

**ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
JUNE 10, 2010**

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. Thursday, June 10, 2010. The meeting was held 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.

Asterisks * indicate that no information was included in the meeting binders.

In Attendance:

COMMISSION: Elizabeth Hickerson – Chair
Kathleen Frederick – Vice Chair (Arrived at 9:10 a.m.)
Shirley Dean – Commissioner
Kathleen (Kate) Ballenger – Commissioner
Kathleen King – Commissioner

Staff: Holly R. Hill – Executive Director
Jerry Anderson – Assistant Director
Jason Brandeis – Associate Attorney II
Vullnet Greva – Paralegal II
Heather Hebdon – Paralegal I
Patty Ware – Project Coordinator Juneau Office (Telephonically)
Joan Mize – Paralegal I Juneau Office (Telephonically)
Maria Bulfa – Recording Secretary

Attendees: Rachael Petro – Deputy Commissioner, Dept. of Administration
John Ptacin – Assistant Attorney General, Dept. of Law
(Telephonically)
Anand Dubey – Director, Enterprise Technology Services, Dept. of Administration
Cheryl Lowenstein- Director, Admin. Services, Dept. of Administration (Telephonically)
Joel Hall – Advisory Opinion Request, AO-10-04-CD
Virginia Rusch- Contract Regulations Attorney

ON RECORD 9:00 a.m.

Chair Hickerson called the meeting to order.

Approve Agenda [*]

Commissioner Dean made a motion to move *Election of Officers* after the executive session. The Commission approved the agenda as revised.

Approval of Minutes [*]

The Commission approved the February 24-26, March 5, April 8 13 & 26, May 13-14, 2010 meeting minutes as revised.

Executive Director Report [2]

Mr. Anderson presented the Executive Director Report.

Ms. Ware and Ms. Robinson gave the Commission an update on issues in the Juneau and Anchorage offices.

Mr. Dubey and Ms. Petro appeared in-person. They presented the status of the Insight Project and answered questions from the Commission regarding the project.

OFF RECORD 10:02 a.m.

Break

ON RECORD 10:15 a.m.

Advisory Opinion Request, AO 10-08-10 CD, Denton Dt. II Democrats [4]

Mr. Greva presented the Advisory Opinion request from the Democratic Party and staffs recommendation on advisory opinion 10-08-CD.

Assistant Attorney General John Ptacin and Associate Attorney II Jason Brandeis appeared in-person to answer questions from the Commission regarding the opinion request and staff's proposed answer.

Commissioner Dean moved to adopt the staff recommendation on Advisory Opinion 10-08-CD filed by the Alaska Democratic Party.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

Advisory Opinion Request, AO 10-03-CD, Representative Neal Foster [5]

Mr. Greva presented the Advisory Opinion request from Representative Neal Foster and staffs recommendation on advisory opinion 10-03-CD.

Assistant Attorney General John Ptacin and Associate Attorney II Jason Brandeis appeared in-person to answer questions from the Commission regarding the opinion request and staff's proposed answer.

Commissioner Ballenger moved to adopt staff recommendation as revised.

Commissioner King seconded the motion.

The Commission voted 5-0 in favor of the motion.

Advisory Opinion Request, AO 10-04-CD Hall [3]

Mr. Brandeis presented the Advisory Opinion request from Joelle Hall and staffs recommendation on advisory opinion 10-04-CD.

Ms. Joelle Hall appeared in-person in support of her advisory opinion request.

Assistant Attorney General John Ptacin and Associate Attorney Jason Brandeis appeared in-person to answer questions from the Commission regarding the opinion request and staff's proposed answer.

Commissioner Dean made a motion to adopt the staff recommendation on the Advisory Opinion filed by Joelle Hall with the Commission's revisions.

Commissioner Frederick seconded the motion.

The Commission voted 5-0 in favor of the motion.

Update on legislative matters affecting APOC [*]

Ms. Ware presented an update on SB 284, HB 36 and other general legislative matters that affected APOC during this year's legislative session.

