

CONSENT AGENDA APPEALS UNDER AS 15.13.390; 2 AAC 50.860 - Group Campaign Disclosure

October 2016 Meeting

Civil Penalty Appeals

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ITEM#:	FILER AND ASSESSED PENALTY	STAFF RECOMMENDATION:	PAGE #:	COMMISSION ACTION

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ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Thomas Lucas

DATE: September 23, 2016

RESPONDENT: Alaska District 31 Democrats

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S):

- Campaign Disclosure Reports

30 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 30 Day State Primary

DUE DATE OF LATE REPORT: July 18, 2016

REPORT FILED ON: July 21, 2016

NUMBER OF DAYS LATE: 3

DATE DELINQUENCY NOTICE(S) SENT: July 21, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 19, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$150

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction

(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the reporting violation occurred due to health problems affecting her family. Specifically, her husband was diagnosed with metastatic liver cancer and they were out of town seeking second and third opinions and options when the report became due. Affiant requests that the penalty be waived due to extraordinary complex personal circumstances.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the Person required to file a report, or a family member of the person required to file, experiences a personal emergency or incapacitating illness. But, this mitigating factor is only available to a natural person.¹ Here, the group is the person required to file the report, not an employee or a volunteer of the group. Accordingly, staff is unable to recommend a reduction in the civil penalty based on this mitigating factor.²
2. A civil penalty may be reduced by up to 50% if the person required to file a report has been subject to a registration or reporting requirement for less than 365 days.³ Here, Alaska District 31 Democrats, the person required to report, has been subject to a reporting requirement for less than 365 days.
3. Based on the applicable mitigating factors, staff recommends that the civil penalty be reduced by 50% to \$75.

FILER'S REPORTING HISTORY:

2011

No Forms Filed

2012

No Forms Filed

2013

No Forms Filed

2014

No Forms Filed

2015

No Forms Filed

2016

Registration – 4/6/2016

State Primary – **30 Day Report – LATE (3 Days Late) – Subject of Appeal**

State Primary – 7 Day Report – Timely

¹ 2 AAC 50.865(b)(1)

² In a case involving a group's treasurer who suffered a major incapacitating illness, the Commission reduced, but did not waive, a civil penalty under 2AAC 50.865(B)(7) which allows reducing or waiving a civil penalty if there is a unique circumstance that justifies such action. In that case, the group's treasurer suffered a major incapacitating illness which necessitated major surgery and resulted in cognitive difficulties. The Commission reduced the penalty to 10% of the amount unreported. The Commission's decision in that case is attached hereto.

³ 2 AAC 50.865(a)(1)(B)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0.00
Income:	\$1,452.81
Expenses:	\$153.00
Debts:	\$0.00
Ending Balance:	\$1299.81

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁵ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 50% to \$75**
- Upheld at the assessed amount of _____**

⁶ Value greater than \$1000.

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

In re RPA DISTRICT 34)
)
) CIVIL PENALTY APPEAL
)

FINAL ORDER

This is a civil penalty appeal that came before the Commission on April 1, 2013. RPA District 34 filed an inaccurate “no activity” report for the year 2010. The report was in error because it failed to include \$1050.00 in contributions and \$923.00 in expenditures made in connection with a convention in 2010. It is undisputed that the filer’s treasurer suffered a major incapacitating illness in 2010 which necessitated major surgery and resulted in some cognitive difficulties. According to the filer and based on supporting medical documentation, this medical issue contributed significantly to the filing of an inaccurate report for 2010. RPA District 34 was inactive in 2011 and it disbanded in 2012 as a result of redistricting. Based on the circumstances, the Staff report recommends a reduction in the civil penalty assessed to \$500.

The Commission, after consideration of this matter, finds that this is a unique case involving a major medical incident and, as such, determines that a reduction in the civil penalty is appropriate under 2 AAC 50.865(b)(7). Additionally, a reduction in the civil penalty is also appropriate under 2 AAC 50.865(b)(6) because a substantial fine would be out of proportion to the degree of harm to the public. Based on these facts, the Commission reduces the penalty to 10% of the sum of \$1050.00 and \$923.00

(\$1973.00) which is the amount that was not reported. Accordingly, the penalty assessed is \$197.30.

This is a final Commission order. It may be appealed to superior court within 30 days from the date of this order under AS 44.62. A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed pursuant to 2 AAC 50.891(g).

Dated: April 22, 2013

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION¹

¹ Commissioners Elizabeth Hickerson, Kathleen King, Ronald King, Kenneth Kirk, and Vance Sanders participated in this matter.



September 23, 2016

Alaska District 31 Democrats

Attn: Patricia Boily
4935 Clover Lane
Homer, AK 99603
pbboily@xyz.net

Re: COMMISSION MEETING NOTICE

Dear Ms. Boily:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9581-35

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Alaska District 31 Democrats
Attn: Patricia Boily
4935 Clover Lane
Homer, AK 99603
pbboily@xyz.net

9-23-2016

Signed

Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: pbboily@xyz.net
Sent: Friday, September 23, 2016 2:04 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pbboily@xyz.net (pbboily@xyz.net)

Subject: Commission Meeting Notice & Staff Recommendation

ARRIVED

AUG 22 2016

APOC - ANCH
PM HC FAX ELE
8-19-2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): Alaska District 31 Democrats

Office (if a candidate):

N/A

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 30 Day Report

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

The reporting violation occurred due to health problems affecting my family. My husband was diagnosed with metastatic liver cancer and we were pursuing second and third medical opinions and options. When we finally got home I was under the impression that I had another week to file the necessary report. I seem to have lost a week in my own personal calendar. I feel the civil penalty should be waived due to extraordinary complex personal circumstances.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Patricia A Boily Treasurer 8/19/2016



July 21, 2016

VIA CERTIFIED MAIL and EMAIL

Alaska District 31 Democrats

Attn: Patricia Boily

4935 Clover Lane

Homer, AK 99603

pbboily@xyz.net

Re: Notice of Penalty Assessment – 30 Day Campaign Disclosure Report

Dear Ms. Boily:

According to our records you did not timely file your 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead your report was filed on July 21, 2016 (3 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$150.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Heather R. Hebdon
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

<p>Alaska District 31 Democrats Attn: Patricia Boily 4935 Clover Lane Homer, AK 99603 pboily@xyz.net</p>	<p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

 7-21-2016
Law Office Assistant Date

9171-9690-0935-0107-7009-23

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Civil Penalty Appeal Affidavit

AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700923. The delivery record shows that this item was delivered on July 30, 2016 at 1:40 pm in HOMER, AK 99603. The scanned image of the recipient information is provided below.

Signature of Recipient :

Patricia A Bailey



Address of Recipient :

4935 Clover Lane
Homer AK 99603

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: pbboily@xyz.net
Sent: Thursday, July 21, 2016 3:07 PM
Subject: Relayed: Notice of Penalty Assessment - 30 Day Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pbboily@xyz.net (pbboily@xyz.net)

Subject: Notice of Penalty Assessment - 30 Day Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Alaska Miners Association PAC

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S): • Campaign Disclosure Reports
 30 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 30 Day State Primary
DUE DATE OF LATE REPORT: July 18, 2016
REPORT FILED ON: August 29, 2016
NUMBER OF DAYS LATE: 42
DATE DELINQUENCY NOTICE(S) SENT: August 29, 2016
DATE CIVIL PENALTY APPEAL RECEIVED: September 8, 2016
MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$2,100
RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Uphold
(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the Group's staff support that maintains APOC reporting failed to recognize the need to amend the Group's registration and file State Primary reports after the Group decided to become involved in the Primary Election in addition to the General Election for which the Group was registered.

2. Affiant states that it has a good track record with APOC reporting and has always worked with APOC staff to make corrections on any inaccurate or incomplete reports.
3. Affiant states that it has put procedures into place to insure that this type of problem does not occur again.
4. Affiant requests that the civil penalty be reduced or waived because it is significantly out of proportion to the degree of harm to the public.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Failure to recognize that a report is due is not a mitigating factor. Accordingly, staff cannot recommend a reduction in the civil penalty based on that consideration.
2. Staff confirms that the Group has always been willing to promptly correct any problems found in its reporting; and has only 1 other late filed report in the preceding 5 years. But, because the late report was not a "no activity" report; and because there was 1 late report in the immediately preceding 5 years; staff cannot recommend a reduction in the civil penalty based on "good filing history" mitigation.¹
3. Putting procedures in place to avoid future violations is both admirable and wise. But, taking action to help insure that future violations do not occur is not a mitigating factor. Accordingly, staff cannot recommend a reduction in the civil penalty based on that consideration.
4. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information.² Here, the civil penalty assessed is large (\$2,100), but so too is the amount of information not reported in a timely fashion: \$7,380 in contributions made to the Group and \$7,500 in contributions the Group made to 12 separate candidates. Under these circumstances staff does not recommend that the civil penalty be reduced because the civil penalty is not significantly out of proportion to the degree of harm to the public.
5. There are no mitigating factors that apply to this violation. Accordingly, staff recommends that the civil penalty be upheld.

FILER'S REPORTING HISTORY:

2011

Registration – 2/15/2012

Year End Report - Timely

2012

Registration – Filed 1/4/2012

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Year End Report – LATE (4 Days Late)

2013

¹ 2 AAC 50.865(a)(1)(A)

² 2 AAC 50.865(B)(7)

Registration – Filed 9/25/2013

Year End Report – Timely

2014

Registration – 2/20/2014

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Year End Report – Timely

2015

Registration – 2/4/2015

Year End Report – Timely

2016

Registration – 2/17/2016

State Primary – 30 Day Report – LATE (42 Day Late)(Subject of Appeal)

State Primary – 7 Day Report – LATE (20 Day Late)(Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$4,128.82
Income:	\$7,380.00
Expenses:	\$8,123.50
Debts:	\$0.00
Ending Balance:	\$3,385.32

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.³ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

³ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁴ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁵ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

⁴ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁵ Value greater than \$1000.

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

Waived

Reduced by ___ to \$___

Upheld at the assessed amount of \$2,100



September 22, 2016

Alaska Miners Association Political Action Committee

Attn: JP Tangen
121 W Fireweed Lane
Anchorage, AK 99503
jptangen@gci.net

Re: COMMISSION MEETING NOTICE

Dear Mr. Tangen:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day and 7 Day Disclosure Reports.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Alaska Miners Association Political Action Committee
Attn: JP Tangen
121 W Fireweed Lane
Anchorage, AK 99503
jptangen@gci.net

9-22-2016

Signed

Date

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Alaska Miners Association PAC

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|----------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): 16 Primary

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Please see attached letter.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: *J. Ranger*

AMA POLITICAL ACTION COMMITTEE

SUPPORTING THOSE WHO SUPPORT MINING

AMAPAC Treasurer and
Deputy Treasurers:

Jason Brune, Anchorage

James Fueg, Anchorage

Chris Gerondale, Juneau

Howard Grey, Anchorage

Karl Hanneman, Fairbanks

Bill Jeffress, Anchorage

Roger Jenkins, Anchorage

Mike Satre, Juneau

Lorna Shaw, Fairbanks

John Shively, Anchorage

Lorali Simon, Palmer

JP Tangen, Anchorage

September 7, 2016

Mr. Thomas Lucas
Alaska Public Offices Commission
2221 E. Northern Lights Blvd. Rm. 128
Anchorage, AK 99508

Dear Mr. Lucas:

I am writing to appeal the civil penalty assessed by the Alaska Public Offices Commission to the Alaska Miners Association Political Action Committee (AMAPAC) for our group's 30-day Campaign Disclosure Report due July 18, 2016 and filed August 29, 2016, 42 days late.

AMAPAC has been active in General Elections for many years, and has an excellent track record with APOC for timely report filing, immediate correction of inaccurate or incomplete reports, and communication with APOC staff to ensure full compliance. We truly regret this clerical error and have already put in place procedures to ensure such mistakes do not reoccur.

