

**CONSENT AGENDA APPEALS AND REFERRALS UNDER AS 15.13.390; 2 AAC 50.860 -
Candidate Campaign Disclosure
October 25, 2016 Meeting**

Civil Penalty Appeals:

ITEM #	APPEAL FILED BY:	STAFF RECOMMENDATION:	PAGE #:	COMMISSION ACTION:
1	Michael Aamodt	50% Reduction (\$500 to \$250)	1-10	
2	Duncan Fields	50% Reduction (\$550 to \$275)	11-34	
3	Terre Gales	50% Reduction (\$1,000 to \$500)	35-44	
4	Vern Halter	99% Reduction (\$53,500 to \$535)	45-57	
5	Robert Henrichs	90% Reduction (\$5,600 to \$560)	58-85	
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7	Daniel Lynch	50% Reduction (\$50 to \$25)	96-114	
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Referrals:

ITEM #	Candidate and Assessed Penalty	STAFF RECOMMENDATION:	PAGE #:	COMMISSION ACTION:
16	Christian Hartley	Refer to AGO for Collection	252-265	
17	Bob Lochner	Refer to AGO for Collection	266-282	

Removed From Consent Agenda:

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ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Michael Aamodt

CIVIL PENALTY
ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 Special North Slope Borough Election

DUE DATE OF LATE REPORT: May 31, 2016

REPORT FILED ON: June 1, 2016

NUMBER OF DAYS LATE: 1

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – June 1, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: June 8, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$500

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduce by 50% to \$250
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. Candidate delivered the report to the Borough Clerk’s Office, but it was not forwarded to the APOC office.
- 2. The candidate was in travel status and failed to verify that the clerk’s office timely forwarded the report.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Aamodt participated in the 2016 Special Mayoral election for the North Slope Borough. He was required to file a 7 Day report on May 31, 2016.¹ Instead this report was filed on June 1, 2016, one day later. APOC Staff issued a penalty assessment for the late report and Mr. Aamodt timely appealed.

Staff recommends the maximum penalty of \$500 be reduced by 50% to \$250. Further reductions have not been applied for the reasons set forth in section two.

1. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This was Mr. Aamodt first election cycle in which he ran as registered candidate and the delinquent report occurred within 365 days of registering. This criteria is applicable for the reduction of the civil penalty.

2. Mr. Aamodt has appealed that he had timely submitted his report to the Borough Clerk’s office for submission to be forwarded to APOC and the clerk failed to timely take this action. 2 AAC 50.865(c)(1) does not consider relying on another person or mailroom to submit a statement on or before a due date to be a mitigating criteria.

Staff also notes that the value of the personal non-monetary contributions from Mr. Aamodt places the report’s activity above the specific activity levels associated with other mitigating criteria.

Based on the candidate’s inexperience, staff recommends that the full penalty reduction of 50% be applied to reduce the penalty of \$500 by to \$250.

FILER’S REPORTING HISTORY:

- 2016 North Slope Borough Special – Registration – Filed 5/4/2016
- 2016 North Slope Borough Special – 30 Day Report – Timely
- 2016 North Slope Borough Special – 7 Day Report – LATE (1 Day Late)(Subject of Appeal)**
- 2016 North Slope Borough Special – 105 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$1,911.40 (non-monetary)
Expenses:	\$1,911.40 (non-monetary)
Debts:	\$0
Ending Balance:	\$0

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.³ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)

¹ AS 15.13.110(a).

² 2AAC 50.865(a)(1)(B)

³ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

- Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- APOC Staff error, including confirmed technical problems with electronic filing system. **2 AAC 50.865(b)(2)**
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). **2 AAC 50.865(b)(3)**
- Report included only administrative costs (Groups only). **2 AAC 50.865(b)(4)**
- No significant harm to the public⁴ AND no aggravating factors. **2 AAC 50.865(b)(5)**
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. **2 AAC 50.865(b)(6)**
- A unique circumstance. **2 AAC 50.865(b)(7)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁵ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 50% to \$250.**

⁴ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁵ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Michael Aamodt
P.O. Box 68
Barrow, AK 99723
Pausan8@msn.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Aamodt:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-01

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Michael Aamodt
P.O. Box 68
Barrow, AK 99723
Pausan8@msn.com

Law Office Assistant Date 10-6-2016

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: pausan8@msn.com
Sent: Wednesday, October 05, 2016 3:14 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

pausan8@msn.com (pausan8@msn.com)

Subject: Amended Commission Meeting Notice

ARRIVED

6-8-2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

APOC - ANCH
PM HC FAX ELE

Name of Appellant

(candidate, group, or person): MICHAEL W. AAMOST

Office (if a candidate): NORTH SLOPE BORO. MAYOR (INTERIM & CANDIDATE)

Penalty issued in connection with (check box or boxes):

- | | | |
|--|--|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input checked="" type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): SPECIAL Mayor Election North Slope Borough 6/7/16

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

I turned my 7 day report into the NSB clerks' office on Friday morning 27 May 2016 to be sent to APOC. I was unable to operate the scanner to email the report. Tonya fereti, clerks' office, offered to scan & send the report to APOC for me. During the day sending the email was overlooked in the clerks' office. I was on the jet to Fairbanks & Anchorage by noon and returned on 30 May 2016. I didn't consider asking Tonya about my report since forms were sent in the past and always reached the destination

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: *Michael Aamost*



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

June 2, 2016

VIA EMAIL & CERTIFIED MAIL

Interim Mayor Michael Aamodt
P.O. Box 68
Barrow, AK 99723
Pausan8@msn.com

Re: Notice of Penalty¹
7 Day Campaign Disclosure Report²

Mayor Aamodt:

According to our records, you did not timely file your 7 Day Campaign Disclosure Report, due May 31, 2016. Instead, your report was filed on June 1, 2016 (1 day late). By law, a penalty of \$500/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$500.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Delight K. Mells
Paralegal II

Enclosures: Civil Penalty Appeal Affidavit
Civil Penalty Appeal Mitigation Criteria

CERTIFICATE OF SERVICE

I certify that on this date, I served a true and correct copy of the foregoing document by Email & Certified Mail, Return Receipt Requested, to:

Mayor Michael Aamodt
P.O. Box 68
Barrow, AK 99723
Pausan8@msn.com

9171 9690 0935 0107 7014 25



Law Office Assistant

6.2.16

Date

From: [Microsoft Outlook](#)
To: pausan8@msn.com
Subject: Relayed: Aamodt, Michael: Notice of Penalty - 7 Day Campaign Disclosure Report
Date: Thursday, June 02, 2016 2:59:21 PM
Importance: High

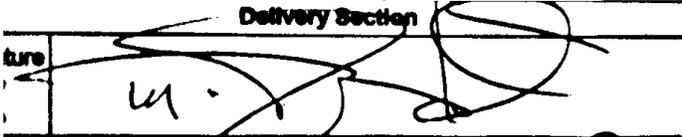
Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
HYPERLINK "mailto:pausan8@msn.com"pausan8@msn.com (pausan8@msn.com)
Subject: Aamodt, Michael: Notice of Penalty - 7 Day Campaign Disclosure Report

Date: June 24, 2016

Michael Schwahn:

The following is in response to your June 24, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107701425. The delivery record shows that this item was delivered on June 7, 2016 at 11:04 am in BARROW, AK 99723. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Name	Mike Amund

Address of Recipient :

Delivery Address	Box 68 Barrow
------------------	---------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Duncan Fields

CIVIL PENALTY
ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary and General Election

DUE DATE OF LATE REPORTS: July 18, 2016 and August 9, 2016

REPORTS FILED ON: July 19, 2016 and August 10, 2016

NUMBER OF DAYS LATE: 1 day and 1 day

DATE DELINQUENCY NOTICE SENT: Notice of Delinquent 30 Day – July 19, 2016
Notice of Penalty 30 Day – July 20, 2016
Notice of Delinquent 7 Day – August 10, 2016
Notice of Penalty 7 Day – August 11, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 9, 2016 and September 7, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$50 and \$500 (\$550)

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 50% to \$275
(See “Staff’s Recommendation Based on Standard Mitigation Criteria

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. The campaign is inexperienced.
- 2. The candidate is running as an independent and did not appear on the primary ballot.
- 3. The late reports did not cause significant harm to the public. 2 AAC 50.865(b)(5).
- 4. The treasurer was fishing in Bristol Bay.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Fields is an independent candidate in the 2016 State Election that did not appear on the primary ballot. He was still required to file 30 Day Primary report on July 18, 2016 and 7 Day Primary report on August 9, 2016.¹ Instead, his reports were each filed one day late on July 19, 2016 and August 10, 2016, respectively. APOC Staff issued penalty assessments for the late filed reports and the Fields campaign appealed.

Staff recommends the combined maximum penalty of \$550 be reduced by 50% to \$275. Further penalty reductions have not been recommended for the reason set forth in section three.

1. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This is Mr. Fields’ first election cycle in which he ran as registered candidate and the delinquent reports occurred within 365 days of registering. This criteria is applicable for the reduction of the civil penalty.

2. The campaign’s appeal cites the mitigating criteria that allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.³ An indicator that the late report does not cause significant harm to the public is when the value of the information was no more than \$1,000 and the filer self-reported.⁴ In this case, there are no aggravating factors and Mr. Fields self-reported, but the activity on his reports exceeds more than \$1,000. Therefore, staff cannot apply this criteria for reduction.

3. Staff does acknowledge there may be confusion caused to independent candidates that are required to report, but do not appear on the primary ballot. Such a misunderstanding can be attributed to the mitigating criteria of inexperience that staff has already applied for a penalty reduction. Staff also cannot consider the treasure’s employment as a fisherman as mitigating criteria as this is not a unique circumstance in Alaska. Alternative filing arrangements should have been made to ensure timely disclosure.

Based on the candidate’s inexperience, staff recommends that the penalty be reduced by 50% from \$550 to \$275.

FILER’S REPORTING HISTORY:

- 2014 Multiple Municipal – Municipal Exemption Statement – Filed 8/19/2014
- 2016 State Election – Registration – Filed 4/25/2016
- 2016 State Election – **State Primary – 30 Day Report – LATE (1 Day Late)(Subject of Appeal)**
- 2016 State Election – **State Primary – 7 Day Report – LATE (1 Day Late)(Subject of Appeal)**

¹ AS 15.13.110(a)(1-2); AS 15.13.110(f)(2).

² 2AAC 50.865(a)(1)(B).

³ 2 AAC 50.865(b)(5).

⁴ 2 AAC 50.865(b)(5)(B).

ACTIVITY ON LATE REPORT:

Report	30 Day Primary	7 Day Primary
Beginning Balance:	\$0	\$13,665.48
Income:	\$24,562.86	\$1,800
Expenses:	\$10,897.38	\$2,857.79
Debts:	\$2,500	\$0
Ending Balance:	\$11,165.48	\$12,607.69

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁵ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁶ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 50% to \$275.00**

⁷ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Duncan Fields
4022 Clifside
Kodiak, AK 99615
Duncan@duncanfields.net

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Fields:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-18

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Duncan Fields
4022 Clifside
Kodiak, AK 99615
Duncan@duncanfields.net

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: duncan@duncanfields.net
Sent: Wednesday, October 05, 2016 3:16 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

duncan@duncanfields.net (duncan@duncanfields.net)

Subject: Amended Commission Meeting Notice

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

ARRIVED

9-7-2016

**APOC - ANCH
PM HC FAX (ELE)**

Name of Appellant

(candidate, group, or person): Duncan Fields

Office (if a candidate):

Independent Candidate House DIST 32

Penalty issued in connection with (check box or boxes):

Year-Start Report

24 Hour Report

Contributors Statement (15-5)

30 Day Report

Year-End Report

Independent Expenditures (15-6)

7 Day Report

No Paid for By

Other _____

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.):

2016 Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

This is our first election for State House and there are some learning curves to overcome. In reviewing the criteria to request an appeal to the assessed fine under the statute's mitigating factors I believe (a)(1)(B) and (b)(5) apply.

Mr. Fields is running as an independent and was not in the primary election in August. Information filed one day late in August did not significantly impact the public's knowledge on the candidate's funding/spending prior to him being on the November ballot. There was one Democrat and one Republican candidate on the primary ballot for House District 32. We recognize the importance of reporting and will work to report accurately and timely in the future.

Thank You

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date:

Josh Anderson

Josh Anderson (Treasurer)

ARRIVED

AUG 09 2016

APOC - ANCH
PM HC FAX ELE
8-8-2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): Elect Duncan Fields

Office (if a candidate): Alaska State House District 32

Penalty issued in connection with (check box or boxes):

- | | | |
|---|--|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

This reporting violation occurred because I, Astrid Rose, deputy treasurer to the campaign took on the responsibility of filing while our treasurer Stosh Anderson was fishing in Bristol Bay. This was my first time filing and was on track to have all of the information uploaded to APOC. I did upload all the necessary information to the website before midnight on the deadline date. However, I did not complete the e-signature verification step by complete misunderstanding. A member of our team notified me of this error the next day & I immediately logged on & completed the signature process. I apologize for my negligence in completing all the steps before the deadline.

Certification: I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Astrid Rose July 28th 2016



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 11, 2016

VIA EMAIL & CERTIFIED MAIL

Duncan Fields
4022 Cliffside
Kodiak, AK 99615
Duncan@duncanfields.net

Re: Notice of Penalty¹
7 Day Primary Campaign Disclosure Report²

Mr. Fields:

According to our records, you did not timely file your 7 Day Primary Campaign Disclosure Report, due August 9, 2016. Instead, your report was filed on August 10, 2016 (1 day late). By law, a penalty of \$500/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$500.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must**

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699173. The delivery record shows that this item was delivered on August 15, 2016 at 11:53 am in KODIAK, AK 99615. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed Name	Nathali Fiddis

Address of Recipient :

Delivery Address	4022 CLIFFSIDE DRIVE
------------------	----------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: duncan@duncanfields.net
Sent: Thursday, August 11, 2016 3:27 PM
Subject: Relayed: Notice of Penalty - 7 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

duncan@duncanfields.net (duncan@duncanfields.net)

Subject: Notice of Penalty - 7 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 10, 2016

VIA EMAIL & CERTIFIED MAIL

Duncan Fields
4022 Cliffside
Kodiak, AK 99615
Duncan@duncanfields.net

RE: Notice of Delinquent 7 Day Primary Report Disclosure Report

Mr. Fields:

According to our records, you did not file your 7 Day Primary Campaign Disclosure Report due on August 9, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$500.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$500.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

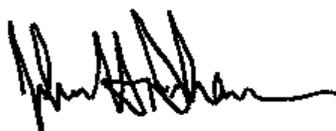
Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699111. The delivery record shows that this item was delivered on August 12, 2016 at 12:08 pm in KODIAK, AK 99615. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

41022
CLIFFSIDE

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: duncan@duncanfields.net
Sent: Wednesday, August 10, 2016 3:44 PM
Subject: Relayed: Notice of Delinquent 7 Day Primary Report Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

duncan@duncanfields.net (duncan@duncanfields.net)

Subject: Notice of Delinquent 7 Day Primary Report Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 20, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Duncan Fields
4022 Clifside
Kodiak, AK 99615
Duncan@duncanfields.net

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Mr. Fields:

According to our records, you did not timely file your 30Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 19, 2016 (1 day late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$50.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700787. The delivery record shows that this item was delivered on July 22, 2016 at 11:30 am in KODIAK, AK 99615. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	<input checked="" type="checkbox"/> <i>Leslie Fields</i>
Printed Name	<i>Leslie Fields</i>

Address of Recipient :

Delivery Address	<i>4622 Cliffside Rd</i>
------------------	--------------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: duncan@duncanfields.net
Sent: Wednesday, July 20, 2016 3:55 PM
Subject: Relayed: Notice of Penalty - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

duncan@duncanfields.net (duncan@duncanfields.net)

Subject: Notice of Penalty - 30 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 19, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Duncan Fields
4022 Clifside
Kodiak, AK 99615
Duncan@duncanfields.net

RE: Notice of Delinquent 30 Day Primary Disclosure Report

Mr. Fields:

According to our records, you did not file your 30 Day Primary Campaign Disclosure Report due on July 18, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700695. The delivery record shows that this item was delivered on July 21, 2016 at 4:08 pm in KODIAK, AK 99615. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: duncan@duncanfields.net
Sent: Tuesday, July 19, 2016 3:48 PM
Subject: Relayed: Notice of Delinquent 30 Day Primary Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

duncan@duncanfields.net (duncan@duncanfields.net)

Subject: Notice of Delinquent 30 Day Primary Disclosure Report



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Terre Gales

CIVIL PENALTY
ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 Anchorage Municipal Election

DUE DATE OF LATE REPORTS: April 2, 2016

REPORT FILED ON: April 4, 2016

NUMBER OF DAYS LATE: 2

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – August 1, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 30, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$1,000

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 50% to \$500
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The candidate is an inexperienced filer and had no ill intentions.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Gales participated in the 2016 Anchorage election. He received and was required to timely disclose three contributions on a 24 Hour Report by April 2, 2016.¹ Instead these contributions were disclosed on April 4, 2016, two days late. APOC staff assessed a penalty and Mr. Gales timely appealed.

Staff recommends the maximum penalty of \$1,000 be reduced by 50% to \$500. Further reductions have not been recommended for the reason set forth in section two.

1. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This was Mr. Gales’ first election cycle in which he ran as registered candidate and the delinquent reports occurred within 365 days of registering, allowing for this criteria to be applied.

2. Staff did consider the application of mitigating criteria that allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.³ A late report does not cause significant harm to the public when the value of the information was no more than \$1,000 and the filer self-reported.⁴ Here, although there are no aggravating factors and Mr. Gales self-reported, his activity to disclose is more than \$1,000. Therefore, staff cannot apply this criteria for reduction.

Based on the candidate’s inexperience, staff recommends that the penalty be reduced by 50% from \$1,000 to \$500.

FILER’S REPORTING HISTORY:

- 2016 Anchorage Municipal Registration – Filed 9/15/2016
- 2016 Anchorage Municipal – Year Start Report – Timely
- 2016 Anchorage Municipal – 30 Day Report – Timely
- 2016 Anchorage Municipal – 7 Day Report – Timely
- 2016 Anchorage Municipal – 24 Hour Report – Timely
- 2016 Anchorage Municipal – 24 Hour Report – Timely
- 2016 **Anchorage Municipal – 24 Hour Report – LATE (2 Days Late)(Subject of Appeal)**
- 2016 Anchorage Municipal – 105 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$1,400
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$0

¹ AS 15.13.110(b). Contributions from Robert Griffin (\$500, 4/1/2016) ; Dawn Linton-Warren (\$400, 4/1/2016); & J. Warren, (\$400, 4/1/2016).

² 2AAC 50.865(a)(1)(B).

³ 2 AAC 50.865(b)(5).

⁴ 2 AAC 50.865(b)(5)(B).

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁵ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁶ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁷ 2 AAC 50.865(d)(1)
- More than one late filing in the preceding 5 years. 2 AAC 50.865(d)(2)(A)
- Evidence suggesting deliberate non-reporting. 2 AAC 50.865(d)(2)(B)
- Failure to cooperate with staff. 2 AAC 50.865(d)(2)(C)

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: Reduced by 50% to \$500.

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁷ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

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Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Terre Gales
3112 Campbell Airstrip Road
Anchorage, Alaska 99504
terregales@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Gales:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Terre Gales
3112 Campbell Airstrip Road
Anchorage, Alaska 99504
terregales@gmail.com

10-6-2016
Law Office Assistant Date

9171-9690-0935-0129-9584-25

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: terregales@gmail.com
Sent: Wednesday, October 05, 2016 3:17 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

terregales@gmail.com (terregales@gmail.com)

Subject: Amended Commission Meeting Notice

ARRIVED

AUG 30 2016

APOC - ANCH
PM HC FAX ELE
8-28-2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Terré L. Gales

Office (if a candidate): Anchorage Assembly

Penalty issued in connection with (check box or boxes):

- | | | |
|--|--|--|
| <input type="checkbox"/> Year-Start Report | <input checked="" type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Anchorage Muni

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

It was an oversight on my part. I am a first time candidate, I had no ill intentions.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: *[Signature]* 28 August 2016



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 1, 2016

VIA EMAIL & CERTIFIED MAIL

Terre Gales
3112 Campbell Airstrip Road
Anchorage, Alaska 99504
terregales@gmail.com

Re: Notice of Penalty¹
24 Hour Campaign Disclosure Report²

Mr. Gales:

According to our records you did not timely file a 24 Hour Report during the 2016 Anchorage Municipal Election. During the 9 days prior to an election (3/27-4/4), candidates are required to disclose contributions that exceed \$250 within 24 hours of receiving them.³ Instead, your report was filed disclosing several contributions on April 4, 2016 (2 days late).⁴ By law a maximum penalty of \$500 accrues each day a report is late.⁵ The maximum penalty the Alaska Public Offices Commission could assess you is \$1,000.⁶

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

¹ 2 AAC 50.855.

² AS 15.13.110.

³ AS 15.13.110(b)

⁴ Robert Griffin, \$500, 4/1/2016; Dawn Linton-Warren, \$400, 4/1/2016; J. Warren, \$400, 4/1/2016.

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.855(a).

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: terregales@gmail.com
Sent: Monday, August 01, 2016 3:45 PM
Subject: Relayed: Notice of Penalty - 24 Hour Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

terregales@gmail.com (terregales@gmail.com)

Subject: Notice of Penalty - 24 Hour Campaign Disclosure Report

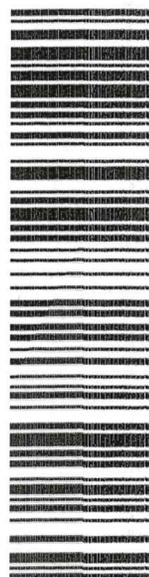
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights, Room 128
Anchorage, Alaska 99508-4149

CERTIFIED MAIL™

ARRIVED

AUG 18 2016

**APOC - ANCH
PM HC FAX ELE**



9171 9690 0935 0107 6990 50



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08/01/2016
US POSTAGE \$005.115

FIRST-CLASS MAIL

ZIP 99508
041110243475

8-9
8-16

VIA EMAIL & CERTIFIED MAIL

Terre Gales
3112 Campbell Airstrip Road
Anchorage, Alaska 99504

terregales@gmail.com

99504*3828 CD
99508 04149

MIXXE 095 DE 1 0008/17/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 99506414999 *1989-03534-01-40



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Delight K. Mells **DATE:** May 23, 2016¹

RESPONDENT: Mayor Vern Halter

**CIVIL PENALTY
ASSESSED UNDER:** Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2015 Matanuska-Susitna Borough Election

DUE DATE OF LATE REPORT: September 29, 2015

REPORT FILED ON: January 14, 2016

NUMBER OF DAYS LATE: 107

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – March 8, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: March 23, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$53,500

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 99% to \$535
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

¹ Date staff prepared the recommendation. The filer requested this matter be moved from the June to October meeting.

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. There was no harm to the public, the non-monetary contributions had a value of less than \$1,000, and there was no intention to hide activity as it was disclosed on the next report. 2 AAC 50.865(b)(5).
- 2. The campaign has a good filing history. 2 AAC 50.865(a)(1)(A).
- 3. The treasurer was an inexperienced filer. 2 AAC 50.865(a)(1)(B).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mayor Halter was elected during the 2015 Matanuska Susitna Borough election. He received and was required to disclose two non-monetary contributions during the 24 Hour reporting period.² Instead these contributions were disclosed on his 105 Day Report. APOC Staff issued a penalty assessment for the delinquent 24 Hour report and the campaign timely appealed.

Staff recommends the maximum penalty of \$53,500 be reduced by 99% to \$535. A full waiver has not been recommended for the reason set forth in section six.

- 1. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, a penalty assessment of \$53,500 – 76 times³ the amount to be disclosed – is significantly out of proportion to the degree of harm and warrants reduction.
- 2. A reduction of up to 50% is also available when unreported information had a value of more than \$100 but, no more than \$1,000, and a mitigating factor allowing a reduction of greater than 50% exists.⁴ Here, the reportable activity totaled \$700, which falls within the specified range, and the assessed penalty is significantly out of proportion to the degree of harm.
- 3. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.⁵ Mayor Halter previously ran as an exempt candidate and was not subject to reporting requirements. This was the first election cycle in which he ran as registered candidate and the delinquent report occurred within 365 days of registering, allowing for this criteria to be applied.
- 4. Mitigating criteria also allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.⁶ A late report does not cause significant harm to the public when the value of the information was no more than \$1,000 and the filer self-reported.⁷ Here, although there are no aggravating factors and activity is less than \$1,000, staff cannot apply this criteria for reduction because disclosure of 24 hour contributions on a 105 day report does not constitute self-reporting a violation.
- 5. Mayor Halter’s appeal also identifies his good filing history as mitigating criteria warranting a reduction of penalty of up to 50%.⁸ Staff agrees that he has no late filings within the last five years, however, this criteria also requires that the delinquent report disclose zero financial activity. Because financial activity occurred, staff can not apply this criteria. Other criteria is applicable for reducing this civil penalty.

² AS 15.13.110(b). Non-monetary contributions of food and beverage from Jerry Sousa (9/28/2015, \$350) and Kathleen Holden (9/28/2015, \$350).

³ \$53,500 /\$700 =76.4

⁴ 2 AAC 50.865(a)(4).

⁵ 2AAC 50.865(a)(1)(B)

⁶ 2 AAC 50.865(b)(5).

⁷ 2 AAC 50.865(b)(5)(B).

⁸ 2 AAC 50.865.(a)(1)(A).

6. Staff attests that the Halter campaign consistently strived to meet campaign disclosure requirements, promptly address concerns, and proactively seeks guidance on complex issues. Although staff recognizes and appreciates these efforts, this is not mitigating criteria that staff can rely on for a penalty reduction. A full waiver has not been recommended for this penalty because Mayor Halter was statutorily required to timely disclose these 24 Hour contributions to the public prior to the election. Applicable mitigating criteria is available to provide a complete waiver, but should not be used to diminish a candidate's responsibility to comply with Alaska's campaign disclosure law.

Because the penalty is significantly out of proportion to the degree of harm to the public and other mitigating criteria, staff recommends reducing the penalty of \$53,500 by 99% to \$535.

