

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
AUGUST 15, 2024, 9:00 AM

FULL COMMITTEE MEETING MINUTES

[9:04:16 AM](#)

1. CALL THE MEETING TO ORDER

Chair Deb Fancher called the Full Committee meeting to order on August 15, 2024, at 9:04 AM.

Chair Fancher directed a roll call.

Roll Call

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

There was a quorum.

2. APPROVAL OF THE AGENDA

Chair Fancher entertained approval of the meeting agenda.

Joyce Anderson so moved.

Hearing no objections, the agenda was approved.

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3. APPROVAL OF MINUTES

- a. Full Committee Meeting of January 9, 2024

Chair Fancher entertained approval of the minutes from the January 9, 2024, Full Committee meeting.

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Representative Sara Hannan so moved.

Joyce Anderson offered corrections.

- Page 20, third paragraph, second line, replace the word "contract" with "contractor."
- Page 22, fourth paragraph, first sentence, replace the word "think" with "thinks."
- Page 22, add the meeting adjournment time at the end of the minutes.
- Page 16, ninth paragraph, first sentence, rephrase, "Chair Cook entertained objections" to "Chair Cook asked if there were any objections."

Jerry McBeath suggested likewise rephrasing the first sentence in the last paragraph on page 22 to read, "Skip Cook asked if there were objections."

Representative Sara Hannan restated the motion to approve the minutes with corrections.

Chair Fancher asked if there were any objections. There were none. The committee approved the January 9, 2024, Full Committee meeting minutes.

b. Discussion: Minutes Update

Chair Fancher directed Jacqueline Yeagle to update the committee about the status of meeting minutes.

Jacqueline Yeagle reported that there were six meetings for which she has not had time to prepare minutes. For the January 9, 2024, minutes, the Ethics Office used a transcription service to produce a word-for-word capture of the meeting. She then summarized the word-for-word transcription, which took about 10 hours. She reported that the office would use the transcription service to help catch up on the meeting minutes as quickly as possible.

Representative Sara Hannan asked if it was always the case that transcribing meeting minutes takes a lot of time.

Jacqueline Yeagle replied yes, every 10 minutes of meeting time takes about one hour to transcribe and summarize. As long as she does not get behind on the minutes, it is okay. The problem arises when she gets behind.

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Representative Sara Hannan said the legislature has records staff who summarize meetings. That is their only task. She wonders if the legislature should have a records office staff position that prepares the committee meeting minutes. Preparing minutes requires blocks of time, which she understands has not been possible in the last year, and she did not foresee the possibility in the near future.

Jacqueline Yeagle replied that is why it is planned to use the transcription service to get the word for word while catching up, but she expects that at some point, she will have time to get to the minutes in a timelier manner. However, Representative Sara Hannan's idea might well be something to consider if needed in the future.

Jerry McBeath asked what is the official record of the meeting, the recording or the transcription.

Jacqueline Yeagle replied that her understanding is that the recording is the official record.

Jerry McBeath said he often finds discrepancies in the transcript about what he or someone else said. As long as the recording is the official record, attention needs to be focus on the egregious errors in the transcription.

Chair Fancher said the transcription service does not cost an outrageous amount of money. While the transcribed minutes still require summarization, she thinks it would cost a lot more to hire a person.

Senator Löki Tobin said an advantage to centralized minutes is that all committee minutes have a similar format. She thinks it would be interesting to learn from a historical perspective why the Ethics Office administrative assistant is tasked with the preparation of minutes.

Senator David Wilson said he thinks there might be value in using records staff to have continuity across all the committees.

Representative DeLena Johnson said the new administrator may want to explore this question and come back to the committee with a recommendation.

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4. PUBLIC COMMENT

Chair Fancher opened the meeting to public comment.

