

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKANS FOR BETTER
ELECTIONS, INC.,

Complainant,

vs.

Case No. 24-03-CD

ALASKANS FOR HONEST
ELECTIONS; ALASKANS FOR
HONEST GOVERNMENT; RANKED
CHOICE EDUCATION ASSOCIATION;
and ART MATHIAS

Respondents.

ALASKANS FOR BETTER ELECTIONS’ PRE-HEARING BRIEF

Complainant Alaskans for Better Elections, Inc. (“ABE”), by and through counsel, provides this pre-hearing brief to assist the Alaska Public Offices Commission (“APOC” or “the Commission”) with APOC Complaint 24-03-CD (“Complaint”) by presenting written arguments in advance of the hearing scheduled for January 16, 2025.¹

¹ 2 AAC 50.891(d) permits complainants to file a pre-hearing brief, and ABE believes it may help the Commission in reaching its decision. Moreover, there is no prejudice to Respondents because they will have a chance to respond and consider ABE’s arguments well in advance of the hearing. APOC has also permitted complainants to file a pre-hearing brief in the past. *See generally* Alaskans for Better Elections’ Pre-Hearing Brief, 23-07-CD (Feb. 20, 2024); Alaskans for Better Elections’ Pre-Hearing Brief, 23-01-CD (Nov. 2, 2023); Alaskans for Better Elections’ Pre-Hearing Brief, 23-02-CD (Sept. 19, 2023); Yes on 2’s Response to Defend Alaska Elections’ Response to Amended Staff Report, 20-06-CD (June 4, 2021); Stand for Alaska’s Response to APOC Staff Report, 18-06-CD (Dec. 27, 2018).

I. Introduction

ABE filed this Complaint against Respondents, Alaskans for Honest Elections (“AHE”), Alaskans for Honest Government (“AHG”), the Ranked Choice Education Association (“RCEA”), and Art Mathias (collectively “Respondents”), because they have not complied with *any* of the reporting requirements ordered by the Commission in its Final Order in APOC Complaint 23-01-CD dated January 3, 2024 (“Final Order”), and have committed ongoing violations.² As a result of Respondents’ deliberate noncompliance, Alaskans *still* do not know who funded their six-figure effort to change Alaska’s election system, even though the ballot measure they supported was narrowly defeated at the ballot box in November 2024, and even though the Final Order was issued *one year ago*.

Although ABE does not disagree with the vast majority of the Staff Report’s recommendations,³ ABE provides this pre-hearing brief to provide additional context and correct some miscalculations of civil penalties. The Commission, consistent with the Staff Report, should impose meaningful civil penalties against Respondents for their deliberate, and repeated, violations of the law.

² See generally Final Order in 23-01-CD (Jan. 3, 2024) [hereinafter Final Order] (Exhibit 1 to Complaint in 24-03-CD (July 29, 2024) [hereinafter Complaint]).

³ See Staff Report, Complaint 24-03-CD, at 6-7 (Oct. 22, 2024) [hereinafter Staff Report].

II. Factual Background

ABE filed this Complaint on July 29, 2024.⁴ ABE’s Complaint was largely (but not exclusively) based on Respondents’ failure to comply with their reporting obligations detailed in the Commission’s Final Order.⁵

APOC Staff initially rejected the Complaint on July 31, 2024, primarily because “it appear[ed] that the allegations center[ed] on violations of the Commission’s Final Order . . . rather than violations of AS 15.13[.]”⁶ ABE requested the Commission’s review of this rejection on the basis that ongoing reporting failures (and the failure to comply with a final Commission order) violate AS 15.13.⁷ The Commission agreed with ABE, and directed APOC Staff to accept the Complaint as properly filed on September 9, 2024;⁸ the Commission correctly recognized that ABE’s Complaint concerned new alleged violations of AS 15.13.⁹

⁴ See generally Complaint.

⁵ See generally *id.*

⁶ See Letter from Heather R. Hebdon to Scott Kendall (July 31, 2024) [hereinafter Hebdon Letter].

⁷ See Letter from Scott Kendall to Heather Hebdon (Aug. 6, 2024).