FILER'S REPORTING HISTORY:

- 2012 Municipal Exemption Statement – Filed (8/22/2012)
- 2015 Letter of Intent – Filed (6/8/2015)
- 2015 Candidate Registration – Filed (6/16/2015)
- 2015 Statewide Municipal – 30 Day Report – Timely
- 2015 Statewide Municipal – 7 Day Report – Timely
- 2015 Statewide Municipal – 24 Hour Report – Timely (Filed 9/28/2015)
- 2015 Statewide Municipal – 24 Hour Report – Timely (Filed 9/29/2015)
- 2015 Statewide Municipal – 24 Hour Report – Timely (Filed 10/1/2015)
- 2015 Statewide Municipal – 24 Hour Report – Timely (Filed 10/5/2015)
- 2015 Statewide Municipal – 24 Hour Report – Timely (Filed 10/7/2015)
- 2015 **Statewide Municipal – 24 Hour Report – LATE (107 Days Late, Subject of Appeal)**
- 2015 Statewide Municipal – 105 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$700 (Non-monetary)
Expenses:	\$700 (Non-monetary)
Debts:	\$0
Ending Balance:	\$0

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁹ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

⁹ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public¹⁰ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.¹¹ 2 AAC 50.865(d)(1)
- More than one late filing in the preceding 5 years. 2 AAC 50.865(d)(2)(A)
- Evidence suggesting deliberate non-reporting. 2 AAC 50.865(d)(2)(B)
- Failure to cooperate with staff. 2 AAC 50.865(d)(2)(C)

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: Reduced by 99% to \$535.

¹⁰ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

¹¹ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Mayor Vern Halter
P.O. Box 389
Willow, Alaska 99688
vhalter@mtaonline.net; psfischer@gci.net

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mayor Halter:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-32

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mayor Vern Halter
P.O. Box 389
Willow, Alaska 99688
vhalter@mtaonline.net; psfischer@gci.net

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: vhalter@mtaonline.net; psfischer@gci.net
Sent: Wednesday, October 05, 2016 3:17 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

vhalter@mtaonline.net (vhalter@mtaonline.net)

psfischer@gci.net (psfischer@gci.net)

Subject: Amended Commission Meeting Notice

ARRIVED

MAR 23 2016

**APOC - ANCH
PM HC FAX ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): PATRICIA FISHER "VERN HALTER FOR MAYOR" Campaign

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|--|--|--|
| <input type="checkbox"/> Year-Start Report | <input checked="" type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2015 MATSU BOROUGH

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

SEE ATTACHED STATEMENT

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Patricia S Fisher 3/22/2016

As Treasurer of the Halter Campaign I believed that it was my duty to report accurately and completely. In keeping with this belief, I worked very hard to have accurate and timely reports. I made numerous phone calls during the campaign to the APOC office, speaking primarily with Delight Mells, to determine the correct way to handle things. I was diligent to make sure that the disclosure reports tied to the Bank Statement and that corporate donations were returned. This was the first time that I have served as Treasurer, and there were a lot of questions.

The campaign received donations up through the Election, and I filed a number of 24-hour reports. With checks coming in from all over the Valley, it often meant coordination with people from outside the core area, and a special drive into Wasilla to make the deposit. That was all done without fail to the best of my knowledge at the time.

With regard to the donation in question, I made a mistake in that I did not realize that an In-kind donation fell under the 24-hour rule. We actually did not receive the details of the donation until late---the night before the election. However, as I said, it was Non-Monetary, covering food and beverage for a fundraising event. I did not realize that the 24-hour rule applied. There was never an intention to hide the donation. It was fully reported in the next reporting cycle (the Final Report).

The violation in question was a mistake. It is my belief that the penalty assessed is out of proportion to the violation based on 2AAC50.865. I hereby request that the penalty be waived for the following mitigating factors:

- 1) The donation had no harm to the public - 2AA C50.865 (b)(5). It was NON-MONETARY. It did not involve any additional funds that could have been used to influence the campaign. The value of the contribution was less than \$1,000. There was no intent to hide the donation. It was reported in the next required report.
- 2) The Halter Campaign up to this point had a good filing record with no late filings and no violations. All items questioned by APOC in prior reports were minor and were resolved. -2AAC 50.865 (a) (1)(A).
- 3) I was an "Inexperienced Filer" as defined by 2AA C50.865(a)(1)(B). I had not previously served as Treasurer to any campaign. There are a huge number of regulations to learn, and information to absorb. I did learn a lot, and I worked hard to comply. I was completely devastated to hear of this violation and the severe penalty. It has affected me to the extent that I doubt that I will ever again take on the responsibilities of Treasurer. I think it is a sad consequence that this knowledge will probably not be put to use in the future.

Patricia S. Fisher 3/23/2016

MAR 23 2016

Sent: Monday, March 21, 2016 4:22 PM
To: delight.mells@alaska.gov
Subject: Fischer and Halter Notice of Penalty

March 21, 2016

Dear Ms. Mells:

I write in regard to the Vern Halter/Patti Fischer (Mat-Su Borough mayoral campaign) penalty notice, 24 hour Campaign Disclosure.

I worked on the Halter campaign and although I did not work in the financial or APOC reporting end of it, I got to know Vern and Patti fairly well. I can vouch for their integrity and strength of character.

Patti was new to the job of treasurer, but, all in all, she did an excellent job of negotiating myriad of the APOC rules and complying with them. Your notice identified an isolated technical error that was corrected within days, with no harm to the public.

I think it was good that APOC notified Vern and Patti of the error, and I am sure they learned from your information. But this is the type of problem that deserves a “don’t let it happen again” warning; nothing more.

Sincerely,

John Strassenburgh
PO Box 766
Talkeetna, AK 99676
jsandr@matnet.com
907-733-6874



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

March 8, 2016

VIA EMAIL & CERTIFIED MAIL

Mayor Vern Halter

P.O. Box 389

Willow, Alaska 99688

vhalter@mtaonline.net; psfischer@gci.net

Re: Notice of Penalty¹
24 Hour Campaign Disclosure Report²

Dear Mayor Vern Halter,

According to our records you did not file a 24 Hour Report to disclose two contributions during the 2015 Matanuska-Susitna Borough Election. During the 9 days prior to an election (9/27-10/5), candidates are required to disclose contributions that exceed \$250 within 24 hours of receiving them.³ Instead, these contributions were disclosed on your 105 Day Report submitted on January 14, 2016 (107 days late).⁴ By law a maximum penalty of \$500 accrues each day a report is late.⁵ The maximum penalty the Alaska Public Offices Commission could assess you is \$53,500.⁶

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

¹ 2 AAC 50.855.

² AS 15.13.110.

³ AS 15.13.110(b).

⁴ Jerry Sousa (9/28/2015, \$350) and Kathleen Holden (9/28/2015, \$350).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.855(a).

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: vhalter@mtaonline.net; psfischer@gci.net
Sent: Tuesday, March 08, 2016 4:55 PM
Subject: Relayed: Notice of Penalty - 24 Hour Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

vhalter@mtaonline.net (vhalter@mtaonline.net)

psfischer@gci.net (psfischer@gci.net)

Subject: Notice of Penalty - 24 Hour Report

Date: March 18, 2016

Michael Schwahn:

The following is in response to your March 18, 2016 request for delivery information on your Certified Mail™ item number 9171969009350026177387. The delivery record shows that this item was delivered on March 11, 2016 at 1:30 pm in WILLOW, AK 99688. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Robert "Moose" Henrichs

CIVIL PENALTY ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2014 State Election; 2015 Year End Report

DUE DATE OF LATE REPORT: February 16, 2016

REPORT FILED ON: June 7, 2016

NUMBER OF DAYS LATE: 112

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – June 9, 2016
Notice of Referral – April 29, 2016
Notice of Delinquency – February 17, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: July 11, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$5,600

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 90% to \$560
(See "Staff's Recommendation Based on Standard Mitigation Criteria")

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. The candidate paid for campaign assistance from the Democratic Party, but it was not provided.
- 2. The hired treasurer did not timely disclose activity and disappeared owing a personal debt to the candidate.
- 3. The campaign’s bank account is at a zero balance.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Henrichs participated in the 2014 State Election. He failed to balance his final campaign report to zero and was required to disclose the campaign’s activity on a 2015 Year End report, due on February 16, 2016.¹ Instead, this report was filed on June 7, 2016. APOC Staff issued a penalty assessment for the late filed report and Mr. Henrichs timely appealed.

Staff recommends the maximum penalty of \$5,600 be reduced by 90% to \$560. A full waiver has not been recommended for the reason set forth in section four.

1. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, Mr. Henrichs had “no activity” since his previous filing. A penalty assessment of \$5,600– for no activity – is significantly out of proportion to the degree of harm and warrants reduction.

2. Mitigating criteria also allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.² An indicator that a late report does not cause significant harm to the public is when the dollar amount missing from a form or disclosure is \$100 or less.³ Although Mr. Henrichs filed a no-activity report, his previous late filings are considered an aggravating factor preventing the application of this criteria.

3. Mr. Henrichs has cited that he did not have adequate campaign staff support and that his bank account is at a zero balance. Staff is unable to consider these factors as mitigating criteria as it is ultimately Mr. Henrichs’ responsibility for any default of his staff and he is required to completely disclose his campaign’s activity to the public.⁴

4. A full waiver has not been recommended for this penalty because Mr. Henrichs was statutorily required to timely balance his 2014 campaign account and disclose his campaign’s activity. Applicable mitigating criteria is available to provide a complete waiver, but should not be used to diminish a candidate’s responsibility to comply with Alaska’s campaign disclosure law.

Because the penalty is significantly out of proportion to the degree of harm to the public, staff recommends reducing the penalty of \$5,600 by 90% to \$560.

FILER’S REPORTING HISTORY:

- 2012 State Primary – Registration – Filed 6/21/2012
- 2012 State Primary – 30 Day Report – LATE (84 Days Late)
- 2012 State Primary – 7 Day Report – LATE (62 Days Late)
- 2012 State General – 30 Day Report – Timely
- 2012 State General – 7 Day Report – Timely
- 2012 State General – Year End Report – Timely
- 2016 State Primary – Registered – Filed 8/6/2014
- 2016 State Primary – 30 Day Report – LATE (17 Days Late)

¹ AS 15.13.110(a).
² 2 AAC 50.865(b)(5).
³ 2 AAC 50.865(b)(5)(A).
⁴ AS 15.13.060(a) & AS 15.13.040.

- 2016 State Primary – 7 Day Report – LATE (6 Days Late)
- 2016 State General – 30 Day Report – Timely
- 2016 State General – 7 Day Report – Timely
- 2016 State General – 24 Hour Report – Timely
- 2016 State General – 24 Hour Report – LATE (112 Days Late)
- 2016 State General – Year End Report – Timely
- 2016 State General – **2015 Year End Report – LATE (116 Days Late)(Subject of Appeal)**

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$1,206.28
Income:	\$0
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$1,206.28

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁵ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁶ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer’s own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 90% to \$560.**

⁷ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Henrichs:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to be heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-49

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com

Michael F. Schwahn 10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: robert.j.henrichs@gmail.com
Sent: Wednesday, October 05, 2016 3:18 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.j.henrichs@gmail.com (robert.j.henrichs@gmail.com)

Subject: Amended Commission Meeting Notice

ARRIVED

JUL 11 2016

**APOC - ANCH
PM HC FAX ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Robert J. Hendrick

Office (if a candidate): senate

Penalty issued in connection with (check box or boxes):

- | | | |
|--|---|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input checked="" type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2015

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

see attached

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Robert J Hendrick

7/14/16

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

ARRIVED
JUL 11 2016
APOC-ANCH
PM 5:13 FAX ELE

I was recruited by the Democratic party to run for the Senate. If I paid them \$4,000 I would be part of the Co-ordinated Campaign. They would help me get a campaign manager, finance manager and help me with my campaign. They never did anything for me, no campaign manager, no finance manager, no nothing. I threatened them with legal action and they talked to me briefly. I feel they threw myself, and other candidates under the bus and used our money to try and save Mark Begich's Senate seat. I notice they aren't doing it this year. I hired Dana DeBernardo to file the financial reports. She was late on all of them. I haven't seen her in over a year. She disappeared owing me over \$6,000 in personal debt. I feel the Democratic party defrauded me and other candidates. I did not know there was a report due at the end of the year. According to the bank there was no money in the account.

Robert J. Henrichs





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

June 9, 2016

VIA EMAIL & CERTIFIED MAIL

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com

Re: Notice of Penalty¹
2015 Year End Campaign Disclosure Report²

Mr. Henrichs:

According to our records, you did not timely file your 2015 Year End Campaign Disclosure Report, due February 16, 2016. Instead, your report was filed on June 7, 2016 (112 days late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$5600.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

¹ 2 AAC 50.855.
² AS 15.13.110.
³ 2 AAC 50.855.
⁴ 2 AAC 50.855(a).

- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Delight K. Mells
Paralegal II

Enclosures: Civil Penalty Appeal Affidavit
Civil Penalty Appeal Mitigation Criteria

CERTIFICATE OF SERVICE

I certify that on this date, I served a true and correct copy of the foregoing document by Email & Certified Mail, Return Receipt Requested, to:

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com


Law Office Assistant

6-9-2016 9171-9690-0935-0107-7016-30
Date

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: robert.j.henrichs@gmail.com
Sent: Thursday, June 09, 2016 3:55 PM
Subject: Relayed: Year End Report - Notice of Penalty

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.j.henrichs@gmail.com (robert.j.henrichs@gmail.com)

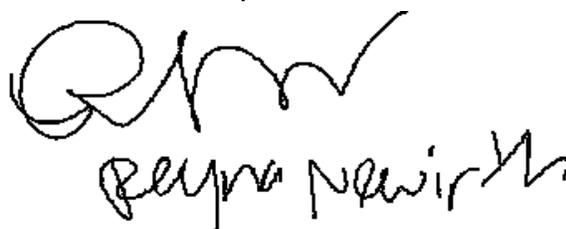
Subject: Year End Report - Notice of Penalty

Date: July 8, 2016

Michael Schwahn:

The following is in response to your July 8, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107701630. The delivery record shows that this item was delivered on June 28, 2016 at 2:56 pm in CORDOVA, AK 99574. The scanned image of the recipient information is provided below.

Signature of Recipient :



Reyna Newirth

Address of Recipient :

1000

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

From Mells, Delight K (DOA) **Date** 2/10/2016, 4:09:00 PM
To Hebdon, Heather R (DOA); Mells, Delight K (DOA)
Cc Schwahn, Michael F (DOA); Bulfa, Maria F B (DOA)
Bcc [Redacted]

robert.j.henrichs@gmail.com;

Subject APOC - Continued 2014 Reporting Requirements - 2015 Year End due on 2/16/15 - Action Required!

-  [image005.jpg](#) (46 KB [HTML](#))
-  [image007.png](#) (1014 B [HTML](#))
-  [image008.png](#) (1 KB [HTML](#))
-  [image009.jpg](#) (66 KB [HTML](#))
-  [image012.jpg](#) (64 KB [HTML](#))
-  [image013.png](#) (3 KB [HTML](#))
-  [image014.jpg](#) (110 KB [HTML](#))

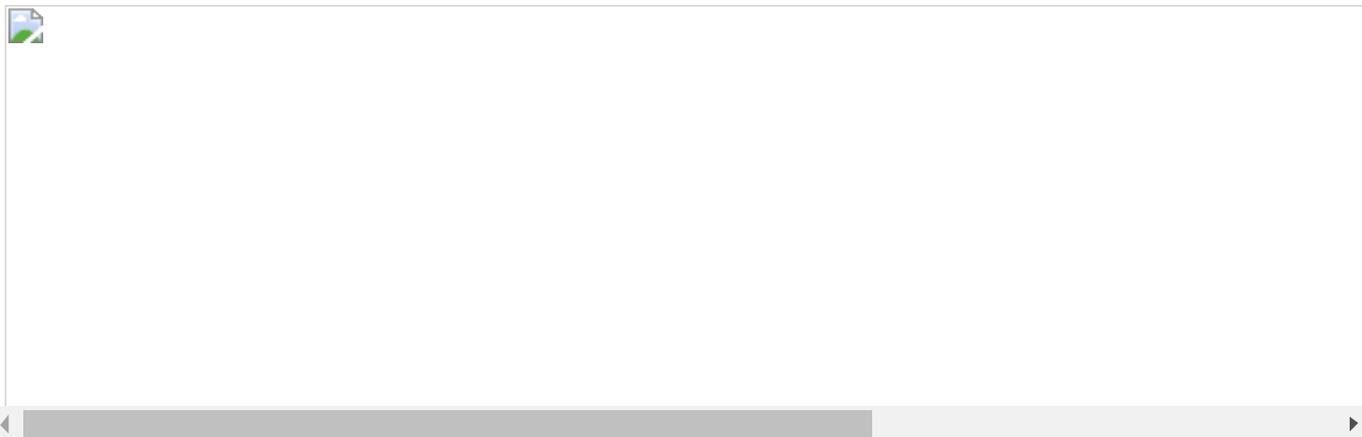
Good afternoon,

APOC records indicate that your 2014 Campaign has a continued reporting requirement due to a surplus or deficit on your last filing. This 2015 Year End Report **must be filed before midnight, Tuesday, February 16, 2016**. (APOC offices are closed February 15, 2016 in observance of Presidents’ Day.) This report should disclose all activity (payments on debts, etc.) that has occurred since you previously filed through the end of this reporting period, 2/1/2016. For your convenience, instructions on locating or resuming this report are listed below.

If you believe you have received this notification in error or have questions, please contact our office immediately. APOC offices will be closed February 15, 2016 in observance of Presidents’ Day.

To access your 2015 Year End Report by:

1. Log into MyAlaska via this [link to the APOC filing system](#) and select “Assigned Reports” from the Candidate tab.



From Mells, Delight K (DOA) **Date** 2/16/2016, 2:31:00 PM
To Mells, Delight K (DOA)
Cc Bulfa, Maria F B (DOA); Schwahn, Michael F (DOA); Hebdon, Heather R (DOA)
Bcc [Redacted]; robert.j.henrichs@gmail.com;

Subject APOC - Continued 2014 Reporting Requirements - 2015 Year End due TODAY 2/16/15 - Action Required!

-  [image005.jpg](#) (46 KB [HTML](#))
-  [image007.png](#) (1014 B [HTML](#))
-  [image008.png](#) (1 KB [HTML](#))
-  [image009.jpg](#) (66 KB [HTML](#))
-  [image012.jpg](#) (64 KB [HTML](#))
-  [image013.png](#) (3 KB [HTML](#))
-  [image014.jpg](#) (110 KB [HTML](#))

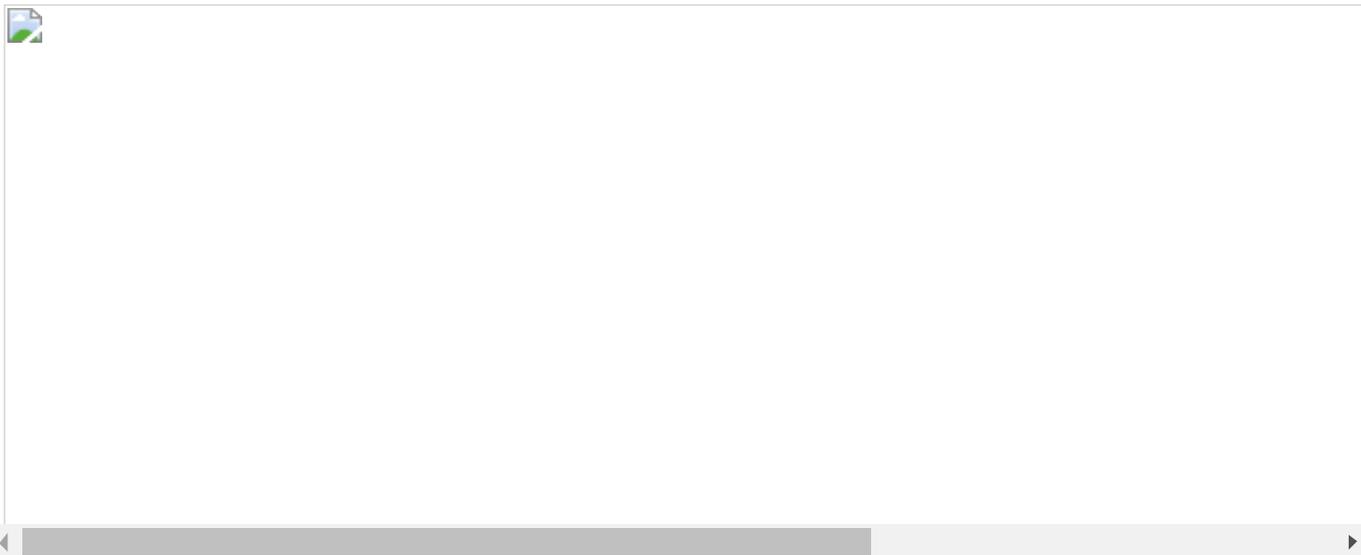
Good afternoon,

APOC records indicate that your 2014 Campaign has a continued reporting requirement due to a surplus or deficit on your last filing. This 2015 Year End Report **must be filed** before midnight, **today Tuesday, February 16, 2016**. This report should disclose all activity (payments on debts, etc.) that has occurred since you previously filed through the end of this reporting period, 2/1/2016. For your convenience, instructions on locating or resuming this report are listed below.

If you believe you have received this notification in error or have questions, please contact our office immediately.

To access your 2015 Year End Report by:

1. Log into MyAlaska via this [link to the APOC filing system](#) and select "Assigned Reports" from the Candidate tab.





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

February 17, 2016

VIA EMAIL & CERTIFIED MAIL

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com

RE: Notice of Delinquent 2015 Year End Report Disclosure Report

Mr. Henrichs:

According to our records, you did not file your 2015 Year End Campaign Disclosure Report due on February 16, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: robert.j.henrichs@gmail.com
Sent: Wednesday, February 17, 2016 4:35 PM
Subject: Relayed: Notice of Delinquency

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.j.henrichs@gmail.com (robert.j.henrichs@gmail.com)

Subject: Notice of Delinquency

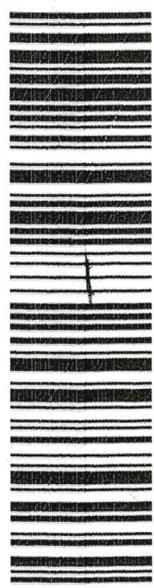
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights, Room 128
Anchorage, Alaska 99508-4149

CERTIFIED MAIL™

ARRIVED

MAR 11 2016

**APOC - ANCH
PM HC FAX ELE**



9171 9690 0935 0096 9807 95

neopost
02/17/2016
FIRST-CLASS MAIL
US POSTAGE \$005.335
ZIP 99508
041L10243475

Handwritten initials/signature

Notice 2-20-16
Second Notice 2-25-16
Returned 3-30-16

VIA EMAIL & CERTIFIED MAIL

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.i.henrichs@gmail.com

99574#1000 B0
99508@4149

NIXIE 995 DE 1 0003/10/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 99508414999 *1989-08107-18-43

1000

Mells, Delight K (DOA)

From: Mells, Delight K (DOA)
Sent: Friday, February 19, 2016 10:58 AM
To: robert.j.henrichs@gmail.com
Cc: Hebdon, Heather R (DOA)
Subject: Missing 2015 Year End Report - Action Required!
Attachments: 160217 Henrichs, Robert 2015 YE NOD.PDF

Importance: High

Tracking: **Recipient**
robert.j.henrichs@gmail.com
Hebdon, Heather R (DOA)

Mr. Henrichs,

I am following up on a Notice of Delinquency (attached) and several voice mails I have left for you at 907-253-7783. You were required to submit a 2015 Year End Report (due on February 16, 2016) to disclose any activity that has occurred with your account between February 2, 2015 - February 1, 2016. You have incurred this reporting requirement because your 2014 Year End Report indicates that you have a surplus.

Please be aware that you are continuing to accrue a penalty of \$50 for each day you fail to disclose your Future Campaign Account's activity. As of today's date, you have accrued a penalty of \$150.

Please contact our office so that we may assist you in submitting this report to stop this penalty accrual and discuss the penalty appeal process. I have also included instructions on how to locate this report below.

Sincerely,

Delight K. Mells

Paralegal II
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508-4149
Phone: (907) 276-4176 or Toll Free in Alaska 1 (800)-478-4176

Information in this e-mail may be confidential and/or privileged. If you are not the intended recipient, please notify the sender via telephone and delete the information immediately. Thank you.

To access your 2015 Year End Report by:

1. Log into MyAlaska via this [link to the APOC filing system](#) and select "Assigned Reports" from the Candidate tab.

State of Alaska myAlaska My Government Resident Business in Alaska Visiting Alaska

APOC Online Forms

HOME POFD/LFD GROUPS/ENTITIES **CANDIDATES** LOBBYING INDEPENDENT EXPENDITURES ADMINISTRATION

State of Alaska > Department of Administration > APOC

ASSIGNED REPORTS

- LETTER OF INTENT
- CANDIDATE REGISTRATION FORMS
- MUNICIPAL/JUDICIAL EXEMPTION FORMS
- CAMPAIGN DISCLOSURE FORMS
- POET FORMS
- FCA FORMS
- SHARED CAMPAIGN ACTIVITY FORMS
- CANDIDATE REIMBURSEMENT FORMS
- EXEMPT FUNDRAISER FORMS

Public Official / Legislative Official Financial Disclosure

If you are a:

- Public Official
- Candidate
- Member of a State Board or Commission
- Legislator

Who is required to file a Financial Disclosure Statement

[Group / Entity Forms](#)

View or file Group / Entity forms. View Assigned Reports

[Candidate Forms](#)

- Verifying that the "Candidate Profile" selected from the dropdown menu is displaying the Candidate Profile from your previous campaign (e.g. 2014 – Win, Ivana (State Primary Election)) and select the "Start" link within the 2015 Year End Report row of the table of reports.

CANDIDATES

ASSIGNED REPORTS

Candidate Profile:

Year	Report	Election	Begin Date	End Date	Due Date
2014	Thirty Day Report	State Primary	2/2/2014	7/18/2014	7/21/2014
2014	Seven Day Report	State Primary	7/19/2014	8/9/2014	8/12/2014
2014	Year End Report	State Primary		2/1/2015	2/15/2015
2015	Year End Report	State Primary	2/2/2015	2/1/2015	2/15/2015

[Click Here](#) to add these to your schedule (use Import in Outlook and choose the .i

REGISTRATION FORMS

[Letter of Intent Forms](#)

The Letter of Intent permits you to make campaign expenditures prior to declaring with the Division of Ele

Mells, Delight K (DOA)

From: Microsoft Outlook
To: robert.j.henrichs@gmail.com
Sent: Friday, February 19, 2016 10:58 AM
Subject: Relayed: Missing 2015 Year End Report - Action Required!

