

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
SEPTEMBER 16, 2015

A regular meeting of the Alaska Public Offices Commission (APOC) came to order at 9:00 a.m. on Wednesday, September 16, 2015. 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 – Chair
Vance Sanders – Vice Chair
Ronald King – Commissioner
Irene Catalone – Commissioner
Mark Fish – Commissioner

Staff: Paul Dauphinais – Executive Director
Heather Hebdon – Campaign Disclosure Coordinator
Delight Mells – Paralegal II*
Tamara Douglas – Paralegal II*
Heather Dalberg – Paralegal I†
Michael Schwahn – Recording Clerk

Department of Law: Attorney General’s Office

Mary Lynn Macsalka
Jon Woodman
Tom Dosik

In Person Attendees:

Observer

Viola Amberg
Joshua Wacton

Reporter and Cameramen – KTUU
Senator Mia Costello – 2014 State General Candidate
Julie Papasavas – Treasurer for Senator Mia Costello Campaign
Bronson Frye – Building and Construction Trades, South Central

* Attended via Go To Meeting and in person for presentations.

† Attended via Go To Meeting, unable to speak to the Commission.

Telephonic Attendees:

Roy Bell – City Council, Hooper Bay
Senator Dennis Egan – 2014 Candidate State General
Olinga Nicholi – Former City Council, Lower Kalskag

Complaints:

15-04-CD, Allen Crume v. Darryl Verfaillie

Allen Crume – Complainant (In person)

15-03-CD, Paula DeLaiarro v. Amy Demboski

Amy Demboski – Respondent (In person)
Julie Papasavas – Treasurer for Amy Demboski Campaign (In person)

15-07-CD, Paula DeLaiarro v. Anna MacKinnon (formerly Fairclough)

Anna MacKinnon – Respondent (In person)

14-11-CD, Alaska District 36 Republicans v. Daniel Ortiz

14-14-CD, Christine Klein v. Daniel Ortiz

Christine Klein – Complainant (In person)
Dan Ortiz – Respondent (Telephonic)
Tom Amodio – Respondents Counsel (In person)

15-05-CD, Paula DeLaiarro v. The Alaska Family Action, INC

Kimberly Hummer-Minnery – Administrator, AK Family Action (Telephonic)

15-02-CD, APOC v. Charlotte Brower

Kim Hutchinson – Staffer, Charlotte Brower Campaign (In person)
Eugene Brower – Treasurer, for Charlotte Brower Campaign (Telephonic)

15-06- POFD, Guy Lane v. Cindy Edenfield

Guy Lane – Complainant (Telephonic)
Cindy Edenfield – Respondent (Telephonic)

Requestor for POFD Exemption, Eldemar

Katherine Eldemar – Requestor (Telephonic)
Mark Choate – Requestor Counsel (Telephonic)

ON RECORD 9:00 a.m.

Chair Kirk called the meeting to order.

Approval of the Agenda [*]

Commissioner Sanders moved to approve the agenda as revised.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to approve the agenda as revised.

Approval Meeting Minutes [1]

June 3, 2015 – meeting minutes

Commissioner King moved to approve the meeting minutes as revised.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the June 3, 2015 meeting minutes as revised.

Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General Office [2]

The staff recommendations regarding the consent agenda were presented by Delight Mells.

The following APOC staff made a brief statements and answered questions from the Commission.

- Paul Dauphinais, Executive Director
- Heather Hebdon, Campaign Coordinator

The Commission removed item #7 Robert “Moose” Henrichs from the consent agenda because he paid the assessed penalty in full before the meeting.

Commissioner King moved to approve all remaining items from the consent agenda.

Commissioner Kirk made an amendment to the motion to remove item #6 from the consent agenda for the Commission to consider separately.

Commissioner Catalone seconded the amended motion.

The Commission voted 4-1 to approve the approve items 1 – 5 on the consent agenda and remove item #6.

The Commission approved the remaining items on the amended consent agenda.

#1 Mia Costello

#4 Jonathan Kreiss-Tomkins

#2 Dennis Egan

#5 Kurt Olson

#3 David Guttenberg

Immediately after approving items 1 – 5, Commissioner Sanders moved to waive the penalties for items #1, #2, #3, #4, and #5 on the consent agenda.

Commissioner King seconded the motion.

The Commission voted 4-1 to approve to waive the penalties for items #1, #2, #3, #4, and #5 on consent agenda.

The following item, #6, was removed from the consent agenda for the Commission to consider separately.

Bill Stoltze

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

2014 State General Election

24 Hour Report

\$55,000 as filed 110 days late @\$500 a day

Reduce by 99.8% to \$110

The Commission took the above matter into deliberations.

COMPLAINT

15-03-CD, Paula DeLaiarro v. Amy Demboski [3]

A consent agreement to the complaint was presented by Heather Hebdon, APOC staff.

The following individuals gave statements and answered questions from the Commission.

