

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
APRIL 1, 2013

A meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Monday, April 1, 2013. The meeting was held at the 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, Telephonically  
Ronald King - Commissioner, Telephonically

**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  
July Lam - Associate Attorney I  
Reuben Yerkes - Paralegal II, Telephonically  
Tamara Douglas - Paralegal I  
Delight Mells - Paralegal I  
Maria Bulfa - Law Office Assistant II  
Ramona Nicori - Law Office Assistant I

**Attendees:**

**Assistant Attorney General, Department of Law**  
William "Bill" Milks  
John Ptacin

**Jerome Selby v. Melvin Stephens II, 13-04-POFD**

Cheryl Brooking - Complainant Attorney, Kodiak Borough,  
Wohlforth, Brecht, Cartledge & Brooking  
Melvin Stephens II - Respondent

**Consent Agenda, POFD, Group, Civil Penalty Appeal**

James Studley - POFD Reconsideration Request of Civil Penalty  
Appeal, Telephonically

Tammy Smith - Vice - President for **Fairbanks Education Association, PACE (FEA)**, Telephonically  
Jack Brown - Former Treasurer for **Alaska Republican Party, District 34**  
Debbie Brown - **Alaska Republican Party, Alaska Republican Party, District 34**  
Kenneth Jacobus - Counsel for **Alaska Republican Party, District 34**  
Charles Wieggers - Chairman for **Friends of the Interior**  
Telephonically

**Bruce Schulte v. Alaska Democratic Party, 12-18-CD**  
Bruce Schulte - Complainant  
Kay Brown - Executive Director, **Alaska Democratic Party**

**Caroline P. Bolar v Alaska Republican Party, 12-16-CD**  
Caroline P. Bolar - Complainant  
Randy Ruedrich - Former Chairman of the **Alaska Republican Party**  
Kenneth Jacobus - Counsel for **Alaska Republican Party**

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

Commissioner Hickerson called the meeting to order and welcomed the new APOC Commission member, Commissioner Ronald King.

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

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

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

- **February 20, 2013**

**Commissioner K. King moved to approve meeting minutes as revised.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 5-0 to approve the February 20, 2013 meeting minutes as revised.**

**Jerome M. Selby v. Melvin M. Stephens II, 13-04-POFD [2]**

The staff report was presented by July Lam, APOC staff. Ms. Cheryl Brooking, Complainant Counsel from Wohlforth, Brecht, Cartledge & Brooking, and Mr. Melvin M. Stephens II, Respondent, both appeared in person and gave statements.

This complaint alleges that Melvin M. Stephens' II filed incomplete 2011 and 2012 Public Official Financial Disclosures (POFD) statements as an Assembly Member for Kodiak Island Borough under AS 39.50. Specifically, it was alleged that he received income from a client that was not listed on his POFD filings. Moreover, the complainant also alleges that Mr. Stephens violated Conflict of Interest issues, Duty of

Loyalty issues, and Alaska Rules of Professional Conduct by representing clients in legal cases involving the Kodiak Island Borough.

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

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

**RECESS**

**ON RECORD: 10:00 a.m.**

**Julie Willoughby Public Official Financial Disclosure, (POFD), Exemption Waiver Request [3]**

Commissioner Sanders recused himself from participating because Ms. Julie Willoughby is a close friend and a colleague. Commissioner Sanders did not participate in consideration of this exemption waiver request.

The staff report regarding the exemption waiver request was presented by July Lam APOC staff. Ms. Willoughby did not appear before the Commission.

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

**OFF RECORD: 10:16 a.m.**

**RECESS**

**ON RECORD: 10:23 a.m.**

**James Studley, Reconsideration Request of Civil Penalty Appeal [4]**

Commissioner R. King recused himself from participating on this matter, because he did not participate in the original discussion and decision making.

The staff recommendation regarding the civil penalty assessment appeal and request for reconsideration was presented by Paul Dauphinais, APOC staff. Mr. James Studley appeared telephonically and gave a statement regarding the civil penalty assessment appeal he filed.

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

**Consent Agenda, Group Civil Penalty Appeal [5]**

The staff recommendations regarding the consent agenda was presented by Tamara Douglas and Thomas Lucas, APOC staff.

Ms. Tammy Smith, Vice-President for **Fairbanks Education Association, PACE (FEA)**, appeared telephonically and gave her statement.