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.j.henrichs@gmail.com (robert.j.henrichs@gmail.com)

Subject: Missing 2015 Year End Report - Action Required!

Mells, Delight K (DOA)

From: Mells, Delight K (DOA)
Sent: Tuesday, March 08, 2016 12:16 PM
To: robert.j.henrichs@gmail.com
Cc: Hebdon, Heather R (DOA)
Subject: APOC - 2015 Year End Report Still Missing - Action Required!
Attachments: 160217 Henrichs, Robert 2015 YE NOD.PDF

Importance: High

Tracking: **Recipient**
robert.j.henrichs@gmail.com
Hebdon, Heather R (DOA)

Mr. Henrichs,

I am following up on a Notice of Delinquency (attached) and a voice mails I have left for you at 907-253-7783. You were required to submit a 2015 Year End Report (due on February 16, 2016) to disclose any activity that has occurred with your account between February 2, 2015 - February 1, 2016. You have incurred this reporting requirement because your 2014 Year End Report indicates that you have a surplus.

Please be aware that you are continuing to accrue a penalty of \$50 for each day you fail to disclose your campaign's activity. As of today's date, you have accrued a penalty of \$1,050.

Please contact our office so that we may assist you in submitting this report to stop this penalty accrual and discuss the penalty appeal process. I have also included instructions on how to locate this report below.

To access your 2015 Year End Report by:

1. Log into MyAlaska via this [link to the APOC filing system](#) and select "Assigned Reports" from the Candidate tab.

Mells, Delight K (DOA)

From: Microsoft Outlook
To: robert.j.henrichs@gmail.com
Sent: Tuesday, March 08, 2016 12:16 PM
Subject: Relayed: APOC - 2015 Year End Report Still Missing - Action Required!

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.j.henrichs@gmail.com (robert.j.henrichs@gmail.com)

Subject: APOC - 2015 Year End Report Still Missing - Action Required!



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

April 29, 2016

VIA CERTIFIED MAIL and EMAIL

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com

Re: NOTICE OF REFERRAL TO COMMISSION
Delinquent 2015 Year End Campaign Disclosure Report

Mr. Henrichs:

On February 17, 2016, the Alaska Public Offices Commission notified you that you were subject to a civil penalty of \$50 for your failure to timely file a 2015 Year End Campaign Disclosure Report which was due on February 16, 2016. (Enclosed.)

As of the date of this letter, you have not filed this delinquent report with APOC or paid the penalty. In the letter previously issued, this office also informed you of your right to appeal this penalty assessment within thirty (30) days and supplied you with an appeal affidavit form. You did not file an appeal within the thirty (30) days; therefore, your right to appeal has expired.

The APOC staff will refer this matter to the Commission for entry of a final order of assessment of the penalties due. The Commission will consider this matter at its June 2016 public meeting. Please also understand that regardless of Commission action, you are still obligated to submit this delinquent report. Your penalties continue to accrue for each day the reports remain delinquent. **Please file your report immediately to stop the accrual of penalties.**

If you would like to avoid further Commission action and make payment arrangements for the penalties due but you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. **As of the date of this letter, your accrued penalties are \$3,650. These penalties continue to accrue at \$50 per day until you file the report.**



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4145
Mail: 907.276.4176
Fax: 907.276.7019
www.apoc.alaska.gov/apoc

February 17, 2016

VIA EMAIL & CERTIFIED MAIL

Robert Henrichs
P.O. Box 1000
Cordova, Alaska 99574
robert.j.henrichs@gmail.com

RE: Notice of Delinquent 2015 Year End Report Disclosure Report

Mr. Henrichs:

According to our records, you did not file your 2015 Year End Campaign Disclosure Report due on February 16, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: robert.j.henrichs@gmail.com
Sent: Friday, April 29, 2016 3:26 PM
Subject: Relayed: Notice of Referral to Commission

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

robert.j.henrichs@gmail.com (robert.j.henrichs@gmail.com)

Subject: Notice of Referral to Commission



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Bill Hibler

CIVIL PENALTY ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other: 2014 and 2015 Future Campaign Account Reports

REASON FOR FILING OR DATE OF ELECTION: 2016 Primary – August 16, 2016

DUE DATE OF LATE REPORTS: July 18, 2016

REPORTS FILED ON: July 19, 2016

NUMBER OF DAYS LATE: 1 day

DATE DELINQUENCY NOTICE SENT: Notice of Penalty 30 Day – July 19, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 1, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$50

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The campaign account was not set up.
2. There were zero financial transaction.
3. Filing with APOC was a mistake. Mr. Hibler was seeking a federal office.
4. The reporting requirements have been concluded.
5. The treasurer was inexperienced with approximately 30 days of service.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Hibler was a candidate in the 2016 Federal Primary. He filed a Letter of Intent on May 30, 2016 that made him subject to AS 15.13, Alaska’s campaign disclosure law. He was required to file a 30 Day Primary report on July 18, 2016.¹ Instead, he filed a final no activity report, concluding his reporting requirements one day later on July 19, 2016. APOC Staff issued penalty assessments for the late filed reports and the Hibler campaign appealed.

Staff recommends the combined maximum penalty of \$50 be waived.

1. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This is Mr. Hibler’s first election cycle and filing with APOC instead of the Federal Election Commission can be attributed to his inexperience. The delinquent report also occurred within 365 days of registering, allowing for this criteria to be applied.
2. Mitigating criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.³ One of the indicators that a late report did not harm the public is when the dollar amount to be disclosed is \$100 or less.⁴ Here, there are no aggravating factors and Mr. Hibler’s campaign filed a no activity report allowing for the application this criteria.
3. 2 AAC 50.865(a)(3) allows for a reduction of up to 50% when the unreported information had a value of \$100 or less. Mr. Hibler’s report had no activity and also meets this criteria for a penalty reduction.
4. Based on Mr. Hibler’s inexperience, a lack of significant harm to the public and other mitigationg criteria, staff recommends that the full civil penalty of \$50 be waived.

FILER’S REPORTING HISTORY:

2016 State Primary – Letter of Intent – Filed 5/30/2016

2016 State Primary – 30 Day Report – LATE (1 Day Late) (Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$0
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$0

¹ AS 15.13.110.

² 2AAC 50.865(a)(1)(B).

³ 2 AAC 50.865(b)(5).

⁴ 2 AAC 50.865(b)(5)(A).

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁵ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁶ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁷ 2 AAC 50.865(d)(1)
- More than one late filing in the preceding 5 years. 2 AAC 50.865(d)(2)(A)
- Evidence suggesting deliberate non-reporting. 2 AAC 50.865(d)(2)(B)
- Failure to cooperate with staff. 2 AAC 50.865(d)(2)(C)

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: Waive

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁷ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Mr. Bill Hibler
683 Cranberry Ridge Drive
Fairbanks, AK 99712
billh.alaska@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Hibler:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-56

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mr. Bill Hibler
683 Cranberry Ridge Drive
Fairbanks, AK 99712
billh.alaska@gmail.com

Michael F. Schuahn 10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: billh.alaska@gmail.com
Sent: Wednesday, October 05, 2016 3:19 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

billh.alaska@gmail.com (billh.alaska@gmail.com)

Subject: Amended Commission Meeting Notice

ARRIVED

AUG 01 2016

APOC - ANCH
PM HC FAX ELE
7-26-16

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Bill Hibler for Congress

Office (if a candidate): Congress

Penalty issued in connection with (check box or boxes):

- | | | |
|---|--|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

We did not have the account set-up in time. We have had zero financial transactions and this was actually set-up by Mistake. Bill is running for Congress, not a state campaign. This account has been closed. I am an inexperienced treasurer, apx 30 days of

Certification: *First-time service.*

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: *Jeff Hubbard* *Treasurer, July 26, 2016.*



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 19, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Bill Hibler
683 Cranberry Ridge Drive
Fairbanks, AK 99712
Billh.alaska@gmail.com

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Mr. Hibler:

According to our records, you did not timely file your 30Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 19, 2016 (1 day late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$50.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Date: August 19, 2016

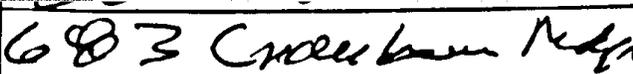
Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700640. The delivery record shows that this item was delivered on August 1, 2016 at 1:46 pm in FAIRBANKS, AK 99710. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Address	

Address of Recipient :

Address	
---------	--

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: billh.alaska@gmail.com
Sent: Tuesday, July 19, 2016 3:49 PM
Subject: Relayed: Notice of Penalty - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

billh.alaska@gmail.com (billh.alaska@gmail.com)

Subject: Notice of Penalty - 30 Day Primary Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Delight K. Mells **DATE:** September 30, 2016

RESPONDENT: David Lynch

CIVIL PENALTY ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary and General Elections

DUE DATE OF LATE REPORT: July 18, 2016

REPORT FILED ON: July 19, 2016

NUMBER OF DAYS LATE: 1 day

DATE DELINQUENCY NOTICE SENT: Notice of Delinquent 30 Day – July 19, 2016
Notice of Penalty 30 Day – July 20, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 19, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$50

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 50% to \$25
(See “Staff’s Recommendation Based on Standard Mitigation Criteria

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. The candidate has a good filing history. 2 AAC 50.865(1)(A).
- 2. The candidate is an inexperienced filer. 2 AAC 50.865(1)(B).
- 3. The candidate experiences an incapacitating illness of being a “Techno-Phobe, Computer Illiterate.” 2AAC 50.865(b)(1).
- 4. The candidate was given incorrect information. As a nominating petition candidate he did not participate in the primary election and he is from a municipality that allows for paper filing. 2AAC 50.865(b)(2)(B).
- 5. The late report did not cause significant harm to the public. 2AAC 50.865(b)(5).
- 6. The civil penalty assessment is significantly out of proportion to the degree of harm to the public for not have the information. 2AAC.865(b)(6).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Lynch is a nominating petition candidate in the 2016 State Election that did not appear on the primary ballot. He was still required to file 30 Day Primary report on July 18, 2016.¹ Instead, his report was filed one day late on July 19, 2016. APOC Staff issued penalty assessments for the late filed reports and Mr. Lynch timely appealed.

Staff recommends the maximum penalty of \$50 be reduced by 50% to \$25. A full waiver has not been recommended for the reason set forth in section seven.

1. Mr. Lynch has cited having a good filing history as mitigating criteria applicable to his penalty.² Although this is his first and only late filing, Mr. Lynch did have activity to disclose. To apply this criteria the candidate must have a good filing activity and zero activity to report. Other mitigating criteria is available to a reduction of penalty.

2. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.³ This is Mr. Lynch’s first election cycle in which he ran as registered candidate and the delinquent reports occurred within 365 days of registering, allowing for this criteria to be applied.

3. Mr. Lynch has noted having an incapacitating illness of being a “Techno-Phobe and Computer Illiterate.” Staff is unable to consider this as mitigating criteria as Mr. Lynch has been able to utilize the electronic filing system with staff’s assistance.

4. Staff does acknowledge there may be confusion caused to independent candidates that are required to report, but do not appear on the primary ballot. Such a misunderstanding can be attributed to the mitigating criteria of inexperience that staff has already applied for a penalty reduction.

Mr. Lynch has also indicated that his municipality is of a population which would allow for the filing of paper forms under AS 15.13.040(m)(1)(B). This allowance is only applicable to candidates filing for municipal office. As a state candidate, Mr. Lynch is required to electronically file his campaign disclosure reports.

5. Mitigating criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.⁴ A late report does not cause significant harm to the public when the value of the information was no more than \$1,000 and the filer self-reported.⁵ Here, there are no aggravating factors, Mr. Lynch self-reported, and his report disclosed activity of \$805.00 in personal non-monetary contributions. Therefore, this criteria is applicable for the reduction of the penalty.

¹ AS 15.13.110(a)(1-2); AS 15.13.110(f)(2).

² 2AAC 50.865(a)(1)(A).

³ 2AAC 50.865(a)(1)(B).

⁴ 2 AAC 50.865(b)(5).

⁵ 2 AAC 50.865(b)(5)(B).

6. Staff cannot apply the mitigating criteria that the penalty assessment is significantly out of proportion to the degree of harm to the public for not have the information.⁶ A penalty assessment of \$50 for failing to timely report is not excessive in light of the Lynch campaign’s activity.

7. Mr. Lynch was statutorily required to timely disclose his campaign’s financial activity for public review. Applicable mitigating criteria is available to provide a complete waiver, but should not be used to diminish a filer’s responsibility to comply with Alaska’s campaign disclosure law.

Based on the candidate’s inexperience and a lack of significant harm, staff recommends that the penalty be reduced by 50% from of \$50 by 50% to \$25.

FILER’S REPORTING HISTORY:

2016 State Primary – Registered – Filed 6/1/2016

2016 State Primary – 30 Day Report – LATE (1 Day Late) (Subject of Appeal)

2016 State Primary – 7 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$0
Expenses:	\$805.60⁷
Debts:	\$0
Ending Balance:	-\$805.60

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁸ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁹ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

⁶ 2AAC.865(b)(6).

⁷ Mr. Lynch has reported his personal contribution’s to his campaign as expenses.

⁸ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁹ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.¹⁰ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 50% to \$25.00**

¹⁰ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Mr. Daniel Lynch
44755 Sterling Hwy #29
Soldotna, AK 99669
Citizenlegislator30@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Lynch:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to be heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-63

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mr. Daniel Lynch
44755 Sterling Hwy #29
Soldotna, AK 99669
Citizenlegislator30@gmail.com

Medea F. Salatin 10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: citizenlegislator30@gmail.com
Sent: Wednesday, October 05, 2016 3:19 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

citizenlegislator30@gmail.com (citizenlegislator30@gmail.com)

Subject: Amended Commission Meeting Notice

ARRIVED

AUG 19 2016

**APOC - ANCH
RM HC FAX ELE**

8-18-2016

Civil Penalty Appeal Affidavit

AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant (candidate, group, or person): Daniel Lee Lynch

Office (if a candidate): State of AK. House - Dist. 30

Penalty issued in connection with (check box or boxes):

- | | | |
|---|--|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input checked="" type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): State 2016

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

* Please see enclosed material. *

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Daniel Lee Lynch 8-18-16



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 20, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Daniel Lynch
44755 Sterling Hwy #29
Soldotna, AK 99669
Citizenlegislator30@gmail.com

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Mr. Lynch:

According to our records, you did not timely file your 30Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 19, 2016 (1 day late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$50.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.



- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.
² AS 15.13.110.
³ 2 AAC 50.855.
⁴ 2 AAC 50.855(a).
⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.
⁶ 2 AAC 50.831(a).

AUG 19 2016

2 AAC 50.865. Mitigating factors; aggravating factors

(a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if

(1) a person required to file a statement or other filing

* (A) has a good filing history; in this subparagraph, "good filing history" means

* (1) no late filings in the immediately preceding five years; and

(2) no activity shown on the overdue report;

* (B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;

(2) a technical error at the commission, including a communication, facsimile machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;

(3) any unreported or mistakenly reported information had a value of \$100 or less; or

(4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

(1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person; Techno-Phobe, Computer Illiterate.

* (2) a significant cause of the late filing is commission staff error, including

(A) furnishing reporting materials too late for filing on or before the due date;

(B) giving incorrect oral or written information to a person required to submit a statement or other filing; (misleading)

(C) failing to deliver required notices when due; or

(D) confirmed technical problems with operation of commission equipment, including the electronic filing program;

(3) a municipal clerk or the clerk's designee failed to notify a municipal official, as provided in 2 AAC 50.850(f), that the municipal official's filing is delinquent or incomplete;

(4) a late or erroneous report included only administrative costs in a group report;

* (5) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if

(A) the dollar amount missing from a form or disclosure is \$100 or less;

(B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the filer self-reported the error; or

(C) the missing or incomplete information is readily available to the public through another forum;

* (6) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or

(7) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

(1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

ALASKA PUBLIC OFFICES COMMISSION
GROUP REPORTING DATES 2016 STATE ELECTIONS

Please see
backside for
explanation.

* Misleading *

Tuesday, August 16, 2016 Primary Election

Report:	Covers:	Due:
* 30 Day Report	February 2 – July 15 *	Monday, July 18, 2016
7 Day Report	July 16 – August 6	Tuesday, August 9, 2016
24 Hour Reports**	August 7 – August 15	Daily As Needed**
Year End Report	August 7 – February 01, 2017	Wednesday, February 15, 2017

Tuesday, November 8, 2016 General Election

Report:	Covers:	Due:
30 Day Report	August 7 – October 7	Monday, October 10, 2016
7 Day Report	October 8 – October 29	Tuesday, November 1, 2016
24 Hour Reports**	October 30 – November 7	Daily As Needed**
Year End Report	October 30 – February 01, 2017	Wednesday, February 15, 2017

**If your group is an Independent Expenditure Group or a Ballot Proposition Group,
it will also be required to file Independent Expenditure reports in addition to the
reports listed above**

**During the 9 days before an election, you must report the contributor name and amount of all monetary and non-monetary contributions over \$250 to APOC within 24 hours of the time you receive each contribution. You may need to report each day during that period, or not at all.

Contact Information

Information Email: apoc@alaska.gov

Anchorage APOC – 2221 East Northern Lights Blvd., Room 128, Anchorage, Alaska 99508
General Information: (907) 276-4176 / (800) 478-4176 / FAX (907) 276-7018

AUG 19 2016

As a first time candidate that is
Non-Partisan ... I was not involved
in a primary, and did not even
turn in required signatures to be a
official candidate until 8-15-16
of Div. of Elec.

Thnx

Daniel Lynch

I would also question my in-ability to file
by paper (photo-copies of receipts) as the info. from
city clerks... Soldotna, Kenai, & Boro Clerk tell
me my District does not meet the 15,000
population requirement. (AS 39.50.050)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 20, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Daniel Lynch
44755 Sterling Hwy #29
Soldotna, AK 99669
Citizenlegislator30@gmail.com

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Mr. Lynch:

According to our records, you did not timely file your 30Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 19, 2016 (1 day late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$50.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the maximum penalty.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION



Delight K. Mells
Paralegal II

Enclosures: Civil Penalty Appeal Affidavit
Civil Penalty Appeal Mitigation Criteria

CERTIFICATE OF SERVICE

I certify that on this date, I served a true and correct copy of the foregoing document by Email & Certified Mail, Return Receipt Requested, to:

Mr. Daniel Lynch
44755 Sterling Hwy #29
Soldotna, AK 99669
Citizenlegislator30@gmail.com

 7-20-16
Law Office Assistant Date

9171-9690-0935-0107-7007-63

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700763. The delivery record shows that this item was delivered on July 25, 2016 at 4:10 pm in SOLDOTNA, AK 99669. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

44755 Sterling Hwy.
#29

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: citizenlegislator30@gmail.com
Sent: Wednesday, July 20, 2016 3:57 PM
Subject: Relayed: Notice of Penalty - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

citizenlegislator30@gmail.com (citizenlegislator30@gmail.com)

Subject: Notice of Penalty - 30 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 19, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Daniel Lynch
44755 Sterling Hwy #29
Soldotna, AK 99669
Citizenlegislator30@gmail.com

RE: Notice of Delinquent 30 Day Primary Disclosure Report

Mr. Lynch:

According to our records, you did not file your 30 Day Primary Campaign Disclosure Report due on July 18, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700688. The delivery record shows that this item was delivered on July 25, 2016 at 4:10 pm in SOLDOTNA, AK 99669. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

44755 Sterling Hwy.
#29

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: citizenlegislator30@gmail.com
Sent: Tuesday, July 19, 2016 3:52 PM
Subject: Relayed: Notice of Delinquent 30 Day Primary Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

citizenlegislator30@gmail.com (citizenlegislator30@gmail.com)

Subject: Notice of Delinquent 30 Day Primary Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Delight K. Mells **DATE:** September 30, 2016

RESPONDENT: Senator Lesil McGuire

**CIVIL PENALTY
ASSESSED UNDER:** Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary Election

DUE DATE OF LATE REPORTS: February 16, 2016

REPORT FILED ON: April 28, 2016

NUMBER OF DAYS LATE: 72

DATE DELINQUENCY NOTICE SENT: Notice of Delinquency – February 17, 2016
Notice of Penalty – April 29, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: May 29, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$3,900

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 99% to \$39
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The candidate has a good filing history. 2 AAC 50.865(a)(1)(A).
2. The unreported information had a value of less than \$1,000. 2 AAC 50.865(a)(3) and(4).
3. The candidate’s father experienced an incapacitating illness and subsequently passed away. 2 AAC 50.856(b)(1).
4. APOC staff did not contact the candidate at her legislative office during session. 2AAC 50.865(b)(2)(c).
5. The late filing did not cause significant harm to the public. 2 AAC 50. 865(b)(5).
6. The penalty is significantly out of proportion to any degree of harm to the public. 2 AAC 50.865(b)(6).
7. Staff’s termination, divorce and father’s death was a unique circumstance that warrants a penalty reduction. 2 AA 50.865(b)(7)

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Senator McGuire’s campaign filed a Letter of Intent indicating her participation in the 2016 State Primary election. She was required to file a Year Start report on February 16, 2016.¹ Instead this report was filed on April 28, 2016, 72 days later. APOC Staff issued a penalty assessment for the late Year Start report and the campaign timely appealed.

Staff recommends the maximum penalty of \$3,900 be reduced by 99% to \$39. A full waiver has not been recommended for the reason set forth in section eight.

1. Senator McGuire’s appeal identifies her good filing history as mitigating criteria warranting a reduction of penalty of up to 50%.² Staff agrees that she has no late filings within the last five years and her delinquent report disclose zero financial activity making this criteria applicable to her penalty.³

2. A reduction of up to 50% is also available when unreported information had a value of less than \$100.⁴ Senator McGuire’s Year Start report contained zero activity, allowing for this criteria to be applied.

3. 2AAC 50.865(b)(1) allows for a reduction of greater than 50% when a family member of the person required to file experiences a incapacitating illness that prevents the person from filing on or before the due date. Senator McGuire indicates that her father experienced an incapacitating illness which ultimately lead to his passing. Although her appeal does not clearly define the time frame that this occurred and its impact on her ability to timely file, APOC staff acknowledges the emotional duress such an event would have and believes this criteria is applicable.

4.) Senator McGuire cited the mitigating criteria that staff erred in notifying her of the delinquent filing by not contacting her legislative office during legislative session.⁵ This criteria is not applicable as APOC staff issued delinquency notices, follow up emails, and voicemails to the contact information of record. Due to the prohibition against state resources being utilized for campaign purpose, APOC staff does not routinely contact legislators at their legislative offices regarding their campaigns.⁶ Staff’s attempts to contact Senator McGuire at her Anchorage office was unique, as she had listed the number as her campaign’s phone number of record. Additionally, failure to receive a notice of a deficiency does not excuse the requirement to timely file.⁷

¹ AS 15.13.110(a).

² 2 AAC 50.865.(a)(1)(A).

³ Senator McGuire’s appeal references a PAC contribution. Upon initial review, APOC staff noted that a PAC had contributed to the 2016 McGuire campaign. After further investigation it was determined that the PAC’s contribution was never received and Senator’s zero activity report was accurate.

⁴ 2 AAC 50.865(a)(3).

⁵ 2 AAC 50.865(b)(2)(C).

⁶ AS 15.13.145.

⁷ 2 AAC 50.850(a)

5. Mitigating criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public, no aggravating factors are present, and the amount missing from disclosure is \$100 or less.⁸ Here, there are no aggravating factors present and there was zero activity to be disclosed indicating that the late report did not cause significant harm to the public.

6. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, a penalty assessment of \$3,900 – for zero activity – is significantly out of proportion to the degree of harm and warrants reduction.

7. Senator McGuire has requested that the criteria of a unique circumstance be applied to her penalty.⁹ Specifically, she notes staff turnover, her father’s passing, and divorce. Although staff turnover is excluded as a mitigating factor, it is allowed to be considered as a unique circumstance when justified.¹⁰ Here, it appears that staff to Sen. McGuire filed a Letter of Intent on her behalf, with her credentials, but failed to enter current contact information or alert the Senator of her incurred reporting requirements. In combination with the other life events and the subsequent retirement from public service, APOC staff believes Senator McGuire qualifies for a reduction based on the mitigating criteria of a unique circumstance.

8. A full waiver has not been recommended for this penalty because Senator McGuire was statutorily required to timely disclose her campaign’s activity. Although staff turnover has been justified as a unique circumstance, Senator McGuire had a responsibility to protect her MyAlaska credentials and is ultimately responsible for any default of her staff.¹¹ Applicable mitigating criteria is available to provide a complete waiver, but should not be used to diminish a candidate’s responsibility to comply with Alaska’s campaign disclosure law.

Because the penalty is significantly out of proportion to the degree of harm to the public and other mitigating criteria, staff recommends reducing the penalty of \$3,900 by 99% to \$39

FILER’S REPORTING HISTORY:

- 2012 – State Primary – Registered 1/20/2012
- 2012 – State Primary – Year Start Report – Timely
- 2012 State Primary – 30 Day Report – Timely
- 2012 State Primary – 7 Day Report – Timely
- 2012 State Primary – 24 Hour Report – Timely
- 2012 State Primary – 24 Hour Report – Timely
- 2012 State Primary – 24 Hour Report – Timely
- 2012 State Primary – 24 Hour Report – Timely
- 2012 State Primary – 24 Hour Report – Timely
- 2012 State General – 30 Day Report – Timely
- 2012 State General – 7 Day Report – Timely
- 2012 State General – 24 Hour Report – Timely
- 2012 State General – Year End Report – Timely
- 2014 State Primary - Registered 6/5/2013
- 2014 State Primary - Year Start Report – Timely
- 2014 State Primary – 30 Day Report – Timely
- 2014 State Primary – 7 Day Report – Timely

⁸ 2AAC 50.865(b)(5)(C).

⁹ 2 AAC 50.865(b)(7).

¹⁰ 2AAC 50.865(c)(7).

¹¹ AS 15.13.060(a).

2014 State General – 30 Day Report – Timely
 2014 State General – 7 Day Report – Timely
 2014 Year End Report – Timely
 2016 State Primary – Letter of Intent – Filed 8/21/2015
2016 State Primary – Year Start Report – LATE (72 Days Late) (Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$0
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$0

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.¹² 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public¹³ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer’s own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique

¹² Any entity or filer subject to a registration or reporting requirement for less than 365 days.

