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IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA,)
Plaintiff,)
)
v.)
)
BRUCE B. WEYHRAUCH,)
DOB: 2/14/1953)
AK OL: 1010316)
APSIN: 1010316)
ATN: 112-806-342)
DOV: 2003-2007)
Defendant.)

Case No.: 1JU-11-291 CR

CRIMINAL INFORMATION

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 a witness to any offense unless it is an address used to identify the place of a 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.
DOMESTIC VIOLENCE OFFENSES per AS 18.66.990(3) and (5)
 ALL COUNTS NONE SPECIFIED BELOW

THE STATE OF ALASKA CHARGES:

**Count I: Participating in, aiding, or abetting a lobbyist engaging in activity as a lobbyist without being registered
AS 24.45.041 & AS 24.45.151 (CTN 001)**

That in or about May 2006, at or near Juneau in the First Judicial District, State of Alaska and elsewhere, BRUCE B. WEYHRAUCH did knowingly allow two individuals to lobby him regarding pending legislation notwithstanding the fact that the two individuals were not registered as lobbyist, and WEYHRAUCH was aware of a substantial probability that the two individuals met the statutory criteria for registering as lobbyists. The foregoing conduct is a non-classified misdemeanor offense being contrary to and in violation of AS 24.45.041 and AS 24.45.151 and against the peace and dignity of the State of Alaska.

Probable cause for this information is based upon the attached Factual Basis for Plea.

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ATTORNEY GENERAL, STATE OF ALASKA
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DATED at Juneau, Alaska, this 11 day of March, 2011.

FOR THE STATE OF ALASKA


For KEVIN O. DRISCOLL

Special Counsel
Trial Attorney
U.S. Department of Justice,
Criminal Division
Public Integrity Section

JOHN J. BURNS
ATTORNEY GENERAL


David Brower ABA # 9111072
District Attorney
Local Associated Counsel

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1
2 IN THE DISTRICT COURT FOR THE STATE OF ALASKA
3 FIRST JUDICIAL DISTRICT AT JUNEAU

4 IN THE MATTER)
5 OF KEVIN O. DRISCOLL,)
6 AS SPECIAL COUNSEL)
7 FOR THE STATE OF ALASKA)

8) Case No.: 1JU-11-291 CR

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MOTION TO APPEAR PRO HAC VICE

The undersigned, Kevin O. Driscoll, moves pursuant to Alaska Rules of Civil Procedure, Rule 81(a)(2), for leave to appear pro hac vice as Special Counsel for the State of Alaska, to participate in this litigation in all respects, with the exceptions provided in such rule.

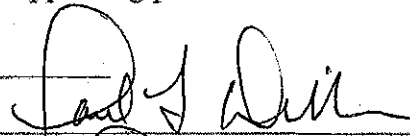
In support of this motion, movant would show the court that he has been designated as Special Counsel by the State of Alaska, that he was admitted to the Bar of the District of Columbia in 2006. Appended in support of this motion are the following documents: (1) A certificate of good standing from the District of Columbia Court of Appeals in accordance with Alaska Civil Rule 81(a)(2); and (2) proof of payment of the required fee to the Alaska Bar Association. Alaska counsel with whom movant will be associated in this litigation, who is authorized to practice in the courts of this state, is David Brower, District Attorney, Department of Law, Criminal Division P.O. Box 110300, Juneau, AK 99811, Alaska Bar Number 9111072.

Kevin O. Driscoll will be filing a criminal complaint in the name of Alaska pursuant to his appointment as special counsel for the State of Alaska. Mr. Driscoll will be prosecuting that case. The defendant in that case is represented by

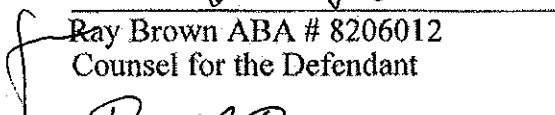
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counsel. The attorneys representing that defendant know of this motion and by their signatures set out below do not object to Mr. Driscoll appearing pro hac vice.


