



MUNICIPALITY OF ANCHORAGE
Board of Ethics

January 5, 2022

Subject: *Ethics Complaint for Potential Violation 2021-13*

Allegation: Violation of AMC 1.15.070 – Elected Officials – Consultation, Representation, and Appearance on Behalf of Private Interests on a Matter of Municipal Government; and AMC 1.15.080 – Charitable Nonprofit Board Member Service.

On November 16, 2021, the Board of Ethics (“the Board”) received Ethics Complaint for Potential Violation 2021-13 (“the Complaint”). The complainant alleged an assembly member violated the Ethics Code by serving on the assembly while also serving as the executive director of a local nonprofit organization. The complainant alleged that because the nonprofit organization worked on issues that are of frequent concern to the assembly, the assembly member must resign from either the assembly or the nonprofit.

The Board declined to review the complaint pursuant to AMC 1.15.160(A)(2)(g). The Board determined the allegations, even if true, fail to constitute a violation of the Ethics Code.

The Ethics Code contains multiple provisions potentially applicable to an elected official who maintains simultaneous employment with an organization in the Anchorage community. AMC 1.15.070 prohibits an elected official from providing paid consulting or representation to a person or entity to assist that person or entity in appearing before a municipal department, administrative agency, utility, or elected or appointed public body of the municipality. AMC 1.15.080 allows that an elected official may serve without compensation on a charitable nonprofit board, subject to disclosure and conflict review requirements. AMC 1.15.120 prohibits an elected official from using, disclosing, or releasing confidential or nonpublic information gained through the person’s municipal position. Finally, AMC 1.15.060 generally prohibits an elected official from participating in an official action in which the official has a substantial financial or private interest.

The Board understood the complaint to describe a situation which could potentially give rise to future conflicts of interest for the Assembly member at issue, which would require disclosure, recusal, or other action pursuant to the Ethics Code. That said, the possibility of a potential future conflict of interest is not itself a violation of the Ethics Code. The Board considered whether the specific allegations in the Complaint, if true, constitute a violation of any of the enumerated provisions of the Ethics Code. The Board determined that they do not. Because the Board finds that the allegations in the Complaint, even if true, fail to constitute a violation of the Ethics Code, it declines further review of the Complaint in accordance with AMC 1.15.160A.2.g.

Approved by the Municipality of Anchorage Board of Ethics

Terrence Kelly, Chair
Becky Windt Pearson
Aesha Pallesen
Abram Goodstein
Joan Wilson