Ivan Hodes addressed the committee telephonically. Last year, he filed a confidential complaint alleging violation of the Ethics Act by Representative David Eastman. As required, he provided his name, his phone number, and his email and physical addresses. Committee staff assured him this information was confidential. During public hearings, Representative David Eastman demanded that he, the accuser, publicly identify himself. In closed session, he was asked if he was willing to waive his confidentiality, and he said no. Despite this, Representative David Eastman showed his confidential complaint, with his personal information, to his supporters, one of whom posted it publicly on social media.

As a result, Ivan Hodes continued, he had received a private message from Pete Peterson saying, "What's wrong Jew? Did those kike complaints not work out for you? Too bad it takes an ethical person to complain about ethics, lying Jew."

Ivan Hodes reported the Ethics Committee had declined to investigate Representative David Eastman for breaching Mr. Hodes's confidentiality because Representative Eastman waived his own confidentiality rights and that action entitled Representative Eastman to share or publish any information, including Ivan Hodes's personal information.

Ivan Hodes had two requests for the committee. A public apology for misleading him as to the extent of his confidentiality rights in the process. In addition, he wants to know how the committee intends in the future to make it known to complainants that their personal information may be released by the legislator against whom they are filing a complaint and that could result in the kind of harassment by supporters to which he was subjected.

Chair Fancher replied that the committee heard Ivan Hodes's concerns, and will be discussing the situation during executive session. Chair Fancher closed public comment.

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5. CHAIR/STAFF REPORTS

a. Staff report of Informal advice

Chair Fancher directed Jacqueline Yeagle to introduce the staff report.

Jacqueline Yeagle introduced the staff report of April 19, 2024, to July 31, 2024. She suggested the committee review the report page by page and offer comments.

Conner Thomas addressed the first question of the report: A legislative employee wanted confirmation that it was ok to host a town hall Zoom meeting during campaign season. He asked why it was necessary to include the last sentence of the answer, "As it would be difficult to avoid such statements, advised further consideration about whether to host the town halls, and reminded the employee that while there is a moratorium on complaints beginning 45 days before the primary, a complaint could still be filed after the general election."

Jacqueline Yeagle replied she did not recall the specific circumstances but that this question was common and it had been asked several times. Likely, she found the sentence to be part of earlier informal advice, and included it in an attempt to be proactive.

Conner Thomas said he did not see the need for the sentence.

Jerry McBeath said he had asked this question. He was unaware of the moratorium that begins 45 days before a primary. If he was not aware of it, he would assume that others also would not be aware of it. Jerry McBeath said Jacqueline Yeagle had pointed out to him the statute that addresses the moratorium. He understands a person could file a complaint after the general election, but the conundrum is that the complaint would be filed after the election had transpired.

Representative Sara Hannan replied that complaints will always be filed after the fact. A complaint cannot be filed to prevent an action. If the employee received this guidance, it needs to be reflected in the published staff report.

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Representative DeLena Johnson thought the elaboration, while not necessary, was helpful, especially to new legislators.

Conner Thomas addressed the last question on page 3, "A legislative employee asked about sending thank you and congratulatory notes during campaign season." He did not understand why notes of condolence are fine, but notes of congratulations were tricky.

Jacqueline Yeagle replied that there is a difference between sending congratulations on having a new baby and congratulations for raising the most money for my campaign. What matters is the content.

Joyce Anderson elaborated on the question. The legislative office was sending congratulatory notes to individuals who had written letters to the editor. Letters to the editor from a constituent could thank a legislator for what they have done or ask a legislator to continue working on a particular issue in the next legislative session. The legislator would want to be careful how they respond to avoid the communication appearing to be a campaign statement.

Conner Thomas said he thought the answer was too general and it needed more explanation so a reader would know what they could and could not do.

Joyce Anderson suggested that the question and answer be revised and sent to the committee for review.

Conner Thomas remarked he thought it was important to differentiate how notes of congratulations are different from other types of notes so readers might have a better sense of what they can and they cannot do.

Chair Fancher said she agreed with Conner Thomas that the answer was not clear.

Representative DeLena Johnson said she never considered a letter of congratulations for being on the dean's list a campaign tool.