⁸ See Order Accepting Complaint and Remanding to Staff for Investigation (Sept. 9, 2024) [hereinafter Order Accepting Complaint].

⁹ See *id.* at 2-3.

After Respondents filed an Answer to the Complaint,¹⁰ APOC issued a Staff Report on October 22, 2024.¹¹ As the Staff Report noted, “Respondents were involved in advocating and supporting the initiative petition identified as 22AKHE and the subsequent Ballot Proposition 2 that” appeared on the November 2024 general election ballot.¹² The Staff Report also explained that, after “the Commission issued its Final Order directing the Respondents to pay assessed penalties and/or file various report,” “none of the Respondents had complied with the Final Order” as of March 7, 2024.¹³ The Final Order specifically required Respondents’ compliance on or before February 2, 2024.¹⁴

This new Staff Report found that: (1) AHE had failed to correct numerous quarterly reports;¹⁵ (2) AHE did not comply with AS 15.13.090(a) and (c) through at least March 11, 2024;¹⁶ (3) AHG had not filed either a 2022 Fourth Quarterly Report or an independent expenditure report;¹⁷ (4) the RCEA had not filed an entity registration,

¹⁰ *See generally* Answer to Complaint filed by Alaskans for Better Elections (Oct. 1, 2024).

¹¹ *See generally* Staff Report.

¹² *See id.* at 2.

¹³ *See id.* at 3.

¹⁴ *See id.* at 6.

¹⁵ *See id.* at 3-4.

¹⁶ *See id.* at 4.

¹⁷ *See id.* at 5.

independent expenditure report, or year-end report until March 7, 2024;¹⁸ (5) the RCEA had still not filed multiple quarterly reports, and had failed to identify the true source (or sources) of its contributors;¹⁹ and (6) Mr. Mathias had not filed a statement of contributions — and even then, it was “under protest” — until March 7, 2024.²⁰ The Staff Report also noted that Respondents’ “reporting requirements have never been [stayed] by [an] ongoing appeal,”²¹ and concluded that Respondents “have failed to meet th[eir] obligation” “to comply with the statutorily and regulatorily mandated campaign finance disclosure requirements” that were ordered by the Commission in its Final Order.²²

The Staff Report then calculated maximum civil penalties at \$50 per day for each violation.²³ Most of the violations were tolled starting on July 29, 2024; this is the day that ABE filed the Complaint, even though the Complaint was not actually accepted (by

¹⁸ *See id.*

¹⁹ *See id.*

²⁰ *See id.*

²¹ *See id.* It is also worth noting that Respondents are also currently in violation of the Commission’s Final Order by failing to pay civil penalties. 2 AAC 50.860(e). Although the payment of some of Respondents’ civil penalties were automatically stayed through their appeal to the superior court, that automatic stay does not have any effect during Respondents’ current appeal to the Alaska Supreme Court. *See id.* The Commission, as it has done with other civil penalties that have been imposed against Respondents, should consider sending these additional civil penalties to collections if they have not been paid. *See generally* Status Update re: Final Order (Mar. 7, 2024) [hereinafter Status Update] (Exhibit 2 to Complaint).

²² *See* Staff Report at 6.

²³ *See id.* at 6-7.

order of the Commission) until September 9, 2024.²⁴ And most of the violations began on February 3, 2024, the day when Respondents failed to comply with the Commission’s Final Order.²⁵ Finally, because no mitigators applied, and in light of “ongoing aggravating circumstances” and Respondents’ “poor reporting history,” the Staff Report did “not recommend any reduction of the [maximum calculated civil] penalties.”²⁶

III. Corrected Civil Penalty Calculations For Each Respondent.

The Staff Report recommends that the Commission impose civil penalties against AHE, AHG, the RCEA, and Mr. Mathias for a wide variety of violations.²⁷ Although ABE agrees that civil penalties should be imposed, ABE believes that the Staff Report has miscalculated the maximum civil penalties for each Respondent. The corrected civil penalties, and which violations they are associated with, are provided in a table accompanying this pre-hearing brief.²⁸

Additionally, ABE believes that the date of September 9, 2024, should be used instead of July 29, 2024, for the tolling of most of the civil penalties here. APOC typically tolls civil penalties once a complaint is filed, and the Complaint here was filed on July 29,

²⁴ See generally Order Accepting Complaint.