Date: March 11, 2008



Douglas Pope ABA # 7311064
Counsel for the Defendant



Ray Brown ABA # 8206012
Counsel for the Defendant



for Kevin O. Driscoll
Special counsel for State of Alaska

JOHN J. BURNS
ATTORNEY GENERAL



David L. Brower ABA # 9111072
District Attorney
Local Associated Counsel

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FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA,)
Plaintiff,)
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BRUCE B. WEYHRAUCH,)
DOB: 2/14/1953)
AK OL: 1010316)
APSIN: 1010316)
ATN: 112-806-342)
DOV: 2003-2007)
Defendant.)

Case No.: 1JU-11-291 CR

PLEA AGREEMENT

The State of Alaska, by and through the undersigned Special Counsel, and Bruce B. Weyhrauch (hereinafter "defendant"), personally and through his undersigned counsel, Douglas Pope and Ray Brown, hereby enter into the following agreement. The terms of the agreement are as follows:

The defendant is entering into this agreement and is pleading guilty freely and voluntarily without promise or benefit, other than contained or referred to herein, and without threats, force, intimidation, or coercion of any kind. The defendant knowingly, voluntarily, and truthfully admits the facts contained in the Factual Basis for Plea appended to this Plea Agreement and incorporated herein by reference.

The defendant agrees to plead guilty to a single-count information charging him with knowingly participating in, aiding, or abetting a lobbyist engaging in activity as a lobbyist without being registered in violation of Alaska Statute 24.45.151(b). The defendant admits that he is guilty of this crime, that he is pleading guilty because he is guilty, and that he understands that he will be adjudicated guilty of this offense.

The defendant understands the nature of the offense to which he is pleading guilty and the elements thereof, including the penalties provided by law. The maximum penalties for a violation of A.S. 24.45.151(b) are one year in prison or a fine of \$1,000,

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or both. The State of Alaska agrees that the undersigned Special Counsel will take no position, and will not make any representations to the Court, as to the appropriate sentence to be imposed by the Court as a result of the defendant's plea of guilty.

The parties further acknowledge that the undersigned Special Counsel, in his capacity as trial attorney with the Public Integrity Section of the Criminal Division of the United States Department of Justice, has been prosecuting the defendant in the United States District Court for the District of Alaska in the case of United States v. Weyhrauch, Case No. 3:07-cr-00056-JWS-JDR. The United States and defendant Weyhrauch agree that, if this Court accepts the defendant's plea of guilty, and the defendant fulfills each of the terms and conditions of this Plea Agreement, the United States will file a motion to dismiss with prejudice the indictment currently pending against the defendant in United States District Court for the District of Alaska in Case No. 3:07-cr-00056-JWS-JDR, and will not further prosecute the defendant for crimes arising from the facts set forth in the Factual Basis for Plea or in the Information, or as alleged in the indictment in Case No. 3:07-cr-00056-JWS-JDR.

No promises, agreements, or conditions have been entered into other than those expressly set forth or referred to in this Plea Agreement, and none shall be entered into or are binding upon the parties unless expressly set forth in writing, signed by all parties, and physically attached to this Plea Agreement. The parties agree that this Plea Agreement and the attached Factual Basis can be completed in counterparts, and a scanned copy shall be proof of their execution of this Plea Agreement and the attached Factual Basis. This Plea Agreement supersedes any prior promises, agreements, or conditions between the parties.

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DATED: March 11, 2011

FOR THE STATE OF ALASKA

David Brower
for KEVIN O. DRISCOLL
Special Counsel
Trial Attorney
U.S. Department of Justice, Criminal Division
Public Integrity Section

JOHN J. BURNS
ATTORNEY GENERAL

David Brower
DAVID BROWER
District Attorney and
Local Associated Counsel
ABA No. 9111072

FOR THE DEFENDANT

Blykohn
BRUCE B. WEYHRAUCH
Defendant

Paul J. Pope
DOUGLAS POPE
ABA No. 7311064

Paul J. Brown
RAY BROWN
ABA No. 8206012

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2 IN THE DISTRICT COURT FOR THE STATE OF ALASKA
3 FIRST JUDICIAL DISTRICT AT JUNEAU

4 STATE OF ALASKA,)
5 Plaintiff,)
6 v.)
7 BRUCE B. WEYHRAUCH,)
8 DOB: 2/14/1953)
9 AK OL: 1010316)
10 APSIN: 1010316)
11 ATN: 112-806-342)
12 DOV: 2003-2007)
13 Defendant.)

