she now appears to be preparing to file an appeal with the Alaska Supreme Court. As a self-represented litigant, or "pro per," she has the right to do so, as long as she represents herself, not an organization. He commented that pro per litigants can sometimes be more challenging to work with because they don't always follow established procedures. In her most recent email, she requested an apology from him – though he is unclear about

Minutes approved May 30, 2025

the reason. He has not responded, anticipating that the committee would discuss how to proceed.

Chair Deb Fancher thanked Brent Cole for his presentation.

Representative DeLena Johnson asked for confirmation from Brent Cole that the committee need not take any action at that time.

Brent Cole confirmed that no immediate action was required. He said former Senator Lora Reinbold had about 30 days to file an appeal. The committee could request that he reach out to Ms. Reinbold and ask for clarification of her request in the recent e-mail. Or they could direct him to reduce it to a judgment, execute on her bank account, and have the money put in the court registry.

10:41 AM

Jerry McBeath asked whether the committee should budget for continued legal action

Brent Cole responded that while anyone can file a complaint for a couple of hundred dollars, former Senator Reinbold is now two years removed from the legislature. Under civil rules, when someone files a lawsuit, they are required to include all claims related to that matter. To his knowledge, the only action taken against her by the Senate Legislative Ethics Committee was the one currently at issue. Therefore, while she could potentially file another complaint, it would likely be limited to the committee's previous action. In his opinion, any new complaint would be quickly dismissed with minimal effort on his part, as it would be based on the same issues already addressed. The primary concern now, according to Brent Cole, is whether she will file an appeal with the Alaska Supreme Court, which could have budgetary implications. He noted that much of the legal work has already been done, and if an appeal occurs, it will likely involve repeating the same arguments from the motion to dismiss.

Skip Cook noted that Brent Cole had reported former Senator Lora Reinbold's last email was difficult to interpret. He said the committee did not have a copy of it, and he asked if the email was lengthy.

Minutes approved May 30, 2025

Brent Cole responded he could provide the email to which he referred to the committee.

Joyce Anderson commented that the email was personal in nature, and if it had been included in the committee's packet, it would become public.

Skip Cook asked if the former senator had requested anything specific.

Chair Deb Fancher responded that there was an apology and an account of unfair treatment, but there was no ask.

Conner Thomas mentioned that the former senator had asked about mediation. He asked outside counsel to explain what mediation would involve and whether it was likely to succeed or be costly.

Brent Cole explained that there is an established process for considering mediation before proceeding with an appeal. Mediation requires both sides to be willing to compromise. If one side is not willing to compromise, mediation is unlikely to be effective. He expressed reluctance to outright reject mediation, but he noted that the committee had followed the statute, and it is unclear what could be compromised at this stage. Therefore, he was not optimistic about the success of mediation.

[10:48 AM](#)

Representative DeLena Johnson asked if the email requested mediation without specifying a desired outcome.

Brent Cole confirmed that the email did not indicate what former Senator Reinbold hoped to achieve, noting this is not unusual. Sometimes, people seek mediation to express grievances or to obtain something other than financial compensation, and resolution may still be possible.

Representative DeLena Johnson wondered what the committee while waiting for the former senator's next move, given that the committee had followed the statute in resolving the complaint.

Brent Cole replied that he did not know what more the committee can do at this time. Once a party's position

Minutes approved May 30, 2025

becomes clear or the case becomes moot, further action is unnecessary. He emphasized that even if discovery were granted, it would not change the outcome. While mediation comes at a cost, and the committee must consider the best use of resources.

Chair Deb Fancher asked if the supreme court is required to hear an appeal.

Brent Cole replied that this is not a discretionary appeal. She has a right to appeal it. The supreme court will hear it.

Chair Deb Fancher entertained other questions for Brent Cole. There were no other questions.

Chair Deb Fancher thanked Brent Cole and called for a brief at ease.

[10:56 AM](#)

J. Motion to go into EXECUTIVE SESSION

Chair Fancher called the meeting back to order. She stated that in an effort to maximize Brent Cole's time with the committee, she would entertain a motion to go into executive session.

Senator Löki Tobin so moved. There were no objections.

Chair Deb Fancher said there was a motion to go into executive session *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

The committee moved into executive session.

K. EXECUTIVE SESSION

[12:43 PM](#)

Minutes approved May 30, 2025

L. PUBLIC SESSION

Chair Deb Fancher reopened public session and conducted roll call.

Roll Call

Skip Cook
Jerry McBeath
Conner Thomas
Representative Sara Hannan
Senator David Wilson
Representative DeLena Johnson
Joyce Anderson
Deb Fancher

[12:44 PM](#)

G. CONTRACTS

Deb Fancher entertained motions to approve the contracts.

