

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

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

**DECISION ON ETHICS COMPLAINT**

**I. INTRODUCTION**

W.G. Anaruk was an elected City of Bethel Council Member. On November 17, 2024, Mr. Anaruk was arrested and taken into custody following a domestic disturbance. Post arrest but prior to completing criminal processing at the Yukon Kuskokwim Correctional Center, Mr. Anaruk was alleged to have identified himself as a City Council member and stated or implied he was going to use his authority or the authority of the City Council to have the arresting officer fired should he continue booking him. He further was alleged to have spit in the arresting officer’s face.

On November 19, 2024, Bethel Mayor Rose Anderson filed a complaint against Mr. Anaruk, alleging violation of the City’s Ethics Code for this conduct. This written decision follows a probable cause determination made under Bethel BMC 2.06.050 and a hearing conducted under BMC 2.06.090. In summary, the undersigned, acting on behalf of the Board of Ethics, finds that Mr. Anaruk violated the ethics code in three distinct ways, and issues a civil fine that may also be satisfied by community service.

**II. THE CITY’S ETHICS CODE AND PROCEDURAL BACKGROUND**

The City’s Ethics Code is codified at Bethel Municipal Code (BMC) 2.05. Pertinent here, BMC 2.05.040(A)(2) states:

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

A “city official,” to whom the code applies, includes an individual who holds or held elective office at the time of the conduct in question.<sup>1</sup>

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<sup>1</sup> BMC 02.05.010(C).

Provisions governing the City’s Board of Ethics and procedures applicable to ethics complaints are codified at BMC 2.06.

Upon receipt of Mayor Henderson’s complaint, the City retained the Office of Administrative Hearings (OAH) to act as initial hearing examiner to conduct a screening of the complaint under BMC 2.06.040 and to issue a probable cause determination under BMC 2.06.050. OAH assigned Administrative Law Judge (ALJ) Eric Salinger to both tasks.

ALJ Salinger reviewed Mayor Henderson’s complaint and attached materials. The materials contained criminal complaints for disorderly conduct, assault in the fourth degree, and harassment in the first degree, all against Mr. Anaruk for events on November 17, 2024. Also included was arresting officer Caleb Sullivan’s affidavit in support of each of the criminal complaints.

In his affidavit, Officer Sullivan swore that Mr. Anaruk was in “an intoxicated state” when Officer Sullivan first responded to a domestic disturbance and that he placed Mr. Anaruk under arrest for causing his mother-in-law to believe he would harm her. Officer Sullivan further swore that after Mr. Anaruk’s arrest, while still outside the Yukon-Kuskokwim Correctional Center where Mr. Anaruk was brought for processing, “WG informed me that he was a Bethel City Council Member and that he was going to use his position to have me fired.” Officer Sullivan further swore that as “we were moving the handcuffs from the front to the back of WG, he became belligerent and spit in my face.”<sup>2</sup>

ALJ Salinger next interviewed Officer Sullivan, who confirmed the statements in his affidavit. By then, Officer Sullivan had left City employment and the City of Bethel. ALJ Salinger attempted to interview Mr. Anaruk, but Mr. Anaruk did not respond to the request for an interview. Nor, as permitted under BMC 2.0.040(C)(1)(a), did Mr. Anaruk provide any information to rebut any of the allegations pertinent to the ethics complaint. Mr. Anaruk did resign from the City Council following his arrest and the filing of the ethics complaint.

ALJ Salinger issued his Order on Probable Cause on January 19, 2025, finding probable cause Mr. Anaruk violated BMC 2.05.040(A)(2) in three ways.

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<sup>2</sup> Collectively from the Affidavit of Officer Caleb Sullivan, entered in evidence at the Ethics Hearing held on March 4, 2025.

- (1) Bethel Municipal Code 2.05.040(A)(2) prohibits a “city official” from “using the implied authority of office or position for the purposes of unduly influencing the decisions or others or promoting a personal interest within the community.” Judge Salinger found probable cause that Mr. Anaruk used his implied authority as a Council member to threaten Officer Sullivan with termination should he complete the criminal processing of an identified city council member and forward the criminal complaint to the District Attorney’s Office for review.<sup>3</sup>
- (2) “Unless duly appointed by the council to represent the interest of the full council,” BMC 2.05.040(A)(2) further prohibits councilmembers “from implying their representation of the whole by use of their title.” Judge Salinger found probable cause that Mr. Anaruk implied authority to act for the City Council as a whole when he identified himself as a council member and threatened to have Officer Sullivan terminated.<sup>4</sup>
- (3) Bethel Municipal Code 02.05.040(A)(2) further prohibits city officials from “using their title except when duly representing the city in an authorized capacity.” Judge Salinger found probable cause that Mr. Anaruk was not using his title as council member in any authorized capacity when he invoked his title while intoxicated and undergoing criminal processing.<sup>5</sup>

Following a finding of probable cause, BMC 2.06.050(C) requires the Board of Ethics to conduct a hearing on the merits within 45 days of the hearing examiner’s formal written order.<sup>6</sup> However, lacking a quorum for the City Board of Ethics, and as permitted under BMC 02.06.070(G), the City again retained OAH to act as hearing examiner in place of the Board. The undersigned was assigned to conduct a hearing under BMC 2.06.090 and issue penalties and remedies in compliance with BMC 2.06.100.

