



Ethics for Alaska's Executive Branch

A Self-Guided Training Tool

Purpose of This Training

This training will help you understand

- what the Alaska Executive Branch Ethics Act requires;
- how the Ethics Act works; and
- where to go for answers about the Act.



How to Use This Training

- The training includes three parts.
- Each part includes explanations and some questions so you can test your understanding.
- **If you don't have time to complete all of the training now,** do part of it now and finish the rest later, on your own schedule.



Some Cautions

- This training **summarizes** the requirements of the Ethics Act, to help you understand those requirements and recognize when you may have ethical issues to resolve.
- However, **the actual language of the Ethics Act will determine whether there is a violation**, so you should seek advice from your designated ethics supervisor whenever you have questions.



Why Does it Matter?

Understanding the Ethics Act is important because

- as public servants, we owe the public a **duty** to behave ethically;
- as individuals, **we want to do what's right**; and
- **penalties** for violating the Ethics Act can be severe.



Does the Executive Branch Ethics Act Apply to You?

- Yes, if you are an **employee** in the executive branch or if you serve on a **board or commission** in the executive branch.



What Is a Designated Ethics Supervisor?

- Each executive branch department, agency, board, and commission has a **designated ethics supervisor**. Your designated ethics supervisor is the person you should contact about ethics issues.
- If you don't know who your designated ethics supervisor is, your work supervisor can help you find out.



What Is a Designated Ethics Supervisor?

- The **chair** of a board or commission serves as the **designated ethics supervisor** for the other members of that board or commission.
- The **designated ethics supervisor** for the **chair** of a board or commission is the **governor**, or someone the governor designates.





PART 1:
What the Ethics Act Requires

What the Ethics Act Requires

The Ethics Act requires you not to

- misuse your official position;
- accept improper gifts;
- improperly use or disclose information;
- improperly influence state grants, contracts, leases, or loans;
- improperly represent others;
- hold improper outside employment;
- hold improper employment after leaving state service; or
- aid in a violation of the Ethics Act.

We'll take a look at each of these requirements.





Misuse of Official Position

Misuse of Official Position

- The Ethics Act prohibits misuse of an official position in several different ways.
- For example, it prohibits using an official position for **personal gain**. It also prohibits using an official position to intentionally obtain or grant **unwarranted benefits or treatment** for any person.



Misuse of Official Position – Your Call

Here's an example for you to consider. If your best friend's son applies for a vacancy that you're hiring to fill, what should you do:

1. have someone else make the decision;
2. **give your friend's son an advantage because you know he's reliable; or**
3. disclose the situation to your designated ethics supervisor and get advice on what to do?



Misuse of Official Position – Your Call

What did you decide?

- **The best answers are 1 and 3** – either (1) get someone else to make the decision, or (3) disclose the situation and seek advice from your designated ethics supervisor.
- If you hire your friend's son because he is your best friend's son – not because he is the best applicant – you violate the Ethics Act by granting him an unwarranted benefit.
- **Answer 2 is not as good a choice** because, if you hire him without disclosing that he's your best friend's son, others may claim that you violated the Ethics Act.



Misuse of Official Position

The Ethics Act also prohibits using or attempting to use an official position to seek other employment or contracts.



Misuse of Official Position – Your Call

Let's say you want to find a job in the private sector. What does the Ethics Act **prohibit** you from doing:

1. applying for work with any private employer that does business with the state;
2. giving favorable treatment in your state job to a company because you want that company to hire you;
or
3. telling your co-workers that you are leaving?



Misuse of Official Position – Your Call

- The correct answer is 2 – the Ethics Act prohibits you from giving favorable treatment in your state job to a company because you want that company to hire you.
- Answer 1 is wrong because, although the Ethics Act includes some restrictions on your work after leaving state service, it does not prohibit you from going to work for any company that does business with the state.
- Answer 3 is wrong because the Ethics Act does not, of course, prohibit you from telling co-workers that you are leaving state service.



Misuse of Official Position

- The Ethics Act also prohibits accepting, receiving, or soliciting compensation from anyone other than the state for performing official duties.



