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BEFORE HEARING OFFICER FOR THE ASSEMBLY OF THE  
CITY AND BOROUGH OF JUNEAU

	)	
KARLA HART	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CITY AND BOROUGH OF JUNEAU	)	
PLANNING COMMISSION	)	
	)	
Defendants.	)	Notice of Decision: July 20, 2023
	)	Appeal Case No. APL 2023-AA01
_____	)	

MOTION FOR HEARING OFFICER TO RECUSE

**Application for Relief.** Plaintiff Karla Hart requests that Hearing Officer Scott Brandt-Erichsen, of Keene & Currall, P.P.C. at 540 Water Street, Suite 302, Ketchikan, Alaska 99901, recuse himself from Appeal Case No. APL 2023-AA01 based upon a reasonable, good faith belief that a conflict of interest exists where the Hearing Officer’s fairness might reasonably be questioned.

**Relief Sought.** Plaintiff Karla Hart requests that an independent hearing officer with no association with the cruise industry, nor with Huna Totem Corporation in any capacity, be appointed. This may require hiring a hearing officer from outside of Southeast Alaska.

**Accompanying Document.** An affidavit from Plaintiff Karla Hart, dated September 22, 2023, accompanies this Motion.



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BEFORE HEARING OFFICER FOR THE ASSEMBLY OF THE  
CITY AND BOROUGH OF JUNEAU

	)	
KARLA HART	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CITY AND BOROUGH OF JUNEAU	)	
PLANNING COMMISSION	)	
	)	
Defendants.	)	Notice of Decision: July 20, 2023
	)	Appeal Case No. APL 2023-AA01
_____	)	

AFFIDAVIT OF KARLA HART  
REGARDING MOTION FOR HEARING OFFICER TO RECUSE

I, Karla Hart, state upon oath or affirmation that the following facts are true to the best of my knowledge:

1. The hearing officer appointed to Appeal Case No. APL 2023-AA01, Scott Brandt-Erichsen works in a small law office, Keene & Curral, 540 Water Street, Suite 302, Ketchikan, Alaska 99901.

2. From the web site keencurrallaw.com, accessed August 31, 2023, the law office presently appears to have two attorneys, of which the hearing officer is one and Henry C. Keene is the other. The contact information under maps and directions states "email: clay.keene@keenecurrall.com"

3. The State of Alaska Corporations Database records accessed on August 31, 2023, show Keene & Currall, A Professional Corporation, Entity #50770D, to be 100% owned by H. Clay Keene in a 2022 Biennial Report filing, filed on December 21, 2021 and the most recent filing available in the licensing records.



1 4. State of Alaska Business License #1066439, issued on 02/02/2018, with an expiration date of  
2 12/31/2023, for business name Keene & Currall, A Partnership of Professional Companies,  
3 shows an active status on September 21, 2023, and lists the owners as H. Clay Keene and Scott A  
4 Brandt-Erichsen.

5 5. On the Municipal Law page of Keene & Currall, [https://www.keenecurrallaw.com/practice-](https://www.keenecurrallaw.com/practice-areas/municipal-law/)  
6 [areas/municipal-law/](https://www.keenecurrallaw.com/practice-areas/municipal-law/), accessed September 21, 2023, it states: "Too often, economic development  
7 which would benefit an overwhelming majority is hindered by a small, non-representative group.  
8 Red tape on the state or federal level can also stymie progress. When a city ordinance, practice or  
9 development stirs up conflict with state and federal agencies, community groups or individual  
10 residents, we provide robust representation to protect the interests of the city in service of the  
11 people it represents."

12 6. On the Municipal Law page of Keene & Currall, [https://www.keenecurrallaw.com/practice-](https://www.keenecurrallaw.com/practice-areas/administrative-law/)  
13 [areas/administrative-law/](https://www.keenecurrallaw.com/practice-areas/administrative-law/), accessed September 21, 2023, it states: "GUARDING AGAINST  
14 UNCHECKED POWER While agency regulations carry the force of law, elected representatives  
15 of the people do not vote to enact them. Rather, appointed officeholders create "regs" under basic  
16 guidelines in the federal Administrative Procedure Act or a state equivalent. Moreover, federal  
17 and state agencies have the power to adjudicate, so citizens in dispute with an agency may have  
18 their cases heard by a central office of administrative hearings or before the very department with  
19 which they are in conflict. In a system where an agency functions as the executive, legislative  
20 and judiciary all rolled together, you need a strong advocate at Keene & Currall, P.P.C. on your  
21 side."

22 5. The State of Alaska Business Licensing records accessed on August 31, 2023, show Keene &  
23 Currall to be the active registered agent for Alaska Alliance for Cruise Travel, Inc., entity  
24 #126529, and to have been the registered agent since Articles of Incorporation were first filed on  
25 December 11, 2009.

26 6. Alaska Alliance for Cruise Travel, Inc.'s website ([alaskaact.com](http://alaskaact.com)), accessed August 31, 2023,  
27 states: "Alaska Alliance for Cruise Travel (AlaskaACT) is a statewide, non-profit, membership-  
28 funded organization made up of businesses and individuals benefiting [sic] from cruise travel.  
Through AlaskaACT, these stakeholders will work together to promote accurate information and  
support responsible development and growth of Alaska tourism and the cruise industry."

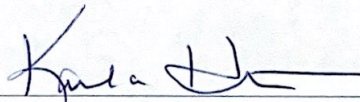


1 7. On August 31, 2023, there are 18 steering committee members listed at [alaskaact.com/](http://alaskaact.com/)  
2 steering-committee. The include: Russell Dick, Huna Totem Corporation, Juneau; Tyler  
3 Hickman, Icy Strait Point, Hoonah (a Huna Totem subsidiary); and Dennis McDonnell, Alaska  
4 Coach Tours, Anchorage (a Huna Totem subsidiary that operates in Juneau).

5 8. Accessed at <https://khns.org/wp-content/uploads/2019/11/Brad-Ryan-11.8.19.pdf> on  
6 September 21, 2023 is a letter dated November 8, 2019 from H. Clay Keene to the Skagway City  
7 Manager, on letterhead that lists Scott A. Brandt-Erichsen, advocating for the City to renew a  
8 Tideland lease related to a cruise dock.

9 9. Accessed at [sinews.us/FrontPage/K4PE/k4pe.html](http://sinews.us/FrontPage/K4PE/k4pe.html), an undated ad, supporting revenue bonding  
10 for Ketchikan port improvement project, stating "Tourism related spending is a large part of our  
11 economy and we can't afford to lose the revenue." (Appears 2006 election) This ad is signed  
12 with the law firm of Keene & Curall listed after the names of Clay Keene, Jeff Curial, and Henry  
13 Keene.

14 Given the long and ongoing history of Mr. Brandt-Erichsen's firm representing cruise industry  
15 clients, boosting port development, and the tone of his firm's website (see 5 and 6 above), in  
16 good faith and without questioning his integrity, I am concerned about his ability to serve in the  
17 role of hearing officer impartially, and without underlying, and perhaps unconscious, bias  
18 towards cruise development.

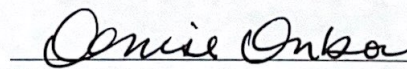
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20 Karla Hart, Signature

21 Subscribed and sworn to or affirmed before me at Juneau, Alaska on 9-22-2023  
22 Date

23 

Notary Public DENISE DENBOW State of Alaska My Commission Expires <u>12/09/2026</u>
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24   
25 Notary Public or other person authorized to administer oaths.  
26 My commission expires on: 12/09/2026  
27  
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