

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
JUNE 3, 2015

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Wednesday, June 3, 2015. 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  
Vance Sanders –Vice Chair, (Telephonic)  
Ronald King – Commissioner  
Irene Catalone – Commissioner  
Mark Fish – Commissioner

**Staff:** Paul Dauphinais – Executive Director  
Joan Mize – Juneau Program Coordinator\*  
Heather Hebdon – Campaign Disclosure Coordinator, Candidates†  
Thomas Lucas – Campaign Disclosure Coordinator, Groups†  
Delight Mells – Paralegal II†  
Tamara Douglas – Paralegal II†  
Michael Schwahn – Recording Clerk

**Department of Law: Attorney General’s Office**  
Mary Lynn Macsalka  
Kevin Wakley, (Telephonic)

**In-person Attendees:**

Eugene Haberman – Observer  
Gary Baugh – Filer, SC Form 15-5  
Tom Amodio – Walter Mallot Campaign  
Kris Lira – Treasurer for A.L.I.V.E. Voluntary  
Johanna Kinney – City Clerk for the City of Seward  
Bettye Davis – Member Anchorage School Board  
Mallory Reebus – Reporter and Fill-in Anchor for KTUU  
Nancy Wainwright – Filer, SC Form 15-5 Request for Reconsideration

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\* Attended via Go To Meeting, unable to speak to the Commission.

† Via Go to Meeting and in person for presentations.

**Telephonic Attendees:**

Guy Bell – Administrative Director, Office of the Governor  
Barbara Henjum – Director for Division of Juvenile Justice  
George Ahmaogak – 2014 Candidate, Mayor for North Slope  
Borough  
Maria Rensel – 2014 Candidate, LT. Governor for General State  
Election  
Jennine Jordan – VP/Special Asst. to the CEO for Gana A’Yoo  
Limited  
Andrew Lessig – Former Member Alaska Commission on  
Postsecondary Education  
David Metrani – Sadler Reiff Lamb Rosentein & Birkenstock, P.C,  
Counsel for Progressive Kick IE PAC

**ON RECORD 9:00 a.m.**

Chair Kirk called the meeting to order.

**Approval of the Agenda [\*]**

**Commissioner Catalone moved to approve the agenda as revised.**

**Commissioner King seconded the motion.**

**The Commission voted 4-0 (Commissioner Sanders not yet present) to approve the agenda as revised.**

**Approval Meeting Minutes [1]**

**May 6, 2015 – meeting minutes**

**Commissioner Catalone moved to approve the meeting minutes as revised.**

**Commissioner King seconded the motion.**

**The Commission voted 4-0 (Commissioner Sanders not yet present) to approve the May 6, 2015 meeting minutes as revised.**

**May 1, 2015 – meeting minutes**

Commissioner King recused himself from voting on the May 1, 2015 meeting minutes because he did not participate in the meeting.

**Commissioner Catalone moved to approve the meeting minutes as revised.**

**Commissioner Fish seconded the motion.**

**The Commission voted 3-0 (Commissioner Sanders not yet present) to approve the May 1, 2015 meeting minutes as revised.**

**April 30, 2015 – meeting minutes**

Commissioner King recused himself from voting on the April 30, 2015 meeting minutes because he did not participate in the meeting.

**Commissioner Catalone moved to approve the meeting minutes as revised.  
Commissioner Fish seconded the motion.  
The Commission voted 3-0 (Commissioner Sanders not yet present) to approve the April 30, 2015 meeting minutes as revised.**

**March 2, 2015 – meeting minutes**

Commissioner Fish recused himself from voting on the March 2, 2015 meeting minutes because he was not formally appointed as an APOC Commissioner at the time of the meeting.

**Commissioner King moved to approve the meeting minutes as revised.  
Commissioner Kirk seconded the motion.  
The Commission voted 3-0 (Commissioner Sanders not yet present) to approve the March 2, 2015 meeting minutes as revised.**

**February 12, 2015 – meeting minutes**

Commissioner Fish recused himself from voting on the February 12, 2015 meeting minutes because he was not formally appointed as an APOC Commissioner at the time of the meeting.

**Commissioner Catalone moved to approve the meeting minutes as revised.  
Commissioner King seconded the motion.  
The Commission voted 3-0 (Commissioner Sanders not yet present) to approve the February 12, 2015 meeting minutes as revised.**

**February 11, 2015 – meeting minutes**

Commissioner Fish recused himself from voting on the February 11, 2015 meeting minutes because he was not formally appointed as an APOC Commissioner at the time of the meeting.

