

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
FEBRUARY 6-7, 2008

A regular meeting of the Alaska Public Offices Commission came to order on 9:10 a.m. Wednesday, February 7, 2008. The meeting was held on the 10th Floor of the State Building in the large Conference room on the Commissioners side of the building in Juneau, Alaska.

Brackets [] indicates an agenda item number and an information packet could be included in the meeting binders.

Asterisk * indicates no information was included in the meeting binders.

In Attendance:

COMMISSION: Roger Holl - Chair
Elizabeth Hickerson - Vice Chair
Shirley Dean - Commissioner
Larry Wood - Commissioner
Claire SciverHall - Commissioner (Absent)

Staff: Brooke Miles – Executive Director
Chris Ellingson – Assistant Executive Director
Jeff Berliner – APOC Investigator
Patty Ware – Administrator Juneau Office

Attendees: Annette Kreitzer, DOA Commissioner
Rachael Petro, DOA Deputy Commissioner
Dave Blaisdell, ETS Deputy Director
Teri Rasmussen, DOA ETS manager
Anand Dubay, DOA ETS
Bob Wostmann, AIGG
Beth Crile, AK Council of School Admin. Mgr.
Don Stecher, Assoc. Director of Gov. Affairs
(teleconference)
Tom Amodio, representing Shirley Marquardt
(teleconference)
Shirley Marquardt, (teleconference)
Charles Dunnagan, Senator McGuire’s representative
Eric Swanson, Director Admin Services
Nikki Neal, Director of Personnel

ON Record 9:10 A.M.

Computer Project Update [*]

Staff gave a brief presentation on the proposed web re-design.
Representatives from ETS gave an overview and update on the Insight project.

Commissioner Wood moved to go into executive session for purposes of discussing a personnel matter.

Commissioner Hickerson seconded the motion.

The motion passed 4 to 0 in favor

**OFF Record 10:10 A.M.
EXECUTIVE SESSION
ON Record 11:40 A.M.**

Civil Penalty Appeals [4]

Lobbying

Alaska Council of School Administrators
Personal Appearance by Beth Crile

Ms. Ware presented the staff report.

Commissioner Wood moved to adopt staff's report as presented.

Commissioner Dean seconded the motion.

The motion passed 3 to 1 in favor.

Novartis Pharmaceuticals
Telephonic appearance by Don Stecher
Ms. Ware presented the staff report.

Commissioner Hickerson moved to consolidate the Employer of Lobbyist delinquency and the lobbyist employee delinquency.

Commissioner Wood seconded the motion

The motion passed 4 to 0 in favor of consolidation.

Commissioner Wood moved to adopt the staff report as presented and assess \$50 for each delinquency for a total of \$100.

Commissioner Hickerson seconded the motion.

The motion passed 4 to 0 in favor.

Alaska Network on Domestic Violence & Sexual Assault

Commissioner Dean recused herself from deliberations on this issue. Ms. Dean used to be employed by them.

Commissioner Wood moved to adopt staff’s report as presented but assess a penalty of \$25.

Commissioner Hickerson seconded the motion.

The motion passed 3 to 0 in favor.

Public Official Financial Disclosure

Larry Devilbiss (continued from December meeting)

Ms. Miles went over the staff recommendation that was presented at the December meeting.

Commissioner Hickerson moved to accept the staff report and impose the maximum penalty of \$195.

Commissioner Dean seconded the motion.

The motion passed 4 to 0 in favor.

Investigation Report Hancock v. Marquardt, 07-02-CD [6]

Telephonic appearance with Tom Amodio representing Mayor Marquardt.

Commissioner Dean disclosed that someone from Mr. Amodio’s law firm was representing her in a personal matter. Therefore, she wished to be recused from these deliberations.

Commissioner Hickerson moved to approve the request for a continuance in order for the respondent to have a chance to respond to the staff’s report and for staff to be able to respond to the request for dismissal of the complaint.

Commissioner Wood seconded the motion.

The motion passed 3 to 0 in favor.

Continuation of Discussion Concerning Public Comment Request

Ms. DeYoung, Assistant Attorney General reported back to the Commission that the statute was fairly clear in that the Commission did not have the ability to grant extensions for report due dates.

Commissioner Hickerson moved to direct staff to present these matters to the Commission for adjudication and recommend waiving the penalty due to personal or family emergency. The staff was directed to work with the legislature on addressing this matter.

Commissioner Wood seconded the motion.

The motion passed 4 to 0 in favor.

Lobbying Compliance & Ethics Training Update [*]

Ms. Ware presented an update of the training that was given to lobbyists and employers of lobbyists.

Commissioner Hickerson moved to adopt a regulation of the lobbying manual by reference and a regulation of a code of ethics for lobbyists and their employers.

The motion was seconded by Commissioner Wood.

The motion passed 4 to 0 in favor.

Ms. Ware requested that the Commission consider waiving civil penalties for reports that are filed late due to the conversion to the new on line filing system.

The Commission took no action on this request.

Follow-up on Metcalfe v. McGuire, 07-01-LFD

Telephonic appearance from Charles Dunnagan, attorney for Senator Lesil McGuire.

Ms. DeYoung presented a report concerning her review of this matter for referral to the Select Ethics Committee for them to take action. Ms. DeYoung reported that she found no illegal conduct had taken place with respect to lobbying or legislative ethics.

Commissioner Hickerson moved to have the Commission refer the matter of the McGuire Providence contract to the Legislative Ethics Committee to determine whether any action should be taken.

Commissioner Dean seconded the motion.

The motion passed 3 to 1 in favor.

Appeal of staff dismissal in Metcalfe v. McGuire, 07-03-LFD

Telephonic appearance from Charles Dunnagan, attorney for Senator Lesil McGuire.

Ms. Miles presented Mr. Metcalfe's appeal to the Commission for its consideration.

Commissioner Wood moved to sustain the decision of the Commission regarding this matter.

Commissioner Hickerson seconded the motion.

The motion passed 4 to 0 in favor.

OFF RECORD 3:23 P.M.

BREAK

ON RECORD 4:00 P.M.

Policy Decision [5]

Ms. Ellingson presented her report regarding reporting requirements for ballot groups.

No action was taken.

Budget Review [9]

Ms. Miles gave a budget update.

Executive Director Recruitment [10]

Nikki Neal presented the Commission with information regarding recruitment for the Executive Director position and how the personnel department and Workplace Alaska can be utilized in this search.

Commission Meeting Dates

March 4, 2008 (Special meeting Executive Director Recruitment Resume Review)

March 18, 19, 2008 (Executive Director Interviews)

June 11, 12 and 13, 2008 (Regular Commission Meeting)

Commissioner Wood moved to adjourn.

Commissioner Hickerson seconded the motion.

OFF RECORD 4:02 P.M.