

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKANS FOR BETTER
ELECTIONS, INC.,

Complainant,

vs.

ALASKANS FOR HONEST
ELECTIONS; ALASKANS FOR
HONEST GOVERNMENT; RANKED
CHOICE EDUCATION ASSOCIATION;
and ART MATHIAS

Respondents.



Case No. 24-03-CD

**ALASKANS FOR BETTER ELECTIONS' RESPONSE TO
ARTHUR MATHIAS' PRE-HEARING BRIEF**

Complainant Alaskans for Better Elections, Inc. (“ABE”), by and through counsel, provides this response to Respondents’ pre-hearing brief filed on January 6, 2025.¹ ABE provides these three limited points for the Commission to consider in advance of the hearing scheduled for January 16, 2025, which is without prejudice because Respondents may still respond in advance of the hearing.²

¹ See Pre-Hearing Brief of Arthur Matthias (Jan. 6, 2025).

² See generally Notice and Procedural Order at ¶ 7 (Dec. 20, 2024).

- The Commission previously ordered Respondent Alaskans for Honest Elections (“AHE”) to not dissolve until all matters before the Commission “have been resolved.”³
- One of AHE’s officers previously testified before the Commission that AHE would not dissolve to avoid the imposition of civil penalties before APOC.⁴
- Under certain circumstances, an entities’ “corporate veil” can be pierced to cover any outstanding financial obligations.⁵

CASHION GILMORE & LINDEMUTH
Attorneys for Complainant Alaskans for Better
Elections, Inc.

DATED: January 9, 2025

/s/ Scott Kendall

Scott Kendall
Alaska Bar No. 0405019
Samuel G. Gottstein
Alaska Bar No. 1511099

³ See Order Denying Expedited Consideration *in* APOC Complaint 23-07-CD (Dec. 6, 2023) (Attachment C).

⁴ See Highlighted Testimony of Phillip Izon *in* APOC Complaint 23-07-CD (Dec. 6, 2023) (Attachment D).

⁵ See *Societe Fin., LLC v. MJ Corp.*, 542 P.3d 1159, 1173 (Alaska 2024).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via email on January 9, 2025, to the following:

Kevin Clarkson
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CASHION GILMORE & LINDEMUTH

By: /s/ Todd Cowles

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Alaskans for Better Elections, Inc.,)
)
 Complainant,)
)
 v.) APOC Case No. **23-07-CD**
)
 Alaskans for Honest Elections, Wellspring)
 Ministries, Wellspring Fellowship of Alaska,)
 Mikaela Emswiler, and Top Fundraising)
 Solutions, LLC,)
)
 Respondents.)
 _____)

ORDER DENYING EXPEDITED CONSIDERATION

Complainant Alaskans for Better Elections filed a complaint and a Request to Expedite Consideration in this matter on December 4, 2023. The Complaint alleges that the Respondents have failed to comply with registration and disclosure requirements to APOC in connection with Alaskans for Honest Elections’ signature gathering effort for ballot initiative 22AKHE. The Request to Expedite was heard at a special meeting of the Alaska Public Offices Commission on December 6, 2023 at 1:00 p.m. Complainant and Respondents participated in the hearing through their respective counsel. Art Mathias and Phillip Izon testified under oath on limited subjects raised by counsel and the Commissioners.

The Commission will expedite consideration of a complaint where “there is reasonable cause to believe that a violation has occurred or will occur,” and where “the alleged violation, if not immediately restrained, could materially affect the outcome of an election or other impending event” or “whether the alleged violation could cause

irreparable harm that penalties could not adequately remedy.”¹

The Commission concludes that the violations alleged in this case do not warrant expedited consideration. Rather, the matter would benefit from a full investigation and report from Staff. The Commission’s next regular meeting, currently scheduled for January, will be rescheduled for February and this matter heard at that time.

Order Alaskans for Honest Elections stated under oath at the hearing that the organization will continue in existence until this matter and other related matters have been resolved. The Commission orders Alaskans for Honest Elections to honor that agreement.

Dated: December 6, 2023.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION²

Certificate of Service: I hereby certify that on this date, I served, by EMAIL ONLY a true and correct copy of the foregoing in this proceeding on the following:	
Kevin Clarkson Law Offices of Kevin Clarkson kclarkson@gci.net Samuel Gottstein Cashion Gilmore & Lindemuth sam@cashiongilmore.com Scott Kendall Cashion Gilmore & Lindemuth scott@cashiongilmore.com	And: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

/s/Katherine Demarest 12/6/23
Date

¹ AS 15.13.380(c); 2 AAC 50.888.