**Commissioner Catalone moved to approve the meeting minutes as revised.  
Commissioner King seconded the motion.  
The Commission voted 3-0 (Commissioner Sanders not yet present) to approve the February 11, 2015 meeting minutes as revised.**

**Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General's Office [2]**

The staff recommendations on the consent agenda and referrals to the Attorney General's Office were presented by Delight Mells. Paul Dauphinais, Executive Director, answered questions from the Commission.

**CIVIL PENALTY APPEALS**

Because of Legislative Immunity, the Commission rescheduled the following items to be heard at the September, 2015 regular Commission Meeting.

#2 Dennis Egan, Senator

#3 David Guttenberg, Representative

#6 Bill Stoltze, Senator

The Commission approved the remaining items on the consent agenda.

#1 George Ahmaogak, 2014 Candidate, Mayor North Slope Borough

#4 Robert “Moose” Henrichs, 2014 Candidate, Senate State Election

#5 Phillip Stoddard, 2014 Candidate, Governor State Election

#7 Walker Mallot for Alaska, 2014 Candidate, Governor/LT. Governor State Election,  
(Joint Account)

**Commissioner King moved to approve the staff recommendations for items #1, #4, #5, and #7 on the consent agenda.**

**Commissioner Catalone seconded the motion.**

**The Commission voted 4-0 (Commissioner Sanders not yet present) to approve the staff recommendations for items #1, #4, #5, and #7 on the consent agenda.**

### **REFERRALS TO ATTORNEY GENERAL’S OFFICE**

The Commission approved item #8 on the consent agenda, referral to the Attorney General’s Office for collection.

#8 Syllas Highfield, 2014 Candidate, Governor State Election

**Commissioner Catalone moved to approve the staff proposed findings & order for item #8 on the consent agenda, referred to the Attorney General Office for collection.**

**Commissioner Fish seconded the motion**

**The Commission voted 4-0 (Commissioner Sanders not yet present) to approve the staff proposed findings & order for item #8 on the consent agenda.**

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

<b>Maria Rensel</b>	2014 State Primary Election
LATE REPORT:	Year-End Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$5,250 as filed 105 days late @\$50 a day
STAFF RECOMMENDATION:	Referral to Attorney General Office

The following individuals gave statements and answered questions from the Commission.

- Maria Rensel, 2014 Candidate Lt. Governor, State General Election, (telephonic)
- Paul Dauphinais, Executive Director, APOC, (in person)

**Commissioner King moved to approve the staff proposed findings & order for item #9 on the consent agenda, referred to the Attorney General’s Office for collection.**

**Commissioner Catalone seconded the motion.**

**The Commission voted 4-0 (Commissioner Sanders not yet present) to approve the staff proposed findings & order for item #9 on the consent agenda, referred to the Attorney General’s Office for collection.**

**Commissioner Sanders joined the meeting.**

**Executive Director Report [11]**

The Executive Director Report was presented by Paul Dauphinais, APOC staff.

**OFF RECORD 9:39 a.m.**

**Break**

**ON RECORD 9:45 a.m.**

**Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney General's Office [3]**

The staff recommendations on the consent agenda and referrals to Attorney General's Office were presented by Tamara Douglas, APOC staff.

As requested by the Commission at the February 2015 Commission meeting, Thomas Lucas, APOC staff, presented the procedures used to apply civil penalty mitigation to past 15-5 Statement of Contributions Civil Penalties.

Commissioner King recused himself from participating on item #1, Kristie Babcock because they are personal acquaintances.

**PART I – STATEMENT OF CONTRIBUTIONS CIVIL PENALTY APPEALS**

The Commission approved all items on the consent agenda.

- |                           |                             |
|---------------------------|-----------------------------|
| #1 Kristie Babcock        | #12 Pat McCarthy            |
| #2 Helene Cartwright      | #13 Harry McDonald          |
| #3 Steven Compton         | #14 Nancy Murkowski         |
| #4 Crystal Creek Lodge    | #15 Vivienne Murray         |
| #5 Peter Dart             | #16 Northwest Strategies    |
| #6 John Ducharme          | #17 Progressive Kick IE PAC |
| #7 Fergusson & Associates | #18 Habib Rathle            |
| #8 Gana-A'Yoo Limited     | #19 Shelton Construction    |
| #9 David Hayes            | #20 William Stringer        |
| #10 Matthew Loken         | #21 Udelhoven               |
| #11 William MacKay        | #22 Janet Weiss             |

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

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 on item #3, and 5-0 to approve the staff recommendations on all other items on the consent agenda.**

**PART II – CIVIL PENALTY APPEALS**

Commissioner Sanders recused himself from item #25, Alaska State Hospital & Nursing Home.