### **III. HEARING EXAMINER HEARING AND FINDINGS**

On March 4, 2025, the City held a publicly noticed hearing on the complaint, numbered as Ethics Complaint 24-01. The undersigned presided as hearing examiner. Also present overseeing the hearing and advising on procedure and precedent were City Attorney

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<sup>3</sup> Order on Probable Cause at 3-4.

<sup>4</sup> *Id.* at 4.

<sup>5</sup> *Id.*

<sup>6</sup> The 45-day deadline was continued under BMC 02.06.050(C).

Libby Bakalar and City Clerk Kevin Morgan. Complainant Mayor Rose Henderson was sworn in and testified. Despite notice, Mr. Anaruk did not attend or participate in any way. Officer Sullivan was also not present.

Mayor Henderson was the only witness to testify. She identified her complaint and the material supporting her complaint, again, the three criminal complaints Officer Sullivan prepared and his affidavit. Each identified document was admitted into evidence without objection. Mayor Henderson stated she testified truthfully and that she brought her complaint believing Mr. Anaruk had violated the Ethics Code by identifying himself as a City Council member during his arrest.

Following the testimony of Mayor Henderson, the admission of the complaint and supporting material into evidence, and providing Mr. Anaruk the unavailed opportunity to defend against this ethics complaint, the undersigned closed the hearing, deliberated, and returned to the record to make verbal findings. Those findings are repeated or expanded upon here.

**A. Relevant Findings of Fact**

As an initial matter, no oral testimony was offered from any direct party or witness to the events that happened on November 17, 2024. However, BMC 2.06.090(C), governing Ethics Board Hearing Procedures,” provides that the “[t]echnical rules of evidence do not apply” to hearings on ethics complaints. As such, the finder of fact may rely on the unchallenged written record, including hearsay statements when making their findings. I choose to rely on the uncontested criminal complaints prepared by Officer Sullivan and his affidavit for making my findings.<sup>7</sup> This is because peace officers have an obligation to testify truthfully, whether in verbal or written form, and no reason was presented to doubt the credibility of Officer Sullivan’s sworn statements.

While I rely on each of the statements included in Officer Sullivan’s affidavit, the most relevant findings of fact to the ethics violation, proven by a preponderance of the evidence, are as follows:

- (1) Mr. Anaruk was intoxicated and belligerent when Officer Sullivan contacted him and took him into custody;

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<sup>7</sup> I did not rely on Officer Sullivan’s statements to Administrative Law Judge Salinger because they were never identified as an exhibit or admitted into evidence. However, I have taken official notice that Officer Sullivan complied with Administrative Law Judge Salinger’s request for an interview, and Mr. Anaruk did not.

- (2) Prior to completing the booking or criminal processing of Mr. Anaruk and while still outside the Yukon Kuskokwim Correctional Center building, Mr. Anaruk told Officer Sullivan he was a City Council member and threatened that he was going to use his position to get Officer Sullivan fired.
- (3) Mr. Anaruk made the threat to Officer Sullivan to deter Officer Sullivan from completing the criminal processing;
- (4) Officer Sullivan could reasonably believe that Mr. Anaruk had either the individual authority as a council member to have him fired or could speak for the council as a whole, which would have authority to have him fired.
- (5) Despite the belligerence, the threats, and spitting at Officer Sullivan, Officer Sullivan duly completed the criminal processing of Mr. Anaruk on the three criminal charges identified, completed his affidavit truthfully, and referred all three criminal complaints to the District Attorney's Office for prosecution.

#### **B. Ethical Violations**

Based on each of these factual findings, I further find as a matter of law that Mr. Anaruk violated the City's Ethics Code, BMC 2.05.040(A)(2), in the three distinct ways initially identified in Administrative Law Judge Salinger's Order on Probable Cause.

First, Mr. Anaruk violated BMC 2.05.040(A)(2) when he used his implied authority as a city council member to unduly influence Officer Sullivan's decision to complete criminal processing following Mr. Anaruk's arrest. Mr. Anaruk threatened to have Officer Sullivan fired. This is perhaps the most significant and obvious of Mr. Anaruk's violations, striking at the heart of the ethical prohibition against attempts at improper influence for personal gain.