Misuse of Official Position – Your Call

Imagine that a customer offers you a small tip – say \$5.00 – for being very helpful in doing your state job. Does the Ethics Act allow you to accept it?

- **No**, because the tip would be a payment from someone other than the state for performing your official duties.



Misuse of Official Position

- Another type of misuse of official position is using state time, property, equipment, or other facilities to benefit “personal or financial interests.”



Misuse of Official Position

- “Personal interests” include an interest, membership, or other involvement in any organization from which anyone receives a benefit.
- It doesn’t matter whether that organization is fraternal, nonprofit, for profit, charitable, or political.



Misuse of Official Position

- “Financial interests” include an involvement or ownership interest in a business, property, or other relationship that is a source of income or from which a financial benefit has been received or is expected.
- “Financial interests” also include holding a position such as an officer, director, trustee, partner, employee, or manager in a business.



Misuse of Official Position

- Under the Ethics Act, your “personal interests” and “financial interests” include not only your own interests, but also the interests of your “immediate family members.”



Misuse of Official Position

So, who are your “immediate family members”? They include:

- your spouse or other person living with you in a conjugal (marriage-like) relationship;
- your children (including stepchildren and adopted children);
- your parents, brothers, sisters, grandparents, aunts, and uncles; and
- your **spouse’s parents, brothers**, and sisters.

“Parents” include biological, adoptive, and step-parents.



Misuse of Official Position – Your Call

Try this one: May you borrow a state vehicle on weekends and evenings to help your daughter make deliveries for her catering business?

- **No**, because you would be using state equipment to benefit your daughter's financial interest in **her** business – and her financial interest is considered **your** financial interest under the Ethics Act.



Misuse of Official Position

- The Ethics Act allows exceptions when the financial interest involved is insignificant.
- For example, the Act **presumes** that stock or other ownership interest in a business is insignificant if the value of the stock or other ownership interest is less than \$5,000.



Misuse of Official Position – Your Call

Imagine, then, that you have stock worth \$4,000 in a company. Does the \$5,000 presumption mean that the Ethics Act allows you to use state time and equipment to benefit that company?

- **No!** The \$5,000 presumption helps distinguish between insignificant and significant interests, but it doesn't mean that all actions affecting "insignificant" interests are permitted. **If you have questions about using state time or equipment, ask your designated ethics supervisor for advice.**



Misuse of Official Position

Another type of misuse of official position that the Ethics Act prohibits is taking or withholding “official action” on a matter if the person taking the action has a personal or financial interest in that matter.

- “Official action” includes more than simply making the final decision or voting on a matter. It also includes making a recommendation, giving advice, participating, or assisting on a matter.



Misuse of Official Position – Your Call

So, if your department is deciding whether to take on a project that would substantially increase the value of property you own, may you participate in deciding whether to take on the project?

In most cases, **no**, because you have a significant financial interest in the matter. You should either

- **refrain** from participating; **or**
- disclose your interest to your designated ethics supervisor **and get advice** on how to proceed.



Misuse of Official Position

- The Ethics Act also prohibits attempting to benefit a personal or financial interest by coercing subordinates or forcing others to perform services for your private benefit.



Misuse of Official Position – Your Call

Imagine that you supervise two employees. Would you violate the Ethics Act if you required them to come to your house to help you move your personal belongings?

- **Yes**, because you would be requiring them to perform services for your personal benefit.



Misuse of Official Position

The Ethics Act also prohibits use – or authorization of the use – of state funds, facilities, equipment, services, or other state assets for “partisan political purposes.”

- “Partisan political purposes” include benefiting (1) a candidate or potential candidate for elective office, or (2) a political party or group.
- It does not include benefiting the public interest at large.



Misuse of Official Position

- There are some exceptions to these restrictions – for using the governor's residence for political strategy meetings and for using its communications equipment when there are no special charges for that use.
- Use of state aircraft for partisan political purposes is limited to incidental use – no more than 10 percent of the total time spent on a trip.
- Anyone using state aircraft for partisan political purposes must **report** it and **pay for** that use.
- Anyone **authorizing** partisan political use of state aircraft **must also report it**.



