

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
AUGUST 5-6, 2008

A regular meeting of the Alaska Public Offices Commission came to order at 9:03 a.m. on Wednesday August 6, 2008. 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  
Roger Holl - Vice Chair  
Shirley Dean - Commissioner  
Kathleen Frederick - Commissioner  
Kathleen (Kate) Ballenger - Commissioner

**Staff:** Holly R. Hill – Executive Director  
Chris Ellingson – Assistant Director  
Jeff Berliner – Investigator  
Patty Ware – Lobbying Coordinator  
Kim Wilson - Candidate Coordinator  
Maria Bulfa - Recording Secretary  
Joan Mize – Juneau Staff (*Teleconference*)

**Attendees:** Jan DeYoung, Attorney General Office  
Tom Dosik, Attorney General Office (Teleconference)  
Les Gara- Representative  
Jeff Jesse- Mental Health Authority

**ON RECORD 9:03 a.m.**

Chair Hickerson introduced herself and the commission members who were present.

**Advisory Opinion Requests [5]**

Jan DeYoung gave an oral presentation regarding the Advisory Opinion process.

Ms. Hill presented the advisory opinion requests from the Mental Health Trust Authority, **AO-08-05-CD and AO-08-07-CD.**

**Mental health Trust Authority AO-08-05 CD**

**Jeff Jesse appeared in person and gave an oral presentation to support both of his requests, AO-08-05-CD and AO-08-07-CD.**

**Chair Hickerson called for a vote as to whether or not the commission will approve Request AO-08-05-CD.**

**Commissioner Dean- Yes  
Commissioner Frederick- Yes  
Commissioner Holl- Yes  
Commissioner Ballenger- Yes  
Chair Hickerson- Yes**

**The Commission approved AO-08-05-CD by a 5-0 vote**

**OFF RECORD 9:17 a.m.  
Break  
ON RECORD 9:19 a.m.**

**Mental Health Trust Authority, AO 08-07-CD**

**Mr. Jesse agreed to remove Ad Draft #4 as discussed. Ad Draft #3 will be taken by itself and it could be presented at anytime of the year in a normal course of their business. Staff is of the opinion that Add Draft #3 is acceptable.**

**Chair Hickerson asked staff to revise the Advisory Opinion to reflect the changes as discussed with the requester and the Commission  
Commissioner Holl made a motion to approve Ad Draft #3 without Ad Draft #4 as not being a violation of AS 15.13.145.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**OFF RECORD 10:10 a.m.  
Break  
ON RECORD 10:25 a.m.**

**Representative Les Gara AO-08-04-CD**

**Ms. Ellingson presented the Advisory Opinion request from Representative Les Gara.**

**Commissioner Dean made a motion to adopt staff's opinion on AO-08-04-CD.**

**Commissioner Frederick seconded the motion.**

**The motion passed 5-0, The Commission approved AO-08-04-CD**



they had not replaced the assistant manager, position. For the reason of staff transitions, the 3<sup>rd</sup> quarter report due date had been inadvertently overlooked.

The borough received the APOC delinquency notice on 12/17/07 and filed their report on 12/19/07.

**Commissioner Dean made a motion to reduce the civil penalty by 50% of the \$490 to \$245.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**Timothy J. Mahoney Trust**

LATE REPORT	2007 3 <sup>rd</sup> quarter employer of lobbyist report
MAXIMUM CIVIL PENALTY:	\$610- report filed 61 days after the due date
STAFF RECOMMENDATION:	Reduce civil penalty to \$150

Affiant states that she phoned the APOC office in November to confirm the report had been received since she didn't have a copy and wasn't sure she'd filed it. She states she was told the report was filed but this was an error since it was the lobbyist's report (not the employer's report that she was calling about) that had been filed with APOC. Staff could not verify if Ms. McGouch received misinformation from APOC staff, since staff has changed. Staff sent courtesy reminder e-mail to lobbyists and employers of lobbyists.

**Commissioner Dean moved to reduce the civil penalty by 50% of the \$610 to \$305.**

**Commissioner Holl seconded the motion.**

**The motion passed 5-0**

**Request to Reduce or Waive Civil Penalties lobbyists [23]**

**Tuckerman Babcock, Lobbyist**

LATE REPORT	2007 October Special session November special session lobbyist reports
MAXIMUM CIVIL PENALTY:	October Special Session- \$ 830- Filed 83 days late November Special Session- \$ <u>530</u> - Filed 53 days late \$1,360- Total penalties

STAFF RECOMMENDATION: Waive the civil penalty

Mr. Babcock has been a registered lobbyist since 1999 and records indicate an excellent filing history. Staff found no record of late reports.