²⁵ See Staff Report at 6-7; see also Final Order at 32.

²⁶ See Staff Report at 7.

²⁷ See *id.* at 6-7.

²⁸ See Attachment A.

2024.²⁹ But APOC Staff rejected the Complaint,³⁰ and that rejection was not reversed until so ordered by the Commission on September 9, 2024.³¹ Because of APOC Staff’s original rejection of the Complaint — and because Respondents have *still* not complied with the Final Order — Respondents should not get the benefit of the tolling of civil penalties for the 42-day period where the Complaint was in rejected status.³² This is especially true where, as here, Respondents took advantage of this delay to continue avoiding their reporting obligations until long after the relevant election had passed.³³ This additional 42-day period is included in ABE’s accompanying table and civil penalty calculation where applicable.³⁴

A. Alaskans for Honest Elections

The Staff Report calculates a maximum civil penalty of \$44,300 against AHE for seven (7) different violations.³⁵ But because the Staff Report did not separate violations of AS 15.13.090 by communication as APOC has routinely done in the past,³⁶ ABE asks

²⁹ See generally Complaint.

³⁰ See Hebdon Letter.

³¹ See generally Order Accepting Complaint.

³² Additional support for this position is provided by the fact that nothing prevented ABE from filing a new complaint after APOC Staff’s rejection, which would have created a new, later tolling date.

³³ See Staff Report at 2-3.

³⁴ See Attachment A.

³⁵ See Staff Report at 6.

³⁶ See, e.g., Final Order at 7, 20-21, 31 (calculating and imposing civil penalties based on improper disclaimers for seventeen (17) separate videos); Final Order in APOC

the Commission to find that **AHE is subject to a total maximum penalty amount of \$88,400.**

Beyond changing the tolling date from July 29 to September 9, 2024, ABE does not disagree with the Staff Report’s recommended maximum civil penalty calculations for six of AHE’s Quarterly Report violations.³⁷ This recommendation, in part, recognizes that some of AHE’s reports were made “under protest,” and therefore do not satisfy the law’s requirements.³⁸

Additionally, unlike the calculations for AHE’s Quarterly Report violations, the Staff Report’s calculation for AHE’s violations of AS 15.13.090 is very different from APOC’s past practices.³⁹ In fact, it even deviates from how the Commission treated similar violations of AHE’s disclaimer requirements in the Final Order itself.⁴⁰ The Commission should correct this error by following its past practice of finding and sanctioning separate violations for each individual offending communication.⁴¹

Complaint 20-06-CD at 6 (June 21, 2021) [hereinafter Final Order for 20-06-CD] (calculating and imposing civil penalties based on eight (8) separate communications).

³⁷ See Staff Report at 6. This corrected civil penalty amount for these six violations, using the September 9 tolling date, is \$55,000. See Attachment A.

³⁸ See Exhibit 5 at 1 to Complaint (AHE’s amended 2023 First Quarterly Report, which was done “under protest”); Exhibit 6 at 1 to Complaint (AHE’s amended 2023 Second Quarterly Report, which was done “under protest”).

³⁹ See Staff Report at 6; see also Final Order at 7, 20-21, 31; Final Order for 20-06-CD at 6.

⁴⁰ See Final Order at 7, 20-21, 31 (calculating and imposing civil penalties based on improper disclaimers for seventeen (17) separate videos).

⁴¹ See, e.g., Final Order at 7, 20-21, 31; Final Order for 20-06-CD at 6.