Request to Reduce or Waive Civil Penalty Assessments for Group Campaign Disclosure Report [6]

RESPONDENT:	ALASKANS FOR PARENTAL RIGHTS
STATUS:	Group
LATE REPORT:	2010 Year-end Report
MAXIMUM CIVIL PENALTY:	\$350.00
STAFF RECOMMENDATION:	Waiver of the civil penalty due to unique circumstances

Commissioner Dean made a motion to accept staff recommendation of 100% waiver.

Commissioner King seconded the motion.

The Commission voted 5-0 in favor of the motion.

Consent Agenda, Request to Reduce or Waive Civil Penalty Assessments for Late Lobbyist or Employer of Lobbyist Report [7]

The following Lobbyists or Employers of Lobbyists were included in the consent agenda process, at the direction of the Commission.

- **Alaska Society of CPA's**
- **City of Cordova**
- **City of King Cove**
- **Horizon Lines**
- **TDX Power Inc.**
- **Floyd Kookesh**
- **Cynthia Laubacher**

Commissioner Ballenger made a motion to accept the staff recommendation on civil penalties for those filers remaining on the consent agenda.

Commissioner Frederick seconded the motion.

The Commission voted 5-0 in favor of the motion.

The Commission removed the following Lobbyists or Employers of Lobbyists from the consent agenda:

RESPONDENT:	American Insurance Association
STATUS:	Employer of Lobbyist, Retained by Jerry Reinwand
LATE REPORT:	2009- 4 th Quarter Report, 9 days Late \$90 2010- 1 st Quarter Report, 6 days Late \$60
MAXIMUM CIVIL PENALTY:	\$150.00
STAFF RECOMMENDATION:	Waive the 2009-4 th quarter report civil penalty due to confirmed technical error.

Reduce the 1st quarter 2010 report civil penalty by 50% due to unique circumstances

Ms Ware presented staff recommendation to the Commission and answered questions.

Commissioner King moved to approve staff recommendation for 100% waiver of the penalty for the 2009 4th quarter report and to reduce by 50% the penalty for the 2010 1st quarter report, for a total penalty of \$30.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT:	Teck Cominco Limited
STATUS:	Employer of Lobbyist, Retained Kent Dawson
LATE REPORT:	2009- 2 th Quarter Report, 132 days Late
MAXIMUM CIVIL PENALTY:	\$1,320
STAFF RECOMMENDATION:	Reduce civil penalty to \$140, due to Staff error.
Revised	Amended staff recommendation to incorporate unique circumstances

Ms Ware presented staff recommendation to the Commission and answered questions.

During the Commission discussion, the Commission instructed staff to make the following revision; to the staff's standard recommendation form.

- Criteria for a Waiver- Add the words "UP TO" 100%
- Criteria for a Waiver Add the words "UP TO" 50%
- Criteria Upholding maximum civil penalty should read, "Appeals that do not meet the criteria for a waiver or a reduction"- delete the word "50%."
- The bottom section of the form should only have three options: Waived, reduced by XX % or upheld.

Commissioner Dean moved to accept staff recommendation due to unique circumstances and to incorporate the new revisions into the staff CPA standard form.

Commissioner King seconded the motion

The Commission voted 5-0 in favor of the motion.

RESPONDENT:	World Trade Center Alaska
STATUS:	Employer of Lobbyist, Retained by Theodore Popely
LATE REPORT:	2010- 1st Quarter Report, 3 days Late
MAXIMUM CIVIL PENALTY:	\$30
STAFF RECOMMENDATION:	Uphold maximum civil penalty of \$30

Ms Ware presented staff recommendation to the Commission and answered questions.

Commissioner King moved to accept staff recommendations to assess the maximum civil penalty of \$30.

Commissioner Dean seconded the motion.

The Commission voted 5-0 in favor of the motion.

Referral to the Attorney General - City of Chevak, Lower Yukon School District – Employer of Lobbyist [09]

Mr. Anderson presented the report for City of Chevak to the Commission.

Commissioner Ballenger made a motion to refer the City of Chevak to the Attorney General’s office for collection.

Commissioner King seconded the motion.

The Commission voted 5-0 in favor of the motion.

OFF RECORD 10:35 a.m.

