

September 7, 2010

Attorney General Sullivan  
1031 W. 4th Avenue, Suite 200  
Anchorage, AK 99501-1994

Dear Attorney General Sullivan,

Please consider this ethics complaint regarding former Sarah Palin aide Frank Bailey for violations of the Alaska Executive Branch Ethics Act, Alaska Statute, Title 39, Chapter 52) (AEBEA), and specifically:

Sec. 39.52.140. **Improper use or disclosure of information.**

(a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.

(b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

The Sept. 5, 2010 Anchorage Daily News published the following:

OUT AND ABOUT... Spotted having coffee at the Brayton Kaladi Brothers, former Palin aide Frank Bailey, who is reportedly still working on that insider book about Sarah's time as governor. He's the aide Sarah kicked to the curb during the Troopergate fallout.

Bailey hasn't been giving interviews, but earwigs say he and two co-writers are about 70 percent done with a manuscript based heavily on thousands of e-mails sent and received by people in the gov's office during that period.

<http://www.adn.com/2010/09/04/1440064/alaska-car.html>

The bulk of Palin's emails remain undisclosed to the public. As recently as August 2, 2010, a notice to grant another extension was sent out by the attorney general to persons who have submitted public records requests for Palins' emails since the fall of 2008. This was the latest extension letter of more than a dozen such letters sent out during the last two years stating the email documents remain unrevealed because, as stated:

You requested certain public records from the Office of the Governor. Given the large volume of documents requested, there have been several extensions granted since your request was made, primarily to allow time necessary to gather all the records and review them for deliberative process and confidentiality...

Records show that Bailey had access to Palin's emails and, as recently as April of 2010, were in his possession. His use of Palin's undisclosed and confidential email documents (that have not been disseminated to the public) for personal gain and benefit violates the AEBEA. His use of Palin's undisclosed and confidential email documents (that he acquired because of his position) for personal gain and benefit violates the AEBEA.

There are also two unnamed co-writers who have also broken laws here by accessing these yet undisclosed public records and emails documents. I request the attorney general to address that matter separately... to the fullest extent of the law.

This is not the first and only time Bailey has breached protocol and violated Alaska statutes. He was found to have violated the AEBEA re: the hire of Tom Lamal in 2008, among other things. There are other instances, on the record and on tape, where Bailey's conduct has contradicted Alaska laws, rules, policies and procedures. Therefore, I request that **Sec. 39.52.440** be considered; and specifically, **Sec. 39.52.450** be put into practice because the information (Palin's emails) used by Bailey was illegally obtained, hasn't been disseminated to the public, and is still confidential by law.

**Sec. 39.52.440 Civil penalties.** The personnel board may impose on a current or former public officer civil penalties not to exceed \$5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

**Sec. 39.52.450. Payment of twice the financial benefit.** The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Based on the facts set forth above, I'm requesting that attorney general's office to address Frank Bailey's unethical use of undisclosed and confidential email documents that he acquired in the course of his duties... for personal gain and benefit.

Sincerely,

Andrée McLeod