



MUNICIPALITY OF ANCHORAGE
Board of Ethics

January 18, 2023

Advisory Opinion 2022-15

Relevant Ethics Topic: Conflicts of Interest – AMC 1.15.060

This advisory opinion responds to a request from Mr. Richard Sewell, in which he asked for an advisory opinion on whether his volunteer service as a Second Lieutenant in the Alaska Wing of the Civil Air Patrol created a conflict of interest with his municipal duties as the manager of Merrill Field. Mr. Sewell waived confidentiality regarding his request for an advisory opinion.¹

I. FACTS OF THE REQUEST

On January 11, 2023, Mr. Sewell appeared before the board. The following facts are based on the information Mr. Sewell provided to the board.²

A. Mr. Sewell's volunteer service for the Civil Air Patrol

Mr. Sewell has been a long-time volunteer as a Second Lieutenant in the Alaska Wing of the Civil Air Patrol. Although the Wing receives funding and assistance from the U.S. Air Force as an auxiliary civilian arm of the Air Force, it primarily consists of volunteers such as Mr. Sewell. In Alaska, the Civil Air Patrol assists state and local emergency service agencies during natural disasters, fire, and search and rescue missions.

Mr. Sewell's role as a volunteer Second Lieutenant is to periodically participate in search and rescue missions. He is not in the leadership structure of the Alaska Wing and does not have the authority to make decisions or set policy for it.

B. Mr. Sewell's role as Manager of Merrill Field

Mr. Sewell was recently appointed as the Manager of Merrill Field. The authority of the airport manager is defined in AMC 11.60.030. The Civil Air Patrol is a longtime tenant at Merrill Field. Potential official actions that the airport manager might take involving the Civil Air Patrol include renewing or modifying its lease or resolving disputes between the Civil Air Patrol and other tenants at the airport. The movement of

¹ See AMC 1.15.150.D (“A request for advice is confidential unless confidentiality is waived by the person requesting an advisory opinion.”)

² AMC 1.15.150.B reads as follows: “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.”

planes and access to runways is controlled by air traffic controllers under the Federal Aviation Administration.

Mr. Sewell said he would recuse himself from all official actions related to the Civil Air Patrol, such as the potential renewal of its lease or resolving any disputes between other tenants. Mr. Sewell said such disputes are not likely because the Civil Air Patrol has its own command structure and procedures, and he never receives complaints from other tenants about how it operates. But if such a situation did occur, Mr. Sewell informed the Civil Air Patrol he would recuse himself and they would not get preferential treatment.

II. DISCUSSION

As a public servant, Mr. Sewell had the ability to request an advisory opinion regarding the applicability and interpretation of the ethics code related to actions, rights, or conflict personal to him as the inquirer.³ Therefore, the board has jurisdiction to issue this advisory opinion.

AMC 1.15.060.D prohibits a public servant from participating in an official action in which the public servant or a member of the public servant's immediate family has a substantial financial or private interest. A "private interest means an interest affecting, belonging, or accruing to an individual or private entity as distinct from the public interest at large."⁴ An "official action" is defined as follows:

For purposes of this code, official action means participation in a process, including deliberation, in which a decision or recommendation is reached. Official action does not include:

1. Clerical or ministerial action on a matter. For purposes of this chapter, ministerial describes an act or duty that conforms to an instruction or prescribed procedure with limited or no use of judgment by the person performing the act or duty.
2. Action on a matter that does not substantially evaluate or impact the merits of the recommendation or decision.⁵

The types of actions Mr. Sewell described all constitute official actions under the code. Negotiating a lease or resolving disputes that arise at the airfield all involve substantial judgment by the airport manager. Therefore, while it is debatable whether Mr. Sewell even has a substantial conflict of interest⁶ in the first place, the board concurs with his plan to recuse himself from all official actions involving the Civil Air Patrol.

³ AMC 1.15.150.A

⁴ AMC 1.15.180

⁵ AMC 1.15.060.C

⁶ Mr. Sewell offered to recuse himself from official actions involving the Civil Air Patrol. Since that course of action represents the highest dedication to ethical principles, the board makes no finding on whether this potential conflict of interest is substantial.

III. CONCLUSION

The board concludes that Mr. Sewell's recusal from any official actions involving the Civil Air Patrol eliminates any potential conflict of interest he might have. As a reminder, officials actions include deliberations, as defined above.

The board wishes to thank Mr. Sewell for his dedication to ethical principles in raising this issue. The board also thanks Mr. Sewell and all the other volunteers of the Civil Air Patrol for their service to our community.

APPROVED by the Municipality of Anchorage Board of Ethics this 18th day of January, 2023.



Rebecca Windt Pearson, Chair
Aesha Pallesen, Vice Chair
Abram Goodstein

Copy to:

- (1) Mr. Sewell
- (2) Municipal Clerk for electronic publication