



ALASKA PUBLIC OFFICES COMMISSION

APRIL 2013

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Break up 2013 is almost upon us. That means the Red Sox are headed for another disappointing season (but with a better outlook than the Yankees), year-end reports are in, the POFD deadline has passed, and we've learned a good deal about electronic filing.

Electronic filing has helped some and disappointed others. Some people found that filing electronically for the second year has made filing considerably easier, less time consuming, and more convenient. One of the advantages of on-line filing was that many filers completed their forms while on vacation and one person filed while on holiday in Tanzania. If you used the previous year's filing and had only minor revisions to make to your information, hitting the "copy" button and changing the date of the report made the filing "experience" at least less distasteful. Others found that they could not remember their MyAlaska username and password. Since APOC cannot access those items for you, some folks had to create new MyAlaska accounts. Biggest lesson learned--write down your MyAlaska username and password so you can use it next year.

Staff sent out numerous reminders to people about filing. Many of you were able to get your questions answered quickly as you completed your filings early. Others waited. On the filing deadline there were still over 250 of the expected 870 reports not filed. On March 15 the system was slow because so many people were trying to file, people could not get their questions answered quickly because there were so many questions being asked at the last minute, and frustration was high. To those roughly 600 filers who completed their reports prior to March 15--THANK YOU. Biggest lesson learned--for less frustration; work on your filing early when it is easier to get help if you need it.

APOC staff also learned a good deal during this year's filing period. Many filers have multiple positions that require a Public Official Financial Disclosure statement. APOC staff tracks each of those required filings. We do this to protect

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filers from not being aware of the need to file a statement for a given position. The public may ask for a statement from Mr. X as a member of the Board of Game. Mr. X may have filed an executive branch filer, as the Commissioner of Natural Resources, but not as a member of the Board of Game. If the public sees that Mr. X has not filed the Board of Game report a complaint could be filed. Some people were not happy when reminded that they needed to file multiple reports. Yes, it is duplicative. But, APOC staff is not trying to make your life difficult; we are trying to protect you from complaints that could be avoided. Moreover, after multiple instances of this we found a short term way of enabling multiple requirements to be satisfied with a single report. Next year we will enable the system to have multiple filings completed in a single report. Biggest lesson learned--in trying to help you avoid complaints we will amend the electronic form so that filers can file multiple reports simultaneously.

Another thing we learned is that the instructions are not as clear as could be. We have made notes of the many comments we received and will be incorporating those suggestions into improved instructions.

The Anchorage municipal election is underway. Did you know that there were no late 30 reports for any Anchorage candidates involved with the election? Nice work candidates!



RECENT CANDIDATE/CAMPAIGN COMPLAINTS

12-11 CD Schantz v. Valdez School District

The complaint was filed on September 26, 2012. On February 26, 2013, the Commission approved a consent agreement reached between staff and the respondent. It was determined that the Valdez School District had used municipal funds without a specific appropriation to influence a ballot proposition. The School District was assessed a civil penalty of \$2,020, and was required to register and file reports to disclose the expenditures.

12-12 CD Schulz v. Committee to Elect Peggy Wilson

The complaint was filed on October 11, 2012. Staff issued its report on November 9, 2012. The complaint alleged use of corporate resources on behalf of the candidate, resulting in a prohibited corporate contribution. The case came before the Commission for hearing on January 7, 2013. The Commission adopted staff's report in part, and dismissed the complaint against the candidate but declined to assess a civil penalty against the company as they were not a party to the complaint.

12-13 CD McDaniel v. Devon

The complaint was filed on October 15, 2012. Staff issued its report on November 16, 2012. The complaint alleged the candidate's disclosure report violated reporting provisions by failing to include occupation and employer information for all contributors who gave more than \$50. The case came before the Commission for hearing on January 7, 2013. The Commission adopted staff's report and found that the candidate's report had violated provisions of AS 15.13 and assessed a civil penalty of \$200.

12-17 CD Giessel v. Devon

The complaint was filed on November 2, 2012. Staff issued its report on December 3, 2012. The complaint alleged the campaign failed to include a complete paid for by disclaimer on two video advertisements. The case came before the Commission for hearing on February 20, 2013. The Commission adopted staff's report and found that the paid for by disclaimers were incomplete and assessed a civil penalty of \$1,040.

13-01, 02, 03 CD Giessel v. Devon

The complaints were filed on January 17, 2013. On April 2, 2013, the Commission approved a consent agreement reached between staff and the respondent. It was determined that the Devon campaign had failed to timely and accurately report all contributions and debts for the 2012 state election. The campaign was assessed a \$5,000 civil penalty and was required to amend their reports accordingly.



RECENT LOBBYING COMPLAINTS

12-19-LOB APOC v. Coffey Consulting – Dan Coffey

On December 13, 2012, the Alaska Public Offices Commission filed a complaint against Coffey Consulting – Dan Coffey alleging that Mr. Coffey violated AS 24.45 for failing to register as a lobbyist in 2011 and 2012. The Complaint also alleged that Mr. Coffey violated AS 15.13 by making prohibited contributions to candidates outside his home voting district. APOC staff and Mr. Coffey signed a consent agreement in which Mr. Coffey acknowledge that he should have registered as a lobbyist and he was fined \$11,822. The consent agreement was approved by the Commission on January 30, 2013.

LOBBYING UPDATE

Currently for 2013 there are 128 lobbyists and 382 employers of lobbyists registered.

APOC staff conducted 13 In-Person ethics training sessions for 2013. Sessions were conducted in Fairbanks, Anchorage, and Juneau; 26 lobbyists and 52 employers took advantage of the in-person training. Lobbyists are required to take the ethics training prior to registration and employers of lobbyists should take the training before submitting their first quarterly report.

We continue to work toward no late reports for lobbyists or employers. For report year 2012 there were no late lobbyist reports for 3rd Quarter or 4th Quarter. Congratulations lobbyists!

REMINDER: You may file your report any time after the first day of the month in which it is due. The employer of lobbyist 1st Quarter Report which covers January, February, and March can be filed (submitted) beginning April 1st and must be submitted by April 30th.



GROUP COMPLAINTS

12-16-CD Caroline Bolar vs. Alaska Republican Party:

On October 30, 2012, Caroline Bolar filed a complaint against the Alaska Republican Party alleging that the Alaska Republican Party is in violation of AS 15.13.090(d) for failing to disclose the group's top three contributors. This case came before the Commission at a hearing on April 1, 2013. The Commission found that the Respondent violated AS 15.13 but did not assess any penalty in this case due to unique circumstances involved in interpreting the new legislation.

12-18-CD Shulte vs. Alaska Democratic Party

On November 30, 2012, Bruce Schulte filed a complaint against the Alaska Democratic Party alleging that the Alaska Democratic Party violated AS 15.13.090(a)(2)(c) by failing to identify the group's top three contributors. This case came before the Commission on April 1, 2013. The Commission adopted staff's recommendation to dismiss the complaint finding that the advertisements are not regulated by APOC based on statutory definitions as set forth in AS 15.13.400.

MARK YOUR CALENDAR

Monday, April 1: Lobbyist February 2013 Reports Due

Tuesday, April 2: Anchorage Municipal Election

Wednesday, April 10: Initiative Proposal Group 1st Quarter Report Deadline

Tuesday, April 30: Lobbyist March 2013 Reports Due

Tuesday, April 30: 1st Quarter 2013 Employer of Lobbyist Reports Due

Friday, May 17: Anchorage Municipal Candidates last day to receive contributions

Monday, May 27: State Holiday, Memorial Day

Friday, May 31: Lobbyist April 2013 Reports Due