

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
JUNE 5, 2013

A meeting of the Alaska Public Offices Commission came to order at 9:10 a.m. on Wednesday, June 5, 2013. The meeting was held at the 2221 E. Northern Lights, Blvd., Room 128, Anchorage, Alaska

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binder. Asterisks * indicate that no information was included in the meeting binder.

In Attendance:

Commission: Elizabeth Hickerson - Chair
Kathleen King - Vice-Chair
Kenneth Kirk - Commissioner
Vance Sanders - Commissioner
Ronald King - Commissioner

Staff: Paul Dauphinais - Executive Director
Jerry Anderson - Assistant Director
Joan Mize - Juneau Program Coordinator, Telephonically
Thomas Lucas - Associate Attorney II
Heather Hebdon - Associate Attorney II
July Lam - Associate Attorney I
Tamara Douglas - Paralegal I
Delight Mells - Paralegal I
Maria Bulfa - Law Office Assistant II

In Person Attendees:

Consent Agenda, 2012 State Candidate Campaign Financial Disclosure/Referral to the Attorney General's Office
Elisabeth "Barbara" Bachmeier
James "Jimmy" Crawford
James "Pete" Petersen
Robert "Bob" Roses
Chris Tuck
Max Gruenberg - Counsel for Chris Tuck
Aaron Sperbeck - Counsel for Lyman Hoffman
Myrna Maynard - Treasurer for Charisse Millette

Consent Agenda, 2012 State Group Campaign Financial Disclosure/Referral to the Attorney General's Office

Mr. Terry Hennessey - Treasurer for Alaska Democratic Progressive Caucus

Dennis Murray - Senior Programmer for Alaska State Hospital & Nursing Home PAC

Joe Samaniego - Chairman for Alaska Young Democrats

Dan Duque - Member of Alaska Young Democrats

Telephonic Attendees:

Consent Agenda, 2012 Candidate Campaign Financial Disclosure

Catherine "Cathy" Munoz

Lynette Moreno Hinz

Janice Galob

David Pruhs

Charisse Millette

Catherine "Cathy" Munoz

Gary Roderick - Treasurer for David Pruhs

Lyman Hoffman

Consent Agenda, POFD, Group, Civil Penalty Appeal

Barbara MacManus - Planning and Zoning, Northwest Arctic Borough

Michael Neussl- Deputy Commissioner, Department of Transportation and Public Facilities

Mr. Daniel Smith - Division Director, Department of Transportation and Public Facilities

Consent Agenda, 2012 State Group Campaign Financial Disclosure/Referral to the Attorney General's Office

Mr. Mike Haugen - Executive Director, Alaska Medical PAC

Mike Powers – Executive Director, Alaska State Hospital & Nursing Home PAC

James Studley - Treasurer for Friends of Candidates

Assistant Attorney General, Department of Law

John Ptacin

William "Bill" Milks

ON RECORD: 9:10 a.m.

Commissioner Hickerson called the meeting to order.

Approval of the Agenda [*]

Paul Dauphinais, APOC staff gave a revised copy of the agenda to the Commission. The Commission reviewed and approved the revised agenda as written.

Approval of the Meeting Minutes [1]

- **April 1, 2013**

Commissioner Kirk moved to approve meeting minutes as revised.

Commissioner K. King seconded the motion.

The Commission voted 5-0 to approve the April 1, 2013 meeting minutes as revised.

- **April 2, 2013**

Commissioner Sanders moved to approve meeting minutes as written.

Commissioner Kirk seconded the motion.

The Commission voted 5-0 to approve the April 2, 2013 meeting minutes as written.

Consent Agenda, Candidate Civil Penalty Appeal and Referral to Attorney General Office [2]

Paul Dauphinais, APOC staff gave a brief statement how staff conducted the civil penalty appeal process for the late 24 hour reports. The staff recommendations regarding the consent agenda were presented by Delight Mells, APOC staff.