In its Complaint, ABE detailed eleven (11) separate communications where AHE violated AS 15.13.090.⁴² One violation occurred on March 14, 2024,⁴³ four (4) occurred on April 2, 2024,⁴⁴ five (5) occurred on April 3, 2024,⁴⁵ and one occurred on April 4, 2024.⁴⁶ Each of these eleven communications are separate violations of AS 15.13.090; they either included an inaccurate and misleading “paid-for-by” identifier,⁴⁷ or they failed to keep a written disclaimer on-screen for the entirety of a video.⁴⁸

Instead of using the Staff Report’s calculated \$1,900 in maximum civil penalties for AHE’s various violations of AS 15.13.090⁴⁹ — violations which the Commission has already found AHE to have repeatedly committed in prior communications in its Final Order⁵⁰ — the Commission should instead calculate AHE’s maximum civil penalties

⁴² See Exhibits 12A, 12B, 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, and 13I to Complaint.

⁴³ See Exhibit 12B to Complaint.

⁴⁴ See Exhibits 13A, 13B, 13C, and 13D to Complaint.

⁴⁵ See Exhibits 13E, 13F, 13G, 13H, and 13I to Complaint.

⁴⁶ See Exhibit 12A to Complaint. This last one, which is a series of screenshots from AHE’s website as of April 4, 2024, contains repeated explicit statements asking viewers to “Vote Yes on 2 to Repeal RCV.” See Exhibit 12A at 1, 4-6.

⁴⁷ See Exhibits 12A and 12B to Complaint; see also AS 15.13.090(a).

⁴⁸ See Exhibits 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, and 13I to Complaint; see also AS 15.13.090(c).

⁴⁹ See Staff Report at 6.

⁵⁰ See Final Order at 7, 20-21, 31 (imposing civil penalties based on seventeen (17) violations of AS 15.13.090).

based on each of its eleven documented violations for the relevant time periods. This amount, totaling \$33,400, is reflected in ABE's table.⁵¹

B. Alaskans for Honest Government

The Staff Report calculates a maximum civil penalty of \$17,800 against AHG for two separate reporting violations.⁵² ABE's only disagreement with the Staff Report's calculation has to do with when the Commission should begin tolling AHG's civil penalties; ABE believes that, given the circumstances here, tolling should not begin until September 9, 2024. As is reflected in the accompanying table,⁵³ ABE asks the Commission to find that **AHG is subject to a total maximum penalty amount of \$22,000.**

C. Ranked Choice Education Association

The Staff Report calculates a maximum civil penalty of \$21,200 against the RCEA for four (4) separate reporting violations.⁵⁴ But, with the exception of the Staff Report's calculated maximum civil penalty for the RCEA's untimely registration with APOC,⁵⁵ ABE respectfully suggests that the Commission use different calculations for determining the maximum civil penalties for the RCEA's three other violations listed in the Staff

⁵¹ See Attachment A.

⁵² See Staff Report at 7.

⁵³ See Attachment A.

⁵⁴ See Staff Report at 7.

⁵⁵ See *id.* (calculating a \$1,700 maximum civil penalty for the RCEA's violation of AS 15.13.050).

Report. ABE also believes that the Staff Report inadvertently failed to include additional quarterly report violations in light of the Final Order, as well as another category of civil penalty based on the RCEA's continued intentional refusal to identify the true source or sources of its (significant) contributions to AHE.⁵⁶ As is reflected in the accompanying table,⁵⁷ ABE asks the Commission to find that the **RECA is subject to a total maximum penalty amount of \$265,137.99.**

First, the Staff Report has inconsistently calculated civil penalties for the RCEA's reporting violations. For example, the Staff Report uses March 7 as the tolling date for the RCEA's filing of an independent expenditure report "under protest," while using the June 29 filing date of the Complaint to toll two of the RCEA's uncorrected Quarterly Reports.⁵⁸ But the Staff Report correctly declined to toll penalties for reports which were filed "under protest" in other contexts;⁵⁹ otherwise, parties with reporting obligations could routinely report information "under protest" to discredit or disclaim their own reports with APOC. Additionally, as explained above, the September 9 tolling date

⁵⁶ See AS 15.13.040(k); AS 15.13.074(b).

⁵⁷ See Attachment A.

⁵⁸ See Staff Report at 5, 7.

