

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
NOVEMBER 19, 2014

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 AM on Wednesday, November 19, 2014. The meeting was held at the Anchorage APOC office at 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:

Kenneth Kirk – Chair
Elizabeth Hickerson – Commissioner (Telephonic)
Ronald King – Commissioner
Irene Catalone – Commissioner (Telephonic)

Staff:

Paul Dauphinais – Executive Director
Joan Mize – Juneau Program Coordinator (Telephonic)
Heather Hebdon – Campaign Disclosure Coordinator, Candidates
Thomas Lucas – Campaign Disclosure Coordinator, Groups
July Lam – Financial Disclosure Coordinator
Tamara Douglas – Paralegal II
Delight Mells – Paralegal II
Michael Schwahn – Law Office Assistant I, Recording Clerk

In-person Attendees:

Mary Lynn Macsalka – Assistant Attorney General, Department of Law
Eric Croft – Anchorage School Board Member
Mia Costello – State Representative
Kai Binkley Sims – Campaign Treasurer, Representative Mia Costello
Josh Walton – Campaign Deputy Treasurer, Representative Mia Costello
Martha Rutherford – Filer, 15-5 Statement of Contributions
Julie Papasavas – Self

Alaska Cannabis Club, Charlo Greene and Charlene Egbe

Charlo Greene/Charlene Egbe – Respondent
Don Hart – Representative
Ronda Marcy – Representative

Media Reporter

Lacie Grosvold – KTUU
Zach Hughes – KSKA

Alaska Dispatch – Anchorage Daily News

Suzanne Caldwell

Bill Roth

KTVA-TV 11

Dave Leval

Rachel McPherron

Telephonic Attendees:

Becky Bohrer – Associated Press

Louise Stutes – Representative Elect

Paula Davis – School Board Member, City of Nome

Kelly Hepler – Respondent, Chalup et al v. Hepler

David McCargo – Filer, 15-5 Statement of Contributions

ON RECORD 9:00 a.m.

Chair Kirk called the meeting to order.

Approval of the Agenda [*]

Commissioner King moved to approve the agenda as revised.

Commissioner Hickerson seconded the motion.

The Commission voted 3-0 to approve the agenda as revised.

Approval Meeting Minutes [1]

Commissioner Catalone joined the meeting.

October 21, 2014 – meeting minutes

Commissioner Hickerson moved to approve the minutes as REVISED.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the October 21, 2014 meeting minutes as revised.

Advisory Opinion Request

AO 14-17-CD, Senator Hollis French [2]

The staff draft advisory opinion was presented by Heather Hebdon, APOC staff.

Commissioner King moved to approve the draft advisory opinion as written.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the AO 14-17-CD, advisory opinion as written.

Draft Biennial Report [8]

The draft biennial report was presented by Paul Dauphinais, APOC staff.

Commissioner Hickerson moved to approve the draft biennial report subject to further editing.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the draft biennial report subject to further editing.

Approve Changes to Lobbying Training Manual [9]

The changes to lobbying training manual were presented by Joan Mize, APOC staff.

Commissioner King moved to approve the changes to the lobbying training manual as revised.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the changes to the lobbying training manual as revised.

Executive Director Report [11]

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

Chalup et al v. Kelly Hepler, Appeal of Staff Decision [3]

The appeal of staff decision was presented by July Lam, APOC staff. Mary Lynn Macsalka, Assistant Attorney General, Department of Law, and Paul Dauphinais, APOC staff appeared in person, and answered questions of the Commission. Kelly Hepler, Respondent, appeared telephonically, gave a statement and answered questions of the Commission.

Commissioner King moved to approve the staff recommendation to deny the appeal.

Commissioner Hickerson seconded the motion.

The Commission voted 4-0 to approve the staff recommendation to deny the appeal.

Request for Guidance Regarding POFD Filing [10]

The request for guidance regarding POFD filing was presented by Paul Dauphinais and July Lam, APOC staff. Mary Lynn Macsalka, Assistant Attorney General, Department of Law appeared in person, gave a statement and answered questions of the Commission.

During the discussion the Commission verbally approved question #1 and #2 on the staff report. And then the Commission asked staff to follow-up on the question #3 from the Department of Law.

OFF RECORD 9:48 a.m.

Break

ON RECORD 9:56 a.m.

Consent Agenda, POFD Civil Penalty Appeals & Referrals to Attorney General Office [4]

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

The Commission removed the following items from the consent agenda:
#3, #4, #5, and #6.

The Commission approved the remaining items on the consent agenda.