Break

ON RECORD 10:50 a.m.

Substantial Compliance Proposed Additions [10]

Mr. Anderson presented the Substantial Compliance Memo from staff asking the Commission to approve additional circumstances for a finding of substantial compliance with filing requirements. The two additional circumstances discussed were: 1) Failure to disclose an annual Permanent Fund Dividend on the financial disclosure statement and 2) A Lobbyist/Employer of lobbyist not disclosing a compassionate gift in their lobbyist or employer of lobbyist report. .

Commissioner Ballenger made a motion that even if found in substantial compliance due to not having disclosed the amount originally, POFD and LFD filers do need to comply with the reporting requirement when filing the disclosure statement with APOC by reporting the total amount of the permanent fund dividend received.

Commissioner King seconded the motion

The Commission voted 5-0 in favor of the motion.

The Commission voted unanimously that if a filer does not report a Permanent Fund Dividend on the Public Official (POFD) or Legislative Financial (LFD), the filing is still considered to be in substantial compliance with the Alaska Public Offices Commission (APOC) reporting requirements.

Commissioner Dean made a motion to adopt paragraph two of the Substantial Compliance memo with the minor revision to change the word “lobbyist” to “filer.”

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

OFF RECORD 12:10 p.m.

Lunch

ON RECORD 1:00 p.m.

Regulation Update and Status [13]

Mr. Anderson and Virginia Rusch gave a status update on the APOC Regulations Project to the Commission.

Lobbyist Manual Review for Approval [14]

Ms. Ware gave an update of the Lobbyist Manual on behalf of Joan Mize, who was not present during the June 10, 2010 Commission meeting.

The Commission made suggestions and stated their intention to submit their individual edits to staff. The Commission also instructed staff to consult with Virginia Rusch to ensure the lobbying manual content was consistent with the proposed changes to the

lobbying regulations and then present the revised manual at a future Commission meeting.

OFF RECORD 1:40 p.m.

Break

ON RECORD 1:45 p.m.

Consent Agenda, Request to Reduce or Waive Civil Penalty Assessments for Late Public Official Financial Disclosure (POFD) Report [8]

The Commission directed that the following Public Official Financial Disclosure Reports (POFD) be included in the consent agenda process:

- **Bradley, Lewis**
- **Carman, John**
- **Davies, Stuart**
- **Flickinger, Chris**
- **Gursey, Greg**
- **Lord-Jenkins, Linda**
- **Schneider, Phillip**
- **Stout, Ken**
- **Tompkins-Miller, Kathleen**
- **Woods, Robert**

Commissioner Dean made a motion to accept the staff recommendation on civil penalties for those filers remaining on the consent agenda.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

Ms. Wilson presented the staff recommendation for filers removed from the POFD Consent Agenda to Commission.

RESPONDENT:	Bell Larry
STATUS:	AWIB Board Member
LATE REPORT:	2010 POFD Annual Statement
MAXIMUM CIVIL PENALTY:	\$105 – Report filed 18 days late at \$1/day for the first 7 days and \$5/day each day thereafter.
STAFF RECOMMENDATION:	Reduced civil penalty of \$105 to 52.50

Commissioner King made a motion to accept staff recommendation to assess 50% of the \$105 civil penalty for filing his Public Official Financial Disclosure Statement 18 days late.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT:	Billings Ethan
STATUS:	ABC Board Member
LATE REPORT:	2010 POFD Annual Statement
MAXIMUM CIVIL PENALTY:	\$95 – Report filed 17 days late at \$1/day for the first 7 days and \$5/day each day thereafter.
STAFF RECOMMENDATION:	Reduce civil penalty of \$95 to 47.50

Commissioner Ballenger made a motion to accept staff recommendation to assess 50% of the \$95 civil penalty for filing his Public Official Financial Disclosure Statement 17 days late.

Commissioner Dean seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT:	Fitzgerald Kevin
STATUS:	Alaska Judicial Council Member
LATE REPORT:	2010 POFD Annual Statement
MAXIMUM CIVIL PENALTY:	\$95 – Report filed 17 days late at \$1/day for the first 7 days and \$5/day each day thereafter.
STAFF RECOMMENDATION:	Uphold the maximum civil penalty of \$95

Commissioner Ballenger made a motion to accept staff recommendation to uphold the maximum civil penalty of \$95 for filing his Public Official Financial Disclosure Statement 17 days late.

