

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
NOVEMBER 19, 2009

A regular meeting of the Alaska Public Offices Commission came to order at 9:05 a.m. on Thursday, November 19, 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
Shirley Dean – Commissioner
Kathleen (Kate) Ballenger – Commissioner
Kathleen King – Commissioner

Staff: Holly R. Hill – Executive Director
Jerry Anderson – Asst. Director
Kim Wilson – Associate Attorney I
Vullnet Greva – Paralegal II
Joan Mize – Paralegal II APOC Juneau Office (Telephonically)
Heather Hebdon – Paralegal I
Rochelle Rogers - Legal Assistant APOC Juneau Office
(Telephonically)
Maria Bulfa - Recording Secretary

Attendees: John Ptacin – Attorney General’s Office, Dept. of Law
Annette Kreitzer – Commissioner, Dept. of Admin.
Eric Swanson – Deputy Commissioner, Dept. of Admin.
Rachael Petro – Deputy Commissioner, Dept. of Admin.
Anand Dubey – Director, Enterprise Tech. Services
Staci Augustus – Procurement Officer V, Depart of Admin.,
Admin. Serv.

ON RECORD 9:05 a.m.

Chair Hickerson called the meeting in order.

Approval of the Agenda [*]

The Commission approved the agenda as revised.

Executive Director Report [1]

Ms. Hill presented the Executive Director Report

The Department of Administration, Division of Admin Services appeared in-person and telephonically in support of the FY11 budget and Insight Project that were included in the Executive Director Report, and to answer any questions the Commission might have regarding the agency's budget and electronic filing issues.

- **Annette Kreitzer - In-person**
- **Eric Swanson - Telephonic**
- **Rachael Petro - In-person**
- **Anand Dubey – In-person**
- **Staci Augustus - Telephonic**

Commissioner Ballenger made a motion to go into executive session to discuss the procurement issues, and other issues that could affect the State's finances and to discuss personnel matters.

Commissioner King seconded the motion.

The Commission voted 5-0 in favor of the motion.

The following staff were asked to stay: Holly R. Hill, APOC Executive Director, Jerry Anderson, APOC Assistant Director, Annette Kreitzer, DOA Commissioner, Eric Swanson, DOA Deputy Commissioner, Rachel Petro, DOA, Deputy Commissioner, and Stacy Augustus Procurement Spec. V, DOA, Admin. Services.

OFF RECORD 10:10 a.m.

Executive Session

ON RECORD 11:30 a.m.

After executive session, the Commission went on to the next item on the agenda.

Executive Director Report Cont. [1]

Ms. Hill, Ms. Hebdon and Ms. Mize gave an update to the Staff and Commission members on the progress/status of the Insight Project and the APOC Juneau Branch Office Update.

Mr. Anderson presented the complaint status report that was included in the Executive Director Report to Staff and Commission members.

OFF RECORD 11:50 a.m.

Break

ON RECORD 12:00 p.m.

Alaska Democratic Party v. Alaska Republican Party, 08-16-CD

A Motion for Modification filed by Ken Jacobus on behalf of respondent Gene Brokaw

Chair Hickerson asked the individuals who would be participating in case number 08-16-CD to introduce themselves.

- Ken Jacobus appeared in person as respondent Gene Brokaw's representative in this complaint.
- Gene Brokaw appeared telephonically and gave an oral statement regarding the complaint filed against him.
- Tom Dosik appeared in person, gave an oral statement, and answered questions from Commission members.

OFF RECORD 12:26 p.m.

Lunch/Deliberation

ON RECORD 1:10 p.m.

The Commission deliberated on the **Alaska Democratic Party v. Alaska Republican Party, 08-16-CD** motion for modification of complaint filed by Brokaw. The Commission considered the filed motion as a Motion for Reconsideration and denied it due to untimely filing beyond the 30 day period. There will be no written order on this motion.

Cost and Fees Presentation [7]

Ms. Hill and Ms. Wilson presented the Costs and Fees Memo that was included in the meeting packet to the Staff and Commission.

Commissioner Frederick made a motion that the Staff put together guidelines for when it would be appropriate to collect cost for the civil penalties, the Commission's costs of investigation and adjudication, and reasonable attorney's fees.

The Commission voted 5-0 in favor of the motion.

