

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
FEBRUARY 24-26

A regular meeting of the Alaska Public Offices Commission came to order at 9:05 a.m. Wednesday, February 24, 2010. The meeting was held on the 10th Floor of the State Office Building, Commissioner's Conference Room, 333 Willoughby Street, Juneau, 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 (Absent)
Shirley Dean – Commissioner
Kathleen (Kate) Ballenger – Commissioner
Kathleen King – Commissioner

Staff:

Holly R. Hill – Executive Director
Jerry Anderson – Assistant Director
Jason Brandeis – Associate Attorney II (via teleconference)
Amy Robinson – Associate Attorney II
Kim Wilson – Associate Attorney I (via teleconference)
Vullnet Greva – Paralegal II (via teleconference)
Heather Hebdon – Paralegal I (via teleconference)
Patty Ware – Project Coordinator Juneau Office
Joan Mize – Paralegal I
Rochelle Rogers – Recording Secretary

Attendees:

Rachael Petro – Deputy Commissioner, Dept. of Admin.
Kevin Brooks – Deputy Commissioner, Dept. of Admin.
Anand Dubey – Director, Enterprise Technology Services, Dept. of Admin.
John Ptacin – Assistant Attorney General, Dept. of Law (via teleconference)
Robert Fithian – AK Professional Hunters Association

Telephonic Appearance:

Steven McDaniel – Service Contract Industry Council
Gloria Teves – Holland America
Sharon Lindley – POFD Respondent

Public Comment Period:

André McLeod – Public
Doug Wooliver – Public
Theresa Obermeyer – Public
Barbara Norton – Public

ON RECORD 9:05 a.m.

Chair Hickerson called the meeting to order.

Ms. Holly Hill introduced the staff present at the meeting.

Approval of Agenda [*]

Chair Hickerson proposed the following item be removed from the agenda and postponed until a later time: Carl Marrs POFD Exemption Request [5]

The Commission approved the agenda as revised.

Approval of Minutes [1]

The Commission approved November 18- 19, 2009, December 3, 15 and 22, 2009 and January 19 and 29, 2010 meeting minutes as revised.

Executive Director Report [2]

Ms. Hill presented the Executive Director Report.

Ms. Ware gave a presentation to the staff and Commission members on the ongoing Insight Project and other issues occurring in the Juneau office.

Mr. Anderson gave a presentation to the staff and Commission members on investigations and collections.

Ms. Hill notified the Commission members and staff on the updated strategic management plan in the meeting binders.

The Department of Administration, Division of Administrative Services appeared in-person in support of the FY11 budget and Insight Project that were included in the Executive Director Report, and to answer any questions the Commission might have regarding the agency's budget and electronic filing issues.

- Rachael Petro – In-person
- Kevin Brooks – In-person
- Anand Dubey – In-person

Commissioner Hickerson awarded Ms. Hill a certificate of appreciation for 10 years of service to the State of Alaska.

Ms. Hill gave an update on the status of the Insight program in reference to POFD and CD filings. Anand Dubey provided additional information to the Commission on the status of the program and a new approach to enable APOC to post information to the web site more quickly with existing resources while waiting for the Insight modules to be built.

OFF RECORD 10:08 a.m.

Break

ON RECORD 10:18 a.m.

Cost and Fees Discussion [3]

Ms. Robinson presented the Cost and Fees Discussion.

Update on legislative matters affecting APOC [4]

Ms. Ware presented to the staff and Commission members an update on legislative matters affecting APOC.

Recommendation on Substantial Compliance Order [18]

Presented by Mr. Jason Brandeis and Assistant Attorney General John Ptacin (via teleconference).

Commissioner Dean made a motion to adopt the order.

Commissioner Ballenger seconded the motion.

The Commission discussed necessary revisions to the order and requested that the revised version of the order be presented on 2/25/10 for a final decision.

Commissioner Dean made a motion to table the original motion.

Commissioner King seconded the motion.

The Commission voted 4-0 in favor of tabling the motion.

Update on Impact of Citizens United Case

Presented by Assistant Attorney General John Ptacin (via teleconference)

Audit Procedure Presentation [7]

Presented by Ms. Robinson, Ms. Ware and Ms. Wilson

Referrals to Attorney General [8]

Staff advised the Commission that Kito, Inc. and United Academics AAUP/AFT had paid their fines. They were removed from the consent agenda.

Alaska Professional Hunters Association and Holland America were removed from the consent agenda to present testimony.

Staff presented the Commission with a revised version of the City of Chevak's referral.

The Commission upheld staff's recommendation 4-0 to refer Alaska Rock Products, Copper River Seafoods, Lower Yukon School District, and City of Chevak to the Attorney General's Office for collection.

