



CITY OF BETHEL

BOARD OF ETHICS

TUESDAY, MARCH 4, 2025, 10:00 AM

LOCATION: CITY HALL CHAMBERS, 300 STATE HIGHWAY

BETHEL, AK 99559

MEMBERS

The Hearing will be officiated by
Chief Administrative Law Judge Joan M. Wilson

STAFF

City Clerk Kevin Morgan, City Attorney Libby Bakalar

Zoom Meeting Information:

<https://us06web.zoom.us/j/84146009241?pwd=DfLB0ldgbL6lWcC7Rf1rFss9g3lMXZ.1>

Meeting ID: 841 4600 9241

Passcode: 067062

- 888 475 4499 US Toll-free
- 833 548 0276 US Toll-free
- 833 548 0282 US Toll-free
- 877 853 5257 US Toll-free

I. CALL TO ORDER

II. CITY OF BETHEL ETHICS COMPLAINT NO. EC 24-01

A. EC 24-01 Hearing Record

III. ADJOURNMENT

Posted February 25, 2025 at City Hall, AC Co., Swanson's, and the Post Office.

Kevin Morgan, Ex-Officio Staff



City of Bethel, Alaska

Ethics Complaint EC 24-01

Record A

- The Complaint
- Orders From Office Of Administrative Hearings During Screening

Record B

- Documents Submitted During The Screening Of The Complaint

Record C: Formal Written Orders After The Screening:

- Order On Probable Cause
- Notice Of Referral And Assignment
- Notice Of Hearing And Continuance Of Hearing

Record D: Relevant Bethel Municipal Code (BMC)

- BMC 2.05.40(A)(2) Conflicts Of Interest And Code Of Ethics – Generally
- BMC 2.06 BOARD OF ETHICS

EC 24-01

RECORD A

- The Complaint
- Orders from Office of Administrative Hearings during screening

Clerk's Office Note:
Received
11-19-2024

November 19, 2024

Clerk Morgan
City of Bethel

Dear Mr. Morgan,

Please accept my formal request for an Ethics review of City Council member W.G. Anaruk, per Chapter 2.05 BMC

In the charging documents of his arrest, it is stated that Mr. Anaruk had spit on the face of the arresting officer, then he proceeded to state "I am a City Council Member and that he as going to use his position to have me fired". That statement is from Ofc. Caleb Sullivan.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rose Henderson', with a large, sweeping flourish extending to the right.

Rose Henderson, Mayor

City of Bethel

Ethics review requirement

From Rose Henderson <rhenderson@cityofbethel.net>

Date Tue 11/19/2024 1:16 PM

To Kevin Morgan <kmorgan@cityofbethel.net>

 1 attachment (536 KB)

Complaint Affidavit (Anaruk) (Stamped File Copy).pdf;

Please find in the attachment the information that needs to go with the complaint.

Get [Outlook for iOS](#)

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
 AT Bethel

COMPLAINT

Related Search Warrant(s): _____

Received in the Alaska Trial Courts on 11/17/2024.

State of Alaska,		Plaintiff,	
vs.			
WG C. Anaruk		Defendant 1 of 1.	
Date of Birth: [REDACTED]	AP SIN: 8380715		
Operator License Number: [REDACTED]			
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/>	CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Mailing Address: General Delivery			
City: Bethel	State: AK	ZIP: 99559	

CASE NO. _____

STATEMENT OF CHARGES:

COUNT I

Defendant(s)	ATN	CTN	Date Offense	Offense Location
WG C. Anaruk	119216106	001	11/17/2024	Bethel
Statute/Reg/Ordinance (from UOCT)	Offense Title		Modifier	
AS 11.61.110(a)(5)	Disorderly Conduct		<input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137	
Class: B Misdemeanor				
DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Motor Vehicle Used in Commission of Offense - AS 28.15.181(a)			
If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor				
Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials				

Complainant States that on or about the 17th day of November, 2024, at or near Bethel, in the 4th Judicial District, State of Alaska, the above named defendant did unlawfully commits the crime of Disorderly Conduct if,

with intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having the effect, the person makes unreasonably loud noise; AS 11.61.110(a)(1)

in a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;
AS 11.61.110(a)(2)

in a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;
AS 11.61.110(a)(3)

in a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession.
AS 11.61.110(a)(4)

in a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;
AS 11.61.110(a)(5)

the person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse; or
AS 11.61.110(a)(6)

the offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person.
AS 11.61.110(a)(7)

Probable Cause Statement: See Attached Affidavit

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I certify under penalty of perjury that the foregoing is true.

11/17/2024
Date


Complainant's Signature

Ofc. Caleb Sullivan
Type or Print Name and Title

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
 AT Bethel

COMPLAINT

Related Search Warrant(s): _____

Received in the Alaska Trial Courts on 11/17/2024.

State of Alaska,		Plaintiff,	
vs.		WG C. Anaruk	
		Defendant 1 of 1.	
Date of Birth: [REDACTED]	AP SIN: 8380715		
Operator License Number: [REDACTED]			
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/>	CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Mailing Address: General Delivery			
City: Bethel	State: AK	ZIP: 99559	

CASE NO. _____

STATEMENT OF CHARGES:

COUNT II

Defendant(s)	ATN	CTN	Date Offense	Offense Location
WG C. Anaruk	119216106	002	11/17/2024	Bethel
Statute/Reg/Ordinance (from UOCT)	Offense Title		Modifier	
AS 11.41.230(a)(3)	Assault in the Fourth Degree		<input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137	
Class: Class A Misdemeanor				
DV Related: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a)			
If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor				
Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials			

THE COMPLAINANT STATES that on or about the 17th day of November, 2024
 at or near Bethel in the 4th Judicial District,
 State of Alaska, the above-named Defendant did unlawfully commit the offense of Assault in the Fourth Degree if

The person recklessly causes physical injury to another person; AS 11.41.230(a)(1)

with criminal negligence that person causes physical injury to another person by means of a dangerous instrument; or AS 11.41.230(a)(2)

by words or other conduct that person recklessly places another person in fear of imminent physical injury.
AS 11.41.230(a)(3)

Victim's Name: Olinka Peterson

Probable Cause Statement: See Attached Affidavit

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I certify under penalty of perjury that the foregoing is true.

11/17/2024
Date


Complainant's Signature

Ofc. Caleb Sullivan
Type or Print Name and Title

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
4th JUDICIAL DISTRICT AT Bethel

COMPLAINT

Related Search Warrant(s): _____

Received in the Alaska Trial Courts on 11/17/2024.

State of Alaska,		
Plaintiff,		
vs.		
WG C. Anaruk		
Defendant 1 of 1.		
Date of Birth: [REDACTED]	APSIN: 8380715	
Operator License Number: [REDACTED]		
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/>	CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Mailing Address: General Delivery		
City: Bethel	State: AK	ZIP: 99559

CASE NO. _____

STATEMENT OF CHARGES:

Defendant(s)	ATN	CTN	Date Offense	Offense Location
WG C. Anaruk	119216106	003	11/17/2024	Bethel
Statute/Reg/Ordinance (from UOCT)	Offense Title		Modifier	
AS 11.61.118(a)	HARASSMENT IN THE FIRST DEGREE		<input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137	
Class: A Misdemeanor				
DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a)			
If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor				
Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials			

THE COMPLAINANT STATES that on or about the 17th day of November, 2024 at or near Bethel in the 4th Judicial District, State of Alaska, the above named Defendant did unlawfully commit the offense of Harassment in the First Degree if:

- The person violates AS 11.61.120(a)(5) and the offensive physical contact is contact with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces, or;
AS 11.61.118(a)(1)

Received in the Alaska Trial Courts on 11/17/2024.

