

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
FEBRUARY 11, 2015

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Wednesday, February 11, 2015. The meeting was held at the Anchorage APOC 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: Kenneth Kirk – Chair
Vance Sanders – Vice Chair
Elizabeth J. Hickerson – Commissioner
Ronald King – Commissioner
Irene Catalone – Commissioner

Staff: Paul Dauphinais – Executive Director
Joan Mize – Juneau Program Coordinator*
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†
Lyndsey Andrews – Law Office Assistant I
Maria Bulfa – Recording Clerk

Department of Law: Assistant Attorney General's Office

Mary Lynn Macsalka
Bill Milks, (Telephonic)
Kevin Wakley, (Telephonic)

In-person Attendees:

Kay Brown – Self
Eugene Haberman – Self
PJ Coterom – Observer
Carl Berger – POFD Filer, former board member of Alaska Public Broadcasting Commission

* Attending via Go To Meeting, unable to speak to the Commission.

† Via Go to Meeting and in person for presentations.

Roselynn Cacy – Campaign Treasurer, Vote Yes! Repeal the Giveaway
Shalome Cederberg – Assistant, Boards and Commissions
Karen Gillis – Director, Boards and Commissions
Marcie Menefee – Executive Director, Alaska Mental Health Lands Trust Office
Randy Ruedrich – Complainant, **14-12-CD Ruedrich v. IBU Alaska Region PAC**
Nancy Wainwright – Filer, Statement of Contributions 15-5
Natasha VanImhof – Candidate, 2012 Anchorage School Board

Telephonic Attendees:

Bruce Weyhrauch – Complainant Counsel, **14-10-POFD, Garland Blanchard v. Cora Campbell**
Jerry Anderson – Ethics Committee Administrator, Legislative Affairs LEG – Select Committee Ethics

ON RECORD 9:00 a.m.

Chair Kirk called the meeting to order.

Approval of the Agenda [*]

Commissioner King moved to approve the agenda as revised.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the agenda as revised.

Approval Meeting Minutes [1]

November 19, 2014 – meeting minutes

Commissioner King moved to approve the meeting minutes as revised.

Commissioner Hickerson seconded the motion.

The Commission voted 5-0 to approve the November 19, 2014 meeting minutes as revised.

January 28, 2015 – meeting minutes

Commissioner King moved to approve the meeting minutes as revised.

Commissioner Hickerson seconded the motion.

The Commission voted 5-0 to approve the January 28, 2015 meeting minutes as revised.

COMPLAINT

14-10-POFD, Garland Blanchard v. Cora Campbell Request for Reconsideration [2]

The request for reconsideration was presented by July Lam, APOC staff.

The following individuals gave statements and answered questions of the Commission.
Bruce Weyhrauch, Complainant Counsel, Mary Lynn Macsalka, and Bill Milks Assistant Attorney General, Department of Law.

The Commission voted on the above matter:

Commission Sanders – Yes

Commissioner Kirk – No

Commissioner King – No

Commissioner Hickerson – No

Commissioner Catalone – No

The request for reconsideration is denied by the Commission by a vote of 1-4.

Emily Chalup v. Kelly Hepler Request for Reconsideration of Staff Decision [3]

The request for reconsideration was presented by July Lam, APOC staff.

Commissioner King moved to deny the request for reconsideration due to the filed request failing to meet the regulation’s requirements.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to deny the request for reconsideration.

POFD Civil Penalty Appeal [*]

Carl Berger, former board member of Alaska Public Broadcasting Commission appeared in person and requested his assessed civil penalty matter be heard during the February 11 meeting.

The Commission scheduled the matter to be heard and considered later in the afternoon at a specific time to be determined.

Appointment Information for the new APOC Commissioner from the Governor’s Office [*]

Appointment information concerning the new APOC Commissioner appointment was presented by Paul Dauphinais, APOC staff.

COMPLAINT

14-08-POFD, Benjamin Clare v. Mead Treadwell Request for Reconsideration [4]

The request for reconsideration was presented by July Lam, APOC staff.

Commissioner King moved to deny the request for reconsideration due to the filed request failing to meet the regulation’s requirements.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to deny the request for reconsideration.