⁵⁹ See *id.* at 6; see also Exhibit 5 at 1 to Complaint (AHE's amended 2023 First Quarterly Report, which was done "under protest"); Exhibit 6 at 1 to Complaint (AHE's amended 2023 Second Quarterly Report, which was done "under protest").

should apply here.⁶⁰ After correction, the RCEA’s maximum civil penalties for its improperly filed independent expenditure and quarterly reports should total \$33,000.⁶¹

Second, the Staff Report did not calculate civil penalties for the RCEA’s failure to file two additional Quarterly Reports in 2023.⁶² The Final Order recognized that, at least through July 5, 2023, the RCEA continued to communicate in favor of 22AKHE, which created an ongoing reporting obligation.⁶³ In fact, the RCEA has *continued* to support 22AKHE; evidence of the RCEA’s continued support was provided as part of the Complaint.⁶⁴ This means that, at a minimum, the RCEA was required to file Second and Third Quarterly Reports for 2023 as well.⁶⁵ ABE has included an additional \$22,000 to account for this additional lack of reporting by the RCEA in its accompanying spreadsheet.⁶⁶

Finally, the Staff Report did not calculate civil penalties for the RCEA’s intentional violation of AS 15.13.074(b).⁶⁷ Because this intentional violation concerns

⁶⁰ See generally Order Accepting Complaint.

⁶¹ See Attachment A.

⁶² See Staff Report at 7.

⁶³ See Final Order at 12-13 (“[The] RCEA’s website as of at least July 5, 2023 was susceptible of no other reasonable interpretation but as a continuation of the group’s pre-existing exhortation to support 22AKHE.”).

⁶⁴ See Exhibits 14A-D to Complaint.

⁶⁵ See Final Order at 12-13, 32.

⁶⁶ See Attachment A.

⁶⁷ See Staff Report at 7.

an additional \$69,479.33 in reported contributions that the RCEA made to AHE without ever disclosing the true source or sources of those funds,⁶⁸ the maximum penalty for this separate violation is \$208,437.99.⁶⁹

The Staff Report explained that the RCEA has failed to report the true source or sources of its contributions to AHE.⁷⁰ The Commission noted that the RCEA has again failed to report the true source or sources of its contributions in its Status Update on March 7, 2024.⁷¹ And as the Commission concluded in the Final Order, true source reporting violations are subject to different and distinct penalties under AS 15.13.390(a)(3).⁷² The fact that the RCEA has *still* not reported the true source or sources of tens of thousands of dollars in contributions to AHE is significant to both the magnitude of the harm to the public as well as whether full penalties should be assessed.

⁶⁸ See Exhibit 3 to Complaint (showing a \$30,000 contribution from the RCEA to AHE on November 25, 2023); Exhibit 15 to Complaint (showing a \$7,479.33 contribution from the RCEA to AHE on September 2, 2023); Exhibit 16 to Complaint (showing \$32,000 in contributions that the RCEA made to AHE in October 2023).

⁶⁹ See AS 15.13.390(a)(3). The RCEA’s own statements of contributions inaccurately report the total amount that the RCEA contributed to AHE in 2023. See Exhibit 15 to Complaint (showing a \$7,479.33 in-kind contribution); see also Exhibits 3 & 16 to Complaint (failing to account for this in-kind contribution). ABE has included the RCEA’s reported \$7,479.33 in-kind contribution as part of its calculation for this true source violation, even though the RCEA improperly omitted this in-kind contribution in its subsequent statement of contributions reports. See Exhibits 3 & 16 to Complaint.

⁷⁰ See Staff Report at 5 (“[T]he RCEA . . . has not amended any of their previously filed statements of contributions to identify RCEA’s true sources.”).

⁷¹ See Status Update at 5 (noting that the RCEA has still not complied with its “obligation to report the true source(s) of contributions it makes”).

⁷² See Final Order at 23-31.