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

- **Interior Democrats**
- **Republican Party of Alaska, District 34**

- **The Commission approved the remaining items on the consent agenda.**
- **ABC Alaska PAC**
- **AK Physicians & Surgeons**
- **Anchorage Central Labor Council PAC**
- **FEA-PACE**
- **Friends of the Interior**
- **IUOE Local 302 PAC**

**Commissioner R. King moved to approve the remaining items on the consent agenda.**

**Commissioner K. King seconded the motion.**

**The Commission voted 5-0 to approve the remaining items on the consent agenda.**

**Interior Democrats**

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

**2012 Municipal Election**

105D Multiple Municipal Election Report

\$1050 as filed 21 days late @\$50 a day

Reduce penalty to \$100

**Commissioner K. King moved to approve staff recommendations.**

**Commissioner Kirk seconded the motion.**

**The Commission voted 5-0 to approve the recommended civil penalty.**

**Republican Party of Alaska, District 34**

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

**2010 State Election**

Year-End State Election Report

\$34,050 as filed 681 days late @\$50 a day

Reduce penalty to \$500

The following individuals: Jack Brown, former Treasurer for **Republican Party of Alaska, District 34**; Debbie Brown, Chair of the **Alaska Republican Party**; and Kenneth Jacobus, Counsel for **Alaska Republican Party, District 34**; appeared in-person and gave statements in support above civil penalty assessment appeal.

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

The Commission reconsidered the **Friends of the Interior** civil penalty assessment when notified that a representative for the group was prepared to make a statement. Charles Wieggers, Chairman for **Friends of the Interior**, appeared telephonically and gave a statement.

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

**The Commission went off the public record to deliberate.**

**OFF RECORD: 11:21 a.m.**

**Deliberation**

**ON RECORD: 12:03 p.m.**

**Public Comment Period [\*]**

No public comments were received.

**OFF RECORD: 12:30 p.m.**

**LUNCH**

**ON RECORD: 1:35 p.m.**

**Bruce Schulte v. Alaska Democratic Party, 12-18-CD [6]**

Chair Hickerson recused herself from participating in the above matter because she and Ms. Kay Brown, Executive Director for **Alaska Democratic Party** have been good friends since Junior high school and continue to be close friends and there were no objections by the other Commissioners to her participation in the matter. Chair Hickerson stated that this relationship would not affect her decision making in this matter.

The Staff Report was presented by John Ptacin, Assistant Attorney General, Department of Law, Counsel for APOC staff. Mr. Bruce Schulte, Complainant appeared in-person, and Mr. Neil Reif, Respondent's Counsel from Sandler, Reif, Young & Lamb P.C., each gave a statement.

The Complaint was filed by Bruce Schulte on November 30, 2012, against the **Alaska Democratic Party**. Mr. Schulte alleged that ads by the **Alaska Democratic Party** were "independent expenditures" and/or "communications" under state law and that the ads did not list the top three contributors as required by state law.

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

**OFF RECORD: 2:06 p.m.**

**Break**

**ON RECORD: 2:11 p.m.**

**Executive Director Report [10]**

The director's report was presented by Paul Dauphinais, APOC staff.

- **Complaint Status**
- **Budget Status**
- **Personnel Update**
- **Legislative Update**
- **Training Update**
- **Insight (Campaign Electronic Filings)**

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

**Break**

**ON RECORD: 2:30 p.m.**

**Carolyn Bolar v. Alaska Republican Party, 12-16-CD [7]**

Chair Hickerson recused herself from participating in the above matter after reviewing the motion given to the Commission and realizing that she had a previous conversation with Ms. Kay Brown, Executive Director for the **Alaska Democratic Party** about her discussion with Jerry Anderson, APOC staff, several months ago. This occurred before the complaint was filed with APOC. Chair Hickerson recused herself from participating in the discussion and decision making in this matter. Vice-Chair K. King presided over the hearing.

**The Commission considered Motions filed in this matter in accordance with the Procedural Order dated March 13, 2013.**

**Commissioner Kirk moved to reject the Motion for Leave to File Amicus Prehearing Memorandum request.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 and the Motion for Leave to File Amicus Prehearing Memorandum request was rejected.**

**Commissioner Kirk moved to reject the Motion to consider the Kay Brown Affidavit.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 to reject the motion to consider the Kay Brown affidavit.**

The Staff Report was presented by Thomas Lucas, APOC staff.

Ms. Caroline P. Bolar, Complainant; Mr. Randy Ruedrich, former chairman of the **Alaska Republican Party (ARP)**; and Joe McKinnon, Respondent's Counsel; appeared in-person and each gave a statement.

A complaint was filed by Caroline P. Bolar on October 30, 2012, against the **Alaska Republican Party**. Ms. Bolar alleged that the **Alaska Republican Party** violated AS 15.13.090(d) by not stating its top three contributors in independent expenditure radio advertisements.

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

**Break**

**ON RECORD: 3:00 p.m.**

**The Commission continued to discuss complaint 12-16-CD.**

The Commission took the above matter under advisement.

**OFF RECORD: 3:23 p.m.**

**Deliberation**

**ON RECORD: 4:00 p.m.**

**The Commission recessed until Tuesday, April 2, 2013.**