- Under circumstances not proscribed under AS 11.41.434 – 11.41.440, the person violates AS 11.61.120(a)(5) and the offensive physical contact is contact by the person touching through clothing another person’s genitals, buttocks, or female breast.
AS 11.61.118(a)(2)


Probable Cause Statement: See Attached Affidavit.

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I certify under penalty of perjury that the foregoing is true.

11/17/2024

Date



Complainant's Signature

Ofc. Caleb Sullivan

Type or Print Name and Title

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT Bethel

AFFIDAVIT by Police Officer
In Support of Complaint

Related Search Warrant(s): _____

State of Alaska,	
Plaintiff,	
vs.	
WG C. Anaruk	
Defendant 1 of 1.	
Date of Birth: [REDACTED]	APSIN: 8380715
Operator License Number: [REDACTED]	
State: <input checked="" type="checkbox"/> AK <input type="checkbox"/>	CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mailing Address: General Delivery	
City: Bethel	State: AK ZIP: 99559

CASE NO. _____

Defendant(s)	ATN	CTN(s)	Date Offense	Offense Location
WG C. Anaruk	119216106	003	11/17/2024	Bethel

Received in the Alaska Trial Courts on 11/17/2024.

I, Ofc. Caleb Sullivan attest to the following and state:
On 11/17/2024 at approximately 0324 hours, Bethel Police Department received a report that **WG Anaruk** (DOB [REDACTED]) was inside the residence of 111 Ptarmigan throwing things, yelling and being belligerent. I, Ofc. Caleb Sullivan, responded to the residence.

On arrival I was let into the residence by a male occupant and was directed to the back bedroom. As I was walking down the hallway I could hear WG shouting and causing a disturbance. WG exited the left bedroom and advanced quickly upon me with his hands at his waist. As WG approached me, he rapidly raised his hands above his waist in a manner which my training and experience has taught me is a pre-assault indicator and a challenge to fight. I pushed WG back to create distance and informed him that was unacceptable.

I asked WG what was happening tonight. WG stated that he was "apprehending." WG Attempted to close the bedroom door. Inside the bedroom was a woman and children. I used my foot to stop the door from closing. To which WG stated "You have no opposition right here." I informed WG that I would not allow him to be alone in the bedroom with a woman and child in his intoxicated state.

I spoke with the reporting party, **Olinka Peterson** (DOB [REDACTED]). In essence, Olinka stated that WG was in the residence throwing objects around and causing a disturbance. Olinka stated that he was slamming things on the toilet and hitting the door. Olinka was visibly shaking and stated that

she was scared. When asked what she thought was going to happen. Olinka stated that she was afraid that WG would be aggressive with her.

I asked WG about his actions earlier and why he was doing these things. WG stated that he did them because he was angry. When asked what he was angry about, WG stated "I don't know what I was angry about." I asked if he doesn't know, why was he making noise and scaring Olinka. WG stated that he was trying to "Apprehend it and provoke it and move to another situation." I asked what he was trying to provoke from the other people in the house. WG stated that he was trying to get the other people to leave him alone. I explained to him that he was walking around the house causing a disturbance. WG asked what he was supposed to do. I offered that he could have laid down and gone to bed or leave the residence. WG stated that he tried that. I informed him that clearly was not the case because officers were still called to the residence. WG asked what he needed to do. I told him to tell me why he was slamming things around the house. WG denied slamming things around the residence. The female in the bedroom stated, "You were." I explained to WG that he was scaring Olinka to the point that she thought he was going to be aggressive with her. I asked if Olinka was his mother. WG explained that Olinka was his mother-in-law. WG was placed under arrest.

I provided Olinka with a DV Booklet.

Cpl. Revard transported WG to YKCC. On the way to YKCC, WG slipped his handcuffs from the back to the front of his body. I arrived at YKCC and removed WG from the back of Cpl. Revard's patrol vehicle. WG informed me that he was a Bethel City Council member and that he was going to use his position to have me fired. As we were moving the handcuffs from the front to the back of WG, he became belligerent and spit in my face. WG was placed up against the side of Cpl. Revard's patrol vehicle and the handcuffing process was completed. WG was then escorted up the stairs and remanded at YKCC. WG Anaruk has been charged with the following:

For advancing on me in an aggressive manner, WG Anaruk committing the crime of Disorderly Conduct under AS 11.61.110(a)(5). Engaging in fighting in a private place.

For placing his mother-in-law Olinka Peterson in fear of his aggression, WG Anaruk committed the crime of Assault in the 4th. Degree under AS 11.41.230(a)(3).

For spitting on my face, WG Anaruk committed the crime of Harassment in the 1st Degree under AS 11.61.118(a)(1).

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

Received in the Alaska Trial Courts on 11/17/2024.

11/17/2024

Date



Complainant's Signature

Ofc. Caleb Sullivan

Type or Print Name and Title

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE CITY OF BETHEL**

In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 24-0761-MUN
NO. EC 24-01)
)
_____)

NOTICE OF REFERRAL AND ASSIGNMENT

On November 26, 2022, pursuant to Bethel Municipal Code 2.06, the Bethel City Clerk referred the above-captioned matter to the Office of Administrative Hearings (OAH) for appointment of an Administrative Law Judge to serve as the hearing examiner in this matter.

Administrative Law Judge Eric M. Salinger is hereby assigned to serve as the hearing examiner in this matter as described in 2.06.040 and .050. Future filings regarding the hearing examiner’s review in this matter should refer to OAH Case. No. 24-0761-MUN, and should be directed to Judge Salinger’s attention at the following address:

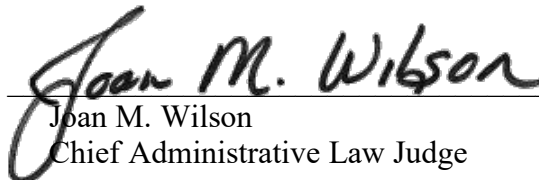
Office of Administrative Hearings
550 W. 7th Ave., Suite 1940
Anchorage, AK 99501

You may also file documents by email to doa.oah@alaska.gov. If you have questions about filing procedures or scheduling, you may contact OAH staff at that email address or at 907-269-8170.

The proceedings in this matter shall be governed by Bethel Municipal Code 2.06. Judge Salinger will contact the parties to arrange scheduling matters required to conduct a preliminary screening under BMC 2.06.040 and, if appropriate, proceedings necessary for a probable cause determination under BMC 2.06.050.

A copy of the complaint has been provided to respondent by the Bethel City Clerk. The parties are reminded that the existence and contents of the complaint, and all related proceedings, are to remain confidential unless respondent waives such protections in writing or until such time that the hearing examiner determines probable cause, if that occurs. The parties are cautioned that BMC 2.06.030(F) mandates dismissal of the complaint with prejudice if the confidentiality requirements are violated by anyone other than respondent or respondent’s witnesses.