Case No.: IJU-11-291CR

FACTUAL BASIS FOR PLEA

14 The State of Alaska, by and through the undersigned attorneys, and Bruce B.
15 Weyhrauch (hereinafter "Weyhrauch"), personally and through his undersigned counsel,
16 Douglas Pope and Ray Brown, hereby stipulate and agree to the following facts to
17 support Weyhrauch's pleas to knowingly participating in, aiding, or abetting a lobbyist
18 engaging in activity as a lobbyist without being registered, all of which is a violation of
19 AS 24.45.151(b).

20 1. Weyhrauch was, from 2003 to 2007, an elected member of the Alaska
21 State House of Representatives. Weyhrauch represented District 4, located in Juneau,
22 Alaska. At all times relevant to this Factual Basis, Weyhrauch was an attorney licensed
23 in the State of Alaska and actively practicing law in Juneau.

24 2. VECO Corporation (hereinafter "VECO") was a corporation that provided
25 services (including project management, engineering, procurement, construction,
26 operations and maintenance) to the energy, resource, and process industries throughout
Alaska and elsewhere.

3. Bill J. Allen (hereinafter "Allen") was the Chief Executive Officer and
principal owner of VECO.

4. Richard L. Smith (hereinafter "Smith") was the Vice President of
Community and Government Affairs for VECO.

1
2 5. In 2002, Allen and Smith were investigated by the Alaska Public Offices
3 Commission (hereinafter "APOC") for lobbying without registering as lobbyists. Under
4 the law, if a person is required to register as a lobbyist, then reporting requirements and
5 restrictions on certain expenditures and contributions follow. At the time, APOC
6 considered a person as being a "lobbyist" if he or she spent more than 4 hours per
7 month lobbying public officials. In 2003, the legislature loosened the definition of
8 lobbyist to mean "a person who (A) engages in the business, occupation, or profession
9 of influencing legislative or administrative action; or (B) receives wages or other
10 economic consideration, including reimbursement of air travel and living expenses, to
11 communicate directly with any public official (i) for the express purpose of influencing
12 legislative or administrative action; and (ii) during more than 40 hours in any 30-day
13 period in one calendar year." 2003 SLA Chap. 115. Press reports at the time referred to
14 this legislation as being designed to relieve Bill Allen of registering as a lobbyist.

15 6. Beginning in late 2005, the State of Alaska was involved in negotiations
16 with representatives of three oil companies concerning the construction of a natural gas
17 pipeline from Alaska's North Slope. The construction of the gas pipeline was important
18 to VECO. On or about February 21, 2006, the Governor of Alaska announced that the
19 state had reached an agreement with the primary oil producers regarding the
20 constructions of the gas pipeline, which included a provision that addressed a change in
21 the manner in which the State of Alaska taxed oil production. The agreement provided
22 that the Alaska State Legislature had to approve the change in oil taxation or the
23 agreement concerning the construction of the gas pipeline would not take effect.

24 7. VECO supported the negotiations and the agreement to build the gas
25 pipeline, including the provision changing the manner in which the State of Alaska
26 taxed oil production. In January of 2006, Allen and Smith traveled to Juneau and began
staying in a suite at the Baranof Hotel rented by VECO so they could lobby various
legislators and other public officials regarding the gas pipeline agreement and propose
oil taxation changes. Allen and Smith met in state government offices, bars, and
restaurants with various legislators and other public officials to discuss the propose oil

1
2 tax legislation and the proposed gas pipeline agreement. Allen and Smith also met with
3 numerous legislators and other public officials on numerous occasions in the Baranof
4 Hotel suite. (Weyhrauch, however, never met with Allen and Smith in the Baranof
5 Hotel suite.) Allen and Smith spoke with various legislators and other public officials
6 on numerous occasions where the proposed oil tax legislation and the proposed gas
7 pipeline agreement were discussed. The presence of Allen and Smith in Juneau during
8 January through May of 2006 lobbying for the gas pipeline agreement and proposed oil
9 taxation changes was ubiquitous. Allen and Smith met the looser criteria of being a
10 "lobbyist" adopted by the legislature in 2003. Yet, neither Allen nor Smith registered as
11 a lobbyist in 2006.

