



# Municipal Board of Ethics

#: 2021-09

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

Meeting Date: 09/15/2021

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

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

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:** 1.15.060 Conflicts of Interest

Please describe your request:

Mr. Dan Zipay was recently appointed to serve as the Director of Solid Waste Services, subject to confirmation by the Assembly. Attached is an outline provided by Mr. Zipay including information about both his past and present business ownership interests as well as those of his immediate family members.

I have filed this in my capacity as the Deputy Municipal Attorney. The Board is requested to review this information for conflicts and recommendations.

*(Attach separate sheets as necessary.)*

<input checked="" type="checkbox"/> Waive Confidentiality	<input type="checkbox"/> I Request Confidentiality
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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: Deitra Ennis Date: 9-14-21

Printed Name: Deitra Ennis Phone Number: [REDACTED]

Email Address: [REDACTED]

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

Hello Dee,

September 10, 2021

Thank you for your inquiry concerning any perceived conflicts of interests that may present themselves in my position as Director of Solid Waste Services (SWS). To assist you, I have included information about both my past and present business ownerships and those of my immediate family members. Below, you will find a transparent and honest evaluation by me regarding these matters.

- In the past, I had ownership in two waste companies within the Municipality of Anchorage (MOA). The first being Alaska Waste and the second being Denali Disposal. I have relinquished ownership of both companies prior to my appointment to Solid Waste Services. Alaska Waste was sold in 2009 and my 12.5% interest in Denali Disposal was relinquished in July of 2021.
- My wife and daughter are current owners of Denali Disposal in Anchorage. Like every private hauler approved by the Regulatory Commission of Alaska within the MOA, they are required to use the municipal transfer station and the regional landfill operated by SWS.
- The Director of SWS issues no contracts to private waste haulers. Should the need ever arise that any private hauler might be necessary to the Municipality, the contract would require Assembly approval. To my knowledge, no such contracts have been proposed or issued by the MOA in the past.
- Neither of the waste companies owned by me in the past were allowed then, nor currently allowed to provide service within the SWS area. Private haulers within the municipality have boundaries that exclude them from SWS areas. (Per MOA ordinance)
- Because SWS does not supply "roll-off" cans or the trucks to service those cans within the SWS area, SWS approves exemptions to all private haulers for SWS customers requiring those types of cans, such as those needed for construction or demolition project sites. These exemptions are then granted to all private haulers, without discrimination, as more of a formality by SWS/MOA. These exemptions are not contracts and there is no monetary transaction between the SWS and the private hauler.
- I currently own Alaska Pro Tuckers, Inc., an aggregate material hauling company based in Anchorage. I do not currently hold contracts with the MOA nor have I in the past several years.

I believe this analysis clears up any perceived conflict:

Respectfully,

Dan Zipay