Misuse of Official Position

- You **must** take approved leave to participate in political campaign activities during the work day, unless the campaign activities are “minor, inconsequential, and unavoidable.”
- This restriction doesn’t apply to the governor and lieutenant governor.



Misuse of Official Position – Your Call

Let's say your friend is running for election to a local office. What does the Ethics Act prohibit you from doing?

1. using a state phone to make campaign calls during work time;
2. using a state phone to make campaign calls during your breaks;
3. using a state phone to make campaign calls while you are on approved leave; or
4. all of the above?



Misuse of Official Position – Your Call

The correct answer is 4, **“all of the above.”**

- Although you may campaign when you are on approved leave (or outside your work day), you may not use state equipment for campaigning.
- Keep in mind that additional restrictions on political activities may apply to you because of laws other than the Ethics Act.



Misuse of Official Position

- The Ethics Act also prohibits improper attempts to influence the outcome of an administrative hearing.
- Contacts with the hearing officer – or the individual, board, or commission with authority to make the final decision in a case – must be promptly **disclosed** to the other participants and **made part of the hearing record**.
- These requirements **do not** apply to contacts made in response to requests or contacts from the hearing officer or the individual, board, or commission with authority to make the final decision.



Misuse of Official Position – Your Call

Imagine that after participating in an administrative hearing, you find some information that you think the hearing officer should have before issuing a decision. Does the Ethics Act prohibit you from providing that information to the hearing officer?

- **No**, so long as you promptly disclose the contact to all of the other hearing participants and make it a part of the record.
- The hearing officer might, however, decline to consider the new information for other reasons.





Improper Gifts

Improper Gifts

The Ethics Act also prohibits improper gifts.

- A gift is improper if it would be **reasonable to infer** that the gift is **intended to influence** the performance of official duties, actions, or judgment.



Improper Gifts

- “**Gifts**” include any benefit to a personal or financial interest, such as money, services, loans, travel, entertainment (including meals), hospitality, employment, or promises.
- A gift from a **lobbyist** to you or your immediate family members is **presumed** to be improper, **unless** the lobbyist is an immediate family member of the person receiving the gift.
- An occasional gift worth \$50 or less is **presumed** to be proper (unless the gift is from a lobbyist).



Improper Gifts

A gift of travel or lodging for a trip you take **as part of your official duties** is proper if

- the monetary value of the travel or lodging is comparable to the cost the state would have had to pay; **and**
- **either** your agency's head determines that the gift is to the state, rather than to you; **or** the travel or lodging is incidental transportation by an individual, or hospitality at an individual's home.



Reporting Gifts

If you receive a gift worth more than \$150, you must **report** the gift to your designated ethics supervisor within 30 days **if**

- you may take or withhold official action affecting the person who gave you the gift; **or**
- the gift is connected with your governmental status.



Reporting Gifts

- If, on behalf of the state, you accept a gift from any other government, you must **report** it in writing to the Office of the Governor within 60 days.
- The Governor's Office will determine what to do with the gift.



Reporting Gifts

You must report to your designated ethics supervisor a gift received by a **member of your family** if

1. you know or ought to know that the family member received the gift because of his or her **connection with the public office** you hold; and
2. the gift would have been **improper or reportable** if you had been the one receiving it.



Reporting Gifts

Forms for reporting gifts are available from your designated ethics supervisor or from the Department of Law's website, at <http://www.law.alaska.gov/doclibrary/ethics.html>.



Improper Gifts and Reporting

- These reporting requirements and restrictions on gifts do **not** apply to campaign contributions, so long as the contributions comply with the laws and regulations governing campaign contributions.



Improper Gifts and Reporting – Your Call

Let's say your neighbor, who is a lobbyist, offers you a holiday gift worth less than \$50. May you accept it?

- **No**, unless you file a gift disclosure form and your designated ethics supervisor determines that the gift is proper.
- Because the gift is from a lobbyist who is not a member of your immediate family, the gift is **presumed** to be improper **regardless of its value**.