In 2016, the Group registered as a General Election group, but in late June, made the decision to contribute to candidates involved in contested Primary races. AMAPAC has never before missed a filing deadline, and the staff support that maintains APOC reporting of the new activity failed to recognize the change and the need to amend a registration and file Primary reports.

AMAPAC firmly believes in the prudence and necessity of self-reporting upon realizing filing mistakes; however, we were unaware of the mistake until your email of August 26, 2016. At that time, staff contacted you to enable online filing and corrected the original registration and expeditiously filed the two reports.

AMAPAC now recognizes the crucial need to have more of our staff support and Treasurers attend the in-person group training sessions offered by APOC annually, and has put some internal controls in place as well, to ensure we are not out of compliance again. In recognition of our rapid correction and efforts to ensure full compliance moving forward, and because no contributions were made in the seven days preceding the election, resulting in "no significant harm to the public," as cited 2 AAC 50.865 (b)(5), we are hopeful you will take these factors into consideration when considering the final penalty that should be assessed to AMAPAC.

We respectfully request that the staff recommend the Commission waive or significantly reduce the penalty for this unintentional infraction. Thank you for your consideration.

Sincerely,



JP Tangen, Treasurer

AMAPAC IS A POLITICAL ACTION COMMITTEE THAT
SUPPORTS THE ALASKA MINERS ASSOCIATION.
INDIVIDUAL CONTRIBUTIONS UP TO \$500 PER CALENDAR
YEAR CAN BE MADE TO HELP ELECT CANDIDATES FOR THE
STATE LEGISLATURE THAT UNDERSTAND THE
IMPORTANCE OF MINING IN ALASKA.



121 W. FIREWEED LN SUITE 120
ANCHORAGE, AK 99517



August 29, 2016

VIA CERTIFIED MAIL and EMAIL

Alaska Miners Association Political Action Committee

Attn: JP Tangen

121 W Fireweed Lane

Anchorage, AK 99503

jptangen@gci.net

darlene@alaskaminers.org

RE: Notice of Penalty Assessment – 30 Day Primary Campaign Disclosure Report

Dear Mr. Tangen:

According to our records you did not timely file your group's 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead the report was filed on August 29, 2016 (42 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$2100.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Thomas R. Lucas
Paralegal II

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Alaska Miners Association Political Action Committee Attn: JP Tangen 121 W Fireweed Lane Anchorage, AK 99503 jptangen@gci.net	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------



8-29-2016

Law Office Assistant

Date

9171-9690-0935-0107-6997-77

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865		Mitigating factors; aggravating factors.	Codifies criteria established in Sept. 2010
---------------------	--	-------------------------------------------------	---------------------------------------------

2 AAC 50.865. Mitigating factors; aggravating factors.

(a) A civil penalty determined under in 2 AAC 50.855 may be reduced by up to 50 percent if

- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, “good filing history” means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
- (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
- (3) any unreported or mistakenly reported information had a value of \$100 or less; or
- (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
- (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
- (3) a municipal clerk or the clerk’s designee failed to notify a municipal official, as provided in 2AAC 50.850(f), that the municipal official’s filing is delinquent or incomplete;
- (4) a late or erroneous report included only administrative costs in a group report;
- (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
- (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
- (7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;
- (2) forgetting to file;
- (3) being a volunteer;
- (4) having no change in reportable information from previous filed statements;
- (5) relying on the responsible person’s staff to remind the person of the filing deadline;
- (6) being too busy to file;
- (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
- (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
- (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: jptangen@gci.net; darlene@alaskaminers.org
Sent: Monday, August 29, 2016 4:44 PM
Subject: Relayed: Notice of Penalty Assessment - 7 Day & 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jptangen@gci.net (jptangen@gci.net)

darlene@alaskaminers.org (darlene@alaskaminers.org)

Subject: Notice of Penalty Assessment - 7 Day & 30 Day Primary Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Alaska Miners Association PAC

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S): • Campaign Disclosure Reports
 7 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 7 Day State Primary
DUE DATE OF LATE REPORT: August 9, 2016
REPORT FILED ON: August 29, 2016
NUMBER OF DAYS LATE: 20
DATE DELINQUENCY NOTICE(S) SENT: August 29, 2016
DATE CIVIL PENALTY APPEAL RECEIVED: September 8, 2016
MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$10,000
RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction
(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the Group's staff support that maintains APOC reporting failed to recognize the need to amend the Group's registration and file State Primary reports after the Group decided to become involved in the Primary Election in addition to the General Election for which the Group was registered.

2. Affiant states that it has a good track record with APOC reporting and has always worked with APOC staff to make corrections on any inaccurate or incomplete reports.
3. Affiant states that it has put procedures into place to insure that this type of problem does not occur again.
4. Affiant requests that the civil penalty be reduced or waived because it is significantly out of proportion to the degree of harm to the public.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Failure to recognize that a report is due is not a mitigating factor. Accordingly, staff cannot recommend a reduction in the civil penalty based on that consideration.
2. Staff confirms that the Group has always been willing to promptly correct any problems found in its reporting; and has only 1 other late filed report in the preceding 5 years. But, because the late report was not a "no activity" report; and because there was 1 late report in the immediately preceding 5 years; staff cannot recommend a reduction in the civil penalty based on "good filing history" mitigation.¹
3. Putting procedures in place to avoid future violations is both admirable and wise. But, taking action to help insure that future violations do not occur is not a mitigating factor. Accordingly, staff cannot recommend a reduction in the civil penalty based on that consideration.
4. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information.² Here, the civil penalty assessed is large (\$10,000), and the amount of information not reported in a timely fashion is relatively small by comparison: \$2,000 in contributions made to the Group and \$113.71 in expenditures for bank fees. Under these circumstances staff recommends that the civil penalty be reduced because the civil penalty is significantly out of proportion to the degree of harm to the public for not having had the information in a timely fashion.
5. Based on mitigating factors, staff recommends that the civil penalty be reduced by 90% to \$1,000. In making this recommendation staff considered that the Group made no contributions to candidates during the 7 Day State Primary period; and that a \$1,000 civil penalty is more in line with the \$2,000 in contributions that were reported late. Staff does not recommend further reduction in the civil penalty because the \$2,000 in contributions received by the group from 5 separate individuals within 30 days of the election was not reported and available to the public until after the election.

FILER'S REPORTING HISTORY:

2011

Registration – 2/15/2012

Year End Report - Timely

2012

¹ 2 AAC 50.865(a)(1)(A)

² 2 AAC 50.865(B)(6)

Registration – Filed 1/4/2012
State General – 30 Day Report – Timely
State General – 7 Day Report – Timely
Year End Report – LATE (4 Days Late)

2013

Registration – Filed 9/25/2013
Year End Report – Timely

2014

Registration – 2/20/2014
State General – 30 Day Report – Timely
State General – 7 Day Report – Timely
Year End Report – Timely

2015

Registration – 2/4/2015
Year End Report – Timely

2016

Registration – 2/17/2016
State Primary – 30 Day Report – LATE (42 Day Late)(Subject of Appeal)
State Primary – 7 Day Report – LATE (20 Day Late)(Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$3,385.32
Income:	\$2,000.00
Expenses:	\$113.71
Debts:	\$0.00
Ending Balance:	\$5271.61

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**

- Inexperienced filer.³ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁴ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

³ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁴ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁵ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 90% to \$1,000**
- Upheld at the assessed amount of \$**

⁵ Value greater than \$1000.



September 22, 2016

Alaska Miners Association Political Action Committee

Attn: JP Tangen
121 W Fireweed Lane
Anchorage, AK 99503
jptangen@gci.net

Re: COMMISSION MEETING NOTICE

Dear Mr. Tangen:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day and 7 Day Disclosure Reports.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Alaska Miners Association Political Action Committee
Attn: JP Tangen
121 W Fireweed Lane
Anchorage, AK 99503
jptangen@gci.net

9-22-2016

Signed

Date

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Alaska Miners Association PAC

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Please see attached letter.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____
[Signature]

AMA POLITICAL ACTION COMMITTEE

SUPPORTING THOSE WHO SUPPORT MINING

AMAPAC Treasurer and
Deputy Treasurers:

Jason Brune, Anchorage

James Fueg, Anchorage

Chris Gerondale, Juneau

Howard Grey, Anchorage

Karl Hanneman, Fairbanks

Bill Jeffress, Anchorage

Roger Jenkins, Anchorage

Mike Satre, Juneau

Lorna Shaw, Fairbanks

John Shively, Anchorage

Lorali Simon, Palmer

JP Tangen, Anchorage

September 7, 2016

Mr. Thomas Lucas
Alaska Public Offices Commission
2221 E. Northern Lights Blvd. Rm. 128
Anchorage, AK 99508

Dear Mr. Lucas:

I am writing to appeal the civil penalty assessed by the Alaska Public Offices Commission to the Alaska Miners Association Political Action Committee (AMAPAC) for our group's 7-day Campaign Disclosure Report due August 9, 2016 and filed August 29, 2016, 20 days late.

AMAPAC has been active in General Elections for many years, and has an excellent track record with APOC for timely report filing, immediate correction of inaccurate or incomplete reports, and communication with APOC staff to ensure full compliance. We truly regret this clerical error and have already put in place procedures to ensure such mistakes do not reoccur.

In 2016, the Group registered as a General Election group, but in late June, made the decision to contribute to candidates involved in contested Primary races. AMAPAC has never before missed a filing deadline, and the staff support that maintains APOC reporting of the new activity failed to recognize the change and the need to amend a registration and file Primary reports.

AMAPAC firmly believes in the prudence and necessity of self-reporting upon realizing filing mistakes; however, we were unaware of the mistake until your email of August 26, 2016. At that time, staff contacted you to enable online filing and corrected the original registration and expeditiously filed the two reports.

AMAPAC now recognizes the crucial need to have more of our staff support and Treasurers attend the in-person group training sessions offered by APOC annually, and has put some internal controls in place as well, to ensure we are not out of compliance again. In recognition of our rapid correction and efforts to ensure full compliance moving forward, and because no contributions were made in the seven days preceding the election, resulting in "no significant harm to the public," as cited 2 AAC 50.865 (b)(5), we are hopeful you will take these factors into consideration when considering the final penalty that should be assessed to AMAPAC.

We respectfully request that the staff recommend the Commission waive or significantly reduce the penalty for this unintentional infraction. Thank you for your consideration.

Sincerely,



JP Tangen, Treasurer

AMAPAC IS A POLITICAL ACTION COMMITTEE THAT
SUPPORTS THE ALASKA MINERS ASSOCIATION.
INDIVIDUAL CONTRIBUTIONS UP TO \$500 PER CALENDAR
YEAR CAN BE MADE TO HELP ELECT CANDIDATES FOR THE
STATE LEGISLATURE THAT UNDERSTAND THE
IMPORTANCE OF MINING IN ALASKA.



121 W. FIREWEED LN SUITE 120
ANCHORAGE, AK 99517



August 29, 2016

VIA CERTIFIED MAIL and EMAIL

Alaska Miners Association Political Action Committee

Attn: JP Tangen

121 W Fireweed Lane

Anchorage, AK 99503

jptangen@gci.net

darlene@alaskaminers.org

RE: Notice of Penalty Assessment – 7 Day Primary Campaign Disclosure Report

Dear Mr. Tangen:

According to our records you did not timely file your group's 7 Day Campaign Disclosure Report that was due on August 9, 2016. Instead the report was filed on August 29, 2016 (20 days late). By law a maximum penalty of \$500 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$10,000.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a).

² 2 AAC 50.855(a).

³ AS 15.13.390(a).

