

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
JANUARY 07, 2013

A regular meeting of the Alaska Public Offices Commission came to order at 10:15 a.m. on Monday, January 7, 2013. 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:** Elizabeth Hickerson - Chair  
Kathleen King - Vice-Chair  
Kenneth Kirk - Commissioner  
Vance Sanders - Commissioner

**Staff:** Paul Dauphinais - Executive Director  
Jerry Anderson - Assistant Director  
Joan Mize - Juneau Program Coordinator (Telephonically)  
Thomas Lucas - Associate Attorney II  
Heather Hebdon - Associate Attorney II  
Delight Mells - Paralegal I  
July Lam - Paralegal I  
Ramona Nicori - Law Office Assistant I

**In person Attendees:**

Robert Henrichs - Respondent, 2012 Statewide Municipal Filer  
Civil Penalty Appeal  
Aaron Sperbeck - Robert Henrichs Counsel  
Ron Devon - Respondent, Austin McDaniel v Ron Devon, 12-13-  
CD  
Joe McKinnon - Respondent's Counsel, Bernadette Wilson v  
Hollis S. French, 12-14-CD  
Tim McKeever - Respondent's Counsel, Holmes, Weddell &  
Barcott, Bernadette Wilson v Putting Alaskans First Committee,  
12-15-CD

**Attendees Telephonically:**

Bill Milks - Assistant Attorney General, Department of Law  
Emily Deach - Clerk, Skagway, Alaska, Borough  
James Studley - 2012 Candidate, City of Haines  
Mark Miller - Reporter, Juneau Empire  
Laurie Sica - Clerk, Juneau Borough, Public Comment

Linda Kellen Biegel - Self, Public Comment  
Peggy Wilson - Respondent, Thomas E. Schulz v. Committee to  
Elect Peggy Wilson, 12-12-CD

**ON RECORD 10:15 a.m.**

Chair Hickerson called the meeting to order.

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

**The Commission approved the agenda as written.**

**Approval of the Meeting Minutes [1]**

- **November 1, 2012**

**Commissioner Kirk moved to approve meeting minutes as revised.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 approval the November 1, 2012 meeting minutes.**

- **November 2, 2012**

**Commissioner Kirk moved to approve meeting minutes as revised.**

**Commissioner King seconded the motion.**

**The Commission voted 4-0 approval the November 2, 2012 meeting minutes.**

**Candidate Campaign Disclosure [2]**

The Staff recommendation regarding the consent agenda was presented by Delight Mells, APOC Staff.

**The following individuals were removed from the consent agenda for the Commission to consider separately:**

**Jim Colver**

Late Report:

Maximum Civil Penalty:

Staff Recommendation:

**2012 Mat-Su Borough Election**

30D Municipal Report

\$350 as filed 7 days late @ \$50 a day

Reduction of 75% Civil Penalty Assessed

**Commission Kirk moved to approve the staff recommendation with amendment to include “Good History” of filing.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 to approve the recommended civil penalty.**

**Robert Henrichs**

Late Report:

Maximum Civil Penalty:

Staff Recommendation:

**2012 State Election**

\$4,200 - 84 days late, 30D Primary

\$31,000 - 62 days late, 7D Primary

\$ 35,200 – Total Civil Penalty

Reduction of 98% Civil Penalty Assessed

\*Commissioner Vance Sanders disclosed on the public record that he met Mr. Henrichs during the Valdez Oil spill, and does not feel conflict deciding the above matter.

**Commissioner Sanders moved to approve staff recommendation  
Commissioner King seconded the motion  
The Commission vote 4-0 to approve the recommended civil penalties.**

**Commissioner Kirk moved to approve the staff recommendation to the remaining items on the Consent Agenda.  
Commissioner Sanders seconded the motion.  
The Commission voted 4-0 to approve the recommended civil penalties.**

**Public Official Financial Disclosure [3]**

The Staff recommendation regarding the consent agenda was presented by Paul Dauphinais, APOC Staff.

