



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law
OFFICE OF THE ATTORNEY GENERAL

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August 8, 2019

Via Email and U.S. Mail

Representative Zack Fields
State House of Representatives
1500 W. Benson Blvd.
Anchorage, AK 99503
Email:
Representative.Zack.Fields@akleg.gov

Representative Jonathan Kreiss-Tomkins
State House of Representatives
201 Katlian Street, Suite 103
Sitka, AK 99835
Email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov

Re: Information and Records Request, Dated August 5, 2019

Dear Representatives Fields and Kreiss-Tomkins:

Your August 5, 2019, letter to Governor Dunleavy was brought to my attention for response. First, as legislators you should understand that the State has no legal obligation to maintain duplicates of any record. Therefore, your suggestion that “records” might have been wrongfully destroyed simply if duplicates were disposed of is both misguided and misinformed. Your letter contains other inaccuracies as well. For example, you wrongly imply that any destruction of a public record violates the Alaska Public Records Act. Such a violation occurs only if a record is responsive to a pending request.

Second, your vague reference to baseless statements to the effect that I had some involvement in destroying or concealing information or records, or conspiring with others to do so, is outrageous. These types of reckless accusations, made without the slightest basis in fact, are below the dignity of the offices that you each hold.

Conversations involving the Governor and his staff, including the Chief of Staff, and me are privileged. However, I will inform you that the truth, which you could have learned through a simple non-accusatory inquiry, is that when this matter was first brought to my attention in April 2019, I personally took immediate steps to confirm that (1) the original records that Deputy Chief of Staff Amy Demboski compiled regarding Commissioner Price still existed and were being properly maintained; (2) no unique

records were destroyed (again the law does not require duplicates to be maintained), and (3) no one in the Governor's office instructed anyone to destroy any unique records.

The records compiled by Ms. Demboski remain in the possession of the Office of the Governor. Chief Assistant Attorney General Alan Birnbaum possesses a duplicate of the records and will respond to your letter to the extent that you seek them.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Clarkson", with a stylized flourish at the end.

Kevin G. Clarkson
Attorney General