



# ALASKA PUBLIC OFFICES COMMISSION

JANUARY 2012

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## *A Word From the Executive Director*

As the holidays descend upon us and everyone starts to think about the other great time of year—The Legislative Session—one needs to remember APOC. There is a great gift you can give to APOC; remember to file your POFD/LFD, candidate letter of intent or registration electronically. Lobbyists remember that you need to take the APOC training class before you can register (electronically).

Yes, doing all of this electronically is a change and needs to be done via MyAlaska. But, if you receive a Permanent Fund Dividend (and you know who you are) you already have a MyAlaska account, so the hardest part of the process is already complete. You can start your reports via MyAlaska and come back to them if you are missing a piece of information, just hit save before you exit; the public can not see the report until it is complete. Candidates, you can update your expenditure and contribution pages whenever, use the report as a book keeping system, and have it all ready when the deadline hits. Lastly, with very few exceptions, APOC will not accept paper reports; so if you have questions call APOC staff early.

There are numerous training sessions scheduled for January through May of 2012. Please consult the schedule published in this newsletter for a time and location convenient to you. The sessions will cover the electronic filing system and address candidates, POFD/

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LFD filing, and groups. APOC is trying to reach out all over the state as best as our budget will allow. We have already had a very successful session in Fairbanks for lobbyists. Sessions are scheduled for Anchorage, Juneau, Fairbanks again, and we are working on possible sessions in the Mat-Su Valley.

Did you know there were 19 complaints filed and 18 Advisory opinions requested in 2011? Hopefully, with electronic filing, the number of complaints will decrease since the opportunity for math errors and missing pieces of information will decrease.

Have a wonderful Holiday Season! Enjoy the egg nog, unwrap the gifts, and be thankful for everything that we have and all too often take for granted.



## APOC REGULATIONS UPDATE:

*(effective December 22, 2011)*

Note: This summary is not a part of regulations adopted under law. If any part of this summary differs from the language of any adopted regulation, the regulation language controls.

Regulations recently adopted by the APOC go into effect on December 22, 2011. The principal changes in the APOC's regulations are described in this paragraph; a more detailed summary description of the new regulations and the text of the regulations are available on the APOC Website.

- Public official and candidate disclosure requirements formerly set out in repealed 2 AAC 50.010-2 AAC 50.200, as revised, are now combined with revised legislative filer provisions in Article 3 (2 AAC 50.680 - 2 AAC 50.780).
- Campaign disclosure requirements are revised to follow recent statutory changes regarding reporting and disclosure of expenditures and independent expenditures, ballot initiative proposal applications and related election requirements;
- New lobbying regulations at 2 AAC 50.550 - 2 AAC 50.590 reorganize and clarify the provisions of the repealed lobbying regulations, and incorporate the requirements of recent statutory changes adopted in HB 109 (2007), HB 368 (2008), and SB 281(2008). The new lobbying regulations are organized by activity (mainly registration and reporting) and by person responsible (lobbyist and employer of lobbyist).
- A comprehensive set of procedural provisions gathered in Article 4 (2 AAC 50.680 – 2 AAC 50.899) are applicable to all regulatory programs administered by the APOC; general definitions in 2 AAC 50.990 apply to all APOC regulations.

For further information see the APOC Website or call (907) 276-4176.

## APOC TRIVIA:

How was APOC created?

- a.) Legislation passed in 1984
- b.) Federal mandate following the Watergate scandal
- c.) Citizens Initiative
- d.) Lobbyist and employer of lobbyist sponsored grant fund

.....answer on the last page



## A Few Friendly Reminders Regarding Lobbying:

- Lobbyists must take the annual ethics training prior to submitting their registrations.
- Lobbyists must submit their registrations on or before the lobbying start date designated on the registration.
- Employers of lobbyists must take the annual ethics training prior to submitting their first quarter report.
- On all 2012 lobbyist registrations, lobbyists should continue to indicate their home district as it appears on the existing 2011 state district map.

### *The only gifts lobbyists may present to legislators or legislative employees are:*

- Food or beverage for immediate consumption (at a restaurant or the lobbyist's home is allowable).
- Tickets to a pre-approved charity event or contributions to a pre-approved charity event on behalf of a legislator per AS 24.60.080 (\$250 limit per year per legislator/legislative employee).
- Compassionate Gift (No limit on the amount of a compassionate gift. However, if it is over \$100, it must be reported on the lobbyist's report form).

Compassionate gifts as well as tickets for admission to or participation in charity events must be pre-approved by Legislative Council before a lobbyist can give the gift to legislators or legislative employees. If you have questions about gifts, contact the Juneau APOC office at (907) 465-4864.

## APOC Complaints:

### **11-07-CD APOC v. Treadwell:**

On November 17, 2011, the Consent Agreement reached by Staff and the Treadwell Alaska Committee was not approved. The case has been remanded to staff for further investigation.

### **11-10-LOB APOC v. Gillespie:**

On September 14, 2011 the Commission accepted the staff recommendation for dismissal.

