

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
November 20, 2013

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Wednesday, November 20, 2013. The meeting was held at the Anchorage Office at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binder. Asterisks * indicate that no information was included in the meeting binder.

Commission in Attendance:

Elizabeth Hickerson – Chair
Kenneth Kirk – Vice-Chair
Kathleen King – Commissioner
Vance Sanders – Commissioner (Telephonically)
Ronald King – Commissioner

Staff in Attendance:

Paul Dauphinais – Executive Director
Jerry Anderson – Assistant Director
Joan Mize – Juneau Program Coordinator
Heather Hebdon – Associate Attorney II
Thomas Lucas – Associate Attorney II
July Lam – Associate Attorney I
Reuben Yerkes – Paralegal II (Telephonically)
Delight Mells – Paralegal I
Tamara Douglas – Paralegal I
Ramona Nicori – Law Office Assistant I

Department of Law – Assistant Attorney General Office

Bill Milks – Telephonically
John Ptacin – Telephonically

In-person Attendees:

Amy Mead – Commission on Judicial Conduct
Theda Pittman – Self
Tim Steele – 2014 Anchorage Municipal Candidate
Lindsay Hobson – Campaign Chair, Bill Walker

Bill Walker – 2014 State Candidate
Craig Fleener – 2014 State Candidate

Telephonic Attendees:

Tracey Smith – Public Employees Local 71
Kevin Frank Sr. – Municipal Candidate
Dennis Berry – Staffer, BBFM Engineers, Inc.
Mark Schrag – Chair, Yesonkenail
Vivian Stiver – Fairbanks Municipal Candidate
Jim Matherly – Council member, Fairbanks

ON RECORD: 9:00 a.m.

Chair Hickerson called the meeting to order.

Approval of the Agenda [*]

Commissioner K. King moved to approve the agenda as written.

Commissioner Kirk seconded the motion.

The Commission voted 5-0 to approve to approve the meeting agenda.

Approval of the Meeting Minutes [1]

September 30, 2013 – meeting minutes

Commissioner K. King moved to approve the meeting minutes as revised.

Commissioner Kirk seconded the motion.

The Commission voted 5-0 to approve the September 30, 2013 meeting minutes as revised.

September 25, 2013 – meeting minutes

Commissioner K. King moved to approve the meeting minutes as revised.

Commissioner Kirk seconded the motion.

The Commission voted 5-0 to approve the September 25, 2013 meeting minutes as revised.

Consent Agenda, Public Official Financial Disclosure Civil Penalty Appeals and Referrals to Attorney General Office [2]

The staff recommendations regarding the consent agenda were presented by July Lam, APOC staff. Commissioner Sanders recused himself from participating on the Amy Mead matter because they are personal acquaintances.

The following individuals were removed from the consent agenda for the Commission to consider separately:

Russell Dick

LATE REPORT:

2013 Public Official Financial Disclosure

Initial Public Official Statement

The Commission considered the remaining items on the POFD consent agenda as follows:

- Amy Mead
- Kevin Frank

Commissioner Kirk moved to approve staff recommendations for the remaining items on the consent agenda.

Commissioner R. King seconded the motion.

The Commission voted 5-0 to approve the remaining items on the consent agenda.

Consent Agenda, Group Civil Penalty Appeals and Referrals to Attorney General Office

[3]

The staff recommendations regarding the consent agenda were presented by Tamara Douglas, APOC staff and Tom Lucas, APOC staff. Commissioner Hickerson recused herself from participating on the BBFM Engineers, Inc. matter because she goes to the same church as Mr. Dennis Berry.

The following groups were removed from the consent agenda for the Commission to consider separately:

Mr. Dennis Berry, Staffer, BBFM Engineers, Inc. appeared telephonically and gave statement.

BBFM Engineers, Inc.

2013 Municipal Election

LATE REPORT:

15-5 Statement of Contributions

MAXIMUM CIVIL PENALTY:

\$500 as filed 10 days late @\$50 a day

STAFF RECOMMENDATION:

Reduced by 90% to \$50

Commissioner R. King moved to approve staff recommendation.

Commissioner Sanders seconded the motion.

The Commission voted 4-0 to approve staff recommendation.

The Commission approved the remaining items on the consent agenda.

- Four Valleys Community School, Inc.
- Marijuana Policy Project

Ms. Tracey Smith, Staffer, Public Employees Local 71 appeared telephonically and gave statement.