² Commissioners Rick Stillie, Suzanne Hancock, Dan LaSota, Eric Feige, and Lanette Blodgett participated. The decision was made on a 5-0 vote.

Alaskans for Better Elections v. Alaskans for Honest Elections, et al.

In the Matter Of:

ALASKANS FOR BETTER ELECTIONS vs ALASKANS FOR HONEST ELECTIONS

Public Meeting Excerpt - Phillip Izon Testimony

December 06, 2023

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1 BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

2 ALASKANS FOR BETTER ELECTIONS, INC.,

3 Complainant,

4 vs.



5 ALASKANS FOR HONEST ELECTIONS,
6 WELLSPRING MINISTRIES, WELLSPRING
7 FELLOWSHIP OF ALASKA, MIKAELA
8 EMSWILER, AND TOP FUNDRAISING
9 SOLUTIONS, LLC,

8 Respondents.,

9 _____ /
10 Case No. 23-07-CD

11 ** Poor quality audio **

12 ** Reporter not present for proceedings **

13

14 EXCERPT OF VIDEOCONFERENCE PUBLIC MEETING

15 TESTIMONY OF PHILLIP IZON

16

17

18 Wednesday, December 6, 2023

19 Pages 1 - 16, inclusive

20

21

22

23

24

25

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1 P-R-O-C-E-E-D-I-N-G-S
2 -o0o-
3 JOHN PTACIN: Raise your right hand.
4 Do you swear to tell the truth to this
5 commission today?
6 PHILLIP IZON: Yes.
7 JOHN PTACIN: Very good.
8 So, Mr. LaSota, do you have specific
9 questions?
10 Or, Kevin, do you want to take the lead?
11 KEVIN CLARKSON: Why don't I take the lead.
12 Mr. Izon, there's been a reference to
13 something you said about the -- the job that AHE was
14 trying to discern what might happen after --
15 PHILLIP IZON: Correct.
16 KEVIN CLARKSON: -- it fulfilled that job.
17 PHILLIP IZON: Yes.
18 KEVIN CLARKSON: What is it that was said,
19 and what is it you were saying?
20 PHILLIP IZON: Well, I -- I'd like to go
21 back to the hearing, an APOC hearing I just had a
22 couple weeks ago. At this hearing, LaSota asked me
23 about, specifically, a comment I made about shutting
24 down the organization as soon as we received the APOC
25 violations, or the new advice from APOC.

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1 From that point, once we get this complaint
2 from Better Elections and realized that they can just
3 go back and -- and rehash things over and over and
4 over again, and continue creating complaints and
5 burying our organization based upon bad advice from
6 APOC, I realized at that time we needed to shut it
7 down.
8 So I made comments to this board that we
9 needed to shut it down in March, that we're lucky we
10 got where we are. We've got over 636 petition books
11 received and over 31,000 signatures received. So
12 that's all done, and so our -- our objective is
13 completed.
14 And we -- they even shifted theirs from
15 Alaskans for Better Elections to Yes on 2. And so
16 we're going to do a similar activity that's totally in
17 line with politics. And I don't believe that there
18 was anything nefarious by making those statements. So
19 I was -- I was literally just saying facts.
20 KEVIN CLARKSON: Okay. So what I heard,
21 you're basically saying, shutting the organization
22 down will be simply to say, getting the job done, but
23 make sure we won't draw any more complaints --
24 PHILLIP IZON: Correct.
25 KEVIN CLARKSON: -- from the

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1 (indiscernible). But you certainly had no intention
2 of saying that the entity would --
3 PHILLIP IZON: No.
4 KEVIN CLARKSON: -- somehow try to --
5 PHILLIP IZON: Not at all.
6 KEVIN CLARKSON: -- skirt its
7 responsibilities.
8 PHILLIP IZON: Not in any way, shape, or
9 form. It was just that the new activities -- any new
10 activities -- and I told the news this specifically.
11 There is no new organization yet. We've learned
12 our -- we've made our -- we've learned from our
13 mistakes from the previous instance with APOC.
14 They had, you know, criticized the way we
15 organized things based upon bad advice. This time, we
16 have a compliance officer. We are going through with
17 making sure that all of our reporting is done
18 directly, accountability, you know, from the very get
19 go, working with someone that's done these reports
20 before, and starting with a new organization so that
21 way the AKBE group can't continue to file, you know,
22 these insanely expensive reports over and over again
23 just to literally bury our organization and our
24 efforts to legally and constitutionally petition our
25 government that's been approved by the State of