Appointment Information for the new APOC Commissioner from the Governor’s Office [*]

The Commission revisited the discussion regarding the new APOC Commissioner appointed by the Governor’s Office. Mary Lynn Macsalka, Bill Milks, Kevin Wakley, Assistant Attorney General, Department of Law, and Karen Gillis, Director, Boards and Commissions, answered additional questions from the Commission.

OFF RECORD: 10:15 a.m.

Break

ON RECORD: 10:20 a.m.

Consent Agenda, POFD Civil Penalty Appeals & Referrals to Attorney General Office [5]

The staff recommendations regarding the consent agenda and referrals to Attorney General Office were presented by July Lam, APOC staff. Paul Dauphinais, Executive Director, APOC answered questions from the Commission in support of the staff recommendations.

Staff informed the Commission that Fred Parady, Deputy Commissioner of Department of Commerce, Community and Economic Development, has requested his civil penalty appeal to be heard and considered at the next Commission meeting.

Tab #9 Tony Stevens findings and order remanded to staff for penalty assessment due to delinquent report being filed.

The Commission removed the following items from the consent agenda:
#8 and #10

The Commission approved the remaining items on the consent agenda.

#1 Gina Auldridge, Executive Director, AK Work Investment Board

#2 Cynthia Franklin, ABC Board, Dept. of Commerce, Community & Edu. Development

#4 Richard Schmitz, Special Assistant to a Commissioner

Commissioner King moved to approve the staff recommendations for items #1, #2, and #4 on the consent agenda.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the staff recommendations for items #1, #2, and #4.

#5 Janessa Chinana, 2014 Candidate School Board, City of Hydaburg

#6 Sandra Peele, 2014 Candidate City Council, City of Hydaburg

#7 Dorinda Sanderson, 2014 Candidate School Board, City of Hydaburg

Commissioner King moved to approve the staff recommendations for items #5, #6, and #7 on the consent agenda.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve the staff recommendations for items #5, #6, and #7.

#11, #12, #13, #14 Paula Davis, Board, Education and Early Development

#15 April Hutchinson, Planning and Zoning Commissioner, City Wrangell

Commissioner Sanders moved to approve the staff recommendations on items #11, #12, #13, #14, and #15 on the consent agenda

**Commissioner King seconded the motion.
The Commission voted 5-0 to approve the staff recommendations on items #11, #12, #13, #14, and #15 on the consent agenda.**

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

Steven Dilts	2014 Public Official Financial Disclosure
LATE REPORT:	Candidate Public Official Statement
MAXIMUM CIVIL PENALTY:	\$1,410 as filed 141 days late @\$10 a day
STAFF RECOMMENDATION:	Referral to Attorney General Office

**Commissioner King moved to reduce penalty by 50% to \$705 and refer to the Attorney General's Office for collection.
The motion died for lack of a second.**

**Commissioner Hickerson moved to reconsider the staff recommendation for #8 at the next Commission meeting.
Commissioner Sanders seconded the motion.
The Commission voted 4-0 to reconsider the staff recommendation for #8 at the next Commission meeting, with Commissioner King abstaining.**

Natasha Peele	2014 Public Official Financial Disclosure
LATE REPORT:	Candidate Public Official Statement
MAXIMUM CIVIL PENALTY:	\$270 as filed 27 days late @\$10 a day
STAFF RECOMMENDATION:	Referrals to Attorney General Office

Natasha Peele, 2014 Candidate School Board, City of Hydaburg appeared telephonically and gave a statement.

**Commissioner Sanders moved to reduce the assessed civil penalty by 95% to \$13.50.
Commissioner King seconded the motion.
The Commission voted 5-0 to reduce the assessed civil penalty by 95% to \$13.50.**

OFF RECORD: 10:55 a.m.

Break

ON RECORD: 11:00 a.m.

ADVISORY OPINION REQUEST

AO 14-19-POFD, Marcia Menefee, Mental Health Trust Land Office [6]

The staff draft advisory opinion was presented by July Lam, APOC staff. Marcia Menefee, Executive Director, Mental Health Trust Land Office appeared in person and gave a statement.

Commissioner Sanders moved to approve the draft advisory opinion as written.