DATED November 27, 2024.

By: 
Joan M. Wilson
Chief Administrative Law Judge

I certify that on November 27, 2024, this document was distributed by email to: City Attorney Libby Bakalar; and City Clerk Kevin Morgan.

Stephanie Peterson
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

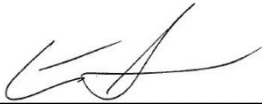
In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 24-0761-MUN
NO. EC 24-01)

ORDER

On November 27, 2024, the Clerk for the City of Bethel (City) referred the above-referenced complaint to the Office of Administrative Hearings for the appointment of an administrative law judge to serve as a hearing examiner to screen the complaint for potential violations of the City’s Code of Ethics in accordance with Bethel Municipal Code (BMC) 2.06.040 and 2.06.050.¹ The first step in that process is an initial screen of the complaint and supporting information, to be completed within seven days of the hearing examiner’s receipt of the complaint, to determine whether the allegations in the complaint, if true, would constitute a violation of the Ethics Code such that some or all of the allegations should be accepted for further investigation.²

A complaint must, among other things, identify the section of the code of ethics alleged to have been violated.³ Unfortunately, the complaint only refers to the chapter for City officers generally and does not allege any specific sections of the code of ethics were violated. Accordingly, the filing party has until **close of business today, December 2, 2024**, to amend the complaint by adding any section of the code they believe was violated. If a response is not received, it will be presumed that the complaint alleges a violation of 2.05.40(A)(2).

DATED: December 2, 2024.

By: 
Eric M. Salinger
Administrative Law Judge

Certificate of Service: I certify that on December 2, 2024, a true and correct copy of this order was distributed as follows: Libby Bakalar (by email); Kevin Morgan (by email).

By: 
Office of Administrative Hearings

¹ BMC 2.06.010(C).
² BMC 2.06.040(A) and (C).
³ BMC 2.06.010(B)(1).

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 24-0761-MUN
NO. EC 24-01)

ORDER

The City Clerk for the City of Bethel (City) referred the above-referenced complaint to the Office of Administrative Hearings for the appointment of an administrative law judge to serve as a hearing examiner to screen the complaint for potential violations of the City’s Code of Ethics in accordance with Bethel Municipal Code (BMC) 2.06.040 and 2.06.050.¹ This matter was assigned, and the complaint received by the hearing examiner, on November 27, 2024.

In reviewing an ethics complaint, the first step is an initial screening of the complaint and supporting information to be completed within seven days of the hearing examiner’s receipt of the complaint. The initial screening is to determine whether the allegations in the complaint, if true, would constitute a violation of the Ethics Code such that some or all of the allegations should be accepted for further investigation.² Based on the results of the assessment during the initial screening process, the complaint in this case is accepted as set forth below.

I. The Complaint

The complaint concerns an allegation that W.G. Anaruk, a City council member, violated the Code of Ethics. The factual allegations are as follows:³

- (1) On November 17, 2024 the police were called to a house at 111 Ptarmigan Street, Bethel, AK.
- (2) Once the police arrived, a resident of the house described Mr. Anaruk as slamming and throwing objects around the home and being aggressive.
- (3) This behavior was disruptive and made the resident of the home afraid that Mr. Anaruk would become physically aggressive with her.
- (4) Based on this, Officer Caleb Sullivan attempted to interview Mr. Anaruk.
- (5) Mr. Anaruk was intoxicated and somewhat uncooperative when approached. Further, Mr. Anaruk acted in a way that the officer interpreted as a “pre-assault indicator” and a challenge to fight.

¹ BMC 2.06.010.C.
² BMC 2.06.040(A) and (C).
³ Complaint, pp 9-11.

- (6) For advancing on Officer Sullivan “in an aggressive manner” Mr. Anaruk was arrested for disorderly conduct, and Assault in the Fourth degree (fear assault) for placing a resident of the home in fear of imminent physical injury.
- (7) Mr. Anaruk was handcuffed and transported by patrol vehicle to the Yukon Kuskokwim Correctional Complex (YKCC).
- (8) Once at YKCC, Mr. Anaruk informed Officer Sullivan that he was a City council member, and Mr. Anaruk declared he was going to have Officer Sullivan fired.
- (9) Mr. Anaruk became “belligerent” and spit in Officer Sullivan’s face. For spitting in Officer Sullivan’s face, Mr. Anaruk was also charged with harassment in the first degree.

The initial complaint only listed the alleged factual circumstances and that a formal ethics complaint is being filed. On December 2, 2024 the filing party confirmed that the complaint alleges Mr. Anaruk violated BMC 2.05.040(a)(2).

II. Findings of Initial Screen

The information in the probable cause statement and charging documents attached to the official complaint allege that Mr. Anaruk, as Officer Sullivan was arresting him, identified himself as a City council member and threatened to use that authority to have Officer Sullivan fired. These allegations, if true, could potentially violate the Ethics Code, specifically BMC 2.05.040(A)(2). That section prohibits a variety of conduct by council members.

Relevant to this complaint, that section prohibits a council member from using the implied authority of their office for the purposes of unduly influencing the decision of others. If Mr. Anaruk did identify himself as a council member and threaten Officer Sullivan’s job, this presumably would have been for the purpose of influencing Officer Sullivan’s decision to arrest and process Mr. Anaruk. If true, this could constitute a violation of the Ethics code.


That section also requires council members to refrain from using their title *except* when duly representing the City in an authorized capacity. In this case, while being arrested, Mr. Anaruk was not representing the City in any authorized capacity. Using his title in this circumstance potentially could violate BMC 2.05.040(A)(2).

Finally, council members are prohibited from implying their representation of the whole council by the use of their title. While Mr. Anaruk is a member of the City council, council members generally do not have unilateral authority. Instead, to exercise the authority of the council, members must vote as a body on how to use their collective authority. When Mr. Anaruk

used his title and threatened to have Officer Sullivan fired, he was threatening to use the council's collective authority to have Officer Sullivan fired. As Mr. Anaruk did not have the authority to speak on behalf of the full city council, his actions may constitute a violation of BMC 2.05.040(A)(2). Accordingly, the complaint is accepted for further investigation regarding the allegations that Mr. Anaruk violated BMC 2.05.040(A)(2).

In accordance with the investigation process set forth in BMC 2.06.040(C)(1), Mr. Anaruk shall have ten days to disclose to the hearing examiner, through the City Clerk, all facts and circumstances concerning the alleged violations. After the ten-day period has ended, the hearing examiner will determine whether additional information is necessary to complete the investigation, and a determination will be made as to whether the information in the record establishes probable cause to believe that a violation of the Code of Ethics exists.

DATED: December 2, 2024.

By: 
Eric M. Salinger
Administrative Law Judge

Certificate of Service: I certify that on December 2, 2024, a true and correct copy of this order was distributed as follows: Libby Bakalar (by email); Kevin Morgan (by email).

