

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
FEBRUARY 22, 2017

A regular meeting of the Alaska Public Offices Commission (APOC) came to order at 9:02 a.m. on Wednesday, February 22, 2017. The meeting was held in the Elizabeth J. Hickerson Hearing Room 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 person Attendance

Commission:

Thomas Temple, Vice Chair
Irene Catalone, Commissioner
Robert Clift, Commissioner
Ronald King, Commissioner

Staff:

Heather Hebdon, Executive Director
Delight Mells, Paralegal II¹
Thomas Lucas, Paralegal II¹
Heather Dalberg, Paralegal I²
Michael Schwahn, Law Office Assistant I

Department of Law:

Laura Fox, Assistant Attorney General
Mary Lynn Macsalka, Assistant Attorney General

Attendees:

Group CPAs and Referrals

Connie Beemer – Alaska State Hospital and Nursing Home Assn.
Bruce Schulte – The Truth Alaska

Complaints

16-06-CD, McCoy v. Vazquez

Representative Liz Vazquez – Respondent
Stacey Stone, Holmes Weddle & Barcott, PC – Counsel for Respondent

¹ Attended via GoTo Meeting and in person for presentations.

² Attended via GoTo Meeting and telephonic for presentations.

16-07-CD, Reinbold v. Hackenmueller

Joe Hackenmueller – Respondent

Telephonic Attendance

Attendees:

Group CPAs and Referrals

Alicia Maltby, Executive Director, AK Hotel & Lodging Association (AkH&LA)

Candidate CPAs and Referrals

William Weatherby – Candidate, 2016 State General Election

Shirley Cote – Candidate, 2016 State General Election

Brian Gabriel – Candidate 2016 City of Kenai Election

POFD CPAs and Referrals

Rachel Gernat – B/C Council on Domestic Violence & Sexual Assault

Advisory Opinions

AO 16-05-LOB, Tim McKeever

Tim McKeever, Holmes, Weddle & Barcott PC – Counsel for Requestor

ON RECORD 9:02 A.M.

Vice-Chair Temple took a roll-call of attending commissioners and called the meeting to order.

Approval of the Agenda [*]

Commissioner King moved to approve the agenda as written.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the agenda as written.

Approval of Meeting Minutes [1]

October 10, 2016 – meeting minutes

Commissioner Catalone moved to approve the meeting minutes as revised.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the October 10, 2016 meeting minutes as revised.

October 25, 2016 – meeting minutes

Commissioner Catalone moved to approve the meeting minutes as written.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the October 25, 2016 meeting minutes as written.

Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney General Office [2]

The staff recommendations and referrals were presented by Thomas Lucas, APOC staff.

Commissioner King moved to approve the staff recommendations for civil penalty appeal items #1 - #13 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the staff recommendations for civil penalty appeal items #1 - #13 on the consent agenda.

Commissioner King requested items #14 - #17 for referrals be taken out from the consent agenda to be heard individually.

Anthony Edwardson

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

Ballot Group – People for Responsible Government

Statement of Contributions 15-5

\$14, 350

Referral to the Attorney General’s Office

Shannon Esparza

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

Ballot Group – Friends of Mayor Charlotte Brower

Statement of Contributions 15-5

\$650

Referral to the Attorney General’s Office

Pedro Moncivais Fernandez for House District 29

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

30 Day State Primary Report

\$150

Referral to the Attorney General’s Office

Pedro Moncivais Fernandez for House District 29

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

30 Day State General Report

\$100

Refer to the Attorney General’s Office

Commissioner King moved that items #14 - #17 on the consent agenda be referred to the Attorney General’s Office for collection.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to approve the referral of items #14 - #17 on the consent agenda to the Attorney General’s Office for collection.

Executive Director Report [10]

The Executive Director Report was presented by Heather Hebdon, APOC staff.

Approve FY18 Meeting Schedule [09]

The proposed FY18 meeting schedule was presented by Heather Hebdon, APOC staff.