Chair Fancher replied that she did not think sending a letter of congratulations for being on the dean's list would be a violation of the Ethics Act, but if you are

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saying thank you for calling into a radio station with a statement of support, that may be a violation.

Representative Sara Hannan said thank you letters are not letters of congratulations. Every campaign has a standard thank you letter for support. A standard response she gives for many emails is, "Thank you for taking the time to engage in our democratic process and share your opinion in the recent letter to the editor that you wrote." That response does not indicate whether the representative agreed or not with the letter. That she is individually reaching out probably indicates either her support of the opinion or that the letter gave her something to think about. It is good practice to acknowledge citizen engagement. However, the bright line would be if in her response she said she would use the information when she is re-elected. There is a difference between writing the response so that it focuses on the other person and writing the response so that it focuses on her.

Jerry McBeath has worked on campaigns and he has found people to "plant" letters to the editor in support of his preferred candidate.

Representative DeLena Johnson said there is a difference between using state funds and personal funds. She had been told she may not send thank you notes for campaign donation support during the session using her own money, so she does not send thank you notes during the session.

Chair Fancher said she thought Representative DeLena Johnson's question was valid, but it did not seem to be the question asked.

Senator David Wilson said the main issue to him is that it is a legislative employee and not a legislator asking the question because legislators wear dual hats. Legislators can send thank you letters for support without using state resources, so having staff do it on staff time would be an issue. There are a lot of nuances to this question. It depends on the circumstances and how the question was asked. He said the advice to send drafts to the Ethics Office for review is good.

Jerry McBeath addressed the first question on page 4, "A legislative employee asked if a legislator is allowed to host a community picnic or similar event in the 60-

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day period before the primary election." The answer is yes, with the understanding that there should be no partisan or campaign activity involved. He advised emphasizing caution to avoid perceived violations by your opponent by making the first word of the response, "Watch out."

Jerry McBeath addressed the third question on page 5, "A legislative employee asked if a legislator is allowed to purchase food as part of a citation presentation." It was determined that the legislator would use personal funds, but the question is nuanced. Whether it is allowed depends on whether the citation presentation is during campaign season.

Joyce Anderson said the presentation was outside campaign season. The legislator wanted to use personal funds and ask later for reimbursement through their office allowance account. LAA Accounting is responsible for approving those funds. When questions about an allowance account are asked, the Ethics Office refers those questions to LAA Accounting.

Senator Löki Tobin said in addition to the office allowance account, offices may also have POET accounts, another source of funds to offset purchasing resources or materials for community events. A legislator who wants to use POET accounts should check the intended use of those funds with whomever handles the POET account to ensure compliance with APOC rules.

Joyce Anderson said the question specifically refers to the office allowance account but acknowledged the POET account might also be used.

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Representative Sara Hannan expressed concern with the phrasing, "use personal funds to purchase the food and later ask for reimbursement." That is standard practice. Legislators do not have credit cards for office allowance accounts, so unless purchase with direct billing is set up, e.g., a rental car or an Alaska Airlines plane ticket, all purchases are paid for with personal funds and reimbursement is sought later. Staff commonly use personal money because they are the ones stopping at the grocery store to pick up flowers or groceries. Neither the Ethics Committee nor Legislative Affairs decides how the office

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allowance account is used. It is up to the legislator to decide how to use those funds.

Conner Thomas commented on the fifth question on page 6. He acknowledged it was a similar concern as he had with a previous answer about sending notes in campaign season.

Chair Fancher noted the answer to that question needs to be amended.

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Referencing the first question under the Conflict of Interest section, Skip Cook noted the contradictory nature between the first sentence of the answer and the rest of the answer. The first sentence says, under AS 24.20.110, a political mass mailing is allowed using an office allowance account. But the rest of the answer cautions against newsletter content that could be perceived as campaigning. He wondered if the word "political" should be deleted.

Joyce Anderson said AS 24.60.030(c), which prohibits the use of state funds to print or distribute a political mass mailing during the campaign period, also specifically calls out that AS 24.10.110 allows for use of the office allowance account for political mass mailings during the campaign period. She did not know why the statute used that wording, but offered that she would support deleting the word "political" if that is what Skip Cook wanted.