By: 
Office of Administrative Hearings

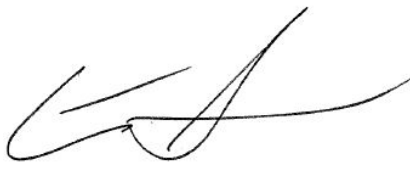
**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 24-0761-MUN
NO. EC 24-01)

**NOTICE OF INTENT TO CONDUCT ADDITIONAL INVESTIGATION
WITH RESPONDENT**

The undersigned hearing examiner in this case intends to conduct additional investigation with the Respondent, W.G. Anaruk. The hearing examiner is mindful of an ongoing criminal matter related to this case. Should Mr. Anaruk choose to speak telephonically with the hearing examiner, he shall contact the City of Bethel City Clerk (City Clerk) to identify his availability during December 16 through 20, 2024. The discussion is estimated to approximately 30 to 45 minutes. Mr. Anaruk should be prepared to discuss any matters pertinent to the complaint in this case. The City Clerk shall provide Mr. Anaruk with a copy of this notice.

DATED: December 12, 2024.

By: 
Eric M. Salinger
Administrative Law Judge

Certificate of Service: I certify that on December 13, 2024, a true and correct copy of this order was distributed as follows: Libby Bakalar (by email); Kevin Morgan (by email).

By: 
Office of Administrative Hearings

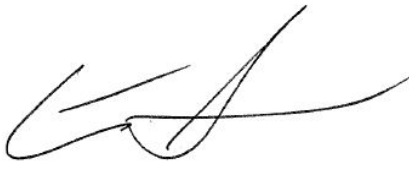
**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
REFERRAL BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 24-0761-MUN
NO. EC 24-01)

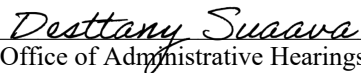
NOTICE OF INTENT TO CONDUCT ADDITIONAL INVESTIGATION

The undersigned would like to conduct additional investigation in this case by interviewing the Officer, Caleb Sullivan by phone. This call is estimated to take approximately 30 minutes. The undersigned will contact the City Clerk for assistance in scheduling an interview with Officer Sullivan.

DATED: December 23, 2024.

By: 
Eric M. Salinger
Administrative Law Judge

Certificate of Service: I certify that on December 23, 2024, a true and correct copy of this order was distributed as follows: Libby Bakalar (by email); Kevin Morgan (by email).

By: 
Office of Administrative Hearings

EC 24-01

RECORD B

- Documents Submitted During The Screening Of The Complaint

Re: Ethic's Complaint EC 24-01 opportunity to amend the complaint

From Kevin Morgan <kmorgan@cityofbethel.net>
Date Mon 12/2/2024 10:16 AM
To Rose Henderson <rhenderson@cityofbethel.net>
Cc Libby Bakalar <lbakalar@cityofbethel.net>

Hello Rose,
Thank you for confirming,

Kevin Morgan
Deputy City Clerk
City of Bethel
907-543-1384

From: Rose Henderson <rhenderson@cityofbethel.net>
Sent: Monday, December 2, 2024 10:11 AM
To: Kevin Morgan <kmorgan@cityofbethel.net>
Cc: Libby Bakalar <lbakalar@cityofbethel.net>
Subject: Re: Ethic's Complaint EC 24-01 opportunity to amend the complaint

Thank you Kevin. The code is correct.
Thanks again.

Get [Outlook for iOS](#)

From: Kevin Morgan <kmorgan@cityofbethel.net>
Sent: Monday, December 2, 2024 10:03:42 AM
To: Rose Henderson <rhenderson@cityofbethel.net>
Cc: Libby Bakalar <lbakalar@cityofbethel.net>
Subject: Ethic's Complaint EC 24-01 opportunity to amend the complaint

Hello Rose,
Please see the attached Document.
The Office of Administrative Hearings sent the Clerk's Office an order to give the filing party an opportunity to amend the complaint.
If a response is not received, it will be presumed that the complaint alleges a violation of 2.05.40(A)(2).
[https://bethel.municipal.codes/BMC/2.05.040\(A\)\(2\)](https://bethel.municipal.codes/BMC/2.05.040(A)(2))
If you are ok with that, no action is required.
If you want to amend the complaint by adding any section of the code that you believe was violated, you will need to let me know before 5pm today.
Thank you,

Kevin Morgan

Deputy City Clerk
City of Bethel
907-543-1384

EC 24-01

RECORD C

Formal Written Orders after the Screening:

- Order on Probable Cause
- Notice Of Referral And Assignment
- Notice of Hearing and Continuance of Hearing

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

In the Matter of)
)
CITY OF BETHEL ETHICS) OAH No. 24-0761-MUN
COMPLAINT NO. EC 24-01)

ORDER ON PROBABLE CAUSE

A complaint was filed with the City of Bethel (City) Clerk, alleging a violation of the City Ethics Code as set out in Bethel Municipal Code (BMC) Chapter 2.05. That complaint alleged a violation of the Ethics Code by city council member W.G. Anaruk. The City referred the complaint to the Office of Administrative Hearings to act as a hearing examiner.

Following an initial screening in accordance with BMC 2.06.040, allegations concerning Mr. Anaruk’s actions on November 17, 2024 were accepted for further investigation and a probable cause determination under BMC 2.06.050.

During that investigation, former City police officer Caleb Sullivan was interviewed. Additionally, the charging documents and probable cause statement in Mr. Anaruk’s pending criminal case were reviewed. Mr. Anaruk did not take the opportunity to provide any of the facts or circumstances related to the violation, as provided to him in BMC 2.0.040(C)(1)(a), and he did not respond to a request for an interview. Based on the investigation, the undersigned finds that there is probable cause to believe that Mr. Anaruk committed a violation of BMC 2.05.040(A)(2) which addresses ethical restrictions on the conduct of City officials. The reason for this conclusion is addressed below.

I. Factual Background¹

Around 3:30 a.m. on November 17, 2024, the City Police Department received a report that W.G. Anaruk was throwing objects, yelling, and otherwise acting in a “belligerent” manner at a private residence. Officer Caleb Sullivan responded.

Upon arrival, Officer Sullivan heard Mr. Anaruk yelling from a bedroom. Mr. Anaruk left that bedroom and rapidly approached Officer Sullivan in a manner that the Officer interpreted as a challenge to fight. Officer Sullivan created space between himself and Mr. Anaruk, and asked Mr. Anaruk what was going on.

¹ Unless otherwise stated, the factual findings below are based on the: Interview of Caleb Sullivan, December 27, 2024 and Affidavit in Support of Complaint, 4BE-24-00831CR.

Mr. Anaruk was intoxicated and stated that he was “apprehending” and then attempted to close the bedroom door.² Inside the bedroom was a woman and a child. Officer Sullivan determined it was unsafe for Mr. Anaruk to be left alone with the woman and child and used his foot to prevent the door from closing. With the door open Mr. Anaruk stated, “you have no opposition right here”.

Officer Sullivan spoke with the person who called the police, and she reported that Mr. Anaruk was throwing objects around the home, slamming items on the toilet, hitting the door, and otherwise causing a disturbance. The reporting party informed Officer Sullivan that she was afraid of Mr. Anaruk and was concerned he would become aggressive towards her.

Officer Sullivan had a brief conversation with Mr. Anaruk and asked him to explain the situation from his point of view. Mr. Anaruk responded, in essence, that he was trying to get the other members of the home to leave him alone and he denied slamming objects or otherwise being disruptive or threatening. One of the members of the home rebutted Mr. Anaruk’s denial and Officer Sullivan made the decision to arrest Mr. Anaruk.