Improper Use or Disclosure of Information

Improper Use or Disclosure of Information

- During – **or after** – your state service, you may not disclose or use certain information you gained in connection with your official duties.
- First, you may not disclose or use **confidential** information you gained in connection with your official duties **unless** you have **proper authorization** to disclose or use the information.
- Second, you may not disclose or use **other information** you gained in connection with your official duties **if** the information
 - has not been “**publicly disseminated**”; and
 - could in any way **benefit** you or an immediate family member.



Improper Use or Disclosure of Information

Information has been “publicly disseminated” if it has been published through

- newspaper publication;
- broadcast media;
- a press release;
- a newsletter;
- a legal notice;
- a nonconfidential court filing;
- a published report;
- an agency’s website;
- a public speech or public testimony before the legislature, a board, or a commission.



Improper Use or Disclosure of Information – Your Call

Imagine that, as part of your state job, you have access to a confidential database with information about members of the public. May you use that database to locate someone that owes your family money?

- **No**, because you would be using information that has not been publicly disseminated for your benefit, and using confidential information without proper authorization.





Improper Influence in State Grants, Contracts, Leases & Loans

Improper Influence in State Grants, Contracts, Leases & Loans

The Ethics Act prohibits you and members of your immediate family from receiving certain **state** grants, contracts, leases, and loans.

- Neither you nor any member of your immediate family may attempt to **acquire, receive, apply for, be a party to, or have a personal or financial interest** in a state grant, contract, lease, or loan
- **if you may take or withhold official action** affecting the award, execution, or administration of that grant, contract, lease, or loan.



Improper Influence in State Grants, Contracts, Leases & Loans

There are, however, some exceptions to this restriction.

- One of the exceptions applies to **competitively solicited** grants, contracts, and leases.



Improper Influence in State Grants, Contracts, Leases & Loans

You and your family members may have interests in **competitively solicited** grants, contracts, and leases, **unless**

- you work for the administrative unit awarding the grant, contract, or lease;
- you work for the administrative unit for which the grant, contract, or lease is awarded; **or**
- you actually **take** official action on the award, execution, or administration of the grant, contract, or lease.



Improper Influence in State Grants, Contracts, Leases & Loans

Another exception applies to certain loans. This exception permits you and your immediate family members to have interests in a loan that is

- generally available to members of the public and
- subject to fixed eligibility standards,

as long as you do not actually take or withhold official action affecting the award, execution, or administration of that loan.



State Grants, Contracts, Leases, or Loans – Reporting Requirements

If you or a member of your immediate family has a **personal or financial interest** in a state grant, contract, lease, or loan that your agency awarded, executed, or administers, you must **report it in writing** to your designated ethics supervisor.

- Forms for reporting interests in state grants, contracts, leases, or loans are available from your **designated ethics supervisor** or from the **Department of Law's website**, at <http://www.law.alaska.gov/doclibrary/ethics.html>.



Improper Influence in State Grants, Contracts, Leases & Loans – Your Call

Suppose your daughter wants to apply for a grant from your agency and your normal duties include serving on the committee that awards those grants. May she apply for the grant?

- **No**, unless the grant is competitively solicited, **and**
- you take no official action with respect to the award, execution, or administration of the grant;
- **or** your designated ethics supervisor determines that your committee duties can be reassigned.





Improper Representation

Improper Representation

The Ethics Act generally prohibits you from representing, advising, or assisting a person in any matter pending before the administrative unit you serve.

Specifically, you may not, **for compensation**, represent, advise, or assist a person in any matter pending before the administrative unit you serve **unless** the representation, advice, assistance, and compensation are

- **required** by statute, regulation, or court rule; **or**
- otherwise **customary**.



Improper Representation

Even **without compensation**, you may not represent, advise, or assist a person in any matter pending before the administrative unit you serve **to benefit a personal or financial interest**.



Improper Representation

There is a limited exception, however, for **nonsalaried** members of boards and commissions.

