

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
JUNE 17, 2009

A regular meeting of the Alaska Public Offices Commission came to order at 1:03 p.m. on Wednesday, June 17, 2009. The meeting was held at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

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

In Attendance:

COMMISSION: Elizabeth Hickerson - Chair
Kathleen Frederick – Vice chair, (Telephonically)
Shirley Dean – Commissioner (Absent)
Kathleen (Kate) Ballenger – Commissioner (Telephonically)
Kathleen King- Commissioner

Staff: Holly R. Hill – Executive Director
Jerry Anderson – Asst. Director
Patty Ware – Project Coordinator Juneau Office
Jeff Berliner - Investigator
Kim Wilson – Paralegal II
Vullnet Greva – Paralegal II
Joan Mize – Paralegal II Juneau Office (Telephonically)
Maria Bulfa- Recording Secretary

Attendees: Annette Kreitzer – Commissioner, Department of Administration
Rachael Petro – Deputy Commissioner, Department of Admin.
Anand Dubey – Director, Enterprise Technology, Dept. of Admin.
Eric Swanson – Director, Dept. Admin. Services, Dept. of Admin (Telephonically)
Cheryl Lowenstein – Div. Operation Manager, Dept. Admin. Servies, Dept. of Admin
Mark Fish- Complainant, 09-02-LFD (Approval of Agenda)
Ken Peltier – Public Official Filer
Mark Torgerson – Director, Alaska Labor Relations Agency
Michael Hurley – Director, G&C AEA Dept. ConocoPhillips

ON RECORD 1:03 p.m.

Chair Hickerson introduced herself and the other three Commissioners. Ms. Hill introduced staff and other attendees that were present in person or telephonically.

The Commission and staff welcomed Commissioner Kathleen King as the new APOC board member.

Approval of Agenda

Chair Hickerson proposed the following items be added to the agenda.

- Order in Complaint No. 09-01-CD Pebble Ltd. Partnership, Pebble Mines Corp., Resource Development Council v. Renewable Resources Coalition, Inc., Alaskans for Clean Water, Americans for Job Security, Robert Gillam and consolidated complaint against Hackney, Dubkey and Jameson
- A memo filed by Governor Sarah Palin in response to the Commission's letter of inquiry dated April 29, 2009.

The Commission approved the meeting agenda as revised.

Approval of Minutes [1]

The Commission approved the April 13 Commission meeting minutes with no changes, and the April 23-24, 2009 meeting minutes as revised.

Governor Sarah Palin's 2009 POFD Exemption Memo [*]

Ms. Hill presented Governor Palin's 2009 POFD exemption request memo to the Commission.

Staff asked the Commission to grant their request to extend the time for further review of the exemption memo from the Governor and additional responses submitted to APOC. The staff will work with the Department of Law on the confidentiality process. The staff will then present a recommendation in the next Commission meeting.

The Commission granted the staff request.

Commission Schedule Hearing Availability [*]

The Commissioners are available September 21-25 or September 28-October 2, 2009 for hearing in the Pebble case. Chair Hickerson asked staff to respond and provide the proposed hearing date to the hearing officer. The staff will then notify all parties and the Commission via email with a selected hearing date.

Approval of Mitigation Criteria [2]

Ms. Ware presented an updated draft of the proposed mitigation criteria that the Commission had previously discussed at the April Commission meeting.

Following the discussion, the Commission asked Ms. Ware to make recommended changes on the mitigation criteria and present the revision at the next Commission meeting.

OFF RECORD 2:15 p.m.

Break

ON RECORD 2:20 p.m.

Consent Agenda, Request to Reduce or Waive Civil Penalty Assessments for Late Public Official Financial Disclosure Filer [3]

The following Public Official Financial Disclosure was not included in the consent agenda process, at the direction of the Commission.

RESPONDENT:	Ken Peltier
STATUS:	Board member (Alaska Labor relations Agency)
LATE REPORT:	2008/2009 Public Official Financial Disclosure Annual report
MAXIMUM CIVIL PENALTY:	\$1,815 – 2008 POFD \$ 305 – 2009 POFD \$2,120 – Total CPA

Commissioner King moved to accept staff recommendation to waive the 2009 POFD assessed civil penalty of \$305 based on personal catastrophe under the mitigation criteria.

Commissioner Frederick seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Commissioner Frederick made a motion for a **50% reduction on the 2008 POFD civil penalty based on potential staff error under the mitigation criteria.**

Commissioner Ballenger seconded the motion.

During the discussion, the Commission concluded that a 75% waiver was more appropriate due to Mr. Peltier's inexperienced filer status in addition to his medical circumstances.

Commissioner Frederick withdrew her motion.

Commissioner Ballenger withdrew her second.

Commissioner Frederick made a motion to assess a 75% reduction of \$1,815 to a \$453.75 civil penalty based on being an inexperienced filer and personal medical circumstances as described in the mitigation criteria.

Commissioner Ballenger seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Consent Agenda, Request to Reduce or Waive Civil Penalty Assessments for Late Lobbyists and Employer of Lobbyist Reports [4]

The following Employer of Lobbyists and Lobbyists were included in the consent agenda process, at the direction of the Commission:

- Biss, Thomas Lobbyist
- Chamberlain, Wendy Lobbyist
- Hurr-Tuckness, Barbara Lobbyist
- Hughes, Shelley Lobbyist
- Levy, David Lobbyist
- Logan, Rebecca Lobbyist
- Roberts, Malcolm Lobbyist
- AGENET Employer of Lobbyist
- Alaska Regional Hospital Employer of Lobbyist
- Associated Builders & Contractors of Alaska (ABC of AK Employer of Lobbyist
- David Parish & Associates Employer of Lobbyist
- Delta Western Employer of Lobbyist
- Fairbanks Memorial Hospital Employer of Lobbyist
- Fairbanks North Star Borough Employer of Lobbyist
- Gold Cache Bingo Employer of Lobbyist
- Green Star, Inc. Employer of Lobbyist
- Icicle Seafoods Employer of Lobbyist
- Intelligent Energy System(IES) Employer of Lobbyist
- JJ Powers Public Relations Employer of Lobbyist
- Metlakatla Indian Community Employer of Lobbyist
- PND Engineers, Inc. Employer of Lobbyist
- Q Tires Employer of Lobbyist
- TDX Power, Inc. Employer of Lobbyist

Commissioner Ballenger made a motion to adopt these items on the consent agenda and accept the staff recommendation as presented.

