

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

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July 9, 2003

LAW OFFICES

JUL 14 2003

JAMES B. GOTTSTEIN

Mr. James B. Gottstein
406 G Street, Suite 206
Anchorage, AK 99501

RE: Consumer Web Issues

Dear Mr. Gottstein:

Thank you for the thorough affidavit relating to the issues surrounding the Consumer Web investigation conducted by the Division of Mental Health and Developmental Disabilities in the fall of 2002. I appreciate your candor and efforts to improve the workings of the Division.

As I understand the facts, there were two separate events that relate to the issues raised either expressly or impliedly in your affidavit. First, there was the complaint raised by you and others regarding the improper actions of the Executive Director of the Consumer Web (first event); and, second, there was the complaint to the Division regarding the actions of the board president and secretary/treasurer in overseeing the operations of the agency (second event). As I read the file and your affidavit, it appears to me that the Division investigated the second event and not the first. This was because the first event was not something the Division had any authority to act upon, but the second event was directly related to the grant award under which the Consumer Web was operating.

In the fall of 2002, the Division issued a report of findings with respect to their investigation. You disputed the report and your letter was appended to the report so that it was made a part of the permanent file researching the investigation. Throughout this investigation it appears that the Division was investigating the second event, and you were hoping that they would investigate the first event. However, the Division definitively informed you by letter that it had no authority to investigate the first event and that any issues related to the Executive Director were between the Executive Director and the Board of Directors. Therefore, in reviewing your letter and affidavit, as well as documentation provided to me by the Division, I am finding it difficult to see where there is any proof of dishonesty or that these actions of the Division's employees were anything but professional.

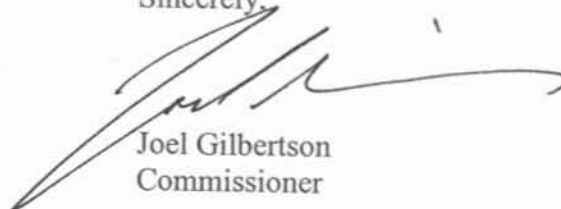
I agree that in administering the grant programs, we need to ensure that the Division provides the most latitude and opportunity for agencies to self-govern without intrusion by the Division.

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However, it is incumbent upon the Division to ensure that all of its grantee agencies meet the terms of any grant awards as well as to ensure that each grantee abides by the statutes and regulations of the State of Alaska. We appreciate the need for consumers to have a more active role in the services that are provided to them in their home communities. Advocates like you are an integral part of the process and help to improve not only the services offered by the Division, but also those services offered by agencies such as the Consumer Web. Therefore, we welcome your comments, insight and suggestions on how to improve the services we offer throughout the state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Gilbertson', with a long horizontal flourish extending to the right.

Joel Gilbertson
Commissioner

cc: William Hogan, Director, DBH