These restrictions do not prohibit a **nonsalaried** member of a board or commission from representing, advising, or assisting in any matter in which that member has a personal or financial interest regulated by that board or commission, so long as the member

- properly **discloses** the interest; and
- **complies** with the conflict of interest determination.



Improper Representation

These restrictions also do not prohibit activities related to **collective bargaining**.



Improper Representation – Your Call

Suppose that you're an engineer serving on the state board that regulates engineers (a nonsalaried position). If someone files a charge with the board about your engineering work, may you represent yourself before the board?

- **Yes**, as long as you
- properly disclose your interest in the matter; **and**
- comply with the ethics determination on how to handle your conflict of interests (which will usually mean that you cannot participate in the board's consideration of the matter).





Outside Employment

Outside Employment

The Ethics Act does not prohibit an executive branch employee from holding another job – or providing services to benefit a personal or financial interest –

- **unless** the outside employment or service is **incompatible or in conflict with** the proper discharge of the employee's official duties.



Outside Employment

There is an exception, however:

- **heads of principal departments** may not accept **any** other employment for compensation.



Outside Employment – Reporting

An executive branch employee rendering services for compensation or employed outside the employee's agency must **report** the outside services or employment to the employee's designated ethics supervisor

- **by July 1** of each year that the outside service or employment continues; **and**
- whenever a change occurs in the outside service or employment.



Outside Employment – Reporting

Forms for reporting outside services or employment are available from your

- designated ethics supervisor or
- from the **Department of Law's website**, at
- <http://www.law.alaska.gov/doclibrary/ethics.html>.



Outside Employment – Your Call

Try this one: you're considering working on weekends for an organization that sometimes appears before the state agency where you work during the week. What should you do:

1. go ahead and work for the organization, so long as you **don't accept pay for it;**
2. find something else to fill your weekends; or
3. submit an outside services report form to your work supervisor and designated ethics supervisor, and wait for their approval?



Outside Employment – Your Call

Did you choose **answer 3**? Good!

Reporting the potential outside services or employment to your work supervisor and designated ethics supervisor is the best choice.

Answer 1 isn't as good a choice because, **even if you wouldn't be paid** for your services to the organization, you may not perform those services **if** they would benefit a personal or financial interest **and** would be incompatible or in conflict with your official duties.

Reporting them helps you find out **before** you start whether the outside services create any ethics problems.





Employment After Leaving State Service

Employment After Leaving State Service

The Ethics Act includes three restrictions on employment after leaving state service.

- The first restriction applies to **all** former members of the executive branch and lasts for **two years**.
- The second and third restrictions apply only to certain **high-level** policy positions and last for **one year**.



Employment After Leaving State Service

Here's the first restriction: for two years after you leave state service, you may not represent, advise, or assist a person for compensation regarding a "matter" in which you participated "personally and substantially" during your state service, through the exercise of official action.



Employment After Leaving State Service

For this restriction, “matter” includes

- a case, proceeding, application, contract, or determination;
- the proposal or consideration of a legislative bill, resolution, constitutional amendment, or other legislative measure; or
- the proposal, consideration, or adoption of an administrative regulation.

“**Matter**” does not include the general formulation of policy.



Employment After Leaving State Service

You have not “personally and substantially” participated in a matter if your involvement has been limited to

- routine processing of documents;
- general supervision of employees without direct involvement in the matter; or
- ministerial functions not involving the merits of the matter.



Employment After Leaving State Service

There are two exceptions to the first restriction:

1. after leaving state service, you may **contract with a state agency** to work on a matter on behalf of the state; and
2. the head of an agency may **waive** the restriction **if** granting a waiver would not harm the **public interest** **and** the **attorney general** approves the waiver.



Employment After Leaving State Service

The Ethics Act's second restriction on employment after leaving state service prohibits certain former officials from working as paid **lobbyists** for **one year** after leaving state service.



