

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

BARBARA HANEY,)
)
 Appellant,)
)
 vs.)
)
 FAIRBANKS NORTH STAR)
 BOROUGH ASSEMBLY,)
)
 Appellee.)
 _____)

FILED in the Trial Courts
State of Alaska Fourth District

SEP 24 2024

By _____ Deputy

SUPERIOR COURT No. 4FA-24-02017 CI

APPELLANT'S MOTION TO SUPPLEMENT THE STATEMENT OF POINTS

Appellant Barbara Haney hereby motions the court to supplement her Statement of Points, which was timely filed with her Notice of Appeal on August 26, 2024. This motion is pursuant to Rule 602(c)(1)(A) of the Alaska Rules of Appellate Procedure (ARAP).


The reason for requesting supplementation of points is because the appellant's Notice of Appeal provided only a generalized Statement of Points. It is necessary for the appellant to particularize and supplement her statement of points in order to more fully develop the legal issues and to allow the court to be more fully apprised of those issues on appeal. There are multiple issues on appeal including conflicts of law in the borough code, legality of Assembly proceedings during imposition of civil penalties, and an examination of exculpatory evidence not considered during board proceedings.

It has been advised by opposing counsel for the Fairbanks North Star Borough (FNSB) Assembly that there were no electronic recordings taken by the Board of Ethics during deliberations into the investigation of Barbara Haney. The appellant has requested that all hand-written notes, including written impressions taken by Board of Ethics members during deliberations, be made available as part of the entire administrative record.

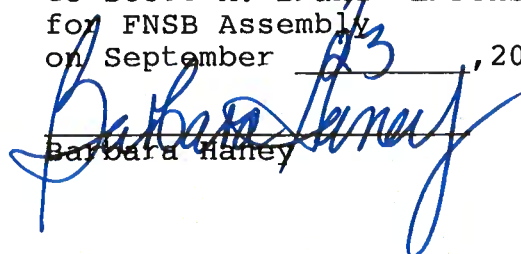
The appellant is preparing her own additional fact-finding, and a statement of the evidence from the best available means, including her own recollection of the proceedings from the Assembly. Rule 210(b)(8) of the Alaska Rules of Appellate Procedure affords this opportunity to the appellant when a complete electronic record by the agency is not available.

The appellant's supplementation of points is included with this motion.

Respectfully submitted on this 23 day of September, 2024 at Fairbanks, Alaska.


Barbara Haney, Appellant

Certificate of Service:
A copy of this document was served by US mail service/electronic email to Scott A. Brandt-Erichsen, counsel for FNSB Assembly on September 23, 2024.


Barbara Haney

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BARBARA HANEY,)
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 Appellant,)
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 vs.) SUPPLEMENTED STATEMENT OF POINTS
)
 FAIRBANKS NORTH STAR)
 BOROUGH ASSEMBLY,)
)
 Appellee.)
)
) SUPERIOR COURT No. 4FA-24-02017 CI

SUPPLEMENT TO STATEMENT OF POINTS
(602(c)(1)(A) ARAP)

1. Fairbanks North Star Borough (FNSB) Assembly Board of Ethics entered their "Findings of Fact and Conclusions of Law" on June 18, 2024. Paragraph six (6) of their entry states in part that the BOE "recommends no penalty be imposed on Assemblywoman Haney but that all current assembly members undergo additional training ...". The majority of the Assembly did not follow the recommendations of the Board of Ethics and unfairly imposed penalties against Haney, not on a legal basis, but purely on political grounds.
2. Assemblywoman Haney did not violate FNSB 6.12.010(0)(2) as entered by Assembly Presiding Officer Savannah Fletcher on July 26, 2024. This code allows Haney to express a personal opinion through a public statement which she did in a letter to the editor through the Fairbanks Newsminer

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on February 20, 2024, clearly stating this was her own opinion.

3. Presiding Officer Savannah Fletcher did not abstain from a vote to secure penalties against Mrs. Haney, when Presiding Officer Fletcher had a real conflict of interest, a violation of AS 29.20.010. Fletcher had accepted multiple campaign donations from the complainant, Kristen Schupp, including while Fletcher was a candidate for FNSB Mayor. Later, a substantially large donation to Fletcher came from Schupp and her FNSB School Board member spouse, Bobby Burgess, approximately 10 days prior to the entry date of imposed penalties signed by Fletcher. By this time Fletcher was seeking a seat in the state senate. These obvious conflicts warranted a recusal and abstained vote by Fletcher, which she declined to do, and which should have been fully disclosed by Fletcher prior to the Assembly's vote. Assemblywoman Fletcher voted to censure and impose penalties against Haney.

4. Deputy Presiding Officer, Mindy O'Neal, declared that Savannah Fletcher did not have a conflict and could therefore preside over the assembly meeting and vote against Haney. However, Mindy O'Neal herself had a conflict because she had also written multiple letters to the editor that did not include a proper disclosure statement.

Assemblywoman O'Neal voted to censure and impose penalties against Haney.

5. Assemblywoman Liz Reeves-Ramos did not abstain from a vote when it was ascertained that she had her own conflicts because she held a close personal friendship with the complainant, Kristen Schupp. Presiding Officer Fletcher nevertheless ruled that Reeves-Ramos could vote to censure and impose penalties against Haney, which she did.
6. Scott Crass, an Assemblyman, did not recuse himself or abstain during the vote to penalize Assemblywoman Haney when it was disclosed that he had a familial relationship with the complainant, Kristen Schupp. Presiding Officer Fletcher nevertheless ruled that Crass could vote to censure and impose penalties against Haney, which he did.
7. FNSB attorney Jill Dolan did not properly advise the Assembly that they had the authority to suspend borough code and follow the precise recommendations of the FNSB Board of Ethics, which was to impose no penalties against Assemblywoman Haney.
8. The violations and failure of recusals by the aforementioned assembly members affected the outcome of the Assembly vote. If the violations of procedure had not occurred and proper

recusals had been observed, the vote to censure and penalize Haney would have failed.

9. The FNSB Assembly, which served as the tribunal in this matter, did not provide Assemblywoman Haney her most basic right under the constitutional right of procedural due process, that is, her right to fairness during official government proceedings.

10. Assemblywoman Haney was the intended target of censure and penalties by crafted calculation of several members of the Assembly who themselves had violated borough code and failed to disqualify themselves for obvious conflicts. Assemblywoman Haney was denied her right to exercise free political speech without retribution and reprisal by the very assembly members who have differing political viewpoints about local government.

Submitted on this 23 day of September, 2024.


Barbara Haney

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 _____) SUPERIOR COURT No. 4FA-24-02017 CI

ORDER TO SUPPLEMENT STATEMENT OF POINTS

Based on the reasons provided, and for cause, and the court being fully apprised in the premises;

IT IS HEREBY ORDERED that the appellant's Motion to Supplement the Statement of Points is GRANTED.

DATED at Fairbanks, Alaska on this _____ day of September, 2024.

Superior Court Judge
Brent Bennett

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