

Municipality of Anchorage
Board of Ethics
C/o Municipal Clerk's Office
632 W. 6th Ave. Ste. 250 Anchorage, AK 99501

Date: June 13, 2016

To: Lt. Jason Schmidt
Anchorage Police Department
JSchmidt@muni.org

From: Municipal Board of Ethics

Re: Response to Advisory Opinion 2016-5

Dear Lieutenant Schmidt:

This letter is in response to your Request for Advisory Opinion 2016-5. The Ethics Board's (Board) response reflects the consideration of the facts presented in your original letter and your testimony and responses to questions of the Board.

Dollars for Dog, Inc. (DFD) is a 501(c)(3) non-profit organization that has been operating and supporting the Anchorage Police Department (APD) canine unit for over 30 years. The board of DFD is comprised of citizens within the Municipality, who hold fundraisers for dogs and equipment for the APD canine unit. Some of the costs are significant – each dog can cost between \$9,000 and \$12,000, plus the cost of travel for numerous officers to select the dogs, along with training and equipment.

The details of the procedure for DFD donations to APD are set forth in your request, and include the following: all requests for dogs and equipment are submitted through the APD chain of command; all payments to third parties (kennel and vendors) are made by credit card or check; and DFD pays the traveling officers a per diem. In the past, APD employees could serve on the DFD board, but the current Command Staff has changed this practice to designate an APD officer to act as a liaison and attend DFD board meetings.

Rather than a general grant of funds to APD to support the canine unit, the DFD board responds to APD requests for dogs, equipment and trips. The Administration has also voiced a concern with the directed gifting by DFD to APD.

Gifts

The Ethics Code is directed at gifts to employees, board members, and elected officials. It is not specifically directed at entity gift-giving – DFD to APD. However, the general rule underlying the gift provisions is applicable. A municipal employee may not accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official municipal duties.

The Board reviews these concerns.

Undue Influence

- Officers Traveling to Select Canines

Traveling officers are paid a per diem by DFD. Third party payment of employee per diem is recognized in Municipal Policy and Procedures 68-1. Any lavish requests for per diem would be easily determined by either DFD, its auditors, the IRS, or APD Command Staff. Under the circumstances, the fact of per diem payment is not viewed by the Board as an indication of undue influence with respect to the traveling officers. More generally, travel discounts, accommodations, and business travel, are outside of the Board's review, and are instead governed by administrative financial policies and procedures. AMC 1.15.025H.6.

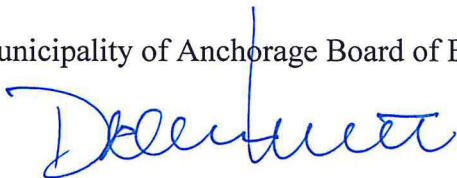
- Canine Unit

If the DFD board can dictate which officer is given a dog or receives equipment, the concern with undue influence could well arise. A member of the canine unit no longer serves on the DFD Board, rather an APD liaison selected by the Command staff attends Board meetings. Requests for canines, equipment, and travel are made through APD Command to the APD liaison to the DFD board. APD has taken steps to address this concern.

Appearance of Impropriety

The fact that DFD is an organization directly set up to support the canine unit is not unusual. In fact, the relationship between APD and DFD is the exempt purpose for which the IRS grants non-profit status. The Board concludes that the current structure and relationship between APD and DFD does not create an appearance of impropriety.

Municipality of Anchorage Board of Ethics



David Nesbett, Chair
Terrence Kelly, Vice Chair
Ted Carlson
Kathleen King
Rebecca Windt-Pearson