

Bond Case Briefs

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CITIZEN SUITS - ALASKA

Seybert v. Alsworth

Supreme Court of Alaska - February 5, 2016 - P.3d - 2016 WL 471962

Registered voters brought action against mayor and former borough assembly member for violations of conflict of interest laws and unfair competition, seeking damages and injunctive relief. After the grant of a preliminary injunction was reversed on appeal, the Superior Court granted summary judgment to mayor and member in part, based on failure to exhaust administrative remedies. Voters petitioned for interlocutory review, which was granted.

The Supreme Court of Alaska held that:

- Statute does not require exhaustion of administrative remedies, and
- The Superior Court was not required to apply primary jurisdiction doctrine to stay claims.

Conflict of interest laws did not require a plaintiff to first exhaust administrative remedies before commencing a citizen suit.

Trial court was not required to apply primary jurisdiction doctrine to stay registered voters' claims against mayor and former borough assembly member for violations of conflict of interest laws pending resolution by Alaska Public Offices Commission (APOC). Citizen suit provision clearly designated courts as competent to hear conflict of interest claims, there was minimal risk of inconsistent resolutions of issue, as similar claims raised with APOC had been dismissed, and judicial resolution of allegations was unlikely to encroach on APOC's regulatory responsibilities, as claims did not fall within APOC's regulatory expertise and did not collaterally attack APOC decision.

Whether to invoke primary jurisdiction to stay or dismiss pending litigation so as to enable a proper agency to initially pass upon the case is left to the discretion of the superior court because the doctrine is one of prudence, and not an absolute jurisdictional limitation.