The following individuals were removed from the consent agenda for the Commission to consider separately:

- **Elisabeth “Barbara” Bachmeier**
- **James “Jimmy” Crawford**
- **Catherine “Cathy” Munoz**
- **Chris Tuck**
- **Lynette Moreno Hinz**

Ms. Elisabeth “Barbara” Bachmeier, Write-in Candidate for State House; November 6, 2012 State General Election, appeared in person and gave her statement.

Elisabeth “Barbara” Bachmeier	2012 State Election
LATE REPORT:	30D & 7D General Election Report
MAXIMUM CIVIL PENALTY:	\$3,400 30D as filed 69 days late @\$50 a day \$23,500 7D as filed 27 days late @\$500 a day
STAFF RECOMMENDATION:	Reduced by 98% to \$538

The Commission took the above matter under advisement.

Mr. James “Jimmy” Crawford, Candidate for State House; November 6, 2012 State General Election, appeared in person and gave his statement.

James “Jimmy” Crawford	2012 State Election
LATE REPORT:	30D General Election Report
MAXIMUM CIVIL PENALTY:	\$9,950 as filed 191 days late @\$500 a day
STAFF RECOMMENDATION:	Reduced by 94.5% to \$525

The Commission took the above matter under advisement.

Ms. Catherine “Cathy” Munoz, Candidate for State House; November 6, 2012 State General Election, appeared telephonically and gave her statement.

Catherine “Cathy” Munoz	2012 State Election
LATE REPORT:	24HR General Election Report
MAXIMUM CIVIL PENALTY:	\$32,000 as filed 64 days late @\$500 a day
STAFF RECOMMENDATION:	Reduced by 98.4% to \$512

The Commission took the above matter under advisement.

Mr. Chris Tuck, Candidate for State House; November 6, 2012 State General Election and Max Gruenberg appeared in person and gave their statements.

Mr. Chris Tuck	2012 State Election
LATE REPORT:	24HR General Election Report
MAXIMUM CIVIL PENALTY:	\$104,000 as filed 212 days late @\$500 a day
STAFF RECOMMENDATION:	Reduced by 99% to \$1,060

The Commission took the above matter under advisement.

Ms. Lynnette Moreno Hinz, Candidate for State House; November 6, 2012 State General Election, appeared telephonically and gave her statement.

Lynnette Moreno Hinz	2012 State Election
LATE REPORT:	Final Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$250 as filed 5 days late @\$50 a day
STAFF RECOMMENDATION:	Waive Penalty

The Commission took the above matter under advisement.

The Commission reviewed the remaining items on the consent agenda.

- **Janice Galob**
- **James “Pete” Petersen**
- **David Pruhs**
- **Robert “Bob” Roses**
- **Lyman Hoffman**
- **Charisse Millett**

Commissioner Sanders moved to approve the Staff recommendation for the remaining items on the consent agenda.

Commissioner Kirk seconded the motion.

Commissioner Kirk moved to amend the motion made by Commissioner Sanders to include the following individuals Lyman Hoffman and Charisse Millett with the remaining items on the consent agenda.

**Commissioner Sanders accepted the amendment motion by Commissioner Kirk
The Commission voted 5-0 to approve the Staff recommendation for the remaining items on the consent agenda.**

OFF RECORD: 10:28 a.m.

Break

ON RECORD: 10:46 a.m.

The following individuals were recommended by staff for referral to the Attorney General office for failure to pay the assessed civil penalty under AS 15.13.390; 2AAC 50.860

- **Hugh Brown, III**
- **Kyle Johansen**
- **Robert Nelson**

**Commissioner Sanders moved to approve the Staff recommendation for the items on the referral to the Attorney General Office consent agenda.
Commissioner Kirk seconded the motion.**

The Commission voted 5-0 to approve the consent agenda.

Approval of ByLaws [5]

The review of the Alaska Public Offices Commission Bylaws was presented by Paul Dauphinais, APOC staff.

Commissioner K. King moved to reapprove the Alaska Public Offices Commission Bylaws without revision.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to reapprove the Alaska Public Offices Commission Bylaws without revision.

