



# ALASKA PUBLIC OFFICES COMMISSION

FALL 2012

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## *A Word From the Executive Director*

**H**appy fall everyone, it's election season and many of us are or have been highly engaged in some type of election activity whether it be campaigning, supporting a candidate or proposition, or hearing/seeing some type of election related message.

While it has been a very exciting election season so far, it has been less busy than APOC had envisioned; and that is a very good thing. While APOC anticipated a very busy season there have only been 11 complaints and 19 advisory opinion requests, far fewer than expected. Why the relatively low numbers in such a busy election season? We think it is a result of two things—training and phone calls.

During 2012 APOC has made a concerted effort to have more training sessions and to bring those sessions to as many people as possible. Training was provided in Juneau, Fairbanks, Wasilla, Anchorage, and Lake and Peninsula Borough. In 44 sessions 492 persons have attended training on some type of APOC reporting—candidate, group, or lobbying. In other outreach efforts 332 people have attended electronic filing demonstrations in 15 different presentations from Homer, to Kenai, Anchorage, Eagle River, Wasilla, Fairbanks, Soldotna, and North Pole. That's 824 people in all. We hope that our efforts have led to the decreased number of complaints.

## INSIDE THIS ISSUE

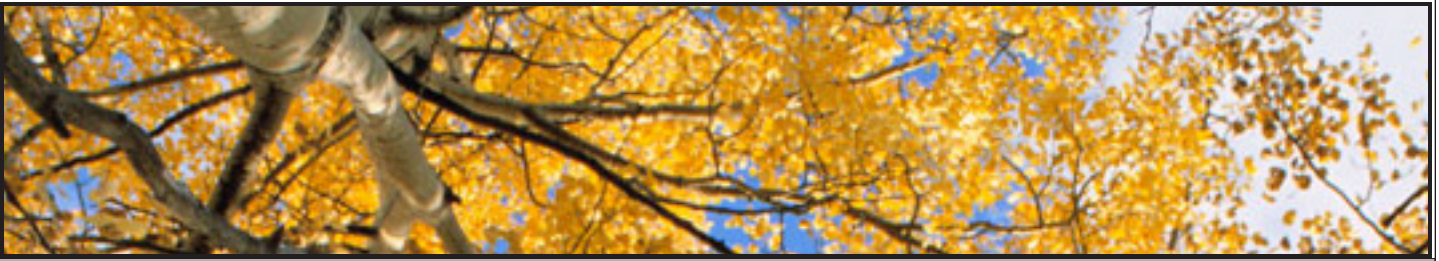
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One of the things we have been emphasizing in all of our presentations is to call APOC if there are any questions. This has led to a significantly increased number of phone calls to staff and we are very happy to have you call. By calling first we are able to help groups, lobbyists, and individuals avoid difficult or unpleasant situations. It also provides information for people to make decisions about requesting advisory opinions.

If you are in an area that we have not yet visited to provide training, let us know and we will try to get to your location in 2013. If you are a member of a service club or community organization and would like a presentation from APOC let us know and we will do our best to accommodate you.

Have a wonderful football season and don't forget to call if you have questions (but not about football).

Paul Dauphinais



## CAMPAIGN COMPLAINTS AND ADVISORY OPINIONS

### 12-01 CD, Sweeley v. Skipper

On July 19, 2012 the Commission approved a consent agreement reached between staff and the respondent. It was determined that a business owner failed to personally reimburse his business for a non-monetary contribution made to Ms. Skipper's campaign, therefore converting the contribution into a prohibited corporate contribution. The prohibited contribution was returned; the campaign was not assessed a civil penalty, and the business was assessed a civil penalty in the amount of \$500.

### AO 12-12 CD Klein (Commission decision on July 19, 2012)

A campaign hosted a contest involving the purchase of golf balls to be hit in qualifying rounds. Winners of the qualifying rounds then received a single shot at a hole in one. The grand prize in the event of a hole in one was provided by a local vendor, and paid for under a "hole in one" insurance policy. The campaign paid all associated costs at the full market value. The contest was found to be a permissible fundraiser.

