



Municipal Board of Ethics

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

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

Phone: 343-4311

Municipal Clerk: Jamie Heinz

Request for an Advisory Opinion

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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Current
 Former
 Potential

Employee Board
 Member
 Elected Official

Municipal Clerk
 Municipal Attorney
 Municipal Ombudsman

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

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 documents.

(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.**

View [Board Policy Memo](#) for more information regarding Board of Ethics policy on Request for Advisory Opinion.

Signature of Requestor:

Date: 08/22/2025

Printed Name: Darrel W. Hess

Phone Number: (907) 343-4783 -

Email Address: darrel.hess@anchorageak.gov

Mailing Address: 632 W. 6th Avenue, Suite 100, Anchorage, AK 99501



August 22, 2025

Municipal Board of Ethics
PO Box 196650
Anchorage, AK 99519-6650

Dear Board of Ethics,

Anchorage Equal Rights Commissioner Antavia Hamilton, in her official capacity as a member of the Anchorage Equal Rights Commission (AERC), drafted a memo and transmitted it to the Mayor, Municipal Clerk, and Municipal Attorney.

Commissioner Hamilton's memo makes multiple statements regarding alleged actions by Municipal employees and offices. The memo offers "Legal Conclusion and Recommendations". In reviewing Commissioner Hamilton's memo, I have had difficulty connecting the alleged code violations to the sections of code cited in the memo.

My question for the Board of Ethics is –

- Are there any violations of, or conflicts with the ethics code regarding Commissioner Hamilton's four "Statutory Conflicts" outlined in her memo?
 1. The process of appointing an acting executive director for the AERC.
 2. The "dual appointment" of an acting executive director.
 3. The Ombudsman's "dual role".
 4. Retaliation risks.

Any guidance and recommendations regarding this matter is greatly appreciated. I am attaching a copy of Commissioner Hamilton's memo, and a copy of the memo, signed by Mayor LaFrance and AERC Chair Aqua, that appointed the acting executive director for the AERC.

Regards,

Darrel W. Hess

Municipal Ombudsman

MEMORANDUM

To: Mayor LaFrance

From: Commissioner Antavia Hamilton, Anchorage Equal Rights Commission

Date: August 21, 2025

Re: Statutory Conflicts Under Title 5 Jeopardizing AERC Independence and Compliance

Introduction

This memorandum is submitted pursuant to my statutory duties as a Commissioner of the Anchorage Equal Rights Commission ("AERC") under Title 5 of the Anchorage Municipal Code. Title 5 was enacted to ensure impartial enforcement of equal rights laws and expressly charges the AERC with independence in its operations, including the authority to appoint and supervise its Executive Director, investigate discrimination, and protect staff and complainants from retaliation.

Recent actions taken by the Mayor's Chief of Staff, Barb Jones, in coordination with the Municipal Human Resources Department, together with involvement by the Municipal Ombudsman's Office and legal counsel arrangements, have created conflicts that contravene the plain language and legislative intent of Title 5. These actions compromise statutory independence and place both staff and commissioners at risk of retaliation. Immediate executive and legislative remediation is required.

Statutory Conflicts

1. Executive Director Appointment – Violation of AMC 5.10.040(A)(10)–(11)

Title 5 unequivocally vests the AERC with authority to "hire an executive director, subject to the approval of the mayor, who shall serve at the pleasure of the commission" and to "exercise general supervision" over that individual. The recent unilateral designation of an Acting Executive Director by the Mayor's Chief of Staff, Barb Jones, allegedly in coordination with Human Resources, without Commission involvement, usurps the Commission's statutory prerogatives and is *ultra vires*.

2. Legal Counsel Conflicts – AMC 5.10.060

The dual appointment of an Acting Executive Director who simultaneously served as ethics and legal counsel eviscerates the neutrality contemplated by AMC 5.10.060. That provision expressly authorizes the Commission to employ independent counsel where the Municipal Attorney represents another municipal agency, thereby anticipating and guarding against

precisely this type of conflict. Failure to implement this safeguard renders the AERC's processes legally defective and exposes decisions to challenge.

