

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
NOVEMBER 19-21, 2008

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. Wednesday, November 19, 2008. The meeting was held at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

Brackets [] indicates an agenda item number and an information packet could be included in the meeting binders. An asterisk \* indicates no information was included in the meeting binders.

**In Attendance:**

**COMMISSION:** Elizabeth Hickerson – Chair  
Kathleen Frederick- Vice Chair  
Roger Holl - Commissioner  
Shirley Dean - Commissioner  
Kate Ballenger - Commissioner

**Staff:** Holly Hill – Executive Director  
Chris Ellingson – Assistant Executive Director  
Kim Wilson- Candidate Coordinator  
Vullnet Greva- Group Coordinator  
Jeff Berliner – APOC Investigator  
Patty Ware – Administrator Juneau Office (via teleconference)  
Maria Bulfa- Recording Secretary

**Attendees:** Annette Kreitzer, Commissioner, Dept. of Administration  
Whitney Brewster, Acting Deputy Commissioner, Dept. of Administration  
Anand Dubey, Director, Enterprise Technology Services  
Dept. of Administration  
William Milks, Assistant Attorney General, Dept. of Law (Juneau)  
Tom Amodio, Alaskans for Wildlife, Respondent's Attorney (via teleconference)  
Donne Fleagle, MTNT, Chair of the Board, Complainant (via teleconference)  
Tom Dosik, Assistant Attorney General, Dept. of Law  
Terry Thurbon, Chief Administrative Law Judge (via teleconference)  
Jan DeYoung, Chief Assistant Attorney General, Dept. of Law

Nick Jans, Treasurer, Alaskans for Wildlife (via teleconference)  
Barbara Reid, Division Operation Manager, Dept. of Administration (via teleconference)  
Monica Koethke, Project Manager, Enterprise Technology Services Dept. of Administration  
Vern Jones, Chief Procurement Officer, Dept. of Administration (via teleconference)

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

Chair Hickerson introduced herself and the Commission members present.

**Approval of Agenda**

**Commissioner Dean moved to approve the Agenda as amended.**

**Commissioner Frederick seconded the motion.**

**The motion passed 5-0**

**Kraft v. Alaska Department of Natural Resources, 08-14-CD [\*]**

**The Commission reviewed the unopposed motion for Extension of Time**

**The Commission granted an extension in Kraft v. DNR, 08-14-CD**

**Approval of Minutes [1]**

**The Commission approved September 24-26 and October 28, 2008 commission meeting minutes as amended.**

**Lobbying Issues [3]**

Ms. Ware presented the 2008-2009 Lobbyist training schedule that is posted on the APOC website.

**Status Report on Collections Streamlining [\*]**

Mr. Greva gave an oral update of the collection streamlining process that was discussed at the August meeting. He apprised the Commission of a meeting that is scheduled with Ms. Clarkin in the Attorney General's office on November 25, 2008 to ensure that we are all up to date with the proposed process. A more in-depth report will be provided at the next scheduled commission meeting.

**Presentation of File Transfer Protocol (FTP) [\*]**

Ms. Hill presented **File Transfer Protocol (FTP)** that was included in the packet.

Ms. Ellingson prepared a quick power point overview for the Commissioners on how to use FTP from their personal computer. **(Postponed due to technical difficulty)**

**OFF RECORD 9:40 a.m.**

**Break**

**ON RECORD 9:50 a.m.**

**Revised Mitigation Criteria Discussion [5]**

Ms. Ware and staff presented an updated draft of the proposed mitigation criteria that the Commission had previously discussed at the August commission meeting.

The Commission requested staff to revise the mitigation criteria to include the Commission's directions to reduce the reasons to mitigate.

**OFF RECORD 10:40 a.m.**

**Break**

**ON RECORD 10:42 a.m.**

**Lobbying Issues, cont. [3]**

Ms. Ware asked the Commission to draft an order to require lobbyists and employer of lobbyists to file electronically. The law states that at the request of the Commission these reports are to be filed electronically.

Ms. DeYoung, Department of Law, gave her opinion regarding statutes and regulations requiring lobbyists to file electronically. She encouraged the Commission to include this in the regulations project.

The Commission approved the draft order prepared by staff that require lobbyists and employer of lobbyists to file electronically.

**Revised Consent Agenda Discussion [4]**

Ms. Wilson presented the revised bylaws which were previously discussed at the August meeting. Ms. DeYoung explained how this consent agenda process could be achieved.

**Commissioner Holl made a motion to amend the Commission's Bylaws, at article 7-Consent Agenda, paragraph D, to remove the words "or a member of the public."**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**OFF RECORD 10:03 a.m.**

**Break**

**ON RECORD 10:07 a.m.**

**Discussion of Revised Delegation Memo [6]**

Ms. Hill presented the revised draft of the delegation memo which had been previously presented at the August meeting.

