



ALASKA PUBLIC INTEREST RESEARCH GROUP

907-350-2286 | akpirg.org | P.O. Box 201416, Anchorage, AK 99520

August 30, 2023
Department of Law
P.O. Box 110300
Juneau, AK 99811-0300
Attn: Stacie Kraly

Dear Ms. Kraly,

Please consider the following questions in response to the [proposed changes](#) to the regulations of the Department of Law regarding legal representation by the Dept. of Law in ethics complaints wherein the governor, lieutenant governor, or attorney general are named, per the Alaska Executive Branch Ethics Act:

1. Question #1 of the [August 2023 Proposed regulations – FAQ](#) states, “The current regulation requires the governor, lieutenant governor and attorney general to hire outside counsel to represent them during these proceedings.” Where in the regulations is that specific requirement for the governor, Lt. governor and attorney general to hire outside counsel to represent them during these proceedings stated?
2. How do the proposed regulations **not** clash with our ethics laws that relate to prohibitions on gifts, favoritism, self-enrichment, use of state property and resources for personal benefit and financial interests, use of official actions for personal purposes, coercion of subordinates to perform services for private benefit of public officers, use of state resources for partisan political purposes, and intentionally securing unwarranted benefits or treatment?
3. The [August 2023 Proposed regulations – FAQ](#) document states there are no costs to comply with the proposed regulations. Where are the data and figures to support that statement?
4. How many ethics complaints have been filed related to Alaska’s governors, lieutenant governors and attorneys general in the last 15 years? What is the number of ethics complaints filed each year?.
5. How many total ethics complaints have been filed in the last 15 years? What were the costs to the state, according to the Dept. of Law’s time-keeping system, for each ethics complaint?
6. How many ethics complaints were found to be baseless in the last 15 years? Could you please provide a list of baseless ethics complaints as well as the body determining each ethics complaint to be baseless?

7. What are all and complete costs to the State of Alaska to represent Gov. Dunleavy and former Chief of Staff Tuckerman Babcock in the wrongful-firing lawsuits brought by former State of Alaska employees: psychiatrists Dr. Anthony Blanford, Dr. John Bellville, and attorneys Kelly Parker, Ruth Botstein and Elizabeth “Libby” Bakalar? Along with payouts to these former employees, could you please include an itemization of the costs of outside counsel hired by the state and all attorney-hours, per each attorney, for each former employee, according to the Dept. of Law’s time-keeping system, as they provided public-funded representation to Gov. Dunleavy and former Chief of Staff Babcock for what a judge had [concluded that the men’s actions were so far beyond normal that they cannot be considered part of their normal duties as state officials. That may make them personally liable?](#)
8. What constitutes an ethics complaint? Are requests sent, in the public interest, to the AK Attorney General's office to look into certain questionable actions of public officials considered ethics complaints?
9. The [proposed regulation amendment to 9 AAC 52.140](#) adds a new subsections to read:
(f) If a person brings a complaint alleging a violation under AS 39.52.110 - 39.52.190 or this chapter by the governor or the lieutenant governor, the Department of Law may provide legal representation if the attorney general certifies that the representation is in the public interest. For complaints against the attorney general, the governor may certify that representation by the Department of Law is in the public interest. For the purpose of this subsection, "public interest" includes whether the action taken is within the scope of the official's duties.

What specific assessment processes will be used by the governor and attorney general to certify that publicly-funded legal representation by the Dept. of Law is warranted and is in the public interest? Will this “public interest” assessment process be publicly noticed and available for review by Alaskans in a relevant and timely manner?

We look forward to your responses.

Sincerely,



Veri di Suvero
Executive Director

Andrée McLeod

Andrée McLeod
Good Government Director