

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
SEPTEMBER 24-26, 2008

A regular meeting of the Alaska Public Offices Commission came to order at 9:15 a.m. on Friday, September 26, 2008. The meeting convened at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binders.

Asterisk \* indicates no information was included in the meeting binders.

**In Attendance:**

**COMMISSION:** Elizabeth Hickerson - Chair  
Kathleen Frederick – Vice Chair, (9:40) & (12:45)  
Roger Holl – Commissioner (teleconference 10:00 -11:36)  
Shirley Dean – Commissioner  
Kathleen (Kate) Ballenger – Commissioner

**STAFF:** Holly R. Hill – Executive Director  
Chris Ellingson – Assistant Director  
Patty Ware – Project Coordinator Juneau Office  
Kim Wilson – Candidate Coordinator  
Vullnet Greva – Group Coordinator  
Maria Bulfa – Recording Secretary  
Wynona Sampson – Recording Secretary (In Training)

**ATTENDEES:** Kevin Brooks – Deputy Commissioner, Dept. of Administration  
Anand Dubey – Director, Enterprise Technology Services, DOA  
Monica Koethke – Project Manager, ETS  
Rachel Witty – Assistant Attorney General  
William Milks – Assistant Attorney General  
Tom Dosik – Assistant Attorney General  
Dan Coffey – Witness (by teleconference)  
Eric Swanson – Director, Administrative Services, DOA  
Barbara Reid – Manager, Administrative Services, DOA  
Tanya Brown – Public (by teleconference)  
Scott Taylor – Attorney for Mark Begich  
Casey Reynolds – Representing McHugh Pierre

**ON RECORD 9:15 a.m.**

Chair Hickerson introduced herself and the commission members present.

## **Insight Project [16]**

Chair Hickerson asked Ms. Hill to introduce Department of Administration and Enterprise Technology Services staff members who were present in person and telephonically.

Ms. Koethke, ETS Project Manager, presented the ongoing Lobbying Insight project.

**Commissioner Frederick arrived at 9:40 a.m.**

**Commissioner Dean made a motion to go into executive session to discuss the Insight Computer Project update on the grounds that it could affect the state's finances. The following staff members were requested to attend: Holly Hill, APOC Executive Director; Chris Ellingson, APOC Assistant Director; Patty Ware, APOC Project Coordinator, Juneau Office; Kevin Brooks, DOA Deputy Commissioner; Anand Dubey, ETS Director; Monica Koethke, ETS Project Manager; and Rachel Witty, Assistant Attorney General.**

**OFF RECORD 9:45 a.m.**

**Executive session**

**ON RECORD 10:10 a.m.**

The commission came out of executive session and announced they were ready to consider a motion on the Insight project. Chair Hickerson announced that **08-12-CD, Alaska Wildlife Alliance v Game Board** would be heard at 10:30 a.m.

**Commissioner Ballenger moved to give Executive Director Holly Hill authority to sign off on the Insight Charter.**

**Commissioner Dean seconded the motion.**

**During the discussion, the Commission decided to give Holly Hill the authority to represent the agency and, with staff, conduct the day-to-day work to see that the project is on schedule. The commission said it was the director's responsibility to notify the commission immediately of any problems.**

**The motion passed 4-0**

## **Executive Director Report [17]**

Ms. Hill, Executive Director, and Kevin Brooks, DOA Deputy Commissioner, presented the draft FY10 budget.

Chair Hickerson expressed concern that the commission needs legal support from the Department of Law and would like to use an RSA (Reimbursable Services Agreement).

**Commissioner Dean moved to amend the FY10 budget to include funding for 1/2 of an attorney position with the Department of Law, paid by an RSA.**

**Commissioner Frederick seconded the motion.**

Deputy Commissioner Brooks said the Department of Law has published rates to hire an attorney, which range from \$150,000 including benefits for a full-time attorney.