Commissioner King moved to approve the proposed FY18 meeting schedule as written.

Commission Clift seconded the motion.

The Commission voted 4-0 to approve the proposed FY18 meeting schedule as written.

OFF RECORD 9:30 A.M

RECESS

ON RECORD 9:45 A.M

Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General Office [03]

The staff recommendations and referrals were presented by Delight Mells, APOC staff.

Chair Temple took a roll call of the respondents present and asked if any one wished to remove their item from the consent agenda process. No one wished to remove any items.

Commissioner King moved to approve the staff recommendations for civil penalty appeal items #1 - #5 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the staff recommendations for civil penalty appeal items #1 - #5 on the consent agenda.

Commissioner King moved that items #6 - #9 on the consent agenda be referred to the Attorney General's Office for collection.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the referral of items #6 - #9 on the consent agenda to the Attorney General's Office for collection.

OFF RECORD 10:00 A.M

RECESS

ON RECORD 10:15 A.M

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

The staff recommendations and referrals were presented by Heather Hebdon, APOC staff.

Commissioner King moved to approve the staff recommendations for civil penalty appeal items #1-#6 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the staff recommendations for civil penalty appeal items #1-#6 on the consent agenda.

APOC staff requested that referral item #13, 15-08-LFD, be removed from the consent agenda because payment had been received on February 21, 2017.

Commissioner King moved that items #7 - #12 & #14 on the consent agenda be referred to the Attorney General's Office for collection.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the referral of items #7 - #12 & #14 on the consent agenda to the Attorney General's Office for collection.

OFF RECORD 10:18 A.M
RECESS
ON RECORD 11:00 A.M

COMPLAINT

16-06-CD – McCoy v. Vazquez [5]

The staff report was presented by Delight Mells, APOC staff. Stacey Stone, counsel for respondent, Holmes Weddle & Barcott, PC appeared in person, gave a statement and answered questions of the Commission.

Commissioner King moved to take the matter under advisement.
Commissioner Catalone seconded the motion.
The Commission voted 4-0 to take the matter under advisement.

OFF RECORD 11:19 A.M
RECESS
ON RECORD 11:29 A.M

16-07-CD, Reinbold v. Hackenmueller [6]

The staff report was presented by Tom Lucas, APOC staff. Joseph Hackmueller, respondent appeared in person, gave a statement and answered questions of the Commission.

Commissioner King moved to take the matter under advisement.
Commissioner Catalone seconded the motion.
The Commission voted 4-0 to take the matter under advisement.

OFF RECORD 11:50 A.M
RECESS
ON RECORD 12:00 P.M

Public Comment [*]

Brian Fay appeared in person to speak during the public comment period.

OFF RECORD 12:07 P.M
LUNCH
ON RECORD 1:00 P.M

ADVISORY OPINION

Advisory Opinion Request - 16-05-LOB, Timothy McKeever [7]

The unapproved advisory opinion was presented by Heather Dalberg, APOC staff. Timothy McKeever, Attorney for Holmes, Weddle & Barcott, PC appeared telephonically on behalf of his client to answer questions of the Commission.

During the Commission discussion Mary Lynn Macsalka, Assistant Attorney General and Counsel for APOC staff and Heather Hebdon, APOC staff gave a brief statement during the discussion in support of APOC staff.

Commissioner King moved to take the matter under advisement.

Commissioner King withdrew his motion to take the matter under advisement.

Commissioner King moved to approve draft advisory opinion 16-05-LOB.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the draft advisory opinion 16-05-LOB.

Advisory Opinion Request - 17-01-CD, Alaska Conservative Leadership PAC [8]

The unapproved advisory opinion was presented by Tom Lucas, APOC staff.

Commissioner King moved to take the matter under advisement.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to take the above matter under advisement.

OFF RECORD 1:40 P.M

EXECUTIVE SESSION

The Commission did not return to the public record after the executive session.

Public meeting is adjourned.