Executive Director Report [10]

The director's report was presented by Paul Dauphinais, APOC staff.

- **Complaint Status**
- **Budget Status**
- **Personnel Update**
- **Legislative Update**
- **Training Update**
- **PE/XE Personnel (POFD)**
- **Auditing (Campaign & POFD)**

Consent Agenda, Public Official Financial Disclosure (POFD) Civil Penalty Appeal and Referral to Attorney General Office [3]

The staff recommendations regarding the consent agenda were presented by July Lam, APOC staff.

The following individuals were removed from the consent agenda for the Commission to consider separately:

- **Barbara MacManus**
- **David Epchook**
- **Daniel Smith**
- **James Guy**
- **Paul Michael**
- **Anesia Yohak-Andrew**

Ms. Barbara MacManus, Northwest Arctic Borough, Planning Commissioner, appeared telephonically and gave her statement.

Barbara MacManus	2013 Public Official Financial Disclosure
LATE REPORT:	March 15 th Municipal Annual Statement
MAXIMUM CIVIL PENALTY:	\$180 as filed 18 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 50% to \$90

The Commission took the above matter under advisement.

David Epchook	2013 Public Official Financial Disclosure
LATE REPORT:	March 15 th Municipal Annual Statement
MAXIMUM CIVIL PENALTY:	\$480 as filed 48 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 50% to \$240

The Commission took the above matter under advisement.

James Guy	2013 Public Official Financial Disclosure
LATE REPORT:	March 15 th Municipal Annual Statement
MAXIMUM CIVIL PENALTY:	\$520 as filed 52 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 100% to 0.00

The Commission took the above matter under advisement.

Paul Michael	2013 Public Official Financial Disclosure
LATE REPORT:	March 15 th Municipal Annual Statement
MAXIMUM CIVIL PENALTY:	\$510 as filed 51 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 100% to 0.00

The Commission took the above matter under advisement.

Anesia Yohak-Andrew	2013 Public Official Financial Disclosure
LATE REPORT:	March 15 th Municipal Annual Statement
MAXIMUM CIVIL PENALTY:	\$530 as filed 53 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 100% to \$0.00

The Commission took the above matter under advisement.

Mr. Daniel Smith, Division Director, Department of Transportation and Public Facilities, appeared telephonically in the first part of the morning meeting, but did not call back when it was time to present the Public Official Financial Disclosure (POFD) consent agenda appeal scheduled at 11:00 am.

Daniel Smith	2013 Public Official Financial Disclosure
LATE REPORT:	March 15 th Annual Statement
MAXIMUM CIVIL PENALTY:	\$80 as filed 8 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 50% to \$40

The Commission took the above matter under advisement.

The Commission approved the remaining items on the consent agenda.

- **Lynn Chrystal**
- **William Clarke**
- **Michael Neussl**
- **Taylor Winston**
- **Max Angellan**
- **Boris Epchook**
- **Irene Kerr**
- **Ivan Michael**
- **Christopher Spengler**
- **Roger Walden**

Commissioner Kirk moved to approve the Staff recommendation on the remaining items on the consent agenda.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the Staff recommendation on the remaining items on the consent agenda.

The following individuals were recommended by staff for referral to the Attorney General's office for failure to pay the assessed civil penalty under AS 39.50; 2AAC 50.850-2AAC 50.865.

The Commission approved the items on the consent agenda for referral to the Attorney General's office.

- **Donald Gray**
- **Mary Sage**

Commissioner Kirk moved to approve the items on the consent agenda for referral to the Attorney General's office.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the consent agenda for referral to the Attorney General's office.

Consent Agenda, Group Civil Penalty Appeal and Referral to Attorney General's Office [4]

The staff recommendations regarding the consent agenda were presented by Tamara Douglas, APOC staff.

The following groups were removed from the consent agenda for the Commission to consider separately:

- **Alaska Democratic Progressive Caucus**
- **Alaska Medical PAC**
- **Alaska State Hospital Nursing Home PAC**
- **Alaska Young Democrats**
- **Friends of the Candidates**
- **Sitka Republican Women**

Public Comment [*]

Elisabeth "Barbara" Bachmeier testified during the public comment period.