Consent Agenda Request to Reduce or Waive Civil Penalty Assessments for Late Lobbyists or Employer of Lobbyist Reports [9]

Service Contract Industry Council requested to be removed from the consent agenda to present testimony.

Ms. Mize requested that Sierra Systems be removed from the consent agenda as the staff recommendation has changed. Ms. Mize will verbally present the revised version of the staff recommendation.

The following Lobbyists and Employers of Lobbyists were included in the consent agenda process, at the direction of the Commission:

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|----------------------------------------|----------------------|
| • Fuhs, Paul | Lobbyist |
| • Hayes, Joe | Lobbyist |
| • Thorstenson, Robert | Lobbyist |
| • Venables, Robert | Lobbyist |
| • AK Immigration Justice Project | Employer of Lobbyist |
| • AK Marine Dealers Association | Employer of Lobbyist |
| • AK Marine Pilots LLC | Employer of Lobbyist |
| • AK Power Association | Employer of Lobbyist |
| • AK Public Employees Assoc (APEA/AFT) | Employer of Lobbyist |
| • AK Restaurant & Beverage Assoc. | Employer of Lobbyist |
| • AK Scallop Association | Employer of Lobbyist |
| • AK Seine Boat Owners Assoc. | Employer of Lobbyist |
| • AK State Veterinary Medical Assoc. | Employer of Lobbyist |
| • Alliance of Automobile Manufacturers | Employer of Lobbyist |
| • Association of AK School Boards | Employer of Lobbyist |
| • City & Borough of Yakutat | Employer of Lobbyist |
| • City of Bethel | Employer of Lobbyist |
| • City of Galena | Employer of Lobbyist |
| • City of Hoonah | Employer of Lobbyist |

- City of Wasilla Employer of Lobbyist
- Consumer Health Alliance Employer of Lobbyist
- CVS Caremark Corporation Employer of Lobbyist
- E-Terra, LLC Employer of Lobbyist
- Fraser Stryker PC LLO Employer of Lobbyist
- Matanuska Telephone Association Employer of Lobbyist
- Naknek Electric Association, Inc. Employer of Lobbyist
- Residential Mortgage, LLC Employer of Lobbyist
- Rozema Boatworks Employer of Lobbyist
- Sequestered Solutions AK, LLC Employer of Lobbyist
- Sitka Herring Group Employer of Lobbyist
- Southeast AK Seinners Association Employer of Lobbyist
- Timothy J. Mahoney Trust Employer of Lobbyist
- Trout Unlimited Employer of Lobbyist

Commissioner Dean made a motion to accept staff consent agenda recommendation with the exception of Service contract Industry Council and Sierra Systems.

Commissioner King seconded the motion.

The Commission voted 4-0 in favor of the motion.

OFF RECORD 12:00 p.m.

Lunch

ON RECORD 1:15 p.m.

Presentation of the Revised Substantial Compliance Order [18]

Commissioner King made a motion to remove the original motion from the table.

Commissioner Dean seconded the motion.

Commissioner Dean made a motion to adopt the revised order.

Commissioner Ballenger seconded the motion.

The Commission voted 4-0 in favor of the motion.

Consent Agenda Request to Reduce or Waive Civil Penalty Assessments for Late Lobbyist or Employer of Lobbyist Reports [9]

The following Employers of Lobbyists were not included in the consent agenda process:

RESPONDENT: Service Contract Industry Council

STATUS: Employer of Lobbyist

LATE REPORT: 2009 1st, 2nd and 3rd Quarter Employer of
Lobbyist Reports

MAXIMUM CIVIL PENALTY: **\$3,640.00**

The Affiant Steven McDaniel attended telephonically to present testimony to the Commission on behalf of Service Contract Industry Council.

Commissioner Dean made a motion to accept the staff recommendation to reduce assessed civil penalty to \$140 per Report for a total of \$420 for the 2009 1st, 2nd and 3rd Quarter Employer of Lobbyist Report, based on staff error.

Commissioner King seconded the motion.

The Commission voted 4- 0 in favor of the motion.

RESPONDENT: Sierra Systems

STATUS: Employer of Lobbyist

LATE REPORT: 2009 3rd Quarter Employer of Lobbyist
Report

MAXIMUM CIVIL PENALTY: **\$280**

Commissioner Dean made a motion to accept the revised staff recommendation for a 100% waiver of the assessed civil penalty based on staff error.

Commissioner Ballenger seconded the motion.

The Commission voted 4-0 in favor of the motion.

Advisory Opinion Request, AO-10-01-LOB (Gravo) [11]

Ms. Ware presented the advisory opinion request from Mitchell D. Gravo and staff's proposed response, as included in the meeting packet.