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Thomas R. Lucas
Paralegal II

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Alaska Miners Association Political Action Committee Attn: JP Tangen 121 W Fireweed Lane Anchorage, AK 99503 jptangen@gci.net	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------



8-29-2016

Law Office Assistant

Date

9171-9690-0935-0107-6997-77

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865	Mitigating factors; aggravating factors.	Codifies criteria established in Sept. 2010
---------------------	-------------------------------------------------	---------------------------------------------

2 AAC 50.865. Mitigating factors; aggravating factors.

(a) A civil penalty determined under in 2 AAC 50.855 may be reduced by up to 50 percent if

- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, “good filing history” means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
- (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
- (3) any unreported or mistakenly reported information had a value of \$100 or less; or
- (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
- (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
- (3) a municipal clerk or the clerk’s designee failed to notify a municipal official, as provided in 2AAC 50.850(f), that the municipal official’s filing is delinquent or incomplete;
- (4) a late or erroneous report included only administrative costs in a group report;
- (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
- (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
- (7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;
- (2) forgetting to file;
- (3) being a volunteer;
- (4) having no change in reportable information from previous filed statements;
- (5) relying on the responsible person’s staff to remind the person of the filing deadline;
- (6) being too busy to file;
- (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
- (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
- (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: jptangen@gci.net; darlene@alaskaminers.org
Sent: Monday, August 29, 2016 4:44 PM
Subject: Relayed: Notice of Penalty Assessment - 7 Day & 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jptangen@gci.net (jptangen@gci.net)

darlene@alaskaminers.org (darlene@alaskaminers.org)

Subject: Notice of Penalty Assessment - 7 Day & 30 Day Primary Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Alaska Republican Assembly

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S):

- Campaign Disclosure Reports
- 24 Hour Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: Anchorage Municipal
DUE DATE OF LATE REPORT: March 31, 2016
REPORT FILED ON: April 11, 2016
NUMBER OF DAYS LATE: 11
DATE DELINQUENCY NOTICE(S) SENT: July 25, 2016
DATE CIVIL PENALTY APPEAL RECEIVED: August 15, 2016
MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$5,500
RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction
(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the group registered for the Anchorage Municipal Election, but did not participate in the election. Because of this, on April 5, 2016 (the day of the election) the Group amended its registration to delete participation in that election. Affiant states that at the time the registration was amended, the group had received a check for \$350 during the Anchorage Municipal 24 hour reporting period. Affiant states that she thought she would not be required to file the 24 hour report because she amended the registration.

2. Affiant states that the group has a good filing history with no late reports before this one.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. At the time the 24 hour report became due (March 31, 2016) the Group was still registered for the Anchorage Municipal election. In fact, the 24 hour report was already 5 days late at the time the registration was amended. Misunderstanding that a report is due is not a mitigating factor. Accordingly, staff cannot recommend a reduction in the civil penalty based on the affiant's misunderstanding.
2. Staff agrees that the Group has had no late reports prior to this one. But, in order to receive "good filing history" mitigation, there must be no activity on the overdue report.¹ Accordingly, staff cannot recommend a reduction in the civil penalty based on the Group's or affiant's good filing history.
3. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty is significantly out of proportion to the degree of harm to the public for not having the information.² Here, the Group has been assessed a civil penalty of \$5,500 because it failed to timely report a \$350 purchase of tickets to the Group's convention. This is a civil penalty that is 15 times larger than the amount that was reported late.
4. Based on the civil mitigation factors, staff recommends that the civil penalty in this matter be reduced by 94% to \$330. In making this recommendation staff considered that the civil penalty assessed is over 15 times greater than the amount reported late; and the Group's previously admirable reporting history.

FILER'S REPORTING HISTORY:

2011

No Forms Filed

2012

No Forms Filed

2013

No Forms Filed

2014

Registration – 8/5/2014

State Primary – 7 Day Report – Timely

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Year End Report – Timely

¹ 2 AAC 50.865(a)(1)(A)(2)

² 2 AAC 50.865(b)(6)

2015

Registration – 1/14/2015

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2016

Registration – 1/8/2016

Juneau Special Election – 30 Day Report – Timely

Juneau Special Election – 7 Day Report – Timely

Juneau Special Election – 105 Day Report – Timely

Anchorage Municipal – 30 Day Report – Timely

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 24 Hour Report – LATE (11 Days Late) – Subject of Appeal

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

Statewide Municipal – 30 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$NA
Income:	\$350
Expenses:	\$NA
Debts:	\$NA
Ending Balance:	\$NA

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.³ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

³ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁴ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁵ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

⁴ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁵ Value greater than \$1000.

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 94% to \$330**
- Upheld at the assessed amount of _____**



September 22, 2016

Alaska Republican Assembly

Attn: Julie Hamm

P.O. Box 1552

Palmer, Alaska 99645

julie_hamm@msn.com

Re: COMMISSION MEETING NOTICE

Dear Ms. Hamm:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 24 Hour Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9581-11

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Alaska Republican Assembly
Attn: Julie Hamm
P.O. Box 1552
Palmer, Alaska 99645
julie_hamm@msn.com

9-22-2016

Signed

Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: julie_hamm@msn.com
Sent: Thursday, September 22, 2016 3:46 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

julie_hamm@msn.com (julie_hamm@msn.com)

Subject: Commission Meeting Notice & Staff Recommendation

ARRIVED

AUG 15 2016

**APOC - ANCH
PM HC FAX ELE
8-15-2016**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): Alaska Republican Assembly

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|----------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input checked="" type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Anchorage Municipal

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

See attached explanation.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Julie Ham 8/11/16

I have been in a good standing with the APOC since becoming involved with politics 4 years ago. I have consistently filed all my reports on time for all the groups or candidates that I have assisted:

- Daniel Hamm State House 2012
- Russ Millette for Governor 2014
- Richard Best State House 2016
- Valley Republican Women – 2012-2015
- Alaska Republican Assembly – 2014 - Present

Additionally, I have trained other people on how to fill out the required reports and reminded them of upcoming deadlines, so no issues would arise. I have always called APOC (Tom Lucas and Tamara Douglas) to ask questions to make sure we were not violating any campaign finance laws and asking for assistance when needed.

In 2016, the Alaska Republican Assembly registered to participate in the Juneau and Anchorage Municipal races.

Concurrently, we were planning and coordinating our bi-annual convention which was taking place April 16, 2016. When the 24 hour report became due, I changed the registration as we had not participated in the local muni elections and decided I did not want to continue filling out reports at the high frequency that they required. At the time I changed the registration, we had a check received for \$350 for selling 10 tickets to our convention, which would have required the 24 hour report. I thought since I changed our registration I did not need to file that anymore. I ended up calling APOC and talked to Tamara about it and she said, yes we should have filed the 24 hour report even though it was not “campaign” related we were still obligated to file the 24 hour report since the original registration required it. By that point it was 11 days overdue, but I promptly filed the report. All the money we collected YTD has been for dues or tickets sold to our convention in April. It was not intentional or trying to hide the \$350 check we received.

I am asking for the penalty to be eliminated as I have ALWAYS called when I had questions, to make sure that the groups and candidates I volunteer to help out, to not violate campaign laws.

ARRIVED

AUG 15 2016

**APOC - ANCH
PM HC FAX ELE**

8-12-2016



July 25, 2016

VIA EMAIL & CERTIFIED MAIL

Alaska Republican Assembly

Attn: Julie Hamm

P.O. Box 1552

Palmer, Alaska 99645

julie_hamm@msn.com

Re: Notice of Penalty¹
24 Hour Campaign Disclosure Report²

Dear Ms. Hamm:

According to our records you did not timely file a 24 Hour Report during the 2016 Anchorage Municipal Election. During the 9 days prior to an election (3/27 – 4/4), groups are required to disclose contributions that exceed \$250 within 24 hours of receiving them.³ Your 24 Hour Report, filed and amended on April 11, 2016, discloses a contribution that should have been disclosed no later than March 31, 2016. Instead, this contribution was disclosed on April 11, 2016 (11 days late). By law a maximum penalty of \$500 accrues each day a report is late.⁴ The maximum penalty the Alaska Public Offices Commission could assess you is \$5,500.⁵

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

¹ 2 AAC 50.855.
² AS 15.13.110.
³ AS 15.13.110(b).
⁴ AS 15.13.390(a).
⁵ 2 AAC 50.855(a).

2) Alternatively, you have the right to appeal staff’s conclusion that a violation has occurred or the penalty amount assessed.⁶ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁷

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Heather R. Hebdon
Campaign Disclosure Coordinator

Enclosures: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclsosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Alaska Republican Assembly Attn: Julie Hamm P.O. Box 1552 Palmer, Alaska 99645 julie_hamm@msn.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email
-------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------

9171-9690-0935-0107-6990-05


Law Office Assistant Date 7-25-16

⁶ AS 15.13.390(a).
⁷ 2 AAC 50.831(a).

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

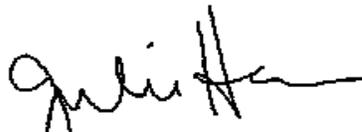
- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699005. The delivery record shows that this item was delivered on August 9, 2016 at 4:35 pm in PALMER, AK 99645. The scanned image of the recipient information is provided below.

Signature of Recipient :

Julie Hamm


Address of Recipient :

1552

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: julie_hamm@msn.com
Sent: Monday, July 25, 2016 3:12 PM
Subject: Relayed: Notice of Penalty - 24 Hour Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

julie_hamm@msn.com (julie_hamm@msn.com)

Subject: Notice of Penalty - 24 Hour Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Arctic PAC

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other: Registration

REASON FOR FILING OR DATE OF ELECTION:

**2014 Registration
2014 Year End
2015 Year End**

DUE DATE OF LATE REPORT:

**2014 Registration
2014 Year End
2015 Year End**

**July 8, 2014
February 17, 2015
February 16, 2016**

REPORT FILED ON:

2014 Registration

June 1, 2016

2014 Year End **June 5, 2016**
2015 Year End **June 6, 2014**

NUMBER OF DAYS LATE:

2014 Registration **694**
2014 Year End **474**
2015 Year End **111**

DATE DELINQUENCY NOTICE(S) SENT:

2014 Registration **June 15, 2016**
2014 Year End **June 6, 2016**
2015 Year End **June 6, 2016**

DATE CIVIL PENALTY APPEAL RECEIVED: **July 5, 2016**

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE:

2014 Registration **\$34,700**
2014 Year End **\$23,700**
2015 Year End **\$5,550**

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction

(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that its failure to file the 2014 Registration, the 2014 Year End report and the 2015 Year End report was inadvertent; and that upon discovery of the oversight, took immediate steps to rectify the situation.
2. Affiant states that the combined civil penalty of \$63,950 is significantly out of proportion to the degree of harm to the public for not having the information inasmuch as the total activity on the 2014 Year End Report was \$2,250 and there was \$0 activity on the 2015 Year End Report.¹

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Inadvertence is not a mitigating factor that staff may utilize to recommend the reduction of a civil penalty.
2. The civil penalty for the late-filed 2015 Year End Report may be reduced by up to 50% because the unreported information had a value of \$100 or less.²

¹ The actual total activity was \$3,000, but, 2 returned checks totaling \$750 was mischaracterized as income.

² 2 AAC 50.865(a)(3)

3. The civil penalties for the Registration and the two Year End Reports may be reduced by a percentage greater than 50%, or waived entirely if the civil penalty is significantly out of proportion to the degree of harm to the public for not having the information.³
4. Under all the circumstances, staff concludes that the civil penalties in this matter are significantly out of proportion to the degree of harm suffered by the public. In reaching this conclusion, staff took into consideration the fact that the aggregate total penalties are over 28 times the \$2,250 of candidate contributions left unreported in 2014; that the 2015 Year End Report was a “no activity” report; that the public was never deprived of any individual contributor information; and that the public was deprived of little campaign information by the Group’s late 2014 Registration. Accordingly, based on the applicable mitigating factor, staff recommends that the aggregate penalty be reduced by 96% to \$2,558.