Joyce Anderson moved to increase Brent Cole's FY 24 contract from \$15,000 to \$17,000 to cover additional expenses. Deb Fancher entertained discussion or objections. There was no discussion, there were no objections. The motion passed.

Joyce Anderson moved to approve Brent Cole's FY 25 contract to \$20,000 at his current rate of \$225 per hour. Deb Fancher entertained discussion. There was no discussion. Deb Fancher entertained objections. There were no objections. The motion passed.

Representative DeLena Johnson moved to delay Monique Rapuzzi's FY 25 contract until the next regular meeting. Deb Fancher entertained discussion. There was no discussion. Deb Fancher entertained objections. There were no objections. The motion passed.

Representative DeLena Johnson moved to increase the FY 25 contract for investigative services to \$15,000. Deb Fancher entertained discussion. There was no discussion. Deb Fancher entertained objections. There were no objections. The motion passed.

Minutes approved May 30, 2025

Deb Fancher stated Jacqueline Yeagle has temporarily been serving as interim administrator. Joyce Anderson moved to increase Jacqueline Yeagle's salary from Range 15 Step E to Range 22 Step A until October 1, 2024, retroactive to April 22, 2024.

Deb Fancher entertained discussion. Representative DeLena Johnson noted there should also be an increase to Jacqueline Yeagle's number of work hours. Joyce Anderson amended her motion to include increasing Jacqueline Yeagle's hours from 30 hours per week to 37.5 hours per week. Deb Fancher entertained discussion. There was no discussion. The motion passed.

12:50 PM

I. ADVISORY OPINIONS

AO 24-03 - Confidentiality Waived by Public
Member Conner Thomas

Chair Deb Fancher directed the committee to consider the first advisory opinion, for which confidentiality was waived by member Conner Thomas, who was not allowed to participate in the discussion. Noah Klein from Legislative Legal was available to address the advisory opinion. She asked Mr. Klein to address it.

Noah Klein said he was the drafting attorney for the advisory opinion. The committee can accept the opinion or amend the form or substance of a draft opinion. The first is Advisory Opinion 24-03, which asks seven questions. He stated he would read the questions and give a brief answer.

1. Are public members of the committee restricted from signing a ballot measure petition? No.
2. Are public members restricted from signing a petition to recall an Alaskan governor? No.
3. Are public members restricted from making a campaign contribution to a candidate for governor of the State of Alaska? It depends.
4. Are public members restricted from making a campaign contribution to a candidate for federal office? Again, it depends on who is running in any of those races for federal office.
5. Are public members restricted from making a donation in support of or in opposition to a ballot measure? No.

Minutes approved May 30, 2025

6. Are public members restricted from making a contribution to a political party if that contribution is not made at a political party fundraiser? No.
7. Are public members restricted from being a named plaintiff in litigation against the state that asserts a violation of a personal right, including litigation that asserts the state must allow voters to cure a mail ballot that is deemed defective in a state election? No.

Noah Klein emphasized the restrictions on which the advisory opinion focuses are in addition to other provisions in AS 24.60 (the Ethics Act). However, AS 24.60.134 applies only to employees of the committee, public members of the committee, and contractors to the committee and that the advisory opinion focuses exclusively on the public members of the committee.

Noah Klein said that AS 24.60.134(a)(1), (2), and (3) are specifically relevant to this advisory opinion because they address special restrictions on public member activities including political management of campaigns for candidates for office, special restrictions when a candidate in a race is an incumbent legislator or a legislative employee or if a candidate is running against an incumbent legislator or a legislative employee, and participating in political party fundraising events.

Noah Klein referred back to the first question in the advisory opinion request, which asks if public members of the committee are restricted from signing a ballot measure petition. He said AS 24.60.134(a)(1) prohibits public members from participating in political management or in a political campaign for passage or defeat of a ballot measure. He noted that the Ethics Act does not expressly define "participate," so the advisory opinion relies on common dictionary definitions. Definitions of "participate" include to possess some of the attributes of a person, thing, or quality or to take part or have a part or share in something. The opinion concludes that the signatory is not part of the campaign by nature of signing the petition only. But the opinion also cautions that additional action to support a ballot measure may rise to the level of participating in that campaign.

Minutes approved May 30, 2025

Moving to the second, and similar question, Noah Klein said a public member is not prohibited from signing a ballot measure petition. There's no provision in AS 24.60.134(a) that expressly addresses ballot questions, but he thinks the analog is closest to a ballot measure petition. The opinion concludes that a member is not restricted from signing a petition, but should be cautious about taking any additional actions in support of or against a recall.

The third question asks if public members are restricted from making a campaign contribution to a candidate for governor. The prohibition in AS 24.60.134(a)(1) limits participation in campaigns, but it does not expressly limit financial contributions. However, AS 24.60.134(a)(2) expressly states that making a financial contribution is prohibited in certain situations. As long as it is not one of those situations, the Ethics Act does not prohibit a public member from financially contributing to a gubernatorial candidate.