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1 Alaska.
2 KEVIN CLARKSON: Okay. Thank you. That's
3 all of the questions I have.
4 JOHN PTACIN: Mr. LaSota, any follow-up?
5 COMMISSIONER DAN LASOTA: Well, in -- in
6 general, I want -- and I don't know if Mr. Izon or --
7 or Mr. Clarkson would be better to answer it, but I --
8 I don't want the -- the commission or the agency
9 facing the situation where there -- there's an ongoing
10 investigation, and then it becomes pointless because
11 the organization that has a complaint against it no
12 longer exists. But I can tell you that --
13 PHILLIP IZON: I've --
14 COMMISSIONER DAN LASOTA: -- that's not the
15 intention -- that that is not the intention.
16 PHILLIP IZON: I plan to keep the
17 organization open, obviously, until the resolution of
18 any fines that need to be paid. That's definitely --
19 I'd say that on the record today, that that's our
20 intention.
21 COMMISSIONER DAN LASOTA: Okay. Thank you
22 for that statement.
23 PHILLIP IZON: Yeah.
24 COMMISSIONER DAN LASOTA: Mr. Clarkson, is
25 there anything -- I'm unfamiliar with the process of

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Public Meeting Excerpt - Phillip Izon Testimony on 12/06/2023

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1 dissolution of an organization such as this. Is there
2 anything that would -- an -- an ongoing complaint
3 filed by an agency or another complainant that would
4 put a stop to the dissolution process?
5 KEVIN CLARKSON: I don't believe so. I
6 mean, a business organization, which is essentially
7 what this is, could be developed at the choice of the
8 people who own it. Businesses sometimes dissolve
9 fully solvent, and sometimes they deserve -- they
10 dissolve when they're not.
11 And so to answer your question generically,
12 I don't think so. But I can tell you, from the
13 intention of my client, they did not -- their
14 intention is not to try to skirt responsibilities.
15 COMMISSIONER DAN LASOTA: Okay. And I -- I
16 think this is my final question, Mr. Clarkson.
17 Exhibit O contains the independent
18 expenditure from AHE to TFS for 15,000, and then there
19 was another -- I think Commissioner Stillie brought up
20 another report. It was, like, three -- 3,600 or 3,000
21 or so. So combined there was, on record, reportable
22 amounts of \$18,000 paid from AHE to TFS.
23 Am I correct in all of these
24 (indiscernible)?
25 KEVIN CLARKSON: Yeah. I think if you add

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1 them up, it's \$18,196. But I -- I don't actually have
2 the report that Commissioner Stillie mentioned in
3 front of me, but I'm taking him at his word.
4 COMMISSIONER DAN LASOTA: Well, he's -- he's
5 a man of his word. That's my word.
6 KEVIN CLARKSON: Of course.
7 COMMISSIONER DAN LASTOA: So the -- the
8 recording period that was filed on 11-13, is that --
9 that encompasses all of TFS's contracted work for AHE?
10 In other words, they -- when did -- when did
11 Ms. Emswiler's -- Emswiler's -- sorry. I butchered
12 that name.
13 When did Emswiler -- Emswiler -- okay --
14 when did she -- when did she begin work for the AHE?
15 In other words, when -- when was her firm hired on to
16 assist with the election management?
17 KEVIN CLARKSON: I believe, October 2nd,
18 according to the report that was mentioned by
19 Commissioner Stillie. And the 15,000 payment -- bill
20 of payment was intended to be a payment for all of
21 their services. So, basically, out of that 15,000, it
22 was her job to perform the service. She had the cost
23 of whatever her company's operation was, and there's
24 no further billing from her that I understand to --
25 upon AHE. She paid 15,000 under the contract, plus

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1 the earlier bunch was paid. So (indiscernible) for
2 payments.
3 COMMISSIONER DAN LASOTA: Okay. Thank you.
4 That does complete my questions.
5 JOHN PTACIN: Mr. Kendall, do you have any
6 limited questions for Mr. Izon?
7 SCOTT KENDALL: Yeah. Just a couple.
8 JOHN PTACIN: Go ahead.
9 SCOTT KENDALL: Thank you, Mr. Ptacin.
10 JOHN PTACIN: You testified -- you have to
11 answer questions within the scope of what you
12 testified to.
13 SCOTT KENDALL: Okay. So I'm going to, sort
14 of, repeat some of your testimony, and you feel free
15 to correct me if I'm phrasing something incorrect, as
16 it is your testimony.
17 You were saying to the Press, and you said,
18 I believe just now, that you intend to shut AKHG down?
19 PHILLIP IZON: Our activities.
20 SCOTT KENDALL: And part of that --
21 PHILLIP IZON: Organization dissolution is
22 not a part of that. I said if we were shut down,
23 we're not doing any more activities.
24 SCOTT KENDALL: Okay.
25 PHILLIP IZON: And the new organization will