### AO 12-14 CD Shilling (Commission decision on July 19, 2012)

All media advertisements must have a paid for by, regardless of size, because they are political communications. The number of characters can be reduced by limiting the "paid for by" to the required information.

### AO 12-16 CD Gruenberg (Commission decision on July 19, 2012)

Under APOC statutes and regulations candidates do not have an explicit duty to obtain a property owner's permission to post a political sign. In practice, candidates will need to obtain the identity of a property owner only when the property owner usually charges a fee or receives payment to place political signs at that location because that activity must be reported to APOC.

### AO 12-17 CD Bachmeier (Commission decision on September 13, 2012)

Legal fees related to campaign challenges are costs that are reasonably related to a campaign. Such fees may be paid directly from a campaign account and reported as campaign expenses. Alternatively, a campaign may disburse campaign funds directly into a separate legal fund and report the disbursement as an expense.

### AO 12-18 CD Brannon-Young (Commission decision on September 13, 2012)

Political air time provided at no cost by KYES My-TV5 to all registered state candidates, is not considered to be a contribution, and is not required to be reported. Under 2 AAC.50.990(7)(C)(vii), the KYES offer is not a contribution but the campaign may report this offer to APOC as a zero contribution/expenditure.

### AO 12-19 CD Beck (Commission decision on September 13, 2012)

A Facebook advertisement with an electronic link to another page containing the required paid for by information under AS 15.13.090 is permissible.



## COMPLAINTS

### 12-02-CD Vote No On 2 v. Alaska Sea Party: Restoring Coastal Management

Received on July 16, 2012. Awaiting commission action.

### 12-04-CD Alaska Sea Party: Restoring Coastal Management v. Vote No On 2

Received on August 6, 2012. Awaiting commission action.

### 12-06-CD Alaska Sea Party: Restoring Coastal Management v. Vote No On 2

Received on August 17, 2012. Awaiting commission action.

### 12-07-CD Vote No On 2 v. Alaska Sea Party: Restoring Coastal Management

Received on August 17, 2012. Awaiting commission action.

### 12-08-CD Joel Natwick v. Robert B. Gillam, RBG Bush Planes LLC & McKinley Capital Management LLC

Received on August 29, 2012. Awaiting commission action.

### 12-09-POFD/CD Joel Natwick v. George Jacko

Received on August 31, 2012. Awaiting commission action.

### 12-10-CD Schantz v. Valdez School District.

Received on September 25, 2012. Awaiting commission action.

## ANATOMY OF A COMPLAINT

- As soon as a complaint is filed:
- APOC decides if complaint meets requirements (2 days),
- If meets requirements complaint accepted—Day 1
- By day 15 respondent may file a response to the complaint
- By day 30 APOC must file staff report—investigation
- By day 45 respondent may file response to staff report
- By day 90 Commission must have hearing.

## WHAT IS AN ADVISORY OPINION?

A request for a formal opinion. The following criteria must be met:

- (1) must be in writing;
- (2) must describe a specific transaction or activity;
- (3) must include a complete description and the identity the person requesting the opinion; and
- (4) may not concern a hypothetical situation or the activity of a third party.

APOC Staff must respond with a written opinion within 7 days. If you ask for and receive an advisory opinion you cannot be found in violation if you follow the opinion.





## LOBBYISTS & EMPLOYERS OF LOBBYIST

### *2013 Mandatory Training*

AS 24.45.031(a)(6) requires APOC to administer an annually updated ethics and compliance training course to both lobbyists and employers of lobbyists. The training covers the requirements of the lobbying law (AS 24.45), answers commonly asked questions and provides information that promotes adherence to high ethical standards. **Please note you must re-take the training every year to be in compliance.**

APOC will again offer **two courses this year**: The **BEGINNER (B) course is for new lobbyists or employers of lobbyists or anyone who wants a refresher** on the basic requirements of reporting, statutes, definitions and how to use the Insight electronic filing system. The **ADVANCED (A) course is for experienced lobbyists or employers of lobbyists** and focuses more on some of the nuanced questions and scenarios related to lobbying and other special topics. The advanced course does not cover the electronic filing system.