Representative Sara Hannan said she did not think the law intended to allow the use of the office allowance account to pay for sending a political mass mailing during the campaign period. That would imply that the office allowance account is not a state resource, yet it is a state resource. She advises other legislators not to use those funds or POET account funds to send newsletters during the campaign period, even though the committee has over the years advised otherwise. She thinks the statute is misleading and needs updating.

Skip Cook said there seems to be a conflict in the statute. He thinks statutory clarification is needed.

Representative Sara Hannan noted on page 15 of the Standards of Conduct Handbook, it says, "a legislator's

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office allowance account may be used for legislative business mailings ... at any time."

Chair Fancher said she thought the word "political" should be removed for now to make the advice cleaner. She asked other committee members for comment.

Joyce Anderson recommended using the word "business" in place of the word "political" in the answer.

Jerry McBeath said he thought it should be left as is while the statute is being updated.

Representative DeLena Johnson asked for numbering on future staff reports. She continued, saying that everything they do is political, so she is fine with leaving it as is for now.

Joyce Anderson advised adding to the end of the sentence in question, "pursuant to AS 24.60.030(c)."

Chair Fancher asked Skip Cook his thoughts about adding the phrase Joyce Anderson suggested to the answer.

Skip Cook replied he was fine either way, but the question needs to be addressed in statute.

Jerry McBeath referenced the last sentence in the third paragraph, "Stressed the importance of minimizing and eventually eliminating content that remotely sounds like campaigning as it gets closer to the primary election." That is a sliding scale, and wondered if about using sliding scales as guidance documents. It is not a definitive answer.

Jacqueline Yeagle said it was an answer that was used for several years but she had not yet found where that advice originated. She agreed that it is advice that needs to be clearer.

Jerry McBeath indicated he was satisfied that the problem was acknowledged and that it requires further study.

Joyce Anderson said her research suggests the advice goes back to at least 2008.

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b. Administrator position update

Chair Fancher said the committee had the day before conducted two face to face interviews with candidates. She asked Joyce Anderson to provide an update on the progress in hiring a new administrator..

Joyce Anderson said she was the coordinator of the hiring subcommittee. Other subcommittee members were Representative DeLena Johnson, Senator Löki Tobin, Jerry McBeath, and Representative Sara Hannan. Other Ethics Committee members participated occasionally. The subcommittee met on June 10, June 19, June 28, July 15, and the day before, August 14.

Joyce Anderson said the committee updated the job announcement, and it was posted on May 17, 2024. The application closing date was May 31, 2024. The job announcement was posted on the Ethics Committee website, COGEL, NCSL, Alaska Bar Association, Workplace Alaska, and the UA job board, thanks to Jerry McBeath. The subcommittee worked with a person at the Anchorage Daily News, who also posted it on the ADN website, LinkedIn, Indeed, Glassdoor, and ZipRecruiter. An email was distributed to all legislative email addresses, asking that the vacancy announcement be distributed in legislative newsletters. She said that the subcommittee did a good job getting the vacancy announcement posted. There were 25 applicants, out of which five provided all of the required information. Nine applicants did not meet the minimum qualifications.

There were five stages to the selection process. Applicants were eliminated at each of the stages. The first stage was determining whether the applicant met the minimum qualifications. In the second stage, the committee checked whether the applicant had the required knowledge, skills, and abilities. The third stage was a reference check. The fourth stage was a telephone interview with applicants who passed the first three stages. The fifth stage, which had been conducted the day before this meeting, was in-person interviews with the remaining candidates. She believes the subcommittee had done due diligence during the process. Two applicants were chosen for in-person interviews. The committee will address the matter in executive session. She offered to answer questions about the hiring process. There were no questions.

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Chair Fancher thanked Joyce Anderson and the subcommittee for their work on the labor-intensive hiring process. She indicated a decision would be made during executive session.