**Commissioner King seconded the motion.
The Commission voted 5-0 to approve the AO 14-19-POFD, draft advisory opinion as written.**

AO 14-20- POFD, Tiffany Sturrock, Office of the Governor [7]

The staff draft advisory opinion was presented by Paul Dauphinais, APOC staff.

**Commissioner Hickerson moved to approve the draft advisory opinion as revised.
Commissioner King seconded the motion.
The Commission voted 5-0 to approve the AO 14-20-POFD, draft advisory opinion as revised.**

Approval of FY16 Meeting Schedule [12]

The proposed FY16 meeting schedule was presented by Paul Dauphinais, APOC staff.

**Commissioner King moved to approve the proposed FY16 meeting schedule as written.
Commissioner Sanders seconded the motion.
The Commission voted 5-0 to approve the proposed FY16 meeting schedule as written.**

COMPLAINT

14-08-CD, Peter Geissel v. Harry Crawford [8]

The staff report was presented by Heather Hebdon, APOC staff. Peter Giessel, Complainant and Harry Crawford Jr., Respondent appeared telephonically, gave a statement and answered questions from the Commission.

**Commissioner Catalone moved to take the above matter under advisement.
Commissioner King seconded the motion.
The Commission voted 5-0 to approve to take the above matter under advisement.**

Review and Approval of Copying Fees [15]

The proposed copy fees were presented by Paul Dauphinais, APOC staff.

**Commissioner King moved to approve the proposed copy fees as written.
Commissioner Hickerson seconded the motion.
The Commission voted 5-0 to approve the proposed copy fees as written.**

Acknowledgement of Commissioner Hickerson's Departure from APOC[*]

On the public record the Commission acknowledges Commissioner Hickerson's departure, her 9 years of service, dedication, and hard work during her time as an APOC Commissioner. She was presented with a plaque and the Commission named the APOC Anchorage office conference room after her.

Commissioner Sanders moved to name the APOC Anchorage office conference room to The Elizabeth J. Hickerson Hearing Room.

Commissioner King seconded the motion.
The Commission voted 4-0 to approve naming the APOC Anchorage office conference room to The Elizabeth J. Hickerson Hearing Room, with Commissioner Hickerson abstaining from the vote.

OFF RECORD: 11:55 a.m.
Break/Lunch
ON RECORD: 12:30 p.m.

Commissioner Hickerson appeared telephonically for the remainder of the meeting.

Public Comment Period [*]

The following individual appeared telephonically to speak during the public comment period.

- Jerry Anderson – Ethics Committee Administrator, Legislative Affairs LEG-Select Committee Ethics

POFD Civil Penalty Appeal re Carl Berger as per his request [*]

The staff recommendation regarding the below matter was presented by July Lam, APOC staff.

Carl Berger	2014 Public Official Financial Disclosure
LATE REPORT:	Final Public Official Statement
MAXIMUM CIVIL PENALTY:	\$610 as filed 61 days late @\$10 a day
STAFF RECOMMENDATION:	Reduced by 80% to \$120

Mr. Carl Berger former board member for Alaska Public Broadcasting Commission appeared in person, gave a statement, and answered questions from the Commission.

The Commission took the above matter under advisement.

Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney General Office [11]

The staff recommendations regarding the consent agenda were presented by Tamara Douglas and Thomas Lucas, APOC staff.

Commissioner Sanders recused himself from participating on items #6, #19, and #30 because they are personal acquaintances.

Commissioner King recused himself from participating on item #31 because they are personal acquaintances.

Commissioner King moved to suspend the rules to reduce all items on the consent agenda to a maximum of \$50 unless the staff recommendation is equal to or less than \$50.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to approve a suspension of the rules on all items on the consent agenda.

The staff informed the Commission that item #10 John Gorrell and #27 Micah Shilanski Statement of Contribution 15-5 requested to be heard and considered at the next Commission meeting.

Commissioner Kirk explained the civil penalty appeal process and Nancy Wainwright item #37 requested to be taken off the consent agenda and to be heard separately at this meeting.

The Commission approved the remaining items on the consent agenda.