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1 be the new activities.
2 SCOTT KENDALL: And --
3 PHILLIP IZON: That -- that is something I
4 did say.
5 SCOTT KENDALL: And part of that -- and,
6 again, correct me if I'm wrong -- is that you -- you
7 didn't want to, kind of, quote other entities or other
8 individuals to rehash what AKHG has done over and over
9 again?
10 PHILLIP IZON: Actually, wrong. I said that
11 the APOC department gave us the wrong information from
12 the get go, as you have also testified about, and that
13 you said that I should not be accountable for those
14 activities. You said that. And that those are the
15 activities I'm speaking of.
16 So rehashing things that APOC had done
17 incorrectly by giving us the wrong information, which
18 caused us to not do reporting correctly, which then
19 you created complaints about, that is the thing that
20 I'm concerned about continuing. And so a new
21 organization would limit that from you being able to
22 do that, wouldn't it?
23 SCOTT KENDALL: Well, I'm an attorney.
24 PHILLIP IZON: Anyway...
25 SCOTT KENDALL: I don't -- I -- I don't

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Public Meeting Excerpt - Phillip Izon Testimony on 12/06/2023

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1 testify, but I know -- I will represent --
2 PHILLIP IZON: You did -- you did say that
3 in a previous hearing.
4 SCOTT KENDALL: I will represent that, yes,
5 there was --
6 PHILLIP IZON: You did say that.
7 SCOTT KENDALL: There was incorrect
8 information.
9 PHILLIP IZON: So you did -- so you did say
10 it?
11 SCOTT KENDALL: Mr. Izon --
12 PHILLIP IZON: I'm just asking you.
13 SCOTT KENDALL: I think, Mr. Ptacin,
14 (indiscernible) --
15 KEVIN CLARKSON: Hold on. Hold on. Hold
16 on.
17 SCOTT KENDALL: -- responsive to my
18 questions.
19 JOHN PTACIN: Yeah. We need to make a clear
20 record as well, so one person speaks at a time. If
21 there's an objection to a question, Mr. Clarkson's
22 here to raise any objections.
23 But let's -- both of you take a breath.
24 Every time one person talks, breathe, and then you --
25 then you make your responsive statement.

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1 So, Scott, go ahead.
2 SCOTT KENDALL: Yeah. Thank you,
3 Mr. Ptacin.
4 So, Mr. Izon, you didn't want these issues
5 rehashed again and again, and I will represent it's
6 part of my question, I have said that prior to the
7 February date on which APOC gave you corrected
8 guidance that for -- (indiscernible) part of that
9 February date, February of this year -- you shouldn't
10 have been held liable. We took that position in prior
11 litigation.
12 Now, you seem to be saying -- and I don't
13 want to restate it -- that you don't want additional
14 complaints filed about activities that AHE has already
15 taken?
16 PHILLIP IZON: Oh, interesting. I mean that
17 the APOC directed activities, so the information that
18 had been changed from when they say, "We did not need
19 to do any reporting" to now, you can literally -- you
20 and your group can go back and file a complaint after
21 complaint after complaint, as you have done, and cost
22 us delays, cost us legal bills, cost us issues in our
23 progress to petition our government legally. That's
24 what you've done.
25 And so I'm just saying, those activities or

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1 the activities I'm speaking of are the activities that
2 APOC had spoke incorrectly, gave us the wrong
3 information.
4 So if all of the activities from November
5 through February, you can go back and rehash every one
6 of those over and over again for the next year until
7 election day. I don't want you to be able to do that,
8 so -- because they gave us the wrong information, as
9 you pointed out.
10 So I don't believe that we should be held
11 accountable in a new organization with a new
12 compliance person, and we don't make mistakes, seems
13 like a corrected path, which this department, and, you
14 know, the public, should be very happy that we're
15 making those changes, because that's -- that's the
16 appropriate thing to do.
17 SCOTT KENDALL: So your -- your testimony is
18 that you would dissolve the organization so that
19 complaints about its prior activities cannot be
20 retained?
21 PHILLIP IZON: No. That's not what I said
22 at all.
23 KEVIN CLARKSON: I'm -- I'm going to object.
24 I'm going to object that the --
25 PHILLIP IZON: Yeah.