As Mr. Mathias testified before the Commission in APOC Complaint 23-01-CD, before the Final Order was issued, the RCEA had raised approximately \$700,000 as of November 16, 2023.⁷³ Of that, the RCEA has reported contributing \$159,479.33 to AHE.⁷⁴ And the true source of only \$90,000 has ever been reported in any fashion — even “under protest” — to APOC.⁷⁵ This means that the RCEA has failed to report the true source or sources of \$69,479.33 in contributions to AHE,⁷⁶ which subjects the RCEA to a maximum penalty of at least the amount of those improperly-reported contributions.⁷⁷ But, critically, because the RCEA has continued to defy the Commission’s Final Order by failing to disclose the true source of this \$69,479.33 — and the public has *never* been informed about the true source of these funds⁷⁸ — the RCEA is actually subject to a maximum penalty three times the amount of the intentionally-concealed contributions: a total of \$208,437.99.⁷⁹ This amount is also reflected in ABE’s accompanying table.⁸⁰

⁷³ See Attachment B (Nov. 16, 2023) (select highlighted portions of the transcript of proceedings before the Commission in 23-01-CD).

⁷⁴ See Exhibit 3 to Complaint; see also Exhibit 15 to Complaint.

⁷⁵ See Exhibit 21 to Complaint.

⁷⁶ See Exhibits 3, 15-16 to Complaint.

⁷⁷ See AS 15.13.390(a)(3).

⁷⁸ See Final Order at 29 (“Because the public was ultimately informed about the true source of the \$90,000 [that the RCEA contributed to AHE], the Commission elects not to treble the penalties in this matter.”).

⁷⁹ See AS 15.13.390(a)(3) (“[U]pon a showing that the violation was intentional, a civil penalty of not more than three times the amount of the contribution in violation may be imposed[.]”).

⁸⁰ See Attachment A.

D. Art Mathias

The Staff Report calculates a maximum civil penalty of \$1,700 against Mr. Mathias for his violation of AS 15.13.040(k).⁸¹ But ABE disagrees with the Staff Report's calculation of when Mr. Mathias's violation should be tolled.

Mr. Mathias only filed a statement of contribution with amounts he contributed to AHE through the RCEA "under protest" on March 7, 2024;⁸² he has not actually filed an accurate statement of contribution as required by law.⁸³ Extending the tolling date beyond March 7 would also be consistent with other recommended civil penalty calculations made in the Staff Report.⁸⁴ And because tolling should not begin until September 9, 2024, as is reflected in the accompanying table,⁸⁵ ABE asks the Commission to find that **Mr. Mathias is subject to a total maximum penalty amount of \$11,000.**

⁸¹ See Staff Report at 7.

⁸² See Exhibit 23 to Complaint.

⁸³ Mr. Mathias's improper reporting has downstream effects as well; for example, in some of its partially corrected Quarterly Reports, AHE was only able to report Mr. Mathias as the true source of his significant contributions "under protest." See Exhibit 5 at 3 to Complaint (AHE's amended 2023 First Quarterly Report, which shows Mr. Mathias's reported contributions as being "under protest"); Exhibit 6 to Complaint at 2 to Complaint (AHE's amended 2023 Second Quarterly Report, which shows Mr. Mathias's reported contributions as being "under protest").

⁸⁴ See Staff Report at 6; see also Exhibits 5-6 to Complaint.

⁸⁵ See Attachment A.

IV. The Vast Majority Of Respondents' Civil Penalties Should Not Be Mitigated.

APOC Staff does not recommend the mitigation of any civil penalties, because none of the typical regulatory factors that permit mitigation apply.⁸⁶ ABE mostly agrees with the Staff Report's recommendation, except for AHE's eleven (11) violations of AS 15.13.090. Otherwise, ABE agrees with APOC staff that no mitigation of the civil penalties is warranted here.

For AHE's eleven (11) violations of AS 15.13.090, ABE recognizes that the imposition of completely un-mitigated penalties could be seen as leading to the imposition of disproportional civil penalties with respect to these violations.⁸⁷ For example, in its Final Order, the Commission reduced civil penalties for similar repeated violations of AS 15.13.090 by nearly 90%.⁸⁸ But because AHE has continued to ignore the Commission's Final Order, and has not followed the disclaimer requirements outlined in AS 15.13.090, ABE suggests a smaller (but still significant) 50% reduction of the maximum civil penalties for these particular violations. As is reflected in the accompanying table, ABE suggests that the Commission, in its discretion, impose \$16,700 in civil penalties against AHE for its eleven violations of AS 15.13.090.⁸⁹

⁸⁶ See Staff Report at 7.