The fourth question asks if public members are restricted from making a campaign contribution to a candidate for federal office, including house representative, senator, and president. It depends whether the candidate or someone running for that office is an incumbent legislator or legislative employee. In that case, there would be a prohibition on making a financial contribution. However, he emphasized, a financial contribution is not participation in the campaign.

The fifth question asks whether public members are restricted from making a donation in support of or in opposition to a ballot measure. AS 24.60.134(a)(1) does not prohibit making financial contributions. The advisory opinion concludes that the act of making a financial contribution to support passage or defeat of a ballot measure is not participating in the ballot measure campaign and it is not restricted.

The sixth question asks if public members are restricted from making a contribution to a political party if the donation is not made at a political party fundraiser. AS 24.60.134(a)(3) expressly prohibits activities at a fundraising event on behalf of political party. Thus, a public member may make a financial contribution to a

Minutes approved May 30, 2025

political party if the contribution is made at a time and place other than a party fundraising event.

Finally, the seventh question was: Are public members restricted from being a named plaintiff in litigation against the state that asserts a violation of a personal right, including litigation that asserts the state must allow voters to cure a mail ballot that was deemed defective in a state election? AS 24.60.134(a)(1) includes a prohibition on a public member participating in political management or a political campaign, but the Ethics Act does not prohibit a public member from participating in a lawsuit to support a member's personal right that is unrelated to a specific campaign. The lawsuit described in the question is related to an election, but nothing indicates that the lawsuit is part of a campaign.

Noah Klein asked if the committee had questions about draft Advisory Opinion 24-03.

Joyce Anderson said she thought AO 24-03 should reference AO 98-01, which addresses joining as a plaintiff in a lawsuit with pro bono representation and whether that representation would be considered a gift under AS 24.60.080(c)(6) and thus possibly require disclosure. She asked Noah Klein to comment.

Noah Klein replied that the question asked was whether public members can participate in a lawsuit as a named plaintiff in litigation. It did not address accepting a gift of legal services in the participation. But he would add it if that was the wish of the committee.

Joyce Anderson stated she still thought AO 98-01 had applicability in this advisory opinion. She asked other committee members to comment.

Jerry McBeath responded that he had no objection to Joyce Anderson's suggestion but that it was not high on the list of relevance.

Skip Cook said Joyce Anderson's suggestion went beyond the scope of the question. He was unsure about whether the question needed changing.

Minutes approved May 30, 2025

Chair Deb Fancher asked Joyce Anderson if she would accept a motion to approve as written.

Joyce Anderson said she would accept such a motion. She addressed another concern with the answer to question seven: changing the reference to AS 24.60.031(a)(1) by removing the (1) and leaving it at "participating in certain activities." The question, she said, does not have anything to do with political management or a political campaign and it is not relevant.

Noah Klein agreed to make the changes suggested by Joyce Anderson.

Jerry McBeath had concerns that the advisory opinion only serves the interests of public members, rather than serving anybody in a comparable position now or in the future. The question is whether signing a petition is participation. He said it comes down to what political campaign participation involves. Political campaign participation in his opinion includes voting and signing a petition.

Noah Klein replied to Jerry McBeath that the word "participates" is not defined in the Ethics Act. The advisory opinion as currently written concludes that signing a petition is akin to voting and neither action is full on participation in a campaign. The committee could conclude that the act of signing a petition is participating in a campaign, and if they do, it would be prohibited under the Ethics Act. The draft concludes differently, but ultimately the conclusion is up to the committee.

Jerry McBeath replied that Noah Klein's response did not assuage his sense of unease about the question. He reported that he had signed the petition to recall the governor and he voted in the election. But in his life he has been more politically active. He does not think the advisory opinion explains the significant difference between signing a petition and [other political involvement]. He wondered if the advisory opinion was defensible.

Given that the advisory opinion was generating discussion, Joyce Anderson proposed delaying further action on both until the next meeting.

Minutes approved May 30, 2025

Jerry McBeath agreed with Joyce Anderson's suggestion.

Joyce Anderson moved to table the two advisory opinions until the next meeting.

Representative Sara Hannan noted the advisory opinions only apply to the public members of the committee. She wondered if any of the public members needed this guidance during the current election cycle.

Chair Deb Fancher entertained other discussion. Hearing none, AO 24-03 and AO 24-04 were table for discussion until the next meeting. She thanked Noah Klein for his work on the advisory opinions.

Joyce Anderson moved to adjourn the meeting.

Chair Deb Fancher entertained objection or discussion of the motion. There was none. The meeting was adjourned.

[1:18 PM](#)

ADJOURN