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1 KEVIN CLARKSON: -- question has been asked
2 and answered now three times.
3 PHILLIP IZON: I -- I'm not going to answer
4 any more questions with him.
5 SCOTT KENDALL: Do you --
6 PHILLIP IZON: No.
7 SCOTT KENDALL: Mr. Izon.
8 PHILLIP IZON: I'm not answering any more
9 questions. You can't make me. So -- no.
10 KEVIN CLARKSON: Hold -- hold on.
11 PHILLIP IZON: No. I'm not doing it.
12 KEVIN CLARKSON: Hold on. Hold on.
13 (Simultaneous speech.)
14 PHILLIP IZON: I refuse. He's leading the
15 questions. I'm not --
16 KEVIN CLARKSON: Hello?
17 JOHN PTACIN: Wait a minute.
18 KEVIN CLARKSON: Hello?
19 JOHN PTACIN: It's -- it's essentially a
20 cross-examining question. He's entitled --
21 PHILLIP IZON: He's -- he's asking
22 questions --
23 JOHN PTACIN: -- to ask you --
24 PHILLIP IZON: -- that are outside of the
25 scope. I -- I do not --

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1 JOHN PTACIN: I find these questions are
2 within the scope, and I will say that if you refuse to
3 answer the questions, the commission will -- can use
4 that to the weight --
5 PHILLIP IZON: Fine.
6 JOHN PTACIN: -- of the testimony that --
7 PHILLIP IZON: Fine. I'll stay and answer
8 the questions.
9 JOHN PTACIN: Okay. Mr. Clarkson --
10 KEVIN CLARKSON: Mr. -- Mr. Izon, can you
11 answer the questions, please? I can address issues
12 later. I know it's a tiring exercise with Mr. Kendall
13 asking the same questions over and over again.
14 But go ahead.
15 JOHN PTACIN: Yeah. And I -- I will say --
16 PHILLIP IZON: Please.
17 JOHN PTACIN: -- you asked the question
18 twice. It was very similar. I want --
19 PHILLIP IZON: Please.
20 JOHN PTACIN: I think the commission wants
21 you to move on to another area, if you have any.
22 SCOTT KENDALL: Yeah. Just a couple more.
23 Thank you, Mr. Ptacin.
24 JOHN PTACIN: Okay.
25 SCOTT KENDALL: And you intend to form a new

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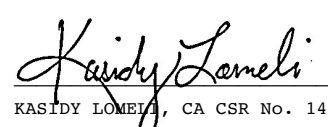
1 entity; correct?
2 PHILLIP IZON: Yes.
3 SCOTT KENDALL: If after -- after the
4 dissolution of AHE, a complaint is filed about a prior
5 evaluation, what do you believe will happen?
6 PHILLIP IZON: I'm not going to answer that.
7 That's -- that's --
8 KEVIN CLARKSON: Okay. This is outside the
9 scope.
10 JOHN PTACIN: No. I agree.
11 KEVIN CLARKSON: He has no foundation for
12 answering that question --
13 JOHN PTACIN: No. I --
14 KEVIN CLARKSON: -- and I'm making an
15 objection.
16 JOHN PTACIN: I --
17 KEVIN CLARKSON: It's a question --
18 PHILLIP IZON: This is -- this is crazy.
19 KEVIN CLARKSON: -- which he has no
20 foundation.
21 JOHN PTACIN: Well, it's --
22 PHILLIP IZON: It's crazy.
23 JOHN PTACIN: And it's supposition, I'm not
24 going to allow it. Move on.
25 SCOTT KENDALL: Okay. More -- more

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1 directly, do you intend to keep A- -- do you intend to
2 refrain from dissolving AHE until all pending --
3 currently pending complaints and fines --
4 PHILLIP IZON: Yes.
5 SCOTT KENDALL: -- and so forth are
6 resolved?
7 PHILLIP IZON: Yes.
8 SCOTT KENDALL: Thank you.
9 JOHN PTACIN: Okay. Thank you, Mr. Izon.
10 SCOTT KENDALL: Yes. And --
11 KEVIN CLARKSON: All right.
12 (Indiscernible) --
13 (End of excerpt.)
14 -oOo-
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Page 17

TRANSCRIBER'S CERTIFICATE

1
2
3 I, Kasidy Lomeli, hereby certify that the
4 foregoing pages numbered 1 through 16 are a true,
5 accurate, and complete transcript of the proceedings
6 in Case No. 23-07-CD, APOC Expedited Complaint,
7 transcribed by me from a copy of the electronic sound
8 recording to the best of my knowledge and ability.
9 I further certify that I am a disinterested
10 party to said action.
11
12
13
14 January 4, 2024 
15 KASIDY LOMELI, CA CSR No. 14046
16 My Commission Expires 8/25/2024
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