

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
JUNE 11-13, 2008

A regular meeting of the Alaska Public Offices Commission came to order at 9:07 a.m. on Thursday, June 12, 2008. The meeting was held at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number that includes information in meeting binders. Asterisk * indicates no information was included in the meeting packets.

In Attendance:

COMMISSION: Roger Holl - Chair
Elizabeth Hickerson - Vice Chair
Shirley Dean - Commissioner
Kathleen Frederick - Commissioner, (9:15 a.m.)
Kathleen (Kate) Ballenger - Commissioner

Staff: Holly R. Hill - Executive Director
Chris Ellingson - Assistant Executive Director
Jeff Berliner - APOC Investigator
Vullnet Grevu - Group Coordinator
Kim Wilson - Candidate Coordinator
Brenda (Joan) Mize – Admin. Clerk, Juneau office
Maria Bulfa - Recording Secretary

Attendees: William Milks, Assistant Atty. Gen., Dept. of Law (Juneau)
Jodi Irvine, Agent Representative (*Teleconference*)

ON RECORD 9:07 a.m.

Chair Holl introduced himself and the commission members present.

Request to Reduce or Waive Civil Penalty Assessments for Late Employer of Lobbyist Reports [12]

Ms. Ellingson presented the staff reports and recommendations prepared by Ms. Ware.

ALASKA NATIVE HEALTH BOARD

LATE REPORT	2007 3 rd quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$1,120. Filed 112 days late at \$10/day
STAFF RECOMMENDATION:	Reduce the civil penalty

Agency transition and staff turnover resulting in lack of notice reaching the employer. Employer of Lobbyist made a good faith effort to file the missing report within a few days of oral notice to new staff member.

Commissioner Hickerson moved to assess the civil penalty in full.

Commissioner Ballenger seconded the motion.

The motion passed 5-0

AGENET

LATE REPORT	2007 3 rd quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$480. Filed 48 days late at \$10/day
STAFF RECOMMENDATION:	Waive civil penalty

Agenet is comprised of a variety of service providers with multiple responsibilities. Preparing lobbyist reports is not a primary part of any member's job, so the reporting was unintentionally missed.

Commissioner Frederick moved to assess a \$480 penalty rather than a 50% reduction.

The motion was seconded by Commissioner Hickerson for the purposes of discussion.

During the discussion, it was pointed out that Agenet has a near perfect reporting history and that the late report was a zero report.

Commissioner Frederick amended her motion to reflect the discussion and assess a 50% penalty.

Commissioner Hickerson seconded and accepted the amended motion.

The amended motion passed 5-0

ALASKA RESTAURANT & BEVERAGE ASSOCIATION

LATE REPORT	2007 4 th quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$350. Filed 35 days late at \$10/day
STAFF RECOMMENDATION:	Waive civil penalty

Alaska Restaurant & Beverage Association had major financial challenges resulting in the loss of all staff in late 2007. The board has obtained a volunteer to file reports during the transition, and this late report was filed immediately after the notice was received.

Commissioner Hickerson made a motion to reduce the civil penalty by 50% based on the respondent's excellent reporting history and because it was a zero report showing no activity.

Commissioner Frederick seconded the motion.

The motion passed 5-0

ALASKA SOCIETY OF CPAs

LATE REPORT	2007 3 rd quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$480. Filed 48 days late at \$10/day.
STAFF RECOMMENDATION:	Waive civil penalty

Affiant states the report was faxed on time, but she has no fax transmission report as proof. She called APOC on 12/18/07 after receiving the delinquency notice and immediately re-faxed the missing report, phoning to obtain confirmation of receipt.

Commissioner Hickerson moved to waive the civil penalty based on good faith effort and reporting history.

Commissioner Ballenger seconded the motion.

The motion passed 5-0

ALASKA SPINE INSTITUTE

LATE REPORT	2007 3 rd quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$480. Filed 48 days late at \$10/day.
STAFF RECOMMENDATION:	Reduce total civil penalty to \$150

Affiant states she didn't realize she was required to file reports during periods of inactivity with no payment to her lobbyist.