12 8. In early May of 2006 the proposed changes in the oil taxation were still
13 pending. On May 4, 2006, Weyhrauch authored a letter to "Bill J. Allen, c/o VECO,"
14 and had it delivered to Allen at the Baranof Hotel. The letter, in compliance with
15 requirements set out in Alaska Bar Association rules, including a heading that it
16 contained "Advertising Materials." The text of the letter stated that Weyhrauch
17 "admired the role that VECO has played in our State's resource and economic
18 development," informed Allen and VECO that Weyhrauch had "practiced law and
19 government relations since 1986," and stated that he was writing "to have a further
20 conversation with you about my law office representing VECO." The letter then related
21 some of Weyhrauch's experience as a lawyer, referenced Weyhrauch's duties as a
22 legislator should not interfere with any professional assistance to VECO, and noted that
23 his resume was enclosed.

24 9. On May 5, 2006, Weyhrauch participated in a telephone conversation with
25 Allen where the oil tax legislation was discussed.

26 10. On May 8, 2006, Weyhrauch participated in a telephone conversation with
Smith where the oil tax legislation was discussed. Later that same day, Weyhrauch
participated in a telephone conversation with Allen where the oil tax legislation and the
gas pipeline agreement were discussed.

1
2 11. The regular legislative session ended on May 9, 2006, without the
3 legislature approving the proposed changes in oil taxation, and the governor called a
4 special session.

5 12. On May 16, 2006, Allen sent an e-mail to multiple members of the Alaska
6 State Legislature, including Weyhrauch, in which Allen asked each member to vote for
7 VECO's preferred version of the pending oil tax legislation.

8 13. On May 19, 2006, Weyhrauch replied to Allen's May 16 email, but did
9 not reply to the other recipients, and stated that he would be arriving in Anchorage on
10 May 24 and "would like to meet with you at 4pm to discuss a mutually beneficial
11 relationship."

12 14. On May 24, 2006, Weyhrauch met with Allen and Smith for two hours,
13 during which there was a discussion of VECO's preferred version of the pending oil tax
14 legislation.

15 15. At the time of the meeting with Allen and Smith in Anchorage, Allen and
16 Smith were not registered as lobbyists, and Weyhrauch did not believe that Allen and
17 Smith were registered as lobbyists.

18 16. At the time of the meeting with Allen and Smith in Anchorage,
19 Weyhrauch was aware of a substantial probability that Allen and Smith met the
20 statutory criteria for registering as lobbyists.

21 17. Weyhrauch knowingly participated in Allen and Smith lobbying him on
22 VECO's preferred version of the pending oil tax legislation notwithstanding his
23 awareness of a substantial probability that Allen and Smith met the statutory criteria for
24 registering as lobbyists
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DATED: March 11, 2011

FOR THE STATE OF ALASKA

David Brower

for

KEVIN O. DRISCOLL

Special Counsel

Trial Attorney

U.S. Department of Justice, Criminal Division

Public Integrity Section

JOHN J. BURNS

ATTORNEY GENERAL

David Brower

DAVID BROWER

District Attorney and

Local Associated Counsel

ABA No. 9111072

FOR THE DEFENDANT

Blleghwa

BRUCE B. WEYHRAUCH

Defendant

Paul F. Pope

DOUGLAS POPE

ABA No. 7311064

Paul F. Brown

RAY BROWN

ABA No. 8206012

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IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

IN THE MATTER)
OF KEVIN O. DRISCOLL,)
AS SPECIAL COUNSEL)
FOR THE STATE OF ALASKA)
)
)
)
)

Case No.: 1JU-11-2⁹/CR

ORDER TO APPEAR PRO HAC VICE

Pursuant to Kevin O. Driscoll's motion to appear pro hac vice as Special Counsel for the State of Alaska, and there being no opposition thereto, it is so ordered.

DATED at Juneau, Alaska, this _____ day of March, 2011.

By: _____
Presiding Judge

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