

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
JUNE 11-13, 2008

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Wednesday, June 11, 2008. The meeting was held at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number that includes information in 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  
Kathleen Frederick - Commissioner, (9:15 a.m.)  
Kathleen (Kate) Ballenger - Commissioner

**Staff:** Holly R. Hill – Executive Director  
Chris Ellingson – Assistant Director  
Jeff Berliner – Investigator  
Vullnet Grevu - Group Coordinator  
Kim Wilson - Candidate Coordinator  
Maria Bulfa - Recording Secretary

**Attendees:** Annette Kreitzer, DOA Commissioner  
Rachael Petro, DOA Deputy Commissioner  
Anand Dubay, DOA ETS Director  
William Milks, Assistant Atty. Gen., Dept. of Law (Juneau)  
Karen Morgan, CEO, Wostmann & Assoc.  
Ray Gillespie, Lobbyist (Advisory Opinion participant)  
Scott Kendall, Representative for RRC  
Joyce Anderson, Legislative Ethics Administrator  
Jan DeYoung, Chief Assistant Attorney Gen., Dept. of Law  
Frank Griswold, City of Homer (Complainant)  
Walt Wrede, City of Homer (Respondent) (Telephonically)  
Scott Kendall, Public Comment

**ON RECORD 9:00 a.m.**

Chair Holl introduced himself, commission members and attendees. Ms. Ellingson provided information about the revised agenda to commission members and gave additional handouts to all commission members and attendees.

**Welcomed New APOC Commissioner [\*]**

Chair Holl welcomed new APOC commissioner Kathleen (Kate) Ballenger and the new director, Holly R. Hill.

**Approval of Agenda [\*]**

Ms. Ellingson asked the commission to review and approve the meeting agenda. The commission discussed the changes to the agenda.

**Commissioner Hickerson moved to approve the agenda as revised.**

**Commissioner Dean seconded the motion.**

**The motion passed 5-0**

**OFF RECORD 10:10 a.m.**

**BREAK**

**ON RECORD 10:15 a.m.**

**Commissioner Hickerson moved to go into executive session to discuss the Insight Computer Project update and get advice from counsel that could affect the state's financial budget. The following staff were requested to attend: APOC Executive Director Hill, APOC Assistant Director Ellingson, Department of Administration Commissioner Kreitzer, Department of Administration Deputy Commissioner Petro, Department of Administration ETS Director Dubey and William Milks, Assistant Attorney General, Department of Law.**

**Commissioner Dean seconded the motion.**

**The motion passed 5-0**

**OFF RECORD 10:22 a.m.**

**EXECUTIVE SESSION**

**ON RECORD 11:50 a.m.**

**Commissioner Hickerson moved to extend the previous motion for executive session to include the existing contractor representative, Karen Morgan of Wostmann & Associates, to participate in the executive session.**

**OFF RECORD 11:51 a.m.**

**EXECUTIVE SESSION**

**ON RECORD 12:20 p.m.**

**The commission recessed for lunch.**

**OFF RECORD 12:24 p.m.**  
**LUNCH**  
**ON RECORD 1:12 p.m.**

**Advisory Opinion Request: Renewable Resources Coalition [5]**

Ms. Ellingson presented the advisory opinion request from the Renewable Resources Coalition (RRC).

**Commissioner Hickerson moved to approve the advisory opinion request from the Renewable Resources Coalition Inc., as presented by staff.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**Advisory Opinion Request: Ray Gillespie [6]**

Ms. Ellingson presented the advisory opinion request from Ray Gillespie.

**Commissioner Frederick moved to approve the advisory opinion request from Ray Gillespie.**

**Commissioner Dean seconded the motion.**

**The motion passed 5-0**

**Request for informal advice from the Alaska Democratic Party [7]**

Ms. Ellingson presented the request for informal advice from the Alaska Democratic Party to keep the commission informed when staff issues informal advice.

**Discussion regarding referrals to Select Committee on Legislative Ethics, Joyce Anderson Administrator [8]**

Joyce Anderson, administrator for the Select Committee on Legislative Ethics, gave an overview regarding confidentiality issues when receiving a complaint from an agency.

**Clean Elections Discussion [2]**

Ms. Ellingson gave a brief overview and update on the Clean Elections ballot question. If this passes, it will take effect sometime in December.

### **Executive Director Report [3]**

Ms. Hill gave a brief overview regarding the APOC staff and their job descriptions. She informed the commission of the work that will be performed to have the job descriptions revised and updated to better reflect what is appropriate for this agency. She also gave a short report on the budget and work done for processing fiscal matters at the end of the fiscal year.

### **Status of Complaints [4]**

Mr. Berliner gave an overview and update on the present and previous status and types of complaints that have been filed with APOC. Some are new and some are ongoing complaints that have been discussed previously.

