August 21, 2020

Kyle Hopkins
Anchorage Daily News / ProPublica
300 West 31st Avenue
Anchorage, AK 99503
khopkins@adn.com

Re: Request for Public Records and Information Received August 17, 2020

Dear Mr. Hopkins:

On August 17, 2020, the Alaska Department of Law (Department) received your request for any record that was sent to Criminal Division attorneys that is like the August 3, 2020, email that Civil Division Director Joanne Grace sent to Civil Division assistant attorneys general. No similar record was sent to Criminal Division attorneys.

Also, you request certain information. Although requests for information—unlike requests for public records—do not fall under the Alaska Public Records Act, as a courtesy, the Department is responding to each of your requests for information.

First, you ask for “[t]he amount of PTO or paid leave that Attorney General Kevin Clarkson had available to him as of July 31, 2020, for 2020.” As of July 31, 2020, Attorney General Clarkson had 36 hours and 42 minutes of leave.

Second, you ask for “[t]he dollar amount in wages, salary and or benefits that has been paid and will be paid in public money to Attorney General Kevin Clarkson for his employment between Aug. 1 and Aug. 31. (If Clarkson is not receiving pay while on leave for the month of August, please note that in your response to this request.)” During August, Attorney General Clarkson is in leave without pay status.

Third, you ask for “[t]he dates of any month-long or longer absences that any of the three prior attorneys general took from office, requiring the delegation of their authority to an acting attorney general.” To the Department’s knowledge, none of the three attorneys general who preceded Attorney General Clarkson took leave that required a delegation of authority for a month or longer.
Under the regulations of the Alaska Public Records Act, because the Department has no records responsive to your records request, this response constitutes a denial of the request. See 2 AAC 96.335(a). You may administratively appeal by complying with 2 AAC 96.340. An administrative appeal requires no appeal bond. Also, you may seek immediate judicial review by pursuing an injunction from the superior court under AS 40.25.125. Not pursuing an injunction will not adversely affect your rights before the Department, including in administratively appealing this denial. I have been delegated the authority to deny Alaska Public Records Act requests. Enclosed are 2 AAC 96.335 – 2 AAC 96.350.

If you have any questions, please contact me at 907-269-5263 or alan.birnbaum@alaska.gov.

Sincerely,

KEVIN G. CLARKSON
ATTORNEY GENERAL

By:

Alan Birnbaum
Chief Assistant Attorney General

AJB/cem
Enclosure