- Amy Demboski, Respondent
- Julie Papasavas, Treasurer, Amy Demboski Campaign.
- Paul Dauphinais, APOC Executive Director

Commissioner Sanders moved to approve the consent agreement as written.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to approve the consent agreement as written.

15-07-CD, Paula DeLaiarro v. Anna MacKinnon (formerly Fairclough) [4]

The revised consent agreement was presented by Heather Hebdon, APOC staff.

The following individual gave a statement and answered questions from the Commission.

- Anna MacKinnon Respondent

Commissioner Sanders recused himself from participating because he is a personal acquaintance of the respondent's husband.

Commissioner King recused himself from participating because of past professional relationship with the respondent's husband.

Commissioner Catalone moved to approve the consent agreement as revised.

Commissioner Fish seconded the motion.

The Commission voted 3-0 to approve the consent agreement as revised.

OFF RECORD 9:58 a.m.

Break

ON RECORD 10:03 a.m.

15-05-CD, Paula DeLaiarro v. The Alaska Family Action, INC [5]

The staff report was presented by Tamara Douglas, APOC staff.

The following individual gave a statement and answered questions from the Commission.

- Kimberly Hummer-Minnery, Administrator for The Alaska Family Action, INC (telephonic)

Commissioner King moved to approve the staff recommendation as written.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the staff recommendation as written.

Executive Director Report [15]

The Executive Director Report was presented by Paul Dauphinais, APOC staff.

COMPLAINT

14-11-CD, Alaska District 36 Republicans v. Daniel Ortiz [6]

The staff report was presented by Heather Hebdon, APOC staff.

The following individual gave a statement and answered questions from the Commission.

- Tom Amodio, Respondent's Counsel

The Commission took the above matter into deliberations.

14-14-CD, Christine Klein v. Daniel Ortiz [7]

The staff report was presented by Delight Mells, APOC staff.

The following individuals gave statements and answered questions from the Commission.

- Christine Klein, Complainant (telephonically)
- Dan Ortiz, Respondent (telephonically)
- Tom Amodio, Respondent's Counsel (in person)

The Commission took the above matter into deliberations.

Commission Order re Online Availability of POFDs [16]

The proposed order was presented by Paul Dauphinais, APOC staff.

Commissioner Sanders moved to approve the online availability of POFD order as revised.

Commissioner King seconded the motion.

The Commission voted 5-0 to approve the online availability of POFD order as revised.

OFF RECORD 11:08 a.m.

Break

ON RECORD 11:15 a.m.

Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney General Office [8]

The staff recommendations regarding the consent agenda were presented by Tamara Douglas, APOC staff.

The Commission approved the following items on the consent agenda.

- #1 Anchorage Education Association
- #2 Bezek-Durst-Seiser
- #3 Bldg. & Construction Trades S. Central AK
- #5 Putting Alaskans First PAC

Commissioner King moved to approve the staff recommendations for items #1, #2, #3, and #5 on the consent agenda.

**Commissioner Catalone seconded the motion.
The Commission voted 5-0 to approve the staff recommendations for item #1, #2, #3, and #5 on the consent agenda.**

The following item, #4, was removed from the consent agenda to be considered separately.

Justin Dart	15-5 Statement of Contribution
LATE REPORT:	15-5 Statement of Contributions
MAXIMUM CIVIL PENALTY:	\$9,350 as filed 187 days late @\$50 a day
STAFF RECOMMENDATION:	Reduce to \$50

**Commissioner King moved to waive the penalty for item #4 on the consent agenda.
Commissioner Sanders seconded the motion.
The Commission voted 5-0 to waive the penalty for item #4 on the consent agenda.**

Draft Biennial Report [*]

The draft biennial report was presented by Paul Dauphinais, APOC staff.

Consent Agenda, POFD Civil Penalty Appeals & Referrals to Attorney General Office [9]

The staff recommendations regarding the consent agenda and the referrals to AG's office was presented by Paul Dauphinais, APOC staff.

Paul Dauphinais, APOC staff, requested item #11, Carol Wesley, be remanded to staff for further processing due to new information. The Commission agreed without objection.

The Commission approved the following items on the consent agenda.

#3 Jeffrey Stewart	#7 Fannie Suvlu
#4 Scott Arndt	#8 Roy Bell
#5 Norma Ballot	#9 Calvin Moto
#6 Tanya Bitonti	#10 Robert Wells

**Commissioner Sanders moved to approve the staff recommendations for items #3, #4, #5, #6, #7, #8, #9 and #10 on the consent agenda.
Commissioner Fish seconded the motion.
The Commission voted 5-0 to approve the staff recommendations for items #3, #4, #5, #6, #7, #8, #9 and #10 on the consent agenda.**

The following items, #2 and #1 were removed from the consent agenda to be considered separately.

Olinga Nicholi	Public Official Financial Disclosure
LATE REPORT:	2015 Annual Public Official Statement
MAXIMUM CIVIL PENALTY:	\$550 as filed 55 days late @\$10 a day
STAFF RECOMMENDATION:	Reduce by 90% to \$55

The following individual gave a statement and answered questions from the Commission.

