

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 23, 2010

A regular meeting of the Alaska Public Offices Commission came to order at 9:02 a.m. on Thursday, September 23, 2010. 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 binders.

Asterisks \* indicate that 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 – Assistant Director  
Patricia Ware – Project Coordinator Juneau Office  
(Telephonically)  
Barbara Dreyer – Associate Attorney II  
Amy H. Robinson – Associate Attorney II  
Kim Wilson – Associate Attorney I  
Vullnet Greva – Paralegal II  
Joan Mize – Paralegal I (Telephonically)  
Heather Hebdon – Paralegal I  
Maria Bulfa – Law Office Assistant II  
Reuben Yerkes – Law Office Assistant I (Telephonically)

**Attendees:**

John Ptacin – Assistant Attorney General, Dept. of Law  
Douglas Isaacson – Mayor, City of North Pole (Telephonically)  
Bonnie Jo Savland – Work Force Investment Board  
(Telephonically)  
Anna von Reitz, secretary/treasurer for Gas for Alaskans (GFA),  
AO 10-23-CD (Telephonically)  
Charles McFarland – Alaska Municipal League (Telephonically)  
Bob Farrell – City of Hoonah (Telephonically)

**ON RECORD 9:02 a.m**

Chair Hickerson called the meeting to order.

Mr. Anderson handed out the Unopposed Motion for Extension of Deadlines pertaining to complaint number 10-04-CD.

**Commissioner King moved to approve the Unopposed Motion to extend the deadlines.**

**Commissioner Dean seconded the motion.**

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

**Advisory Opinion Request, AO 10-14-CD, Douglas Isaacson [8]**

Ms. Wilson presented the advisory opinion requested by Mr. Isaacson.

**Commissioner Frederick moved to accept staff's recommendation.**

**Commissioner Ballenger seconded the motion.**

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

**Request to Reduce or Waive Civil Penalty Assessments for Public Official Financial Disclosure Statement Reports [9]**

**There are only two POFD civil penalty appeals and both appeals were removed from the consent agenda. The following civil penalty appeals staff recommendations were presented to the Commission.**

**The Commission approved the POFD consent agenda.**

<b>RESPONDENT:</b>	<b>John Garrett</b>
<b>STATUS:</b>	Workers' Compensation Board
<b>LATE REPORT:</b>	2010 POFD Initial Statement, filed 64 days late
<b>MAXIMUM CIVIL PENALTY:</b>	<b>\$565</b>
<b>STAFF RECOMMENDATION:</b>	Waiver of the civil penalty due to staff error

**Commissioner Frederick moved to reject staff's recommendation and to impose a 50% reduction of the assessed civil penalty based on the mitigation criteria for in-experienced filers.**

**Commissioner Dean seconded the motion.**

**Chair Hickerson took a call for votes on the motion:**

**Commissioner Ballenger – No**  
**Commissioner Dean – Yes**  
**Commissioner King – No**  
**Commissioner Frederick – Yes**  
**Commissioner Hickerson - No**

**The motion failed following a Commission vote of 2 in favor and 3 opposed.**

**Commissioner Frederick moved to impose a \$40 civil penalty for filing late.**

**Commissioner Ballenger seconded the motion.**

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

The Commission requested that the Workers Compensation Board be notified and instructed to provide APOC with the proper mailing address of their annual POFD filer so that staff may send the proper form to them for the next filing.

<b>RESPONDENT:</b>	Bonnie Jo Savland
<b>STATUS:</b>	Work Force Investment Board
<b>LATE REPORT:</b>	2010 POFD Annual Statement filed 70 days late
<b>MAXIMUM CIVIL PENALTY:</b>	<b>\$625</b>
<b>STAFF RECOMMENDATION:</b>	Waiver of the civil penalty due to personal emergency or incapacitating illness

**Commissioner Ballenger moved to accept staff's recommendation to waive the assessed civil penalty due to personal emergency or incapacitating illness based on the mitigation criteria.**

**Commissioner King seconded the motion.**

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

**OFF RECORD 9:42 a.m.**  
**Break**  
**ON RECORD 9:50 a.m.**

**Request to Reduce or Waive Civil Penalty Assessments Campaign Disclosure for Groups [10]**

Mr. Greva presented the groups civil penalty appeals and staff recommendations.

