

Oct. 24, 2008

Talis Colberg
Attorney General
P.O. Box 110300
Juneau, AK 99811-0300

1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501-1994

RE: Ethics Complaint

Dear Attorney General Colberg,

Please accept this letter as an Ethics Complaint against Governor Sarah Palin under Alaska Executive Branch Ethics Act (Alaska Statute, Title 39, Chapter 52), stating as follows:

MISUSE OF OFFICIAL POSITION (§ 39.52.120)

Sec. 39.52.120. Misuse of official position

(a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.

(b) A public officer may not

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

Gov. Palin attempted to and in fact did use her official position for personal gain by securing unwarranted benefits for her daughters by, among other things: charging the state for her children to travel with her to events that they were not invited to and to which their presence served no legitimate state purpose or business. Gov. Palin later amended travel expense reports to give the appearance that the presence of her daughters at these events constituted legitimate official and/or state business. [see **AP INVESTIGATION: Alaska funded Palin kids' travel**

http://news.yahoo.com/s/ap/20081021/ap_on_el_pr/palin_family_travel

<http://www.adn.com/news/alaska/story/564703.html>

I.

The Governor's children accompanied Palin on trips and to events that they were not invited to and to which their presence served no legitimate State or official

business or purpose. In some instances, upon arriving to events that they were not invited to and to which their presence was not expected or required, roles for the Governor's children were created. See Washington Post article dated September 9, 2008 (<http://www.washingtonpost.com/wp-dyn/content/article/2008/09/08/AR2008090803088.html>):

The Governor charged the state \$2,741.26 to take Bristol and Piper to Philadelphia for a meeting of the National Governor's Association, listing the official purpose as "NGA Governor's Youth Programs and family activities." A spokeswoman for the sponsor said that was basically childcare. The girls had their own room for five nights at the Ritz-Carlton Hotel for \$215.46 a night, expense records show.

In all, the State paid for 64 one-way and 12 round-trip commercial flights for Palin's daughters Bristol, 17, Willow, 14, and 7-year-old Piper. In some cases, Palin also charged the state for the girls' hotel rooms.

According to a Washington Post article dated September 9, 2008 (<http://www.washingtonpost.com/wp-dyn/content/article/2008/09/08/AR2008090803088.html>): "Asked Monday about the official policy on charging for children's travel expenses, (State Finance Director Kim) Garner said: 'We cover the expenses of anyone who's conducting state business. I can't imagine kids could be doing that.'

A State of Alaska Attorney General's opinion dated September 30, 2004 and Redated for Publication on 3-9- states: "If the Governor were to allow the spouse of an administration official to accompany the official on the King Air at no cost, the Governor would be granting a benefit to that official. Free air travel is a valuable 'privilege' or 'service' or 'advantage' because the state official would avoid the cost of paying airfare for his or her spouse to undertake what is essentially a personal trip for the spouse. Thus, free air travel on the King Air for the spouses of administration officials would be a 'benefit' under the Ethics Act....

"Therefore, under current law, the Ethics Act precludes the spouses of administration officials from flying on the King Air unless the official reimburses the state the cost of a coach fare ticket for the spouse." Governor Palin's use of State resources to pay for her daughters' travel and hotel rooms are no different.

While the September 30, 2004 Opinion refers to spousal travel and not children, the Ethics Act defines a personal interest as "an interest held or involvement by a public officer, or the officer's *immediate family member* . . . from which, or as a result of which, a person or organization receives a benefit." AK Statute Sec. 39.52.960(18). The Governor's daughters, like the Governor's spouse, are immediate family members. Accordingly, just as air travel for a spouse is considered a valuable privilege or service so is air travel for a child.

In addition, as reasoned in the Opinion, Governor Palin avoided the cost of having to pay for, what essentially were personal trips of her daughters.

State law requires that “the official reimburses the state the cost of a coach fare ticket” for flying on state aircraft. By extension, the law requires an official to reimburse the costs of family members flying on commercial aircraft when they are not traveling on state or official business.

II.

Reacting to public records requests for travel documents, including the trip to Philadelphia for the NGA conference, Governor Palin asked that the travel documents be altered to give the appearance that her childrens’ attendance was for legitimate state or official business or purposes. See http://news.yahoo.com/s/ap/20081021/ap_on_el_pr/palin_family_travel

A public agency should not alter records that have been requested under the Public Records Act (AS 40.25.110), and then provide the altered records. The alteration of these documents constitutes an improper use of the Governor’s official position. Additionally, given that the purpose of the alterations may have been to disguise violations of the Ethics Act, the circumstances leading to the alteration - including the identity of all persons involved with the alteration - should be fully investigated.

Based on the facts set forth above and publically reported by the Associated Press, Governor Palin violated the Alaska Executive Branch Ethics Act. Governor Palin intentionally secured unwarranted benefits for family members, improperly used state property to benefit her personal and financial interests, and illegally altered documents that were the subject of a Public Records request.

I am requesting that the state Personnel Board investigate Gov. Palin improper and illegal use of her official position for personal gain.

Thank you for your prompt attention to this.

Sincerely,

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