¹³ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

circumstances. **2 AAC 50.865(c)(7)**

- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.¹⁴ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 99% to \$39.**

¹⁴ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Senator Lesil McGuire
2022 Kimberly Lyn Circle
Anchorage, AK 99515
Lesilmcguire@yahoo.com; jesselogan08@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Senator McGuire:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-70

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Senator Lesil McGuire
2022 Kimberly Lyn Circle
Anchorage, AK 99515
Lesilmcguire@yahoo.com; jesselogan08@gmail.com

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: lesilmcguire@yahoo.com; jesselogan08@gmail.com
Sent: Wednesday, October 05, 2016 3:20 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lesilmcguire@yahoo.com (lesilmcguire@yahoo.com)

jesselogan08@gmail.com (jesselogan08@gmail.com)

Subject: Amended Commission Meeting Notice

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Leslie Mubruce

Office (if a candidate): _____

Penalty issued in connection with (check box or boxes):

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

See attached file

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: *[Signature]* *5/29/16*

APOC Staff,

This is a response to the letter I received on April 29, 2016 regarding a notice of penalty 2016 Year Start Report. It is my intention to fully cooperate with APOC staff on all matters.

According to the letter I received, your records show that I was 72 days late in filing my 2016 Year Start Campaign Disclosure Report, which was due February 16, 2016. I filed the report on April 28, 2016 which was the day I was notified that your records showed that I was required to file the report. Let me explain:

First, according to your records I filed a letter of intent in late August of 2016. I do not recall filing that letter of intent and it may have been done by one of my staff that had served as a volunteer on previous campaigns as a matter of routine. It was over the course of the following weeks that I was forced to terminate that staffer's employment in my office for other indiscretions. Following that termination there was little to no transfer of information to myself or other staffers of her previous work or files related to either my Senate office or previous campaign. I did not know the letter of intent was filed and had already made the decision not to seek another term of office.

Second, I announced publically on September 28, 2016 that I would not be seeking reelection. Consequently, no campaign was ever formed, no bank account was established and no staff (volunteer or otherwise) was obtained. I neither sought nor received any campaign donations, held fundraisers or any other campaign related activity. There was no campaign.

Third, I received no notice that the report was required. Upon talking to APOC staff, I learned that the email, address and phone number associated with my filing were out of date. APOC staff related that they tried repeatedly to contact me. However, those attempts were phone calls to an office in Anchorage and letters to my home in Anchorage, meanwhile I was in Legislative session in Juneau and had no way of receiving those phone calls or letters. As a sitting Senator, I am very easy to find, especially during the Legislative Session. It would have been very easy to contact me in Juneau regarding the requirement to file the disclosure. The email associated with the letter of intent is one I have not accessed or used for over 2 years. Thus my suspicion that the letter of intent was filed by a staffer that was transitioning out of my office.

Fourth, as the APOC executive director knows, during this time I have been going through not only a divorce, but the failing health and ultimate death of my father.

Finally, I recognize that it is my responsibility to file letters of intent and follow through with filing reports that are required. However, I honestly did not know the letter of intent had been filed. Once I announced that I would not be seeking reelection and because I never formed a campaign or received donations, and due to the personal turmoil I was experiencing during that time I never thought to look up whether or not someone had filed that letter for me.

Additionally, APOC staff informed me that a PAC had filed a donation to my campaign. I assure you that I neither sought nor received that donation and do not know anyone associated with it. The date on that reported donation was three (3) months after I publically announced that I would not be seeking reelection.

I have maintained a good filing history during my terms of service to the state of Alaska and have always cooperated with the commission and its staff. For the reasons stated above and the following portions of the AAC I humbly ask that this civil penalty be dismissed entirely.

- 1) AAC 50.865 (a)(1)(A): I have a good filing history.
- 2) AAC 50.865(a)(3) and (4): unreported information had a value of less than \$1,000.
- 3) AAC 50.856 (b) (1): my father was experiencing an incapacitating illness and subsequently passed away.
- 4) AAC 50.865 (b) (2)(c): Though contact information was given when the letter of intent was filed, the commission's staff made no effort to contact me in Juneau, where I was serving in the Legislative session.
- 5) AAC 50.865 (b) (5): The lateness of this filing did not cause significant harm to the public.
- 6) AAC 50.865 (b) (6): The civil penalty assessed is significantly out of proportion to the degree of harm to the public. I announced that I was not seeking reelection and did not solicit or receive any donations. There was nothing to report.
- 7) AAC 50.865 (b) (7): Please consider the unique circumstances of my staff's termination, my divorce and my father's death.

Again, please consider my unique circumstances when reviewing this appeal. Again, I humbly ask for the civil penalty to be dismissed entirely and am happy to work with APOC staff for any follow up reporting or information that you may require.

Thank you for your service to the State of Alaska.

Sincerely,



Lesil McGuire



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

April 29, 2016

VIA EMAIL & CERTIFIED MAIL

Senator Lesil L. McGuire
2022 Kimberly Lym Circle
Anchorage, AK 99515
Lesilmcquire@yahoo.com; jesselogan08@gmail.com

Re: Notice of Penalty¹
2016 Year Start Campaign Disclosure Report²

Senator McGuire:

According to our records, you did not timely file your 2016 Year Start Campaign Disclosure Report, due February 16, 2016. Instead, your report was filed on April 28, 2016 (72 days late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$3,600.⁴

Staff recognizes that you are a sitting legislator and enjoy legislative immunity. No action is required of you while the legislature is in session. However, the matter should be addressed as soon as possible after the regular session, or any special session that may occur, concludes.

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: lesilmcguire@yahoo.com; jesselogan08@gmail.com
Sent: Friday, April 29, 2016 3:26 PM
Subject: Relayed: Notice of Penalty

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lesilmcguire@yahoo.com (lesilmcguire@yahoo.com)

jesselogan08@gmail.com (jesselogan08@gmail.com)

Subject: Notice of Penalty

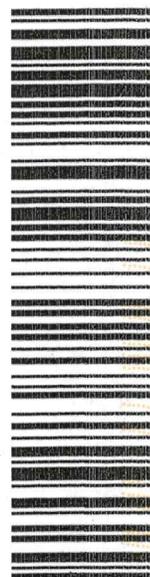
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights, Room 128
Anchorage, Alaska 99508-4149

ARRIVED

MAY 17 2016

**APOC - ANCH
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CERTIFIED MAIL™



9171 9690 0935 0107 7020 95



neopost
04/29/2016
US POSTAGE \$005.115

FIRST-CLASS MAIL

ZIP 99508
041110243475

VIA EMAIL & CERTIFIED MAIL

Senator Lesil L. McGuire

2022 Kimberly Lynn Circle

Anchorage, AK 99515

Lesil.mcguire@yahoo.com; lesil@alaska.gov



NIXIE 995 DE 1 0005/16/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 99508414999 *1895-01734-29-43
12 4/30



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

February 17, 2016

VIA EMAIL & CERTIFIED MAIL

Senator Lesil L. McGuire
2022 Kimberly Lym Circle
Anchorage, AK 99515
Lesilmcquire@yahoo.com

RE: Notice of Delinquent 2016 Year Start Campaign Disclosure Report

Senator McGuire:

According to our records, you did not file your 2016 Year Start Campaign Disclosure Report due on February 16, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: lesilmcguire@yahoo.com
Sent: Wednesday, February 17, 2016 4:36 PM
Subject: Relayed: Notice of Delinquency

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lesilmcguire@yahoo.com (lesilmcguire@yahoo.com)

Subject: Notice of Delinquency

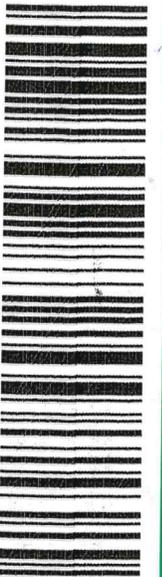
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights, Room 128
Anchorage, Alaska 99508-4149

CERTIFIED MAIL™

ARRIVED

MAR 22 2016

**APOC - ANCH
PM HC FAX EIE**



9171 9690 0935 0096 9807 19

neopost
02/17/2016
FIRST-CLASS MAIL
US POSTAGE \$005.335
ZIP 99508
041110243475

VIA EMAIL & CERTIFIED MAIL

Senator Lesil L. McGuire
2022 Kimberly Lym Circle
Anchorage, AK 99515
Lesilmcquire@yahoo.com

99515#2803 CO
99508@4149

*M/T
2/19/16*

*3/13
3/20*

NIXIE 995 DE 1 0003/21/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 99508414999 *1989-08100-18-43



**ALASKA PUBLIC OFFICES COMMISSION
AMENDED¹ STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Delight K. Mells **DATE:** October 3, 2016

RESPONDENT: Representative Kurt Olson

**CIVIL PENALTY
ASSESSED UNDER:** Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other: 2014 and 2015 Future Campaign Account Reports

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary Election

DUE DATE OF LATE REPORT: August 9, 2016

REPORT FILED ON: August 12, 2016

NUMBER OF DAYS LATE: 3

DATE DELINQUENCY NOTICE SENT: Notice of Delinquent 30 Day – August 10, 2016
Notice of Penalty 30 Day – August 15, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 16, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$1,500

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 90% to \$150
(See “Staff’s Recommendation Based on Standard Mitigation Criteria)

¹ This recommendation was amended to correct the late report reference. The amount recommended to be reduced has not been amended.

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The candidate had an inaccurate understanding of reporting requirements.
2. The candidate withdrew from the House District 30 race on April 1, 2016.
3. No campaign income had been received since December 22, 2015.
4. Both the 30 Day and late 7 Day report reflected no activity.
5. The candidate was in travel status during the reporting deadline and the campaign email of record was not being activity monitored.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Representative Olson filed a Letter of Intent for the 2016 State primary election and became subject to the requirements of AS 15.13, Alaska’s campaign disclosure law. He withdrew from the election with the Division of Elections, but had not concluded his reporting requirements with APOC. He was required to file 7 Day primary report on August 9, 2016.² Instead, his report was filed three days late on August 12, 2016. APOC Staff issued penalty assessment for the late filed report and the Rep. Olson timely appealed.

Staff recommends the maximum penalty of \$1500 be reduced by 90% to \$150. A full waiver has not been recommended for the reason set forth in section four.

1. 2 AAC 50.865(a)(3) allows for a reduction of up to 50% when the unreported information had a value of \$100 or less. Rep. Olson’s report had no activity and meets this criteria for a penalty reduction.
2. Mitigation criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors exist. A late report does not cause significant harm when the financial activity disclosed is less than \$100.³ Here, Rep. Olson’s report disclosed no activity, but his filing history prevents the application of this criteria.
3. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, a penalty assessment of \$1,500– for no activity – is significantly out of proportion to the degree of harm and warrants reduction.
4. The Representative cites other factors in his late filing that include a misunderstanding of his reporting requirements, his withdrawn status with Division of Elections, and his travel status during the reporting deadline. These factors are not mitigating criteria APOC staff can apply. Other mitigating criteria is available for reducing the penalty. Rep. Olson was statutorily required to timely disclose his campaign’s financial activity for public review regardless of his status with Division of Elections.

Based on the activity disclosed on the late filed report, staff recommends reducing the penalty of \$1,500 to \$150.

FILER’S REPORTING HISTORY:

2012 State Primary – Registered 2/16/2012

2012 State Primary – Year Start Report – LATE (1 Day Late)

2012 State Primary – 30 Day Report – Timely

2012 State Primary –7 Day Report – Timely

2012 State Primary –24 Hour Report – Timely

2012 State General – 30 Day Report – Timely

2012 State General – 7 Day Report – Timely

2013 POET Report – LATE (1 Day Late)

2014 POET Report – LATE (2 Days Late)

² AS 15.13.110(a).

³ 2 AAC 50.865(b)(5)(A).

2012 State General – 2013 Year End Report – Timely
 2014 State Primary – Letter of Intent – Filed 6/8/2014
 2014 State Primary – Registered – Filed 2/18/2014
2014 State Primary – Year Start Report – LATE (1 Day Late)
 2014 State Primary – 30 Day Report – Timely
 2014 State Primary – 7 Day Report – Timely
 2014 State Primary – 24 Hour Report – Timely
 2014 State General – 30 Day Report – Timely
 2014 State General – 7 Day Report – Timely
 2014 State General – 24 Hour Report – Timely
 2014 State General – **2015 Year End Report – LATE (20 Days Late)**
 2016 State Primary – Letter of Intent – Filed 8/18/2015
 2016 State Primary – 30 Day Report – Timely
2016 State Primary – 7 Day Report – LATE (3 Days Late)(Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$0
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$0

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁴ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁵ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. **2 AAC 50.865(c)(1)**
- Forgetting to file. **2 AAC 50.865(c)(2)**
- Being a volunteer. **2 AAC 50.865(c)(3)**
- Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- Reliance on filer's own staff to remind him or her of the filing deadline. **2 AAC 50.865(c)(5)**
- Being too busy to file. **2 AAC 50.865(c)(6)**
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. **2 AAC 50.865(c)(7)**
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(8)**

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 90% to \$150.00**

⁶ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Representative Kurt Olson
317 Diane Lane
Soldotna, AK 99669
Kohouse30@gci.net

Re: AMENDED COMMISSION MEETING NOTICE

Dear Representative Olson:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to be heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mellis
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-87

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Representative Kurt Olson
317 Diane Lane
Soldotna, AK 99669
Kohouse30@gci.net

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: kohouse30@gci.net
Sent: Wednesday, October 05, 2016 3:20 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kohouse30@gci.net (kohouse30@gci.net)

Subject: Amended Commission Meeting Notice

ARRIVED

8--16--2016

**APOC - ANCH
PM HC FAX ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant

(candidate, group, or person): KURT E. OLSON

Office (if a candidate): DIST. 30 - HOUSE OF REP.

Penalty issued in connection with (check box or boxes):

- | | | |
|--|--|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input checked="" type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other _____ |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

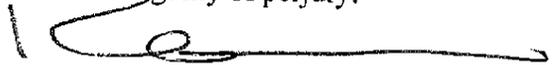
I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

PLEASE SEE ENCLOSED LETTER
DATED AND SIGNED 8/16/2016

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date:  8/16/2016

August 16, 2016

VIA FACSIMILE

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Room 128
Anchorage, AK 99508

Dear Commissioners and Staff:

Please accept this letter and enclosed Civil Penalty Appeal Affidavit as my request for consideration of waiving or reducing the penalty for my late filing of the 2016 Seven Day Report. It was my understanding (or more appropriately my misunderstanding) when talked to APOC staff prior to filing my Thirty Day Report that the closeout was not due until the end of the year.

On August 8th my wife and I left the State for several days, returning on the 12th. We got home about 4:30PM and discovered several messages on the answering machine from Ms. Mells. I immediately called her and found out I had not filed the Seven Day Report. Several things should be noted:

- I withdrew as a candidate for House District 30 on April 1, 2016.
- I have had no Campaign Income since December 22, 2015.
- I have had no Campaign Expenditures since October 14, 2015.
- My 30 Day report reflected no activity.
- My overdue 7 Day report reflected no activity.

I would have certainly filed on time in the event that I had any income or expenditures to report. It took my approximately 90 seconds to open up the account, check off no activity, review the report, sign it electronically and file it. Your system works well and is user friendly.

The email address used for this account is new and is only occasionally used by two groups – APOC and my Party. Since I am not running for re-election and haven't been for several months, I only check it once or twice a week. The only spam I get is from GCI.

I hope this sheds light on why I was three days late. As soon as the Speaker is available I will be meeting with him to the name and mailing address for the House Majority fund and I will close out my campaign account.

Thank you for your consideration. Please give me a call if you have any questions.

Sincerely,



Kurt E. Olson
317 Diane Lane
Soldotna, AK 99669
H/260-4822
C/398-3469

8/16/2016

ALASKA PUBLIC OFFICES COMMISSION

VIA FACSIMILE: 1.907.276-7018 3 PAGES INCLUDING TRANSMITTAL SHEET

ATTN: MS. DELIGHT MELLS

Ms. Mells,

Please give me a call if you have any questions. Thanks again for the assistance.

Regards,

A handwritten signature in black ink, appearing to be 'Kurt Olson', with a long horizontal line extending to the right.

Kurt Olson
H/260-4822
C/398-3469



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 15, 2016

VIA EMAIL & CERTIFIED MAIL

Representative Kurt Olson
317 Diane Lane
Soldotna, AK 99669
Kohouse30@gci.net

Re: Notice of Penalty¹
7 Day Primary Campaign Disclosure Report²

Representative Olson:

According to our records, you did not timely file your 7 Day Primary Campaign Disclosure Report, due August 9, 2016. Instead, your report was filed on August 12, 2016 (3 days late). By law, a penalty of \$500/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$1,500.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: kohouse30@gci.net
Sent: Monday, August 15, 2016 3:03 PM
Subject: Relayed: Notice of Penalty - 7 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kohouse30@gci.net (kohouse30@gci.net)

Subject: Notice of Penalty - 7 Day Primary Campaign Disclosure Report



THE STATE
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Department of Administration

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Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 10, 2016

VIA EMAIL & CERTIFIED MAIL

Representative Kurt Olson
317 Diane Lane
Soldotna, AK 99669
Kohouse30@gci.net

RE: Notice of Delinquent 7 Day Primary Report Disclosure Report

Representative Olson:

According to our records, you did not file your 7 Day Primary Campaign Disclosure Report due on August 9, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$500.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$500.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699128. The delivery record shows that this item was delivered on August 15, 2016 at 11:29 am in SOLDOTNA, AK 99669. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: kohouse30@gci.net
Sent: Wednesday, August 10, 2016 3:45 PM
Subject: Relayed: Notice of Delinquent 7 Day Primary Report Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kohouse30@gci.net (kohouse30@gci.net)

Subject: Notice of Delinquent 7 Day Primary Report Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Delight K. Mells **DATE:** September 30, 2016

RESPONDENT: Sherie Olson

**CIVIL PENALTY
ASSESSED UNDER:** Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary and General Election

DUE DATE OF LATE REPORTS: July 18, 2016 and August 9, 2016

REPORTS FILED ON: July 20, 2016 and August 10, 2016

NUMBER OF DAYS LATE: 2 day and 1 day

DATE DELINQUENCY NOTICE SENT: Notice of Delinquent 30 Day – July 19, 2016
Notice of Penalty 30 Day – August 1, 2016
Notice of Delinquent 7 Day – August 10, 2016
Notice of Penalty 7 Day – August 11, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: September 19, 2016 and September 22, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$100 and \$500 (\$600)

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 90% to \$60
(See “Staff’s Recommendation Based on Standard Mitigation Criteria

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The candidate is an inexperienced filer.
2. The candidate and her family are experiencing medical and financial hardships.
3. The candidate does not own a personal computer.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Ms. Olson is a candidate in the 2016 State primary election and subject to the reporting requirements of AS 15.13, Alaska’s campaign disclosure law. She was required to file a 30 Day primary report on July 18, 2016 and 7 Day primary report on August 9, 2016.¹ Instead, her 30 Day report was filed two days late on July 19, 2016 and her 7 Day report was filed one day late on August 10, 2016. APOC Staff issued penalty assessments for the late filed reports and a notice of referral. Ms. Olson appealed the assessment and has asked the Commission to accept her late appeal. APOC staff has prepared a staff recommendation for the Commission’s consideration in the event they accept her late appeal.

Staff recommends the combined maximum penalty of \$600 be reduced by 90% to \$60. A full waiver has not been recommended for the reason set forth in section four.

1. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This is Ms. Olson’s first election cycle and the delinquent reports occurred within 365 days of registering, allowing for this criteria to be applied.

2. 2 AAC 50.865(a)(3) allows for a reduction of up to 50% when the unreported information had a value of \$100 or less. Ms. Olson’s report had no activity and meets this criteria for a penalty reduction.

3. Mitigating criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public, no aggravating factors are present, and the amount missing from disclosure is \$100 or less.³ Here, there are no aggravating factors present and there was zero activity to be disclosed indicating that the late report did not cause significant harm to the public allowing the application of this criteria.

4. Ms. Olson has indicated family health, financial hardship, and a lack of a personal computer as factors in prohibiting her timely filing of reports and appeals. Staff acknowledges the emotional strain of such circumstances would have on any individual. However, Ms. Olson has not clarified how these circumstances have prevented her filing as she has been able to electronically file her reports promptly after the deadlines and communicate via smartphone. Other mitigating criteria is applicable that allows for the reduction of penalty. Ms. Olson is encouraged to contact staff to seek additional information about the possibility to exempt herself from electronically submitting her reports due to her lack of a personal computer, as allowed under AS 15.13.040(m).

Based on the candidate’s inexperience, the lack of significant harm to the public, and other mitigating criteria, staff recommends the penalty of \$600 be reduced by 90% to \$60.

FILER’S REPORTING HISTORY:

- 2014 Multiple Municipal – Municipal Exemption Statement – Filed 8/19/2014
- 2016 State Election – Registration – Filed 4/25/2016
- 2016 State Election – **State Primary – 30 Day Report – LATE (1 Day Late)(Subject of Appeal)**
- 2016 State Election – **State Primary – 7 Day Report – LATE (1 Day Late)(Subject of Appeal)**

¹ AS 15.13.110(a).

² 2AAC 50.865(a)(1)(B)

³ 2AAC 50.865(b)(5)(C).

ACTIVITY ON LATE REPORT:

Report	30 Day Primary	7 Day Primary
Beginning Balance:	\$0	\$0
Income:	\$0	\$0
Expenses:	\$0	\$0
Debts:	\$0	\$0
Ending Balance:	\$0	\$0

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁴ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁵ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer’s own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 90% to \$60.00**

⁶ Value greater than \$1000.



THE STATE
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GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Ms. Olson:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9584-94

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: sherieolson55@gmail.com
Sent: Wednesday, October 05, 2016 3:21 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

sherieolson55@gmail.com (sherieolson55@gmail.com)

Subject: Amended Commission Meeting Notice

Date: September 22, 2016

To Whom It May Concern

I, Sherie A Olson am writing this letter as an appeal letter for not complying with filing both a 30 day monthly report and the 7 day report within the proper time that is required.

I have never run for a public office position and I am learning throughout this campaign time period. I have not received any donation money. I do not have an account for donations nor do I have a Treasurer nor Campaign Manager.

I resigned from my State OF Alaska job this year, July 5, 2-16. Presently, I do not have medical insurance, I was told by the Alaska Social Security Office that my SSD benefits are being denied regardless that my physical injuries are permanent. My Orthopedic surgeon and my Neurologist have simultaneously drop my as their patient; and I have not been able to find another doctor that is willing to accept me as a new patient either. One son lives with me and he was born having an Immune Deficient Ailment; his Medicare benefits were taken away by the State Of Alaska. I am working my hardest to secure my son's and mine healthcare with great difficulty and very little help.

I as that you please forgive my lack of knowledge, please forgive my tardy responses too. I have the utmost respect for the DNC and the legislative protocol, guidelines and rules. I wholeheartedly want to run for the District 7 House seat.

I do not have a home computer; nevertheless, you can reach me by calling and or texting my cellphone 24/7. I will provide you with all the information that you ask me for.

Respectfully,

Sherie A Olson

907-715-8903

Mells, Delight K (DOA)

From: Mells, Delight K (DOA)
Sent: Tuesday, September 20, 2016 9:44 AM
To: 'sherieolson55'
Subject: RE: Reminder of Appeal Deadline Approaching and Referral of 30 Day Primary Report Penalty

Good morning Ms. Olson,

Is this your appeal of one or both of these penalties? If so, you are past the point for appeal. Could you please clarify if your formally appealing and request that the Commission accept your late filed appeal(s)? Please let me know if you have any questions.

Sincerely,
Delight K. Mells

From: sherieolson55 [<mailto:sherieolson55@gmail.com>]
Sent: Monday, September 19, 2016 7:31 AM
To: Mells, Delight K (DOA)
Subject: RE: Reminder of Appeal Deadline Approaching and Referral of 30 Day Primary Report Penalty

Good Morning,
I apologize for not responding in a timely manner. This is my first time running for state office. Initially, I was unaware that the position is a paid job. I felt that I was volunteering to help me neighborhood community and the SOA. Finding out that this is a paid position now makes this a pleasurable responsibility that I am looking forward to fulfilling. I do not have a staff nor a team. I do have God, determination, honesty and the best intentions for all of District 7.
Respectfully, Sherie Olson

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

From: "Mells, Delight K (DOA)" <delight.mells@alaska.gov>
Date: 9/8/16 11:16 AM (GMT-09:00)
To: sherieolson55@gmail.com
Subject: Reminder of Appeal Deadline Approaching and Referral of 30 Day Primary Report Penalty

Good morning Ms. Olson,

I am contacting you regarding the Civil Penalty Assessment issued in regards to your late filed 7Day Primary Report. I have attached this letter and the accompanying enclosures for your reference.

The deadline for you to appeal or pay this penalty is approaching. If you take no action in this matter, your penalty will be brought before the Alaska Public Offices Commission for Referral to the Attorney General's Office for collection.

The deadline to appeal the penalty associated with the 30 Day Primary Report has passed and this matter will be referred for collection unless payment is issued or a motion to accept a late appeal is submitted with your appeal.

If you have questions about this matter, please feel free to contact me so that I may assist you through this process.

Sincerely,

Delight K. Mells

Paralegal II

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508-4149

Phone: (907) 276-4176 or Toll Free in Alaska 1 (800)-478-4176

Information in this e-mail may be confidential and/or privileged. If you are not the intended recipient, please notify the sender via telephone and delete the information immediately. Thank you.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

September 13, 2016
VIA EMAIL & CERTIFIED MAIL
Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com

Re: NOTICE OF REFERRAL TO COMMISSION
Late-filed 30 Day and 7 Day Primary Campaign Disclosure Reports

Ms. Olson:

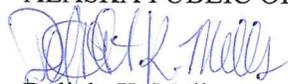
On August 1, 2016 the Alaska Public Offices Commission notified you that you were subject to a civil penalty of \$100 for your failure to timely file a 30 Day Primary Campaign Disclosure Report which was due on July 18, 2016. (Enclosed) Similarly, on August 10, 2016, the Alaska Public Offices Commission also notified you that you were subject to a civil penalty of \$500 for your failure to timely file a 7 Day Primary Campaign Disclosure Report which was due on August 10, 2016. (Enclosed) As of the date of this letter, you have not paid these penalties. In these same letters, this office also informed you of your right to appeal the penalty assessment within thirty (30) days and supplied you with an appeal affidavit forms. You did not file an appeal within the thirty (30) days; therefore, your right to appeal has expired.

