



# Alaska Public Offices Commission

## July 2011

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### **From the Executive Director Paul Dauphinais**

Greetings All,

As summer rolls toward us with both the good (salmon) and the bad (mosquitoes) we all need to consider all those things coming toward us. The past few months have been a period of great change and opportunity. Since fortune favors the prepared mind, it is best that we all be as prepared as possible.

The Insight project has moved along nicely. Our colleagues at ETS have been very helpful and extremely busy. Lobbyists and their employers have been able to do all their filing electronically and as of January 27, 2011, both Legislators and Public Officials were able to file their Financial Disclosures online. This will help to reduce paper and enable filers to use the previous year's document as a template for the upcoming year. This means it will be easier to file. Easy means less time filling out reports and that is a good thing. Of course municipal filers have a statutory requirement to file with their respective municipal clerks and we are exploring ways to enable electronic filing for those who serve municipalities as well. At this time we estimate that Campaign Disclosures will be ready to be conducted on-line late this fall. Electronic Campaign Disclosures are currently being tested

For all of the testing we are doing for campaign disclosures we need volunteers. APOC staff has been testing the various systems for some months now, but input from the actual users of the system would be very meaningful. If you would like to volunteer call one of the APOC offices and get the information you need to help us test the system. The more extensive and intensive the testing the better the end product will be. Help us help you!

You may have noticed that the APOC web page has changed. Thank you to Jackie Garnick and Joan Mize for

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their efforts. Staff is now reviewing all areas of the page to ensure that we are providing you the most up to date information.

As the fund raising season begins I have a request of you. When you have a question for staff, if time allows, try to e-mail the question to staff at the information address listed to the APOC web page. Staff will get back to you within five working days with a response. I ask this so that staff can devote some time to responding to your inquiries in a deliberate and complete manner. Clearly, there will be some instances where a phone call would be more appropriate than an e-mail, and I am not trying to dissuade anyone from calling staff, but the more time staff can spend on questions the more complete the response can be. In the future requests for information via a telephone call will be routed to the person working in that particular area of concern. For instance a question for POFD filing information will be routed to the staff member whose tasks include POFDs. Administrative staff who answer the telephones will be asking what your question is rather than to whom do you wish to speak. This is meant to ensure you receive a prompt and accurate answer to your question.

Finally, I want to leave you with one thought from Yogi Berra, "In theory there is no difference between theory and practice. In practice there is."

Have a wonderful summer!

## UPDATE ON COMPLAINTS

*Complaints and all documents related to the Complaints may be found on the APOC website at <http://aws.state.ak.us/apocInterim/ViewCommissionComplaints.aspx>*

**09-07-CD Hackney v. CAP and AAMS:** Case was consolidated with 10-06-CD, 10-07-CD, 10-08-CD, 10-09-CD, 10-10-CD, 10-11-CD, and 10-13-CD. An Order approving the revised consent agreement was signed and distributed on May 13, 2011.

**09-10-CD APOC v. IACC:** Hearing scheduled for July 12-13, 2011 in Fairbanks.

**10-18-CD Schmidt v. Committee for Responsible Growth:** The amended consent agreement was approved by the Commission on June 9, 2011.

**10-19-CD Kellen v. Rep. William Thomas:** Case was consolidated with 10-20-CD, 10-21-CD, 10-22-CD, and 10-23-CD. Investigation resumed after the end of the legislative session due to Rep. Thomas' legislative immunity during session.

**11-01-CD Obermeyer v. Alaska Judicial Council:** An Order and Decision was signed and distributed on June 17, 2011.

**11-03-CD APOC v. Re-Elect Thomas Campaign:** Investigation resumed after the end of the legislative session due to Rep. Thomas' legislative immunity during session.

**11-04-CD Merrick Peirce v. North Star Volunteer Fire Department:** An Order assessing a civil penalty of \$410.00 was signed and distributed on June 14, 2011.

**11-05-POFD Bauer v. Trombley:** An Order dismissing the complaint was issued by the Commission on June 15, 2011.

**11-06-CD Hamann v. International Association of Fire Fighters:** An Order dismissing the complaint was issued by the Commission on June 14, 2011.

**11-07-CD APOC v. Mead Treadwell and Treadwell Alaska Committee:** Staff report due July 15, 2011.

**11-08-CD APOC v. Martin Lindeke:** Staff report due July 17, 2011.



## REGULATIONS PROJECT UPDATE

Submitted comments were compiled for the Commission and the Commissioners reviewed all comments and discussed the draft regulations. Meetings were posted on the APOC web site and sent out via the APOC list serv and were held on May 2, May 9, May 20, June 8, June 10, and June 15.

The Commission adopted the proposed regulations at a Special Commission meeting on June 16, 2011.