Update Amicus Brief in Human Life v. Brumsickle [8]

John Ptacin presented the *Human Life v. Brumsickle* amicus brief that was included in the meeting packet to Staff and Commission members

Advisory Opinion Request Revisited AO-12-CD (Knowles) [9]

Ms. Hill and Ms. Wilson presented the advisory opinion request from Susan Knowles that was previously discussed at the September 24, 2009 Commission Meeting.

Tom Dosik and John Ptacin appeared in person to answer any questions the Commission might have regarding the opinion request and staff's proposed advisory opinion

Commissioner Frederick moved to reject the proposed revised advisory opinion AO 09-12-CD as written because there was no money held by the Knowles Campaign as of Feb. 1, 2007.

Commission King seconded the motion.

The Commission voted 5-0 in favor of the motion. The Advisory Opinion was disapproved.

During the discussion, the Commission asked the staff to provide a revised advisory opinion on this matter that was consistent with the original decision of the Commission, and to present the revised version at the next Commission Meeting.

Advisory Opinion Request AO 09-12-CD (Dyson) [*]

Mr. Greva presented the advisory opinion request from Senator Dyson and staff's proposed response that was included in the meeting packet.

Senator Dyson appeared in person gave oral statement in support of his advisory opinion request.

Tom Dosik and John Ptacin appeared in person in support of the staff and to answer any questions that the Commission might have regarding the opinion request and staff's proposed answer.

Commissioner Ballenger made a motion to adopt the staff recommendation on proposed advisory opinion filed by Senator Dyson.

Commissioner Frederick seconded the motion.

The Commission voted 5-0 in favor of the motion. The Advisory Opinion is approved.

OFF RECORD 2:17 p.m.

Break

ON RECORD 2:35 p.m.

Former Governor Sarah Palin POFD Disclosures [10]

Mr. Anderson presented former Governor Sarah Palin's final 2009 POFD filing and memorandum previously filed with the Commission that was discussed at the September 24, 2009 Commission Meeting.

Commissioner Frederick seconded the motion.

The Commission voted 5 to 0 in favor of the motion.

RESPONDENT: Chris Rose
STATUS: Lobbyist
LATE REPORT: 2009 2nd Quarter Lobbyist Report
MAXIMUM CIVIL PENALTY: \$200

Commissioner Frederick made a motion to accept staff recommendation of 100% reduction in civil penalty based on staff error-confirmed technical issues with the electronic filing program under the mitigation criteria.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

RESPONDENT: City of Nome
STATUS: Employer Lobbyist
LATE REPORT: 2009 1st Quarter Employer of Lobbyist Report: Retained Lobbyist: Wendy Chamberlain
MAXIMUM CIVIL PENALTY: \$840

Commissioner Ballenger made a motion to accept staff recommendation \$140 reduction in civil penalty based on staff error-confirmed technical issues with the electronic filing program under the mitigation criteria.

Commissioner King seconded the motion.

The Commission voted 5-0 in favor of the motion.

Consent Agenda POFD: Request to Reduce or Waive Civil Penalty Assessments [5]

Staff presented the Request to Reduce or Waive Civil Penalty Assessments for Late Public Official Financial Disclosure Report to Staff and Commission.

The following Public Official Financial Disclosure Civil Penalty Appeals were included in the consent agenda process, at the direction of the Commission:

- Prussing, Paul R. Initial POFD
- Reeves, John M. Annual POFD

- Trosvig, Thomas A.

Annual POFD

Commissioner Frederick made a motion to adopt the remaining items 4, 5 and 6 on the consent agenda and accept the staff recommendation as presented.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

The following Public Official Financial Disclosure Civil Penalty Appeals were not included in the consent agenda process, at the direction of the Commission:

RESPONDENT:	William Carey
STATUS:	Initial Public Official Financial Disclosure
LATE REPORT:	2009 Initial Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY:	\$242- Filed 56 days after the due date
STAFF RECOMMENDATION:	Reduce to 50%

Commissioner Frederick made a motion of 100% waiver based on inexperienced filer and unique circumstances under the mitigation criteria.

Commissioner King seconded the motion.

Commissioner Ballenger – No	Commissioner Frederick- Yes
Commissioner Dean-No	Commissioner Hickerson- No
Commissioner King - Yes	

The Commission voted 3-2 against the motion (motion failed).