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6. ADVISORY OPINIONS

Chair Fancher said the committee needed to review and approve two advisory opinions, AO 24-03 and AO 24-04. Per AS 24.60.130(h), Conner Thomas, who requested the advisory opinions, was not allowed to participate in the discussion.

- a. Draft AO 24-03 Confidentiality Waived by Public Member Conner Thomas

Chair Fancher reminded the committee that discussion about the advisory opinions commenced at the meeting on June 10, 2024. She introduced Noah Klein from Legislative Legal Services, participating telephonically, and asked that he speak to the advisory opinions.

Noah Klein recounted that the committee had tabled drafts AO 24-03 and AO 24-04 at the June 10, 2024, meeting. In AO 24-03, the committee wanted to change the answer to the question, deleting the (1) from the statute citation and replacing the words "political management" and "political campaign" to "certain activities."

Noah Klein reported that AO 24-03 addresses seven questions about specific restrictions pursuant to AS 24.60.134(a) on public members of the committee, including whether they can sign a ballot measure petition or a recall petition; make campaign contributions to a candidate for governor, candidates for federal offices, or to a political party if the contributions is not made at a political party fund raiser; make donations in support or opposition of a ballot measure; and whether they can be a named plaintiff in asserting a violation of a personal right, in this case the right to cure a mailed ballot.

Noah Klein noted public member restrictions are outlined in AS 24.60.134, and he continued with the conclusion to each of the questions.

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1. A public member is not prohibited from signing a ballot measure petition.
2. A public member is not prohibited from signing a recall petition.
3. A public member is not prohibited from making a campaign contribution to a candidate for governor if the candidate is not an incumbent legislator or legislative employee and no other candidate in the race is an incumbent legislator or legislative employee.
4. A public member is not prohibited from making a campaign contribution to a candidate for federal office if the candidate is not an incumbent legislator or legislative employee and no other candidate in the race is an incumbent legislator or legislative employee.
5. A public member is not prohibited from making a campaign contribution for or against a ballot measure.
6. A public member is not prohibited from making a campaign contribution to a political party as long as the contribution is not made at a political party fundraiser.
7. A public member is not prohibited from participating in a lawsuit that is not part of a campaign to assert a private right.

Chair Fancher entertained questions about draft advisory opinion AO 24-03.

Jerry McBeath stated he had requested to table the decision on this advisory opinion at the last meeting because he had additional questions. He thanked Conner Thomas for requesting the advisory opinion and Noah Klein for providing more detail in the draft about what public members of the committee are allowed to do. He expressed for the record his ongoing concern that the answers do not state clearly enough the fine line between constitutional rights and the language of the statute regarding the signing of petitions including recall petitions, referendums, and similar activities. He emphasized, however, that public members have to avoid involvement in campaigns related to the organization and funding of these activities.

Representative Sara Hannan explained she believes the draft addresses the distinction between activities related to the legislative branch versus those involving executive and

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federal races. As she understands it, public member restrictions apply to engaging in legislative activities. For example, a public member cannot sign a recall petition against a legislator or a ballot measure related to the legislative branch. However, they could sign a recall petition against a member of the executive branch, and she assumes the judicial branch as well. She expressed appreciation for the draft advisory opinion's conclusions, noting that the answers were written in affirmative language. The questions arose from allegations that public members were involved in prohibited political activities. Public members are restricted from participating in political activities related to legislators due to the committee's exclusive jurisdiction over those matters.

Chair Fancher entertained more discussion. There was none.

Representative DeLena Johnson said while she planned to vote to approve AO 24-03, she does so with the recommendation often associated with legislative advice - to proceed with caution.

Chair Fancher recalled when she began her service with the committee, former administrator Jerry Anderson had explained that public members had sway over legislators and they should not campaign for someone over whom they have that sway. As Representative Sara Hannan noted, the advisory opinion was requested because there was concern that public members were engaged in prohibited activities. She agreed with Representative DeLena Johnson that public members need to proceed with caution.