The Commission approved the remaining Civil Penalty Appeals on the consent agenda.

#23 A.L.I.V.E. - Voluntary

#24 Alaska Republican Party

#25 AK State Hospital & Nursing Home

#26 City of Seward  
#27 City of Unalaska

#28 INUU PAC

**Commissioner Fish moved to approve the staff recommendations on all items  
Commissioner King seconded the motion.  
The Commission voted 4-0 to approve item #25 and 5-0 to approve the staff  
recommendations on all other items on the consent agenda.**

During the discussion, the Commission suggested that Mr. Baugh file the missing Statement of Contributions Form 15-5 report so that he would be in compliance with the filing requirements under AS 15.13. The Commission scheduled the matter to be heard and considered later in the afternoon at a specific time to be determined.

**Election of Officers [\*]**

**Commissioner King nominated Commissioner Kirk to remain as the Chair of the Commission and Commissioner Sanders remain as the Vice-Chair of the Commission. When Chair Kirk's term expires on March 1, 2016, Vice-Chair Sanders was nominated to assume the duties of the Chair.  
Commissioner Catalone seconded the nominations.  
The Commission voted 5-0 for Chair Kirk and Vice-Chair Sanders to remain with their current position on the APOC Commission.**

**Update on Alaska Cannabis Club, Charlo Greene & Charlene Egbe Matter [\*]**

Mary Lynn Macsalka, Assistant Attorney General, Department of Law gave a brief status update regarding the above matter to the Commission and staff.

**OFF RECORD 10:30 a.m.**

**Break**

**ON RECORD 10:45 a.m.**

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

The staff recommendations on the consent agenda and referrals to Attorney General's Office were presented by Paul Dauphinais, APOC staff.

**PART I – STATE FILERS CIVIL PENALTY APPEALS**

Commissioner King recused himself from item #2, Jo Ellen Hanrahan, because they are personal acquaintances.

Fred Parady, Deputy Commissioner for Department of Commerce Community & Economic Development (DECED), requested his civil penalty appeal be removed from the consent agenda and be considered separately.

The Commission approved the remaining items on the consent agenda.

#1 Craig Christenson

#3 Barbara Henjum

#2 Jo Ellen Hanrahan

#4 Grace Jang Trytten

#5 Grace Jang-Trytten  
#6 Leslye Langla  
#7 Andrew Lessig

#9 David Teal  
#10 Thomas Walters  
#11 Albert Wall

**Commissioner Sanders moved to approve the staff recommendations for items #1, #2, #3, #4, #5, #6, #7, #9, #10 and #11 on the consent agenda.**

**Commissioner Catalone seconded the motion.**

**The Commission Voted 4-0 on item #2, and 5-0 to approve the staff recommendations for items #1, #2, #3, #4, #5, #6, #7, #9, #10 and #11 on the consent agenda.**

## **PART II – MUNICIPAL FILERS, CIVIL PENALTY APPEALS**

Bettye Davis, Elected Anchorage School Board Official, requested her civil penalty appeals be removed from the consent agenda and be considered separately.

The Commission approved the remaining items on the consent agenda.

#14 Steven Dilts

#17 Susan Thomason

#15 Lawrence Jones

#18 Brandon Walker

#16 Dale Stotts

**Commissioner King moved to approve the staff recommendations for items #14, #15, #16, #17 and #18 on the consent agenda.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendations for items #14, #15, #16, #17 and #18 on the consent agenda.**

## **PART II – REFERRALS TO THE ATTORNEY GENERAL’S OFFICE**

The Commission approved all items on the consent agenda.

#19 Clarence Alexander

#21 Tony Stevens

#20 Natasha Peele

**Commissioner Catalone moved to approve the staff recommendations for items #19, #20 and #21 on the consent agenda.**

**Commissioner King seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendations for items #19, #20 and #21.**

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

### **Fred Parady**

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

Public Official Financial Disclosure

2014 Initial Public Official Statement

\$350 as filed 35 days late @\$10 a day

Reduced by 35% to \$227

Fred Parady, Deputy Commissioner for Department of Commerce Community & Economic Development (DECED), appeared telephonically, gave a statement and answered questions from the Commission.

