

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
SPECIAL COMMISSION HEARING
MAY 1, 2014

A special hearing of the Alaska Public Offices Commission came to order at 9:05 a.m. on Thursday, May 1, 2014. 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: Kenneth Kirk – Acting Chair for Meeting
Elizabeth J. Hickerson – Commissioner, (Telephonically)
Vance Sanders – Commissioner, (Telephonically)
Ronald King – Commissioner, (Telephonically)
Irene Catalone – Commissioner, (Telephonically)

Staff: Paul Dauphinais – Executive Director
Jerry Anderson – Assistant Director
Heather Hebdon – Campaign Disclosure Coordinator, Candidates
Delight Mells – Paralegal II
Maria Bulfa – Law Office Assistant II
Ramona Nicori – Law Office Assistant I, Recording Clerk

Department of Law: Attorney General Office
Bill Milks – Telephonically
John Ptacin

In-person Attendees: Donna Gilbert v. John Eberhart, 14-01-CD
Donna Gilbert – Complainant, (Telephonically)
John Eberhart – Respondent
Michael Walleri – Attorney for Respondent

ON RECORD 9:05 a.m.

Commissioner Kirk presided over the hearing as acting chair at the request of Commissioner Hickerson.

Donna Gilbert v. John Eberhart, 14-01-CD is addressed by the Commission. First item under the procedural order is the pending motion to dismiss filed by the Respondent Eberhart.

**Commissioner Sanders moved to deny the motion to dismiss.
Commissioner King seconded the motion.**

Commissioner Hickerson discussed the pending motion and asked for time to allow the respondent's and staff attorneys to argue the motion to dismiss.

Attorneys for the Respondent and the Commission then presented arguments on the Motion to Dismiss. Both parties agreed that the allegation related to an April 3, 2013 conversation did not rise to the level of violation under the standard of preponderance of the evidence.

The Commission voted 3-1 to deny the pending motion to dismiss.

GOING TO EXECUTIVE SESSION

Commissioner Hickerson moved to go onto executive session to deliberate on the motion to dismiss.

Commission King seconded the motion.

The Commission voted 4-0 to approve to go onto executive session to deliberate.

Commissioner Catalone joined the meeting.

OFF RECORD: 9:20 a.m.

Executive Session/Deliberation

ON RECORD: 9:35 a.m.

Commissioner Sanders moved to amend the original motion to deny the motion to dismiss by allowing the motion to dismiss with regard to the April 3, 2014 conversation allegation.

Commissioner King seconded the motion.

The Commission voted 5-0 to approve the motion to dismiss on the allegation related to the conversation of April 3, 2013.

Commissioner Sanders moved to deny the motion to dismiss with regard to the rest of the allegations.

Commissioner King seconded the motion.

The Commission voted 5-0 to deny the motion in regard to the rest of the allegations.

Ms. Donna Gilbert appeared telephonically and gave a statement as the Complainant.

Mr. Michael Walleri, Attorney for Respondent and John Ptacin, Assistant Attorney General appeared in person, questioned the respondent and staff and then presented their arguments. Mr. John Eberhart, respondent and Ms. Heather Hebdon, APOC staff appeared in person, were sworn in, and questioned by Michael Walleri, John Ptacin and Commissioners.

Mr. Walleri and Mr. Ptacin made closing arguments.

OFF RECORD: 10:03 a.m.

Recess

ON RECORD: 10:07 a.m.

The Commission took the matter under advisement.

The Commission went off the public record and went onto deliberation.

OFF RECORD: 11:10 a.m.

The Commission will not be back to the public record after executive session/deliberation.