OFF RECORD: 12:05 p.m.

Recess and Lunch

ON RECORD: 1:30 p.m.

***This is a continuation of Tab 4 – Group Consent Agenda Civil Penalty Appeals and Referral to the Attorney General Office**

***Chair Hickerson presided over the morning meeting but was not present for the afternoon meeting. Vice-Chair K. King presided over the afternoon meeting.**

Mr. Terry Hennessey, Treasurer for Alaska Democratic Progressive Caucus appeared in person and gave his statement.

Alaska Democratic Progressive Caucus

LATE REPORT:	Year-End Report – 2012 No Election
MAXIMUM CIVIL PENALTY:	\$180 as filed 18 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 50% to \$90

The Commission took the above matter under advisement.

Mr. Mike Haugen, Executive Director Alaska Medical PAC appeared telephonically and gave his statement.

Alaska Medical PAC

LATE REPORT:	30D & 7D Report - 2012 State Primary Election
MAXIMUM CIVIL PENALTY:	\$9,950 as filed 199 days late @\$50 a day \$88,500 as filed 177 days late @\$500 a day

STAFF RECOMMENDATION: 30D Reduced by 97% to \$248.75
7D Reduced by 99.7% to \$265.50

The Commission took the above matter under advisement.

Mike Powers, Executive Director appeared telephonically; Dennis Murray, Senior Programmer for Alaska State Hospital & Nursing Home PAC appeared in person and gave their statements.

Alaska State Hospital & Nursing Home PAC

LATE REPORT: 24HR Report – 2012 State Primary Election
MAXIMUM CIVIL PENALTY: \$49,500 as filed 99 days late @\$500 a day
STAFF RECOMMENDATION: Reduced by 99% to \$495

The Commission took the above matter under advisement.

Commissioner Kirk disclosed on the public record that Mr. Joe Samaniego of the Alaska Young Democrats worked with him last year for several months. Commissioner Kirk stated that their political involvement with APOC was never discussed between them at Commissioner Kirk's practice and APOC matters are kept confidential at all times. Commissioner Kirk stated that the working relationship would not affect his decision making in this matter.

Mr. Joe Samaniego, Chairman; Dan Duque, Member of Alaska Young Democrats appeared in person and gave their statements.

Alaska Young Democrats

LATE REPORT: Year-End Report - 2012 No Election
MAXIMUM CIVIL PENALTY: \$800 as filed 16 days late @\$50 a day
STAFF RECOMMENDATION: Reduced by 95% to \$40

The Commission took the above matter under advisement.

James Studley, Treasurer for Friends of the Candidates appeared telephonically and gave his statements.

Friends of the Candidates

LATE REPORT: 24HR Report – 2012 State General Election
MAXIMUM CIVIL PENALTY: \$36,500 as filed 73 days late @\$500 a day
STAFF RECOMMENDATION: Reduced by 98% to \$730

The Commission took the above matter under advisement.

Sitka Republican Women

LATE REPORT: Year-End Report – 2012 State General Election
MAXIMUM CIVIL PENALTY: \$250 as filed 5 days late @\$50 a day
STAFF RECOMMENDATION: Uphold the Maximum Civil Penalty

The Commission took the above matter under advisement.

The Commission approved the remaining items on the consent agenda.

- **Anchorage Police Department Employee Association**
- **Fairbanks Interior Workers**
- **Working Families of Alaska**

Commissioner Sanders moved to approve the remaining items on the consent agenda.

Commissioner Kirk seconded the motion.

The Commission voted 4-0 to approve the remaining items on the consent agenda.

The Commission went off the public record to deliberate.

OFF RECORD: 2:00 p.m.

Deliberation

ON RECORD: 2:25 p.m.

Commissioner Kirk moved to adjourn.

Commissioner R. King seconded the motion.

The Commission voted 4-0 to adjourn.

The Commission recessed until Thursday, June 6, 2013.