The proposed regulations were forwarded to the Alaska Department of Law for review and approval. During this time the Governor's office also conducts its review. If the proposed regulations are approved by the Department of Law and the Governor's office, they are sent to the Lt. Governor's office for filing and become effective 30 days later.

APOC will continue to keep all our filers and the public informed of the process as it moves forward, both via our web site and APOC list serv announcements.

RECENT  
ADVISORY  
OPINIONS

**AO 11-05-LOB** Approved 4/8/2011

**Jim Jansen, President, Lynden; Rick Boyles, President, Teamsters; Randy Johnson, Alaska Ship & Drydock - Are payments made by employers of lobbyists to the “Make Alaska Competitive Coalition” (MACC) reportable under AS 24.45.061(b)(3) and AS 24.45.171(13) (E)?**

Payments made to MACC are not prohibited for employers of lobbyists. However, because the totality of the overall message of the advertising campaign conducted by MACC is in connection with soliciting or urging other persons to enter into direct communication with a public official, payments by any employer of a lobbyist must be reported on the Schedule B section of the employer of lobbyist report, per AS 24.45.171(13) (E).

Any company making payments to MACC that does not employ a lobbyist has no reporting responsibilities to APOC under AS 24.45. Based on MACC representations to staff as of the date of this meeting, MACC does not employ a lobbyist and is not required to report its activity under AS 24.45.

**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 11-06-POFD** Approved 6/8/2011

**Glen R. Alsworth, Sr., Mayor, and Jean (Patty) Alsworth, School Board Member, of Lake and Peninsula Borough asked for clarification of income reporting requirements, under AS 39.50, related to the Alsworth’s two businesses, Lake Clark Air, Inc. and The Farm Lodge Inc.**

Glen and Jean have both retail and non-retail aspects of their businesses. The following principle applies: Where they know the identity of those who conduct business at a level above \$1,000 and that customer is not a retail client, they are obligated to disclose.

This advisory opinion request, while dealing with specific transactions, addresses broader issues.

Please review the full text of this advisory opinion on our website at <http://aws.state.ak.us/apocInterim/ViewCommissionAdvisoryOpinions.aspx> for complete details of the issues related to the Alsworth’s two businesses.

**WELCOME!**

**Martha Tansik** is the new Associate Attorney II in the Anchorage office. She is a licensed Alaskan Attorney. Martha holds a bachelor’s degree in International Studies from the American University in Washington, DC and a JD from Seattle University. Although originally from North Carolina, Martha moved to Anchorage from Seattle in search of sun. She enjoys backpacking, traveling, and her Australian Shepherd puppy, Neah, affectionately nicknamed “Monster.”

**Amanda McDonald** is the new Paralegal I in the Anchorage office as of May 9th, 2011. Amanda is joining us from the Alaska Court System in Anchorage where she was an In-Court Clerk. She has a bachelor’s degree in Justice with a minor in Political Science from UAA. She enjoys traveling, photography and music.

## *Calendar of Events*

- **July 4 - Independence Day Holiday**
- July 19 - Anchorage Municipal Election 105 Day Report Due
- July 31 - Lobbyist June Special Session and Employer of Lobbyist 2nd Quarter 2011 Reports Due (Will be considered timely if received by 8/1/11.)
- **September 5 - Labor Day Holiday**
- September 6 - 30 Day October Municipal Election Reports Timely Filed
- September 25 - 24 Hour Report Period Begins for October Municipal Elections
- September 27 - 7 Day October Municipal Election Reports Due
- October 4 - Statewide Municipal Elections (31 Municipalities)

### **2011 STATEWIDE MUNICIPAL ELECTION - CANDIDATES AND GROUPS**

*Tuesday, October 4, 2011 - Statewide Municipal Elections*

<b>Report:</b>	<b>Covers:</b>	<b>Due:</b>
Year Start Report	Start of campaign – February 1, 2011	Tuesday, February 15, 2011
30 Day Report*	February 2 – September 2	Monday, September 5, 2011*
7 Day Report	September 3 – September 24	Tuesday, September 27, 2011
24 Hour Reports**	September 25 – October 3	Daily As Needed**
105 Day Report	September 25 – January 2, 2012	Tuesday, January 17, 2012
Final Report***	January 3 – February 01, 2012	Tuesday, February 15, 2012***

\*Due date falls on a state holiday. Reports will be considered timely, if filed the day immediately following the holiday.

\*\*During the 9 days before an election, you must report the contributor name and amount of all monetary and non-monetary contributions over \$250 to the APOC within 24 hours of the time you receive each contribution. You may need to report each day during that period, or not at all. You must fax, phone-in, or hand-carry the report. Do not mail 24 Hour Reports.

\*\*\* NOTE: Required only if 105 Day Report was not a Final Report