### **Request to Reduce or Waive Civil Penalty Assessments for Late Group Campaign Disclosure Reports [11]**

Mr. Greva presented the staff reports and recommendations for groups requesting reductions of civil penalty assessments for reports that were filed late.

#### **ABC ALASKA PAC**

LATE REPORT:	30 Day Report
MAXIMUM CIVIL PENALTY:	\$220. Filed 22 days late at \$10/day
STAFF RECOMMENDATION:	Reduce penalty by 50% to \$110

The group was confused by the required use of Excel instead of the ELFS system. They made a good faith effort to file the report by seeking assistance from staff when they discovered they were late.

**Commissioner Ballenger moved to accept the staff recommendation to reduce the civil penalty by 50%.**

**Commissioner Hickerson seconded the motion.**

**The motion passed 5-0**

#### **ALIVE-VOLUNTARY**

LATE REPORT:	7 Day Report
MAXIMUM CIVIL PENALTY:	\$650. Filed 13 days late at \$50/day
STAFF RECOMMENDATION:	Reduce civil penalty to \$150

The group has a good reporting history and made a good faith effort to file the report immediately upon receiving notice from APOC that a report was missing.

**Commissioner Dean moved to accept the staff recommendation to reduce the civil penalty to \$150.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**DENTISTS OF ALASKA PAC**

LATE REPORT:	2007 Year-end report
MAXIMUM CIVIL PENALTY:	\$130. Filed 13 days late at \$10/day
STAFF RECOMMENDATION:	Reduce civil penalty by 50% to \$65

The group has a good filing history and they took immediate action to file the missing report, thus demonstrating their good faith to comply with the reporting requirements.

**Commissioner Dean moved to accept staff's report to reduce the civil penalty by 50% to \$65.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**EMPLOYEES POLITICAL INFORMATION COMMITTEE**

LATE REPORT:	30 Day municipal report 7 Day municipal report
MAXIMUM CIVIL PENALTY:	\$580. Filed 58 days late at \$10/day: 30 Day report \$1,800. Filed 36 days late at \$50/day for 7 Day report]
STAFF RECOMMENDATION:	\$2,380 total civil penalty Reduce total civil penalty to \$150

The group found that the APOC Web site was not user friendly and they could not find the reporting due dates. In addition, they did not receive any kind of a postcard mailing that told them the report was due.

**Commissioner Hickerson moved to waive the penalty because the late report was caused in part by confusion created on the APOC Web site.**

**Commissioner Frederick seconded the motion.**

**The motion passed 4-1**

**ALASKA LIBERTARIAN PARTY**

LATE REPORT: 2007 Year-end report  
2006 Year-end report  
MAXIMUM CIVIL PENALTY: \$210. 2007 report filed 21 days late at \$10/day  
\$70. 2006 report filed 7 days late at \$10/day  
\$280. Total Civil Penalty  
STAFF RECOMMENDATION: Reduce civil penalty by 50% to \$140.

The group spent no money to influence an election and only collected \$205 in contributions. The group is staffed by volunteers and the full amount of the penalty will deplete the group's account.

**Commissioner Hickerson moved to waive the penalty because the late report was caused in part by confusion created on the APOC Web site.**

**Commissioner Frederick seconded the motion.**

**The motion passed 5-0**

**PUTTING ALASKA FIRST PAC**

LATE REPORT: 30 Day report  
MAXIMUM CIVIL PENALTY: \$180. Filed 18 days late at \$10/day  
STAFF RECOMMENDATION: Waive assessed civil penalty

The treasurer was new and was not familiar with the campaign disclosure reporting requirements. There was only one contribution made for \$500. The group responded immediately upon notification that the report was late.

**Commissioner Frederick moved to accept the staff's recommendation in part, but assess a civil penalty of \$25.**

**Commissioner Dean seconded the motion.**

**The motion passed 4-1**

**Investigation Report: Starr v Brand, 08-03-POFD/CD [9]**

The commission held a hearing on the above matter. The commission found that Ms. Brand violated AS 39.50 by failing to file a complete public official financial disclosure statement. For this omission the commission assessed a civil penalty of \$25, which was mitigated because Ms. Brand immediately provided the missing information.

**Request for reconsideration in the matter of Griswold v. City of Homer, 08-04-CD**  
**[10]**

Mr. Berliner presented staff's determination that there were no grounds to investigate this complaint.

Mr. Griswold gave oral testimony in support of his request.

**Commissioner Frederick moved to refer this matter back to staff for further investigation.**

**Commissioner Hickerson seconded the motion.**

**The motion passed 5-0**

**Public Comment Period [\*]**

**One person appeared for public testimony.**

**Commissioner Hickerson moved to recess until 9:00 a.m. June 12, 2008.**

**Commissioner Dean seconded the motion.**

**The motion passed 5-0**

**OFF RECORD 4:50 p.m.**