Pursuant to 2AAC 50.860, staff will refer this matter to the Commission for entry of a final order of assessment of the penalty due. The Commission will consider this matter at its October 2016 public meeting.

If you would like to avoid further Commission action, please remit your payment of **\$600.00** to our office.

This letter will be placed in your permanent APOC file and is subject to public review. Should you have any questions, please contact this office at 907-276-4176. If you are calling long distance to Anchorage from within the state, you may call toll-free at 800-478-4176.

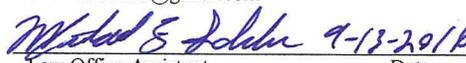
ALASKA PUBLIC OFFICES COMMISSION


Delight K. Mellis
Paralegal II

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com


Law Office Assistant Date

Encl: Commission Order
cc: Candidate File

9171-9690-0935-0107-6999-99



THE STATE
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GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

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Fax: 907.276.7018
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August 10, 2016

VIA EMAIL & CERTIFIED MAIL

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com

Re: Notice of Penalty¹
7 Day Primary Campaign Disclosure Report²

Ms. Olson:

According to our records, you did not timely file your 7 Day Primary Campaign Disclosure Report, due August 9, 2016. Instead, your report was filed on August 10, 2016 (1 day late). By law, a penalty of \$500/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$500.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699166. The delivery record shows that this item was delivered on August 12, 2016 at 3:36 pm in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: sherieolson55@gmail.com
Sent: Wednesday, August 10, 2016 3:48 PM
Subject: Relayed: Notice of Penalty - 7 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

sherieolson55@gmail.com (sherieolson55@gmail.com)

Subject: Notice of Penalty - 7 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 1, 2016

VIA EMAIL & CERTIFIED MAIL

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Ms. Olson:

According to our records, you did not timely file your 30 Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 20, 2016 (2 days late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$100.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699067. The delivery record shows that this item was delivered on August 12, 2016 at 3:36 pm in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: sherieolson55@gmail.com
Sent: Monday, August 01, 2016 3:46 PM
Subject: Relayed: Notice of Penalty - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

sherieolson55@gmail.com (sherieolson55@gmail.com)

Subject: Notice of Penalty - 30 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 19, 2016

VIA EMAIL & CERTIFIED MAIL

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com

RE: Notice of Delinquent Candidate Registration and 30 Day Primary Disclosure Report

Ms. Olson:

Division of Elections' records indicate that you are a state candidate in the 2016 Election. Because of this, you are required to file a Candidate Registration with the Alaska Public Office Commission and file campaign disclosure reports.

According to our records, you have not filed either a Registration or a 30 Day Primary Campaign Disclosure Report due on July 18, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission

will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

In addition, this letter will be placed in your permanent APOC file and is subject to public review.

Should you have any questions, please contact this office at 907-276-4176. If you are calling long distance to Anchorage from within the state, you may call toll-free at 800-478-4176.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION



Delight Mells
Paralegal II

Enclosures:

Civil Penalty Appeal Affidavit Form
Civil Penalty Appeal Mitigation Criteria

CERTIFICATE OF SERVICE

I certify that on this date, I served a true and correct copy of the foregoing document by Email & Certified Mail, Return Receipt Requested, to:

Ms. Sherie A. Olson
P.O. Box 875682
Wasilla, AK 99687
Sherieolson55@gmail.com



Law Office Assistant

7-19-2016
Date

9171-9690-0935-0107-7007-32

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700732. The delivery record shows that this item was delivered on August 12, 2016 at 3:36 pm in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: sherieolson55@gmail.com
Sent: Tuesday, July 19, 2016 3:53 PM
Subject: Relayed: Notice of Delinquent Candidate Registration and 30 Day Primary Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[sherieolson55@gmail.com \(sherieolson55@gmail.com\)](mailto:sherieolson55@gmail.com)

Subject: Notice of Delinquent Candidate Registration and 30 Day Primary Disclosure Report



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Justin Parish

CIVIL PENALTY
ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary Election

DUE DATE OF LATE REPORT: August 9, 2016

REPORT FILED ON: August 11, 2016

NUMBER OF DAYS LATE: 2

DATE DELINQUENCY NOTICE SENT: Notice of Delinquency– August 10, 2016
Notice of Penalty – August 11, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: September 7, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$1,000

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 50% to \$500
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The candidate and his treasurer misunderstood the filing requirements.
2. The campaign had no previous late filings. 2 AAC 50.865(a)(1)(A)(1).
3. The candidate is an inexperienced filer. 2 AAC 50.865(a)(1)(B).
4. The penalty assessment is out of proportion to the degree of harm cause to the public and prompt action was taken to disclose the campaign’s activity once the requirements were understood. 2 AAC 50.865(b)(6).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Parish is a candidate in the 2016 State primary election. He was required to file a 7 Day primary report by August 9, 2016.¹ Instead, his report was filed on August 11, 2016, two days late. APOC staff assessed a penalty and Mr. Parish timely appealed.

Staff recommends the maximum penalty of \$1,000 be reduced by 50% to \$500.

1. Mr. Parish cites his good filing history allows for a penalty reduction of up to 50% under 2 AAC 50.865(a)(1)(A). Although Mr. Parish has timely reported in the preceding 5 years, he did have activity to disclose on the overdue report. Staff is unable to apply this criteria for a reduction.

2. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This was Mr. Parish’s first election cycle in which he ran as registered candidate and the delinquent report occurred within 365 days of registering. His inexperience may have also contributed to his misunderstanding of his reporting requirements. Mr. Parish meets this criteria and his penalty warrants reduction.

3. Staff did consider the application of mitigating criteria that allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.³ A late report does not cause significant harm to the public when the value of the information was no more than \$1,000 and the filer self-reported.⁴ Here, although there are no aggravating factors and Mr. Parish self-reported, his activity to disclose is more than \$1,000. Therefore, staff cannot apply this criteria for reduction.

4. Staff cannot apply the mitigating criteria that the penalty assessment is significantly out of proportion to the degree of harm to the public for not have the information.⁵ A penalty assessment of \$1,000 for failing to timely report is not excessive in light of the Parish campaign’s activity and the statutory penalty accrual rate.

Based on the candidate’s inexperience, staff recommends that the penalty be reduced by 50% from \$1,000 to \$500.

FILER’S REPORTING HISTORY:

2016 State Primary – Letter of Intent – Filed 5/19/2016

2016 State Primary – 30 Day Report – Timely

2016 State Primary – 7 Day Report – LATE (1 Days Late)(Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$5,349.82
Income:	\$3,755
Expenses:	\$123.98
Debts:	\$0
Ending Balance:	\$8,980.84

¹ AS 15.13.110(b).
² 2AAC 50.865(a)(1)(B).
³ 2 AAC 50.865(b)(5).
⁴ 2 AAC 50.865(b)(5)(B).
⁵ 2AAC.865(b)(6).

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁶ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁷ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁸ 2 AAC 50.865(d)(1)
- More than one late filing in the preceding 5 years. 2 AAC 50.865(d)(2)(A)
- Evidence suggesting deliberate non-reporting. 2 AAC 50.865(d)(2)(B)
- Failure to cooperate with staff. 2 AAC 50.865(d)(2)(C)

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 50% to \$500.**

⁶ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁷ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁸ Value greater than \$1000.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: justin.parish@gmail.com
Sent: Wednesday, October 05, 2016 3:21 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

justin.parish@gmail.com (justin.parish@gmail.com)

Subject: Amended Commission Meeting Notice

ARRIVED

9--7--2016

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

APOC - ANCH
PM HC FAX ELE

Name of Appellant (candidate, group, or person): Justin Parish

Office (if a candidate): State House Rep. HD 34

Penalty issued in connection with (check box or boxes):

- Year-Start Report
- 24 Hour Report
- Contributors Statement (15-5)
- 30 Day Report
- Year-End Report
- Independent Expenditures (15-6)
- 7 Day Report
- No Paid for By
- Other _____

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016 Primary

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

I failed to file in a timely fashion because I and my treasurer misunderstood the filing requirements, believing they only covered donations of \$250+ received during the filing period.

*Mitigating factors include: (a) (1) (A) (1) No previous late filings.
(a) (1) (B) I am an inexperienced filer.*

(b) (6) The civil penalty assessment is far out of proportion to the degree of harm caused to the public. The public was promptly notified of the campaign's error and ~~was~~ once we understood the actual requirements we did everything we could to promptly satisfy them. Ours is not a rich campaign.

Certification: *I am not a rich man, nor are most of my donors particularly well-off. By levying this fine, the public will be harmed by significantly silencing a candidate in a close race. I*
I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which ~~is~~ *am aware* of my duty to my donors and so pledge to cover any penalty of personal donation, s/he does not believe to be true is guilty of perjury.

Signed/Date: Justin Parish 9/7/16



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 12, 2016

VIA EMAIL & CERTIFIED MAIL

Justin Parish
7094 B Sunny Drive
Juneau, AK 99801
Justin.parish@gmail.com

Re: Notice of Penalty¹
7 Day Primary Campaign Disclosure Report²

Mr. Parish:

According to our records, you did not timely file your 7 Day Primary Campaign Disclosure Report, due August 9, 2016. Instead, your report was filed on August 11, 2016 (2 days late). By law, a penalty of \$500/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$1,000.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

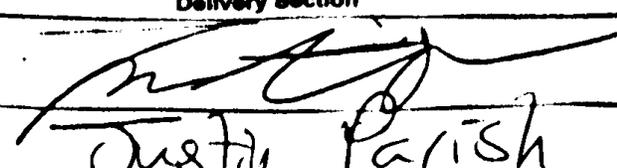
⁶ 2 AAC 50.831(a).

Date: August 19, 2016

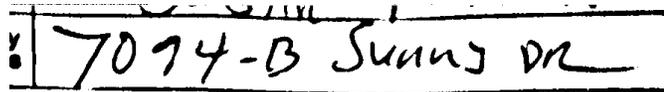
Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699197. The delivery record shows that this item was delivered on August 18, 2016 at 3:59 pm in JUNEAU, AK 99801. The scanned image of the recipient information is provided below.

Signature of Recipient :


Delivery Section
Justin Parish

Address of Recipient :


7094-B Swaney Dr

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: justin.parish@gmail.com
Sent: Friday, August 12, 2016 3:02 PM
Subject: Relayed: Notice of Penalty - 7 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

justin.parish@gmail.com (justin.parish@gmail.com)

Subject: Notice of Penalty - 7 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 10, 2016

VIA EMAIL & CERTIFIED MAIL

Justin Parish
7094 B Sunny Drive
Juneau, AK 99801
Justin.parish@gmail.com

RE: Notice of Delinquent 7 Day Primary Report Disclosure Report

Mr. Parish:

According to our records, you did not file your 7 Day Primary Campaign Disclosure Report due on August 9, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$500.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$500.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

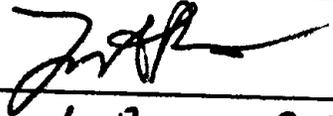
Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699142. The delivery record shows that this item was delivered on August 13, 2016 at 1:08 pm in JUNEAU, AK 99801. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed name	J. PARISH

Address of Recipient :

Delivery address	7094-B Sunny Dr.
------------------	------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: justin.parish@gmail.com
Sent: Wednesday, August 10, 2016 3:46 PM
Subject: Relayed: Notice of Delinquent 7 Day Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

justin.parish@gmail.com (justin.parish@gmail.com)

Subject: Notice of Delinquent 7 Day Report



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Treg Taylor

CIVIL PENALTY
ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Reports
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 Anchorage Municipal Election

DUE DATE OF LATE REPORTS: March 28, 2016; April 3, 2016; & March 29, 2016.

REPORT FILED ON: March 29, 2016; April 4, 2016; & July 19, 2016.

NUMBER OF DAYS LATE: 1 day; 1 day; & 112 days.

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – August 1, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 30, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$57,000

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 99% to \$570
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. APOC staff failed to issue a civil penalty within 10 days after the report was due. 2 AAC 50.850.
- 2. Contributions were incorrectly dated for March 27, 2016, but were received and timely reported on March 29, 2016.
- 3. The treasurer was inexperienced, was unaware 24 Hour Reports needed to be filed on weekends, and assumed that filing a report on next business would be sufficient.
- 4. There was no harm to the public. The contribution from the Anchorage Home Builders Association PAC was no more than \$1,000, voluntarily disclosed, and was readily available to the public through the its disclosure reports. 2 AAC 50.865(b)(5)(B)&(C).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Taylor participated in the 2016 Anchorage election. He received and was required to timely disclose contributions during the 24 Hour reporting period on three separate reports.¹ A 24 Hour Report filed on March 29, 2016, contained four contributions dated as received on March 27, 2016, indicating that the disclosure was late by one day. This same 24 Hour Report was subsequently amended on March 30, 2016, to change these dates to March 28, 2016.² The campaign provided a copy of its contribution log that documents the contributions as being received on a different date than reported, March 29, 2016.³ Given the inconsistencies of these records, staff is unable to withdraw this penalty assessment. A second 24 Hour Report was filed on April 2, 2016, disclosing one contribution. This report was then amended on April 4, 2016, to disclose three additional contributions reported as received on April 2, 2016, one day late.⁴ Finally, a review of the campaign’s 105 Day Report resulted in the identification of a contribution that should have been disclosed no later than March 29, 2016. Instead this contribution was disclosed on July 19, 2016, 112 days later. APOC staff reviewed Mr. Taylor’s 24 Hour and 105 Day reports, assessed civil penalties and the campaign timely appealed.

Staff recommends the combined maximum penalty of \$57,000 be reduced by 99% to \$570. A full waiver has not been recommended for the reason set forth in section seven.

1. Mr. Taylor’s counsel has argued that because staff did not adhere to AS 15.13.380 and 2 AAC 50.850 in notifying the campaign within 10 days of the delinquency that the penalties cannot be assessed and due process rights have been violated. Staff contends that the campaign’s due process rights have been preserved through the appeal process and failure to receive a notice of a deficiency does not excuse the requirement to timely file.⁵ Staff did comply with AS 15.13.380 in notifying the campaign of its delinquency through assessment. By the nature of 24 Hour reports, staff is unable to determine if a violation has occurred until after the report covering the 24 Hour reporting period is filed.

2. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.⁶ This may be Mr. Taylor’s treasurer first election cycle in which reports were required, but it is not Mr. Taylor’s first election. The candidate is responsible for the performance of the campaign treasurer, and any default or violation by the treasurer is considered a default of the candidate.⁷ Other mitigating criteria is available for reduction.

¹ AS 15.13.110(b).
² Exhibit 1. March 29, 2016 report and March 30, 2016 amended report.
³ See Candidate’s Appeal.
⁴ Exhibit 2. April 2, 2016 report and April 4, 2016 amended report.
⁵ 2 AAC 50.850(a)
⁶ 2AAC 50.865(a)(1)(B)
⁷ AS 15.13.060(f).

3. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, a penalty assessment of \$57,000 – over 14 times⁸ the amount to be disclosed – is significantly out of proportion to the degree of harm and warrants reduction.

4. A reduction of up to 50% is also available when unreported information had a value of more than \$100 but, no more than \$1,000, and a mitigating factor allowing a reduction of greater than 50% exists.⁹ Here, one of the reports had a total activity of \$1,000, which falls within the specified range, and the assessed penalty is significantly out of proportion to the degree of harm.

5. Mitigating criteria also allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors are present.¹⁰ A late report does not cause significant harm to the public when the value of the information was no more than \$1,000 and the filer self-reported.¹¹ Here, although there are no aggravating factors and one of the reports discloses activity of \$1,000, staff cannot apply this criteria because disclosure of 24 hour contributions on a 105 day report does not constitute self-reporting a violation. The two reports that were self-reported through the submission of 24 Hour reports both disclosed activity that exceeded \$1,000, thereby preventing the application of this criteria.

6. As noted by Mr. Taylor’s counsel, 2 AAC 50.865(b)(5)(C) also allows for a reduction of greater than 50% when a late report did not cause significant harm to the public, no aggravating factors are present, and the missing information is readily available to the public through another forum. In this case, the Anchorage Home Builders Association Build- PAC disclosed its contribution to the Taylor campaign on its 7 Day report, making this criteria applicable.¹²

7. A full waiver has not been recommended for this penalty because Mr. Taylor was statutorily required to timely disclose these 24 Hour contributions and meaningfully substantiate his campaign’s activity. Applicable mitigating criteria is available to provide a complete waiver, but should not be used to diminish a candidate’s responsibility to comply with Alaska’s campaign disclosure law.

Because the penalty is significantly out of proportion to the degree of harm to the public and other mitigating criteria, staff recommends reducing the penalty of \$57,000 by 99% to \$570.

FILER’S REPORTING HISTORY:

2011 Anchorage Municipal – Registration – Filed 2/18/2011

2011 Anchorage Municipal – 30 Day Report – Timely

2011 Anchorage Municipal – 7 Day Report – Timely

2011 Anchorage Municipal – 105 Day Report – Timely

2016 Anchorage Municipal Letter of Intent – Filed 2/5/2016

2016 Registration – Filed 2/11/2016

2016 Anchorage Municipal – 30 Day Report – Timely

2016 Anchorage Municipal – 7 Day Report – Timely

2016 **Anchorage Municipal – 24 Hour Report – LATE (1 Day Late)(Subject of Appeal)**

2016 **Anchorage Municipal – 24 Hour Report – LATE (1 Day Late)(Subject of Appeal)**

2016 **Anchorage Municipal – 24 Hour Report – LATE (112 Days Late)(Subject of Appeal)**

2016 Anchorage Municipal – 105 Day Report – Timely

⁸ \$57,000 /\$4,000 =14.25

⁹ 2 AAC 50.865(a)(4).

¹⁰ 2 AAC 50.865(b)(5).

¹¹ 2 AAC 50.865(b)(5)(B).

¹² Exhibit 3: Anchorage Home Builders Association’s 7 Day Report.

ACTIVITY ON LATE REPORT:

Report	24HR Due 3/29/16	24HR Due 4/3/2016	24 HR Due 3/29/16
Beginning Balance:	\$0	\$0	\$0
Income:	\$1,500	\$1,500	\$1,000
Expenses:	\$0	\$0	\$0
Debts:	\$0	\$0	\$0
Ending Balance:	\$0	\$0	\$0

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.¹³ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public¹⁴ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

¹³ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

¹⁴ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.¹⁵ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 99% to \$570.**

¹⁵ Value greater than \$1000.

CAMPAIGN DISCLOSURE FORM

AMENDED

TWENTY-FOUR HOUR REPORT

COMPLETED

Submission Date: **03/29/2016**
 Filer First Name: **DANIEL**
 Filer Middle Name: **S**
 Filer Last Name: **OSBORN**
 Filer's Title: **Treasurer**
 Report Type: **24 Hour Report**

CANDIDATE INFORMATION

Candidate Name: **Treg Taylor**
 Candidate Address: **13910 Jarvi Drive**
 City, State Zip: **Anchorage, Alaska 99515**

REPORT INFORMATION

Election Year: **2016**
 Election: **Anchorage Municipal Election**
 Report Type: **24 Hour Report**
 Reporting Period: From **03/27/2016** Through **03/29/2016**

INCOME

Date Received	Payment Method	Contributor	Details	Amount
03/27/2016	Check 1487	Citizens for Competition, PAC		\$500.00
03/27/2016	Check 11854	Duncan, Ronald		\$500.00
03/27/2016	Check 4480	Landes, Paul		\$500.00
03/27/2016	Check 6423	Sipes, Jimmy		\$250.00
			Income Total:	\$1,750.00

CAMPAIGN DISCLOSURE FORM

AMENDMENT**Amendment Description: An incorrect donation date was put on the original report****TWENTY-FOUR HOUR REPORT****COMPLETED**

Submission Date: **03/30/2016**
 Filer First Name: **DANIEL**
 Filer Middle Name: **S**
 Filer Last Name: **OSBORN**
 Filer's Title: **Treasurer**
 Report Type: **24 Hour Report**

CANDIDATE INFORMATION

Candidate Name: **Treg Taylor**
 Candidate Address: **13910 Jarvi Drive**
 City, State Zip: **Anchorage, Alaska 99515**

REPORT INFORMATION

Election Year: **2016**
 Election: **Anchorage Municipal Election**
 Report Type: **24 Hour Report**
 Reporting Period: From **03/27/2016** Through **03/29/2016**

INCOME

Date Received	Payment Method	Contributor	Details	Amount
03/28/2016	Check 1487	Citizens for Competition, PAC		\$500.00
03/28/2016	Check 11854	Duncan, Ronald		\$500.00
03/28/2016	Check 4480	Landes, Paul		\$500.00
03/28/2016	Check 6423	Sipes, Jimmy		\$250.00
			Income Total:	\$1,750.00

CAMPAIGN DISCLOSURE FORM

AMENDED

TWENTY-FOUR HOUR REPORT

COMPLETED

Submission Date: **04/02/2016**
 Filer First Name: **DANIEL**
 Filer Middle Name: **S**
 Filer Last Name: **OSBORN**
 Filer's Title: **Treasurer**
 Report Type: **24 Hour Report**

CANDIDATE INFORMATION

Candidate Name: **Treg Taylor**
 Candidate Address: **13910 Jarvi Drive**
 City, State Zip: **Anchorage, Alaska 99515**

REPORT INFORMATION

Election Year: **2016**
 Election: **Anchorage Municipal Election**
 Report Type: **24 Hour Report**
 Reporting Period: From **03/27/2016** Through **04/04/2016**

INCOME

Date Received	Payment Method	Contributor	Details	Amount
04/02/2016	Check 7328	Fergusson, Marsha		\$250.00
			Income Total:	\$250.00

CAMPAIGN DISCLOSURE FORM

AMENDED

AMENDMENT

Amendment Description: Additional donations were received over the weekend.

TWENTY-FOUR HOUR REPORT

COMPLETED

Submission Date: **04/04/2016**
 Filer First Name: **DANIEL**
 Filer Middle Name: **S**
 Filer Last Name: **OSBORN**
 Filer's Title: **Treasurer**
 Report Type: **24 Hour Report**

CANDIDATE INFORMATION

Candidate Name: **Treg Taylor**
 Candidate Address: **13910 Jarvi Drive**
 City, State Zip: **Anchorage, Alaska 99515**

REPORT INFORMATION

Election Year: **2016**
 Election: **Anchorage Municipal Election**
 Report Type: **24 Hour Report**
 Reporting Period: From **03/27/2016** Through **04/04/2016**

INCOME

Date Received	Payment Method	Contributor	Details	Amount
04/02/2016	Check 3347	Block, Diane		\$500.00
04/02/2016	Check 7980	Block, Richard		\$500.00
04/02/2016	Check 7328	Fergusson, Marsha		\$250.00
04/02/2016	Electronic Funds Transfer	Robinson, Shon		\$500.00
			Income Total:	\$1,750.00

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **03/29/2016**
 Filer First Name: **Nikki**
 Filer Middle Name:
 Filer Last Name: **Giordano**
 Filer's Title: **Executive Officer**
 Report Type: **Seven Day Report**

GROUP INFORMATION

Group Name: **2016 - Anchorage Home Builders Association Build-Pac**
 Group Abbreviation: **AHBA**
 Group Address: **8301 Schoon Street**
 City, State Zip: **Anchorage, Alaska 99518**

REPORT INFORMATION

Election Year: **2016**
 Election: **Anchorage Municipal Election**
 Report Type: **Seven Day Report**
 Reporting Period: From **03/05/2016** Through **03/26/2016**

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$950.33				
[+] ↓		Year To Date Income Total: (From Box A of previous report)		Total Income To Date: (Box A)	
Total Income Reported:	\$2,100.00	[+] ⇒	\$3,665.00	[=] ⇒	\$5,765.00
[-] ↓		Year to Date Expense Total: (From Box B of previous report)		Total Expense To Date: (Box B)	
Total Expenditures Reported:	\$3,000.00	[+] ⇒	\$3,724.95	[=] ⇒	\$6,724.95
[=] ↓					
Closing Cash On Hand:	\$50.33				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					
Surplus/Deficit:	\$50.33				

INCOME

Date Received	Payment Method	Contributor	Details	Amount
03/11/2016	Check 234	Dial , Jason 2201 E. 84th Ct. Anchorage , Alaska 99507	Occupation: Owner Employer: Rain Proof Roofing Description:	\$100.00
03/11/2016	Check 1796	Thompson , Rick 8301 Schoon St., Suite 100 Anchorage , Alaska 99518	Occupation: Office Manager Employer: Partusch Plumbing & Heating Description:	\$500.00
03/15/2016	Credit Card	Michelsohn , Paul 3410 Balchen Drive, Unit A Anchorage, Alaska 99517	Occupation: Owner Employer: Michelsohn & Daughter Construction Description:	\$150.00

Date Incurred Date Received	Payment Method	Name Contributor	Description or Purpose	Original Amount Purpose	Balance Remaining Amount
03/15/2016	Credit Card	Michelsohn, Karen 3410 Balchen Drive, Unit A Anchorage, Alaska 99517	Occupation: Owner Employer: Michelsohn & Daughter Construction Description:		\$300.00
03/15/2016	Credit Card	Spinelli, Andre 1900 W. Northern Lights Blvd, Suite 200 Anchorage, Alaska 99517	Occupation: Builder Employer: Spinell Homes Description:		\$300.00
03/15/2016	Credit Card	Taylor, Bill 9420 Vanguard Drive, Unit A Anchorage, Alaska 99507	Occupation: Owner Employer: Colony Builders Description:		\$500.00
03/25/2016	Credit Card	Allen, Scott 3330 C Street #100 Anchorage, Alaska 99503	Occupation: Remodeler Employer: Trailboss Solutions Description:		\$150.00
03/25/2016	Check 12278	Coffey, Dan 3606 Rhone Circle, Ste. 110 Anchorage, Alaska 99508	Occupation: Lawyer Employer: Coffey Consulting Description:		\$100.00
Number of Contributions under \$100:					0
Sum of Contributions under \$100:					\$0.00
Income Total:					\$2,100.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
03/25/2015	Check 2010	Adam Trombley for Assembly 5803 Grand Teton Loop Anchorage, Alaska 99502	Contribution for the 2016 Anchorage Assembly race	\$1,000.00
03/25/2015	Check 2011	Treg Taylor for South Anchorage 13910 JARVI DRIVE Anchorage, Alaska 99515	Contribution for 2016 Anchorage Assembly	\$1,000.00
03/25/2016	Check 2009	Terre Gales for East Anchorage 3112 Campbell Airstrip Rd Anchorage, Alaska 99504	contribution for the 2016 Anchorage Assembly race	\$1,000.00
Expenditure Total:				\$3,000.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
Remaining Debt Total:				\$0.00



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016
VIA EMAIL and CERTIFIED MAIL
Mr. Treg Taylor
c/o Holmes Weddle & Barcott
ATTN: Stacey Stone
701 West Eight Avenue, Suite 700
Anchorage, Alaska 99501
sstone@hwb-law.com; jodiltaylor@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Ms. Stone:

The Commission Meeting Notice previously issued to you, on behalf of your client, contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mellis
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9585-17

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mr. Treg Taylor
c/o Holmes Weddle & Barcott
ATTN: Stacey Stone
701 West Eight Avenue, Suite 700
Anchorage, Alaska 99501
sstone@hwb-law.com; jodiltaylor@gmail.com

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: SStone@hwb-law.com; jodiltaylor@gmail.com
Sent: Wednesday, October 05, 2016 3:22 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

SStone@hwb-law.com (SStone@hwb-law.com)

jodiltaylor@gmail.com (jodiltaylor@gmail.com)

Subject: Amended Commission Meeting Notice

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
A PROFESSIONAL CORPORATION

701 WEST EIGHTH AVENUE, SUITE 700 · ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666 · FAX (907) 277-4657

ARRIVED

AUG 30 2016

**APOC - ANCH
PM HC FAX ELE**

Carner

August 30, 2016

State of Alaska, Department of Administration
Alaska Public Offices Commission
Attn: Delight K. Mells
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149

Re: Treg Taylor Notice of Appeal of Penalty (2 AAC 50.831)
Case No. 6557-029567

Dear Ms. Mells:

Our firm represents Treg Taylor. This letter is in response to yours dated August 1, 2016 which was identified as a notice of penalty. In your letter you allege two reporting deficiencies: 1) failure to timely file three 24 hour reports; and 2) failure to timely disclose a contribution. The purpose of this letter is to appeal the staff's conclusion that penalty is due and owing and request that the Alaska Public Offices Commission ("commission") determine that no penalty is owed.

