

BEFORE THE STATE OF ALASKA PERSONNEL BOARD

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In the Matter of
SARAH PALIN, Governor

Case No. _____

MOTION FOR DETERMINATION OF NO PROBABLE CAUSE

Pursuant to AS § 39.52.320, the Honorable Sarah Palin (the “Governor”) respectfully moves the Personnel Board for a determination of no probable cause to pursue an Ethics Act claim with respect to the allegations before the Personnel Board concerning the replacement of former public safety commissioner Walt Monegan.

I. INTRODUCTION

The Governor commenced this proceeding¹ to secure an independent and lawful review² of the evidence relating to recent allegations concerning her decision to replace former public safety commissioner Walt Monegan in July 2008. The evidence demonstrates that the decision to replace Mr. Monegan had nothing to do with any concerns about the continued employment of state trooper Mike Wooten, an individual who had previously been found by

¹ The Governor maintains that *only* the Personnel Board can investigate, review and adjudicate alleged ethics act violations against the Governor, the Lt. Governor, or the Attorney General.

² This Board has determined that:

When an ethics complaint is filed against the governor, lieutenant governor or attorney general, the complaint is referred to the Personnel Board, which retains Independent Counsel to perform the duties ordinarily performed by the attorney general. Independent Counsel reviews the complaint to determine whether it contains factual allegations which, if true, would constitute a violation of the Act. If so, Independent Counsel is charged with investigating the complaint to determine whether there is probable cause to believe that a violation of the chapter has occurred.

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1 the Division of State Troopers in an official disciplinary review in 2006 to have committed
2 criminal acts of violence. On the contrary, the Governor decided to replace Mr. Monegan
3 based on his refusal to execute her Administration's policy on fiscal and budget matters, a
4 refusal that between late 2007 and the middle of 2008 blossomed into outright insubordination.
5 As detailed below, Mr. Monegan apparently disagreed so strongly with the Governor's fiscal
6 policies that he sought out the Governor's political opponents behind her back to support
7 initiatives that she had previously vetoed, sought out support in Washington, D.C. from the
8 Alaska Congressional delegation for public safety projects the Governor did not believe were in
9 the best interests of the State, and otherwise failed to implement policies that the Governor, as
10 the State's chief executive, had the exclusive constitutional authority to make. The Alaska
11 Constitution provides that the Governor has exclusive and unfettered authority to dismiss
12 department heads such as Mr. Monegan for any reason, and the suggestion that she should have
13 retained Mr. Monegan despite his overt hostility to her Administration's most fundamental
14 policies is as untenable as it is unconstitutional. The Governor presents these issues for
15 resolution with the Board since "[e]thical allegations must be considered independent of
16 politics, policy, and strategy."³

18 Apart from the baselessness of the allegations against the Governor as a factual matter,
19 the allegations would not cause concern under the Ethics Act even if they were true. The
20 Ethics Act prohibits state officials from using state resources to further their personal financial
21 interests. The Governor obviously would have received no financial benefit from the dismissal
22 of Mr. Wooten, who is still employed as a state trooper despite the 2006 administrative findings
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25 ³ *Re Investigation of Ethics Complaint Dated August 3, 2005*, Final Decision p. 3.
26 Motion to Establish No Probable Cause
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