



# Municipal Board of Ethics

632 West 6th Ave. Ste. 250 Anchorage, Alaska 99501

Mailing Address: P.O. Box 196650 Anchorage, AK 99519-6650

OFFICE OF THE MUNICIPAL CLERK  
JUL 6 5 2019 2019 3  
Date: \_\_\_\_\_

*\* See attached \**

Phone: 343-4311

Municipal Clerk: Barbara A. Jones

## CONFIDENTIAL Request for an Advisory Opinion CONFIDENTIAL

**Anchorage Municipal Code: Chapter 1.15 CODE OF ETHICS, AMC 1.15.150 Advisory Opinions.**

- A. Current, former, or potential **public servant** may request an advisory opinion regarding the applicability and interpretation of this chapter related to actions, rights, or conflict personal to the inquirer.
- B. The municipal clerk, the municipal ombudsman, and the municipal attorney may request an advisory opinion from the board of ethics regarding the applicability and interpretation of this chapter.
- C. In any later proceeding involving the inquirer, the inquirer is entitled to rely on the advice of the board, and may not be sanctioned for acting in compliance with the board's advice so long as the facts remain substantially unchanged from those represented to the board in the inquiry.
- D. **A request for advice is confidential** unless confidentiality is waived by the person requesting an advisory opinion.

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<input type="radio"/> <b>Current</b>	<input type="radio"/> <b>Employee</b>	<input type="radio"/> <b>Municipal Clerk</b>
<input type="radio"/> <b>Former</b>	<input type="radio"/> <b>Board Member</b>	<input type="radio"/> <b>Municipal Attorney</b>
<input type="radio"/> <b>Potential</b>	<input type="radio"/> <b>Elected Official</b>	<input type="radio"/> <b>Municipal Ombudsman</b>

AMC 1.15.030D. **Public Servants** - all persons within the scope of this code, including employees, board members, and elected officials.

In accordance with AMC 1.15, I am requesting applicability and interpretation of the following **section of the Municipal Code of Ethics**: \_\_\_\_\_

Please describe your request:

\_\_\_\_\_

\_\_\_\_\_

*\* See attached \**

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

(Attach separate sheets as necessary.)

**Waive Confidentiality**                       **I Request Confidentiality**

I understand that advisory opinions are required to be posted on the Municipal Website. The Board shall make sufficient deletions to prevent disclosure of the persons who have requested anonymity. AMC 1.15.150F. **I affirm to the best of my knowledge that my statement is true, correct, and complete.**

Signature of Requestor: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Phone Number: (     ) \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

## Marlovits, Cassie A.

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**From:** Ennis, Deitra L.  
**Sent:** Friday, July 5, 2019 11:10 AM  
**To:** Marlovits, Cassie A.  
**Subject:** FW: Request for Advisory Opinion - Ethics Board

The below is a second request for advisory opinion on the ombudsman website issue filed by the Municipal Attorney.

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**From:** Windt Pearson, Rebecca A,  
**Sent:** Friday, June 28, 2019 5:07 PM  
**To:** Ennis, Deitra L. <deitra.ennis@anchorageak.gov>  
**Subject:** Request for Advisory Opinion - Ethics Board

Dee,

Pursuant to AMC 1.15.150B, please consider this a request for an advisory opinion from the board of ethics regarding the applicability and interpretation of the ethics code.

On June 3, 2019, the Municipal Ombudsman posted the following post on the Anchorage Ombudsman Facebook page:



### Anchorage Ombudsman

Yesterday at 10:18 AM · 🌐



The Ombudsman's Office disagrees with how the MOA is interpreting equipment and paperwork violations to be moving violations, and does not support passage of AO 2019-59. We believe that this practice is not fair and equitable and disproportionately impacts low-income and minority individuals and neighborhoods. We have heard MOA employees, who make five and six figure incomes with good health benefits, opine that it is "simple" for people to take care of equipment and paperwork violation fix-it tickets. The reality is that for thousands of Anchorage residents, it is not a simple matter to be able to pay \$50-\$75 for a new headlight or taillight, or to replace a windshield, etc. They can't pay to fix the problem, and so they are fined, and they can't afford to pay the fine. This starts a vicious cycle for many people who are struggling financially. Equipment and paperwork violations should not be counted as moving violations for the purposes of the Scofflaw ordinance.

The Assembly is holding a work session on AO 2019-59 at 1 pm on Friday, June 14th, in RM 155 at City Hall. The Assembly public hearing on the ordinance, and possible vote will be at the Assembly meeting on Tuesday, June 18th. Please help spread the word, and encourage people who have been impacted by the Scofflaw ordinance to show up for these meetings and express their opinions. Please consider testifying and/or providing written comments to the Assembly.

The Anchorage Ombudsman Facebook page is listed as a "Government Organization" page, and lists the office address, e-mail, phone #, and webpage for the Ombudsman's office as its contact information. The page is also linked to from the Ombudsman's Municipal webpage (<http://www.muni.org/departments/assembly/ombudsman/Pages/default.aspx>).

Subsequent to this posting, the Ombudsman appeared in front of the Assembly several times during work hours, wearing Ombudsman apparel, to represent a viewpoint on AO 2019-59, pending Assembly legislation.

My read of the ethics code is that all of the above activity constitutes the use of municipal resources for partisan activity, and is not covered by any of the exceptions in AMC 1.15.110. While the Ombudsman's charge pursuant to code is to "investigate the acts of administrative agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and equity in the provision of municipal services" (AMC 2.60.010), I see nothing in Title 2 which trumps the limitations of the ethics code.

I can certainly see a policy argument that the Ombudsman should have more flexibility to comment publicly on Assembly legislation than other municipal employees. But I can also see an argument that this type of public participation should be subject to some limitation (what if a person seeks the assistance of the Ombudsman because a provision of municipal code is not being enforced, and the Ombudsman is on the public record as opposing that provision of code – can the citizen believe that their complaint will receive the same level of scrutiny? Or is there now an appearance of bias which cannot be remedied?).

I'd like to ask the Ethics Board to opine on both whether the facts outlined above constitute a violation of the ethics code, and whether they should – i.e., should the code be revised to provide more latitude for the Ombudsman to participate in the legislative process at the Municipal level?

Thanks,

Becky

**Becky Windt Pearson**  
MUNICIPALITY OF ANCHORAGE  
*Municipal Attorney*  
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Anchorage, Alaska 99501

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