⁸⁷ See 2 AAC 50.865(b)(5).

⁸⁸ See Final Order at 21.

⁸⁹ See Attachment A.

Beyond that limited category of violation, ABE agrees with the Staff Report; no additional mitigation of civil penalties is warranted. As the Staff Report noted, Respondents have a “poor reporting history” — which, if anything, is an understatement. And Respondents’ ongoing decision to defy the Commission’s Final Order — which came out exactly one year ago — certainly qualifies as one of many “ongoing aggravating circumstances.”⁹⁰ It also should not be lost on the Commission that the information it ordered Respondents to report concerned a ballot measure for an election that has now come and gone. Respondents have never reported this information, even though the Commission timely ordered Respondents to do so over nine months before that election,⁹¹ and actually reiterated what Respondents had to do to comply with its Final Order one month after the deadline.⁹²

The Commission cannot allow Respondents to ignore its Final Order without facing meaningful repercussions. Future respondents to APOC complaints should not believe, based on Respondents’ example, that they can strategically ignore the Commission’s decisions until after the relevant election and suffer no real consequences. Respondents have had many opportunities to comply with Alaska’s statutory reporting requirements and have been repeatedly asked by the Commission to do so.⁹³ Respondents

⁹⁰ See Staff Report at 7.

⁹¹ See Final Order at 32.

⁹² See generally Status Update.

⁹³ See generally Final Order; Status Update.

should not be rewarded for ignoring the Commission's Final Order, especially since they have already delayed reporting this important information to the public past the relevant election.

V. Conclusion

The Staff Report correctly recommends that the Commission find numerous ongoing violations for Respondents and impose significant and un-mitigated civil penalties against them. ABE generally supports the Staff Report's recommendations and asks the Commission to utilize ABE's accompanying table of civil penalties as a guide to impose meaningful civil penalties against all four Respondents. Significant penalties are necessary because Respondents have intentionally defied a Commission order that was issued one year ago and denied the public important information until after the relevant election has passed. Simply put, Respondents should not be rewarded for ignoring APOC's decision and thumbing their noses at the law's reporting requirements.

CASHION GILMORE & LINDEMUTH
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DATED: January 3, 2025



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via email on January 3, 2025, to the following:

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CASHION GILMORE & LINDEMUTH

By: /s/ Todd Cowles

Respondent	Violation	Statute	Staff Report Max Civil Penalty	ABE Recommended Max Penalty	ABE Recommended Penalty
AHE	Failure to File Corrected 2023 First Quarterly Report	AS 15.13.110(g)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
AHE	Failure to File Corrected 2023 Second Quarterly Report	AS 15.13.110(g)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
AHE	Failure to File Corrected 2023 Third Quarterly Report	AS 15.13.110(g)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
AHE	Failure to File Corrected 2023 Fourth Quarterly Report	AS 15.13.110(g)	\$ 9,450.00	\$ 11,550.00	\$ 11,550.00
AHE	Failure to File 2024 First Quarterly Report	AS 15.13.110(g)	\$ 5,300.00	\$ 7,400.00	\$ 7,400.00
AHE	Failure to File 2024 Second Quarterly Report	AS 15.13.110(g)	\$ 950.00	\$ 3,050.00	\$ 3,050.00
AHE	Failure to Include Top Three Contributors Disclaimer on Website	AS 15.13.090(a)	\$ 1,900.00	\$ 3,100.00	\$ 1,550.00
AHE	Failure to Include Accurate Paid For By for Communications	AS 15.13.090(a)	\$ -	\$ 3,000.00	\$ 1,500.00
AHE	Failure to Include Paid For By for Entirety of Videos	AS 15.13.090(c)	\$ -	\$ 27,300.00	\$ 13,650.00
AHE Total			\$ 44,300.00	\$ 88,400.00	\$ 71,700.00