Employment After Leaving State Service

The one-year lobbying restriction applies to the following positions:

- governor and lieutenant governor;
- head of an executive branch department;
- deputy head of an executive branch department;
- director of a division within an executive branch department;
- legislative liaison within an executive branch department;
- legislative liaison, administrative assistant, or other policy-making position in the Office of the Governor or Office of the Lieutenant Governor;
- member of a board or commission having regulation-adoption authority, other than a board or commission covered by the centralized licensing provisions of AS 08.01; and
- member of the governing board and executive officer of a state public corporation.



Employment After Leaving State Service

The Ethics Act's third restriction on employment after leaving state service prohibits certain former officials from **serving on certain boards** for **one year** after leaving state service.

This restriction prohibits, for one year, a **former head of a principal department** from serving on the governing board of any organization

- that was **regulated by** that department; or
- that the former department head **worked with** as part of his or her official duties.



Employment After Leaving State Service

The restriction on board service also prohibits, for one year, any former employee of the Office of the Governor in a policy-making position from serving on the governing board of any organization that the former employee worked with as part of his or her official duties.



Employment After Leaving State Service – Getting Advice

- The attorney general's office can provide you advice about the restrictions on your employment after leaving state service.
- The Ethics Act specifically authorizes the attorney general to provide that type of advice to former public officers.
- As long as you disclose all relevant facts in requesting the advice, you will not be liable under the Ethics Act for any actions you take in following the attorney general's advice.




Employment After Leaving State Service – Your Call

Suppose you're helping negotiate a contract between the state and a private company. May you leave your state job to go to work for that company on those same contract negotiations?

- No, not for two years after leaving state service, unless you get a waiver! So long as the new work at the private company involves the same matter and you personally and substantially participated in that matter during your state service, the two-year restriction applies.





Aiding in a Violation

Aiding in a Violation

- The Ethics Act prohibits you from knowingly helping another person covered by the Act to violate the Act.





Part 2:
How the Ethics Act Works



Reporting Provisions

Reporting Provisions

- The Ethics Act works by relying on you to report your own gifts, outside employment, and interests in state grants, contracts, leases, and loans.
- The Ethics Act also relies on you to report to your designated ethics supervisor any situation that might produce a violation of the Act.
- If you have doubts about what the Ethics Act requires you to do in a particular situation, you should **seek advice from your designated ethics supervisor.**



Reporting Provisions

To get that advice, you should

- **complete** a “notification of potential violation” form (or a “request for ethics determination” form);
- **submit** the form to your designated ethics supervisor; and
- **wait** for a determination **before** taking any action on that matter.

These forms are available from your **designated ethics supervisor** or from the **Department of Law’s website**, at <http://www.law.alaska.gov/doclibrary/ethics.html>.



Reporting Provisions

It doesn't matter much which form you use.

What matters is

- **recognizing** when there is an ethics issue;
- **reporting** it and asking for advice;
- **waiting** for that advice; and
- **following** the advice.



Reporting Provisions

- Co-workers and members of the public may also use a “notification of potential violation” form to report potential ethics violations to a public officer’s designated ethics supervisor.
- The report must be in writing and signed under oath.
- The designated ethics supervisor will provide copies of the report to the public officer named in the report and to the attorney general.



Reporting Provisions

For ethics reports from (or about) an executive branch **employee**, the designated ethics supervisor will make a **written determination** and provide copies to the employee and the attorney general.

If the designated ethics supervisor determines that a violation could exist or will occur, the supervisor will

- **reassign duties** to cure the potential violation, if feasible; or
- direct the employee to **get rid of** the personal or financial interests creating the conflict.



Reporting Provisions

A **member of a board or commission** whose involvement in a matter might violate the Ethics Act must **disclose** that matter (1) **on the public record** and (2) **in writing** to both the designated ethics supervisor and the attorney general.



Reporting Provisions

Disclosing the matter orally during a **recorded public meeting** of the board or commission satisfies the requirement to disclose the matter in writing, so long as

- a **tape or transcript** of each meeting is preserved in accordance with the board or commission's records retention schedule; **and**
- a **method of identifying** each portion of tape or transcript containing the disclosure is used and the identifications are preserved.



