



THE STATE
of **ALASKA**
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August 28, 2026

VIA EMAIL ONLY: [REDACTED]

Clayton Trotter
Commissioner
Local Boundary Commission
550 W. 7th Avenue, Suite 1640
Anchorage, AK 99501

Re: *Advisory Opinion Concerning Request for Reconsideration*

Dear Commissioner Trotter:

On July 30, 2026, you submitted a request that the Department of Law reconsider, revoke, or modify the June 25, 2026 advisory opinion addressing whether you and Chair Wood may participate in (1) the proposed repeal of 3 AAC 110.270(e), and (2) Eaglexit's anticipated detachment petition. You ask that we withdraw the conclusion barring your participation in the regulation-repeal matter, defer any determination concerning the petition until it is formally filed, supply internal chronology and prior advice, permit a different decisionmaker to handle determinations under AS 39.52.220, and evaluate whether any conflict is minor and inconsequential under Article X, Section 2(b) of the LBC Bylaws.

We have carefully reviewed your submission, including your contentions regarding process, the underlying factual record, and the applicable law. For the reasons explained below, the June 25 advisory opinion remains correct, is fully supported by the Ethics Act and LBC Bylaws, and will not be withdrawn or modified. The opinion continues to govern your designated supervisor's determinations under AS 39.52.220 and the Commission's obligations under AS 39.52.240(c) and 9 AAC 52.120.

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BACKGROUND ON ADVICE PROCESS

Under AS 39.52.240(a), a designated supervisor, board, or commission may submit a request for an advisory opinion from the Attorney General. In this matter, the advisory opinion was properly requested by the Chair acting in the capacity assigned by AS 39.52.960(8) and Article X of the Local Boundary Commission (LBC) Bylaws.

Mr. Wood is the designated ethics supervisor for the LBC. As the designated ethics supervisor, he has a duty to make determinations on whether members of the commission have a conflict preventing their participation on a matter before the commission. And, as a designated ethics supervisor, he may ask our office for an advisory opinion on how to interpret the ethics act as it pertains to specific matters.

Mr. Wood is also able to ask for advice as to his own participation, since he may not make his own ethics determinations. The request for an advisory opinion also came to our office because the LBC voted to request an opinion on January 26, 2026.¹

Your reconsideration request expresses concern that the process lacked an interview or that factual assumptions were adopted without consultation. While we acknowledge that the initial response was delayed due to staffing limitations, the Ethics Act does not require an interview of the subject before issuing an advisory opinion. Alaska Statute 39.52.240(a) requires issuance within 60 days of a complete request, and completeness is determined by the Attorney General based on the supervisory request and required disclosures—not by the subject of the inquiry.

In reaching the conclusions stated in the advisory opinion, we did not rely on statements from Chair Wood regarding your involvement in Eaglelexit. We reviewed a written disclosure you submitted on October 31, 2023, to LBC staff that stated the following:

I am writing to respond to your recent request for a declaration about my involvement and eligibility concerning a matter that has not yet come before the Local Boundary Commission, which has to do with the detachment of Eagle River, Chugiak, and Eklutna and other areas from the Municipality of Anchorage. After consideration of this matter, I do not feel that I have any significant conflicts of interest which would warrant recusal from consideration of the matter.

Residency and Financial Interests: I live and own a home in the area that is potentially, but not yet, under consideration for detachment, and I affirm that I possess no other business, financial, or investment interests within the said area.

¹ AS 39.52.240(a); LBC Bylaws, Article X, Sec. 2(c).

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Involvement with Neighbors and Non-Profit Organizations: Before my appointment to the Local Boundary Commission, I engaged in informal discussions with some of my friends and neighbors concerning the detachment. However, at that time, no “Eagle Exit committee” or corporation had yet been formed. I suggested they contact the Justice Foundation, a non-profit public interest legal organization (for which I am a non-paid General Counsel and Board Member), for assistance with fundraising and incorporation. The Justice Foundation assisted them until they were incorporated and have not done anything for them since incorporation. I receive no salary or other forms of compensation for my services to the Justice Foundation, and the Justice Foundation did not receive compensation for their assistance. I assert that this assistance to my friends and neighbors does not present a significant or substantial conflict of interest.