**The Commission took the above matter into deliberations.**

<b>Bettye Davis</b>	Public Official Financial Disclosure
LATE REPORT:	2013 Initial Public Official Statement
MAXIMUM CIVIL PENALTY:	\$6,580 as filed 658 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$658

LATE REPORT:	2014 Initial Public Official Statement
MAXIMUM CIVIL PENALTY:	\$3,520 as filed 352 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 90% to \$352

Bettye Davis, Elected Anchorage School Board Official, appeared in person, gave a statement and answered questions from the Commission.

**The Commission took the above matter into deliberations.**

**Request for Reconsideration of Nancy Wainwright, Statement of Contribution Form 15-5 Civil Penalty [6]**

The staff recommendation regarding the reconsideration of the civil penalty assessed was presented by Thomas Lucas, APOC staff.

Nancy Wainwright, Statement of Contribution Form 15-5 filer, appeared in person, gave a statement and answered questions from the Commission.

**The Commission took the above matter into deliberations.**

**Discussion of Revising Mitigation Criteria [10]**

The proposed revisions of mitigation criteria were presented by Paul Dauphinais, APOC Staff. Heather Hebdon and Tom Lucas, APOC staff, appeared in person, gave statements and answered questions from the Commission.

The Commission rescheduled the above matter to be heard for further discussion and considered later in the afternoon at a specific time to be determined.

**OFF RECORD 11:57 a.m.**

**Break**

**ON RECORD 12:00 p.m.**

**Public Comment [\*]**

The following individual appeared in person to speak during the public comment period.

- Eugene Haberman – Self

**OFF RECORD 12:35 p.m.**



**Break/Lunch**  
**ON RECORD 1:00 p.m.**

**DELIBERATIONS**

**Chair Kirk said he would entertain a motion for the Commission to go into deliberations on pending matters. The Commission did so without objection.**

**OFF RECORD 1:02 p.m.**  
**Deliberation**  
**ON RECORD 1:30 p.m.**

**Group Civil Penalty Appeals & Referrals to Attorney General's Office [3]**

The staff recommendation regarding the civil penalty appeal was presented by Tamara Douglas, APOC staff.

The following item was removed from the consent agenda for the Commission to be considered separately.

**Gary Baugh**

LATE REPORT:	15-5 Statement of Contributions
MAXIMUM CIVIL PENALTY:	\$9,500 as filed 190 days late @\$50 a day
STAFF RECOMMENDATION:	Reduced to \$50

Gary Baugh, Statement of Contribution 15-5 Filer, appeared telephonically, presented his appeal verbally and answered questions of the Commission.

**Commissioner Sanders moved to approve the staff recommendation for item #29 on the consent agenda.**

**Commissioner King seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendation for item #19 on the consent agenda.**

**OFF RECORD 1:40 p.m.**  
**Break**  
**ON RECORD 2:00 p.m.**

**ADVISORY OPINION REQUEST**

**AO 15-02-POFD, Donna McCready [9]**

The staff unapproved advisory opinion was presented by Paul Dauphinais, APOC staff.

Commissioner Sanders recused himself from the above matter, because he is a personal acquaintance of the requestor.

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

**Commissioner Fish seconded the motion.**

**The Commission voted 4-0 to approve AO 15-02-POFD as written.**

**Continuation: Discussion of Revising Mitigation Criteria [10]**

The proposed revisions of mitigation criteria were presented by Paul Dauphinais, APOC staff.

The following individuals gave statements and answered questions from the Commission.

- Joan Mize, Juneau Program Coordinator\*
- Heather Hebdon, Campaign Disclosure Coordinator, Candidate, in person
- Mary Lynn Macsalka, Assistant Attorney General, Department of Law, in person
- Thomas Lucas, Campaign Disclosure Coordinator, Groups, in person

During the discussion, the Commission asked staff to provide an updated draft of the proposed regulations at the September 2015 Commission meeting.

**EXECUTIVE SESSION**

**Chair Kirk said he would entertain a motion for the Commission to go into Executive Session to discuss legislative audit reports, pending legislative and personnel matters and the agency's proposed budget. The Commission did so without objection. The Commission requested that the following individuals be in attendance during the executive session: Paul Dauphinais, APOC Executive Director, Mary Lynn Macsalka, Assistant Attorney General and Kevin Wakley, Assistant Attorney General, Department of Law.**

**OFF RECORD 3:13 p.m.**

**Executive Session**

**The Commission did not return to the public record.**

**Meeting Adjourned.**