

Zane Henning
Wasilla, Alaska 99654

July 6, 2009

Daniel S. Sullivan
Acting Attorney General
P.O. Box 1031 W. 4th Ave
Anchorage, Alaska 99501

RE: Per Diem Ethics Complaint

Dear acting Attorney General Sullivan,

Please accept this letter as an ethics complaint against Governor Sarah Palin under the Alaska Executive Branch Ethics Act (Alaska Statue, Title 39, Chapter 52), stating the following:

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.

Governor Sarah Palin has been charging and pocketing per diem to live in her home and has used the process for a personal gain since being elected. The State of Alaska provides housing in Juneau for the Governor. If she chooses not to live there, Alaskans should not have to pay for it. I am requesting that you and the Personnel Board direct Governor Sarah Palin to reimburse the State of Alaska all per diem funds, plus interest, and a fine that are related to charges while staying in her Wasilla residence.

Alaska Statute 39.20.010 Annual Salary of the Governor distinctly stipulates that the governor's salary is \$125,000. Sarah Palin has collected more than the amount established by law by cashing in her per diem checks.

Alaska Statute 39.20.050 Exclusive Compensation states that the compensation fixed by law for the governor and lieutenant governor is in full for all services rendered by each of them in any official capacity or employment whatsoever during their respective terms of office.

Alaska Statute 39.20.060 Exclusion of Governor and Lieutenant Governor From Personnel Laws states that the governor and lieutenant governor are not considered employees of the state for the purpose of state personnel laws relating to hours of employment, annual leave, sick leave, overtime, compensatory time, and travel allowances. To me this statute means that Palin does NOT HAVE to collect any per diem when in Anchorage. Per diem is there for any added expenses incurred while in travel status, **not when living in your own home.**

Alaska Statute 39.20.185 Per Diem Prohibited in Community of Residence. A state official or employee who is a member of the judicial council or a state official or employee appointed by

the governor to a state board, commission, or committee established under the authority of law is not entitled to per diem when the meeting or other business takes place in the community of which the member is a resident.

State travel regulations say that per diem can't be claimed when travel is less than 50 miles from a state employee's workplace. The IRS and state finance officer have already determined that the per diem is considered income. The governor's workplace in Anchorage is only a 45-mile commute from her Wasilla home.

Here is the SOA's Travel Policies Manual:

http://fin.admin.state.ak.us/dof/ak_admin_manual/resource/60t.pdf

Examples of information in SOA Travel Policy Manual

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Duty Station

The duty station of a traveler includes the city, town, or village within 50 miles of where the traveler spends the major portion of their working time, or the place to which the traveler returns to duty on completion of special assignments. On a case-by-case basis, commissioners may identify a radius or commuting area that is broader than 50 miles within which per diem will not be allowed for travel within one calendar day.

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Residence

The residence of a traveler is the location, or within 50 miles thereof, where the traveler maintains the primary dwelling.

If a traveler maintains multiple residences, the commissioner of the department shall designate the residence that bears the most logical relationship to the traveler's duty station as the traveler's primary residence. Factors to be considered in determining the primary residence include: the time ordinarily spent performing duties at each location; the degree of business activity at each location; the relative amount of state wages earned at each location. Agencies may also contact the Division of Finance for assistance.

The following travel-related expenses are not reimbursable:

Lost or stolen articles

Alcoholic beverages

Damage to personal cars, clothing, or other items

Services to gain entry to a locked car

Movies charged to hotel bills

All expenses related to the personal negligence of the traveler, such as fines, parking tickets and traffic citations

Entertainment expenses

Tips and gratuities

Towing charges

Expenses for children, spouses, and companions while in travel status

Personal phone calls or faxes

The above list is not all-inclusive.

Below is a press release explaining why the Governor was not living in Juneau. I'm sure the pipes are repaired by now. **Why is per diem still being charged?**

Governors House had bad pipes

ADN Letters November 27, 2008

In response to Wednesday's letter, "Palin's refusal to live in Juneau," I would like to remind readers that the Governor's House has been closed for substantial periods of time for a massive plumbing project.

When the first family moved to Juneau in December 2006, major leaks were discovered in the residence's wastewater lines, which affected the first-floor ballroom and library,

the second-floor master bedroom and the third-floor bedrooms. Several historical pieces such as the grand piano, artwork and rugs were being exposed to irreversible water damage. The first family's main living areas were also exposed to water damage from the leaks.

This project was complicated and slowed by many unknowns, including the absence of any known blueprints for the structure's water lines, requiring project planners to make educated guesses about the location of pipes before opening walls to begin work.

The Governor's House was closed from Sept. 19, 2007, through Jan. 18, 2008, as work commenced on Phase One of the project. It was closed again Aug. 11, 2008, and remains closed during Phase Two. Completion of first-floor work will allow the governor to welcome guests to the Annual Open House on Dec. 9. The governor and first family look forward to returning to the residence when the remaining work is completed by late December.

-- Sharon Leighow

Deputy Press Secretary

I believe Governor Palin has planned to work from her Wasilla residence instead of Juneau for some time. See email below:

----- Original Message -----

From: Sarah Palin <gov.sarah@yahoo.com>

Date: Friday, March 23, 2007 10:52 pm

Subject: RE: Governor Interview

To: meghan_stapleton@gov.state.ak.us

Cc: sharon_leighow@gov.state.ak.us, john_bitney@gov.state.ak.us, kris_perry@gov.state.ak.us

> He is such a piece of work... I've never read a more unprofessional
> statement from anyone in media.

>

> You and Sharon are doing an AMAZING job... Do NOT let his ramblings
> affect you or change you in the least.

>

> Fyi- he's really going to hit the roof when he gets the message that
> come end of legislative session i'm joining YOU, and the majority of
> the people of AK, by conducting the state's business where the people
> are - where I can access them, and they can access me. (I'll talk to
> you & Sharon about this outside of
> email.) our gasline team, our commerce and revenue people, and so many
> others, are obviously needed in Anchorage once the session ends...
> We're going to have to fundamentally change some perceptions of WHERE
> the admin needs to conduct its business in order to stay connected
> w/the world outside of Juneau.
>
> You guys are working so hard - I can't tell you how much I appreciate
> you.
>
> Sarah Palin
,

As a Wasilla resident I know that thousands of valley residents commute into Anchorage for work every day. They don't receive checks from their employers for sleeping at home. Governor Palin does. And it's wrong, not to mention unethical for her to even submit these per diem claims. To me this is a roundabout way for Palin to give herself a raise.

In summary, I have a problem with the governor of Alaska giving herself a raise by collecting per diem to sleep in her own home. She does not incur any additional expenses for sleeping in her own bed in Wasilla. She is the one that chooses to not live in the Governor's mansion in Juneau where the state provides food and lodging for the governor of Alaska. How can you help me stop this unethical behavior and abuse of power? She is stealing from state coffers and it's wrong. What kind of public steward is she?

You start by directing Governor Sarah Palin to reimburse the State of Alaska for all the free money she's pocketed over the years since being elected into office along with the additional interest. It is also proper to instill a fine for the collection of this per diem that significantly increased her annual income, which violates Alaska laws.

Alaskans do not expect any less treatment for any state employee caught with their hands in the cookie jar. Even if it is Alaska's governor.

Sincerely,

Zane Henning