- Olinga Nicholi, former City Council Member, City of Kalskag (Telephonic)

Commissioner Sanders moved to waive the penalty for item #2 on the consent agenda.

Commissioner Fish seconded the motion.

The Commission voted 5-0 to waive the penalty for item #2 on the consent agenda.

Henry Anelon

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

Public Official Financial Disclosure

2015 Annual Public Official Statement

\$830 as filed 83 days late @\$10 a day

Reduce by 50% to \$415

Commissioner Sanders moved to waive the penalty for item #1 on the consent agenda.

Commissioner King seconded the motion.

The Commission voted 5-0 to waive the penalty for item #1 on the consent agenda.

Commissioner Sanders moved to remove item #8 from the AG's referral and to reconsider the staff revised recommendation at the next scheduled Commission meeting.

Commission King seconded the motion.

The Commission voted 5-0 to remove item #8 from the AG's referral and to reconsider the staff revised recommendation at the next scheduled Commission meeting.

The Commission removed item #8 from the consent agenda/referral to AG's office to be considered separately.

Roy Bell

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

Public Official Financial Disclosure

2015 Annual Public Official Statement

\$1,840 as not filed in 184 days @ \$10 a day

Referral to Attorney General Office

During the discussion, the Commission directed Mr. Bell to contact APOC in the morning to get a copy of the blank 2015 POFD form. He needs to complete and submit the POFD statement back to APOC and go through the civil penalty appeal process.

Public Comment [*]

No comments from the public were received.

OFF RECORD 12:05 p.m.

Break/Lunch

ON RECORD 12:30 p.m.

Discussion of Revising Mitigation Criteria [14]

The proposed revisions of the mitigation criteria were presented by Paul Dauphinais, APOC staff.

Commissioner Sanders moved for staff to begin the formal process of revising mitigation criteria.

Commissioner King seconded the motion.

The Commission voted 5-0 for staff to begin the formal process of revising mitigation criteria.

The following individuals gave statements and answered questions from the Commission.

- Heather Hebdon, APOC staff
- Mary Lynn Macsalka, Assistant Attorney General, Department of Law

OFF RECORD 12:58 p.m.

Break

ON RECORD 1:03 p.m.

COMPLAINT

15-02-CD, APOC v. Charlotte Brower [10]

The staff report was presented by Heather Hebdon, APOC staff.

The following individual gave a statement and answered questions from the Commission.

- Eugene Brower, Treasurer for Charlotte Brower Campaign (Telephonic)

Commissioner Sanders recused himself from participating on the above matter due to professional conflict.

The Commission took the above matter into deliberations.

OFF RECORD 1:19 p.m.

Break

ON RECORD 1:21 p.m.

Continuation: Discussion of Revising Mitigation Criteria [14]

The discussion of revising mitigation criteria continued.

COMPLAINT

15-06- POFD, Guy Lane v. Cindy Edenfield [11]

The staff report was presented by Paul Dauphinais, APOC staff.

The following individuals gave statements and answered questions from the Commission.

- Guy Lane, Complainant
- Cindy Edenfield, Respondent
- Mary Lynn Macsalka, Assistant Attorney General, Department of Law

The Commission took the above matter under advisement.

COMPLAINT

15-04-CD, Allen Crume v. Darryl Verfaillie [12]

The staff report was presented by Tamara Douglas, APOC staff.

The following individual gave a statement and answered questions from the Commission.

- Allen Crume, Complainant

During the discussion the Commission remanded the above matter back to staff in order for the respondent to see and respond to material provided by the complainant and bring the matter back to the Commission at the next Commission meeting.

Commissioner King moved to approve the staff report.

Commissioner Catalone seconded the motion to approve the staff report.

Commissioner Sanders moved to table the above matter to the next Commission meeting.

Commissioner Fish seconded the motion to table the matter until the next Commission meeting.

The Commission voted 3-2 to table the above matter until the next meeting.

OFF RECORD 2:20 p.m.

Break

ON RECORD 2:30 p.m.

Appeal of Staff Decision re POFD Exemption Request of Katherine Eldemar [13]

The staff decision was presented by Paul Dauphinais, APOC Staff.

The following individuals gave statements and answered questions of the Commission.

- Katherine Eldemar, Requestor
- Mark Choate, Requestor's Counsel
- Tom Dosik, Assistant Attorney General, Department of Law

Mary Lynn Macsalka, Assistant Attorney General, Department of Law recused herself due to a professional conflict.

The Commission took the above matter into deliberations.

Commissioner Sanders moved to go into executive session to deliberate on pending matters and to adjourn the meeting.

Commissioner King seconded the motion.

The Commission voted 5-0 to go into executive session to deliberate on pending matters and to adjourn the meeting.

OFF RECORD: 2:50 p.m.