Post-threat, Officer Sullivan could have taken that threat seriously and made choices that could have brought the criminal processing to an end. For example, he might have considered not bringing Mr. Anaruk into the correctional center. He also could have chosen not to write the criminal complaints or the affidavit in support of those complaints. He could also have chosen not to forward any of these documents to the District Attorney's Office for review. Officer Sullivan's chosen course to continue criminal processing in no way remedies Mr. Anaruk's ethical wrong. That an attempted misuse of official position for personal gain was ultimately unsuccessful does not change the fundamentally unethical nature of the underlying conduct.

Second, Mr. Anaruk violated BMC 2.05.040(A)(2) when he identified himself as a council member and threatened Officer Sullivan’s employment, implying his “representation of the [City Council] as a whole by the use of [his] title.”<sup>8</sup> The Code of Ethics prohibits a council member from using their title to imply representation of the council as a whole. Mr. Anaruk’s conduct – using his title to imply that the Council as a whole would support him in seeking retribution against Officer Sullivan – violated his ethical obligations as a council member. Even though Officer Sullivan could have believed Mr. Anaruk had the authority to terminate him in his singular capacity, it would be even more reasonable for Officer Sullivan to believe an emboldened and aligned City Council – for whom Mr. Anaruk could be speaking when he used his title-- could effectively cause a city employee’s termination. As such, Mr. Anaruk violated his ethical obligation when, using his title, he implied that his will was the will of Council as a whole, all in an attempt to influence Officer Sullivan’s next steps.

Third, Mr. Anaruk violated BMC 02.05.040(A)(2) when he used his title while **not** “representing the city in an authorized capacity.”<sup>9</sup> It would be a rare occasion where identifying an individual’s status as an elected city council member would be pertinent to an arrest or criminal booking. Perhaps, it might be pertinent to an arrest for election fraud. It is not pertinent, however, to a combined arrest for disorderly conduct, fear assault, and first-degree harassment of a police officer. Again, the only reason for identifying oneself as a city council member in facts such of these is to influence the arresting officer’s next step. The fact the arresting officer was not deterred does not minimize the ethical wrong.

#### **IV. PENALTIES AND OTHER REMEDIES**

Having found that Mr. Anaruk’s conduct towards Officer Sullivan constituted a violation of the Code of Ethics in three distinct ways, the undersigned must now address the question of what penalty or remedy, if any, is appropriate.

Mr. Anaruk has resigned from the City Council. Without hearing from him, it is difficult to determine whether he self-penalized for these ethics violations or took this action for other reasons. His resignation also limits the permissible remedies set out at BMC 02.06.100 to anything other than a civil fine of not more than \$5,000.<sup>10</sup> In terms of

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<sup>8</sup> *Id.*

<sup>9</sup> The undersigned stated on the record following the close of evidence that with the two initial findings there was no reason to address the third alternative identified in Administrative Law Judge Salinger’s Order of Probable Cause. I reconsider that conclusion here.

<sup>10</sup> See available remedies at BMC 2.06.100(A) and (B).

assessing the appropriateness of a particular sanction, no prior decisions from the City Board of Ethics are comparable or obviously applicable to the facts and ethics violations found here. Nor is there evidence in the record as to what sort of economic hardship a fine might pose to Mr. Anaruk.

Still, any citizen knows it is inappropriate to use one's elected status – particularly as a city council member – to threaten a city police officer's job should that officer dare to arrest, process, and charge that official with a crime. Noting the domestic nature of the charges, it is also ill-advised to underplay the seriousness of causing fear of violence in one's own home. Mr. Anaruk was an elected city council member sworn to uphold and enforce the City's laws, including the Code of Ethics. His violation of that Code in threatening a law enforcement officer for performance of that officer's official duties was an impermissible abuse of power. Sanctions are therefore appropriate.

Without the guidance of available precedent, but so also as not to underplay the seriousness of the conduct, Mr. Anaruk is ordered to pay within 24 months a civil fine of \$3,000.00. This fine can be reduced by \$50 for every hour of community service performed by Mr. Anaruk, as approved by the City, to a total of 60 hours. The latter is offered only should the City elect to offer community service as a potential offset. In doing so, it might consider any economic hardship a fine of this size might pose to Mr. Anaruk or his dependents.

**V. NOTICE OF RIGHT TO APPEAL**

Pursuant to BMC 2.06.100(G), this decision constitutes the final decision of the hearing examiner acting for the Bethel Board of Ethics in this matter. This Decision may be appealed to Superior Court within 30 days of the date of the Certificate of Service of the Decision, per the Alaska Rules of Appellate Procedure.

DATED: April 2, 2025.

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

**Certificate of Service:** I certify that on April 2, 2025, this Decision on Ethics Complaint and in compliance with BMC 2.06.090(G) was filed with the City of Bethel City Clerk Kevin Morgan (by email) for further service to the parties:

Destany Suaava  
Office of Administrative Hearings