Mr. Dosik, Attorney General, participated telephonically to explain his research regarding delegating signing of subpoenas and orders on behalf of the Commission.

**Chair Hickerson directed Ms. Hill to revise the memo with the approved items delegated to the Executive Director in the form of an order for the Commission Chair to sign.**

**The Commission approved the revised Delegation Memo with revision provided by the Commission.**

**Executive Director Report [7]**

Ms. Hill presented her report that was included in the packet.

Ms. Hill and Ms. Ellingson discussed Public outreach training that was provided in Ketchikan, November 10, 2008. There were some issues brought before the Commission regarding Public Official Financial Disclosure (POFD) filings and the detail required from the Municipal and volunteer filers. Staff asked for the Commission's guidance to resolve some of the concerns.

The Commission asked staff to contact Steve Van Goor of the Alaska Bar Association and request a written opinion regarding the amount of detail required for client information on the POFD for attorneys.

Mr. Berliner presented the APOC pending complaints and complaint form provided with the Executive Director's Report.

Ms. Hill gave a brief summary of the newly hired personnel. The position is an Associate Attorney II. The candidate that was selected, Jerry Anderson, comes from the court system and has been a magistrate for several years. His start date is November 24, 2008.

**[11:35 a.m.] Chair Hickerson excused herself for personal business and passed the gavel to Commissioner Frederick to act as chair during her absence.**

**Appeal of Staff's Determination on Disclosure of Client Information (POFD), Attorney Joseph Paskvan [2]**

**This matter was continued until Friday, November 21, 2008 at 2:15 p.m.**

**OFF RECORD 11:53 a.m.**

**Lunch**

**ON RECORD 1:03 p.m.**

**Executive Director Report, cont. [7]**

Terry Thurbon participated telephonically to discuss APOC's use of an Administrative Hearing Officer during its hearings if necessary.

**[1:09p.m.] Chair Hickerson is back from her personal absence.**

**Commissioner Frederick moved to approve the Memorandum Agreement for adjudication services as needed for an Administrative hearing officer through the office of Administrative Hearings.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**OFF RECORD 1:31 p.m.**

**Break**

**ON RECORD 1:32 p.m.**

**Insight Project Update [8]**

Monica Koethke, ETS, Project Manager presented a PowerPoint update to the staff and Commission members on the status of the Insight Project.

**Department of Administration Support [\*]**

Annette Kreitzer, Commissioner, Department of Administration participated in person with a discussion of state budget issues, commission members per diem, honorarium audit, and state travel memorandum.

Mr. Jones, Chief Procurement Officer, Department of General Services, participated telephonically to answer procurement questions.

**OFF RECORD 2:10 p.m.**

**Break**

**ON RECORD 2:24 p.m.**

**MTNT v. Alaskans for Wildlife, 08-13-CD [9]**

Commissioner Frederick recused herself from participating in this matter. She stated that she has had close personal dealings with Nick Jans. She excused herself for personal business.

Chair Hickerson introduced the Commissioners who are participating in MTNT v. Alaskans for Wildlife hearing:

Commissioner Ballenger  
Commissioner Holl  
Commissioner Dean  
Chair Hickerson

**Participated telephonically:**

**Donne Fleagle**, Chair of the Board, MTNT  
**Tom Amodio**, Attorney for Alaskans for Wildlife

**Commissioner Holl moved to adopt the staff recommendation contained in the staff memorandum dated November 7, 2008 in case number 08-13-CD, MTNT v. Alaskans for Wildlife, He further requested staff to promptly notify the Defenders of Wildlife (National Organization) that they failed to file a required report in a timely manner and were therefore, in violation of AS 15.13.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 4-0**

**[2:40 p.m.] Commissioner Frederick is back from personal business.**

**OFF RECORD 2:45 p.m.**

**Relocated to another room in the office for FTP training**

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

Staff and Commission members relocated to another room to receive training on how to use File Transfer Protocol (FTP).

**Commissioner Dean moved to go into executive session to discuss personnel and legal matters.**

**Commissioner Frederick seconded the motion.**

**The motion passed 5-0**

**The following staff who participated in executive session were; Holly Hill, APOC Executive Director, and William Milks, Department of Law.**

**ON RECORD 3:21**

**Vice-Chair Fredrick called the meeting back in order after a break from executive session.**

**Chair Hickerson, Commissioner Dean, Commissioner Ballenger were excused from public comment period for personal business.**

**The Commission has concluded items on today's agenda. The Commission will reconvene back on record for public comment at 4:30 p.m.**

**ON RECORD 4:30 p.m.  
Public Comment Period  
OFF RECORD 4:32 p.m.**

**The Commission is waiting from any public member to appear.**

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

**Commissioner Holl made a motion to recess until, November 20, 2008 at 9:00 a.m.**

**OFF RECORD 5:02 p.m.**