### Training Requirements

All registered lobbyists must complete ethics training **prior to registering** AS 24.45.041(b)(8). The lobbyist registration form requires a lobbyist to certify he or she has completed the Commission's ethics training course within the past 12 months. Representational lobbyists are exempt from the training requirement.

**Employers**, who do not have the same registration process as lobbyists, **must complete the ethics training prior to submitting their first employer of lobbyist report**. Employers should ensure at least one person in their agency completes the Commission's ethics training, although broader participation is encouraged. At a minimum, the person responsible for preparing and signing employer of lobbyist reports must complete the training course.

**Other public officials**: Ethics training for those covered by the legislative ethics act is provided by the Select Committee on Legislative Ethics. Ethics training for executive branch officials is administered by the Alaska Department of Law.



**2013 In-Person Lobbying Ethics Training Schedule:**

**On-line registration for in-person sessions will be available by November 1, 2012.**

Location	Date	Time
<b>Fairbanks</b> 675 7th Ave. H-5 - Governor's Conference Room	<b>December 11,2012 (Tuesday)</b>	9:00 AM - 11:00 AM (B) 1:30 PM - 3:30 PM (A)
<b>Anchorage</b> 2221 East Northern Lights Blvd., Suite 130 Charter College Conference Room	<b>December 12, 2012 (Wednesday)</b>	9:00 AM - 11:00 AM (B) 1:30 PM - 3:30 PM (A)
	<b>December 13, 2012 (Thursday)</b>	9:00 AM - 11:00 AM (A) 1:30 AM - 3:30 PM (B)
	<b>January 8, 2013 (Tuesday)</b>	9:00 AM - 11:00 AM (B) 1:30 PM - 3:30 PM (A)
	<b>January 9, 2013</b>	9:00 AM - 11:00 AM (A) 1:30 PM - 3:30 PM (B)
<b>Juneau</b> State Office Building Department of Administration 10th Floor - Commissioners Small Conference Room	<b>December 18, 2012 (Tuesday)</b>	9:00 AM - 11:00 AM (B) 1:30 PM - 3:30 PM (A)
	<b>January 14, 2013 (Monday)</b>	9:00 AM - 11:00 AM (B) 1:30 PM - 3:30 PM (A)
	<b>January 18, 2013 (Friday)</b>	9:00 AM - 11:00 AM (A) 1:30 PM - 3:30 PM (B)

**ON-LINE COURSES AVAILABLE BEGINNING NOVEMBER 1, 2012!**

**NOTICE**

The Manual of Instructions For Lobbyists and Employers Of Lobbyists has been updated as of September 2012. Please refer to the manual for answers to your questions and for help with Insight Version 2 electronic reporting.

**APOC TRIVIA**

The 1975 “Conflict of Interest Law” was renamed in 1999. What is the current name?

***Extra credit:*** what is the statute number?

.....answer at the bottom of the last page



## TRAINING OPPORTUNITIES

“Follow the Money” (help members of the public learn how to search APOC reports to understand who is contributing and what campaign money is being spent on): Oct. 9, Oct. 31 (contact APOC at 276-4176)

## MARK YOUR CALENDAR

Monday, October 8: General Election 30-Day Report Due

Wednesday, October 10: Initiative Proposal Application Group 3rd Quarter Report Deadline

Thursday, October 18: State Holiday, Alaska Day

Sunday, October 28: General Election 24-Hour Report Period Begins (ends November 5)

Tuesday, October 30: General Election 7-Day Report Due

Wednesday, October 31: 3rd Quarter 2012 Employer of Lobbyist and Lobbyist Reports Due

Monday, November 12: State Holiday, Veterans Day

Friday, November 16: Last day to accept contributions for October statewide municipal candidates

Thursday, November 22: State Holiday, Thanksgiving Day

Tuesday, December 25: State Holiday, Christmas Day

## APOC TRIVIA ANSWER:

The current name is the “Public Official Financial Disclosure Law”, and the statute location is AS 39.50