Officer Sullivan handcuffed Mr. Anaruk, with the cuffs placed behind Mr. Anaruk’s back, and transported him by police cruiser to the Yukon-Kuskokwim Correctional Center (YKCC). When Officer Sullivan arrived at YKCC, he found Mr. Anaruk had managed to move his cuffs to the front. Officer Sullivan and Sergeant William Revard attempted to secure Mr. Anaruk, place the cuffs behind his back, and process him for various criminal charges.

While Sergeant Revard and Officer Sullivan attempted to process and secure Mr. Anaruk, Mr. Anaruk proclaimed that he was a city council member and that he would have Officer Sullivan fired.³ Mr. Anaruk went on to state, in essence, that Officer Sullivan would lose his job tomorrow. Prior to Mr. Anaruk’s threat Officer Sullivan did not know Mr. Anaruk was a city council member. Sergeant Revard assured Officer Sullivan that was not how terminations were handled and Officer Sullivan returned to processing Mr. Anaruk. In what Officer Sullivan interpreted as a final effort to stop his processing, Mr. Anaruk spit directly into Officer Sullivan’s face. For this, and Mr. Anaruk’s conduct in the home, he was charged with harassment in the first degree, disorderly conduct, and an assault in the fourth degree for recklessly placing another person in fear of imminent physical injury. As of the date of this Order these charges are still pending, and this Order makes no determination on the validity of those criminal charges.

² It is unclear what Mr. Anaruk meant by “apprehending”.

³ It is unclear if Mr. Anaruk was also threatening Sergeant Revard’s job.

II. Discussion

The current version of the City's Ethics Code was adopted on October 8, 2019.⁴ This version contains a provision, BMC 2.05.040(A)(2), imposing restrictions on the conduct of City officials as follows:

2. No city official shall use the **implied authority of office** or position for the **purposes of unduly influencing the decision of others**, or promoting a personal interest within the community. City officials will **refrain from using their title except when duly representing the city** in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, **councilmembers shall refrain from implying their representation of the whole by the use of their title.** (Emphasis added)

City Code defines a "City official" to include "a person who holds elective office under the ordinances of the city..."⁵ As an elected council member Mr. Anaruk squarely fits the definition of "City official" and he is bound by the restrictions on his conduct in BMC 2.05.040(A)(2).

In determining if there is probable cause to believe that Mr. Anaruk violated BMC 2.05.04(A)(2), it is important to establish the limits of that determination. Probable cause is, by definition, "a standard that hinges on probability rather than certainty, so a showing of probable cause need not rule out other explanations that are merely possible."⁶ Rather, if there is sufficient information to establish "a substantial basis" to find that one of several possible outcomes is probable, probable cause is established.

Relevant to this complaint, BMC 2.05.040(A)(2) prohibits a council member from using the implied authority of their office to unduly influence the decision of others. On the night of his arrest Mr. Anaruk identified himself as a council member and threatened to use that position to have Officer Sullivan fired the next day. The timing of Mr. Anaruk's threat provides significant insight into what Mr. Anaruk hoped to gain by that threat. Mr. Anaruk made his threat just as he was brought to YKCC but *before* he was processed. The threat of losing a job can often be very stressful and many people will go to great lengths to protect their job security. Given the timing of his statement, the logical interpretation of Mr. Anaruk's intent is that he hoped Officer Sullivan, concerned for the security of his job, would decide not to process a sitting city council member and not forward his case for charging by the District Attorney's office. By identifying himself as a

⁴ Ordinance 19-19 (October 8, 2019).

⁵ BMC 2.05.010(C).

⁶ *State v. Koen*, 152 P. 3d 1148, 1152 (Alaska 2007).

city council member and threatening to use the authority of his office to have Officer Sullivan fired, there is probable cause to believe that Mr. Anaruk's conduct violated BMC 2.05.040(A)(2).

Additionally, BMC 2.05.040(A)(2) prohibits council members from implying their representation of the whole council by the use of their title. While Mr. Anaruk is a member of the city council, council members generally do not have unilateral authority. Instead, to exercise the authority of the council, members must vote as a body on how to use their collective authority. When Mr. Anaruk used his title and threatened to have Officer Sullivan fired, he was threatening to use the council's collective authority to have Officer Sullivan fired. As Mr. Anaruk did not have the authority to speak on behalf of the full city council, there is probable cause to believe his actions constituted a violation of BMC 2.05.040(A)(2).


Even if Mr. Anaruk's threat to Officer Sullivan's job, or the implied authority to terminate Officer Sullivan, did not violate the ethics code there is still probable cause to believe Mr. Anaruk's actions violated BMC 2.05.040(A)(2). Under that provision, city council members must refrain from using their title *except* when duly representing the City in an authorized capacity. In this case Mr. Anaruk, intoxicated and undergoing criminal processing, was certainly not representing the City in any authorized capacity. There is probable cause to believe that simply using his title in this circumstance violated BMC 2.05.040(A)(2).

III. Conclusion

Based on the evidence obtained during the course of the investigation, the undersigned finds there is probable cause to believe that Mr. Anaruk violated BMC 2.05.040(A)(2) by identifying himself as a city council member during his arrest and threatening to have the arresting officer fired.

In light of these findings, the City Clerk shall schedule a hearing with the Board of Ethics (the Board) within forty-five days of this order in accordance with BMC 2.06.050(C). While the code requires a hearing with the Board be scheduled within forty-five days, it also allows a party to request a continuance for good cause and the Chair of the Board to rule on that request without calling for a meeting. Considering that Mr. Anaruk still has pending criminal charges, and he has a right to remain silent, a continuance may be prudent should Mr. Anaruk request one.

DATED: January 8, 2025.

By: 
Eric M. Salinger
Administrative Law Judge

Certificate of Service: I certify that on January 9, 2025, a true and correct copy of this order was distributed as follows: Libby Bakalar, City Attorney (by email); Kevin Morgan, City Clerk (by email); WG Anaruk (by email).

By: 
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE CITY OF BETHEL**

In the Matter of)
)
CITY OF BETHEL ETHICS COMPLAINT) OAH No. 25-0041-MUN
NO. EC 24-01)
_____)

NOTICE OF REFERRAL AND ASSIGNMENT

A probable cause determination as to this Ethics Complaint was issued on January 9, 2025. On January 17, 2025, pursuant to Bethel Municipal Code 2.06.070(G), the Bethel City Clerk referred the above-captioned matter to the Office of Administrative Hearings (OAH) for appointment of an Administrative Law Judge to conduct the Board of Ethics review of this matter.

Administrative Law Judge Joan M. Wilson is hereby assigned to serve as the hearing examiner for purposes of the Board of Ethics review described in BMC 2.06.090. The proceedings in this matter shall be governed by Bethel Municipal Code 2.06; the City Clerk will schedule a hearing accordingly.

DATED January 24th, 2025.

By: Joan M. Wilson
Joan M. Wilson
Chief Administrative Law Judge

I certify that on January 24, 2025, this document was distributed by email to City Attorney Libby Bakalar and City Clerk Kevin Morgan for distribution to the case parties under the BMC.