Commissioner King seconded the motion

The Commission voted 4 to 0 in favor of the motion.

The remaining items were pulled from the consent agenda and addressed individually.

Commissioner Frederick recused herself from hearing the matter related to Thyes Shaub, because they were neighbors for 5 ½ years.

RESPONDENT: **Thyes, Shaub**
STATUS: Lobbyist
LATE REPORT: 2008 August Special Session Lobbyist Report
MAXIMUM CIVIL PENALTY: **\$1,080**

Commissioner King moved to accept staff recommendation of 100% waiver due to a confirmed technical issue with electronic filing based on the standard mitigation criteria.

Commissioner Ballenger seconded the motion.

The Commissioner voted 3 to 0 in favor of the motion.

RESPONDENT: **Anchorage Community Land Trust**
STATUS: Employer of Lobbyist
LATE REPORT: 2008 3rd Quarter and 4th Quarter Employer of Lobbyist Report: Retained Ray Gillespie as a Lobbyist
MAXIMUM CIVIL PENALTY: **3rd Quarter - \$1,220**
4th Quarter - \$ 280
Total \$1,500

Commissioner Ballenger moved to accept staff's recommendation reducing 3rd quarter civil penalty to \$70 and 4th quarter report to \$35 totaling \$105, based on confirmed staff error under unique circumstances on the mitigation criteria.

Commissioner Frederick seconded the motion.

The Commission voted 4-0 in favor of the motion.

RESPONDENT: **Catholic Community Service**
STATUS: Employer of Lobbyist
LATE REPORT: 2008 2nd Quarter Employer of Lobbyist Report: Retained Kevin Jardell as a Lobbyist
MAXIMUM CIVIL PENALTY: **2nd Quarter - \$1,800**

Commissioner Frederick recused herself from hearing the matter related to Catholic Community Service because they were her clients for seven years and she is a friend of Rosemary Hagevig.

Commissioner King moved to accept staff recommendation of 100% waiver due to a confirmed technical issue with electronic filing based on the standard mitigation criteria.

Commissioner Ballenger seconded the motion.

The Commission voted 3-0 in favor of the motion.

OFF RECORD 3:15 p.m.

Break

ON RECORD 3:25 p.m.

Advisory Opinion Request, AO 09-10-LOB (ConocoPhillips) [5]

Ms. Ware presented the advisory opinion request from ConocoPhillips. Assistant Attorney General Thomas Dosik appeared in person to answer any questions the Commission might have regarding the opinion request and staff's proposed answer.

Commissioner Ballenger moved to approve advisory opinion AO 09-10-LOB

Commissioner King seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Executive Director Report [6]

The Commission asked staff to research how other state boards prepare their meeting minutes.

Chair Hickerson presented Ms. Ware's 15-year pin given by the State of Alaska.

Ms. Ware gave an update to the staff and Commission members on the status of the ongoing Insight Project.

Mr. Dubey, DOA-ETS Director was present to answer questions from the Commission regarding the Insight Project.

Mr. Anderson presented the pending cases on the complaint status handout included in the executive director tab.

Ms. Hill presented the rest of the handouts from the executive director report tab.

Commissioner Ballenger made a motion to go into executive session to discuss personnel matters and financial matters that affect the state of Alaska. The following staff were asked to attend: APOC Executive Director Hill, APOC

Assistant Jerry Anderson, Department of Administration Commissioner Kreitzer, Department of Administration Deputy Commissioner Petro, and Department of Administration Finance Director Eric Swanson.

Commissioner King seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

OFF RECORD 4:16 p.m.

Executive Session

ON RECORD 4:32 p.m.

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

Ms. Hill continued presenting the executive report that was included in the Commission packet.

Commissioner Ballenger made a motion to approved \$50,000 of the FY10 budget to contract for an investigator for the agency.

Commissioner King seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Commissioner King moved to approve the proposed budget spending for FY10.

Commissioner Frederick seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Commissioner King made a motion to have Ms. Hill work with the Department of Administration in submitting the FY11 budget as outlined.

Commissioner Ballenger seconded the motion

The Commission voted 4 to 0 in favor of the motion.

Public Comment Period

Appearances by: Andree McLeod and Linda Kellen Biegel

Ms. McLeod previously raised questions regarding Governor Sarah Palin's 2009 Public Official Financial Disclosure at the April meeting. She questioned whether the responses submitted by Governor Palin on June 15 had been reviewed by the Commission.

Ms. Biegel presented similar concerns over Governor Palin's 2009 Public Official Financial Disclosure.

The Commission granted the staff request to extend the time for further review of the exemption memo from the Governor and additional responses submitted to APOC. The staff will work with the Department of Law on the confidentiality process. The staff will then present a recommendation in the next Commission meeting.

Commissioner King made a motion to recess.

Commissioner Frederick seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

The Commission recessed until Thursday, June 18, 2009 at 9:00 a.m.

OFF RECORD 5:10 p.m.