Board Memberships and Conflict of Interest: I do not hold positions on any other boards in either Eagle River or Anchorage that have taken a position on the detachment or have a financial interest in the detachment. Consequently, there is no conflict of interest in this regard.

Public Expression of Opinion: Before my appointment to the Local Boundary Commission, I publicly voiced an opinion on the detachment at a meeting open to the public in 2019, held at the Lion’s Club. Additionally, I provided some clerical support related to the incorporation process for my neighbors. I attended some other preliminary informational meetings. Such attendance is of insignificant consequence and again I received no compensation or financial benefit.

Compensation and Income: I have not received any compensation for my voluntary, pro bono assistance, and my sole source of income is derived from my role as a professor at the University of Alaska. Part of my responsibilities as a professor includes providing public service to the community, which is an expected component of my job. I have received no compensation regarding the matter from my friends or neighbors, the now-incorporated Eagalexit, The Justice Foundation, or the Local Boundary Commission. Therefore, my personal or financial interests are not tied to the outcome of the detachment issue, and I will not gain financially from either detachment or non-detachment. Service to the community as a professor does not create a conflict.

Eligibility of Members and Conflict Resolution: Both Larry Wood and I share residency in Eagle River, and I request that our potential exclusion under the bylaws of the Commission from participation be discussed and determined by the other members of the Commission. Let those who reside outside our Judicial District make that determination, before addressing the detachment issue. I request

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that a majority decision of unaffected members of the Commission should determine our eligibility. Any involvement we may have as residents under the bylaws of the Commission or in providing public service to the community without compensation under the Ethics Act should not be grounds for disqualification.

Ethical Standards and Conflict of Interest: The provisions of the Alaska Ethics Act are pertinent to this matter. This Act recognizes that individuals serving as public officers may retain personal or financial interests and that standards of ethical conduct should differentiate between minor and inconsequential conflicts and substantial conflicts of interest. As the Act suggests, an officer's personal or financial interest in a matter is not substantial if it is insignificant or shared by a large class of persons to which the public officer belongs and if their action or influence would have an insignificant or conjectural effect on the matter at hand. Generally, in business, no significant financial interest means no conflict of interest.

In conclusion, I hereby formally request that the issue of disqualification for both Larry Wood and me be included on the agenda of the Boundary Commission for consideration **before** addressing the detachment. I firmly believe that my actions and interests do not preclude me from being an objective, fair, and impartial participant in the deliberation of this matter. Please do not hesitate to contact me should you require any further information or clarification. I appreciate your attention to this matter and your commitment to ensuring a fair and transparent decision-making process.

Your disclosure referenced public speaking from 2019 at the Lion's club. We reviewed a recording of those statements and transcribed them as follows:

"I'm the general counsel of the Justice Foundation. It's a public interest law firm. It's based in San Antonio, Texas; Anchorage, Alaska; and Washington D.C. That's where we have offices.

My office is in my faculty office in the University of Alaska, Anchorage. I'm a volunteer general counsel with the Justice Foundation. Every once in awhile they'll pay me a couple hundred bucks if I do stay up late at night working on a brief for them or something for them to file. But, other than that, my income comes from teaching here at the University of Alaska, Anchorage. Which has been interesting to say the least in the last few months.

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But, at any rate, I live here in this community, I have children in Eagle River and Chugiak, if I don't mispronounce it, my kids get on me all the time about that. I have four children here, my wife and I live here, I have a daughter about to graduate from high school here. So, I'm part of this community.

When these guys started talking about this, I said, 'look, you know, the Justice Foundation is a foundation that is dedicated to bringing lawsuits, if necessary, involving private property rights, free enterprise, limited government, parental rights, and life issues.' And I said, 'you know, if you guys want to funnel donations to yourselves through the Justice Foundation, you can make a donation to the justice foundation, put it in a separate fund, and that fund, for the entirety of that fund, is then transferred back here to Eaglelexit. We don't take a percentage, and we don't take a dime off the top. We don't send it anywhere outside of Alaska. It's just a way that you can get a tax deduction for a donation to an entity that didn't exist.' And so that's why we did that.

And something like a third of the money, is that right? The treasurer would know. About a third of the money is donated to the Justice Foundation. But it's just turned around and sent right back here. It doesn't—it only goes out of state long enough to get the—whatever the being a 501(c)(3) with tax exempt status gives that money. And it's sent right back here so it can be used. So that's it.

