ALASKA PUBLIC OFFICES COMMISISON

MINUTES

REGULAR COMMISSION MEETING

February 21, 2014

A regular meeting of the Alaska Public Offices Commission came to order at 9:02 a.m. on Friday, February 21, 2014. The meeting was held at the Anchorage Office at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binder. Asterisks * indicate that no information was included in the meeting binder.

In Attendance:

Commission: Elizabeth Hickerson – Chair

Kenneth Kirk – Vice-Chair Ron King – Commissioner

Vance Sanders – Commissioner

Staff: Paul Dauphinais – Executive Director

Jerry Anderson – Assistant Director

Joan Mize – Program Coordinator II (Telephonically)

Heather Hebdon – Campaign Disclosure Coordinator, Candidates

Thomas Lucas – Campaign Disclosure Coordinator, Groups

July Lam – Financial Disclosure Coordinator

Delight Mells – Paralegal II

Tamara Douglas – Paralegal II

Maria Bulfa – Law Office Assistant II

Wynona Sampson – Law Office Assistant I, Recording Clerk

In-person Attendees:

Department of Law - Assistant Attorney General Office

Bill Milks

John Ptacin

Tram Nguyen – Legislative Auditor

Consent Agenda, Group Civil Penalty Appeals

Jacob Wilson – Staffer, Alaska Correctional Officers Assoc. PAC

Deborah Wilson – Campaign Treasurer, AK Correctional Officers Assoc. PAC

Dale Fox – Campaign Treasurer, Citizens Against New Taxes

Telephonic Attendees:

Irene Catalone – Public Observer Theda Pittman – Public Comment

Consent Agenda, POFD/LFD Civil Penalty Appeal

William Estelle – District Court Judge, POFD Civil Penalty

Advisory Opinion Request

Lesil McGuire - Senator, AO 14-03-CD

Complaint

Donna Gilbert – Respondent, 13-12-CD, Arnold v. Fairbanks Motel Leasing dba "Ranch Motel"

Tom Amodio – Respondent's Counsel, APOC v. Alan Dick, 13-08-CD

ON RECORD: 9:02 a.m.

Chair Hickerson called the meeting to order.

<u>Continuation: Consent Agenda, Public Official Financial Disclosure Civil Penalty Appeals</u> & Attorney General Office, Continuation [4]

The staff recommendations regarding the consent agenda were presented by July Lam, APOC staff.

The following item was removed from the consent agenda for the Commission to consider separately:

William Estelle 2013 Public Official Financial Disclosure

LATE REPORT: Annual Public Official Statement

MAXIMUM CIVIL PENALTY: \$2970 as filed 297 days late @\$10 a day

STAFF RECOMMENDATION: Waive the 35 days late, Reduced by 85% to \$393

Mr. William Estelle, District Court Judge, appeared telephonically and gave statement.

The Commission took the matter under advisement.

13-09-CD, Ron Arnold v. Fairbanks Motel Leasing dba "Ranch Motel", Request for Reconsideration [8]

The request for reconsideration was presented by Thomas Lucas, APOC staff. Ms. Donna Gilbert, Respondent, appeared telephonically, gave her statement and answered questions of the Commission.

Commissioner Vance moved to approve the underlying request for reconsideration. Commissioner Kirk seconded the motion.

The Commission voted 4-0 to approve the underlying request for reconsideration.

The Commission took the underlying request under advisement.

Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney General's Office [9]

The staff recommendations regarding the consent agenda were presented by Tamara Douglas, and Thomas Lucas, APOC staff. The Commission granted the request of the group called "Vote No on 1" to postpone the staff presentation until the next regular scheduled commission meeting in June 2014.

Commissioner Kirk moved to remove several items from the consent agenda to consider separately.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve to consider several items from the consent agenda separately.

The following items were removed from the consent agenda for the Commission to consider separately:

AK Correctional Officers Association PAC (Part A) 2013 Anchorage Municipal Election

LATE REPORT: 7D Anchorage Municipal Report

MAXIMUM CIVIL PENALTY: \$109,500 as filed 219 days late @\$500 a day

STAFF RECOMMENDATION: Reduced by 99% to \$1,095

Ms. Deborah Wilson, Campaign Treasurer appeared in-person, gave statement and answered questions of the Commission.

The Commission took the matter under advisement.