### **11-15-CD APOC v. Millett:**

On November 16, 2011 a Consent Agreement with Millett for House 2008 campaign was approved. Rep. Millett will forfeit \$6,487.42 to the State of Alaska for contributions unreported during her 2008 campaign and pay a penalty of \$3,250 for the failure to return prohibited contributions and reporting errors. Additionally, Rep. Millett and her Treasurer agree to attend an APOC candidate filing training in the next 6 months.



## RECENT ADVISORY OPINIONS

### NOTICE:

*The summaries of the advisory opinions are provided for convenience and are not binding precedent. Please go to our website for the full version of each advisory opinion.*

*<http://aws.state.ak.us/apocInterim/>*

*[ViewCommissionAdvisoryOpinions.aspx](#)*

**AO 11-17-CD: Alaska Business PAC** asked whether a registered lobbyist can be a registered deputy treasurer for a PAC. Under AS 24.45.121(8), a lobbyist is prohibited from being a deputy treasurer for a political action committee that may directly or indirectly contribute to a candidate campaign.

**AO 11-16-CD: North Slope Borough** Remanded to Staff for revision.

## REQUESTING AN ADVISORY OPINION

Any person may request an advisory opinion in writing by mail, fax or email message. The request must describe a specific transaction or activity that the requesting party is presently engaged in or intends to undertake in the future. Include a description of all relevant facts and the identity of the person requesting the advisory opinion. The request may not be hypothetical or about the activity of a third party.

The request is answered by Staff in a draft advisory opinion, within 7 days unless unusual circumstances delay this draft. The Commission Members consider the draft advisory opinion at the next meeting of the Commission. If you have any questions about the Advisory Opinion process or need help in drafting a request for an advisory opinion you can contact either of the APOC office locations.

### **Request for Exemption from Reporting Source of Income Under the Public Official Financial Disclosure Law, AS 39.50**

On November 21, 2011, the APOC Commission granted filer Kenneth Kirk's request for an exemption from reporting sources of income information under the Public Official Financial Disclosure Law, AS 39.50, on his 2011 Public Official Financial Disclosure Statement. Mr. Kirk was allowed to provide initials, rather than full names, for 55 of his clients who paid over \$1000 in calendar year 2010.

The basis for the partial exemption is AS 39.50.035, which provides that legally privileged professional relationships may preclude complete compliance with disclosure laws. Mr. Kirk is an attorney, and the attorney client relationship is a legally privileged professional relationship which, at times, may prevent a public official from naming his or her clients on a Public Official Financial Disclosure form without permission from the client. Mr. Kirk has complied with the reporting requirements of AS 39.50.030(b) (1), except where compliance would violate his professional duties as an attorney.

This exemption does not apply to all clients of all attorneys. The clients for whom Mr. Kirk sought an exemption – adoption, estate planning, and Medicaid clients – are within the categories of clients to which the exemption may apply.

The Commission voted to grant his request under AS 39.50.035.

Exemption request information under AS 39.50, the Public Official Financial Disclosure law, is available on the APOC website at <http://doa.alaska.gov/apoc/apoclaws.html>.



## MARK YOUR CALENDAR

- January 12: APOC Commission Meeting, Anchorage
- January 31: Lobbyist and Employer of Lobbyist 4th Quarter 2011 Reports Due
- February 15: Anchorage Municipal Election Year Start Reports Due
- February 15: State Candidates and Groups Year Start Report Due
- February 15: State Municipal Year Start Report Reports Due
- February 22-24: APOC Commission Meeting, Juneau
- February 29: Lobbyist January 2012 Report Due
- March 5: Anchorage Municipal Election 30-Day Reports Due
- March 15: Annual POFD/LFD filing deadline
- March 27: Anchorage Municipal Election 7-Day Reports Due
- April 2: Lobbyist February 2012 Reports Due
- April 10: Initiative Proposal Application Group 1st Quarter Reports Due



# TRAINING DATES

January 2012				
Mon	Tue	Wed	Thurs	Fri
2	3	4	5	6 Group Training Anchorage
9 Lobbyist Training Juneau	10	11 Lobbyist Training Anchorage	12 Lobbyist Training Anchorage	13 POFD Training Anchorage
16	17 Lobbyist Training Juneau	18	19	20 Candidate in Juneau; Group in Anchorage
23	24	25	26	27 POFD Training Anchorage
30	31			

February 2012				
Mon	Tue	Wed	Thurs	Fri
		1	2	3 Group Training Anchorage
6	7 POFD Training Anchorage	8	9	10 Candidate Training Anchorage
13	14	15	16 POFD Training Anchorage	17 Group Training Anchorage
20	21 Candidate/ POFD Juneau	22	23	24 Candidate Training Anchorage
27	28	29		

March 2012				
Mon	Tue	Wed	Thurs	Fri
			1 POFD Anchorage	2 Group Anchorage
5	6 POFD Anchorage	7	8 POFD Anchorage	9
12	13	14	15	16 Candidate Anchorage
19	20	21	22	23
26	27	28	29	30 Group Anchorage

## APOC TRIVIA ANSWER: *c.) Citizens Initiative*

In 1974 the Alaska Election Campaign Commission (AECC) was formed as a result of two successful citizens initiatives. One regarding campaign disclosure, the other regarding public official financial disclosure. In 1976, regulation of lobbying was added, and the name was changed to the APOC.