And, in fact, I would--sadly, I was on the board for a little while, but I've just been so tired on Tuesday and Thursday nights that I just said 'guys, I can't stay on the board anymore but I'm still here to help.' And I'm still here to help. I don't know that I would want to represent Eaglelexit in court, but I've been around lawyers since about 1976. And I have taken cases to the Supreme Court of the United States. I have some experience, that's why they hired me to teach business law in the University.

So, this is kind of my area of expertise but I'm a volunteer just like everybody else here. Okay? I'm not looking for a job, I've got one. I'm looking to see our community—we moved out here about five years ago, this is one of the most beautiful communities in the world. It is just gorgeous, a wonderful place to live. It's got wonderful people out here. And I just don't like sending money every year into Anchorage. I won't use the phrase my daddy would've used tonight...So."

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Additionally, there was an Anchorage Daily News article that described the speech² and the Justice Foundation's connection to Eaglelexit, but our focus was on your written disclosure and the recording of the speech itself.

Upon further review, we also found a separate interview with Jim Minnery in November 2019, where you repeatedly used "we" and "us" statements when referring to Eaglelexit. You stated:

"The reason we named it Eagle Exit is like Brexit, which is Britain believing the EC is there was an enormously obtrusive bureaucracy in Brussels . . . We're not mad at anybody. We just want a little bit more liberty. And that's what Eagle Exit is all about . . .

We have we have a poll. You go to eagleexit.com and there's a place where you can, particularly if you live in this area, you can express yourself in our poll and say, give us your email address and where you are located when we're polling the residents. But so far, we've gotten, I think almost 1,500. I may be wrong about this. I don't actually do the polling. 1,500 residents and we're running 80 percent, roughly, 80-85 percent of people who come in and take the poll want to see Eagle River exit. That's just what they want to see because it just makes more sense . . . there'd be greater local representation on a, on a city council or actually municipal authority. That's because we want it to be a municipality just like Anchorage. . .

It'd be good for families in the Eagle River to have more local control of government, period . . . go to Eagleexit.com . . it's 'Eaglelexit,' one word . . . check out the website, you know, do the survey, of course donate. Obviously, just like any small, it's a charitable organization, everybody's a volunteer. We have no salaried employees. It's a grassroots movement out here in Eagle River."

We received the request for an advisory opinion on January 29, 2026, and issued the opinion May 1, 2026. At the time of the request, our understanding was that the LBC had already been advised on both matters by the prior State Ethics Attorney and that the new request called for a thorough review of that advice.

² Chugiak-Eagle River secession movement gains support - Anchorage Daily News (<https://www.adn.com/alaska-news/anchorage/2019/05/08/chugiak-eagle-river-secession-movement-gains-support/>).

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The May 1 opinion was addressed to you and to Chair Wood.³ Chair Wood requested reconsideration based on new information. Following that review, we revoked the May 1 opinion and issued a new opinion on June 25. Both opinions went to you and the Chair — you were a member of the LBC when it voted to request the advisory opinion, and the Chair is the designated ethics supervisor. We have since learned that you were not in attendance for the January vote and that there had been no communication between you and the Chair regarding our advice prior to the last LBC meeting.⁴

ANALYSIS

A. Whether proper process was followed in furnishing the June Advisory Opinion.

The opinion issued well before either you or the Chair took official action. The timing does not affect its conclusions, and nothing about it warranted disregarding them. The Ethics Act expressly permits the designated ethics supervisor—for you, the Chair—to request an advisory opinion from the attorney general.⁵

An advisory opinion does not require an oral interview, and it is not uncommon for advice under the Ethics Act to be provided to a public officer's designated ethics supervisor concerning that officer. Your written and recorded statements gave us a sufficient factual record, and we made an independent determination on that record.

B. Factual information concerning your personal interest in Eaglexit.

We relied on your 2023 disclosure and prior recorded statements to support the factual information in the Advisory Opinion. Your written disclosure asserted that your pre-appointment involvement with Eaglexit was minor, temporary, and not indicative of a continuing personal interest. However, your own public statements reflect a level of involvement and identification with Eaglexit greater than what your reconsideration request appears to acknowledge.

