

ALASKA STATE LEGISLATURE



House of Representatives

August 5, 2019

Governor Mike Dunleavy
Office of the Governor
P.O. Box 110001
Juneau, AK 99811

Dear Governor Dunleavy,

Recent media reports state that Tuckerman Babcock, acting as your Chief of Staff, suppressed and destroyed copies of a report that former Deputy Chief of Staff Amy Demboski compiled on Public Safety Commissioner Amanda Price. We would appreciate your response to the following questions:

1. When and why did Ms. Demboski prepare a report on Ms. Price?
2. Did Mr. Babcock, Ms. Demboski, or any other member of your staff destroy some or all copies of the reports on Ms. Price? Did Mr. Babcock direct destruction of those reports?
3. Do any copies, digital or hard copy, of the report on Ms. Price still exist?
4. When Mr. Babcock, Attorney General Kevin Clarkson, and Ms. Demboski discussed destruction of the report in a meeting with you, did you provide any direction regarding compliance with the Alaska Public Records Act or destruction of the report?
5. Given the reported collaboration between Mr. Babcock and Mr. Clarkson to conceal this report, do you intend to appoint a special counsel to examine this issue without bias?

Consistent with the Alaska Public Records Act, we also request that you share a copy of the report. As you know, the deliberative process privilege cannot be applied without appropriate balancing tests, nor can it be used as an excuse to destroy documents. Destruction of documents – including ones that would be partially or wholly redacted – is a clear violation of the Public

Records Act and includes potential felony criminal penalties. Specifically, AS 11.56.815 prescribes first degree felony penalties for anyone who destroys records, or "suppresses, conceals, or otherwise impairs availability of a public record" related to an investigation that is the subject of a Public Records Act inquiry. Furthermore, penalizing employees for suppressing matters of discussion under the Public Records Act is clearly illegal under Alaska law.

Thank you for your prompt response,

A handwritten signature in black ink, consisting of a stylized 'Z' followed by a horizontal line.

Representative Zack Fields

A handwritten signature in black ink, consisting of a stylized 'JK' followed by a horizontal line.

Representative Jonathan Kreiss-Tomkins