Commissioner Hickerson made a motion to assess the full penalty of \$480, due to a poor reporting history.

Commissioner Frederick seconded the motion.

The motion passed 5-0

OFF RECORD 10:20 a.m.

BREAK

ON RECORD 10:30 a.m.

Hancock v. Marquardt, 07-02-CD

Commissioner Dean recused herself from participation stating that it could be perceived as a conflict of interest.

The commission held a hearing on the above matter.

The commission found that Mayor Marquardt violated AS 15.13.145(a) and AS 15.13.072(a)(1) by using her city of Unalaska work computer to distribute campaign information by e-mail. In addition, the commission found that Mayor Marquardt received a prohibited contribution by using her employer's equipment to make election related flyers; her employer is a corporation.

Unanimous decision.

OFF RECORD 11:50 A.M.

BREAK

ON RECORD 12:07 P.M.

The commission moved into the penalty phase of the hearing in the above captioned matter.

For violating AS 15.13.145(a), the commission assessed a civil penalty of \$50. For violating AS 15.13.072(a), the commission assessed a civil penalty of \$100. Total: \$150.

OFF RECORD 2:00 P.M

LUNCH

ON RECORD 2:30 P.M

ALASKA TRUSTEE LLC

LATE REPORT

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

2007 3rd quarter employer of lobbyist report

\$490. Filed 49 days late at \$10/day

Reduce total civil penalty of \$490 to minimum penalty of \$25

Alaska Trustee is a first year filer and filed three of its four quarterly reports on time. Affiant states APOC e-mailed a blank report for her to fill in but during the 3rd quarter she received the lobbyist report instead of the employer report. She states that she left a message requesting an employer report but never received it.

Commissioner Hickerson moved to support the 50% reduction due to staff error.

Commissioner Frederick seconded the motion.

The motion passed 5-0

AURORA DIAGNOSTIC IMAGING LLC

LATE REPORT	2007 3 rd quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$500. Filed 50 days late at \$10/day
STAFF RECOMMENDATION:	Reduce total civil penalty of \$500 to minimum penalty of \$25

Affiant states he was unaware that lobbyist Paul Fuhs was lobbying on its behalf during the 3rd quarter. Affiant wasn't aware of the reporting requirement until he received the delinquency notice from APOC.

Commissioner Frederick made a motion to reduce the fine by 50%.

Commissioner Hickerson seconded the motion.

The motion passed 5-0

Aldridge v. Marquardt, 08-05-CD [24]

Commissioner Dean recused herself from participation stating that it could be perceived as a conflict of interest.

The commission held a hearing on the above matter. The commission found that Mayor Marquardt did not violate AS 15.13.145(a) in this instance because even though the e-mail was sent from the city of Unalaska computer, the message was personal.

The Commission dismissed this complaint.

Unanimous decision

OFF RECORD 3:49 P.M.

5 minute break

ON RECORD 3:54 P.M.

Administrative Classification of Dedicated Raffle Funds as a Contribution [17]

Jim Wilkson and Sean Halloran, attorneys at Hartig Rhodes Hoge & Lekisch, P.C., gave an oral presentation on contributions received by groups.

Assistant Attorney General Tom Dosik gave his argument and presented his research into this request, concluding that no changes be made to existing laws and regulations.

Commissioner Hickerson moved to adopt the memorandum dated May 29, 2008 provided by the Dept. of Law with the attached June 3, 1997 Advisory Opinion.

Commissioner Dean seconded the motion.

The motion passed 5-0

Commissioner Hickerson moved to go into executive session to get advice from counsel on pending litigation and to discuss personnel matters.

Commissioner Dean seconded the motion.

The motion passed 5-0

**OFF RECORD 4:56 p.m.
EXECUTIVE SESSION
ON RECORD 6:10 p.m.**

Commissioner Dean moved to adjourn until June 13, 2008.

Commissioner Frederick seconded the motion.

The motion passed 5-0

OFF RECORD 6:11 p.m.