Public Employees Local 71

2012 State Election

LATE REPORT:

15-5 Statement of Contributions

MAXIMUM CIVIL PENALTY:

\$3,150 as filed 63 days late @\$50 a day

STAFF RECOMMENDATION:

Reduced by 90% to \$315

**Commissioner Kirk moved to approve staff recommendation.
Commissioner Sanders seconded the motion.
The Commission voted 5-0 to approve staff recommendation.**

Mr. Mark Schrag, Staffer, Yesonkenai appeared telephonically and gave statement

Yesonkenai	2013 Municipal Election
LATE REPORT:	30 Day Statewide Municipal Report
MAXIMUM CIVIL PENALTY:	\$100 as filed 2 days late @\$50 a day
STAFF RECOMMENDATION:	Waive Penalty

**Commissioner K. King moved to approve staff recommendation.
Commissioner Kirk seconded the motion.
The Commission voted 5-0 to approve staff recommendation.**

**OFF RECORD: 9:57 a.m.
Break
ON RECORD: 10:10 a.m.**

Alaska Public Offices Commission, APOC v. Sitka Republican Women, Consent Agreement 13-07-CD [4]

The staff report was presented by Thomas Lucas, APOC staff. Ms. Sheila Finkenbinder appeared telephonically and gave statement regarding the above complaint.

The complaint filed against Sitka Republican Women alleged violations of the Campaign Disclosure Finance Law, AS 15.13.070(c)(2) regarding receipt of funds in excess of contribution limits, 2AAC 50.266 regarding its receipt of corporation funds; and AS 15.13.040(b)(3) regarding its failure to report expenditures (contributions made to 2 candidates).

**Commissioner Kirk moved to approve the consent agreement as written.
Commissioner K. King seconded the motion.
The Commission voted 5-0 in to approve the consent agreement.**

Executive Director Report [6]

The director's report was presented by Paul Dauphinais and Joan Mize, APOC staff.

The Commission and staff re-visited Tab 2, the matter of Lorene Anelon, for further discussion and for clarification.

Ron Arnold v. Fairbanks Motel, Vivian Stiver, 13-09-CD & 13-10-CD [5]

The staff report was presented by Tamara Douglas, APOC staff. Ms. Vivian Stiver, Respondent on complaint number 13-10-CD, appeared telephonically and gave statement.

The Commission took the matter under advisement.

Commissioner R. King moved to go off the public record and go into executive session for the purpose of deliberation, to discuss personnel issues and consult with the Commission counsel.

Commission K. King seconded the motion.

The Commission voted 5-0 to approve to go off public record.

OFF RECORD: 11:17 a.m.

Executive Session/Deliberation

ON RECORD: 12:03 p.m.

Public Comment Period [*]

No comments from the public were received.

OFF RECORD: 12:30 p.m.

Lunch

ON RECORD: 12:54 p.m.

The Commission and staff re-visited Tab 2, the matter of Kristy Hinchman, for additional questions to staff.

The Commission took the matter under advisement.

Commissioner R. King moved to go off the public record and go into executive session, to discuss personnel matters.

Commissioner Kirk seconded the motion.

The Commission voted 5-0 to approve to go off public record.

The Commission went off the public record and into executive session for the purpose of deliberation, and to discuss personnel issues.

OFF RECORD: 1:08 p.m.

Executive Session/Deliberation

ON RECORD: 1:31 p.m.

Advisory Opinion Request, Tim Steele, AO 13-06-CD [7]

The staff draft advisory opinion was presented by Heather Hebdon, APOC staff. Mr. Steele, requestor, appeared in person and gave a statement.

The Commission took the matter under advisement.

Advisory Opinion Request, Walker/Fleener, Joined Campaign, AO 13-07-CD [8]

The staff draft advisory opinion was presented by Heather Hebdon, APOC staff.

The following individuals appeared in person and gave statement.

- William Walker, 2014 State Candidate
- Craig Fleener, 2014 State Candidate
- Lindsay Hobson, Legal Advisory to Walker/Fleener 2014 Campaign

The Commission took the matter under advisement.

Commissioner Kirk moved to go off the public record and go into executive session to discuss personnel matters.

Commission K. King seconded the motion.

The Commission voted 5-0 to approve to go off public record.

OFF RECORD: 2:22

Executive Session/Deliberation

ON RECORD: 4:20 p.m.

Chair Hickerson announced on public record that effective November 20, 2013, Commissioner Kathleen King resigned as the public member commissioner.

Commissioner K. King moved to adjourn.

Commissioner Kirk seconded the motion.

OFF RECORD: 4:23 p.m.

Adjourn