FILER’S REPORTING HISTORY:

2011

No Forms Filed

2012

Registration – Filed 10/9/2012

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Year End Report – LATE (2 Days Late)

2013

Registration – Filed 2/15/2013

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2014

Registration – LATE (694 Days Late) – Subject of Appeal

Year End Report – LATE (474 Days Late) – Subject of Appeal

2015

Registration – Filed 6/6/2016

Year End Report – LATE (111 Days Late) – Subject of Appeal

2016

³ 2 AAC 50.865(b)(6)

ACTIVITY ON LATE 2014 YEAR END REPORT:

Beginning Balance:	\$1,858.60
Income:	\$750
Expenses:	\$2,250
Debts:	\$0
Ending Balance:	\$358.60

ACTIVITY ON LATE FILED 2015 YEAR END REPORT

Beginning Balance:	\$358.60
Income:	\$0
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$358.60

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁵ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 96% to \$2,558**

⁵ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁶ Value greater than \$1000.

Upheld at the assessed amount of _____



September 22, 2016

Arctic PAC

Attn: Tara Sweeney
3900 C Street, Suite 801
Anchorage, Alaska 99503
tsweeney@asrc.com

Re: COMMISSION MEETING NOTICE

Dear Ms. Sweeney:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 2016 registration and Disclosure Reports.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9580-50

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Arctic PAC
Attn: Tara Sweeney
3900 C Street, Suite 801
Anchorage, Alaska 99503
tsweeney@asrc.com

Signed

9-22-2016

Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: tsweeney@asrc.com
Sent: Thursday, September 22, 2016 3:43 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tsweeney@asrc.com (tsweeney@asrc.com)

Subject: Commission Meeting Notice & Staff Recommendation

ARRIVED

JUL 05 2016

APOC - ANCH
PM FAX ELE
Courier

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): Arctic PAC

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input checked="" type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input checked="" type="checkbox"/> Other <u>Group Registration 2014</u> |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): 2014 State Primary,

2014 State General, 2014 Statewide Muni, 2015 Statewide Muni, 2015 Muni Runoff

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Arctic PAC acknowledges that it inadvertently failed to file its 2014 Group Registration and the Year End Reports for 2014 and 2015 as stated in the Notice of Penalty letters dated June 6, 2016 and June 15, 2016. Upon discovery of this oversight, it took immediate steps to rectify the situation because compliance was, and remains, a priority. Arctic PAC understands the need for the filing requirements and is not seeking to minimize the importance of such requirements by submitting this appeal. Arctic PAC, however, submits this appeal on the grounds that the maximum civil penalty assessment of \$63,950 is significantly out of proportion to the degree of harm to the public for not having the information. Specifically, the total amount of contributions made during the reporting periods at issue was \$2,250 (\$2,250 in 2014 and \$0 in 2015). A penalty of more than 28 times the total contributions is simply not supported in this instance where there is no malfeasance and the main driver to the size of the penalty arises from passage of time before the filing lapse was discovered. As such, Arctic PAC respectfully requests that the civil penalty be reduced.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Tara Sweeney 07/05/2016

Tara Sweeney



June 15, 2016

Arctic PAC

Attn: Tara Sweeney
3900 C Street, Suite 801
Anchorage, Alaska 99503
tsweeney@asrc.com

Re: Notice of Penalty¹
Group Registration Before Expenditure²

Ms. Sweeney:

According to our records, you did not timely file your group registration, due July 8, 2014. Instead, your report was filed on June 1, 2016 (694 days late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the penalty due is **\$34,700.**

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁴ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁵

¹ 2 AAC 50.855.

² AS 15.13.050(a).

³ 2 AAC 50.855.

⁴ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁵ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Tamara M Douglas

Tamara M Douglas
Paralegal II, Groups

Enclosures: Civil Penalty Appeal Affidavit
2 AAC 50.865

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Arctic PAC Attn: Tara Sweeney 3900 C Street, Suite 801 Anchorage, Alaska 99503 tsweeney@asrc.com rglenn@asrc.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail <input checked="" type="checkbox"/> Email
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------

Michael F. Schwahn 6-15-2016

Signed

Date

9171-9690-0935-0107-7000-08

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865		Codifies criteria established in Sept. 2010
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2 AAC 50.865. Mitigating factors; aggravating factors.

(a) A civil penalty determined under in 2 AAC 50.855 may be reduced by up to 50 percent if

- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, “good filing history” means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
- (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
- (3) any unreported or mistakenly reported information had a value of \$100 or less; or
- (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
- (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
- (3) a municipal clerk or the clerk’s designee failed to notify a municipal official, as provided in 2AAC 50.850(f), that the municipal official’s filing is delinquent or incomplete;
- (4) a late or erroneous report included only administrative costs in a group report;
- (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
- (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
- (7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;
- (2) forgetting to file;
- (3) being a volunteer;
- (4) having no change in reportable information from previous filed statements;
- (5) relying on the responsible person’s staff to remind the person of the filing deadline;
- (6) being too busy to file;
- (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
- (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
- (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: tsweeney@asrc.com; rglenn@asrc.com
Sent: Wednesday, June 15, 2016 11:04 AM
Subject: Relayed: Notice of Penalty

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tsweeney@asrc.com (tsweeney@asrc.com)

rglenn@asrc.com (rglenn@asrc.com)

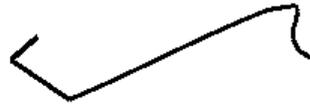
Subject: Notice of Penalty

Date: June 24, 2016

Michael Schwahn:

The following is in response to your June 24, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700008. The delivery record shows that this item was delivered on June 21, 2016 at 7:39 am in ANCHORAGE, AK 99503. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



June 6, 2016

Arctic PAC

Attn: Tara Sweeney
3900 C Street, Suite 801
Anchorage, Alaska 99503
tsweeney@asrc.com

RE: Notice of Penalty Assessment

Ms. Sweeney,

According to our records you did not timely file your 2014 Year End Report that was due on February 17, 2015. Instead your report was filed on June 5, 2016 (474 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$23,700.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Tamara M Douglas

Tamara Douglas
Paralegal II, Groups

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Arctic PAC Attn: Tara Sweeney 3900 C Street, Suite 801 Anchorage, Alaska 99503 tsweeney@asrc.com rglenn@asrc.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail <input checked="" type="checkbox"/> Email
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------

Michael F. Schwahn

6-6-2016

Signed

Date

9171-9690-0935-0107-7014-32

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865		Mitigating factors; aggravating factors.	Codifies criteria established in Sept. 2010
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2 AAC 50.865. Mitigating factors; aggravating factors.

(a) A civil penalty determined under in 2 AAC 50.855 may be reduced by up to 50 percent if

- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, “good filing history” means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
- (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
- (3) any unreported or mistakenly reported information had a value of \$100 or less; or
- (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
- (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
- (3) a municipal clerk or the clerk’s designee failed to notify a municipal official, as provided in 2AAC 50.850(f), that the municipal official’s filing is delinquent or incomplete;
- (4) a late or erroneous report included only administrative costs in a group report;
- (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
- (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
- (7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;
- (2) forgetting to file;
- (3) being a volunteer;
- (4) having no change in reportable information from previous filed statements;
- (5) relying on the responsible person’s staff to remind the person of the filing deadline;
- (6) being too busy to file;
- (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
- (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
- (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: tsweeney@asrc.com; rglenn@asrc.com
Sent: Monday, June 06, 2016 2:46 PM
Subject: Relayed: Notices of Penalty

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

tsweeney@asrc.com (tsweeney@asrc.com)

rglenn@asrc.com (rglenn@asrc.com)

Subject: Notices of Penalty

Date: June 24, 2016

Michael Schwahn:

The following is in response to your June 24, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107701432. The delivery record shows that this item was delivered on June 7, 2016 at 8:23 am in ANCHORAGE, AK 99503. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	X Anita Hernandez
Printed Name	Anita Hernandez

Address of Recipient :

Delivery Address	3900 CST
------------------	----------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



June 6, 2016

Arctic PAC

Attn: Tara Sweeney
3900 C Street, Suite 801
Anchorage, Alaska 99503
tsweeney@asrc.com

RE: Notice of Penalty Assessment

Ms. Sweeney,

According to our records you did not timely file your 2015 Year End Report that was due on February 16, 2016. Instead your report was filed on June 6, 2016 (111 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$5,550.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

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ALASKA PUBLIC OFFICES COMMISSION

Tamara M Douglas

Tamara Douglas
Paralegal II, Groups

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

CERTIFICATE OF SERVICE

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<p>Arctic PAC Attn: Tara Sweeney 3900 C Street, Suite 801 Anchorage, Alaska 99503 tsweeney@asrc.com rglenn@asrc.com</p>	<p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail <input checked="" type="checkbox"/> Email</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------

Michael F. Schwahn 6-6-2016

Signed

Date

9171-9690-0935-0107-7014-49

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

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Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

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 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
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 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
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- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
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 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: tsweeney@asrc.com; rglenn@asrc.com
Sent: Monday, June 06, 2016 2:46 PM
Subject: Relayed: Notices of Penalty

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tsweeney@asrc.com (tsweeney@asrc.com)

rglenn@asrc.com (rglenn@asrc.com)

Subject: Notices of Penalty

Date: June 24, 2016

Michael Schwahn:

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Signature of Recipient :

Delivery Section	
Signature	X Anita Hernandez
Printed Name	Anita Hernandez

Address of Recipient :

Delivery Address	3900 CST
------------------	----------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Kenai Peninsula Republican Women’s Club

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S): • Campaign Disclosure Reports

30 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 30 Day Primary

DUE DATE OF LATE REPORT: July 18, 2016

REPORT FILED ON: July 26, 2016

NUMBER OF DAYS LATE: 8

DATE DELINQUENCY NOTICE(S) SENT: July 27, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 26, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$400

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction

(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that she thought that amending the Group’s Registration to show no participation in the Primary Election would preclude the group from having to file the Primary 30 Day Report even though the due date for that report had already passed.

2. Affiant states that the Group should receive up to a 50% reduction in the civil penalty because the Group has a good filing history and there was no activity on the late-filed report.
3. Affiant states that the Group should receive up to a 50% reduction in the civil penalty because the unreported information had a value of \$100 or less.
4. Affiant states that the Group should receive a reduction in the civil penalty in excess of 50% or a complete waiver because the late report did not cause significant harm to the public and there are no aggravating factors.
5. Affiant states that the Group should receive a reduction in the civil penalty in excess of 50% or a complete waiver because the civil penalty of \$400 is significantly out of proportion to the degree of harm to the public for not having the information on a “no activity” report.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Staff acknowledges that the Group amended its Registration to show non-participation in the Primary Election, but, because it was amended after the due date of the 30 Day Primary Report, the duty to file the report was triggered.
2. A civil penalty may be reduced by up to 50% if the filer has a good filing history. But, this mitigating factor is not available if the Group has had a late filing in the immediately preceding 5 years.¹ Because the Group has had a late filing in the past 5 years, staff cannot apply this mitigating factor to recommend the reduction of the civil penalty.
3. A civil penalty may be reduced by up to 50% if the unreported information had a value of \$100 or less.² Because the late-filed report was a “no activity” report, this mitigating factor may be used to reduce the civil penalty.
4. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the late-filed report did not cause significant harm to the public, there are no aggravating factors under 2 AAC 50.865(d) and the unreported information had a value of \$100 or less.³ Because the Group has had more than one late filing in the immediately preceding 5 years, an aggravating factor exists and staff cannot apply this mitigating factor to recommend the reduction of the civil penalty.
5. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty is significantly out of proportion to the degree of harm to the public for not having the information.⁴ Because the late-filed report was a “no activity” report, the public suffered very little harm and this mitigating factor may be used to recommend the reduction or waiver of the civil penalty.
6. Based on the applicable mitigating factors, staff recommends that the civil penalty be reduced by 90% to \$40. Even though the late-filed report was a “no activity” report, Staff does not recommend a full waiver because the Group has a poor filing history.