#1 2013 Initial and #2 Annual POFD – Eric Croft, Anchorage, School Board Member
#7 2014 Annual POFD - Clarence Alexander, City of Fort Yukon, City Council Member

Commissioner King moved to approve the staff recommendations for the remaining items on the consent agenda.

Commissioner Hickerson seconded the motion.

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

The following items were removed from the consent agenda for the Commission to consider separately.

Paula Davis	2012 Public Official Financial Disclosure
LATE REPORT:	Candidate Public Official Statement
MAXIMUM CIVIL PENALTY:	\$6,800 as filed 680 days late @ \$10 a day.
STAFF RECOMMENDATION:	Reduced by 95% to \$340

LATE REPORT:	2012 Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY:	Initial Public Official Statement
STAFF RECOMMENDATION:	\$6,290 as filed 629 days late @ \$10 a day.
	Reduced by 95% to \$314

LATE REPORT:	2013 Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY:	Annual Public Official Statement
STAFF RECOMMENDATION:	\$4,950 as filed 495 days late @ \$10 a day.
	Reduced by 99% to \$49

LATE REPORT:	2014 Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY:	Annual Public Official Statement
STAFF RECOMMENDATION:	\$1,115 as filed 115 days late @ \$10 a day.
	Reduced by 99% to \$11

Paula Davis, School Board Member, City of Nome appeared telephonically, gave a statement and answered questions of the Commission.

Commissioner Hickerson moved to reconsider the staff recommendations for items #3, #4, #5, and #6 to the next Commission meeting.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve to reconsider the staff recommendations for items #3, #4, #5, and #6 to the next Commission meeting.

OFF RECORD 10:21 a.m.

Break

ON RECORD 10:26 a.m.

Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General office [5]

The staff recommendations regarding the consent agenda were presented by Delight Mells, APOC staff.

The Commission removed all items under the consent agenda.

The following items were removed from the consent agenda for the Commission to consider separately.

Mia Costello	2014 State Election
LATE REPORT:	24HR Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$27,500 as filed 55 days late @ \$500 a day <u>\$23,500</u> as filed 47 days late @ \$500 a day \$51,000 Total
STAFF RECOMMENDATION:	Reduced by 98% to \$1,020

Representative Costello appeared in person and gave a statement.

The Commission took the above matter under advisement.

Mike Hawker	2014 State Election
LATE REPORT:	24 HR Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$26,500 as filed 53 days late @ \$500 a day
STAFF RECOMMENDATION:	Reduced by 99% to \$265

The Commission took the above matter under advisement.

Louise Stutes	2014 State Election
LATE REPORT:	24HR Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$27,000 as filed 54 days late @ \$500 a day
STAFF RECOMMENDATION:	Reduced by 99% to \$270

Representative-elect Stutes appeared telephonically and gave a statement.

The Commission took the above matter under advisement.

OFF RECORD: 10:45 a.m.

Break

ON RECORD: 11:00 a.m.

Commissioner Hickerson moved to take items #1, #2, and #3 under deliberation.

Commissioner King seconded the motion.

The Commission voted 4-0 to take items #1, #2 and #3 under deliberation.

OFF RECORD: 10:45 a.m.

Break

ON RECORD: 11:00 a.m.

Consent Agenda, Groups Civil Penalty Appeals & Referrals to Attorney General Office
[6]

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

During the discussion, the Commission approved the staff recommendations on all items under the consent agenda.

Commissioner King moved to approve the staff recommendations on all items under consent agenda.

Commissioner Hickerson seconded the motion.

The Commission voted 4-0 to approve the staff recommendations on all items under the consent agenda.

The Commission went off the public record to deliberate.

OFF RECORD: 11:11a.m.

Deliberations

ON RECORD: 11:53 a.m.

Recommendation to Reject Objection and Seek Judicial Enforcement of Subpoena, Alaska Cannabis Club/Charlo Greene/Charlene Egbe [7]

The staff recommendation to reject respondent's objection and seek enforcement of subpoena was presented by Tom Lucas, APOC staff. Mary Lynn Macsalka, Assistant Attorney General, Department of Law; Don Hart, and Ronda Marcy, Representatives for Alaska Cannabis Club/Charlo Greene/Charlene Egbe appeared in person, gave a statement and answered questions of the Commission.

The Commission took the above matter under deliberation.

Public Comment [*]

The following individuals appeared telephonically to speak during the public comment period.

- David McCargo, Filer 15-5 Statement of Contribution

The Commission did not return to the public record after the deliberation.

OFF RECORD 1:00pm.

Adjourn