Assistant Attorney General John Ptacin appeared via teleconference in support of the staff and to answer any questions that the Commission might have regarding the opinion request and staff's proposed answer.

Commissioner King made a motion to adopt staff's proposed response to the advisory opinion, request filed by Mitchell D. Gravo.

Commissioner Dean seconded the motion.

The Commission voted 4-0 in favor of the motion. The Advisory Opinion is approved.

Approval of Biennial Report [20]

Mr. Anderson presented the Biennial Report to the Commission members and staff.

Commissioner Ballenger made a motion to adopt the report with revisions.

Commissioner King seconded the motion.

The Commission voted 4-0 in favor of the motion.

Advisory Opinion Request, AO-10-02-CD (Walker for Governor) [15]

Mr. Greva presented the advisory opinion request from Bill Walker and staff's proposed response, as included in the meeting packet.

Assistant Attorney General John Ptacin appeared via teleconference in support of the staff and to answer any questions that the Commission might have regarding the opinion request and staff's proposed answer.

Commissioner Dean made a motion to adopt the staff recommendation on the advisory opinion request filed by Bill Walker.

Commissioner Ballenger seconded the motion.

The Commission voted 4-0 in favor of the motion. The Advisory Opinion is approved.

Briefing: "The Alaska Anti-Corruption Act" [19]

Ms. Ware presented a briefing on the impact of "The Alaska Anti-Corruption Act."

Referrals to Attorney General [8]

RESPONDENT:	Holland America Line
STATUS:	Employer of Lobbyist
LATE REPORT:	2009 3 rd Quarter Employer of Lobbyist Report
MAXIMUM CIVIL PENALTY:	\$430

The Affiant Gloria Teves appeared telephonically to present testimony to the Commission on behalf of Holland America Line.

Commissioner Hickerson made a decision to table the matter pending payment arrangements between Ms. Teves and Ms. Mize.

Sharon Lindley Petition for Reconsideration [6]

Respondent:	Sharon Lindley
Status:	Bethel Planning Commissioner
Late Report:	2009 POFD Annual Statement
Maximum Penalty:	\$272 – Report filed 60 days late at \$1/day for the first 7 days and \$5/day each day thereafter.
Staff Recommendation:	Uphold the maximum assessed civil penalty of \$272

Commissioner Ballenger moved for reconsideration.

Commissioner Dean seconded the motion.

Commissioner Ballenger made a motion to waive the civil penalty of \$272 for late filing.

Commissioner Dean seconded the motion.

The Commission determined that the Filer should have the penalty waived due to staff error.

The Commission voted 4-0 in favor of the motion.

OFF RECORD 2:35 p.m.

Break

ON RECORD 2:45 p.m.

Presentation of Candidate Manual [17]

Ms. Hebdon, Ms. Wilson, and Ms. Robinson presented the Candidate Manual to the Commission members and staff.

Commissioner Dean made a motion to approve the Candidate Manual with revisions.

Commissioner Ballenger seconded the motion.

The Commission voted 4-0 in favor of the motion.

The Commission also granted staff approval to make non-substantive changes to the Manual as needed.

OFF RECORD 3:00 p.m.
Break to Discuss Scheduling
ON RECORD 3:05 p.m.

Referrals to Attorney General [8]

RESPONDENT:	Alaska Professional Hunters Association
STATUS:	Employer of Lobbyist
LATE REPORT:	2009 1 st , 2 nd and 3 rd Quarters Employer of Lobbyist Reports
MAXIMUM CIVIL PENALTY:	\$3,670

The Affiant Robert Fithian appeared in person to present testimony to the Commission on behalf of Alaska Professional Hunters Association.

Ms. Mize requested a reconsideration of the civil penalty assessment. The revised staff recommendation is a reduction to \$140 for each Report for a total fine of \$420 based on staff error.

Commissioner King moved for reconsideration.

Commissioner Dean seconded the motion.

The Commission agreed to reconsider the civil penalty assessment.

Commissioner Ballenger made a motion to accept the staff recommendation of reduction to \$140 per Report for a total of \$420 for the 2009 1st, 2nd and 3rd Quarter Employer of Lobbyist Report civil penalties based on staff error.

Commissioner Dean seconded the motion.

The Commission voted 4-0 in favor of the motion.

OFF RECORD 3:15 p.m.
Break to Attend Offsite Meetings

ON RECORD 4:32 p.m.

Public Comment Period [*]

Appearances by: Andréé McLeod, Doug Wooliver, Theresa Obermeyer, and Barbara Norton.

The Commission recessed until Thursday, February 25, 2010 at 9:30 a.m.

OFF RECORD 5:00 p.m.