Haley Canfield
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
BY THE BEFORE THE CITY OF BETHEL BOARD OF ETHICS**

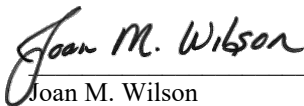
In the Matter of)
)
BETHEL BOARD OF ETHICS,) OAH No. 25-0041-MUN
COMPLAINT NO. EC 24-01)

NOTICE OF HEARING AND CONTINUANCE OF HEARING

Pursuant to BMC 2.06.050(C), The undersigned has *sua sponte* granted a continuance from a hearing date of **February 21, 2025** to **March 4, 2025** to permit timely disclosure of the record as required under BMC 02.05.060(A)(6). The complainant and respondent have until **Friday January 31, 2025 at 1:00 p.m.** to file any objection to this continuance. Absent any objection or reconsidered ruling, the clerk shall distribute to the parties the documents described at and in compliance with BMC 02.06.060(A). Absent reconsideration, the hearing will commence at **10:00 a.m.** on **March 4, 2025**. The hearing will be conducted in person at Bethel City Council Chambers, 300 State Highway, Bethel with the undersigned officiating via Zoom.

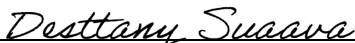
The undersigned will schedule a prehearing conference following disclosure of the record by separate order.

DATED: January 28, 2025.

By: 

Joan M. Wilson
Chief Administrative Law Judge

I certify that on January 28, 2025, this document was distributed by email to: City Attorney Libby Bakalar and City Clerk Kevin Morgan for distribution to the case parties under the BMC.



Office of Administrative Hearings

EC 24-01

RECORD D

Relevant Bethel Municipal Code (BMC)

- BMC 2.05.40(A)(2) Conflicts of interest and code of ethics – Generally
- BMC 2.06 BOARD OF ETHICS

2.05.040 Conflicts of interest and code of ethics – Generally.

- A. A person subject to the requirements of this chapter may not:
1. Use their official position or office for the primary purpose of obtaining personal financial gain or financial gain for an immediate family member or business with which the person is associated or in which the person owns stock. This provision does not apply to financial gain from salary under the terms of employment.
 2. No city official shall use the implied authority of office or position for the purposes of unduly influencing the decision of others, or promoting a personal interest within the community. City officials will refrain from using their title except when duly representing the city in an authorized capacity. Unless duly appointed by the council to represent the interest of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.
 3. Solicit or receive money for advice or assistance given in the course of the officer's or employee's employment or relating to that employment.
 4. Serve as a paid consultant on a private interest or as a paid representative of any person or entity before a municipal department, utility, or elected or appointed public body of the city.
 5. Solicit or accept a gift if it can be reasonably inferred that the gift is intended to influence the elected official's independence of judgment in the exercise of official duties.
 - a. An item is a "gift" under this subsection if it is:
 - i. Money, an item of value, service, loan, travel or hospitality accommodation, entertainment, or employment; and
 - ii. Provided to an elected official, or to another person or entity designated by the elected official, for less than full value.
 - b. Unless rebutted by other factors, food or beverage for immediate consumption is presumed not to be given under circumstances in which it could be reasonably inferred that they are intended to influence the elected official's independence of judgment in the exercise of official duties.
 - c. The following unsolicited gifts are allowed; provided, that if disclosure is required, the gift disclosure form is timely filed with the municipal clerk within thirty (30) days of the receipt of the gift:
 - i. Payment for a business meal offered as a courtesy in the context of municipal duties; provided, that such meals shall not be accepted on a basis so frequent from any one (1) source or a combination of sources as to raise an appearance of the use of the person's public position for private gain. No disclosure is required.

- ii. A discount or price available to public sector officials generally, or to a large business category of public officials to which the elected officials belong. No disclosure is required.
- iii. A monetary gift or award presented in recognition of meritorious, civic, or voluntary service, so long as presented by a recognized civic or nonprofit charitable organization presenting such a gift or award as part of an established tradition, and not given as financial inducement for official action. An elected official shall disclose a recognition gift or award in excess of one hundred fifty dollars (\$150).
- iv. A perishable gift for immediate consumption or display, from member(s) of the public expressing general gratitude or holiday cheer. No disclosure is required.
- v. In-state travel and hospitality discounts or accommodations offered or provided to an elected official shall be applied to any municipal expense for the travel. No disclosure is required. Out of state gifts of travel and hospitality related to providing or obtaining information primarily of matters related to the duties of the elected official are allowed. Gifts in this category in excess of two hundred fifty dollars (\$250) shall be disclosed to the council prior to acceptance.

d. Gifts that are not connected with the recipient's status as an elected official are outside the scope of this chapter and no disclosure is required.

6. No city official may vote on any question in which the member has a direct or indirect substantial financial interest. Direct or indirect financial interest shall be disclosed to the presiding officer prior to the discussion on the question, for a ruling on a request from the member with the financial interest to be excused from discussion vote. The decision of the presiding officer on a request by a member of the governing body or an appointed body to be excused from a vote may be overridden by the majority vote of the body. If there are not at least four (4) members in attendance who are qualified to vote, the matter shall be tabled until the next regular or special meeting at which four (4) members qualified to vote on the matter are in attendance.

7. No city official, municipal officer, appointed official or municipal employee shall participate in any official action in which they have a substantial financial interest. Prohibited participation includes voting as a member of the city council, taking part in debate, soliciting the vote of a member of the city council, or encouraging any municipal official or officer to act in a certain way.

8. No city official, municipal officer or municipal employee may disclose information they know to be confidential concerning employees of the city, city property, city government, or other city affairs, including but not limited to confidential information disclosed during an executive session, unless authorized or required by law to do so.

B. Nothing in this section is intended to limit the scope of additional restrictions, prohibitions and disclosure requirements applicable to municipal employees, appointees and elected officials under this chapter. [Ord. 19-19 § 2, 2019; Ord. 13-04 § 2.]

The Bethel Municipal Code is current through Ordinance 24-15, and legislation passed through November 26, 2024.

Disclaimer: The city clerk's office has the official version of the Bethel Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofbethel.org](http://www.cityofbethel.org)

[Hosted by General Code.](#)

Chapter 2.06

BOARD OF ETHICS

Sections:

- 2.06.010 Filing of the complaint, content and limitation of action.**
- 2.06.020 Settlement of complaint.**
- 2.06.030 Confidentiality.**
- 2.06.040 Screening of the complaint.**
- 2.06.050 Probable cause for hearing.**
- 2.06.060 Procedures for hearing notification and the hearing record.**
- 2.06.070 Board of ethics established.**
- 2.06.080 Function and authority.**
- 2.06.090 Hearing procedures.**
- 2.06.100 Penalties and remedies.**
- 2.06.110 Protection of public interest.**

2.06.010 Filing of the complaint, content and limitation of action.

- A. Any person may file a complaint by delivering to the city clerk's office a complaint alleging a city official's or municipal employee's conduct violates Chapter [2.05](#) BMC.
- B. A complaint shall:
 - 1. Identify the section of the code of ethics alleged to have been violated and substantiate the complaint by providing a written explanation of the reason for believing that a violation has occurred with any documentary and testimonial evidence supporting the allegation.
 - 2. Be signed and affirmed by the complainant.
 - 3. Be filed within one (1) year of the alleged violation.
- C. *Procedures.*
 - 1. When the complaint is filed in the city clerk's office, the city clerk shall:
 - a. Date, number and log the confidential complaint.
 - b. Send a copy of the complaint and attached documentation to the respondent with notice of the confidentiality requirements.