Reporting Provisions

When a **member of a board or commission** discloses a potential violation of the Ethics Act, the designated ethics supervisor will determine whether the member's involvement violates the Act.

The designated ethics supervisor will provide copies of the **written determination** to the member and to the attorney general.

Like the disclosure itself, the designated ethics supervisor's determination is also disclosed at a meeting on the public record.



Reporting Provisions

If any member of the board or commission **objects** to the designated ethics supervisor's determination – or if the **chair** discloses a potential Ethics Act violation – the members present at a meeting (other than the disclosing member) must **vote** on whether the disclosing member may participate in the matter.



Reporting Provisions

- If a **majority** of the members voting determines that a violation of the Ethics Act would exist, **or**
- the **chair rules** that there would be a violation and **no one objects** to the chair's ruling,
- the member making the disclosure **must refrain from voting, deliberating, or participating** in that matter.



Reporting Provisions

A disclosing member who violates the Ethics Act in taking or withholding an action will not be liable for the violation **if**

- the member **acted in accordance** with the chair's (or board or commission's) determination;
- the member **fully disclosed** all relevant facts to the chair (or board or commission); and
- the **attorney general has not advised** the member, chair, board, or commission that the action violates the Ethics Act.



Reporting Provisions

A designated ethics supervisor may request **advice from the attorney general** when determining whether an employee – or member of a board or commission – is involved in a matter that might lead to a violation of the Ethics Act.

Boards and commissions may also seek advice from the attorney general when making those determinations.



Reporting Provisions

- Every quarter, each designated ethics supervisor must submit a **quarterly report** to the attorney general.
- The report is **confidential** and describes the facts, circumstances, and disposition of any reports of potential ethics violations during that quarter.
- The attorney general prepares a **summary** of the quarterly reports. That summary does not include information identifying the public officers involved and is available to the public.



Reporting Provisions

- The attorney general also **reviews** the determinations described in the quarterly reports.
- The attorney general then submits the quarterly reports to the **Personnel Board**, along with a report on the attorney general's review of those reports.





Complaint Procedures

Complaint Procedures

The Ethics Act also provides procedures for filing complaints alleging violations of the Act.

A complaint must

- be in **writing**;
- be signed **under oath**; and
- contain a **clear statement** of the details of the alleged violation.



Complaint Procedures

- In addition, the attorney general may initiate a complaint, or treat as a complaint a matter disclosed under the Ethics Act's reporting provisions.
- In most cases, the attorney general is responsible for investigating an ethics complaint.



Complaint Procedures

- However, if the complaint concerns the conduct of the **governor, lieutenant governor, or attorney general**, the complaint goes to the Personnel Board.
- For that type of complaint, the Personnel Board hires **independent counsel** to act in the place of the attorney general in investigating and handling the complaint.



Complaint Procedures

- If someone files a complaint **during a campaign** period against a governor or lieutenant governor who is a candidate for election to state office, the Personnel Board will **return the complaint** without investigating it unless the candidate permits the Personnel Board to proceed.



Complaint Procedures

- In all other cases, the attorney general (or independent counsel) **reviews** each complaint to determine whether
- it is **properly completed**; and
- contains allegations that, if true, would **establish a violation** of the Ethics Act.



Complaint Procedures

If the attorney general determines that the allegations in the complaint do not warrant an investigation, he or she will

- **dismiss** the complaint, and
- **notify** both the person filing the complaint and the person named in the complaint.



Complaint Procedures

A violation of the Ethics Act may be investigated **within two years** after discovery of the alleged violation.

Likewise, a **legal action** by the attorney general to recover any fee, compensation, gift, or benefit received as a result of a violation of the Ethics Act must be brought **within two years** after discovery of the violation.



Complaint Procedures

If the attorney general accepts a complaint, he or she may **investigate** it or **refer** it to the appropriate designated ethics supervisor.

If the attorney general accepts a complaint for investigation, he or she

- will **serve** a copy of the complaint on the person named in the complaint **for a response**, and
- may require within 20 days a full, **written disclosure** from that person of all circumstances concerning the alleged ethics violation.