Commissioner Dean seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT: Foster Frederick
STATUS: KPB Planning Commissioner
LATE REPORT: 2010 POFD Annual Statement
MAXIMUM CIVIL PENALTY: \$12 – Report filed 8 days late at \$1/day for the first 7 days and \$5/day each day thereafter.
STAFF RECOMMENDATION: Waive the assessed civil penalty of \$12

Commissioner Frederick made a motion to uphold the \$12 assessed civil penalty for filing his Public Official Financial Disclosure Statement 8 days late.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT: Foster Michael
STATUS: Kabata Chairman
LATE REPORT: 2010 POFD Annual Statement
MAXIMUM CIVIL PENALTY: \$205 – Report filed 28 days late at \$1/day for the first 7 days and \$5/day each day thereafter.
STAFF RECOMMENDATION: Waive the assessed civil penalty of \$205

Commissioner Dean made a motion to accept staff recommendation to waive the assessed civil penalty due to staff error based on the Mitigation criteria.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT: Raven Sheldon
STATUS: Northwest Arctic Borough, Planning Commissioner
LATE REPORT: 2010 POFD Annual Statement

MAXIMUM CIVIL PENALTY: \$7 – Report filed 7 days late at \$1/day for the first 7 days and \$5/day each day thereafter.

STAFF RECOMMENDATION: Waive the assessed civil penalty of \$7

Commissioner Dean made a motion to accept staff recommendation to waive the assessed civil penalty due to personal catastrophe based on the Mitigation Criteria.

Commissioner Frederick seconded the motion.

The Commission voted 5-0 in favor of the motion.

Commissioner Frederick made a move to staff recommendation and staffs incorporate the changes suggested changes to the Mitigation Criteria discussed earlier in the meeting during the consent agenda for lobbyists (Tab 7).

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

Commissioner King moved to go in to executive session to discuss personnel matters and other matters that may affect the finances of the state budget.

Commissioner Frederick seconded the motion

The Commission voted 5-0 in favor of the motion.

OFF RECORD 2:20 p.m.

Executive Session

ON RECORD 3:39 p.m.

Election of Officers [11]

The Commission came out of executive session and proceeded on to the next item on the agenda.

Commissioner Frederick made a motion to nominate Commissioner Hickerson to be the Chairperson the APOC.

Commissioner Dean seconded the nomination.

The Commission voted 5-0 in favor of the motion.

Commissioner Dean made a motion to nominate Commissioner Frederick to be the Vice-Chair of the APOC board.

Commissioner Ballenger seconded the nomination.

The Commission voted 5-0 in support of the motion.

FAQ's and Amended Forms RE: SB 284 and HB 36 [12]

Mr. Brandeis presented the revised forms required by the new laws passed as Senate Bill 284 and House Bill 36.

Commissioner Frederick moved to accept staff revisions and incorporated the Commissioners suggested changes on the "15-5 form" and accompanying "Frequently Asked Questions" from previous meetings.

Commissioner Dean seconded the motion

The Commission voted 5-0 of the motion.

Commissioner Dean moved to accept staff revisions and incorporated the Commissioners suggested changes on the "2010 Group Registration" and accompanying "Frequently Asked Questions" from previous meetings.

Commissioner Ballenger seconded the motion

The Commission voted 5-0 in support of the motion.

Commissioner Dean moved to accept staff revisions and incorporated the Commissioners suggested changes on the "15-6 Form" and accompanying "Frequently Asked Questions" from previous meetings.

Commissioner Ballenger seconded the motion

The Commission voted 5-0 in support of the motion.

OFF RECORD 4:15 p.m.

Break

ON RECORD 4:30 p.m.

Public Comment Period [*]

No members of the public participated during the scheduled public comment period.

The Commission recessed until Friday, June 11, 2010 at 10:00 a.m.

Adjourn.

OFF RECORD 5:00 p.m.