

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
SPECIAL COMMISSION HEARING
SEPTEMBER 28, 2012

A hearing of the Alaska Public Offices Commission came to order at 1:30p.m., on Friday, September 28, 2012. The hearing was held at the Anchorage APOC office at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska.

In Attendance:

Commission: Elizabeth Hickerson - Chair
Kathleen King - Vice-Chair
Kenneth Kirk - Commissioner
Carol Brenckle - Commissioner (Telephonically)

Staff: Paul Dauphinais - Executive Director
Joan Mize - Project Coordinator II Juneau Office (Telephonically)
Thomas Lucas - Associate Attorney II
Heather Hebdon – Associate Attorney II
Amanda McDonald - Paralegal I
Maria Bulfa - Law Office Assistant II

Attendees: Assistant Attorney General, Dept. of Law

- John Ptacin - Telephonically
- William Milks - Telephonically

12-11-CD, Thomas Schantz v. Valdez School District

- Thomas Schantz - Complainant (Telephonically)
- John Sedor - Respondent Counsel

ON RECORD 1:30 p.m.

HEARING

Thomas Schantz v. Valdez School District, 12-11-CD [1]

Chair Hickerson called the hearing to order to hear arguments on whether to hear 12-11-CD on an expedited basis.

The commission considered 12-11-CD for expedited hearing.

The following individuals presented their arguments, gave brief statements and answered questions from Commission members on the above complaint.

- Thomas Schantz - Complainant (Telephonically)
- John Sedor- Counsel for the Respondent (In person)

- Heather Hebdon – APOC, Staff (In person)

The Commission recessed from 1:45 p.m. until 1:48 p.m. to allow time for the Commission and complainant to review the opposition request presented by the respondent's counsel. The staff and parties came back on public record and discussed the opposition to expedited basis filed by the Valdez School District. The Commission will take the matter under advisement.

Chair Hickerson announced on public record for the parties and attendees to call back on the public teleconference line at 2:20 p.m. for an update of the deliberation.

The Commission went into deliberation to discuss the expedited consideration request, 12-11-CD, Thomas Schantz v. Valdez School District.

OFF RECORD 2:04 p.m.

Deliberation

ON RECORD 2:25 p.m.

After the deliberation the Commission came back on the public record. The Commission has decided to defer its decision on whether to grant an expedited consideration until 3:00 p.m. today. The Commission requested an affirmation from the respondent that the advertising posted on KVAK radio is removed; and, additionally, to cease and desist providing any additional advertisements, handouts, and/or brochures. Until then Valdez School District is in potentially in violation of AS 15.13 for not having a proper "paid for by" identifier on the advertising. The question also remains as to whether or not the funds for the ads were specifically appropriated by the Valdez School District.

The Commission recessed the hearing from 2:50 p.m. until 3:03 p.m. to allow time for the respondent's counsel to contact the Valdez School District superintendent and get an affirmation that the ads on KVAK radio are removed and all other publications regarding the Proposition are removed from public viewing.

ADMINISTRATIVE MEETING

Candidate POFD Disclosure Discussion [2]

The publication and disseminations of the Municipal Public Official Financial Disclosure Statements (POFD) presented by Paul Dauphinais, Executive Director, Heather Hebdon, APOC staff, and John Ptacin, Assistant General Attorney, Department of Law, appeared telephonically and gave brief statement in support of staff presentation.

The Commission, staff and Mr. Ptacin had a long discussion on whether the Municipal Public Official Financial Disclosure Statements (POFD) should be posted electronically and be made available for public viewing on the Internet. The Commission noted security concerns of the filers. The Commission will further review this issue and seek guidance from the Department of Law and will consider this matter further at the next regular Commission meeting scheduled for November 1-2, 2012.

The Commission returned to the hearing on complaint number 12-11-CD, Thomas Schantz v. Valdez School District to consider the expedited hearing request.

The counsel for the Valdez School District delivered an affirmation that the KTVA radio that the ads will be removed and there will be no other publication would be distributed to the public that would influencing the outcome of the ballot Proposition in the City of Valdez 2012 Municipal Election. Counsel also stated that he would provide written confirmation to the APOC Executive Director the actions are completed.

Commissioner Kirk moved to reject the request for expedited consideration under AS 15.13.380(c) and to remand the complaint back to staff for investigation on a regular basis.

Commissioner Brenckle seconded the motion.

The Commission voted 4-0 to consider the complaint number 12-11-CD on a regular basis at the Commission meeting scheduled for November 1-2, 2012.

Commissioner King moved to adjourn.

Commissioner Brenckle seconded the motion.

The Commission voted 4-0 to adjourn

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