Affiant states he received misinformation from a staff member named Krista Heard that no report was due if a lobbyist was not involved in the special session. The Juneau office did have an administrative clerk start employment in mid-November so it is possible she provided inaccurate information to the filer.

**Commissioner Holl moved to adopt the staff recommendation to waive the penalties for the October and November special session reports.**

**Commissioner Frederick seconded the motion.**

**The motion passed 5-0**

**Patricia Bielawski, Lobbyists**

LATE REPORT 2007 November special session lobbyist report

MAXIMUM CIVIL PENALTY: \$590- report filed 59 days after the due date

STAFF RECOMMENDATION: Waive the civil penalty

Affiant did not lobbying during 2007 special session. Ms. Bielawski timely filed a zero report for October special session and erred in not realizing that the second report was due if special session continued into November. Ms. Bielawski received an APOC delinquency notice on February 27, 2008 and filed the late report the next day.

**Commissioner Holl moved to reduce the civil penalty by 50% of the \$590 to 295 because Ms. Bielawski was aware of the filing process.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**Dave Carlson, Lobbyist**

LATE REPORT 2007 October special session and November special session lobbyist reports

MAXIMUM CIVIL PENALTY: October Special Session-\$ 740- Filed 74 days late

November Special Session- \$ 630- Filed 63 days late  
\$1,370-Total penalties

STAFF RECOMMENDATION: Reduce the civil penalty to \$25

Mr. Carlson is not a professional lobbyist and has a limited role in lobbying for the agency, but registered in 2007 to comply with the 10-hour threshold for part-time lobbyist. Reporting requirements have been confusing from the beginning, starting with his being told by former APOC staff that his first report was due March 31<sup>st</sup> and then being told he should have filed on January 2007 even though he hadn't registered until February.

**Commissioner Frederick recused herself from participation stating a prior personal relationship.**

**Commissioner Holl moved to waive the civil penalty for the late report for the October session and to reduce the civil penalty for the late November special session report by 50% of the \$630 to \$315 because Mr. Carlson relied on the email reminder sent by APOC staff.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 4-0**

**John George, Lobbyist**

LATE REPORT 2007 4<sup>th</sup> quarter lobbyist report

MAXIMUM CIVIL PENALTY: \$340- report filed 34 days after the due date

STAFF RECOMMENDATION: Reduce the civil penalty to \$25

Affiant thought he had filed the report timely on January 28, 2008 when he registered for 2008 clients and didn't realize the report was late until he received the delinquency notice on March 5, 2008. Upon receiving the notice March 5, affiant found the report in his file and faxed it immediately to APOC.

**Commissioner Dean made a motion to reduce civil penalty by 50% of the \$340 to \$170.**

**Commissioner Holl seconded the motion.**

**During the discussion the commission members agreed to assess the full fine because the filer didn't provide APOC with a date stamp, which would provide proof for timely filing in January 2008.**

**Commissioner Dean withdrew her motion.**

**Commissioner Holl accepted the withdrawal of the motion**

**Commissioner Frederick made a new motion to assess the full civil penalty of \$340.**

**Commissioner Dean seconded the motion.**

**The motion passed 3-2**

**Ray Gillespie, Lobbyist**

LATE REPORT 2007 November special session lobbyist report

MAXIMUM CIVIL PENALTY: \$40- report filed 4 days after the due date

STAFF RECOMMENDATION: Waive the civil penalty

Mr. Gillespie did not lobby during the 2007 special session and the filed report was a zero report. Affiant has a history of timely filing. Late filing of the November special session report was a simple oversight.

**Commissioner Dean moved to assess the full penalty of \$40.00.**

**Commissioner Frederick seconded the motion.**

**During the discussion, Chair Hickerson stated Mr. Gillespie has been a lobbyist for a long time and is well aware of the reporting dates and has an excellent filing history.**

**The motion passed 5-0**

**Rosemary Hagevig, Lobbyist**

LATE REPORT 2007 October special session and November special session lobbyist reports

MAXIMUM CIVIL PENALTY: October Special Session-\$ 730- Filed 73 days late  
November Special Session- \$ 310- Filed 31 days late  
\$1,040-Total penalties

STAFF RECOMMENDATION: Reduce civil penalty to \$25

Catholic Community Services is a social services non-profit agency and the lobbyist didn't understand that employee lobbyists are required to file reports even if the subjects covered in the special session have no relationship to the agency. Affiant's reports for both October and November special session were 0 reports. She requests waiver of the penalties.