Respondent	Violation	Statute	Staff Report Max Civil Penalty	ABE Recommended Max Penalty	ABE Recommended Penalty
AHG	Failure to File Fourth Quarterly Report	AS 15.13.110(g)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
AHG	Failure to File Independent Expenditure Report	AS 15.13.110(h)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
AHG Total			\$ 17,800.00	\$ 22,000.00	\$ 22,000.00

Respondent	Violation	Statute	Staff Report Max Civil Penalty	ABE Recommended Max Penalty	ABE Recommended Penalty
RCEA	Failure to Register	AS 15.13.050(a)	\$ 1,700.00	\$ 1,700.00	\$ 1,700.00
RCEA	Failure to File Corrected IE Report	AS 13.13.110(h)	\$ 1,700.00	\$ 11,000.00	\$ 11,000.00
RCEA	Failure to File Corrected 2022 Fourth Quarterly Report	AS 15.13.110(g)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
RCEA	Failure to File Corrected 2023 First Quarterly Report	AS 15.13.110(g)	\$ 8,900.00	\$ 11,000.00	\$ 11,000.00
RCEA	Failure to File 2023 Second Quarterly Report	AS 15.13.110(g)	\$ -	\$ 11,000.00	\$ 11,000.00
RCEA	Failure to File 2023 Third Quarterly Report	AS 15.13.110(g)	\$ -	\$ 11,000.00	\$ 11,000.00
RCEA	Failure to Disclose or Misreporting	AS 15.13.074(b)	\$ -	\$ 208,437.99	\$ 208,437.99
RCEA Total			\$ 21,200.00	\$ 265,137.99	\$ 265,137.99

Respondent	Violation	Statute	Staff Report Max Civil Penalty	ABE Recommended Max Penalty	ABE Recommended Penalty
Art Mathias	Failure to File an Accurate Statement of Contribution	AS 15.13.040(k)	\$ 1,700.00	\$ 11,000.00	\$ 11,000.00
Art Mathias Total			\$ 1,700.00	\$ 11,000.00	\$ 11,000.00

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BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKANS FOR BETTER ELECTIONS, INC.,

Complainant,

vs.

ALASKANS FOR HONEST ELECTIONS,
ALASKANS FOR HONEST GOVERNMENT,
WELLSPRING MINISTRIES, WELLSPRING
FELLOWSHIP, RANKED CHOICE EDUCATION
ASSOCIATION, ART MATHIAS, and
PHILLIP IZON,

Respondents.

Case No. 23-01-CD

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SPECIAL HEARING

TRANSCRIPT OF PROCEEDINGS

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ATTENDANCE:

Commission: Richard Stillie, Chairperson
Suzanne Hancock, Commissioner
Lanette Blodgett, Commissioner
Dan LaSota, Commissioner

Staff: John Ptacin, Hearing Officer
Heather Hebdon, Executive Director
Thomas Lucas, CDC (Remote)
Ben Wolfe, Paralegal (Remote)

Dept. of Law: Morgan Griffin, ASA
Kate Demarest, ASA

APPEARANCES:

For the Complainant:

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1 donation; correct?

2 A. Yes. Correct.

3 Q. That was also in December of 2022?

4 A. Correct. Yes.

5 Q. Okay. So as of December through May of
6 2022, what's the total amount of donations that RCEA
7 had received from various sources, including your own
8 donation?

9 A. Um --

10 Q. I'll help you with the math --

11 A. (Indiscernible) --

12 Q. Go ahead.

13 A. Yeah. Help me with the math.

14 Q. So it's a little short of \$350,000?

15 A. That's correct.

16 Q. Okay. And as of today, do you know the
17 total amount of donations that RCEA has received?

18 A. It's close to \$700,000.

19 Q. Okay. All right.

20 Does RCEA --

21 A. I don't have the specific --

22 Q. That's okay.

23 So let me ask you this question: Does RCEA
24 have some way to trace or paint the dollars that come
25 in and out of RCEA with respect to the donors?