FILER’S REPORTING HISTORY:

2011

Registration – Filed 12/10/2010

¹ 2 AAC 50.865(a)(1)(A)(1)

² 2 AAC 50.865(a)(3)

³ 2 AAC 50.865(b)(5)(A)

⁴ 2 AAC 50.865(B)(6)

Year End Report – Timely

2012

Registration – Filed 1/28/2013

State General – 30 Day Report – LATE (115 Days Late)

State General – 7 Day Report – LATE (92 Days Late)

Year End Report – Timely

2013

Registration – Filed 8/7/2013

Year End Report – Timely

2014

Registration – 2/17/2014

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Year End Report – LATE (2 Days Late)

2015

Registration – 2/19/2015

Year End Report – Timely

2016

Registration – 6/15/2016

State Primary – 30 Day Report – LATE (8 Days Late)

State Primary – 7 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$2,369.00
Income:	\$0.00
Expenses:	\$0.00
Debts:	\$0.00
Ending Balance:	\$2,369.00

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.⁵ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁶ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 90% to \$40**
- Upheld at the assessed amount of _____**

⁷ Value greater than \$1000.



September 22, 2016

Kenai Peninsula Republican Women

Attn: Jill Schaefer
P.O. Box 895
Soldotna, AK 99669
jilly_schaefer@yahoo.com

Re: COMMISSION MEETING NOTICE

Dear Ms. Schaefer:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9580-67

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Kenai Peninsula Republican Women
Attn: Jill Schaefer
P.O. Box 895
Soldotna, AK 99669
jilly_schaefer@yahoo.com

9-22-2016

Signed

Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: jilly_schaefer@yahoo.com
Sent: Thursday, September 22, 2016 3:43 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jilly_schaefer@yahoo.com (jilly_schaefer@yahoo.com)

Subject: Commission Meeting Notice & Staff Recommendation

ARRIVED

8--26--2016

**APOC - ANCH
PM HC FAX ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Kenai Peninsula Republican Womens Club

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

The Violation occurred because I was misinformed, thinking if I changed I amended our registration page, I would no longer need to file the 30 day Primary report because there was no activity. I apologize for these misunderstandings and site the following fore reasons I am appealing. I appreciate your time.
(a)(1)(c) (b)(5)
(a)(3) (b)(6)

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: J.C. Sel



July 27, 2016

VIA CERTIFIED MAIL and EMAIL

Kenai Peninsula Republican Women

Attn: Jill Schaefer

P.O. Box 895

Soldotna, AK 99669

jilly_schaefer@yahoo.com

RE: Notice of Penalty Assessment – 30 Day Primary Campaign Disclosure Report

Dear Ms. Schaefer:

According to our records you did not timely file your group's 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead the report was filed on July 26, 2016 (8 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$400.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Heather R. Hebdon
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Kenai Peninsula Republican Women Attn: Jill Schaefer P.O. Box 895 Soldotna, AK 99669 jilly_schaefer@yahoo.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------


Law Office Assistant 7-27-2016
Date

9171-9690-0935-0107-6990-36

Civil Penalty Appeal Affidavit

AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699036. The delivery record shows that this item was delivered on August 9, 2016 at 4:39 pm in SOLDOTNA, AK 99669. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: jilly_schaefer@yahoo.com
Sent: Wednesday, July 27, 2016 3:26 PM
Subject: Relayed: Notice of Penalty Assessment - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jilly_schaefer@yahoo.com (jilly_schaefer@yahoo.com)

Subject: Notice of Penalty Assessment - 30 Day Primary Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: M Thunderfund, Inc.

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Entity Expenditure

LATE REPORT(S):

- Campaign Disclosure Reports
 - 15-6 Independent Expenditures

REASON FOR FILING OR DATE OF ELECTION:	Independent Expenditure
DUE DATE OF LATE REPORT:	June 23, 2016
REPORT FILED ON:	July 6, 2016
NUMBER OF DAYS LATE:	13
DATE DELINQUENCY NOTICE(S) SENT:	July 23, 2016
DATE CIVIL PENALTY APPEAL RECEIVED:	August 2, 2016
MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE:	\$650
RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA:	Reduction

(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that he misunderstood the requirement that an Independent Expenditure Report must be filed within 10 days of the date an expenditure is incurred as opposed to the date when the activity related to the expenditure is completed.

2. Affiant states that he has made certain that the audio and video, for which the expenditure was made, will never be used as a part of the Entity's efforts opposing Matanuska Susitna Borough proposition B1; and asks that the civil penalty be waived.
3. Affiant states that this is the Entity's first time working on a campaign issue and with APOC.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Misunderstanding when an APOC report is due is not a mitigating factor that staff may utilize to recommend the reduction of a civil penalty.
2. There is no requirement that the audio and video not be used in the campaign; and, in any event, voluntarily limiting its use is not a mitigating factor.
3. The civil penalty in this matter may be reduced by up to 50% because the Entity is an inexperienced filer having been subject to a registration or reporting requirement for less than 365 days.¹
4. Under all the circumstances, staff recommends that the civil penalty in this matter be reduced by 50% to \$325. In making this recommendation, staff considered that the only untimely expenditure on the report was an incurred expense of \$500 on June 13, 2016; that new filer's often struggle with the concept of reporting expenses when incurred as opposed to when they are invoiced or paid; and that this was the filer's very first report.

FILER'S REPORTING HISTORY:

2016

Registration – 6/2/2016

Independent Expenditure Report – LATE (13 Days Late)

- Independent Expenditure Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$NA
Income:	\$5,000.00
Expenses:	\$4,183.17
Debts:	\$7,392.76
Ending Balance:	\$NA

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

¹ 2 AAC 50.865(a)(1)(B)

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.² **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public³ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

² Any entity or filer subject to a registration or reporting requirement for less than 365 days.

³ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁴ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 50% to \$325**
- Upheld at the assessed amount of _____**

⁴ Value greater than \$1000.



September 22, 2016

M Thunderfund Inc.

Attn: Tel White
951 Craig Stadler Loop
Wasilla, Alaska 99623
telcwhite@gmail.com

Re: COMMISSION MEETING NOTICE

Dear Mr. White:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed Independent Expenditure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9580-74

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

M Thunderfund Inc.
Attn: Tel White
951 Craig Stadler Loop
Wasilla, Alaska 99623
telcwhite@gmail.com

9-22-2016

Signed

Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: telewhite@gmail.com
Sent: Thursday, September 22, 2016 3:44 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

telewhite@gmail.com (telewhite@gmail.com)

Subject: Commission Meeting Notice & Staff Recommendation

ARRIVED

8-2-2016

APOC - ANCH
PM HC FAX ELE

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): M ThunderFund Inc

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input checked="" type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): 2016 MatSu Borough

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

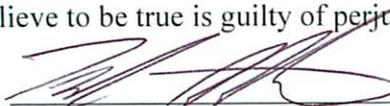
I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

attached

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date:  8/2/16

I, Tel White – CEO and Founder of M ThunderFund Inc, approved the expense of \$500 to Jeremy Blake, a videographer. There was a misunderstanding after having a conversation with Tamara Douglas that led me to wrongfully believe that I did not need to report the expenditure via the Independent Expenditure Form 15-6 until the transaction was completed. This was my mistake and not Tamara's. Mr. Blake was only paid to capture video and audio of an event that we participated in but the video and audio he captured was not used as part of our Vote No on Prop B1 campaign for the MatSu Borough election on October 4th, 2016. As a new business, this was our first time working on a campaign issue, and our first time working with APOC. Tamara made me aware of my error in a subsequent phone call and informed me that I needed to report the expenditure made to Mr. Blake within 10 days of having made the agreement to pay him, not within 10 days of when the event took place where he actually captured that footage. I have made certain that the audio and video that Mr. Blake captured, and the \$500 that M ThunderFund Inc paid him to capture said audio and video, will never be used as part of our campaign. As such, I would kindly request that the civil penalty not be assessed and can assure you that a mistake of this nature has not taken place outside of this instance and all precautions will be taken to make sure that something like this does not happen again.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tel White', written in a cursive style.

Tel White
CEO and Founder
M ThunderFund Inc
951 Craig Stadler Loop
Wasilla, AK 99654



July 13, 2016

M Thunderfund Inc.

Attn: Tel White

951 Craig Stadler Loop

Wasilla, Alaska 99623

telcwhite@gmail.com

Re: Notice of Penalty¹
Independent Expenditure Report²

Mr. White:

According to our records, you did not timely file your Independent Expenditure Report, due June 23, 2016. Instead, your report was filed on July 6, 2016 (13 days late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the penalty due is **\$650**.

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁴ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁵

¹ 2 AAC 50.855.

² AS 15.13.110(h).

³ 2 AAC 50.855.

⁴ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁵ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Tamara M Douglas

Tamara M Douglas
Paralegal II, Groups

Enclosures: Civil Penalty Appeal Affidavit
2 AAC 50.865

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

M Thunderfund Inc. Attn: Tel White 951 Craig Stadler Loop Wasilla, Alaska 99623 telcwhite@gmail.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail <input checked="" type="checkbox"/> Email
-----------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------

Michael F. Schwahn 7-13-2016

Signed

Date

9171-9690-0935-0107-7005-96

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865	Mitigating factors; aggravating factors.	Codifies criteria established in Sept. 2010
---------------------	-------------------------------------------------	---------------------------------------------

2 AAC 50.865. Mitigating factors; aggravating factors.

(a) A civil penalty determined under in 2 AAC 50.855 may be reduced by up to 50 percent if

- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, “good filing history” means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
- (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
- (3) any unreported or mistakenly reported information had a value of \$100 or less; or
- (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
- (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
- (3) a municipal clerk or the clerk’s designee failed to notify a municipal official, as provided in 2AAC 50.850(f), that the municipal official’s filing is delinquent or incomplete;
- (4) a late or erroneous report included only administrative costs in a group report;
- (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
- (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
- (7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;
- (2) forgetting to file;
- (3) being a volunteer;
- (4) having no change in reportable information from previous filed statements;
- (5) relying on the responsible person’s staff to remind the person of the filing deadline;
- (6) being too busy to file;
- (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
- (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

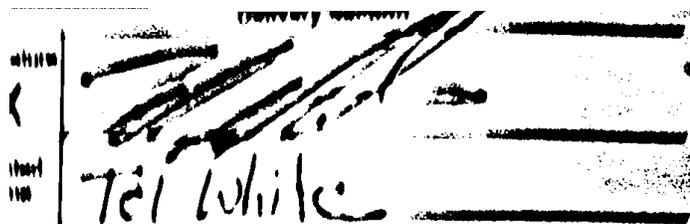
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
- (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

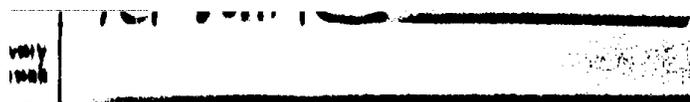
Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700596. The delivery record shows that this item was delivered on August 1, 2016 at 3:36 pm in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: telewhite@gmail.com
Sent: Wednesday, July 13, 2016 1:54 PM
Subject: Relayed: Notice of Penalty

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

telewhite@gmail.com (telewhite@gmail.com)

Subject: Notice of Penalty



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Pedro Moncivais Fernandez for House District 29

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S):

- Campaign Disclosure Reports

30 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 30 Day State Primary

DUE DATE OF LATE REPORT: July 18, 2016

REPORT FILED ON: July 21, 2016

NUMBER OF DAYS LATE: 3

DATE DELINQUENCY NOTICE(S) SENT: July 26, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 25, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$150