**The following individual was removed from the consent agenda for the Commission to consider separately:**

<b>James Studley</b>	2012 Haines Borough Municipal Election
Late Report:	Candidate POFD Statement
Maximum Civil Penalty:	\$350 as filed 35 days late @ \$10 a day
Staff Recommendation:	Uphold Civil Penalty Assessed

**Commissioner Sanders moved to approve staff recommendation with a 50% reduction in the recommended penalty.  
Commissioner Kirk seconded the motion.  
The Commission voted 4-0 to approve the recommended civil penalty.**

The Commission approved the staff recommendation for the remaining items on the Consent Agenda without objection.

**OFF RECORD 11:30 a.m.**

**Break**

**ON RECORD 11:40 a.m.**

**Austin McDaniel v. Ronald Devon, 12-13-CD [4]**

The staff report was presented by Heather Hebdon, APOC staff. Mr. Ronald Devon appeared in person, gave brief statement in support of the alleged violation.

On October 15, 2012, Austin McDaniel filed a complaint against Ron Devon, a candidate for State Senate District N. Mr. McDaniel alleged that the respondent's 30 day campaign disclosure report violated provisions of AS 15.13.040 by failing to disclose the occupation and employer information for all contributors who contributed in excess of \$50 and failing to timely disclose six contributors.

**Commissioner Sanders moved to approve staff recommendation.  
Commissioner Kirk seconded the motion  
The Commission voted 4-0 to approve the recommended civil penalties.**

**Public Comment [\*]**

- Laurie Sica, Juneau Borough Clerk, appeared telephonically for public comment re: **Electronic availability of municipal candidate POFDs.**
- Linda Kellen Biegel, appeared telephonically for public comment re: regulating the “paid for by” requirements.

**Thomas E. Schulz v. Committee to Elect Peggy Wilson, 12-12-CD [5]**

The staff report was presented by Heather Hebdon, APOC staff. Ms. Peggy Wilson, appeared telephonically and gave a brief statement regarding the alleged violation.

On October 11, 2012, Thomas Schulz filed a complaint against The Committee to Elect Peggy Wilson, the campaign committee for Peggy Wilson, a 2012 state candidate for the newly restricted House District 33, and the incumbent Representative for District 2. The complaint alleges that the Respondent accepted a prohibited corporate contribution in violation of AS 15.13.074(f).

During the Commission discussion, Commissioner Kirk asked to delete the last paragraph of the staff report recommendation involving “Ketchikan Ready Mix Inc.”

**Commissioner Kirk moved to approve staff recommendation as revised.  
Commissioner Sanders seconded the motion.  
The Commission voted 4-0 to approve the staff recommendation as revised.**

**Executive Director Report [7]**

The director’s report was presented by Paul Dauphinais, APOC Executive Director. Joan Mize, APOC staff, participated in the director’s report discussion concerning lobbying laws.

**OFF RECORD 12:40 p.m.  
LUNCH  
ON RECORD 1:34 p.m.**

**Bernadette Wilson v Hollis S. French, 12-14-CD [6]**

The staff report was presented by Thomas Lucas, APOC staff. Mr. McKinnon, Respondent’s counsel, appeared in person and presented his argument on the Motion to Dismiss filed in this case.

On October 25, 2012, Bernadette Wilson filed a complaint against Hollis S. French alleging violations of AS 15.13, Alaska’s campaign disclosure law. The Commission remanded the Complaint for consideration on a regular basis on October 29, 2012 after considering the request of the Complainant that the Complaint be heard on an expedited basis. This hearing followed that action.

**The Commission took the above matter under advisement.  
Order to follow.**

**Bernadette Wilson v Putting Alaskans First Committee, 12-15-CD [6]**

The staff report was presented by Thomas Lucas, APOC staff. Mr. McKeever, respondent's counsel, appeared in person and presented his argument on the request for motion to dismiss on the above case.

On October 25, 2012, Bernadette Wilson filed a complaint against Putting Alaskans First Committee, alleging violations of AS 15.13, Alaska's campaign disclosure law. This case is similar to the French case considered above, previously considered on October 29, 2012 on an expedited basis at the request of the complainant.

**The Commission took the above matter under advisement.**

**OFF RECORD 2:46 p.m.**

**Adjourned at 4:20 p.m. without going back on public record**