

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
APRIL 19, 2019

A regular meeting of the Alaska Public Offices Commission (APOC) came to order at 10:00 am on April 19, 2019. The meeting was held in the Elizabeth J. Hickerson Hearing Room 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-Person Attendance:

Commission: Anne Helzer, Chair
Robert Clift, Vice Chair
Suzanne Hancock, Commissioner

Staff: Heather Hebdon, Executive Director
Thomas Lucas, Campaign Disclosure Coordinator
Madeline Scholl, Paralegal I
Michael Schwahn, Paralegal I
Meagan MacDonald, Law Office Assistant II

Dept. of Law: Maria Bahr, Assistant Attorney General
Mary Lynn Macsalka, Assistant Attorney General
Kimber Rodgers, Assistant Attorney General

Attendees: Eugene Haberman, Observer
Mara Kimmel, Observer

Candidate CPAs and Referrals

Starr Marsett
Ethan Berkowitz
Scott Kendall, Counsel for Ethan Berkowitz
David Darden

POFD CPAs and Referrals

Ron Stafford

Telephonic Attendance:

Commission: Rick Stillie, Commissioner

Staff: Heather Dalberg, Paralegal II

Attendees: **Lobbying CPAs and Referrals**
Christopher Makinster

In Re: Citizens for Clean Air – No on Proposition 1 and In Re: Not Tammie

Michael Walleri, Counsel for Respondents
Ted Davis, witness for Respondents
Sharon Alden, witness for Respondents
Greg Egan, witness for Respondents
Joan Franz, witness for Respondents
Patricia Lee, witness for Respondents
Sean McGuire, witness for Respondents

ON RECORD 10:00 A.M.

Chair Helzer took a roll call of the Commissioners present and called the meeting to order.

Approval of the Agenda [*]

Commissioner Clift moved to approve agenda as written.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to approve the agenda as written

Approval of Meeting Minutes [1]

January 24, 2019

January 25, 2019

Commissioner Hancock moved to approve the meeting minutes as written.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to approve the meeting minutes as written.

Consent Agenda, Candidate Civil Penalty Appeals and Referrals [2]

The staff recommendations were presented by Michael Schwahn, APOC staff.

At the request of the filers, items 1 and 3 were removed from the consent agenda to be considered individually by the Commission.

At the request of APOC staff, item 4 was removed from the consent agenda because the penalty was paid and the matter resolved.

Commissioner Clift moved to approve items 2 and 5 on the consent agenda for candidate civil penalty appeals and item 1 on the consent agenda for candidate civil penalty referrals.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to approve items 2 and 5 on the consent agenda for candidate civil penalty appeals and item 1 on the consent agenda for candidate civil penalty referrals.

Mayor Ethan Berkowitz

LATE REPORT:	24-Hour Campaign Disclosure Report
MAXIMUM CIVIL PENALTY:	\$54,500
STAFF ASSESSED PENALTY:	\$1,750
STAFF RECOMMENDATION:	Uphold Penalty

Scott Kendall, counsel for Respondent, gave a brief statement and answered questions of the Commission.

Commissioner Clift moved to take item 1 under advisement.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to take item 1 under advisement.

Starr Marsett

LATE REPORTS:	2016 Future Campaign Account Report 2017 Future Campaign Account Report
MAXIMUM CIVIL PENALTY:	\$49,350
STAFF ASSESSED PENALTY:	\$12,287.50
STAFF RECOMMENDATION:	99% Reduction to \$122.88

Starr Marsett gave a brief statement to the Commission.

Commissioner Clift moved to resolve item 3.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to resolve item 3.

The Commission clarified its motion to resolve item 3 to mean that it moved to approve staff's recommendation.

The Commission voted 4-0 to approve staff's recommendation.

Consent Agenda, Group Civil Penalty Appeals [3]

The staff recommendations were presented by Thomas Lucas, APOC Staff.

At the request of APOC staff, item 2 was removed from the consent agenda because the penalty was paid and the matter resolved.

Commissioner Clift moved to remove item 2 from the consent agenda for Group civil penalty appeals.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to remove item 2 from the consent agenda for Group civil penalty appeals.

Commissioner Stillie moved to approve items 1, 3, 4, and 5 from the consent agenda for Group civil penalty appeals.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to approve items 1, 3, 4, and 5 from the consent agenda for Group civil penalty appeals.