2. The city clerk shall contact a hearing examiner for appointment to screen the complaint. The hearing examiner shall have a law degree or three years' experience in administrative hearings. The hearing examiner may request, through the city clerk, public background material associated with the complaint.
3. The city clerk shall prepare and maintain a confidential file available only to the hearing examiner and the respondent, which contains a copy of the complaint and associated documentation used by the hearing examiner in their screening. [Ord. 19-19 § 3, 2019.]

2.06.020 Settlement of complaint.

- A. A resolution and settlement of any complaint may be presented at any time prior to the decision of the board and upon agreement of the parties and approval of the board.
- B. A proposed resolution and settlement shall include remedial actions agreed to by the respondent; and any proposed preventative actions to be undertaken to avoid similar violation by respondent or others in the future.
- C. A proposed resolution and settlement has no effect unless approved by the board. The board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the board, a proposed resolution and settlement must be kept confidential.
- D. The proposed resolution and settlement becomes public record upon final approval by the board. [Ord. 19-19 § 3, 2019.]

2.06.030 Confidentiality.

- A. The filing of a complaint and information gathered or obtained by the hearing examiner during the screening will take place under a confidential process. Confidentiality shall be maintained by the complainant, the respondent, the hearing examiner, the board, the clerk, and all contacted municipal officials from the filing of the complaint, until such time the hearing examiner has determined probable cause. If the hearing examiner does not determine probable cause, the complaint shall remain confidential.
- B. All third (3rd) parties contacted who are not municipal officials shall be asked to maintain confidentiality.
- C. All portions of board meetings held solely to make a decision are confidential and are held in closed adjudicatory session.
- D. It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.
- E. The respondent may, in writing, waive the confidentiality protection of this section as to the complaint, the response and associated documentation.

F. Prior to a determination of probable cause, if confidential provisions of this chapter are violated by anyone other than the respondent or the respondent's witness(es), the complaint shall be dismissed with prejudice. [Ord. 19-19 § 3, 2019.]

2.06.040 Screening of the complaint.

A. The hearing examiner shall within seven days review and screen each complaint forwarded to them to determine whether it contains allegations, which if true could constitute conduct in violation of Chapter [2.05](#) BMC.

B. The hearing examiner shall then screen the complaint in closed adjudicatory session. The hearing examiner's request for information to the city clerk and the responses shall be kept confidential between the hearing examiner, the respondent and the city clerk's office.

C. After the screening, the hearing examiner shall, by formal written order, either accept the complaint in whole or in part, or reject the complaint in its entirety, or remand the complaint to the appropriate agency. The formal order shall contain the hearing examiner's findings and recommendations.

1. If the hearing examiner accepts a complaint, in part or in whole, the clerk shall notify the complainant and respondent of the acceptance of the complaint.

a. The hearing examiner through the city clerk's office shall request the respondent to provide full and fair disclosure of all facts and circumstances pertaining to the alleged violation(s). Misrepresentation of material facts in a response to the hearing examiner from the respondent is a violation of this code. The respondent shall provide a response to the request through the city clerk's office within ten (10) calendar days filing period after notice of the hearing examiner's acceptance of a complaint. If the ten- (10-) day filing period for response has expired, and no response has been received from the respondent, the clerk shall provide notice of lack of response to the hearing examiner who shall proceed in determining probable causes.

b. After the ten- (10-) day filing period for the respondent has closed, the hearing examiner may continue with the investigation for up to an additional ten (10) days or may immediately proceed to determining probable cause.

2. If the hearing examiner rejects the complaint, the city clerk shall, within ten (10) calendar days from the decision, forward the written order of the hearing examiner's rejection and a copy of the complaint to the complainant and respondent. All material associated with the rejected complaint shall be held confidentially unless the respondent waives the confidentiality protection.

3. If the hearing examiner finds allegations of a violation of municipal, state, or federal law outside the board's authority they shall reject the complaint in whole or in part and refer the complaint to the appropriate agency. A complaint that is rejected shall be held confidentially. A complaint that is referred shall be subject to public disclosure in accordance with or imposed by other provisions of law. [Ord. 19-19 § 3, 2019.]

2.06.050 Probable cause for hearing.

- A. The hearing examiner shall consider all information gathered and determine whether there is probable cause to believe that a violation within the board's jurisdiction has occurred.
- B. If probable cause is not found, all parties are notified and the information gathered for the screening remains confidential unless the respondent provides a written waiver of the release of confidentiality rights.
- C. If probable cause is determined by the hearing examiner the city clerk shall schedule a hearing with the board within forty-five (45) days of the hearing examiner's formal written order. The chair may rule on a request for continuance or extension of the hearing date without calling a board meeting as long as there has been an opportunity for the other party to respond to the request for continuance. The continuance may be granted for good cause. The chair's determination shall be in writing and shall specify the date to which the deadline has been changed or the time frame which has been extended. [Ord. 19-19 § 3, 2019.]

2.06.060 Procedures for hearing notification and the hearing record.

- A. The notice of hearing shall be sent out by the city clerk to the complainant, respondent and the board and shall include:
 - 1. The complaint;
 - 2. Documents submitted to the hearing examiner in their screening of the complaint;
 - 3. The hearing examiner's formal written order;
 - 4. Listing of relevant Bethel Municipal Code chapters;
 - 5. Notice that the parties may be represented by legal counsel at their own expense;
 - 6. Notice of the hearing material filing deadline, which shall be at least twenty (20) days prior to the hearing date. Material filing may include written arguments and exhibits. Submissions shall become part of the record and shall be mailed or personally served to the board members and the parties within seven (7) business days after the written arguments and exhibits are due.
 - a. Any hearing material not filed by the deadline shall not be accepted by the city clerk. Evidence may be submitted at the time of the hearing if the board chair determines that the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.
 - 7. Notice of filing deadline for witness lists which shall be at least twenty (20) days prior to the hearing date. Within five (5) days after receipt of witness lists and requests for subpoenas, the city clerk shall serve the parties. Upon request by a party, the chair, on the board's behalf, may issue subpoenas as follows:

- a. The parties may summon witnesses and request the production of records, books, and papers by the issuance of subpoenas;
 - b. Subpoenas shall be served as prescribed by Rule 45 of the Alaska Rules of Civil Procedure. Failure of any person to comply with a subpoena or order issued by the board is a violation of city code. Remedies, enforcement actions and penalties for such violations shall be consistent with the terms of Chapter [1.06](#) BMC. Such remedies are not exclusive and the city may pursue any and all legal and equitable remedies available under law necessary to enforce such subpoenas and orders, including application to Superior Court.
8. Notice of the party's ability to settle the complaint as provided under BMC [2.06.020](#).
 9. The board shall dispose of a complaint within ninety (90) calendar days from the hearing examiner's formal written order. [Ord. 19-19 § 3, 2019.]