**Commissioner Frederick recused herself from participation, stating a prior personal relationship and that she represented Catholic Social Services for 6 years.**

**Commissioner Ballenger made a motion to waive the penalty assessment for the October special session civil penalty and reduce by 50% the penalty assessed for the November special session to \$155.**

**Commissioner Dean seconded the motion.**

**The motion passed 4-0**

**Brian Judy, Lobbyist**

LATE REPORT 2007 October special session and November special session lobbyist reports

MAXIMUM CIVIL PENALTY: October Special Session- \$ 820-Filed 82 days late  
November Special Session \$ 520-Filed 52 days late  
\$1,340-Total penalties

STAFF RECOMMENDATION: Waive the civil penalty

Mr. Judy and the employer have been reporting successfully in Alaska for over 20 years. The late October and November reports were an oversight regarding special session and due to the demands on a limited staff in the NRA California office. The agency has only 3 staff members for 10 states and had trouble with this reporting.

**Commissioner Holl recused himself from participation stating he is a member of NRA. Commissioner Ballenger made a motion to waive the civil penalty assessment for the delinquent October special session report and to impose the full penalty of \$520 for the delinquent November special session report.**

**Commissioner Dean seconded the motion.**

**The motion passed 3-1**

**Advisory Opinion Requests AO-08-04-CD [5 cont]**

Representative Les Gara joined telephonically regarding AO-08-04-CD, which was approved by the commission earlier that morning. Representative Gara had several points as to why he thought the commission should not approve this opinion as written. The commission advised Representative Gara to request a copy of the recorded meeting on August 6, 2008 and listen to the full details of what was discussed earlier that morning regarding his Advisory Opinion request. The commission explained to Representative Gara how he could request re-consideration if he wanted to. The commission thanked him for appearing.

**OFF RECORD 2:00 p.m.**

**Break**

**ON RECORD 2:06 p.m.**

**Request to Reduce or Waive Civil Penalties lobbyists [23 cont from June 2008 meeting]**

**Helen Kalk, Lobbyist**

LATE REPORT

2007 October special session and November special session lobbyist reports

MAXIMUM CIVIL PENALTY:

October Special Session-\$ 740-Filed 74 days late  
November Special Session \$ 310-Filed 31 days late  
\$1,050-Total penalties

STAFF RECOMMENDATION:

Waive the civil penalty

Catholic Community Services is a social services non-profit agency and didn't understand that employee lobbyists are required to file reports even if the subjects covered in the special session have no relationship.

**Commissioner Frederick recused herself from deliberation stating that she served as the general counsel of Catholic Community Services for about six and a half years, although she never met Ms. Kalk, she doesn't feel comfortable deliberating.**

**Commissioner Holl moved to waive the penalty for the delinquent October special session report and impose the full penalty for the delinquent November special session report.**

**Motion died for lack of a second motion.**

**Commissioner Ballenger made a motion to waive the penalty for the October special session report and reduce by 50% the penalty assessed for the delinquent November special session report, to \$155.**

**Commissioner Dean seconded the motion.**

**The motion passed 3-1**

**Chris Knight, Lobbyist**

LATE REPORT

2007 October special session and November special session lobbyist reports

MAXIMUM CIVIL PENALTY:

October Special Session- \$ 350-Filed 35 days late  
November Special Session \$ 40-Filed 4 days late  
\$390-Total penalties

STAFF RECOMMENDATION:

Waive the civil penalty

Mr. Knight states he received an e-mail from APOC in January notifying him he hadn't filed for October-November special session and immediately came to APOC and filed the required reports. Mr. Knight is very diligent in filing timely and checks the APOC web site each month to look for relevant updates including the APOC calendar. The APOC calendar didn't contain due dates for special session reports. Because the calendar was not updated, and because Mr. Knight takes care to file timely, staff recommends the commission waive the penalty.

**Commissioner Frederick moved to impose the full penalty based on the fact that Mr. Knight was an experienced filer.**

**The motion dies for a lack of a second.**

**Commissioner Dean moved to waive the October penalty and impose a \$40 penalty for the November special session report.**

**Commissioner Ballenger seconded the motion.**

**The motion passed 5-0**

**Mary Lee-Allen, Lobbyist**

LATE REPORT

2007 October special session and November special session lobbyist reports

MAXIMUM CIVIL PENALTY:

October Special Session- \$ 690-Filed 69 days late

November Special Session § 570-Filed 57  
days late  
\$1,260-Total penalties

STAFF RECOMMENDATION: Waive the civil penalty

Mary Lee-Allen is a new filer and demonstrated a good faith effort to file both reports, filing the October report within two days of receiving the delinquency notice and the November report the same day the delinquency notice was mailed. Additionally, both reports were zero reports with no activity.

