

# Alaska State Legislature

## Select Committee on Legislative Ethics

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### SENATE SUBCOMMITTEE DECISION OF DISMISSAL Complaint S 17-01 Senator Donald Olson

1. The Senate Subcommittee of the Select Committee on Legislative Ethics (Subcommittee) initiated a complaint dated November 9, 2017, against Senator Donald Olson. The complaint has been designated S 17-01.
2. The complaint appears to be in proper form and contains allegations which, if true, would constitute a violation of the Ethics Act, AS 24.60. Therefore, the Senate Subcommittee must undertake an investigation of the complaint.
3. Description of activities that are an alleged violation of the Legislative Ethics Act:

In 2015 and 2016 Senator Donald Olson used public funds, facilities, equipment, and services for the shipment of personal goods that were not eligible household good under the Legislative Council Moving Policy dated July 9, 2014, for a nonlegislative purpose and for the private benefit of the legislator

and;

In 2015 and 2016 Donald Olson knowingly sought and accepted public funds for shipping personal goods that were not household goods eligible for shipment under the Legislative Council Moving Policy dated July, 2014.

The following items along with the associated cost of the shipping of each item in question were shipped by Senator Olson from Juneau, Alaska to Golovin, Alaska in 2015:

Roll Top Desk (860lbs) - \$4,188.37  
Photography Enlarger Heads (2@60lbs) - \$572.06  
Photography Enlarger Head (105lbs) - \$500.56  
Air Compressor (75.5lbs) - \$359.92

Ryobi Band Saw (44.17lbs) - \$210.56  
Yard Tools (15lbs) - \$73.05  
Wood Lathe (100lbs) - \$487.02  
Grinder/Buffer (20lbs) - \$97.40  
Saw Horse (15lbs) - \$73.05  
Vise Tool (15lbs) - \$73.05

The following items and the associated cost of the shipping of each item in question were shipped by Senator Olson from Juneau, Alaska to Golovin, Alaska in 2016:

Washer and Dryer (430lbs) - \$1,504.79  
Air Compressor (3 @75.5lbs) - \$792.64  
Wood (57.6lbs) - \$201.71  
Miter Box (20lbs) - \$69.99  
Weed Wacker (15lbs) - \$52.49  
Tools, Tote, Heavy Hand, Power (40lbs) - \$139.98  
Professional Garden Tools (15lbs) - \$52.49

4. The Contract Investigator of the committee conducted the investigation regarding the allegations in the complaint. The investigative report to the committee was reviewed at the Senate Subcommittee meeting on January 12, 2018, March 8, 2018, and April 21, 2018. The Subcommittee also reviewed the following:
  - A. AS 24.60.030(a)(2) and AS 24.60.030(a)(3) Prohibitions related to conflicts of interest and unethical conduct
  - B. Legislative Council Moving and Travel Policy (Revised July 9, 2014)
  - C. Emails to and from Senator Olson regarding the shipments
  - D. Memorandum and attachments from Legislative Affairs Agency to Senator Olson regarding the shipments
  - E. Emails to and from Senator Olson's attorney regarding the shipments.
  - F. Memorandum from Legislative Affairs Agency to Legislative Council regarding the shipments.
  - G. Memorandum from Legislative Council to Legislative Council members
  - H. Email from Legislative Council to Legislative Affairs Agency
  - I. Emails to and from moving companies regarding the shipments.
  - J. Shipping documents regarding the shipments
  - K. Affidavits signed by Senator Olson regarding the taxable portion of shipments.

5. The allegations reviewed by the Subcommittee were:

a. Did Senator Donald Olson violate:

*AS 24.60.030(a)(2) Prohibitions related to conflicts of interest and unethical conduct*  
*A legislator ... may not use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, ..., or for the private benefit of the legislator ...*

b. Did Senator Donald Olson violate:

*AS 24.60.030(a)(3) Prohibitions related to conflicts of interest and unethical conduct  
A legislator ... may not knowingly seek, accept, use, or award public funds ... for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement, or travel allowances from public funds.*

The Contract Investigator of the committee conducted the investigation regarding the allegations in the complaint. The investigative reports to the committee were reviewed at the Senate Subcommittee meetings on January 12, 2018 and March 8, 2018.

### **DISMISSAL ORDER AND DECISION**

On April 21, 2018 the Senate Subcommittee determined that Senator Olson did not violate AS 24.60.030(a)(2) and AS 24.60.030(a)(3) in that the Legislative Council Moving Policy in effect in 2015 and 2016 did not clearly prohibit Senator Olson from shipping the items referenced above. Therefore, the Subcommittee determined Senator Olson did not use public funds and services for his private benefit and did not make a false statement or claim to transport these items. As a result, the complaint is dismissed.

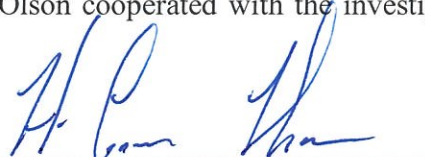
The Subcommittee notes that while Senator Olson's aggressive use of the moving policy was not a clear violation of the letter of the moving policy, the fact he used state funds to move a significant number of personal goods that were questionable household goods was contrary to the Legislative Ethics Act findings and purpose and to the spirit of the moving policy and therefore, resulted in a very strong appearance of impropriety. Senator Olson is reminded that the legislature has determined that "high moral and ethical standards among public servants in the legislative branch of government is essential to assure the trust, and confidence of the people of this State." AS 24.60.010(1). Actions of a legislator that create an appearance of impropriety are likely to undermine the public's trust and confidence in the legislature as a whole in addition to individual legislators and should be avoided.

In addition, the Subcommittee notes that the Legislative Council Moving Policy was revised on March 28, 2017 by the Legislative Council after a review of Senator Olson's shipment expenses that are addressed herein.

### **GENERAL STATEMENT**

The Subcommittee points out that Senator Olson cooperated with the investigation and provided requested documentation.

Adopted this 21<sup>st</sup> day of April 2018  
by a majority of the Senate Subcommittee

  
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H. Conner Thomas, Chair

Members Participating

H. Conner Thomas, Chair

Senator Berta Gardner

Deb Fancher

Lee Holmes

Dennis "Skip" Cook

Members not Participating

Senator John Coghill

Joyce Anderson