³ The May 1 opinion has been revoked but a copy has been provided to you. It was confidentially addressed to both yourself and Chair Wood so you would both have to agree to waive its confidentiality if you wished to publish it.

⁴ This was based on review of the audio of the recent LBC meeting held on July 14, 2026.

⁵ See AS 39.52.240(a).

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In your 2019 speech, you stated that you were “the general counsel of the Justice Foundation,” explained that donations were routed through the Justice Foundation at your direction for the benefit of early Eaglexit, confirmed that the Justice Foundation provided organizational assistance, and described yourself as “still here to help.” You also appear to reference having served on Eaglexit’s board for some time,⁶ and that you encouraged early organizational development.

Separately, in your 2019 interview, you repeatedly used “we” and “us” to describe Eaglexit activities, stated that Eaglexit’s polling showed strong support for detachment, encouraged residents to “go to eagleexit.com,” to complete a survey, and to donate, and described Eaglexit as “a grassroots movement” in the Eagle River community.

These statements are not incidental civic observations. They demonstrate direct affiliation, advocacy, and organizational support of a single-purpose entity whose explicit goal is to submit and advance a detachment petition that will come before the Local Boundary Commission. Under AS 39.52.960(18), “personal interest” includes involvement in any organization from which, *or as a result of which*, a person or organization receives a benefit. And under Article X, Section 2(a)(3) of the LBC Bylaws, any personal or financial interest in an organization advocating on the matter before the Commission prohibits participation unless waived as minor and inconsequential.

Here, that standard is not met. The nature of Eaglexit as a single-issue advocacy group means your early organizational assistance bears a lasting connection to the organization’s sole objective—obtaining Commission approval of detachment. Your statements express identification with the organization and its goal. Potentially, even after your more formal assistance to Eaglexit,⁷ your recorded remarks indicate continuing personal investment in the detachment effort.

Lastly, you also have an interest in the detachment itself, as explained in our section on your financial interest via homeownership. Should the detachment occur, there will be an effect on your financial interests through such things as property taxes. This financial interest in the outcome of a detachment is relevant for identifying whether you would be taking official action to benefit a personal interest should you take official action concerning Eaglexit matters.

⁶ We twice emailed you requesting clarification on whether you served on Eaglexit’s board. To date, you have not responded.

⁷ Including, potentially, service on Eaglexit’s board or some other entity’s board that assisted Eaglexit.

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C. Property-Based Conflict and Territory-Specific Proposals

The June advisory opinion correctly distinguishes between statewide rulemaking and territory-specific proposals. Article X, Section 2(a)(2) does not apply to general regulations such as 3 AAC 110.270(e). That is why the June opinion permits Chair Wood to participate in the regulation-repeal matter.

However, the property-based prohibition will apply to you and Chair Wood once Eaglexit files a formal detachment petition. Both of you own and reside on property within the affected territory. Detachment will foreseeably affect taxation, municipal services, governance structure, valuation, and cost of living. The conflict is substantial, direct, and unavoidable.

Article X, Section 2(a)(2) provides no discretion where a petition affects territory in which the commissioner resides or owns property. None of the waiver examples under Section 2(b)—such as remote property or insignificance relative to territory size—apply. The June advisory opinion correctly concluded that both you and Chair Wood must be recused when a petition is filed.

D. Ethics Advisory Opinions Govern Commission Determinations

You are correct that AS 39.52.220(a) establishes the procedure for board and commission members to disclose potential conflicts and for the body to vote on participation. That provision, however, is not the only authority governing conflict determinations. Alaska Statute 39.52.220(b) expressly authorizes the designated ethics supervisor to request an advisory opinion under AS 39.52.240, and AS 39.52.240(c) requires the designated supervisor to make a determination “based on the advice of the attorney general.” The statute goes further and directs that the supervisor must take the steps necessary to “avoid or correct” any problem identified in that advice. Once the Attorney General advises that specific participation would violate the Ethics Act, or in this case the LBC’s own bylaws, the supervisor is obligated to apply that advice in the determination.