Commissioner Dean made a motion to accept staff recommendation of 50% waiver based on inexperienced filer under the mitigation criteria.

Commissioner Ballenger seconded the motion	
Commissioner Ballenger – Yes	Commissioner Frederick- No
Commissioner Dean-Yes	Commissioner Hickerson- Yes
Commissioner King Yes	

The Commission voted 4-1 in favor of the motion

RESPONDENT:	Sharon, Lindley
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STATUS: Annual Public Official Financial Disclosure
LATE REPORT: 2009 Initial Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY: \$272- Filed 60 days after the due date
STAFF RECOMMENDATION: Uphold \$272

Commissioner Frederick moved to accept staff recommendation to uphold the full penalty of \$272.

Commissioner Dean seconded the motion

The Commission voted 5-0 in favor of the motion.

RESPONDENT: Greg Poppen
STATUS: Initial Public Official Financial Disclosure
LATE REPORT: 2009 Initial Public Official Financial Disclosure
MAXIMUM CIVIL PENALTY: \$152- Filed 36 days after the due date
STAFF RECOMMENDATION: Uphold \$152

Commissioner Frederick moved to accept staff recommendation to uphold the full penalty of \$152.

Commissioner Dean seconded the motion

The Commission voted 5-0 in favor of the motion.

The following Public Official Financial Disclosure Civil Penalty Appeals were not included in the consent agenda process, at the direction of the staff:

**RESPONDENT: Hooper Bay Municipal Filers
(Bell, Joseph; Metcalf, Mildred; Murran, Bernard; Nukusuk, Paul; Seton, Gabriel; Simon, Elmer)**
STATUS: Annual Public Official Financial Disclosure
LATE REPORT: 2009 Initial Public Official Financial Disclosure

MAXIMUM CIVIL PENALTY: Filed after the due date

STAFF RECOMMENDATION: Varies (please see staff recommendation)

Commissioner Dean made a motion to accept staff recommendation of 100% waiver due to staff error and change of procedure without proper notification and a letter will follow explaining compliance requirements for future filings with APOC.

Commissioner Ballenger seconded the motion

The Commission voted 5-0 in favor of the motion.

**RESPONDENT: Manokotak Municipal Filers
(Alakayak, Louie; Andrew, Melvin;
Bartman, Billy; Black, Leona; Sharp,
Ferdinand; Toyokak, Moses)**

STATUS: Annual Public Official Financial Disclosure

LATE REPORT: 2009 Initial Public Official Financial
Disclosure

MAXIMUM CIVIL PENALTY: Filed after the due date

STAFF RECOMMENDATION: Varies (please see staff recommendation
contained in the Respondent's files)

Commissioner Dean made a motion to accept staff recommendation of 100% waiver due to staff error and change of procedure without proper notification and a letter will follow explaining compliance requirements for future filings with APOC.

Commissioner Ballenger seconded the motion

The Commission voted 5-0 in favor of the motion.

Commissioner Dean made a motion to go into executive session to discuss personnel matters.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

**The following staff were asked to stay: Holly R. Hill, APOC Executive Director,
Jerry Anderson, APOC Assistant Director.**

OFF RECORD 3:52 p.m.
Executive Session
ON RECORD 4:10 p.m.

Mitigation Criteria [3]

Ms. Mize presented an updated draft of the proposed mitigation criteria that the Commission had previously discussed at the September 24, 2009 Commission meeting.

Commissioner King made a motion to adopt the proposed revised mitigation criteria as modified by the Commission.

Commissioner Ballenger seconded the motion.

The Commission voted 5-0 in favor of the motion.

Referrals to Attorney General [6]

Ms. Mize presented the referrals from the Attorney General Report that was included in the meeting packet.

Commissioner Ballenger moved to accept the staff recommendation to refer Thomas Biss, Christopher Cox, Mark Higgins, and Coventry to the Attorney General's Office.

Commissioner Dean seconded the motion.

The Commission voted 5-0 in favor of the motion.

Approval of the Minutes [2]

Commissioner Ballenger moved to approve the meeting minutes of September 23-25 and October 13, 2009 as revised.

Commissioner Dean seconded the motion.

The Commission voted 5-0 in favor of the motion.

Commissioner Frederick moved to adjourn.

Commissioner King seconded the motion.

The Commission voted 5-0 in favor of the motion.

OFF RECORD 4:30 p.m.