Consent Agenda, POFD/LFD Civil Penalty Appeals [4]

The staff recommendations were presented by Madeline Scholl, APOC staff.

At the request of the filer, item 14 was removed from the consent agenda.

Commissioner Clift moved to approve items 1-13 from the consent agenda for the POFD/LFD civil penalty appeals.

Commissioner Stillie seconded the motion.

The Commission voted 4-0 to approve items 1-13 from the consent agenda for the POFD/LFD civil penalty appeals.

Ron Stafford

LATE REPORT:	Candidate POFD Statement
MAXIMUM CIVIL PENALTY:	\$360
STAFF ASSESSED PENALTY:	\$180
STAFF RECOMMENDATION:	50% Reduction to \$90

Ron Stafford gave a brief statement to the Commission.

Commissioner Clift moved to take item 14 under advisement.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to take item 14 under advisement.

Consent Agenda, POFD/LFD Civil Penalty Referrals [4]

The staff's proposed findings and orders were presented by Madeline Scholl, APOC staff.

At the request of APOC staff, items 17 and 18 were removed from the consent agenda because the penalties were paid and the matters resolved. Additionally, APOC staff requested that item 22 be removed, because the POFD had been filed.

Commissioner Stillie moved to remove items 17 and 18 from the consent agenda for the POFD/LFD civil penalty referrals.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to remove items 17 and 18 from the consent agenda for the POFD/LFD civil penalty referrals.

Commissioner Clift moved to remove item 22 from the consent agenda for the POFD/LFD civil penalty referrals.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to remove item 22 from the consent agenda for the POFD/LFD civil penalty referrals.

Commissioner Hancock moved to approve items 15, 16, 19-21, and 23 from the consent agenda for the POFD/LFD civil penalty referrals.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to approve items 15, 16, 19-21, and 23 on the consent agenda for the POFD/LFD civil penalty referrals.

Consent Agenda, Lobbying Civil Penalty Appeals and Referrals [5]

The staff recommendations were presented by Heather Dalberg, APOC staff.

At the request of APOC staff, items 1 and 3 from the lobbying civil penalty referrals were removed because the penalties were paid and the matters were resolved.

Commissioner Clift moved to remove items 1 and 3 from the consent agenda for lobbying civil penalty referrals.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to remove items 1 and 3 from the consent agenda for lobbying civil penalty referrals.

Commissioner Stillie moved to approve item 1 from the consent agenda for lobbying civil penalty appeals and item number 2 from the consent agenda for lobbying civil penalty referrals.

Commissioner Clift seconded the motions.

The Commission voted 4-0 to approve item 1 from the consent agenda for lobbying civil penalty appeals and item number 2 from the consent agenda for lobbying civil penalty referrals.

OFF RECORD 11:08 A.M.

RECESS

ON RECORD 11:15 A.M.

AO 18-06-LOB, Jamie Donley [6]

The draft opinion was presented by Heather Dalberg, APOC staff.

Commissioner Clift moved to take the matter under advisement.

Commissioner Hancock seconded the matter.

The Commission voted 4-0 to take the matter under advisement.

Public Comment [*]

Eugene Haberman and David Darden appeared in-person to speak during the public comment period.

OFF RECORD 12:01 P.M.

LUNCH

ON RECORD 1:04 P.M.

AO 19-01-CD, City of Cordova [7]

The draft opinion was presented by Heather Hebdon, APOC staff.

**Commissioner Clift moved to approve the draft advisory opinion
Commissioner Hancock seconded
The Commission voted 4-0 to approve the draft advisory opinion.**

Consent Agenda, Candidate Civil Penalty Appeals [2]

In response to David Darden's public comments regarding his civil penalty, Commissioner Hancock moved to reconsider the motion to approve items 2 and 5 on the consent agenda for the candidate civil penalty appeals and item 1 on the consent agenda for the candidate civil penalty referrals.

Commissioner Clift seconded the motion.

The Commission voted 4-0 to reconsider the motion approving items 2 and 5 on the consent agenda for the candidate civil penalty appeals and item 1 on the consent agenda for the candidate civil penalty referrals.