2.06.070 Board of ethics established.

- A. There is hereby established a board of ethics.
- B. The board shall be comprised of five members and one (1) alternate member appointed by the mayor and confirmed by the council. Each member appointed and confirmed must be qualified in accordance with BMC [2.60.040](#). The alternate member shall have all the powers and duties of a regular member only while serving as a replacement for a regular member.
- C. The terms of the appointments to the committees shall be for a period of three (3) years. In the event of a vacancy, a new member shall be appointed by the mayor and confirmed by the council and serve the remaining term. During initial creation of the board the appointment terms shall be staggered.
- D. Committee members can be removed by the council for cause. Cause shall be:
 1. Is absent from the city for more than ninety (90) days without first being excused by the body;
 2. Fails to attend three (3) hearings within any calendar year.
 3. Submits a written resignation which is accepted by the body or the mayor;
 4. Dies;
 5. Fails to qualify and give the oath of office within thirty (30) days after city council confirmation of the appointment;
 6. Ceases to be a resident of the city;
 7. Is convicted of a felony or an offense involving a violation of the oath of office for the body; or

8. Becomes disqualified from holding the seat under other provisions of this code.
- E. The members of the board shall annually elect a chair from among its members. If the chair is absent or has a conflict, the members shall elect another member to sit as presiding examiner of that hearing.
- F. A quorum of the board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other for cause recusal. However, in no event may a quorum be less than three (3).
- G. In the event a quorum cannot be met due to disqualification of members, the case documentation and information shall be considered solely by a hearing examiner.
- H. Decisions of the board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.
- I. Unless the board delegates such authority to another member, the presiding examiner shall have authority to make procedural decisions between board meetings on behalf of the board. Examples of matters that may be decided by such delegation include scheduling hearings, establishing pre-hearing requirements and filing deadlines for exhibits, witness lists, and deciding other procedural matters.
- J. The presiding examiner shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the board.
- K. Meetings of the board may be called by the chair or three (3) members. [Ord. 19-19 § 3, 2019.]

2.06.080 Function and authority.

The board of ethics has authority to perform the following functions:

- A. Administer oaths, hold hearings, and take testimony, issue subpoenas, and consider and accept stipulations or possible settlement agreements, recommend disciplinary action to the appropriate appointing authority, assess penalties, and make referrals;
- B. Make recommendations to the city council for amendments to Chapter [2.05](#) BMC and this chapter. [Ord. 19-19 § 3, 2019.]

2.06.090 Hearing procedures.

- A. The board chair shall preside over the hearing and shall make all rulings on issues of procedure, continuances, form and conduct of the hearing and admissibility of evidence. Evidence not filed by the material filing deadline should only be accepted by the chair if the evidence was not discovered or could not have been obtained prior to the material filing deadline, or if the evidence is relevant and it is in the interest of justice that it be considered.

- B. The chair may limit testimony by any person to reduce cumulative or repetitive testimony. The chair may vary the hearing procedures as long as the parties are afforded a fair and reasonable opportunity to be heard.
- C. Technical rules of evidence do not apply, but the board's findings shall be based upon a preponderance of the evidence. All testimony and other evidence taken at the hearing shall be recorded and retained according to applicable records retention schedules.
- D. The parties may each have the opportunity to be heard, and cross-examine witness, who shall testify under oath.
- E. The hearing shall be subject to the following order:
1. Introduction of the case by the chair;
 2. Opening statement by complainant;
 3. Opening statement by respondent;
 4. Complainant witnesses:
 - a. Complainant questions witnesses;
 - b. Respondent may cross-examine the complainant's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
 5. Respondent's witnesses:
 - a. Respondent questions witnesses;
 - b. Complainant may cross-examine the respondent's witnesses;
 - c. Board members may ask questions of the complainant's witnesses;
 6. Complainant's closing statement;
 7. Respondent's closing statement;
 8. Complainant rebuttal.
 9. The board may move into a closed adjudicatory session to deliberate.
 10. The board shall vote in open session on the following:
 - a. The board does or does not find by a preponderance of the evidence one (1) or more violations within the jurisdiction of the board; and
 - b. The board does or does not provide recommendations to an appointing authority or supervisor for further administrative or remedial actions; and

c. What if any specific sanctions, corrective actions or referrals, the board recommends.

F. A finding of a violation of this code shall be supported by a preponderance of the evidence presented at the hearing. The board's decision shall be in writing, shall state it is a final decision, and shall state the parties have thirty (30) days from the date of distribution to appeal to the Superior Court. The decision shall include findings of fact and conclusions and shall be reasonably specific to provide a clear and precise understanding of the reason for the decision.

G. The board's decision shall be filed with the city clerk within thirty (30) days after the completion of the hearing and served to the parties by the clerk within ten (10) days after the board's decision has been filed. Final administrative decisions may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure, Part 600. [Ord. 19-19 § 3, 2019.]

2.06.100 Penalties and remedies.

A. The board, upon a finding of a violation of Chapter [2.05](#) BMC, may singly or in combination:

1. Impose a civil fine of not more than five thousand dollars (\$5,000);
2. Order divestiture, establishment of a blind trust, restitution or forfeiture;
3. Order the municipal employee or city official to stop engaging in any official action related to the violation;
4. Recommend that the supervisor take disciplinary action, including dismissal. In the event the ethics board recommends disciplinary action and the appointing authority disagrees with the recommendation, the appointing authority must provide a written explanation for the appointing authority's action to the board within fourteen (14) days of the service of the board's decision.

B. If the board determines that a former municipal employee or city official has violated Chapter [2.05](#) BMC, it shall issue a public statement of its findings, conclusions and recommendations. Additionally, it shall recommend the city seek all available recommended remedies.

C. Actions taken in violation of Chapter [2.05](#) BMC shall be treated as follows:

1. In addition to any other action provided by law, a city grant, contract, or lease entered into in violation of Chapter [2.05](#) BMC is voidable by the city. In determining whether to void a grant, contract or lease, the interest of third (3rd) parties who could be damaged may be taken into account. The city may give notice of intent to void a grant, contract or lease under this section no later than thirty (30) days after the board's determination of a violation under this code.
2. Any city action taken in violation of Chapter [2.05](#) BMC is voidable, except that the interest of third (3rd) parties in the nature of the violation may be taken into account. The city may pursue any other available legal or equitable remedies.

- D. Any municipal official that intentionally violates any provision of Chapter [2.05](#) BMC may be required to pay the city an additional civil penalty up to twice the amount that any person obtained as a result of the violation. This provision may be imposed in addition to any penalty imposed under subsection [\(A\)\(1\)](#) of this section.
- E. A penalty imposed under this section is exclusive of and not instead of any other penalty that may be imposed according to law. To the extent that violations under this code are punishable in a criminal action, that section is in addition to the civil remedies in this code.
- F. Any person that violates any provision of this code is liable in damages to the city for any losses or increased costs incurred by the city as a result of the violation.
- G. A decision of the board is final. An appeal from a decision of the board may be appealed to the Superior Court per the Alaska Rules of Appellate Procedure. [Ord. 19-19 § 3, 2019.]

2.06.110 Protection of public interest.

This code shall be liberally construed in favor of protecting the public interest in full disclosure of conflicts of interests and promoting high standards of ethical conduct for city government. However, the code shall be narrowly construed where it would limit or hinder an elected official's right and duty to vote or otherwise participate in any issue before the elected body or in performing their duties. [Ord. 19-19 § 3, 2019.]

The Bethel Municipal Code is current through Ordinance 24-15, and legislation passed through November 26, 2024.

Disclaimer: The city clerk's office has the official version of the Bethel Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofbethel.org](http://www.cityofbethel.org)

[Hosted by General Code.](#)