3. Ombudsman's Dual Role – Contradiction of Oversight Intent in Title 5

The Ombudsman's participation in the Executive Director hiring panel, while simultaneously serving as the designated recipient of complaints against AERC, constitutes a textbook conflict of interest. Title 5 requires that investigations be "prompt and impartial" (AMC 5.50.010). No process can be deemed impartial where the reviewing entity has already participated in the underlying decision-making. This structural flaw contravenes the core purpose of Title 5.

4. Retaliation Risks – AMC 5.20.075

Title 5 prohibits any form of retaliation against those who oppose discriminatory practices, file complaints, or participate in proceedings. Current complaint routing—which channels AERC employee grievances to offices directly implicated in the disputed process—fails to provide statutory protection and exposes staff and commissioners to retaliatory harm.

Legal Conclusion and Recommendations

In light of the foregoing statutory conflicts, I formally request immediate corrective action to bring the Municipality into compliance with Title 5 and the Anchorage Charter:

1. Affirm Commission Authority – Reinstate and safeguard AERC's sole authority to appoint and supervise its Executive Director under AMC 5.10.040.
2. Authorize Independent Legal Counsel – Permit AERC to engage outside counsel pursuant to AMC 5.10.060(B) where municipal legal counsel has a conflict.
3. Restructure Ombudsman's Role – Prohibit Ombudsman participation in operational or hiring functions affecting AERC to preserve impartiality under AMC 5.50.010.
4. Ensure Retaliation Protections – Establish an independent, third-party channel for complaints by AERC staff and commissioners consistent with AMC 5.20.075 and whistleblower protections under AMC 3.75.
5. Commission External Audit – Initiate an independent governance audit to assess systemic conflicts, consistent with best practices for municipal equal rights bodies.

Failure to remedy these conflicts not only undermines public trust but places the Municipality at risk of statutory violations, civil liability, and reputational harm. Title 5 was enacted to ensure that equal rights enforcement remains above political influence; adherence to both the letter and spirit of the law is mandatory, not discretionary.

Respectfully submitted,

Commissioner Antavia Hamilton
Anchorage Equal Rights Commission

Appendix: Comparison of Concerns and Title 5 Provisions

Original Concern	Title 5 Provision	Analysis
Mayor's Chief of Staff Barb Jones, with HR involvement, unilaterally appointed Acting ED without Commission input	AMC 5.10.040(A)(10)–(11)	This action, led by the Mayor's Chief of Staff and HR, usurped the Commission's statutory authority; violates plain language of Title 5.
Acting ED also served as legal/ethics counsel	AMC 5.10.060(B)	Dual role created a conflict; independent counsel safeguard not invoked.
Ombudsman sat on ED hiring panel while also receiving complaints	AMC 5.50.010	Participation in hiring process precludes impartiality in complaint review; creates structural bias.
Commissioners' concerns about transparency dismissed	AMC 5.10.040(A)(13)	Bypassing Commission undermines its rulemaking and oversight authority.
Lack of safe reporting channels; retaliation fears	AMC 5.20.075	Routing complaints through conflicted offices exposes staff to retaliation; violates Title 5.



MUNICIPALITY OF ANCHORAGE
MAYOR SUZANNE LAFRANCE

DATE: February 6, 2025

TO: Anchorage Equal Rights Commission
Anchorage Equal Rights Staff
Distribution

FROM: Suzanne LaFrance, Mayor
Elan Aqua, Commission Chair

A handwritten signature of Suzanne LaFrance, with the name "Elan Aqua" written below it.

SUBJECT: Acting Executive Director, Anchorage Equal Rights Commission

Paul Ervasti will be appointed Acting Executive Director of the Anchorage Equal Rights Commission effective Wednesday, February 5, 2005. It is anticipated that this appointment will continue until a new Executive Director is appointed and confirmed.

Paul is delegated signature and decision authority for the Executive Director of the Equal Rights Commission. Paul can be reached at 907-343-4538.