Commissioner Clift moved to amend the motion to approve items 2 and 5 from the consent agenda for the candidate civil penalty appeals and item 1 from the consent agenda for the candidate civil penalty referrals.

Commissioner Helzer seconded the motion.

The Commission voted 4-0 to amend the motion to approve items 2 and 5 from the consent agenda for the candidate civil penalty appeals and item 1 from the consent agenda for the candidate civil penalty referrals.

Commissioner Clift moved to approve item 5 from the consent agenda for the candidate civil penalty appeals and item 1 from the consent agenda for the candidate civil penalty referrals.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to approve item 5 from the consent agenda for the candidate civil penalty appeals and item 1 from the consent agenda for the candidate civil penalty referrals.

Commissioner Clift moved to consider item 2 from the consent agenda for the candidate civil penalty appeals at the next regularly scheduled meeting of the Commission.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to consider item 2 from the consent agenda for the candidate civil penalty appeals at the next regularly scheduled meeting of the Commission.

AO 19-02-CD, Bristol Bay Regional Seafood Development Association [8]

The draft opinion was presented by Heather Hebdon, APOC staff.

Commissioner Clift moved to approve the draft advisory opinion.

Commissioner Hancock seconded the motion.

The Commission voted 3-1 and lacking 4 affirmative votes, failed to approve the draft advisory opinion.

Commissioner Clift moved to take the matter under advisement.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to take the matter under advisement.

OFF RECORD 1:41 P.M.

RECESS

ON RECORD 1:44 P.M.

AO 19-03-CD, Alaska CHARR [9]

The draft opinion was presented by Heather Hebdon, APOC staff.

Commissioner Clift moved to approve the draft advisory opinion.

Commissioner Hancock seconded the motion.

The Commission voted 3-1 and lacking 4 affirmative votes, failed to approve the draft advisory opinion.

Commissioner Clift moved to take the matter under advisement.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to take the matter under advisement.

Executive Director's Report [10]

The Executive Director's Report was presented by Heather Hebdon, APOC staff.

In Re: Citizens for Clean Air – No on Proposition 1 and In Re: Not Tammie [11 and 12]

Respondents' preliminary requests for a change in hearing location and for appointment of a hearing officer were considered first in these matters. Michael Walleri, counsel for Respondents, appeared by telephone. Mary Lynn Macsalka, counsel for APOC staff, gave a statement against Respondents' Request for Change in Hearing Location and Request for Appointment of Hearing Officer and answered questions of the Commission. Mr. Walleri gave a statement in support of

Request for Change in Hearing Location and Request for Appointment of Hearing Officer and answered questions of the Commission. The parties agreed that the Respondents' Request for Additional Time to Respond to Staff Recommendation/Decision and Request for Telephonic Participation were moot.

Commissioner Clift moved to deny Request for Change in Hearing Location and Request for Appointment of Hearing Officer.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to deny Request for Change in Hearing Location and Request for Appointment of Hearing Officer.

In Re: Citizens for Clean Air – No on Proposition 1 [11]

The staff recommendation was presented by Thomas Lucas, APOC staff. Michael Walleri, counsel for Respondent, appeared by telephone, gave a statement, and answered questions of the Commission.

OFF RECORD 2:28 P.M.

RECESS

ON RECORD 2:35 P.M.

In Re: Not Tammie [12]

The staff recommendation was presented by Thomas Lucas, APOC staff. Michael Walleri, counsel for Respondent, appeared by telephone, gave a statement, asked questions of his witnesses, and answered questions of the Commission.

OFF RECORD 3:20 P.M.

EXECUTIVE SESSION

ON RECORD 3:39 P.M.

Ted Davis, Sharon Alden, Greg Egan, Joan Franz, Patricia Lee, and Sean McGuire appeared telephonically, and each gave a brief statement on behalf of Citizens for Clean Air – No on Proposition 1 and Not Tammie.

Commissioner Clift moved to take In Re: Citizens for Clean Air – No on Proposition 1 and In Re: Not Tammie under advisement.

Commissioner Hancock seconded the motion.

The Commission voted 4-0 to take In Re: Citizens for Clean Air – No on Proposition 1 and In Re: Not Tammie under advisement.

OFF RECORD 4:22 P.M.

EXECUTIVE SESSION

ADJOURNED