

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Matt Stinson, Department of Law
Kevin Dilg, Department of Law

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: October 13, 2023

RE: Filed Permanent Regulations: Department of Law
Department of Law regulations re: Complaints; legal representation (9 AAC 52.140)

Attorney General File:	2023200127
Regulation Filed:	10/13/2023
Effective Date:	11/12/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

October 12, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *9 AAC 52.140: Dept. of Law - Complaints; legal representation*
Our file: 2023200127

Dear Lieutenant Governor Dahlstrom:

We have reviewed the attached regulations of the Department of Law against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Law after the close of the public comment period.

The regulations concern the representation of certain executive branch officials in proceedings related to the Alaska Executive Branch Ethics Act. This regulation will authorize the Department of Law to defend and represent the Governor, Lt. Governor, or Attorney General in proceedings before the State Personnel Board alleging ethical violations.

The August 4, 2023, public notice and the October 12, 2023, adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

Rebecca C. Polizzotto
Digitally signed by
Rebecca C. Polizzotto
Date: 2023.10.12
16:00:22 -08'00'

By: Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and Legislative
Research Section

RCP/KMD

CC w/enclosure: Matt Stinson, Assistant Attorney General
Department of Law

Kevin Dilg, Assistant Attorney General
Department of Law

APPENDIX I: Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF LAW


The attached 1 page of regulations, dealing with Complaints, legal representation, is adopted and certified to be a correct copy of the regulation changes that the Department of Law adopts under the authority of AS 39.52.950 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Law paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: October 12, 2023




Treg Taylor, Attorney General

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom Lieutenant Governor for the State of Alaska, certify that on October 13, 2023, at 12:54pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



for Lieutenant Governor *Nancy Dahlstrom*

Effective: November 12, 2023.

Register: 248, January 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

The section heading of 9 AAC 52.140 is changed to read:

9 AAC 52.140. Complaints; legal representation.

9 AAC 52.140 is amended by adding new subsections to read:

(f) If a person brings a complaint alleging a violation under AS 39.52.110 - 39.52.190 or this chapter by the governor or the lieutenant governor, the Department of Law may provide legal representation if the attorney general certifies that the representation is in the public interest. For complaints against the attorney general, the governor may certify that representation by the Department of Law is in the public interest. For the purpose of this subsection, "public interest" includes whether the action taken is within the scope of the official's duties.

(g) Notwithstanding the certification under (f) of this section, the governor, lieutenant governor, or attorney general may decline representation by the Department of Law and hire private counsel.

(h) Information received by the Department of Law that is related to the defense of a complaint under this section is confidential and not subject to disclosure, absent a court order or a release of information. (Eff. 4/24/94, Register 130; 12/22/2010, Register 196; am

11 / 12 / 2023, Register 248)

Authority: AS 39.52.310 AS 39.52.330 AS 39.52.950
AS 39.52.320 AS 39.52.350