With regard to the failure to timely file three 24 hour reports, in accordance with due process, AS 15.13.380 provides that the commission shall notify all persons who have become delinquent in filing statements and report.¹ Furthermore, the corresponding regulation, 2 AAC 50.850, provides that such a notice of deficiency must be sent to the responsible party within 10 days after the report was due. It is only at that point that the commission may notify such party of the civil penalty that be assessed. Here the staff has failed to follow the statute and applicable regulations.

In your letter you also cite three contributions that were dated as received on March 27, 2016. Those contributions include the following: Citizens for Competition (Check No. 1487, \$500); Ronald Duncan (Check No. 11854, \$500); and Paul Landes (Check No. 4480, \$500). These contributions were listed on the March 29, 2016 report. The original report was dated in error. Indeed while these contributions were dated March 27, 2016, each of the three checks was not actually received by the campaign until March 29, 2016.² Commission staff did not deliver a written penalty assessment within 14 working days after receiving the materials that correct the deficiency, such penalty should have never even been contemplated. However, as these amounts

¹ Treg Taylor and his Campaign Treasurer, Daniel (Toby) Osborn did not receive any such notice. In fact, their first notice of any issue from the commission was the notice of penalty. Therefore, they were not afforded due process of law.

² Exhibit A. Pertinent parts of the campaign receipt log.

were in fact properly and timely reported in compliance with the law, the error was insignificant, promptly corrected and any contemplated penalty should be waived.

Mr. Taylor's campaign Treasurer, Daniel S. Osborn has only had one previous interaction with the commission. Approximately seven years ago he ran for public office. However, he had a campaign treasurer managing all his reporting. This election cycle was Mr. Osborn's first time participating as a campaign treasurer. As such, he was not aware that 24 hour reports needed to be filed on Saturdays or Sundays. It was his understanding that such reports were to be filed the next business day. At any rate, any contemplated penalty should be waived pursuant to 2 AAC 50.855(b)(1), as the deficiency was insignificant and was promptly corrected without notice.

Finally, with regard to the report of the contribution from Anchorage Home Builders Association PAC (Check No. 2011, \$1,000) any contemplated penalty should again be waived. When completing the 105 day report, out of an excess of caution, Mr. Osborn reviewed all receipts to ensure that all amounts had been properly reported and ensure that nothing had been overlooked. Mr. Osborn included everything in the 105 day report including this donation as it had been missed previously. Pursuant to 2 AAC 50.865(b)(5)(B)-(C), the error did not result in significant harm to the public as the donation did not exceed \$1,000 and was voluntarily and promptly corrected without receiving notice of any deficiency from the commission. Furthermore, this information was readily available to the public through the Anchorage Home Builders Association PAC report that it filed with the commission.

As the March 29 donations cited were timely filed and the other reporting deficiencies were corrected prior to any notice from the commission, no penalty should be assessed in this matter. Pursuant to 2 AAC 50.855(c) the purpose of assessing a penalty is to provide an opportunity to correct any deficiencies, and once the correction is made a written penalty assessment shall be sent. Such assessment must include the calculation of a penalty. The letter received by our client from the commission that attempted to assess a penalty provided no such calculation, merely a maximum potential fine, and therefore was inconsistent with the regulation. Given the failure of the commission staff to comply with its regulations and provide due process and because any deficiencies were minor and were voluntarily and promptly corrected before any notice from the staff, we respectfully request that no penalty be assessed and the matter be dismissed and our office receive confirmation of the same.

Attached you will find the Affidavit of Daniel S. Osborn on behalf of our client in support of the foregoing. If you have any questions or wish to discuss, please do not hesitate to contact our office.

Sincerely,

HOLMES WEDDLE & BARCOTT, P.C.


Stacey C. Stone

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ARRIVED

AUG 30 2016

**APOC - ANCH
PM HC FAX ELE**

Courier

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

AFFIDAVIT OF DANIEL S. OSBORN

I, DANIEL OSBORN, being first duly sworn, does state as follows:

1. I have personal knowledge of the facts set forth herein. I am over the age of 18, and I am otherwise competent to provide this affidavit.

2. I served as the campaign treasurer for candidate Treg Taylor in his 2016 race for the Anchorage Assembly.

3. Prior to my service as campaign treasurer for Mr. Taylor, I had never personally filed a report with the Alaska Public Offices Commission ("APOC").

4. Approximately seven years ago, I ran for public office. However, I had a campaign treasurer who interacted with APOC on my behalf.

5. It was my understanding that 24 hour reports did not need to be filed on Saturdays or Sundays, and such reports were filed the next business day.

6. Campaign donations cited in the letter from APOC were indeed received by the campaign on March 29, 2016.

7. Attached Exhibit A is a true and correct copy of the pertinent parts of the campaign receipt log which demonstrates that the foregoing contributions were not received by the campaign until March 29, 2016.

8. Prior to filing my 105 day report, I did a complete audit to ensure that all donations and expenditures had been reported correctly. During such audit, it came to my attention that the

campaign needed to report a donation from the Anchorage Home Builders Association PAC from March 29, 2016. That donation was reported on the 105 day report.

9. I self-reported the Anchorage Home Builders Association PAC donation without prompting from APOC.

10. The first time I had any notice from APOC that there was any issue with the reports I filed was after August 1, 2016 when I received the subject notice of penalty letter.

11. I never received a deficiency notice from APOC.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Daniel S. Osborn

SUBSCRIBED AND SWORN TO before me this 29th day of August, 2016.

Notary Public in and for the State of Alaska
My Commission Expires: November 19, 2019



3/29/2016	Income Check	11854	500	Duncan Ron	2550 Denali St. Ste 100	Anchorage	AK	99503	GCI	CEO
3/29/2016	Income Check	6423	250	Sipes Jimmy	3807 Eastwind Drive	Anchorage	AK	99516	GCI	Executive
3/29/2016	Income Check	4480	500	Landes Paul	1681 Circlewood Dr	Anchorage	AK	99516	GCI	Executive
3/29/2016	Income Check	1487	500	Citizens for Competition	2550 Denali St Ste 1000	Anchorage	AK	99503	PAC	
3/30/2016	Income Check	850	200	Stromberg Gary	10101 Slalom Circle	Anchorage	AK	99507	Intercare Consultants	



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 1, 2016

VIA EMAIL & CERTIFIED MAIL

Treg Taylor
13910 Jarvi Drive
Anchorage, Alaska 99515
jodiltaylor@gmail.com

Re: Notice of Penalty¹
24 Hour Campaign Disclosure Report²

Mr. Taylor:

According to our records you did not timely file three 24 Hour Reports during the 2016 Anchorage Municipal Election. During the 9 days prior to an election (3/27-4/4), candidates are required to disclose contributions that exceed \$250 within 24 hours of receiving them.³ Instead, you filed two of your 24 Hour Reports late on March 29, 2016 (one day late) and April 4, 2016 (one day late).⁴ Your 105 Day report, filed on July 19, 2016, also disclosed a contribution that should have been disclosed by March 29, 2016 (112 days late).⁵ By law a maximum penalty of \$500 accrues each day a report is late.⁶ The maximum penalty the Alaska Public Offices Commission could assess you a combined penalty of \$57,000.⁷

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If

¹ 2 AAC 50.855.

² AS 15.13.110.

³ AS 15.13.110(b)

⁴ Contributions from Citizens for Copetition, PAC (CK# 1487, \$500), Ronald Duncan (CK#11854, \$500), & Paul Landes (CK#4480, \$500) were disclosed as received on March 27, 2016 and were reported on March 29, 2016. Contributions from Diane Block (CK#3347, \$500), Richard Block (CK#7980), & Shon Robinson (EFT, 4/2/2016) were disclosed as received on April 2, 2016 and were reported on April 4, 2016.

⁵ Anchorage Home Builders Association PAC, CK# 2011, \$1,000, 3/29/2016.

⁶ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁷ 2 AAC 50.855(a).

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699081. The delivery record shows that this item was delivered on August 2, 2016 at 1:53 pm in ANCHORAGE, AK 99515. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: jodiltaylor@gmail.com
Sent: Monday, August 01, 2016 3:48 PM
Subject: Relayed: Notice of Penalty - 24 Hour Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

jodiltaylor@gmail.com (jodiltaylor@gmail.com)

Subject: Notice of Penalty - 24 Hour Campaign Disclosure Report



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Delight K. Mells **DATE:** September 30, 2016

RESPONDENT: Assembly Member Kate Troll

CIVIL PENALTY ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- **Campaign Disclosure Reports**
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other: 2014 and 2015 Future Campaign Account Reports

REASON FOR FILING OR DATE OF ELECTION: Juneau City and Borough, October 1, 2013

DUE DATE OF LATE REPORTS: February 17, 2016 & February 16, 2016

REPORTS FILED ON: August 9, 2016

NUMBER OF DAYS LATE: 539 and 175

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – August 10, 2016¹

DATE CIVIL PENALTY APPEAL RECEIVED: August 22, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$26,950 and \$8,750 (\$35,700)

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 99% to \$357
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

¹ The Notice of penalty inaccurately details the date the reports as filed on August 10, 2016, but the penalty calculation reflects the accurate date of August 9, 2016.

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. The candidate immediately self-reported and filed the missing reports upon discovery.
2. The candidate has a good filing history and has filed all other reports on time.
3. The candidate was inexperienced and was not aware that other campaign disclosure reports were required after the disclosure of the initial transfer.
4. APOC staff failed to notify the candidate of their reporting requirements.
5. The penalty is significantly out of proportion to the degree of harm to the public because of the minimal activity disclosed (\$24 in fees and \$0.12 in interest.)

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Ms. Troll was a successful assembly candidate in the 2013 Juneau City and Borough Election. She failed to file two Future Campaign Account reports, due on February 17, 2015 and February 16, 2016.² Instead, these reports were filed on August 9, 2016. APOC Staff issued a penalty assessment for the late filed report and Ms. Troll timely appealed.

Staff recommends the combined maximum penalty of \$35,700 be reduced by 99% to \$357. A full waiver has not been recommended for the reason set forth in section six.

1. Ms. Troll cited her good filing history allows for a penalty reduction of up to 50% under 2 AAC 50.865(a)(1)(A). Although Ms. Troll has timely reported in the preceding 5 years, she did have activity to disclose on the overdue report. Other criteria is available to reduce the penalty.
2. Mitigation criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors exist. A late report does not cause significant harm when the financial activity disclosed is less than \$100.³ Here, Ms. Troll meets this criteria because there are no aggravating factors and her reports disclosed a combined value of \$24.12 worth of activity.
3. A penalty reduction of greater than 50% is available when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. A penalty assessment of \$35,700 for \$24.12 of activity is significantly out of proportion to the degree of harm and warrants reduction.
4. Ms. Troll notes that staff’s failure to notify her of the late filings is mitigating criteria. Failure to receive a notice of a deficiency does not excuse the requirement to timely file.⁴ APOC staff phone logs also indicate that Ms. Troll was advised of the annual reporting requirements of Future Campaign Accounts when disbursing her contributions on December 12, 2013. However, APOC staff can confirm a technical issue occurred with the electronic filing system that meets the mitigating criteria established under 2AAC 50.865(b)(2)(D). Specifically, the feature that creates report assignments within the APOC Electronic Filing system did not assign Ms. Troll a Future Campaign Account Report. This feature was in development at the time Ms. Troll disbursed her campaign funds to a Future Campaign Account time. The exact cause of this malfunction is unknown. Had this feature operated correctly Ms. Troll would have received reminders and APOC staff would have been aware of her reports’ being outstanding.
5. 2 AAC 50.865(a)(3) allows for a reduction of up to 50% when the unreported information had a value of \$100 or less. Ms. Troll’s reports had minimal activity and meet this criteria for a penalty reduction.
6. Staff acknowledges that these late-filed reports may have gone unnoticed without the self-reporting. However, Ms. Troll was statutorily required to timely file her Future Campaign Account Reports. Applicable mitigating criteria is available to provide a complete waiver, but it should not be used to diminish a filer’s responsibility to comply with Alaska’s campaign disclosure law.

² AS 15.13.110(a)

³ 2 AAC 50.865(b)(5)(A).

⁴ 2 AAC 50.850(a)

Because no significant harm to the public occurred, the penalties are out of proportion to the degree of harm, and other mitigation criteria, staff recommends reducing the penalty of \$35,700 by 99% to \$357.

FILER’S REPORTING HISTORY:

- 2013 Statewide Municipal – Letter of Intent – Filed 8/12/2013
- 2013 Statewide Municipal – Registration – Filed 8/12/2013
- 2013 Statewide Municipal – Statewide Municipal – 30 Day Report – Timely
- 2013 Statewide Municipal – Statewide Municipal – 7 Day Report – Timely
- 2013 Statewide Municipal – Statewide Municipal – 105 Day Report – Timely
- 2013 Statewide Municipal – 2014 Future Campaign Account – LATE (539 Days Late)(Subject of Appeal)**
- 2013 Statewide Municipal – 2015 Future Campaign Account – LATE (175 Days Late)(Subject of Appeal)**
- 2016 – Statewide Municipal – Letter of Intent – Filed 6/23/2016
- 2016 – Statewide Municipal – Registration – Filed 8/3/2016
- 2016 – Statewide Municipal – Statewide Municipal – 30 Day Report - Timely

ACTIVITY ON LATE REPORT:

Report	2014 FCA	2015 FCA
Beginning Balance:	\$630.06	\$618.12
Income:	\$.06	\$0.06
Expenses:	\$12	\$12.00
Debts:	\$0	\$0
Ending Balance:	\$618.12	\$606.18

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁵ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁶ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁷ 2 AAC 50.865(d)(1)
- More than one late filing in the preceding 5 years. 2 AAC 50.865(d)(2)(A)
- Evidence suggesting deliberate non-reporting. 2 AAC 50.865(d)(2)(B)
- Failure to cooperate with staff. 2 AAC 50.865(d)(2)(C)

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 99% to \$357.00**

⁷ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Kate Troll
Kate Troll for Assembly
P.O. Box 240128
Douglas, AK 99824
Kate.Troll@gmail.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Ms. Troll:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mellis
Paralegal II

9171-9690-0935-0129-9585-24

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Kate Troll
Kate Troll for Assembly
P.O. Box 240128
Douglas, AK 99824
Kate.Troll@gmail.com

Michael F. Schmitt 10-6-2016
Law Office Assistant Date

cc: Candidate File

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: kate.troll@gmail.com
Sent: Wednesday, October 05, 2016 3:23 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kate.troll@gmail.com (kate.troll@gmail.com)

Subject: Amended Commission Meeting Notice

ARRIVED

8--22--2016

APOC - ANCH
PM HC FAX ELE

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): KATE TROLL - KATE TROLL FOR ASSEMBLY

Office (if a candidate): CITY AND BOUROUGH OF JUNEAU ASSEMBLY

Penalty issued in connection with (check box or boxes):

- | | | |
|--|--|--|
| <input type="checkbox"/> Year-Start Report | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input checked="" type="checkbox"/> Other <u>FUTURE CAMPAIGN ACCOUNT DISCLOSURE REPORT</u> |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2013 JUNEAU MUNI

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

PLEASE REFER TO ATTACHED LETTER FOR STATEMENT OF REASONS.

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: Kate Troll 8/22/16

August 22, 2016

VIA EMAIL & CERTIFIED MAIL

Delight K. Mells
Paralegal II
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149

Re: Notice of Penalty
2014 and 2015 Future Campaign Account Disclosure Reports

Dear Ms. Mells:

This letter constitutes the Statement section of my Civil Penalty Appeal Affidavit in response to the Notice of Penalty, dated August 10, 2016, that I received from you on behalf of the Alaska Public Offices Commission. I am also submitting the enclosed Civil Penalty Appeal Affidavit. I request that the assessed penalty should be completely waived or significantly reduced.

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

Reasons why the reporting violation occurred and why the civil penalty should not be assessed:

1. On August 9, 2016 while preparing to set up recordkeeping and begin using the funds from the account for my 2016 reelection campaign, I discovered that the 2014 and 2015 Annual Future Campaign Reports were required. I immediately called APOC and notified Ms. Mells that the reports had been inadvertently missed. APOC had not yet discovered this violation. I filed the missing reports on the same day, August 9. (Please note that your Notice incorrectly states that I filed the reports on August 10.)
2. I have a good filing history. Other than inadvertently missing the two reports for which I have been assessed penalties, I have filed all disclosures and reports on time.
3. I am an inexperienced filer. This was my first time running for assembly. I made a good faith attempt to comply with all reporting requirements. After the 2013 election, I sought advice from Delight Mells of APOC regarding my options for handling my \$630.06 in remaining campaign funds. I chose to place them in a Future Campaign Account, and reported the transfer of the funds on my 105 day report, which was filed on time. Ms. Mells (8/9/2016) explained that the 105 day report serves in place of the first Annual Future Campaign Account Disclosure Report following an election (2014). I was not aware that Annual Future Campaign Account Disclosure reports were required. Because the only transactions for the account were interest earned (6 cents per year) and bank fees (\$12/year), it did not occur to me that a report to APOC was needed.
4. Ms. Mells (8/9/2016) informed me that the APOC apparently failed to send me reminders of the Annual Reports (APOC's normal procedure). If I had received such notices, I

would have filed timely reports. I have received these types of notices regarding my required Annual POFD report and have always filed a timely response.

5. This civil assessment penalty is significantly out of proportion to the degree of harm to the public for not having the information. The 6 cents/year of interest and \$12/year of bank fees are minimal. The funds were not used to influence an election; in fact no funds were used for any purpose beyond bank fees for maintenance of the account. I reported and corrected the error immediately upon discovering it. The assessed penalty (\$35,700) is more than 1000 times the amount of reported activity (\$24 in fees plus \$.12 in interest).

Sincerely,



Kate Troll
P.O. Box 240128
Douglas, AK 99824

Enclosures

Signed Civil Penalty Affidavit
KeyBank Statements



KeyBank
P.O. Box 93885
Cleveland, OH 44101-5885

ARRIVED

Key Saver
Statement

8--22--2016

December 31, 2014

**APOC - ANCH
PM HC FAX ELE**



T 0041 0000 R IQ T1

KATHRYN A TROLL
1514 2ND ST
DOUGLAS AK 99824-5209

Questions about your account?
1-800-KEY2YOU (1-800-539-2968)

Or, write us:
KeyBank National Association
P.O. Box 100420
Anchorage, AK 99510-0420

Get less mail and enroll in Online Statements today!



Key Saver

Account number:

Account title: KATHRYN A TROLL

Balance on Sep 30, 2014	\$621.10	Annual percentage yield (APY) earned	0.01%
Additions		Number of days this statement period	92
Interest	0.02	Interest paid (10-31-14)	\$0.01
Deductions		Interest paid (12-31-14)	\$0.01
Service fees and charges	3.00	Interest earned this statement period	\$0.01
Balance on Dec 31, 2014	\$618.12	Interest paid year-to-date	\$0.06



KeyNotes

Important information regarding changes that pertain to the Disclosure Statement and Terms and Conditions for Electronic Fund Transfer Transactions
At KeyBank, we are committed to providing you with information regarding changes pertaining to your debit card or ATM card. This notification amends the Disclosure Statement and Terms and Conditions for Electronic Fund Transfer Transactions you received at the time you opened your Account, as amended.

Effective October 17, 2014, the Disclosure Statement and Terms and Conditions for Electronic Fund Transfer Transactions is revised to reflect changes to the MasterCard Zero Liability rules. Under the pre-October 17, 2014 MasterCard rules, the zero liability rule applied to unauthorized use of your Card for non-PIN Card transactions as long as you exercised reasonable care in safeguarding the card from theft or loss; you had not reported two or more incidents of unauthorized transactions in the preceding 12 months; and your account was in good standing. Under the revised rules, which now cover only non-PIN Card transactions, but also PIN transactions, MasterCard eliminated two of the conditions and added a new one regarding prompt notice of card loss or theft. Under the revised rules there is zero liability under two conditions: The customer exercised reasonable care in safeguarding the card from loss or theft (as before) and upon becoming aware of such loss or theft of the card, promptly



Member FDIC
Page 1 of 3

Candidate Filings: Civil Penalty Appeals & Referrals to Attorney General Office

Page 216 of 282



KeyBank
 P.O. Box 93885
 Cleveland, OH 44101-5885

**Key Saver
 Statement**

December 31, 2015



T 0041 0000 R IQ T1

KATHRYN A TROLL
 1514 2ND ST
 DOUGLAS AK 99824-5209

Questions about your account?
 1-800-KEY2YOU (1-800-539-2968)

Or, write us:
 KeyBank National Association
 P.O. Box 100420
 Anchorage, AK 99510-0420

Get less mail and enroll in Online Statements today!



Key Saver

Account number:

Account title: KATHRYN A TROLL

Balance on Sep 30, 2015	\$609.16
Additions	
Interest	0.02
Deductions	
Service fees and charges	3.00
Balance on Dec 31, 2015	\$606.18

Annual percentage yield (APY) earned	0.01%
Number of days this statement period	92
Interest paid (10-30-15)	\$0.01
Interest paid (12-31-15)	\$0.01
Interest earned this statement period	\$0.01
Interest paid year-to-date	\$0.06

Service fees and charges

Date	Service	Charge	Amount
12-31	PAPER STATEMENT FEE	1 @ \$3.00	\$3.00
Total			\$3.00



KeyNotes



Member FDIC





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 10, 2016

VIA EMAIL & CERTIFIED MAIL

Kate Troll
Kate Troll for Assembly
P.O. Box 240128
Douglas, AK 99824
Kate.Troll@gmail.com

Re: Notice of Penalty¹
2014 and 2015 Future Campaign Account Disclosure Report²

Ms. Troll:

According to our records, you did not timely file your 2014 or 2015 Future Campaign Account Disclosure Reports, due February 17, 2015 and February 16, 2016. Instead, your reports was filed on August 10, 2016 (539 and 175 days late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum combined penalty the Alaska Public Offices Commission could assess you is \$35,700 (\$26,950 and \$8,750).⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must**

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

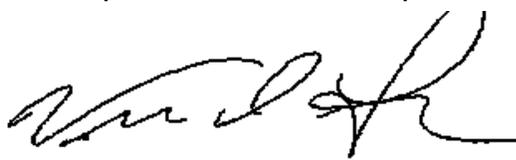
⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699159. The delivery record shows that this item was delivered on August 13, 2016 at 12:32 pm in DOUGLAS, AK 99824. The scanned image of the recipient information is provided below.

Signature of Recipient :


WILLIAM HANSON

Address of Recipient :

240 - 2 E

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: kate.troll@gmail.com
Sent: Wednesday, August 10, 2016 3:48 PM
Subject: Relayed: Notice of Penalty - 2014 and 2015 Future Campaign Account Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kate.troll@gmail.com (kate.troll@gmail.com)

Subject: Notice of Penalty - 2014 and 2015 Future Campaign Account Disclosure Report



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: September 30, 2016

RESPONDENT: Adam Trombley

CIVIL PENALTY
ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 Anchorage Municipal Election

DUE DATE OF LATE REPORTS: March 30, 2016

REPORT FILED ON: June 5, 2016

NUMBER OF DAYS LATE: 67

DATE DELINQUENCY NOTICE SENT: Notice of Penalty – August 1, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 3, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$33,500

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 99% to \$335
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1.The candidate has a good filing history. 2 AAC 50.865(a)(1)(A).
2. The contribution was disclosed on the 105 Day Report substantially earlier and was not more than \$1,000.
3. The contribution was timely reported by the contributor, Anchorage Homebuilders PAC, and the information was available to the public. 2AAC 50.865(b)(5)(C).
4. The penalty is significantly out of proportion to any degree of harm to the public. 2 AAC 50.865(b)(6).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Trombley participated in the 2016 Anchorage election. He received and was required to timely disclose a contribution during the 24 Hour reporting period.¹ Instead this contribution was disclosed on his 105 Day report filed on June 5, 2016, 67 days later. APOC Staff issued a penalty assessment for the delinquent 24 Hour report and the campaign timely appealed.

Staff recommends the maximum penalty of \$33,500 be reduced by 99% to \$335. A full waiver has not been recommended for the reason set forth in section five.

1. Mr. Trombley’s appeal also identifies his good filing history as mitigating criteria warranting a reduction of penalty of up to 50%.² Staff agrees that he has no late filings within the last five years, however, this criteria also requires that the delinquent report disclose zero financial activity. Because financial activity occurred, staff can not apply this criteria. Other criteria is applicable for reducing this civil penalty.