Noah Klein said the restriction in AS 24.60.134(a) (1) prohibits participating in a campaign. The opinion distinguishes between an expression of support - a financial contribution (outside of the context of the legislature) or signing a petition - and a public member participating in a political campaign, regardless of whether or not it is for the legislature. The distinction is between signing a petition and circulating the petition or hosting petition signing events. Likewise, there is a difference between displaying a sign for a candidate or donating money to a candidate and holding an event for a candidate, which indicates a different level of support.

Jerry McBeath recalled that a member of the legislature had excoriated the public members for their political

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activities. He said he was politically active in local politics and made campaign contributions prior to serving on the committee.

Chair Fancher entertained a motion to approve AO 24-03 as written and amended. Skip Cook so moved.

Roll Call Vote

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

Conner Thomas abstained from voting.

With eight yes votes, the committee adopted AO 24-03.

Chair Fancher introduced a discussion of draft AO 24-04. She asked Noah Klein to address the draft advisory opinion.

Noah Klein said the opinion is about public member financial disclosure requirements. He indicated there were two versions of the advisory opinion, a June 10 version and an August 15 version. In the latter version, some of the content is different, but the conclusions remain the same.

Noah Klein reviewed the questions asked and the answers given.

1. Does the requirement to file a financial disclosure apply to a person nominated as a public member of the committee before the nominee is confirmed by the legislature? The answer is yes.
2. Does the requirement to file a financial disclosure apply to a person nominated as an alternate public member of the committee before the nominee is confirmed by the legislature? The answer is yes.
3. When must the nominees file their financial disclosures? A public member nominee must file a financial disclosure within 30 days after appointment.

Noah Klein said the revisions clarified four terms used in the opinion. The Chief Justice "selects" a public member, and the Chief Justice "appoints" that individual by

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transmitting their selection to the legislature for ratification. From the time a person is appointed as a public member until the legislature "ratifies" or declines to ratify the appointment, the person is a public member "nominee."

Joyce Anderson asked if the legislative bodies had to wait until the nominee files a financial disclosure to ratify the appointment.

Noah Klein replied that he did not think the bodies would need to wait for the financial disclosure, that it would be up to each body to make that decision.

Joyce Anderson said she appreciated the clarification of terms in the revision.

Jerry McBeath asked Joyce Anderson her thoughts about whether the 30-day deadline after appointment to file a financial disclosure was adequate.

Joyce Anderson replied that 30 days was sufficient. She expressed her opinion that it would benefit the legislative process if a nominee submitted the disclosure earlier within the 30-day timeframe.

Skip Cook moved to adopt draft AO 24-04.

Chair Fancher directed Jacqueline Yeagle to conduct a roll call vote.

Roll Call Vote

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

Conner Thomas abstained from voting.

With a vote of 8-0, the committee adopted AO 24-04.

7. ETHICS LEGISLATION DISCUSSION

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a. Future Ethics legislation

Senator David Wilson moved to establish a subcommittee to review and revise ethics statutes, with the goal of clarifying key topics, including waiving confidentiality, retaliation [concerns], [raising] legal funds, and issues related to campaigns, gifts, and financial disclosures. He expressed his hope that the new administrator would take that task on prior to the start of next session.

Chair Fancher thanked Senator David Wilson for his willingness to bring the motion and she asked which committee members had an interest in being part of the subcommittee.

Representative Sara Hannan volunteered. She noted she had interest especially in the area of confidentiality, because past practice has not been consistent.

Other members who volunteered included Deb Fancher, Joyce Anderson, Representative DeLena Johnson, Conner Thomas, and Senator Löki Tobin.

Senator David Wilson thanked Joyce Anderson for her work to date on this issue.

Chair Fancher referred back to Senator David Wilson's motion to establish a subcommittee to review and revise ethics statutes.

Chair Fancher asked if there were objections to Senator David Wilson's motion. There were no objections.

[10:46:24 AM](#)

8. Motion to go into EXECUTIVE SESSION

Chair Fancher entertained 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.*

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Jerry McBeath so moved.

