



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE
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July 19, 2019

Commissioner Amanda Price
Department of Public Safety
5700 East Tudor Road
Anchorage, AK 99507

Dear Commissioner Price:

Your letter to Chair Klein of the Alcoholic Beverage Control Board (board) requires my response to correct some misstatements.

In your response to the board's first question, you assert that it is not relevant whether or not Alcohol and Marijuana Control Office (AMCO) investigators are peace officers. That statement directly contradicts Major Greenstreet's letter of November 1, 2018, which states, "Direct access to these sensitive criminal justice databases is, therefore, predicated on meeting one of two separate but related standards. The first is whether employees of a given agency truly function as peace officers." (The second is allocating over 50% of the budget to criminal justice activity.) Thus if AMCO investigators function as peace officers, they meet one of the two standards and thus qualify for access to APSIN and ARMS. The Department of Public Safety (DPS) very clearly considered AMCO investigators to be peace officers in the past; the ABC Board staff has had access to APSIN for decades. The board's question was what was the benefit to public safety of DPS changing its interpretation. In other words, why did this need to be changed now? You did not answer that question.

In your response to the board's second question, you state, "To date, I have received nothing from Director McConnell expressing discontent or delay with the support DPS offered." That is not accurate. In fact, through then-Assistant DCCED Commissioner Shawn Williams, you were made aware in mid-January 2019 of delays and problems in getting requested information. I sent information about problems we were having getting support and information from DPS to Mr. Williams. Mr. Williams informed me that he worked with you, and he told me that you personally resolved the issues we were having. Your statement that you have "received nothing from [me] expressing discontent or delay" is inaccurate and misleading.

In your surprising personal attack on me in your response to the board's fourth question, you assert that I "blatantly and repeatedly misrepresented information to [my] boards, and the public." This is a false statement which I dispute in the strongest possible terms. You do not support your accusation with any information.

Regarding other statements made in your response to the board's fourth question:

- While DPS may have *responded* to every *request* for a meeting, DPS refused to meet with the Alcoholic Beverage Control Board at the board's request.

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- DPS has offered *one* solution, not multiple recommended solutions, disregarding whether or not that *one* solution is workable for AMCO.
- You refer to my having offered DPS multiple apologies. In fact, I apologized to you once, for meeting with ABC Board member and DPS employee Rex Leath, when he offered to meet with me, after you had asked that “all correspondence on this topic” be directed to you. To exaggerate this and imply that I have had reason to apologize multiple times is inappropriate.
- You and I (and Commissioner Anderson, Major Greenstreet, and then-Assistant Commissioner Williams) met on December 27, 2018—the only time you and I have ever spoken. At that meeting, I provided you with a 2006 Attorney General’s Opinion which appeared not to have been considered by DPS, as it concluded that specially commissioned officers (such as AMCO investigators) are peace officers. In addition, I questioned you about how the Kodiak Harbormaster could be considered a peace officer using DPS’ interpretation regarding AMCO investigators. You never responded to the 2006 AG Opinion or my question about the harbormaster. These are examples of where I have provided you with “any necessary information show[ing] an error in judgement on DPS’ behalf.”
- Fundamentally, you have provided no reason for why DPS has changed its interpretation regarding AMCO’s qualifications for access to APSIN and ARMS.

DPS’ sudden change in its interpretation impairs the ability of my staff to properly and safely fulfill their statutory responsibilities. It is disappointing that my efforts to get a reasonable explanation for this change have been met with stonewalling and vitriol.

Regardless, AMCO will continue its work to protect the health, safety, and welfare of Alaskans through regulation of alcohol and marijuana as set forth in Title 4 and Chapter 17.38. At the May 3, 2019, Marijuana Control Board meeting, Chair Springer expressed his concern regarding officer safety and resources needed to conduct investigations, and stated his intention to request an Attorney General Opinion regarding the status of AMCO investigators as peace officers. Whatever the resolution of this matter, it is my hope that a professional disagreement between agencies will not further hamper AMCO’s important work.

Sincerely,



Erika McConnell

Director

CC: Julie Anderson, Commissioner, Department of Commerce, Community, and Economic Development
Bob Klein, Chair, Alcoholic Beverage Control Board
Mark Springer, Chair, Marijuana Control Board
Kathryn Monfreda, Division Director/Alaska CJIS Systems Officer, Department of Public Safety
Colonel Barry Wilson, Alaska State Troopers, Department of Public Safety
Major Andrew Greenstreet, Alaska State Troopers, Department of Public Safety