9 AAC 52.120 reinforces this mandate. That regulation establishes a safe harbor for public officers only when they act in accordance with a determination under AS 39.52.220 and only when the Attorney General has not advised that such action would violate the Ethics Act. The protection therefore disappears the moment the Attorney General concludes that participation in a particular matter would constitute an ethics violation. When taken together with AS 39.52.330, which requires a public officer to comply with any corrective or preventive action ordered by the Attorney General, the structure of the Ethics Act is clear: once the Attorney General identifies conduct that would violate the Act, the designated supervisor and the Commission do not have

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discretion to authorize that participation. A determination that contradicts the Attorney General’s advice would not provide a safe harbor, would not be legally effective under AS 39.52.240(c) and 9 AAC 52.120(b),⁸ and would expose the Commission’s actions to the voidability provisions in AS 39.52.430.

In short, AS 39.52.220(a) gives the Commission a role in applying the Ethics Act, but that role operates within the bounds of AS 39.52.240, 9 AAC 52.120, and AS 39.52.330. When the Attorney General has already advised that particular participation would violate the Ethics Act, neither the designated supervisor nor the Commission may override that conclusion. The determination required under AS 39.52.240(c) must adopt the Attorney General’s advice and implement the steps necessary to avoid or correct the violation identified.

E. Whether advice must wait for the formal petition to be filed.

While Eaglexit has not yet filed a petition, a draft has been reviewed by LBC staff, and multiple publicly available draft documents exist on Eaglexit’s website.⁹ You have publicly acknowledged since 2019 that Eaglexit intended to submit such a petition to the LBC. Your 2023 disclosure likewise discusses anticipated detachment.

The regulation repeal is already pending before the LBC, a matter which Eaglexit views as a prerequisite to filing its petition. It is already known that Eaglexit is pursuing this regulatory change in order to file a detachment petition. The organization exists for the purpose of a successful detachment. Ethics advice on both matters is timely and necessary. Waiting for a formal detachment filing would risk the Commission taking official action before addressing conflicts that are already known, particularly in light of your prior disclosures and public statements.

F. The scope and role of the LBC Bylaws

Your letter argues that the Bylaws must be interpreted according to their text unless amended, and this interpretation must be narrow, allowing for a waiver. You also contend that the Bylaws “[i]f residence or homeownership automatically excludes knowledgeable regional commissioners from all related policy and adjudicatory work, a substantial share of Alaskans—and in some matters nearly everyone with a settled connection to the affected region—could be effectively excluded from meaningful representation on the Commission.”

⁸ It should be noted here that Article X, Sec. 1, of the LBC Bylaws, states that commission members must abide by the Ethics Act’s regulations.

⁹ <https://www.eaglexitaction.org/petition>; Documents | Eaglexit.

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First, the Bylaws identify themselves as providing restrictions in addition to the Ethics Act.¹⁰ This is consistent with AS 39.52.920, which allows for an agency to adopt a written policy that is in addition to the requirements of the Ethics Act, and the definition of “agency” under AS 39.52.960(2) includes “boards or commissions,” as well as the Commission’s own, independent rulemaking authority. Thus, however narrowly interpreted, the Bylaws provide an additional layer of restrictions beyond the baseline requirements of the Ethics Act.

Second, residence and homeownership do not automatically exclude knowledgeable regional commissioners from “all” related policy or adjudicatory work. We were asked to assess the regulation repeal and the detachment petition. Not all actions are detachments, and not all actions will stem from advocacy organizations in which a commissioner has a personal interest.

CONCLUSION

For the reasons above, the June 25, 2026, advisory opinion remains accurate and will not be amended, revoked, or modified. Under AS 39.52.240(c), your designated supervisor must issue a determination adopting the advisory opinion’s conclusions, and neither the supervisor nor the Commission may authorize participation contrary to that advice. Actions taken contrary to the advisory opinion risk corrective action, formal ethics proceedings, and the voidability of Commission decisions under AS 39.52.430. This letter constitutes the Department’s final response. The June advisory opinion remains in effect.

This document is confidential, and that confidentiality belongs to Commissioner Trotter. A copy of this letter is also being distributed to Chair Wood as your designated ethics supervisor.

Sincerely,

CORI MILLS
ACTING ATTORNEY GENERAL

By: /s/ Matthew P. Stinson
Matthew P. Stinson
Assistant Attorney General

MPS/ajh

cc: Chair Larry Wood

¹⁰ Article X, Sec. 2.