Chair Fancher entertained objections. There were no objections. The committee moved into executive session.

9. EXECUTIVE SESSION

2:16:30 PM

10. PUBLIC SESSION

Chair Fancher entertained a motion to return to public session.

Jerry McBeath so moved. There were no objections.

Chair Fancher called back to order the August 15, 2024, Full Committee meeting at 2:16 PM.

Chair Fancher asked Joyce Anderson to speak about the new administrator hiring process.

Joyce Anderson said the committee had decided to offer the position to a particular individual.

Chair Fancher stated the committee is dismissing Complaint J 24-03. She advised committee members the dismissal would be circulated for review.

Joyce Anderson added that because the complaint was dismissed at the preliminary examination stage, the complaint would remain confidential.

11. OTHER BUSINESS

Chair Fancher entertained other business.

Joyce Anderson proposed a discussion of the revised complaint form.

Chair Fancher said the Ethics Office had attempted to make the form clearer to the user. She directed the committee to the revised form in their packets, and entertained discussion.

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Senator David Wilson asked that language be inserted into the complaint form that the complainant must keep the complaint confidential throughout the proceedings, even if the subject of the complaint has waived confidentiality.

Representative Sara Hannan noted the current form has information about the complaint moratorium during the campaign period, and wanted to be sure that information was also included in the revised version.

Chair Fancher and Joyce Anderson replied that the information about which Representative Sara Hannan was concerned was on the first page of the revised version. Chair Fancher entertained a motion to approve the form.

Senator David Wilson moved to approve the revised form with his suggested language changes.

Representative Sara Hannan wanted to clarify the language changes to which Senator David Wilson referred in his motion was the language changes requested in this meeting.

Senator David Wilson amended his motion to approval of the form with language as he had discussed in the meeting regarding complainant confidentiality.

Representative DeLena Johnson said she had been under the misconception there was confidentiality all around. The current complaint form does not indicate that and she hopes the revised version is clearer.

Skip Cook asked for a reiteration of the motion made by Senator David Wilson.

Jacqueline Yeagle read the first paragraph: The person filing a complaint shall keep confidential both the fact that a complaint has been filed and the contents of the complaint. If the committee finds that a complainant violated any confidentiality provision under AS 24.60.170, the committee shall immediately dismiss the complaint.

Joyce Anderson replied she thought Senator David Wilson had suggested different language: The person filing the complaint shall keep confidential both the fact that a complaint had been filed and the contents of the complaint during the entire complaint process regardless of whether confidentiality is waived by the subject of the complaint.

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Skip Cook said the issue was with the complaint subject, not with the complainant.

Joyce Anderson said Senator David Wilson pointed out that statute states that the complainant shall not release anything regarding the complaint or it shall be dismissed. Statute requires the complainant keep the information in the complaint confidential even if the subject of the complaint waives confidentiality.

Chair Fancher asked to hear again the paragraph under discussion.

Jacqueline Yeagle read the statement again: The person filing a complaint shall keep confidential during the [entire] complaint process, regardless of whether the subject waives confidentiality. If the committee finds that a complainant violated any confidentiality provision under AS 24.60.170, the committee shall immediately dismiss the complaint.

Chair Fancher asked Senator David Wilson if that language captured his recommendation.

Senator David Wilson said the language proposed met his concerns.

Chair Fancher asked if everyone else was okay with the language in that paragraph. No one indicated an issue with it.

Chair Fancher directed a roll call vote on the motion.

Roll Call Vote

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

The motion passed 9-0.

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Chair Fancher said per Representative Sara Hannan's concern, the revised version would be available after the campaign period.

Jerry McBeath asked whether a date had been set for the next meeting.

Chair Fancher responded no future meeting date was set, but it would be after the election, and hopefully a new administrator would be in place.

Chair Fancher entertained a motion to adjourn.

Jerry McBeath so moved.

The meeting adjourned at 2:30 PM.

[2:30:26 PM](#)

ADJOURN: