

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 23-25, 2009

A regular meeting of the Alaska Public Offices Commission came to order at 9:04 a.m. on Thursday, September 24, 2009. The meeting was held at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binders. Asterisk \* indicates no information was included in the meeting binders.

**In Attendance:**

**COMMISSION:** Elizabeth Hickerson - Chair  
Kathleen Frederick – Vice chair  
Shirley Dean – Commissioner  
Kathleen (Kate) Ballenger – Commissioner  
Kathleen King – Commissioner

**Staff:** Holly R. Hill – Executive Director  
Jerry Anderson – Asst. Director  
Patty Ware – Project Coordinator Juneau Office  
Jaime Hidalgo – Associate Attorney II  
Kim Wilson – Associate Attorney I  
Vullnet Greva – Paralegal II  
Joan Mize – Paralegal II APOC Juneau Office (Telephonically)  
Rochelle Rogers-Legal Assistant APOC Juneau Office  
(Telephonically)  
Maria Bulfa- Recording Secretary

**Attendees:** Tom Dosik-Attorney General Office, Department of Law  
Bill Milks- Attorney General Office, Department of Law  
Del Baldwin- Respondent for 09-03-LOB  
Charles Tulin- Complainant’s Attorney for 09-03-LOB  
Sue Freie- on behalf of Mr. Freie, Complainant for 09-03-LOB  
Tim Petumenos- Attorney for Respondent AJS  
Chuck Dunnagan- Complainant’s Attorney for Pebble Complaint  
Scott Kendall- Attorney for Respondents Gillam and AFCW

**Public Comment Period:**

Linda Biegel- Public  
Andree McLeod- Public  
Theresa Obermeyer- Public

**Telephonic Appearance:**

Kevin Clarkson- Attorney for Respondents AK Republican Party  
and Randy Ruedrich  
Susan Stan Cliff- POFD Respondent  
William Large- POFD Respondent

**ON RECORD 9:04 a.m.**

**Chair Hickerson called the meeting to order.**

**HEARING AGENDA**

**John P. Freie v. Del Baldwin, 09-03-LOB [10]**

On September 24<sup>th</sup> the Commission held a hearing in the case, John P. Freie v. Del Baldwin. The case number for this case is 09-03-LOB.

**MEETING AGENDA**

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

**Approval of the Minutes [1]**

The Commission approved the June 17-18 and July 20 commission meeting minutes as revised.

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

The Commission approved the agenda as revised.

**Commissioner Ballenger moved to go to executive session to discuss personnel matters.**

**Commissioner Dean seconded the motion.**

**The Commission voted 5-0 in favor of the motion.**

**The following staff were asked to stay: Executive Director Holly R. Hill, Assistant Director Jerry Anderson.**

**OFF RECORD 10:04 a.m.**

**Executive Session**

**ON RECORD 11:10 a.m.**

After executive session the Commission went on to the next item on the agenda.

**HEARING AGENDA**

**Pebble, 09-01-CD, Consolidated 09-04, 05, and 06-CD [11]**

The Alaska Public Offices Commission held a hearing on the proposed consent decree in the matter titled *Pebble Ltd. Partnership, Pebble Mines Corporation, Resource Development Council v. Renewable Resources Coalition, Inc., Alaskans for Clean Water, Americans for Job Security, Robert Gillam*, consolidated with the case titled *APOC v. Michael Dubke, Arthur Hackney, Richard Jameson*.

The case numbers for these cases are : OAH Case No. 09-0231-APO; APOC Case Nos. 09-01-CD, 09-04-CD, 09-05-CD, and 09-06-CD.

**OFF RECORD 12:09 p.m.**

**Lunch**

**ON RECORD 1:04 p.m.**

**Mitigation Criteria [2]**

Ms. Ware presented an updated draft of the proposed mitigation criteria that the Commission had previously discussed at the June Commission meeting.

Following the discussion, the Commission asked Ms. Ware to make recommended changes on the Mitigation Criteria and present the revision during the next Commission meeting.

**OFF RECORD 1:52 p.m.**

**Break**

**ON RECORD 1:57 p.m.**

**Consent Agenda, Request to Reduce or Waive Civil Penalty Assessments for late Lobbyist or Employer of Lobbyist Reports [3]**

**Commissioner Dean made a motion to adopt staff's recommendation on all items on the consent agenda.**

**Commissioner Ballenger seconded the motion.**

**The Commission voted 5-0 in favor of the motion.**

**Commissioner Frederick asked to take out Doyon, Limited an employer of lobbyist out of the consent agenda.**

**Commissioner Dean amended the motion to adopt the remaining 1-6 items on the consent agenda and accept the staff recommendation as presented.**

**Commissioner Ballenger agreed to the amendment.**

**The Commission voted 5 to 0 in favor of the motion.**

The following Employer of Lobbyist was not included in the consent agenda process, at the direction of the Commission:

- Doyon, Limited- Employer of Lobbyist

<b>RESPONDENT:</b>	<b>Doyon, Limited</b>
STATUS:	Employer Lobbyist
LATE REPORT:	2009 First Quarter Report Due
MAXIMUM CIVIL PENALTY:	<b>\$480</b>

**Commissioner Frederick made a motion for a 50% reduction on the 2009 first quarter lobbyist report.**

**Commissioner King seconded the motion.**

**The Commission voted 5 to 0 in favor of the motion** to Reduce the penalty by 50%, to \$240.00 for Unique circumstances - personal catastrophe - death of husband of staff member who prepares the APOC reports for the entity/filer.

The Commission revisited the complaint 08-16-CD; Democratic Party v. Republican Party that was previously discussed at the September 23, 2009 Commission meeting.

Mr. Anderson presented additional information requested by the Commission at the last meeting.

After deliberation the Commission went back on to the next item on the agenda.

**Commission Officer Nomination [\*]**

**Commissioner Ballenger made a motion to nominate Commission Hickerson as the chair for the ensuing year.**

**Commissioner Dean seconded the motion.**

**The Commission voted 5 to 0 in favor of the motion.**

**Commissioner Dean made a motion to nominate Kathleen Frederick as the Vice Chair.**

**Commissioner Ballenger seconded the motion.**

**The Commission voted 5 to 0 in favor of the motion.**

**OFF RECORD 2:20 p.m.**

**Break**  
**ON RECORD 2:42 p.m.**

**Advisory Opinion Request, AO-09-12-CD (Knowles) [4]**

Mr. Dosik and Kim Wilson presented the advisory opinion request for Susan Knowles, and answered any questions the Commission might have regarding the opinion request and staff's proposed answer.

**Commissioner King made a motion to deny the Advisory Opinion AO-09-12-CD.**

**Commissioner Frederick seconded the motion.**

**The Commission voted 5 to 0 in favor of the motion.**

**The Commission requested that Staff obtain legal review of the issue and return with a revised advisory opinion.**

**Civil Penalty Order Request [5]**

**Mr. Greva presented the CPA appeal and request for referral to the Attorney general.**

<b>RESPONDENT:</b>	<b>Susan Stancliff</b>
STATUS:	Initial Public Official Financial Disclosure
LATE REPORT:	2008 Initial Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY:	\$375- Filed 45 days after the due date
STAFF RECOMMENDATION:	50% reduction.

**Commissioner Frederick made a motion to uphold the full civil penalty of \$375 for filing Initial POFD statement late.**

**Commissioner Dean seconded the motion.**

**The Commission voted 3-2 in favor of the motion.**

<b>RESPONDENT:</b>	<b>William Large</b>
STATUS:	Initial Public Official Financial Disclosure

LATE REPORT

2007, 2008, and 2007 Public Official  
Financial Disclosure Annual Report

MAXIMUM CIVIL PENALTY:

\$ 345-2009 Filed 42days late  
\$1,215-2008 Filed 129days late  
\$ 215-2007 Filed 29 days late  
\$1,775- Total CPA

Mr. Large asked for a payment plan with Staff. Chair Hickerson requested the Commission take this under advisement until the Staff could discuss the matter with counsel.

**OFF RECORD 4:05 p.m.**

**Break**

**ON RECORD 4:19 p.m.**

**Sarah Palin POFD Staff Recommendation [6]**

**Mr. Anderson presented Governor Palin's 2009 POFD exemption request memo to the Commission that was previously discussed at the June 17, 2009 Commission meeting.**

**Commissioner Ballenger made a motion to adopt the staff recommendation of Governor Palin's 2009 POFD filing.**

**Commissioner Dean seconded the motion.**

**Commissioner Dean withdraws her second.**

**The motion dies for lack of a second.**

**During the discussion, additional items were requested by the Commission and to be presented at the next Commission meeting.**

- The confidential agreement or provision
- Dollar amount of the received discounted merchandise from Arctic Cat
- Amount of the sponsorship fee

**Public Comment Period [\*]**

**Appearances by: Andree McLeod, Theresa Obermeyer, and Linda Biegel**

**The Commission recessed until Friday, September 25, 2009 at 9:00 a.m.**

**OFF RECORD 5:00 p.m.**