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction

(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the civil penalty may be reduced by up to 50% pursuant to 2 AAC 50.865(a)(1)(A) and (B); and (3).
2. Affiant states that the civil penalty may be reduced by a percentage greater than 50% or waived entirely pursuant to 2 AAC 50.865(b)(5)(A); (6) and (7).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. The civil penalty may be reduced by up to 50% because the group has a good filing history (no late reports in the preceding 5 years and no activity shown on the late report);¹ is an inexperienced filer (subject to a reporting requirement for less than 365 days);² and because the unreported information had a value of less than \$100.³
2. The civil penalty may be reduced by a percentage greater than 50% or waived entirely if the late report did not cause significant harm to the public and no aggravating factors are present.⁴ Here, there are no aggravating factors and no significant harm is presumed because the unreported information was less than \$100.⁵ No significant harm is also presumed because the unreported “no activity” information was readily available to the public on the candidate’s timely filed 30 Day State Primary Report.⁶
3. The civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty is significantly out of proportion to the degree of harm to the public for not having the information.⁷ Here, although the assessed civil penalty is only \$150, given that the late report was a “no activity” report and that the “no activity” information was readily available to the public on the candidate’s timely filed 30 Day State Primary Report; staff concludes that the civil penalty is significantly out of proportion to the degree of harm suffered by the public.
4. The civil penalty may be reduced by a percentage greater than 50% or waived entirely if a unique circumstance justifies reducing or waiving the penalty.⁸ Here, the affiant presented no information in support of the group’s contention that a unique circumstance exists; and staff can find nothing unique about this matter on the face of the record before it. Accordingly, staff cannot recommend a reduction of the civil penalty based on this factor.
5. Based on the applicable mitigating factors, staff recommends that the civil penalty be reduced by 75% to \$37.50. Staff does not believe a complete waiver is appropriate because there are no unusual circumstances that would support a complete waiver.

FILER’S REPORTING HISTORY:

2011

No Forms Filed

2012

No Forms Filed

2013

No Forms Filed

- 1 2 AAC 50.865(a)(1)(A)
- 2 2 AAC 50.865(a)(1)(B)
- 3 2 AAC 50.865(a)(3)
- 4 2 AAC 50.865(b)(5)
- 5 2 AAC 50.865(b)(5)(A)
- 6 2 AAC 50.865(b)(5)(C)
- 7 2 AAC 50.865(b)(6)
- 8 2 AAC 50.865(b)(7)

2014

No Forms Filed

2015

No Forms Filed

2016

Registration – 5/26/2016

State Primary – 30 Day Report – LATE (3 Days Late) – Subject of Appeal

State Primary – Seven Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0.00
Income:	\$0.00
Expenses:	\$0.00
Debts:	\$0.00
Ending Balance:	\$0.00

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.⁹ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**

⁹ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public¹⁰ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.¹¹ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 75% to \$37.50**
- Upheld at the assessed amount of _____**

¹⁰ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

¹¹ Value greater than \$1000.



September 22, 2016

Pedro Moncivais Fernandez for House District 29

Attn: Pedro Fernandez
P.O. Box 875
Seward, AK 99664
pedro.ak.hd29@gmail.com

Re: COMMISSION MEETING NOTICE

Dear Mr. Fernandez:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9580-81

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Pedro Moncivais Fernandez for House District 29
Attn: Pedro Fernandez
P.O. Box 875
Seward, AK 99664
pedro.ak.hd29@gmail.com

9-22-2016

Signed

Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: pedro.ak.hd29@gmail.com
Sent: Thursday, September 22, 2016 3:44 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pedro.ak.hd29@gmail.com (pedro.ak.hd29@gmail.com)

Subject: Commission Meeting Notice & Staff Recommendation

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

APOC - ANCH
PM HC **FAX** ELE

Name of Appellant (candidate, group, or person): Pedro Moncivais Fernandez for House District 29

Office (if a candidate): House District 29

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

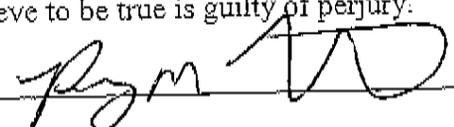
I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

- 2 AAC 50.865
- (a)(1)(A)
- (a)(1)(B)
- (a)(3)
- (b)(5)(A)
- (b)(6)
- (b)(7)

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date:  / 8/25/2016



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 22, 2016

VIA CERTIFIED MAIL and EMAIL

Pedro Moncivais Fernandez for House District 29

Attn: Pedro Fernandez

225 4th Avenue

Seward, AK 99664

pedro.ak.hd29@gmail.com

RE: Notice of Penalty Assessment – 30 Day Primary Campaign Disclosure Report

Dear Mr. Fernandez:

According to our records you did not timely file your 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead your report was filed on July 21, 2016 (3 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$150.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Heather R. Hebdon
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

<p>Pedro Moncivais Fernandez for House District 29 Attn: Pedro Fernandez 225 4th Avenue Seward, AK 99664 pedro.ak.hd29@gmail.com</p>	<p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

 7-22-16
Law Office Assistant Date

9171-9690-0935-0107-7009-92

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

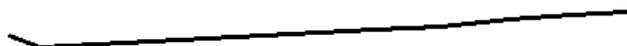
- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC [50.855](#) may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700992. The delivery record shows that this item was delivered on July 26, 2016 at 9:11 am in ANCHORAGE, AK 99508. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: pedro.ak.hd29@gmail.com
Sent: Friday, July 22, 2016 3:09 PM
Subject: Relayed: Notice of Penalty Assessment - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pedro.ak.hd29@gmail.com (pedro.ak.hd29@gmail.com)

Subject: Notice of Penalty Assessment - 30 Day Primary Campaign Disclosure Report

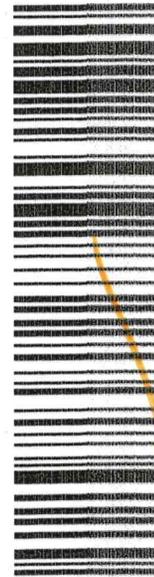
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights, Room 128
Anchorage, Alaska 99508-4149

CERTIFIED MAIL™

ARRIVED

JUL 26 2016

**APOC - ANCH
PM HC FAX ELE**



9171 9690 0935 0107 7009 92

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07/22/2016
FIRST-CLASS MAIL
US POSTAGE **\$005.11**
ZIP 99508
041L10243475

VIA CERTIFIED MAIL and EMAIL

Pedro Moncivais Fernandez for House District 2

Atn: Pedro Fernandez
225 4th Avenue
Seward, AK 99664

9966400424877

NIXIE 995 DE 1 0007/25/16
RETURN TO SENDER
UNABLE TO FORWARD
BC: 99508414999 *1989-04432-22-43



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: Public Employees Local 71 Supporting League

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S): • Campaign Disclosure Reports

30 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 30 Day State Primary

DUE DATE OF LATE REPORT: July 18, 2016

REPORT FILED ON: July 19, 2016

NUMBER OF DAYS LATE: 1

DATE DELINQUENCY NOTICE(S) SENT: July 20, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: July 25, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$50

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Uphold

(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the link for filing the State Primary Report was not available to her on the due date, but was available the following morning which is when she filed the report.
2. Affiant states that APOC was having trouble with its phone lines on the day the report was due.

3. Affiant states that payroll deduction information concerning contributions to the Group came at the end of the reporting period and the group could not start the report any earlier than one day late.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by a percentage greater than 50%, or waived entirely if a significant cause of the late filing is commission staff error including confirmed technical problems with the electronic filing program.¹ But, staff cannot confirm that there were any technical difficulties with the electronic reporting program during the day or evening that the report was due. Staff notes that there were over 30 similarly situated groups (those that had a report due on July 18, 2016 and another report due on July 19, 2016) that were able to timely file both reports. Accordingly, inasmuch as staff cannot confirm a technical difficulty with the electronic filing program on the date the report was due, staff cannot apply this mitigating factor to recommend a reduction or waiver of the civil penalty.
2. Staff confirms that APOC was having trouble with its telephone lines during the morning of the day the report was due. But, this fact does not fit any of the mitigating factors staff is allowed to use to recommend a reduction or waiver of a civil penalty.
3. The inopportune receipt of the payroll deduction information does not fit any of the mitigating factors that staff is allowed to use to recommend a reduction or waiver of a civil penalty.
4. Because there are no mitigating factors applicable to this civil penalty, staff recommends that the civil penalty of \$50 be upheld.

FILER'S REPORTING HISTORY:

2011

Registration – 3/8/2011

Mat-Su Special – 7 Day Report – Timely

Mat-Su Special – 105 Day Report – Timely

Anchorage Municipal – 30 Day Report – Timely

Anchorage Municipal – 7 Day Report – Timely

Multiple Municipal – 30 Day Report – Timely

Multiple Municipal – 7 Day Report – Timely

2012

Registration – Filed 1/4/2012

Anchorage Municipal – 30 Day Report – LATE (2 Days Late)

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 105 Day Report – Timely

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

¹ 2 AAC 50.865(b)(2)(D)

State General – 30 Day Report – LATE (27 Days Late)

State General – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Late (7 Days Late)

Year End Report – Timely

2013

Registration – Filed 1/22/2013

Anchorage Municipal – 30 Day Report – LATE (1 Day Late)

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 105 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2014

Registration – 11/20/2013

Anchorage Municipal – 30 Day Report – Timely

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 105 Day Report – Timely

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – LATE (2 Days Late)

2015

Registration – 2/18/2015

Anchorage Municipal – 30 Day Report – Timely

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 105 Day Report – Timely

Valdez Special – 30 Day Report – Timely

Valdez Special – 7 Day Report – Timely

Valdez Special – 105 Day Report – LATE (3 Days Late)

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – LATE (1 Day Late)

2016

Registration – 10/12/2015

Anchorage Municipal – 30 Day Report – Timely
 Anchorage Municipal – 7 Day Report – Timely
 Anchorage Municipal – 105 Day Report – Timely
 Valdez Special Election – 30 Day Report – Timely
 Valdez Special Election – 7 Day Report – Timely
State Primary – 30 Day Report – LATE (1 Day Late)(Subject of Appeal)
 State Primary – 7 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$38,544.57
Income:	\$243.00
Expenses:	\$0.00
Debts:	\$0.00
Ending Balance:	\$38,787.57

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.² **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public³ AND no aggravating factors. **2 AAC 50.865(b)(5)**

² Any entity or filer subject to a registration or reporting requirement for less than 365 days.

- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer’s own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁴ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by ___ to \$___**
- Upheld at the assessed amount of \$50**

³ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁴ Value greater than \$1000.



September 22, 2016

Public Employees Local 71 Supporting League

Attn: William Meers
2510 Arctic Blvd.
Anchorage, Alaska 99503
billy@local71.com

Re: COMMISSION MEETING NOTICE

Dear Ms. Meers:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9580-98

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Public Employees Local 71 Supporting League
Attn: William Meers
2510 Arctic Blvd.
Anchorage, Alaska 99503
billy@local71.com

9-22-2016
Signed Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: billy@local71.com
Sent: Thursday, September 22, 2016 3:45 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

billy@local71.com (billy@local71.com)

Subject: Commission Meeting Notice & Staff Recommendation

ARRIVED

JUL 25 2016

APOC - ANCH
PM HC FAX BLE

7-21-2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Public Employees Local 71

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 State Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

We are requesting a waiver of the \$50 penalty under 2 AAC 50.565 (a)(2)

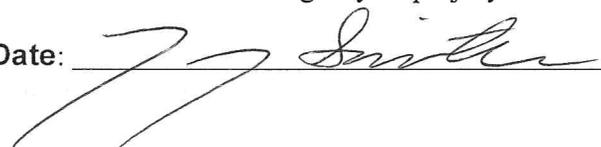
The day this report was due 7/18/16 there was another report due for the Anchorage Municipal Election the next day 7/19/16. We received emails recommending that this file be done first in order to keep the dates in succession but we were not informed that you would not be able to file the State Primary report unless you filed the Anchorage Municipal Election report.