**Commissioner Holl moved to waive the penalty for the delinquent October special session report and assess \$25 for the delinquent November session report.**

**Commissioner Dean seconded the motion.**

**During the discussion commission members agreed they needed to be consistent in their decisions.**

**Commissioner Dean withdrew her second.**

**The motion dies for lack of a second.**

**Commissioner Frederick moved to waive the October penalty and to reduce the November special session penalty by 50%, to \$285.**

**Commissioner Dean seconded the motion.**

**The motion passes 4-1**

#### **Group Manual Review [6]**

**Ms. Ellingson presented a brief overview of the revised group manual that was included in the packet with a cover memo from Vullnet Grevia.**

**Staff gave a brief statement explaining that the Manual has been reviewed with edits. Staff cautioned that they did not do a complete review with respect to grammar and spelling- just looked at the content. The commission members agreed to have the group manual posted on the web, with "DRAFT" clearly visible.**

#### **Review POFD Instruction & John Doe Application [7]**

**Mr. Berliner presented his review of the form that was included in the packet.**

**Commissioner Dean moved to approve placing this information and the example forms online.**

**Commissioner Holl seconded the motion.**

**The motion passed 5-0**

**Update-Penalties/Notification Letters [8]**

**Chair Hickerson shared the memo prepared by Ms. Ellingson concerning the Delinquency Letter Notification. Ms. Ellingson request that the commission direct staff not to change the current letter policy during the 2008 election cycle in order to avoid confusion and to have time to do additional education and outreach to the public on the proposed changes in our procedure.**

**As discussed, the Commission agreed that it is a reasonable recommendation for the reasons stated in Ms. Ellingson’s memo. Commission members approved to leave any changes to the Delinquency letter notification until the 2008 election is over.**

**Request to Reduce or Waive Civil Penalty Assessments for Late Public Official Financial Disclosure Statement [9]**

**Alvah C. Bushwell- Planning Commissioner, City of Wasilla**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$22, Report filed 10 days late at \$1/day for the first 7 days and \$5/day each day thereafter
STAFF RECOMMENDATION:	Waive the civil penalty

Mr. Bushwell was attending to his father, who was terminally ill. His father passed away on March 4, 2008. Mr. Bushwell had to see the funeral arrangements and other duties.

**Commissioner Frederick moved to accept the staff report and waive the civil penalty.**

**Commissioner Dean seconded the motion.**

**The motion passed 5-0**

**John Guinn- Planning Commissioner, City of Bethel**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$77, Report filed 21 days late at \$1/day for the first 7 days and \$5/day each day thereafter
STAFF RECOMMENDATION:	Reduce the maximum civil penalty by 50% to \$38.50.

Mr. Guinn was on vacation from February 15 through March 24, 2008. He filed his Statement as soon as the clerk reminded him that it was past due.

**Commissioner Dean moved to accept staff recommendation to reduce the fine by 50%, to \$38.50**

**Commissioner Frederick seconded the motion.**

**Commissioner Dean- Yes**

**Commissioner Frederick- Yes**

**Commissioner Holl- No**

**Commissioner Ballenger- Yes**

**Commissioner Hickerson- No**

**Commissioner Ballenger asked to reconsider her vote.**

**Commissioner Ballenger- No**

**The motion fails 3-2**

**Commissioner Ballenger moved to waive the civil penalty because of Mr. Guinn was unable to obtain the 2008 report forms from APOC or the internet.**

**Commissioner Frederick seconded the motion.**

**The motion passed 5-0**

**Brian McNitt- Planning Commission City & Borough of Sitka**

LATE REPORT

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

2008 Annual POFD Statements

\$97, Report filed 25 days late at \$1/day for the first 7 days and \$55/day each day thereafter

Reduce the maximum civil penalty by 25% to \$72.75.

Mr. McNitt states that he was not aware of the annual reporting requirements. He thought that he was only obligated to file one Statement. Upon realization that this is an annual filing, Mr. McNitt completed the required filing on the new form, but it somehow was buried on his desk and he missed the filing date.

