



MUNICIPALITY OF ANCHORAGE
Board of Ethics

Date: October 6, 2024

To: Municipal Attorney Eva Gardner¹

From: Municipal Board of Ethics

Re: Expedited Response to Request for Advisory Opinion 2024-04

Dear Municipal Attorney Gardner:

On September 25, 2024, you asked the Board of Ethics (the “Board”) for an advisory opinion on the interpretation of the code of ethics dealing with restrictions on employment after leaving municipal service (AMC 1.15.130A). Specifically, you asked whether those restrictions prohibit the former Housing and Homelessness Policy Manager in the Anchorage Health Department, **A.J.**, from working for Henning, Inc. within one year after her departure from municipal employment. In your request, you noted that there is an intent to award this year’s non-congregant shelter contract to Henning, Inc., and the matter is likely to come before the assembly on October 8, 2024. Therefore, you asked the board to consider your request on an expedited basis and issue a preliminary decision before October 8, 2024, with a full decision to follow later, as is sometimes the custom of courts when operating on an expedited schedule.

The board held a public meeting on October 3, 2024, in which it received information from the following witnesses:

- (1) **A.J.**, current Director of Strategy for Henning, Inc., and former Housing and Homelessness Policy Manager in the Anchorage Health Department
- (2) Kimberly Rash, Acting Director, Anchorage Health Department
- (3) Farina Brown, Special Assistant for Homelessness and Health
- (4) Eva Gardner, Municipal Attorney
- (5) Joe Busa, Deputy Municipal Attorney

After considering the information presented, the board believes this year’s non-congregant shelter contract is a new “matter,” as that term is used in AMC 1.15.130A. Acting Health Department Director Kimberly Rash informed the board that **A.J.** did not participate personally or substantially in this year’s non-congregant shelter contract as a municipal employee because **A.J.** was no longer employed by the municipality when the matter came up for action. Thus, **A.J.** complied with AMC 1.15.130A and she is not prohibited from representing, advising, or assisting Henning, Inc. on this year’s non-congregant housing contract.

¹ The municipal attorney may request an advisory opinion pursuant to AMC 1.15.150B. Municipal Attorney Gardner waived confidentiality regarding this request.

As you requested, this letter serves as a preliminary notice of the board's decision. A full response with a more detailed analysis will be issued later. The board thanks you for raising this issue and asking for an opinion and thanks all the witnesses who appeared before the board on short notice.

Respectfully submitted,



Daniel Bellerive, Chair
Forrest Nabors
Patrick Teagarden

Copy to: A.J.