The link that is normally there to start under actions was blank. The link to do the 105 day report was available so that report was filed with the assumption that since the link wasn't there, the 30 day report must be covered.

That same day we received many messages that your phone lines were having difficulties and since contributions to our PAC coming from the State of Alaska came at the end of the reporting period we were not able to start the report until that information was received which did not allow us to start the report any earlier.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date:  7/22/16



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 20, 2016

VIA CERTIFIED MAIL and EMAIL

Public Employees Local 71 Supporting League

Attn: William Meers

2510 Arctic Blvd.

Anchorage, Alaska 99503

billy@local71.com

RE: Notice of Penalty Assessment

Dear Mr. Meers:

According to our records you did not timely file your 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead your report was filed on July 19, 2016 (1 day late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$50²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION


Heather R. Hebdon

Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Public Employees Local 71 Supporting League Attn: William Meers 2510 Arctic Blvd. Anchorage, Alaska 99503 billy@local71.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------



7-20-2016

Signed

Date

9171-9690-0935-0107-7008-62

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700862. The delivery record shows that this item was delivered on July 21, 2016 at 1:25 pm in ANCHORAGE, AK 99503. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	<i>William Meers</i>
X	<i>William Meers</i>
Printed Name	<i>William Meers</i>

Address of Recipient :

Delivery Address	<i>2510 ARCTIC BLVD</i>
------------------	-------------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: billy@local71.com
Sent: Wednesday, July 20, 2016 3:58 PM
Subject: Relayed: Notice of Penalty Assessment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

billy@local71.com (billy@local71.com)

Subject: Notice of Penalty Assessment

ARRIVED
JUL 25 2016
APOC - ANCH
PM HC FAX BLE
7-21-2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Public Employees Local 71

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 State Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

We are requesting a waiver of the \$50 penalty under 2 AAC 50.565 (a)(2)

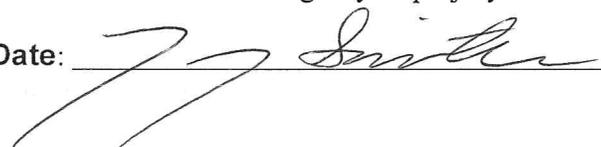
The day this report was due 7/18/16 there was another report due for the Anchorage Municipal Election the next day 7/19/16. We received emails recommending that this file be done first in order to keep the dates in succession but we were not informed that you would not be able to file the State Primary report unless you filed the Anchorage Municipal Election report.

The link that is normally there to start under actions was blank. The link to do the 105 day report was available so that report was filed with the assumption that since the link wasn't there, the 30 day report must be covered.

That same day we received many messages that your phone lines were having difficulties and since contributions to our PAC coming from the State of Alaska came at the end of the reporting period we were not able to start the report until that information was received which did not allow us to start the report any earlier.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date:  7/22/16



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 20, 2016

VIA CERTIFIED MAIL and EMAIL

Public Employees Local 71 Supporting League

Attn: William Meers

2510 Arctic Blvd.

Anchorage, Alaska 99503

billy@local71.com

RE: Notice of Penalty Assessment

Dear Mr. Meers:

According to our records you did not timely file your 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead your report was filed on July 19, 2016 (1 day late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$50²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Heather R. Hebdon

Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Public Employees Local 71 Supporting League Attn: William Meers 2510 Arctic Blvd. Anchorage, Alaska 99503 billy@local71.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------



7-20-2016

Signed

Date

9171-9690-0935-0107-7008-62

Civil Penalty Appeal Affidavit

AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700862. The delivery record shows that this item was delivered on July 21, 2016 at 1:25 pm in ANCHORAGE, AK 99503. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	<i>William Meers</i>
X	<i>William Meers</i>
Printed Name	<i>William Meers</i>

Address of Recipient :

Delivery Address	<i>2510 ARCTIC BLVD</i>
------------------	-------------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: billy@local71.com
Sent: Wednesday, July 20, 2016 3:58 PM
Subject: Relayed: Notice of Penalty Assessment

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

billy@local71.com (billy@local71.com)

Subject: Notice of Penalty Assessment



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Thomas Lucas

DATE: September 22, 2016.

RESPONDENT: Public Safety Employees Association

CIVIL PENALTY

ASSESSED UNDER: **Campaign Disclosure: AS 15.13.390, 2 AAC 50.855**

REASON FOR FILING: Group Contribution

LATE REPORT(S): • **Campaign Disclosure Reports**

30 Day City of Valdez Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: City of Valdez

DUE DATE OF LATE REPORT: April 4, 2016

REPORT FILED ON: April 8, 2016

NUMBER OF DAYS LATE: 4

DATE DELINQUENCY NOTICE(S) SENT: April 11, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: April 29, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$200

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction

(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that, as a reminder for filing deadlines, she printed off an "Assigned Reports" list on the day she registered the group. Affiant points out that on the day she registered the group (2/4/16), APOC's electronic filing system did not generate separate City of Valdez report expectations, but

rather, only Statewide Municipal report expectations; and that, because of that, she did not realize that she had an earlier reporting requirement because the City of Valdez election is held in May.

2. Affiant states that until this report, she has always filed the group's reports in a timely fashion and will continue to do so in the future.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Staff acknowledges that the City of Valdez election report expectations did not automatically generate; and were not manually created until April 4, 2016, the date the 30 Day Report was due. This affected 7 groups, all of whom were called between 10:30 am and 11:15 am on April 4, 2016 and informed of the requirement and how to report. Five of the groups successfully filed the report in a timely fashion. One of the groups filed one day late and paid the \$50 penalty. The subject group filed 4 days late. Interestingly, the Affiant is/was the Treasurer of two of the 7 affected groups. One of them, AK Public Safety Coalition, filed in a timely fashion. When asked about this, Affiant replied that it just did not click in her mind that a second group also had the reporting requirement. Accordingly, Staff concludes that Staff error was not a significant cause of the report being filed 4 days late. In reaching this conclusion, Staff also considered the fact that only one income item and one expenditure were required to be reported.
2. Staff acknowledges that since taking over as the group's treasurer in 2013, Affiant has only filed one other late report for this group. Civil mitigation criteria allows for the civil penalty to be reduced if the person required to file has a good filing history.¹ Here, the group is the person required to file, not an employee or volunteer of the group. Because the group has had a late-filed report in the immediately preceding 5 years this mitigation criteria does not apply.
3. The activity on the late-filed City of Valdez report consisted of \$0.62 of bank interest income and a \$750 contribution to a candidate in the Anchorage Municipal election. Civil mitigation criteria allows a reduction of the civil penalty by a percentage up to 50% if the unreported information had a value higher than \$100 but no more than \$1,000; and a factor in 2 AAC50.865(b) also applies.²
4. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty is significantly out of proportion to the degree of harm to the public for not having the information.³ Here, the filer failed to report \$0.62 in bank interest; and made no expenditures in the City of Valdez election. Based on the foregoing Staff concludes that the \$200 Civil penalty is significantly out of proportion to the degree of harm suffered by the public for not having the information.
5. Based on the applicable mitigating factors, staff recommends that the civil penalty be reduced by 75% to \$50. Staff does not believe a complete waiver is appropriate because there are no unusual circumstances that would support a complete waiver.

¹ 2 AAC 50.865(a)(1)(A)

² 2 AAC 50.865(a)(4)

³ 2 AAC 50.865(b)(6)

FILER'S REPORTING HISTORY:

2011

Registration – Filed 9/2/2011
Statewide Municipal – 30 Day Report – Timely
Statewide Municipal – 7 Day Report – Timely
Statewide Municipal – 105 Day Report – Timely
Year End Report – LATE (7 Days Late)

2012

Registration – Filed 8/24/2012
State Primary – 7 Day Report – LATE (3 Days Late)
State General – 30 Day Report – Timely
State General – 7 Day Report – Timely
Year End Report – Timely

2013

Registration – Filed 1/10/2013
Anchorage Municipal – 30 Day Report – Timely
Anchorage Municipal – 7 Day Report – Timely
Anchorage Municipal – 105 Day Report – Timely
State Primary – 30 Day Report – Timely
State Primary – 7 Day Report – Timely
State General – 30 Day Report – Timely
State General – 7 Day Report – Timely
Year End Report – Timely

2014

Registration – 1/17/2014
Anchorage Municipal – 30 Day Report – Timely
Anchorage Municipal – 7 Day Report – Timely
Anchorage Municipal – 105 Day Report – Timely
State Primary – 30 Day Report – Timely
State Primary – 7 Day Report – Timely
State General – 30 Day Report – Timely
State General – 7 Day Report – Timely
Statewide Municipal – 30 Day Report – Timely
Statewide Municipal – 7 Day Report – Timely
Statewide Municipal – 105 Day Report – Timely
Year End Report – Timely

2015

Registration – 1/15/2015

Anchorage Municipal – 30 Day Report – Timely

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 7 Day Runoff Report – LATE (2 Days Late)

Anchorage Municipal – 105 Day Report – Timely

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2016

Registration – 2/4/2016

Juneau Special Election – 30 Day Report – Timely

Juneau Special Election – 7 Day Report – Timely

Juneau Special Election – 105 Day Report – Timely

Anchorage Municipal – 30 Day Report – Timely

Anchorage Municipal – 7 Day Report – Timely

Anchorage Municipal – 105 Day Report – Timely

Valdez Special Election – 30 Day Report – LATE (4 Days Late) – Subject of Appeal

Valdez Special Election – 7 Day Report – Timely

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

Statewide Municipal – 30 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$62,736.41
Income:	\$0.62
Expenses:	\$750
Debts:	\$0.00
Ending Balance:	\$61,987.03

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**

- Inexperienced filer. **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁴ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁵ **2 AAC 50.865(d)(1)**

⁴ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by 75% to \$50**
- Upheld at the assessed amount of _____**

⁵ Value greater than \$1000.



September 22, 2016

Public Safety Employees Association

Attn: Carol Hughes
4228 Laurel Street
Anchorage, AK 99508
accountant@psea.net

Re: COMMISSION MEETING NOTICE

Dear Ms. Hughes:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day City of Valdez Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9581-04

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

Public Safety Employees Association

Attn: Carol Hughes
4228 Laurel Street
Anchorage, AK 99508
accountant@psea.net

9-22-2016

Signed

Date

Schwahn, Michael F (DOA)

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Sent: Thursday, September 22, 2016 3:45 PM
To: Schwahn, Michael F (DOA)
Subject: Delivery Status Notification (Failure)

Delivery to the following recipient failed permanently:

accountant@psea.net

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain domains.google.com by gmr-smtp-in.l.google.com. [74.125.28.14].

We recommend contacting the other email provider at postmaster@domains.google.com for further information about the cause of this error.

The error that the other server returned was:

550-5.1.1 The email account that you tried to reach does not exist. Please try

550-5.1.1 double-checking the recipient's email address for typos or

550-5.1.1 unnecessary spaces. Learn more at

550 5.1.1 <https://support.google.com/mail/?p=NoSuchUser> f12si1209788pfk.0 - gsmtip

----- Original message -----

ARRIVED

4-29-2016

**APOC - ANCH
PM HC FAX ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Public Safety Employees Association

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|----------------------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): 2016 City of Valdez

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Statement attached

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Carol M. Hughes 4/28/2016

I printed off an "Assigned Reports" list on 2/4/2016 as a reminder as to the filing deadlines. This was before the "City of Valdez" election reporting requirements were broken out of the "Multiple Elections" reporting requirements. Because of this last minute election, I did not realize that PSEA had the responsibility to file a 30 day report with a due date of 4/4/2016. As soon as I became aware that I had missed this deadline, I immediately filed the report on 4/8/2016.