**Commissioner Holl moved to accept staff's recommendation to reduce the civil penalty by 25%, to \$72.75.**

**Commissioner Ballenger seconded the motion.**

**During the discussion, the commission members agreed to assess the full civil penalty because Mr. McNitt's reason(s) did not meet the mitigation criteria.**

**Commissioner Holl amended his first motion to assess the full civil penalty of \$97.**

**Commissioner Ballenger seconded the motion.**

**The motion passes 5-0**

**Thomas G. Nave-AK Commission on Judicial Conduct**

Commissioner Frederick disclosed on the record that she knows Mr. Nave's wife personally. She doesn't feel that it would prejudice her in anyway from making any decision pertaining to this matter.

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$215, Report filed 29 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Uphold the maximum civil penalty

Mr. Nave will be undergoing cervical surgery for the removal of a number of discs and fusion of the affected vertebrae beginning April 21, 2008. Recovery will be approximately six weeks or longer depending on number of fusions. For so many weeks, he has been in and out of the office and very inefficient. Mr. Nave sent APOC staff a letter to advise staff and the commission that he will not be in the office and to leave any message with his secretary. Mr. Nave's last day in his office was April 18, 2008. Also, his annual filing history report shows the 2007 annual statement was filed 55 days late.

**Commissioner Frederick moved to accept the staff report assessed the full civil penalty of \$215.**

**Commissioner Holl seconded the motion.**

**The motion passes 5-0**

**Chair Hickerson asked staff to notify Mr. Nave with a delinquency notice letter indicating 2007 Annual statement report filed 55 days late, generating a \$475 civil penalty.**

**Reed Oswalt-Kodiak Borough Assembly**

LATE REPORT	2008 Annual POFD Statements
-------------	-----------------------------

MAXIMUM CIVIL PENALTY: \$22, Report filed 10 days late at \$1/day for the first 7 days and \$5/day each day thereafter  
STAFF RECOMMENDATION: Uphold the maximum civil penalty of \$22.

Mr. Oswald was out of the country when the annual POFD Statement came due. He filed the report as soon as he returned from his trip. Also, his annual filing history report shows the 2007 annual statement was filed 8 days late; the \$12 civil penalty was appealed; there was no record of payment.

In addition to that, he indicated that the clerk should contact APOC with regard to his absence. The Kodiak Borough Assembly clerk did notify APOC.

**Commissioner Dean made a motion to assess the full penalty.**

**Commissioner Frederick seconded the motion.**

**During the discussion it was noted that the forms were unavailable on the internet before he left on his trip and he filed as soon as he returned.**

**Commissioner Holl moved to waive the civil penalty.**

**Commissioner Dean seconded the motion.**

**The motion passes 5-0**

**Commissioner Dean asked staff to notify Mr. Oswald with a delinquency notice letter indicating the 2007 Annual statement report was filed 8 days late, generating a \$12 civil penalty.**

**John Schirack-Agricultural and Conservation board member**

LATE REPORT 2008 Annual POFD Statements  
MAXIMUM CIVIL PENALTY: \$55, Report filed 11 days late at \$5/day for the first 15 days and \$10/day each day thereafter  
STAFF RECOMMENDATION: Waive the civil penalty

Mr. Schirack has had continuing health problems that started in August of 2007 that have required Chemo Therapy and Radiation. His therapy and path to recovery has required him to leave the state beginning in March 2008. Mr. Schirack's condition is improving but certain activities and deadlines remain difficult to accomplish.

**Commissioner Dean moved to accept the staff report and waive the civil penalty.**

**Commissioner Frederick seconded the motion.**

**The motion passes 5-0**

**Melissa Witzler Stone-Dept. of Health & Social Services Division Director**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$465, Report filed 54 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Reduce civil penalty to \$25

Ms. Stone is a first time filer and is new as a state employee. She doesn't recall being notified to file a statement. Now that Ms. Stone is aware of the filing requirement, she will be on alert for any notices and file on time.

**Commissioner Frederick moved to assess the full civil penalty of \$465 because Ms. Stone was notified before the report was due.**

**Commissioner Dean seconded the motion.**

**The motion passes 5-0**

**Charles O. Swanton- Department of Fish and Game, Division Director**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$25, Report filed 5 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Waive the civil penalty

Mr. Swanton is a first time filer. He was confused about which year and period of time he needed to report. Mr. Swanton did not want to violate any disclosure requirements so he took the time to call APOC to obtain instructions on filing his report.