2. Mitigating criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public, no aggravating factors are present, and the missing information is readily available to the public through another forum.³ In this instance the Anchorage Home Builders Association Build- PAC disclosed it’s contribution to the Trombley campaign on it’s 7 Day report, making this criteria applicable.⁴

3. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, a penalty assessment of \$33,500 – over 33 times⁵ the amount to be disclosed – is significantly out of proportion to the degree of harm and warrants reduction.

4. A reduction of up to 50% is also available when unreported information had a value of more than \$100 but, no more than \$1,000, and a mitigating factor allowing a reduction of greater than 50% exists.⁶ Here, one of the reports had a total activity of \$1,000, which falls within the specified range, and the assessed penalty is significantly out of proportion to the degree of harm.

5. A full waiver has not been recommended for this penalty because Mr. Trombley was statutorily required to timely disclose this 24 Hour contribution prior to the election. Applicable mitigating criteria is available to provide a complete waiver, but should not be used to diminish a candidate’s responsibility to comply with Alaska’s campaign disclosure law.

Because the penalty is significantly out of proportion to the degree of harm to the public and other mitigating criteria, staff recommends reducing the penalty of \$33,500 by 99% to \$335.

¹ AS 15.13.110(b).
² 2 AAC 50.865.(a)(1)(A).
³ 2AAC 50.865(b)(5)(C).
⁴ See appeal.
⁵ \$33,500 /\$1,000 =33.5
⁶ 2 AAC 50.865(a)(4).

FILER’S REPORTING HISTORY:

- 2011 Anchorage Municipal Letter of Intent – Filed 5/21/2010
- 2011 Anchorage Municipal Registration – Filed 3/16/2011
- 2011 Anchorage Municipal – 30 Day Report – Timely
- 2011 Anchorage Municipal – 7 Day Report – Timely
- 2011 Anchorage Municipal – 24 Hour Report – Timely
- 2011 Anchorage Municipal – 24 Hour Report – Timely
- 2011 Anchorage Municipal – 24 Hour Report – Timely
- 2011 Anchorage Municipal – 24 Hour Report – Timely
- 2011 Anchorage Municipal – 105 Day Report – Timely
- 2011 Anchorage Municipal – Year End Report – Timely
- 2014 Anchorage Municipal – Letter of Intent – Filed 11/30/2012
- 2014 Anchorage Municipal – Candidate Registration – 11/30/2012
- 2014 Anchorage Municipal – 30 Day Report – Timely
- 2014 Anchorage Municipal – 7 Day Report – Timely
- 2014 Anchorage Municipal – 24 Hour Report – Timely
- 2014 Anchorage Municipal – 24 Hour Report – Timely
- 2014 Anchorage Municipal – 24 Hour Report – Timely
- 2014 Anchorage Municipal – 105 Day Report – Timely
- 2016 Anchorage Municipal – Letter of Intent – Filed 6/29/2016
- 2016 Anchorage Municipal – Registration – Filed 7/28/2016
- 2016 Anchorage Municipal – 30 Day Report – Timely
- 2016 Anchorage Municipal – 7 Day Report – Timely
- 2016 Anchorage Municipal – 24 Hour Report – Timely
- 2016 Anchorage Municipal – 24 Hour Report – LATE (67 Days Late) (Subject of Appeal)**
- 2016 Anchorage Municipal – 105 Day Report – Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$1,000
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$0

STAFF’S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent’s appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁷ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
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⁷ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁸ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁹ 2 AAC 50.865(d)(1)
- More than one late filing in the preceding 5 years. 2 AAC 50.865(d)(2)(A)
- Evidence suggesting deliberate non-reporting. 2 AAC 50.865(d)(2)(B)
- Failure to cooperate with staff. 2 AAC 50.865(d)(2)(C)

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 99% to \$335.**

⁸ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

⁹ Value greater than \$1000.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Adam Trombley
5803 Grand Teton Lp
Anchorage, AK 99502
trombleyforassembly@gmail.com; cfrasca@alaska.net

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Trombley:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Adam Trombley
5803 Grand Teton Lp
Anchorage, AK 99502
trombleyforassembly@gmail.com;
cfrasca@alaska.net

Miked F. Deahn 10-6-2016
Law Office Assistant Date

9171-9690-0935-0129-9585-31

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: Trombleyforassembly@gmail.com; Cheryl Frasca
Sent: Wednesday, October 05, 2016 3:23 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Trombleyforassembly@gmail.com (Trombleyforassembly@gmail.com)

[Cheryl Frasca \(cfrasca@alaska.net\)](mailto:cfrasca@alaska.net)

Subject: Amended Commission Meeting Notice

ARRIVED

8-3-2016

**APOC - ANCH
PM HC FAX ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant
(candidate, group, or person): Adam Trombley

Office (if a candidate): Anchorage Assembly

Penalty issued in connection with (check box or boxes):

- | | | |
|--|--|--|
| <input type="checkbox"/> Year-Start Report | <input checked="" type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Contributors Statement (15-5) |
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> Year-End Report | <input type="checkbox"/> Independent Expenditures (15-6) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> No Paid for By | <input type="checkbox"/> Other |

Specify Year & Election (e.g. 2010 Primary, 2012 Anchorage Muni, etc.): 2016

Instructions: If you send payment, you do not need to file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

Statement:

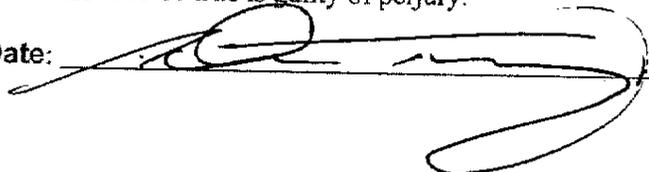
I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:

See attached statement

Certification:

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Signed/Date: 

Adam Trombley

August 3, 2016

Alaska Public Offices Commission – Statement Requesting Mitigation of Civil Penalty

First, please accept my apologies for the oversight of not filing a 24-hour report on one contribution I received during my 2016 Anchorage Assembly race.

Please consider the following mitigating factors that support why I believe the full civil penalty should be waived as allowed in 2 AAC 50.865:

- As a candidate, I have a good filing history with no late fees or overdue report;
- The contribution, disclosed on my campaign's 105 day report that was submitted substantially earlier than required on June 5, 2016, was not more than \$1,000.00; and
- The contribution was timely reported by the contributor, Anchorage Homebuilders PAC on its 7-day disclosure report submitted on March 29, 2016 (attached) and as a result, information about the contribution was available to the public.

For these reasons, I believe the civil penalty of \$33,500.00 for not reporting a \$1000.00 contribution on my campaign's 24-hour report, but instead disclosing the contribution through the early filing of my 105-day report, is significantly out of proportion to any degree of harm to the public. For this reasons I am appealing the penalty assessment. If I can provide any additional information in support of my appeal, please let me know.

Sincerely,



Adam Trombley

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **03/29/2016**
 Filer First Name: **Nikki**
 Filer Middle Name:
 Filer Last Name: **Giordano**
 Filer's Title: **Executive Officer**
 Report Type: **Seven Day Report**

GROUP INFORMATION

Group Name: **2016 - Anchorage Home Builders Association Build-Pac**
 Group Abbreviation: **AHBA**
 Group Address: **8301 Schoon Street**
 City, State Zip: **Anchorage, Alaska 99518**

REPORT INFORMATION

Election Year: **2016**
 Election: **Anchorage Municipal Election**
 Report Type: **Seven Day Report**
 Reporting Period: From **03/05/2016** Through **03/26/2016**

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$950.33				
[+] ↓		Year To Date Income Total: <small>(From Box A of previous report)</small>		Total Income To Date: <small>(Box A)</small>	
Total Income Reported:	\$2,100.00	[+] ⇒	\$3,665.00	[=] ⇒	\$5,765.00
[-] ↓		Year to Date Expense Total: <small>(From Box B of previous report)</small>		Total Expense To Date: <small>(Box B)</small>	
Total Expenditures Reported:	\$3,000.00	[+] ⇒	\$3,724.95	[=] ⇒	\$6,724.95
[=] ↓					
Closing Cash On Hand:	\$50.33				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					
Surplus/Deficit:	\$50.33				

Campaign Disclosure Form

INCOME

Date Received	Payment Method	Contributor	Details	Amount
03/11/2016	Check 234	Dial , Jason 2201 E. 84th Ct. Anchorage , Alaska 99507	Occupation: Owner Employer: Rain Proof Roofing Description:	\$100.00
03/11/2016	Check 1796	Thompson , Rick 8301 Schoon St., Suite 100 Anchorage , Alaska 99518	Occupation: Office Manager Employer: Partusch Plumbing & Heating Description:	\$500.00
03/15/2016	Credit Card	Michelson , Paul 3410 Balchen Drive, Unit A Anchorage, Alaska 99517	Occupation: Owner Employer: Michelson & Daughter Construction Description:	\$150.00
03/15/2016	Credit Card	Michelson, Karen 3410 Balchen Drive, Unit A Anchorage, Alaska 99517	Occupation: Owner Employer: Michelson & Daughter Construction Description:	\$300.00
03/15/2016	Credit Card	Spinelli , Andre 1900 W. Northern Lights Blvd, Suite 200 Anchorage , Alaska 99517	Occupation: Builder Employer: Spinell Homes Description:	\$300.00
03/15/2016	Credit Card	Taylor , Bill 9420 Vanguard Drive, Unit A Anchorage, Alaska 99507	Occupation: Owner Employer: Colony Builders Description:	\$500.00
03/25/2016	Credit Card	Allen , Scott 3330 C Street #100 Anchorage, Alaska 99503	Occupation: Remodeler Employer: Trailboss Solutions Description:	\$150.00
03/25/2016	Check 12278	Coffey , Dan 3606 Rhone Circle, Ste. 110 Anchorage, Alaska 99508	Occupation: Lawyer Employer: Coffey Consulting Description:	\$100.00
Number of Contributions under \$100:				0
Sum of Contributions under \$100:				\$0.00

Date Received	Payment Method	Contributor	Details	Amount
			Income Total:	\$2,100.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
03/25/2015	Check 2010	Adam Trombley for Assembly 5803 Grand Teton Loop Anchorage, Alaska 99502	Contribution for the 2016 Anchorage Assembly race	\$1,000.00
03/25/2015	Check 2011	Treg Taylor for South Anchorage 13910 JARVI DRIVE Anchorage , Alaska 99515	Contribution for 2016 Anchorage Assembly	\$1,000.00
03/25/2016	Check 2009	Terre Gales for East Anchorage 3112 Campbell Airstrip Rd Anchorage , Alaska 99504	contribution for the 2016 Anchorage Assembly race	\$1,000.00
			Expenditure Total:	\$3,000.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	\$0.00



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 1, 2016

VIA EMAIL & CERTIFIED MAIL

Adam Trombley
5803 Grand Teton Lp
Anchorage, AK 99502
trombleyforassembly@gmail.com; cfrasca@alaska.net;

Re: Notice of Penalty¹
24 Hour Campaign Disclosure Report²

Mr. Trombley:

According to our records you did not timely file a 24 Hour Report during the 2016 Anchorage Municipal Election. During the 9 days prior to an election (3/27-4/4), candidates are required to disclose contributions that exceed \$250 within 24 hours of receiving them.³ Instead, your 105 Day Report, filed on June 5, 2016, disclosed a contribution should have been disclosed by March 30, 2016 (67 days late).⁴ By law a maximum penalty of \$500 accrues each day a report is late.⁵ The maximum penalty the Alaska Public Offices Commission could assess you a combined penalty of \$33,500.⁶

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

¹ 2 AAC 50.855.

² AS 15.13.110.

³ AS 15.13.110(b)

⁴ Anchorage Home Builders Association PAC, \$1,000, 3/29/2016.

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.855(a).

ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights, Room 128
Anchorage, Alaska 99508-4149

ARRIVED

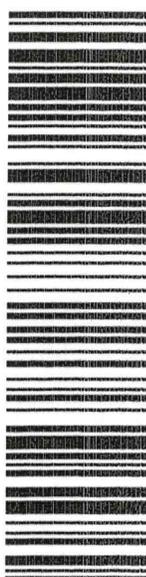
AUG 25 2016

**APOC - ANCH
PM HC FAX ELE**

August 1, 2016

VIA EMAIL & CERTIFIED MAIL
Adam Trombley
5803 Grand Teton Lp
Anchorage, AK 99502

CERTIFIED MAIL™



9171 9690 0935 0107 6990 43



neopost
08/01/2016
US POSTAGE

\$005.115

FIRST-CLASS MAIL

ZIP 99508
041110243475

99502#4060 C-0
99508@4149

NIXIE 995 DE 1 0008/24/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 99508414999 *1989-03536-01-40

4/21

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: Trombleyforassembly@gmail.com; Cheryl Frasca
Sent: Monday, August 01, 2016 3:44 PM
Subject: Relayed: Notice of Penalty - 24 Hour Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Trombleyforassembly@gmail.com \(Trombleyforassembly@gmail.com\)](mailto:Trombleyforassembly@gmail.com)

[Cheryl Frasca \(cfrasca@alaska.net\)](mailto:cfrasca@alaska.net)

Subject: Notice of Penalty - 24 Hour Campaign Disclosure Report



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Delight K. Mells DATE: October 3, 2016

RESPONDENT: Andrew Phillip Wright

CIVIL PENALTY ASSESSED UNDER: Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate

LATE REPORT(S):

- Campaign Disclosure Reports
 - February 15 Campaign Disclosure Report
 - 30 Day Campaign Disclosure Report
 - 7 Day Campaign Disclosure Report
 - 24 Hour Campaign Disclosure Report
 - Final Campaign Disclosure Report
 - Public Office Expense Term Account Report
 - 15-5 Statement of Contributions
 - 15-6 Independent Expenditures
 - Other:

REASON FOR FILING OR DATE OF ELECTION: 2016 State Primary Election

DUE DATE OF LATE REPORT: August 9, 2016

REPORT FILED ON: August 12, 2016

NUMBER OF DAYS LATE: 3

DATE DELINQUENCY NOTICE SENT: Notice of Delinquent 30 Day – August 10, 2016
Notice of Penalty 30 Day – August 15, 2016

DATE CIVIL PENALTY APPEAL RECEIVED: August 16, 2016

MAXIMUM CIVIL PENALTY ASSESSED UNDER STATUTE: \$1,500

RECOMMENDATION SUGGESTED BY MITIGATION CRITERIA: Reduction by 99% to \$15
(See “Staff’s Recommendation Based on Standard Mitigation Criteria

AFFIANT’S STATEMENT OF MITIGATING FACTS:

- 1. The candidate is inexperienced.
- 2. There was not activity to disclose.
- 3. The candidate suffers from a medical condition (IBD).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

Mr. Wright is a candidate in the 2016 State primary election and became subject to the requirements of AS 15.13, Alaska’s campaign disclosure law. He was required to file a 7 Day primary report on August 12, 2016.¹ Instead, his report was filed three days later on August 12, 2016. APOC Staff issued a penalty assessment for the late filed report and Mr. Wright timely appealed.

Staff recommends the maximum penalty of \$1,500 be reduced by 99% to \$15. A full waiver has not been recommended for the reason set forth in section five.

1. Inexperienced filers that have been subject to a reporting requirement for less than 365 days are allowed a penalty reduction of up to 50%.² This is Mr. Wright’s first election cycle and the delinquent reports occurred within 365 days of registering, allowing for this criteria to be applied.

2. AAC 50.865(a)(3) allows for a reduction of up to 50% when the unreported information had a value of \$100 or less. Mr. Wright’s report had no activity allowing for the application of this criteria for a penalty reduction.

3. Mr. Wright has appealed that he has an incapacitating illness of Irritable Bowels Syndrome (IBD). Staff acknowledges that this illness can be incapacitating. While Mr. Wright has not provided documentation to indicate a timeframe for when this chronic illness affected him or prevented his filing electronically filing his report (i.e. doctor’s note.) APOC staff will consider this criteria applicable for the reduction of this penalty.

4. Mitigation criteria allows for a reduction of greater than 50% when a late report did not cause significant harm to the public and no aggravating factors exist. A late report does not cause significant harm when the financial activity disclosed is less than \$100.³ Here, Mr. Wright’s has no aggravating factors and the report disclosed zero financial activity allowing for this criteria to be applied.

5. Mitigation criteria allows for a reduction of greater than 50% when the civil penalty assessment is significantly out of proportion to the degree of harm to the public. In this case, a penalty assessment of \$1,500– for zero financial activity – is significantly out of proportion to the degree of harm and warrants reduction.

Based on the activity disclosed on the late filed report, staff recommends reducing the penalty of \$1,500 to \$15.

FILER’S REPORTING HISTORY:

2016 State Primary Election – Registration – Filed 7/6/2016

2016 State Primary – 30 Day Report – Timely

2016 State Primary – 7 Day Report – LATE (3 Days Late)(Subject of Appeal)

2016 State Primary – Year End Report – Timely

¹ AS 15.13.110(a).

² 2AAC 50.865(a)(1)(B)

³ 2 AAC 50.865(b)(5)(A).

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0
Income:	\$0
Expenses:	\$0
Debts:	\$0
Ending Balance:	\$0

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- Good filing history (no late filings in the previous 5 years) AND zero report. 2 AAC 50.865(a)(1)(A)
- Inexperienced filer.⁴ 2 AAC 50.865(a)(1)(B)
- Technical error at APOC. 2 AAC 50.865(a)(2)
- Reported information had a value of \$100 or less. 2 AAC 50.865(a)(3)
- Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. 2 AAC 50.865(a)(4)

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- Personal catastrophe/emergency or incapacitating illness. 2 AAC 50.865(b)(1)
- APOC Staff error, including confirmed technical problems with electronic filing system. 2 AAC 50.865(b)(2)
- Failure of a municipal clerk to provide notice to a municipal official of delinquency, or, failure of a municipal clerk to provide notice to a municipal official that a report does not meet the filing requirements under 2 AAC 50.850(f). 2 AAC 50.865(b)(3)
- Report included only administrative costs (Groups only). 2 AAC 50.865(b)(4)
- No significant harm to the public⁵ AND no aggravating factors. 2 AAC 50.865(b)(5)
- The maximum civil penalty assessment is significantly greater and out of proportion to the degree of harm to the public for not having the information. 2 AAC 50.865(b)(6)
- A unique circumstance. 2 AAC 50.865(b)(7)

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following as mitigating factors to reduce the amount of a penalty.

- Relying on another person or mailroom to mail, or submit the statement timely. 2 AAC 50.865(c)(1)
- Forgetting to file. 2 AAC 50.865(c)(2)
- Being a volunteer. 2 AAC 50.865(c)(3)
- Having no change in data from previous statements on file. 2 AAC 50.865(c)(4)
- Reliance on filer's own staff to remind him or her of the filing deadline. 2 AAC 50.865(c)(5)
- Being too busy to file. 2 AAC 50.865(c)(6)
- Staff turnover, unless turnover created turmoil serious enough to justify a finding of unique circumstances. 2 AAC 50.865(c)(7)
- Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. 2 AAC 50.865(c)(8)

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The dollar amount missing is \$100 or less; the dollar amount missing is more than \$100 but less than \$1,000 and the filer self reported; or the missing information is readily available to the public through another forum.

Aggravating Factors [2 AAC 50.865(d)]:

- Failure to comply with disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be: **Reduced by 99% to \$15.00**

⁶ Value greater than \$1000.



THE STATE
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GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 5, 2016

VIA EMAIL and CERTIFIED MAIL

Andrew Phillip Wright
3560 N Banner Way
Wasilla, AK 99654
Andrewwright2@yahoo.com

Re: AMENDED COMMISSION MEETING NOTICE

Dear Mr. Wright:

The Commission Meeting Notice previously issued to you contained a typographical error regarding the day your civil penalty appeal will be heard.

Your civil penalty appeal is expected to heard at **11:30 a.m. on Tuesday, October 25, 2016.**

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate.

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mells
Paralegal II

cc: Candidate File

9171-9690-0935-0129-9585-48

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Andrew Phillip Wright
3560 N Banner Way
Wasilla, AK 99654
Andrewwright2@yahoo.com

10-6-2016
Law Office Assistant Date

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: andrewwright2@yahoo.com
Sent: Wednesday, October 05, 2016 3:23 PM
Subject: Relayed: Amended Commission Meeting Notice

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

andrewwright2@yahoo.com (andrewwright2@yahoo.com)

Subject: Amended Commission Meeting Notice

ARRIVED

AUG 18 2016

**APOC - ANCH
PM HC FAX ELE**

8-17-2016

AFFIDAVIT

Personally came and appeared before me, the undersigned authority in and for this jurisdiction, Andrew P. Wright, the Affiant, and states as follows:

1. This was my first time running for political office and am new to political filing process.
2. I received no donations during that period of time.
3. I currently have a medical condition that affects my ability to meet a deadline (IBD).

WITNESS MY SIGNATURE on this 17 day of August, 20 16.

Andrew P. Wright
ANDREW P. WRIGHT

SWORN TO AND SUBSCRIBED BEFORE ME
on this 17 day of August, 20 16.

[Signature]
Notary Public

ORIE J. RUBALCAVA, SST, USAF
Paralegal
NOTARY BY FEDERAL STATUTE
10 U.S.C. 1044a
IAW AFI 51-504





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 12, 2016

VIA EMAIL & CERTIFIED MAIL

Andrew Phillip Wright
3560 N Banner Way
Wasilla, AK 99654
Andrewwright2@yahoo.com

Re: Notice of Penalty¹
7 Day Primary Campaign Disclosure Report²

Mr. Wright:

According to our records, you did not timely file your 7 Day Primary Campaign Disclosure Report, due August 9, 2016. Instead, your report was filed on August 12, 2016 (3 days late). By law, a penalty of \$500/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$1,500.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699180. The delivery record shows that this item was delivered on August 18, 2016 at 3:27 pm in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	X Andrew Wright
Printed Name	Andrew Wright

Address of Recipient :

Delivery Address	3560 N Banner Way R1
------------------	----------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: andrewwright2@yahoo.com
Sent: Friday, August 12, 2016 3:02 PM
Subject: Relayed: Notice of Penalty - 7 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

andrewwright2@yahoo.com (andrewwright2@yahoo.com)

Subject: Notice of Penalty - 7 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

August 10, 2016

VIA EMAIL & CERTIFIED MAIL

Andrew Phillip Wright
3560 N Banner Way
Wasilla, AK 99654
Andrewwright2@yahoo.com

RE: Notice of Delinquent 7 Day Primary Report Disclosure Report

Mr. Wright:

According to our records, you did not file your 7 Day Primary Campaign Disclosure Report due on August 9, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$500.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$500.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

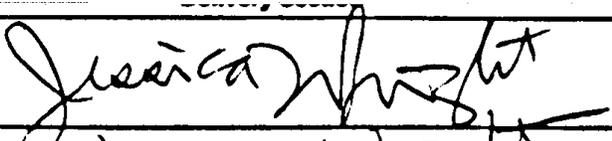
Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699135. The delivery record shows that this item was delivered on August 15, 2016 at 10:21 am in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Name	Jessica Wright

Address of Recipient :

Address	3560 N Banner Way RT
---------	----------------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: andrewwright2@yahoo.com
Sent: Wednesday, August 10, 2016 3:46 PM
Subject: Relayed: Notice of Delinquent 7 Day Primary Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

andrewwright2@yahoo.com (andrewwright2@yahoo.com)

Subject: Notice of Delinquent 7 Day Primary Report



**ALASKA PUBLIC OFFICES COMMISSION
PROPOSED FINDINGS AND ORDER**

**In the matter of civil penalty assessments
against Christian Hartley**

On October 25, 2016, the Alaska Public Offices Commission (Commission) reviewed the assessed civil penalty of **\$50.00** for Christian Hartley's late filed 30 Day Primary Campaign Disclosure Report. To facilitate collection proceedings by the Department of Law, the Commission issues the following Findings and Order.

Findings of Fact

1. Mr. Christian Hartley filed a Letter of Intent to run in the 2016 State Primary Election on August 7, 2015, and is subject to AS 15.13, Campaign Disclosure Law.
2. Mr. Hartley was required to file a 30 Day Primary Campaign Disclosure Report on July 18, 2016. Instead, he filed this report a day later on July 19, 2016.
3. On July 18, 2016, staff sent an email reminder to Mr. Hartley regarding the upcoming deadline for the 30 Day Primary Report and provided instructions. He responded back to staff's email acknowledging he would be submitting a late report.
4. On July 19, 2016, Mr. Hartley filed his 30 Day Primary report and was issued a notice of the assessed penalty. The notice provided the associated civil penalty rate and advised Mr. Hartley of his right to appeal. Staff also included an appeal affidavit form and sent the notice to the campaign's registered email and mailing addresses by Certified Mail, Return Receipt Requested. Delivery by email was successfully completed and the certified letter delivered on August 19, 2016.
5. On September 8, 2016, Mr. Hartley was notified that because staff had not received an affidavit of appeal within 30 days of the notice of penalty issued, he had lost his right to appeal. Additionally, because he had failed to pay the civil penalties, the matter would be referred to the Commission for a final order. The notice was sent by email and Certified Mail, Return Receipt Requested. Delivery by email was successfully completed and the certified letter delivered on September 29, 2016.

Conclusions of Law

Due to Christian Hartley’s failure to timely file a 30 Day Primary Campaign Disclosure Report, and his failure to appeal or dispute the assessed penalty in a timely manner, the Commission hereby upholds the penalty assessment of **\$50.00** under the provisions of AS 15.13.390 and 2 AAC 50.855.

Commission staff has exhausted efforts to collect the penalty assessed against Mr. Hartley now due and owing to the State of Alaska under 2AAC 50.895.

The Commission approves the referral of this case to the Office of the Attorney General to begin the formal collection process.

Decision and Order of the Commission

In accordance with the above findings of fact and conclusions of law, the Commission orders Christian Hartley to pay a civil penalty of **\$50.00** for failing to file his 30 Day Primary Campaign Disclosure Report and refers this matter for collection to the Office of the Attorney General.

BY ORDER OF THE COMMISSION ON _____

NOTICE TO RESPONDENT

You must pay the penalty of \$50.00 to the State of Alaska within thirty days from the date of this order is mailed or otherwise distributed to you. To obtain judicial review of this order consistent with AS 44.62.560-570, you must file an appeal with the Superior Court within thirty days from the date this order is mailed or otherwise distributed to you.