Complaint Procedures

A complaint and all other documents and information regarding the investigation of a complaint are **confidential** unless

- the person named in the complaint **agrees** to make the complaint public; or
- the attorney general initiates **formal proceedings** by serving an accusation on the person named in the complaint.



Complaint Procedures

If the attorney general determines after investigation that there is **no probable cause** to believe that a violation of the Ethics Act occurred, the attorney general will **dismiss** the complaint.

The attorney general will **notify** both the person filing the complaint and the person named in the complaint.



Complaint Procedures

If the attorney general determines that there is **probable cause** to believe that a violation of the Ethics Act occurred, but that **no hearing** is warranted, the attorney general will **recommend action** to correct or prevent the violation.

Again, the attorney general will **notify** both the person filing the complaint and the person named in the complaint.



Complaint Procedures

The attorney general will initiate **formal proceedings** if he or she determines that

there is **probable cause** to believe that a knowing violation of the Ethics Act occurred;

a violation occurred that **cannot be corrected** under the Act; or

the person named in the complaint **failed to comply** with a recommendation to correct or prevent a violation.



Complaint Procedures

The attorney general initiates formal proceedings by **-serving** a copy of an **accusation** on the person named in the complaint.

The accusation specifies the alleged violations and is a **public document**.



Complaint Procedures

The person named in the accusation must submit an **answer** to the accusation, usually within 20 days.

If the person **denies** the allegations, the attorney general will refer the matter to the Personnel Board for a **hearing**.

If the person **admits** the allegations, the attorney general will refer the matter to the Personnel Board to impose **penalties**.





Remedies and Penalties

Remedies and Penalties

Against an **employee**, the Personnel Board can issue:

- an order to stop particular actions;
- an order requiring divestiture, establishment of a blind trust, restitution, or forfeiture; and
- a recommendation for disciplinary action, including dismissal.



Remedies and Penalties

Against a **nonsalaried board or commission member**, the Personnel Board can issue:

- an order to refrain from voting, deliberating, or participating in a matter;
- an order requiring restitution; and
- a recommendation for removal of the member from the board or commission.



Remedies and Penalties

Against a **former employee**, the Personnel Board can issue:

- a public statement of its findings, conclusions, and recommendation; and
- a request that the attorney general seek all appropriate relief.



Remedies and Penalties

Against any current or former public employee, board member, or commission member, the Personnel Board can also impose **civil penalties** of up to **\$5,000** for violating the Ethics Act.

In addition, the Personnel Board can require the person to pay the state up to **twice the amount of the financial benefit** that he or she gained from the violation.



Remedies and Penalties

The state can **invalidate** any official action that violates the Ethics Act.

The state may **invalidate a grant, contract, or lease** entered into in violation of the Ethics Act.

The state may also require **immediate payment** of a state **loan** received in violation of the Ethics Act.

For violations of the Ethics Act that also violate criminal laws, the **criminal penalties** apply in addition to the penalties under the Ethics Act.





Part 3

Where to Go for Answers

Where Do I Go for Answers?

If you have questions about the Ethics Act, ask your **designated ethics supervisor**.

Each executive branch department, agency, board, and commission has a designated ethics supervisor.

If you don't know who your designated ethics supervisor is, your work supervisor can help you find out.

If your designated ethics supervisor needs help to answer your questions, he or she may contact the **state ethics attorney**.



Where Do I Go for Answers?

You may also find information about the Ethics Act on the **Department of Law's ethics web page**:

<http://www.law.alaska.gov/doclibrary/ethics.html>.

Advisory opinions interpreting the Ethics Act are available on the **Department of Law's website**, at

http://www.law.alaska.gov/doclibrary/opinions_index.html.



Conclusion

Remember, **you** have the most important role in enforcing the Ethics Act.

We're all counting on you to

- **recognize** when there is an ethics issue;
- **report** it and ask for advice;
- **wait** for that advice; and
- **follow** the advice.





Ethics for Alaska's Executive Branch

Let's keep the ethics light shining!