AK Correctional Officers Association PAC (Part B) 2013 Anchorage Municipal Election

LATE REPORT: 105D Anchorage Municipal Report

MAXIMUM CIVIL PENALTY: \$5,350 as filed 107 days late @\$50 a day

STAFF RECOMMENDATION: Waiver

Ms. Deborah Wilson, Campaign Treasurer appeared in-person, gave statement and answered questions of the Commission.

The Commission took the matter under advisement.

Alaska Fisheries Conservation Alliance 2013 Independent Expenditure Form

LATE REPORT: 15-6 Independent Expenditure Report MAXIMUM CIVIL PENALTY: \$1,100 as filed 22 days late @\$50 a day

STAFF RECOMMENDATION: Reduce by 50% to \$550

Mr. Henry Penney provided a written statement.

The Commission took the matter under advisement.

Citizens Against New Taxes 2013 Independent Expenditure Form LATE REPORT: 15-6 Independent Expenditure Report

MAXIMUM CIVIL PENALTY: \$1,850 as filed 37 days late @\$50 a day

STAFF RECOMMENDATION: Waive Civil Penalty

Mr. Dale Fox, appeared in person, gave statement and answered questions of the Commission.

The Commission took the matter under advisement.

OFF RECORD: 10:44 a.m.

Break

ON RECORD: 10:52 a.m.

Continuation: Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney

General's Office [9]

Marijuana Policy Project (Part A) 2013 Independent Expenditure Form LATE REPORT: 15-6 Independent Expenditure Report

MAXIMUM CIVIL PENALTY: \$3,150 as filed 63 days late @\$50 a day

STAFF RECOMMENDATION: Reduced by 50% to \$1,575

The Commission took the matter under advisement.

Marijuana Policy Project (Part B) 2013 Independent Expenditure Form

LATE REPORT: 15-6 Independent Expenditure Report

MAXIMUM CIVIL PENALTY: \$1,500 as filed 30 days late @\$50 a day

STAFF RECOMMENDATION: Reduced by 50% to \$750

The Commission took the matter under advisement.

McCool Carlson Green

LATE REPORT:

15-5 Statement of Contributions Report

ANNUAL MANUAL MAN

MAXIMUM CIVIL PENALTY: \$150 as filed 3 days late @\$50 a day

STAFF RECOMMENDATION: Reduced by 50% to \$75

The Commission took the matter under advisement.

The following item remained on the consent agenda.

• Yes on Prop B-1 Mat-Su Alcohol Tax

Commissioner Kirk moved to approve to the remaining item of the consent agenda. Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve the remaining item from the consent agenda.

13-08-CD, Alaska Public Offices Commission (APOC) v. Alan Dick, Consent Agreement [10]

The consent agreement was presented by Heather Hebdon, APOC staff. Mr. Tom Amodio, respondent's attorney, appeared telephonically, presented his argument and answered questions from the Commission members.

The consent agreement was entered into regarding the complaint filed by APOC Staff on September 18, 2013. APOC Staff alleges that the respondent violated various provisions of campaign disclosure law under AS 15.13. These violations are failure to disclose contributions and expenditures; forfeit prohibited contributions; maintain substantiating campaign records; failure to file notice of intent to repay personal loan; and, the use of campaign contributions for personal benefit during the 2010 and 2012 State Election.

The Commission took the matter under advisement.

Advisory Opinion Request, Lesil McGuire, AO 14-03-CD [*]

The staff draft advisory opinion was presented by Heather Hebdon, APOC staff. Senator Lesil McGuire, appeared telephonically, gave statement and answered questions of the Commission.

The Commission took the matter under advisement.

Commissioner Sanders moved to go off the public record and go into executive session to deliberate, to discuss the referrals to the attorney general's office, and consult with the Commission counsel.

Commissioner R. King seconded the motion.

The Commission voted 4-0 to approve to go off public record.

OFF RECORD: 11:28 p.m.

Deliberation/Lunch

ON RECORD: 12:20 p.m.

Executive Director Report [13]

The executive director's report was presented by Paul Dauphinais, APOC staff.

The Commission postponed the staff presentation regarding the Review Potential Regulation Revisions on Tab 6 until the next regular Commission meeting in March 12, 2014.

Commissioner Kirk moved to go off the public record and go into executive session to deliberate and consult with the Commission Counsel.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve to go off the public record.

OFF RECORD: 12:46 p.m.

Executive Session/Deliberation

The Commission did not come back to the public record after executive session.

Adjourn