CERTIFICATE OF SERVICE

I certify that on this date, I served a true and correct copy of the foregoing document by email & Certified Mail, Return Receipt Requested, to:

Christian Hartley
P.O. Box 940281
Houston, Alaska 99712
chartley@hartleym.com

Law Office Assistant Date



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 4, 2016

VIA EMAIL and CERTIFIED MAIL

Christian Hartley
P.O. Box 940281
Houston, AK 99694
chartley@hartleyrm.com

Re: COMMISSION MEETING NOTICE

Dear Mr. Hartley:

The Commission will review the matter of the referral of your civil penalties to the Attorney General's Office at its October 25, 2016 Commission Meeting in Anchorage.

I have enclosed the Proposed Findings and Order that will be presented to the Commission at the meeting for your review.

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate. Civil Penalty Referrals are expected to begin at **11:30 a.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your referral is not removed from the agenda by a Commissioner, the Findings and Order will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your referral.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION


Delight K. Mells
Paralegal II

cc: Candidate File
encl: Proposed Findings and Order

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Christian Hartley
P.O. Box 940281
Houston, AK 99694
chartley@hartleyrm.com


Law Office Assistant Date 10-4-2016

9171-9690-0935-0129-9583-57

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: chartley@hartleyrm.com
Sent: Tuesday, October 04, 2016 11:13 AM
Subject: Relayed: Commission Meeting Notice & Findings and Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

chartley@hartleyrm.com (chartley@hartleyrm.com)

Subject: Commission Meeting Notice & Findings and Order

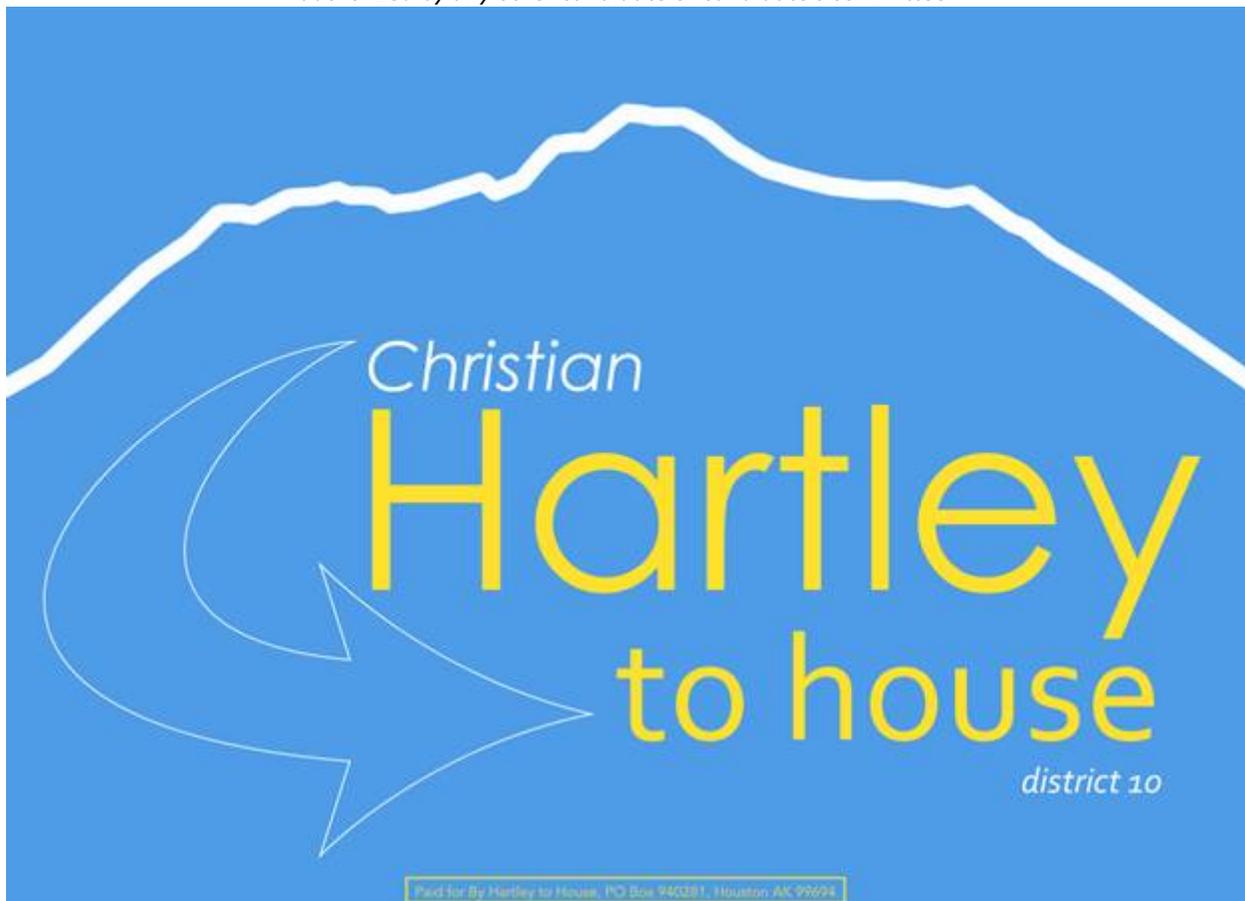
Mells, Delight K (DOA)

From: Christian Hartley <christian.hartley@hartleym.com>
Sent: Monday, July 18, 2016 7:48 PM
To: Mells, Delight K (DOA)
Subject: RE: APOC- 30 Day Report Due TODAY before midnight! (7/18/2016)

Unfortunately, I do not have the check numbers for campaign donations because I deposited the checks right away and didn't realize that my credit union didn't store images of the checks like my previous bank did. Rather than submit an inaccurate form, I will have to submit a late form. I shouldn't have waited until today, but things happened this weekend that delayed my attendance to the form.

Christian M. Hartley
(907) 354-2564

This communication has been Paid for By Hartley to House, PO Box 940281, Houston AK 99694. This communication has not been authorized by any other candidate or candidate's committee.



From: Mells, Delight K (DOA) [<mailto:delight.mells@alaska.gov>]
Sent: Monday, July 18, 2016 16:34
To: Mells, Delight K (DOA) <delight.mells@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Cc: Bulfa, Maria F B (DOA) <maria.bulfa@alaska.gov>

Subject: APOC- 30 Day Report Due TODAY before midnight! (7/18/2016)

Importance: High

Good afternoon State Candidates and Treasurers,

Just a final reminder that your 30 Day Report (covering activity from February 2, 2016 – July 15, 2016) is due before midnight TONIGHT, July 18, 2016. Reports received after July 18, 2016 (midnight) are automatically assessed civil penalties at \$50 for each day late. (Instructions for locating your 30 Day Report online are provided below.)*

If you have any questions or believe this email was sent to you in error, please let me know!

Sincerely,

Delight K. Mells

Paralegal II

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508-4149

Phone: (907) 276-4176 or Toll Free in Alaska 1 (800)-478-4176

Information in this e-mail may be confidential and/or privileged. If you are not the intended recipient, please notify the sender via telephone and delete the information immediately. Thank you.

****To access and file a 30 Day Report:**

1. Log into [MyAlaska](#) and select your “Assigned Reports” from the “Candidate tab.”

State of Alaska myAlaska My Government Resident Busi

APOC Online Forms

HOME POFD/LFD GROUPS/ENTITIES **CANDIDATES** LOBBYING INDEPENDENT EXPENDITURES

State of Alaska > Department of Administration > APOC > Online Forms

ASSIGNED REPORTS

- LETTER OF INTENT
- CANDIDATE REGISTRATION FORMS
- MUNICIPAL/JUDICIAL EXEMPTION FORMS
- CAMPAIGN DISCLOSURE FORMS
- POET FORMS
- FCA FORMS
- SHARED CAMPAIGN ACTIVITY FORMS
- CANDIDATE REIMBURSEMENT FORMS
- EXEMPT FUNDRAISER FORMS

Public Official / Legislative Official Filings

If you are a:

- Public Official
- Candidate
- Member of a State Board or Commission
- Legislator

Who is required to file a Financial Disclosure Report

Group / Entity Forms

View or file Group / Entity forms. View Assigned Reports

Candidate Forms

2. Select "Start" within the same row as the 30 Day Primary Report (like in the example below);

APOC Online Forms

HOME POFD/LFD GROUPS/ENTITIES **CANDIDATES** LOBBYING INDEPENDENT EXPENDITURES

State of Alaska > Department of Administration > APOC > Online Forms

CAMPAIGN DISCLOSURE FORM

COMPLETE

Please print the form for your records. Click 'Print' to show a popup with the form just submitted, or re-click 'Print' if the form has not yet been assigned below.

[Print](#) [My Filings](#)

Name: Ivanna Winn

Reports Assigned:

Year	Report	Election	Begin Date	End Date	Due Date
2016	Year Start Report	Aleutians East Borough		2/1/2016	2/15/2016
2016	Thirty Day Report	Aleutians East Borough	2/2/2016	9/2/2016	9/6/2016
2016	Seven Day Report	Aleutians East Borough	9/3/2016	9/24/2016	9/27/2016
2016	105 Day Report	Aleutians East Borough	9/25/2016	1/2/2017	1/17/2017

[Click Here](#) to add these to your schedule (use Import in Outlook and choose the .ics file)

Note: This listing of reports that are due is available at any time under the Campaign Forms section.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 19, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Christian Hartley
PO Box 940281
Houston, AK 99712
chartley@hartleyrm.com

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Mr. Hartley:

According to our records, you did not timely file your 30Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 19, 2016 (1 day late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$50.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

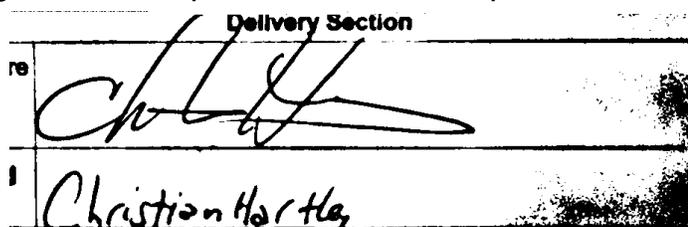
⁶ 2 AAC 50.831(a).

Date: August 19, 2016

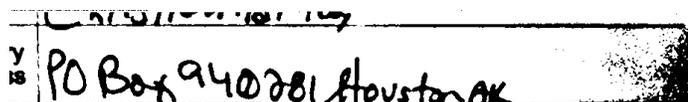
Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700657. The delivery record shows that this item was delivered on July 20, 2016 at 10:22 am in HOUSTON, AK 99694. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: chartley@hartleyrm.com
Sent: Tuesday, July 19, 2016 3:48 PM
Subject: Relayed: Notice of Penalty - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

chartley@hartleyrm.com (chartley@hartleyrm.com)

Subject: Notice of Penalty - 30 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

September 8, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Christian Hartley
PO Box 940281
Houston, AK 99712
chartley@hartleyrm.com

Re: NOTICE OF REFERRAL TO COMMISSION
30 Day Primary Campaign Disclosure Report

Mr. Hartley:

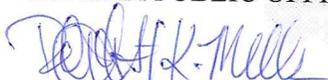
On July 19, 2016 the Alaska Public Offices Commission notified you that you were subject to a civil penalty of \$50 for your failure to timely file a 30 Day Primary Campaign Disclosure Report which was due on July 18, 2016. (Enclosed) As of the date of this letter, you have not paid the penalty. In that same letter, this office also informed you of your right to appeal the penalty assessment within thirty (30) days and supplied you with an appeal affidavit form. You did not file an appeal within the thirty (30) days; therefore, your right to appeal has expired.

Pursuant to 2AAC 50.860, staff will refer this matter to the Commission for entry of a final order of assessment of the penalty due. The Commission will consider this matter at its October 2016 public meeting.

If you would like to avoid further Commission action, please remit your payment of **\$50.00** to our office.

This letter will be placed in your permanent APOC file and is subject to public review. Should you have any questions, please contact this office at 907-276-4176. If you are calling long distance to Anchorage from within the state, you may call toll-free at 800-478-4176.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION


Delight K. Mells
Paralegal II

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mr. Christian Hartley
PO Box 940281
Houston, AK 99712
chartley@hartleyrm.com


Law Office Assistant Date 9-8-2016

Enclosures: Notice of Penalty
CC: Candidate File

9171-9690-0935-0107-6998-90

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: chartley@hartleyrm.com
Sent: Thursday, September 08, 2016 2:46 PM
Subject: Relayed: Notice of Referral to Commission - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

chartley@hartleyrm.com (chartley@hartleyrm.com)

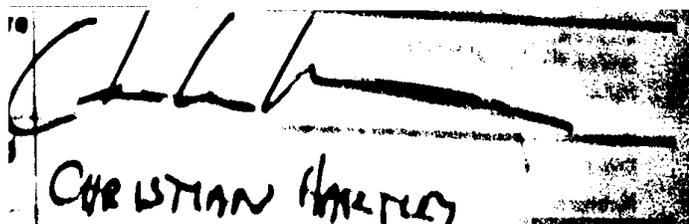
Subject: Notice of Referral to Commission - 30 Day Primary Campaign Disclosure Report

Date: September 29, 2016

Michael Schwahn:

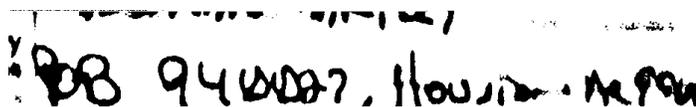
The following is in response to your September 29, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699890. The delivery record shows that this item was delivered on September 10, 2016 at 3:00 pm in HOUSTON, AK 99694. The scanned image of the recipient information is provided below.

Signature of Recipient :



CHRISTIAN HARTLEY

Address of Recipient :



940027, Houston, TX 77001

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



**ALASKA PUBLIC OFFICES COMMISSION
PROPOSED FINDINGS AND ORDER**

**In the matter of civil penalty assessments
against Bob Lochner**

On October 25, 2016, the Alaska Public Offices Commission (Commission) reviewed the assessed civil penalty of **\$50.00** for Bob Lochner's late filed 30 Day Primary Campaign Disclosure Report. To facilitate collection proceedings by the Department of Law, the Commission issues the following Findings and Order.

Findings of Fact

1. Mr. Bob Lochner filed a Letter of Intent to run in the 2016 State Primary Election on February 1, 2016, and is subject to AS 15.13, Campaign Disclosure Law.
2. Mr. Lochner was required to file a 30 Day Primary Campaign Disclosure Report on July 18, 2016. Instead, he filed this report a day later on July 19, 2016.
3. On July 19, 2016, staff issued a Notice of Delinquency to Mr. Lochner for his delinquent 30 Day Primary Report Report. The notice provided the associated civil penalty rate for the missing report, advised Mr. Lochner that his report must be filed to stop the accrual of civil penalties, and advised him of his right to appeal the civil penalty. Staff included an appeal affidavit form and sent the notice by email to the campaign's registered address by Certified Mail, Return Receipt Requested. Delivery by email was successfully completed and the certified mailing delivered on July 20, 2016.
4. On July 19, 2016, Mr. Lochner called the Anchorage APOC office regarding his 30 Day Primary Report and was provided instructions on how to file his report. Staff followed up this conversation via email and Mr. Lochner filed a "Final – No Activity" report on this same day.
5. On July 20, 2016, Mr. Lochner was issued a notice of the assessed penalty. The notice provided the associated civil penalty rate and advised Mr. Lochner of his right to appeal. Staff also included an appeal affidavit form and sent the notice to the campaign's registered email and mailing addresses by Certified Mail, Return Receipt Requested. Delivery by email was successfully completed and the certified letter delivered on July 21, 2016.

6. On September 8, 2016, Mr. Lochner was notified that because staff had not received an affidavit of appeal within 30 days of the notice of penalty issued, he had lost his right to appeal. Additionally, because he had failed to pay the civil penalties, the matter would be referred to the Commission for a final order. The notice was sent by email and Certified Mail, Return Receipt Requested. Delivery by email was successfully completed and the certified letter delivered on September 10, 2016.

Conclusions of Law

Due to Bob Lochner's failure to timely file a 30 Day Primary Campaign Disclosure Report, and his failure to appeal or dispute the assessed penalty in a timely manner, the Commission hereby upholds the penalty assessment of **\$50.00** under the provisions of AS 15.13.390 and 2 AAC 50.855.

Commission staff has exhausted efforts to collect the penalty assessed against Mr. Lochner now due and owing to the State of Alaska under 2AAC 50.895.

The Commission approves the referral of this case to the Office of the Attorney General to begin the formal collection process.

Decision and Order of the Commission

In accordance with the above findings of fact and conclusions of law, the Commission orders Bob Lochner to pay a civil penalty of **\$50.00** for failing to file his 30 Day Primary Campaign Disclosure Report and refers this matter for collection to the Office of the Attorney General.

BY ORDER OF THE COMMISSION ON _____

NOTICE TO RESPONDENT

You must pay the penalty of \$50.00 to the State of Alaska within thirty days from the date of this order is mailed or otherwise distributed to you. To obtain judicial review of this order consistent with AS 44.62.560-570, you must file an appeal with the Superior Court within thirty days from the date this order is mailed or otherwise distributed to you.

CERTIFICATE OF SERVICE

I certify that on this date, I served a true and correct copy of the foregoing document by email & Certified Mail, Return Receipt Requested, to:

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net

Law Office Assistant

Date



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

October 4, 2016

VIA EMAIL and CERTIFIED MAIL

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net

Re: COMMISSION MEETING NOTICE

Dear Mr. Lochner:

The Commission will review the matter of the referral of your civil penalties to the Attorney General's Office at its October 25, 2016 Commission Meeting in Anchorage.

I have enclosed the Proposed Findings and Order that will be presented to the Commission at the meeting for your review.

You have a right to participate at the meeting, either in person or by telephone (1-800-315-6338, code 41761#), please notify our office if you intend to participate. Civil Penalty Referrals are expected to begin at **11:30 a.m. on Tuesday, October 25, 2016.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your referral is not removed from the agenda by a Commissioner, the Findings and Order will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda. Staff will send you a copy of the Commission's final decision regarding your referral.

If you have any questions, please contact our office.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Delight K. Mellis
Paralegal II

cc: Candidate File
encl: Proposed Findings and Order

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net

10-4-2016
Law Office Assistant Date

9171-9690-0935-0129-9583-64

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: aquinton@gci.net
Sent: Tuesday, October 04, 2016 11:13 AM
Subject: Relayed: Commission Meeting Notice & Findings and Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

aquinton@gci.net (aquinton@gci.net)

Subject: Commission Meeting Notice & Findings and Order



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 19, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net

RE: Notice of Delinquent 30 Day Primary Disclosure Report

Mr. Bob Lochner:

According to our records, you did not file your 30 Day Primary Campaign Disclosure Report due on July 18, 2016. Failure to file a timely report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13. By law, a penalty of \$50.00 per day accrues for every day the report is not filed. **As of the date of this letter, the report is 1 day late and the accrued penalty is \$50.**

Please submit the delinquent report along with your check for the accrued penalty. **Your payment should include the entire accrued penalty due up to the date of filing.** As stated above, the \$50.00 per day penalty continues to accrue until you file the report. **To stop the accrual of penalties, please file your report immediately.** If you have questions on what the final total is, please call our office. **Please note that campaign contributions may not be used to pay this penalty.** If you cannot pay the entire balance at one time due to financial hardship, please call the Anchorage office to discuss the details of a payment agreement. In the meantime, you can file your report using the online system at: www.my.alaska.gov.

You have a right to appeal the assessment of this penalty. **If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within thirty (30) days of the date of this letter. Discussions with staff regarding a payment agreement do not toll the appeal period.** The APOC staff will review your affidavit and make a recommendation to the Commission regarding whether the penalty should be affirmed, reduced or waived. The staff will notify you of its recommendation before the Commission meeting at which your appeal is considered. At that meeting, the Commission will review your affidavit and consider your appeal. You may participate in this meeting in person or by phone.

Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in the staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: aquinton@gci.net
Sent: Tuesday, July 19, 2016 3:51 PM
Subject: Relayed: Notice of Delinquent 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

aquinton@gci.net (aquinton@gci.net)

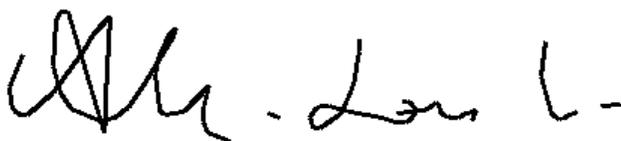
Subject: Notice of Delinquent 30 Day Primary Campaign Disclosure Report

Date: August 19, 2016

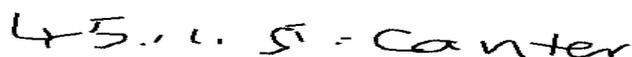
Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700664. The delivery record shows that this item was delivered on July 20, 2016 at 10:47 am in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Mells, Delight K (DOA)

From: Mells, Delight K (DOA)
Sent: Tuesday, July 19, 2016 1:59 PM
To: aquinton@gci.net
Subject: File APOC Final -No Activity Report

Importance: High

Mr. Lochner,

Thank you for speaking with me about your missing 30 Day Primary report. As we discussed, you are a candidate for US Senate, but accidently filed a Letter of Intent with APOC. This triggered State Campaign Disclosure reporting requirements.

To Conclude these requirements please:

****Filing a Report (No Activity/Final Report)**

1. Log into [MyAlaska](#) and select your "Assigned Reports" from the "Candidate tab."



2. Select "Start" within the same row as the 30 Day Primary Report (like in the example below);

APOC Online Forms

HOME | POFD/LFD | GROUPS/ENTITIES | CANDIDATES | LOBBYING | INDEPENDENT EXPENDITURE

State of Alaska > Department of Administration > APOC > Online Forms

CAMPAIGN DISCLOSURE FORM

COMPLETE

Please print the form for your records. Click 'Print' to show a popup with the form just submitted, or reports that have been assigned below.

[Print](#) [My Filings](#)

Name: Ivanna Winn

Reports Assigned:

Year	Report	Election	Begin Date	End Date	Due Date
2016	Year Start Report	Aleutians East Borough		2/1/2016	2/15/2016
2016	Thirty Day Report	Aleutians East Borough	2/2/2016	9/2/2016	9/6/2016
2016	Seven Day Report	Aleutians East Borough	9/3/2016	9/24/2016	9/27/2016
2016	105 Day Report	Aleutians East Borough	9/25/2016	1/2/2017	1/17/2017

[Click Here](#) to add these to your schedule (use Import in Outlook and choose the .ics file)

Note: This listing of reports that are due is available at any time under the Campaign Forms section.

3. Work through the form to disclose your campaign's financial activity. (If you had no activity you may indicate this on page 4/10). This will take you to the Financial Summary Page at the end of the report, where you should select "Final Report.")
4. To submit your report you must enter your MyAlaska password and select "sign and submit."
5. You will notice that your table of assigned reports should change to only reflect the report filed.

Please let me know if you have any questions so that I may assist you in concluding your reporting requirements.

Sincerely,

Delight K. Mells

Paralegal II

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508-4149

Phone: (907) 276-4176 or Toll Free in Alaska 1 (800)-478-4176

Information in this e-mail may be confidential and/or privileged. If you are not the intended recipient, please notify the sender via telephone and delete the information immediately. Thank you.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

July 20, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net

Re: Notice of Penalty¹
30 Day Primary Campaign Disclosure Report²

Mr. Lochner:

According to our records, you did not timely file your 30Day Primary Campaign Disclosure Report, due July 18, 2016. Instead, your report was filed on July 19, 2016 (1 day late). By law, a penalty of \$50/day accrues for each day the report is not filed.³ Accordingly, the maximum penalty the Alaska Public Offices Commission could assess you is \$50.⁴

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; or, you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**⁶

¹ 2 AAC 50.855.

² AS 15.13.110.

³ 2 AAC 50.855.

⁴ 2 AAC 50.855(a).

⁵ AS 15.13.390(a); AS 39.50.135; AS 24.60.240; AS 24.45.141.

⁶ 2 AAC 50.831(a).

Date: August 19, 2016

Michael Schwahn:

The following is in response to your August 19, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107700794. The delivery record shows that this item was delivered on July 21, 2016 at 12:39 pm in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

4500 S. Canters
99654

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: aquinton@gci.net
Sent: Wednesday, July 20, 2016 3:56 PM
Subject: Relayed: Notice of Penalty - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

aquinton@gci.net (aquinton@gci.net)

Subject: Notice of Penalty - 30 Day Primary Campaign Disclosure Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

September 8, 2016

VIA EMAIL & CERTIFIED MAIL

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net

Re: NOTICE OF REFERRAL TO COMMISSION
30 Day Primary Campaign Disclosure Report

Mr. Lochner:

On July 20, 2016 the Alaska Public Offices Commission notified you that you were subject to a civil penalty of \$50 for your failure to timely file a 30 Day Primary Campaign Disclosure Report which was due on July 18, 2016. (Enclosed) As of the date of this letter, you have not paid the penalty. In that same letter, this office also informed you of your right to appeal the penalty assessment within thirty (30) days and supplied you with an appeal affidavit form. You did not file an appeal within the thirty (30) days; therefore, your right to appeal has expired.

Pursuant to 2AAC 50.860, staff will refer this matter to the Commission for entry of a final order of assessment of the penalty due. The Commission will consider this matter at its October 2016 public meeting.

If you would like to avoid further Commission action, please remit your payment of **\$50.00** to our office.

This letter will be placed in your permanent APOC file and is subject to public review. Should you have any questions, please contact this office at 907-276-4176. If you are calling long distance to Anchorage from within the state, you may call toll-free at 800-478-4176.

Sincerely,
ALASKA PUBLIC OFFICES COMMISSION


Delight K. Mells
Paralegal II

Certificate of Service

I emailed and certified mailed a true and correct copy of the foregoing and enclosures to:

Mr. Bob Lochner
4500 S. Canter Circle
Wasilla, AK 99654
aquinton@gci.net


Law Office Assistant Date

Enclosures: Notice of Penalty
CC: Candiate File

9171-9690-0935-0107-6998-76

Schwahn, Michael F (DOA)

From: Microsoft Outlook
To: aquinton@gci.net
Sent: Thursday, September 08, 2016 2:48 PM
Subject: Relayed: Notice of Referral to Commission - 30 Day Primary Campaign Disclosure Report

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

aquinton@gci.net (aquinton@gci.net)

Subject: Notice of Referral to Commission - 30 Day Primary Campaign Disclosure Report

Date: September 29, 2016

Michael Schwahn:

The following is in response to your September 29, 2016 request for delivery information on your Certified Mail™ item number 9171969009350107699876. The delivery record shows that this item was delivered on September 10, 2016 at 11:14 am in WASILLA, AK 99654. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service