**Mr. Ken Jacobus appeared in person on behalf of Alaskans for Open Government.**

<b>RESPONDENT:</b>	Alaskans for Open Government
<b>STATUS:</b>	Active Group
<b>LATE REPORTS:</b>	2008 & 2009 Year End Report due February 15 <sup>th</sup> 2008 & 2009 15-6 Statement of Independent Expenditures 2008 Group Registration 30-Day Primary Report
<b>MAXIMUM CIVIL PENALTY:</b>	<b>\$339,650</b>
<b>STAFF RECOMMENDATION:</b>	Assess maximum civil penalty of \$220 for the 30-day report. Staff had no recommendation regarding the 2008 and 2009 Year End Reports, the late Statements of Independent Expenditure, and the late Group Registration.

**Commissioner Dean moved to accept staff's recommendation on the late 30-day report and to uphold the maximum civil penalty of \$220.**

**Commissioner Ballenger seconded the motion.**

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

**Commissioner Frederick moved to acknowledged that Alaskans for Open Government had been a group beginning May 15, 2008.**

**Commissioner Dean seconded the motion.**

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

During the discussion, the Commission asked staff to generate a table and to recalculate the minimum and maximum civil penalty from 2008 to the present for Alaskans for Open Government.

**Commissioner Frederick moved to require Alaskans for Open Government to file a separate year-end report for 2008 and 2009 according to the statutory requirement.**

**Commissioner Ballenger seconded the motion.**

**Commissioner King moved to amend Commissioner Frederick motion to require Alaskans for Open Government to file their 2008 and 2009 year-end reports with the Commission within 10 days without accruing additional civil penalty.**

**Commissioner Frederick seconded the motion.**

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

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

**Break**

**ON RECORD 11:00 a.m.**

### **New Legislation to Recommend [11]**

Ms. Hill gave a brief overview regarding suggested legislation for the upcoming legislative session.

### **COGEL Agenda and Registration [12]**

Mr. Anderson gave an overview of the upcoming COGEL training scheduled for December 2010.

### **Discussion on APOC Notice Requirements [13]**

Mr. Ptacin presented educational information to the Commission and staff on notice requirements.

### **Mitigation Criteria Update [17]**

Ms. Robinson presented suggested changes to the Civil Penalty Appeal Assessment Mitigation Criteria.

**OFF RECORD 12:24 p.m.**

**Lunch**

**ON RECORD 1:05 p.m.**

### **Advisory Opinion Request, AO 10-22-CD, AK Gasline Port Authority (AGPA) [14]**

Ms. Robinson presented staff's recommendation regarding Merrick Pierce's advisory opinion request.

**Commissioner Dean moved to accept staff's recommendation.**

**Commissioner Ballenger seconded the motion.**

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

**Advisory Opinion Request, AO 10-23-CD, Gas for Alaskans [14]**

Ms. Dreyer and Mr. Ptacin presented staff's recommendation regarding the advisory opinion request by Anna von Reitz.

Anna von Reitz, occasional secretary/treasurer for Gas for Alaskans (GFA) appeared telephonically and made statements regarding her advisory opinion request.

**The Commission requested a ten minute break to review the book provided by the staff written by Ms. Anna von Reitz.**

Following a long discussion, staff requested that the Commission remove Ms. von Reitz's advisory opinion request from the agenda and to consider this Advisory Opinion Request as being withdrawn by the Requestor.

**OFF RECORD 2:39 p.m.**

**Break**

**ON RECORD 2:40 p.m.**

**Advisory Opinion Request, AO 10-24-LOB, Mr. Cook [\*]**

Ms. Ware and Mr. Ptacin presented staff's recommendation regarding the advisory opinion request by Mr. Cook.

**Commissioner Dean moved to accept staff's recommendation.**

**Commissioner King seconded the motion.**

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

**OFF RECORD 2:50 p.m.**

**Break**

**ON RECORD 2:55 p.m.**

**Candidate Manual Review [15]**

Ms. Hebdon presented the revisions to the Candidate Manual.

**The Commission adopted the changes to the previously approved Candidate Manual.**

**Online POFD posting and Discussion on Rationale for March Filing [16]**

Ms. Hill presented POFD online web posting information.

During the discussion, the Commission decided that for the mean time only sitting legislators' POFD/LFD statements will be published on APOC's website.

Commissioner King moved to go into executive session to discuss personnel matters.

Commissioner Frederick seconded the motion.

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

**OFF RECORD 3:50 p.m.**

**Executive Session**

**The Commission recessed until Friday, September 24, 2010 at 9:00 a.m.**