**Commissioner Fredrick moved to adopt the staff recommendation to waive the civil penalty.**

**Commissioner Dean seconded the motion.**

**During the discussion the commission members agreed to assess the full penalty because APOC did send notice congratulating Mr. Swanton as the new Division Director of Department Fish and Game and describing the reporting requirements.**

**Commissioner Frederick withdrew her motion to waive the penalty.**

**Commissioner Dean withdrew her second.**

**Commissioner Frederick made a new motion to assess the full penalty of \$25.**

**Commissioner Dean seconded the motion.**

**The motion passes 5-0**

**Chair Hickerson asked staff to notify the Commissioner of the Administration to notify APOC when employee(s) are hired by the state who needs to file POFD in order for us to provide courtesy notices. In addition to that, an attachment should be included showing all employee(s) who have an outstanding penalty that hasn't been paid.**

**Damian Thomas-Workers Comp Board Fairbanks**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$55, Report filed 11 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Reduce the civil penalty by 25% to \$41.25

Mr. Thomas states that he was not aware that he needed to file his 2008 statement until he received a notice that he was being assessed a penalty for late filing. Mr. Thomas in his affidavit writes, "I received a notice that I was being assessed a penalty, which I will not be paying".

**Commissioner Frederick moved to impose the full penalty of \$55.**

**Commissioner Dean seconded the motion.**

**The motion passes 5-0**

**Ben VanderWeele-member, Agricultural and Conservation Board**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$75, Report filed 15 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Reduce the maximum civil penalty of \$75 by 50% to \$37.50

Mr. VanderWeele states that during the first half of March he is a very busy person getting organized for the upcoming growing season. He states that this is a voluntary position, and that filing out the paperwork is time consuming.

**Commissioner Frederick made a motion to assess full penalty of \$75.**

**Commissioner Ballenger seconded the motion.**

**During the discussion, the commission found Mr. VanderWeele 's reason was not a persuasive reason for the commission to waive or reduce the civil penalty.**

**The motion passes 5-0**

**Doug Ward-Member, Workforce Investment Board**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$20, Report filed 4 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Waive the civil penalty

Before Mr. Ward could complete the filing process, he was required to move his office to a new location. This move caused Mr. Ward to miss the mailing deadline, thus resulting in the late submission of his report.

**Commissioner Frederick moved to adopt staff report to waive the civil penalty.**

**Commissioner Ballenger seconded the motion.**

**The motion passes 4-1**

**John Winther-member, Alaska Industrial Development**

LATE REPORT	2008 Annual POFD Statements
MAXIMUM CIVIL PENALTY:	\$135, Report filed 21 days late at \$5/day for the first 15 days and \$10/day each day thereafter
STAFF RECOMMENDATION:	Uphold the civil penalty of \$135

Mr. Winther states that he thought he had already filed the POFD statement under the old law.

**Commissioner Frederick recused herself from participating stating a prior personal relationship.**

**Commissioner Holl moved to accept the staff report and uphold the maximum civil penalty of \$135.**

**Commissioner Dean seconded the motion**

**The motion passes 4-0**

**OFF RECORD 4:00 p.m.**

**Break**

**ON RECORD 4:09 p.m.**

**Commissioner Attendance at COGEL meeting [10]**

**Chair Hickerson discussed with staff and commission members the upcoming out-of-state conference meeting in Chicago.**

**Approval of FY09 commission meeting dates [11]**

**Ms. Hill presented her report that was included in the packet.**

**Executive Session- Personnel Issues**

**OFF RECORD 4:21 p.m.**

**Executive Session**

**ON RECORD 4:42 p.m.**

**Discussion of “To Do” list items [12]**

- 1. POFD manual and form and instruction**
- 2. Regulations RFP**
  - Include POFD Manual**
  - Group Manual**
  - Campaign Disclosure Manual**
  - Lobbyist Manual**
  - Lobbyist Code of Ethics (by reference)**
  - Mitigation Criteria (APOC subcommittee?)**
  - Make changes per HB 281**
  - Tidy up old conflicts and outstanding issues**
  - Increase civil penalties (This would require statutory changes first)**
  - Streamline notification processes and collection process based on staff review**
  - Extension of report due dates for medical or family emergency? (May require statutory changes first.)**
  - Draft Letter to Department of Administration for state worker penalties**
  - Update POFD example form**
  - Pre-hearing order**
  - COGEL conference**

**Commissioner Dean moved to adjourn.**

**Commissioner Holl seconded the motion.**

**The motion passes 4-0**

**OFF RECORD 5:00 p.m.**

**ADJOURN**