#1 Robert Gottstein (Reconsideration)	#13 Hinricher, Douglas & Porter LLP	#25 Rockwell Drywall, Inc.
#1 Alaska Support Industry Alliance	#14 JDJ Construction Co.	#26 Rebecca Saenz
#2 John Ashby	#15 Patricia Kandel	#28 Robin Smith
#3 Debra Berman	#16 Jeffrey Lee	#29 Spinell Homes, Inc
#4 Chilkoot Indian Association	#17 Mat-Su Republican Women's Club	#30 Anselm Staack
#5 Paula Colescott	#18 McKinley Services	#31 Robert Storer
#6 Erick Cordero- Giorgana	#19 Max Mertz	#32 The Woodway
#7 Jane Cuddy	#20 MNPCO-1 LLC	#33 Tina Tomsen
#8 Arthur Davidson	#21 Karl Monetti	#34 Thomas Tougas
#9 Stephen Ellis	#22 Richard Pertz	#35 Terry Turner
#11 Sandra Gottstein,	#23 Plumbers & Pipefitters Local 375	#36 Usibelli Coal Mine, Inc.
#12 Jack Hickel	#24 Putting Alaska First Committee	#38 Newell Walther
		#39 David Wight
		#40 Brian Worthington

Commissioner Sanders moved to approve the staff recommendations based on the new rules for the remaining items on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to approve the staff recommendations based on the new rule the remaining items on the consent agenda; Commissioner Sanders abstaining from voting on matters 6, 19, and 30; Commissioner King abstaining from voting on matter 31.

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

Nancy Wainwright

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

2014 State Election

Statement of Contribution 15-5 Report

\$5,300 as filed 106 days late @\$50 a day

Reduced by 90% to \$500

Nancy Wainwright, filer, appeared in person, gave a statement and answered questions from the Commission.

The Commission took the above matter under advisement

OFF RECORD: 2:05 p.m.

Break

ON RECORD: 2:10 p.m.

COMPLAINT

14-12-CD, Randy Ruedrich v. Inlandboatman's Union[10]

The staff report was presented by Thomas Lucas, APOC staff. Randy Ruedrich, Complainant, Terri Mast, Secretary-Treasurer, InlandBoatman's Union, and Dmitri Iglitzin, Respondent Attorney, Schwerin Barnard Iglitzin & Lavitt LLP, gave statements and answered questions from the Commission.

The Commission took the above matter under advisement.

Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General Office [11]

The staff recommendations regarding the consent agenda were presented by Delight Mells, APOC staff.

Commissioner Sanders recused himself from participating on item #4 Debbie White because they are personal acquaintances.

The Commission approved remaining items on the consent agenda.

#1 Shauna Thornton

#2 Merrill Sanford

#3 Natasha Von Imhof

Commissioner King moved to approve the staff recommendations on items #1, #2, and #3 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to approve the item #1, #2, and #3 on the consent agenda.

#4 Debbie White

Commissioner King moved to approve the staff recommendation on item #4 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 4-0 to approve the item #4 on the consent agenda;

Commissioner Sanders abstaining.

#5 Syllas Highfield

#6 Felix Rivera

#7 Robert Shields

Commissioner King moved to approve the staff recommendations on items #5, #6 and #7 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to approve the staff recommendations on items #5, #6, and #7 on the consent agenda.

Executive Director Report [14]

The Executive Director Report was presented by Paul Dauphinais, APOC staff.

OFF RECORD: 3:10 p.m.

Break

ON RECORD: 3:20 p.m.

Public Comment Period [*]

The Commission re-opened the public comment period from 3:20 p.m. to 3:30 p.m. The following individual appeared in person to speak during the public comment period.

- Ms. Roselynn Cacy – Treasurer for Vote Yes! Repeal the Giveaway

DELIBERATIONS

Chair Kirk said he would entertain a motion for the Commission to go into deliberation to deliberate on pending matters. The Commission did so without objection.

OFF RECORD: 3:30 p.m.

Executive Session/Deliberation

ON RECORD: 4:00 p.m.

The Commission came back to the public record to adjourn.

Commissioner King moved to adjourn.

Commissioner Sanders seconded the motion.

The Commission voted 5-0 to adjourn.

OFF RECORD: 4:05 p.m.