I am requesting an abatement of this penalty. I have been current on all other required filings and plan on keeping current with all future deadlines.



April 11, 2016

Public Safety Employees Association

Attn: Carol Hughes
4228 Laurel Street
Anchorage, AK 99508
accountant@psea.net

RE: Notice of Penalty Assessment

Ms. Hughes,

According to our records you did not timely file your 30 Day City of Valdez Campaign Disclosure Report that was due on April 4, 2016. Instead your report was filed on April 8, 2016 (4 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$200.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Tamara M Douglas

Tamara Douglas
Paralegal II, Groups

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

Public Safety Employees Association Attn: Carol Hughes 4228 Laurel Street Anchorage, AK 99508 accountant@psea.net pseapresident@psea.net	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail <input checked="" type="checkbox"/> Email
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------

Michael F. Schwahn

4-11-2016

Signed

Date

9171-9690-0935-0026-1775-61

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|-----------------------------------------------------|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> 30 Day Pre-election report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 7 Day Pre-election report | <input type="checkbox"/> Yearend Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): _____

Instructions: If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865	Mitigating factors; aggravating factors.	Codifies criteria established in Sept. 2010
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2 AAC 50.865. Mitigating factors; aggravating factors.

(a) A civil penalty determined under in 2 AAC 50.855 may be reduced by up to 50 percent if

- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, “good filing history” means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, “inexperienced filer” means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
- (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
- (3) any unreported or mistakenly reported information had a value of \$100 or less; or
- (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
- (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
- (3) a municipal clerk or the clerk’s designee failed to notify a municipal official, as provided in 2AAC 50.850(f), that the municipal official’s filing is delinquent or incomplete;
- (4) a late or erroneous report included only administrative costs in a group report;
- (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
- (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
- (7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;
- (2) forgetting to file;
- (3) being a volunteer;
- (4) having no change in reportable information from previous filed statements;
- (5) relying on the responsible person’s staff to remind the person of the filing deadline;
- (6) being too busy to file;
- (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
- (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, “substantial financial interest” means an interest with a value greater than \$1,000; or
- (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: accountant@psea.net; pseapresident@psea.net
Sent: Monday, April 11, 2016 1:50 PM
Subject: Relayed: Notice of Penalty

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

accountant@psea.net (accountant@psea.net)

pseapresident@psea.net (pseapresident@psea.net)

Subject: Notice of Penalty

Date: April 15, 2016

Michael Schwahn:

The following is in response to your April 15, 2016 request for delivery information on your Certified Mail™ item number 9171969009350026177561. The delivery record shows that this item was delivered on April 13, 2016 at 10:15 am in ANCHORAGE, AK 99508. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Thomas Lucas

DATE: September 22, 2016

RESPONDENT: United Brotherhood of Carpenters and Joiners Local 1243 PAC

CIVIL PENALTY

ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Group

LATE REPORT(S):

- Campaign Disclosure Reports

30 Day Campaign Disclosure Report

REASON FOR FILING OR DATE OF ELECTION: 30 Day State Primary

DUE DATE OF LATE REPORT: July 18, 2016

REPORT FILED ON: July 21, 2016

NUMBER OF DAYS LATE: 3

DATE DELINQUENCY NOTICE(S) SENT: July 21, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 2, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$150

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Uphold

(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the reason for the group's late report is that APOC did not notify him that it was due as APOC has done in the past.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. The responsibility for timely filing of reports that are due is on the person required to file the report. Although APOC staff makes significant efforts to remind filers of reports coming due, this is done as a courtesy only. Here, staff thought it had sent a reminder to the group, but, as it turns out, the group had placed the wrong email address on its registration. APOC's failure to remind the group of a report coming due is not a mitigating factor.
2. Staff can find no mitigating factor that is applicable in this matter; and an aggravating factor is present – 7 late filed reports in the immediately preceding 5 years. Accordingly, staff recommends that the civil penalty be upheld

FILER'S REPORTING HISTORY:

2011

Registration – Filed 10/7/2011

Year End Report – LATE (5 Days Late)

2012

Registration – Filed 1/13/2012

State Primary – 30 Day Report – Timely

State Primary – 7 Day Report – Timely

State General – 30 Day Report – Timely

State General – 7 Day Report – Timely

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2013

Registration – Filed 1/15/2013

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2014

Registration – 7/29/2014

State Primary – 7 Day Report – Timely

State General – 30 Day Report – Timely

State General – 7 Day Report – LATE (1 Day Late)

Statewide Municipal – 30 Day Report – LATE (1 Day Late)

Statewide Municipal – 7 Day Report – Timely

Statewide Municipal – 105 Day Report – LATE (64 Days Late)

Year End Report – LATE (1 Day Late)

2015

Registration – 1/12/2015

Statewide Municipal – 30 Day Report – Timely

Statewide Municipal – 7 Day Report – LATE (1 Day Late)

Statewide Municipal – 105 Day Report – Timely

Year End Report – Timely

2016

Registration – 5/10/2016

State Primary – 30 Day Report – LATE (3 Days Late) – Subject of Appeal

State Primary – 7 Day Report – Timely

Statewide Municipal – 30 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$9,705.11
Income:	\$3,607.52
Expenses:	\$2,000
Debts:	\$0.00
Ending Balance:	\$11,312.63

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. **2 AAC 50.865(a)(1)(A)**
- Inexperienced filer.¹ **2 AAC 50.865(a)(1)(B)**
- Technical error at APOC. **2 AAC 50.865(a)(2)**
- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**

¹ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public² AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.³ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- Waived**
- Reduced by ___ to \$___**

² The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

³ Value greater than \$1000.

Upheld at the assessed amount of \$150



September 22, 2016

UBC Local 1243 PAC

Attn: Laird Grantham
25 Timberland Drive
Fairbanks, AK 99701
lgrantham@nwcarpenters.org

Re: COMMISSION MEETING NOTICE

Dear Mr. Grantham:

At its October 25, 2016 Commission meeting in Anchorage, the Commission will review the matter of your appeal of the civil penalty assessment for your late-filed 30 Day Disclosure Report.

I have enclosed for your review, the Staff Recommendation that will be presented to the Commission at the meeting.

You have a right to participate at the meeting either in person or by telephone (1-800-315-6338, code 41761#); please notify our office if you intend to participate. Civil Penalty Appeals are expected to begin at **1:00 p.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the final decision by Commission regarding your appeal

If you have any questions or desire further information, please do not hesitate to contact our office.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas
Paralegal II, Groups

Enclosure: Staff Recommendation

9171-9690-0935-0129-9581-28

CERTIFICATE OF SERVICE

I certify that on this date, I mailed by Email, Certified Mail, Return Receipt Requested, a true and correct copy of the foregoing document to:

UBC Local 1243 PAC
Attn: Laird Grantham
25 Timberland Drive
Fairbanks, AK 99701
lgrantham@nwcarpenters.org

Signed _____ Date _____
Michael F. Schwahn 9-22-2016

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: lgrantham@nwcarpenters.org
Sent: Thursday, September 22, 2016 3:46 PM
Subject: Relayed: Commission Meeting Notice & Staff Recommendation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lgrantham@nwcarpenters.org (lgrantham@nwcarpenters.org)

Subject: Commission Meeting Notice & Staff Recommendation

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): UBC Local 1243 PAC

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): Primary 2016

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Please See Attached Page

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: *[Signature]*
Group: Civil Penalty Appeals

8/1/2016

Heather Hebdon

Campaign Disclosure Coordinator

Re; Civil Penalty Appeal

Ms. Hebdon,

UBC Local 1243 PAC would like to appeal the penalty assessed to our PAC as we did not receive notification of the deadline by e-mail as we have in the past. The only e-mail we received was for training classes in Anchorage. When you contacted my office on July 18, I was out of town I contacted you and I asked why we had not received any notification by e-mail as we are set up for that notification and have been for several years. You stated that the e-mail had been sent out. I asked which address it was sent to and you replied "lairdg@nwcarpenters.org". That address is incorrect and is a combination of both of my addresses. I have in the past received notices at both lairdg@ubc1243.org and lgrantham@nwcarpenters.org. I do not know how the address was changed or why we have not received notification but I do understand that there has been a change in personnel and budget cuts in APOC's offices.

Thank you for considering our appeal.

A handwritten signature in black ink, appearing to read "Laird Grantham". The signature is fluid and cursive, with the first name "Laird" being particularly prominent.

Laird Grantham

Treasurer



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 21, 2016

VIA CERTIFIED MAIL and EMAIL

UBC Local 1243 PAC

Attn: Laird Grantham

25 Timberland Drive

Fairbanks, AK 99701

lgrantham@nwcarpenters.org

RE: Notice of Penalty Assessment – 30 Day Primary Campaign Disclosure Report

Dear Mr. Grantham:

According to our records you did not timely file your 30 Day Campaign Disclosure Report that was due on July 18, 2016. Instead your report was filed on July 21, 2016 (3 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$150.²

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.³ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁴

¹ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

² 2 AAC 50.855(a).

³ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁴ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Heather R. Hebdon
Campaign Disclosure Coordinator

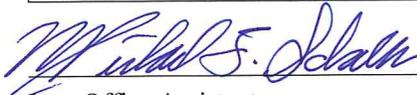
Encl.: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:

<p>UBC Local 1243 PAC Attn: Laird Grantham 25 Timberland Drive Fairbanks, AK 99701 lgrantham@nwcarpenters.org</p>	<p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Email</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

 7-21-2016

Law Office Assistant Date

9171-9690-0935-0107-7009-16

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): _____

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): _____

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: _____

2 AAC 50.865. Mitigating factors; aggravating factors

- (a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if
- (1) a person required to file a statement or other filing
 - (A) has a good filing history; in this subparagraph, "good filing history" means
 - (1) no late filings in the immediately preceding five years; and
 - (2) no activity shown on the overdue report;
 - (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;
 - (2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;
 - (3) any unreported or mistakenly reported information had a value of \$100 or less; or
 - (4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.
- (b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:
- (1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;
 - (2) a significant cause of the late filing is commission staff error, including
 - (A) furnishing reporting materials too late for filing on or before the due date;
 - (B) giving incorrect oral or written information to a person required to submit a statement or other filing;
 - (C) failing to deliver required notices when due; or
 - (D) confirmed technical problems with operation of commission equipment, including the electronic filing program;
 - (3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;
 - (4) a late or erroneous report included only administrative costs in a group report;
 - (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if
 - (A) the dollar amount missing from a form or disclosure is \$100 or less;
 - (B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or
 - (C) the missing or incomplete information is readily available to the public through another forum;
 - (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or
 - (7) a unique circumstance justifies reducing or waiving the penalty.
- (c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:
- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

- (2) forgetting to file;
 - (3) being a volunteer;
 - (4) having no change in reportable information from previous filed statements;
 - (5) relying on the responsible person's staff to remind the person of the filing deadline;
 - (6) being too busy to file;
 - (7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;
 - (8) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.
- (d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has
- (1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or
 - (2) a poor reporting history; indicators of a poor reporting history include any of the following:
 - (A) more than one late filing in the immediately preceding five years;
 - (B) evidence suggesting deliberate non-reporting;
 - (C) failure to cooperate with staff.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700916. The delivery record shows that this item was delivered on July 25, 2016 at 1:31 pm in FAIRBANKS, AK 99701. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

25 Timberland Dr
Fairbanks, AK 99701

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: Mells, Delight K (DOA)
Sent: Thursday, July 21, 2016 3:08 PM
Subject: Delivered: Notice of Penalty Assessment - 30 Day Primary Campaign Disclosure Report

Your message has been delivered to the following recipients:

[Mells, Delight K \(DOA\) \(delight.mells@alaska.gov\)](mailto:delight.mells@alaska.gov)

Subject: Notice of Penalty Assessment - 30 Day Primary Campaign Disclosure Report