**The motion passed 4-0.**

**Eric Swanson, DOA Director of Administrative Services, participated telephonically to discuss state office space leasing procedures.**

**Barbara Reid, DOA Administrative Services Manager, participated telephonically to discuss commissioner per diem and honorariums.**

**Chair Hickerson told Deputy Commissioner Brooks that the commission has concerns about commissioner travel.**

**Chair Hickerson asked commission members to review their travel for commission meetings and forward the information to Ms. Reid.**

**Commissioners Dean, Frederick, and Ballenger shared their travel incidents to DOA staff.**

**The Executive Director presented a memo regarding the proposed increase in commissioner per diem from \$50 per day to \$250 per day.**

**Commissioner Holl moved to raise the honorarium for the APOC commissioners to \$250 a day.**

**Commissioner Ballenger seconded the motion.**

**Commissioner Holl amended his motion to raise the honorarium for APOC commission members from \$250 to \$300 a day.**

**Commissioner Ballenger accepted the amended motion.**

**Commissioners expressed concerns about the amount of responsibility and duties required of the commission as the reason they are asking to increase the honorarium from \$50 to \$300.**

**The motion passed 5-0.**

**The commission agreed to take a 5-minute break. Commissioner Frederick was excused for personal business. The commission went into deliberation.**

**OFF RECORD 11:36 a.m.**  
**Adjudicatory discussion**  
**ON RECORD 12:00 p.m.**

**AK Wildlife Alliance v Game Board 08-12-CD [15]**

Chair Hickerson, Commissioners Holl and Ballenger were present during the deliberation on the Motion for Reconsideration in the matter, AK Wildlife Alliance v Game Board, 08-12-CD. The complainant's request for reconsideration was denied by the commission. The commission felt that they had properly interpreted the sections in question. A denial order was to be issued based on this decision.

**Approval of August meeting minutes [1]**

**Commissioner Ballenger moved to approve the revised August 6, 2008 commission meeting minutes.**

**Commissioner Dean seconded the motion.**

**The motion passed 4-0**

**Continuation of Advisory Opinion Requests [2]**

**After meeting with Assistant Attorney General Jan DeYoung and BP Senior Attorney Chris Wyatt, Ms. Ware presented the changes to the advisory opinion request AO 08-06-LOB BP.**

**OFF RECORD 12:03 p.m.**  
**Lunch**  
**ON RECORD 12:38 p.m.**

**Chair Hickerson entertained a motion to go into executive session to consult with the commission attorney.**

**Commissioner Frederick arrived at 12:45 p.m.**

**OFF RECORD 12:50 p.m.**  
**Executive session**  
**ON RECORD 1:00 p.m.**

**The commission came out of executive session. Commissioner Ballenger moved to accept the proposed advisory opinion AO-08-06-LOB, on reporting requirements for employers of lobbyists and their employees who perform duties in support of lobbying but who are not registered as lobbyists AO 08-06-LOB as presented.**

**Commissioner Dean seconded the motion.**

**The motion passed 4-0.**

**APOC v Traini, 08-07-CD [19]**

APOC Investigator Jeff Berliner presented the staff report. Respondent Dick Traini gave oral testimony in support of his case. Chair Hickerson, Commissioners Frederick, Dean and Ballenger were present during the deliberation on the matter APOC v Traini, 0807-CD.

**OFF RECORD 2:05 p.m.**

**Consultation with the commission attorney**

**ON RECORD 2:10 p.m.**

**Pierre v Begich, 08-11-POFD [20]**

Assistant Attorney General Thomas Dosik presented the staff report.

**OFF RECORD 2:26 p.m.**

**Break**

**ON RECORD 2:36 p.m.**

After hearings on the two cases, the commission went into executive session to deliberate.

**OFF RECORD 2:50 p.m.**

**Deliberation**

**ON RECORD 4:49 p.m.**

**The commission came out of executive session and announced its findings on Case No. 08-11-POFD (A).**

The commission found that Respondent Mark Begich violated AS 39.50.030 by failing to disclose items in a timely manner. The commission agreed to adopt staff's recommendation to impose a \$1,420 civil penalty. An order was to be issued based on this decision.

**Unanimous decision**

**Dick Traini v APOC, 08-07-CD**

The commission held a hearing on the above matter. The commission announced that it would consult with its attorney to issue an order based on its decision at the September 26, 2008 hearing.

Commissioner Ballenger moved to adjourn.

**OFF RECORD 5:05 p.m.**