

January 16, 2017

From: The undersigned citizens of the Haines Borough

To: Clerk, Haines Borough

Subj: Citizens' complaint of alleged malfeasance

Ref: (a) Haines Borough Assembly meeting - audio recording of January 10, 2017.
(b) HBC 16.08.010, Government of borough port and harbor facilities.
(c) HBC 2.60.020, Members – Terms – Officers.
(d) AS 11.76.110, Interference With Constitutional Rights.
(e) Haines Borough Charter § 18.05, Oaths of Office.
(f) HBC 2.62.050, Suspension and forfeiture of office or employment.
(g) HBC 2.40.020, Duties of the police department.

1. On January 10, 2017, the Haines Borough Assembly convened for a normally scheduled meeting. Mayor JANICE HILL's presented her 2017 committee nominations for confirmation by the Assembly. A motion was made by Assemblywoman HEATHER LENDE to amend the list; this is evidenced within reference (a), in vicinity of time index 02:42:22. During discussion of the motion, Assemblywoman MARGARET FRIEDENAUER cited "I do believe that a member of the community that is actively raising funds and advocating to sue or to advocate potential litigation against the borough cannot serve in the best interest of the borough." It is assumed that FRIEDENAUER was alluding to the former borough manager's GoFundMe® webpage that is hosted by DIANA LAPHAM. On December 27, 2016, LENDE publicly expressed the same bias towards LAPHAM during a Personnel Committee meeting. Subsequently, under color of law, LAPHAM was improperly denied the privilege to serve on the Ports and Harbor Advisory Committee (PHAC) as permitted by references (b) and (c).

2. The Assembly's motion to appoint LAPHAM to the PHAC failed by a vote of 4-2. Assembly members: MARGARET FRIEDENAUER, TRESHAM GREGG, HEATHER LENDE, RON JACKSON voted "no", herein referred to as the majority, and MIKE CASE and TOM MORPHET voted "yes".

3. It is our opinion that the action of the majority infringed upon LAPHAM's constitutional rights granted under the Constitutions of the United States of America and the State of Alaska. We believe that this same action also violated references (d) and (e).

4. Pursuant to reference (f), we request the borough attorney investigate the facts and circumstances surrounding the alleged violation of reference (d) or any other ordinance or law pertaining to the collective wrong arising from the majority.

5. Given that reference (d) is a criminal offence (Class 'A' Misdemeanor), we ask that the Haines Borough Police Department concurrently investigate this alleged crime, as required by reference (g), and that any crime(s) unveiled be forwarded to the District Attorney of the First Judicial District of Alaska.

6. Once the borough attorney's opinion and findings of fact, or those of retained counsel, have been delivered to the manager and assembly, and if the allegation is substantiated, we suggest this case be adjudicated in a fair manner outlined within applicable law and/or ordinance to advance and protect the victim's rights.

	<u>Signature</u>	<u>Printed Name</u>
1.	<u>Don Turner Jr.</u>	<u>DON TURNER JR</u>
2.	<u>Terrance W. Pader</u>	<u>TERRANCE W. PADER</u>
3.	<u>J. Dwight Downer</u>	<u>J. Dwight Downer</u>
4.	<u>Michael G. Binkie</u>	<u>MICHAEL G. BINKIE</u>
5.	<u>Ryan Cook</u>	<u>Ryan Cook</u>
6.	<u>David Long</u>	<u>DAVID LONG</u>
7.	<u>John Floreske Jr.</u>	<u>John Floreske Jr.</u>
8.	<u>Melissa Snell</u>	<u>Melissa Snell</u>
9.	<u>Kenneth E. Waldo</u>	<u>Kenneth E. Waldo</u>
10.	<u>Mike Molegag</u>	<u>Mike Molegag</u>
11.	<u>Paul (Jerry) Ermy</u>	<u>Paul (Jerry) Ermy</u>
12.	<u>DON E. HESS</u>	<u>DON E. HESS</u>
13.	<u>Karen M. Hess</u>	<u>Karen M. Hess</u>
14.	<u>Michael Darris</u>	<u>Michael Darris</u>
15.	<u>Lori Smith</u>	<u>Lori Smith</u>