

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
JUNE 8, 2011

A regular meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Wednesday, June 8, 2011. The meeting was held at the Anchorage APOC office at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binder. Asterisks \* indicate that no information was included in the meeting binder.

**In Attendance:**

**Commission:** Elizabeth Hickerson - Chair  
Kathleen Frederick – Vice Chair  
Shirley Dean – Commissioner  
Kathleen King - Commissioner  
Kenneth Kirk – Commissioner

**Staff:** Paul Dauphinais - Executive Director  
Jerry Anderson – Assistant Director  
Joan Mize – Acting Project Coordinator Juneau Office  
(Telephonically)  
Vullnet Greva – Associate Attorney II  
Martha Tansik – Associate Attorney II  
Kim Wilson – Associate Attorney I  
Heather Hebdon – Paralegal II  
Tamzin Malone – Paralegal I  
Amanda McDonald – Paralegal I  
Reuben Yerkes- Law Office Assistant I (Telephonically)  
Maria Bulfa – Law Office Assistant II

**Attendees:** John Ptacin – Assistant Attorney General, Dept. of Law  
Virginia Rusch – Contract Regulations Attorney  
Dena Boughton – Contract Regulations Intern for Virginia Rusch  
Stephen Van Goor – Chief Counsel, Alaska Bar Association  
Glen Alsworth – Requestor, AO 11-06-POFD  
Kristy Elliot – Secretary for Glen Alsworth, AO 11-06-POFD,  
Requestor  
Dr. Theresa Obermeyer – Public Comment Period (Telephonically)

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

Chair Hickerson called the meeting to order.

**Approval of the Agenda [\*]**

The Commission approved the agenda as revised.

**Approval Meeting Minutes [1]**

The Commission approved the February 23-25, March 23, April 4 & 8 and May 2, 9, & 20, 2011 meeting minutes as revised.

**Regulation Packet Review [7]**

Virginia Rusch, contract regulations attorney, presented the updated regulations packet to the Commission and staff.

The Commission reviewed the regulations packet with staff and Ms. Rusch.

**OFF RECORD 10: 30 a.m.**

**Break**

**ON RECORD 10:35 a.m.**

The Commission continued the review of the Proposed Regulations.

John Ptacin, Assistant attorney general, presented the memo he wrote related to the Proposed Regulations and answered questions of the Commission in person.

APOC staff participated in the discussion of the Proposed Regulations.

**Kenneth Kirk, POFD Exemption Request [5]**

Commissioner Kirk recused did not participate the proceeding as a Commissioner.

The following individuals introduced themselves for the record.

- Stephen Van Goor, Chief Counsel, AK Bar Association
- Kenneth Kirk, Requestor and APOC Commission member

A draft response to the POFD exemption request was presented by Kim Wilson, APOC staff.

Mr. Kirk and Mr. Van Goor participated on the POFD exemption request discussion on the above matter and answered questions from the Commission.

Commissioner Frederick excused herself at 11:40 a.m.

The Commission then continued the discussion of the exemption request to later in the meeting.

### **Executive Director Report [2]**

Presented by Paul Dauphinais, APOC Executive Director

The following APOC staff participated in the discussion of the Executive Director report.

- Jerry Anderson- Assistant Director
- Joan Mize – Acting Program Coordinator II

**OFF RECORD 12:30 p.m.**

**Lunch**

**ON RECORD 12:50 p.m.**

### **Public Record Request Fee Schedule [6]**

Presented by Paul Dauphinais, APOC Executive Director

Jerry D. Anderson and Joan Mize participated in the discussion on the proposed Public Record Request Fee Schedule.

The Commission then directed Executive Director Dauphinais to revise and simplify the Fee Schedule and bring it back to the September meeting.

### **Group Guide Review [8]**

Presented by Vullnet Greva, APOC staff

Jerry D. Anderson and Kim Wilson of the APOC staff participated in the discussion of the Group guide.

**The Commission reviewed the proposed Group Guide Manual and asked staff to apply suggested changes.**

### **Consent Agenda- Lobbyist [20]**

Presented by Joan Mize, APOC staff

<b>RESPONDENT:</b>	APICDA Joint Ventures
<b>STATUS:</b>	Employer of Lobbyist: Retained Lobbyist Jerry Reinwand
<b>LATE REPORT:</b>	2011 1 <sup>st</sup> Quarter, filed 7 days late
<b>MAXIMUM CIVIL PENALTY:</b>	<b>\$70</b>

STAFF RECOMMENDATION: Reduced by \$10 – Up to 100%

**Commissioner Dean moved to accept staff recommendation.**

**Commissioner Kirk seconded the motion.**

**The motion failed.**

**Commissioner King moved to modify the motion made by Commissioner Dean to waive 100% of the assessed civil penalty based on the fact that filer did file his report on time, but that it was filed on an inappropriate form.**

**Commissioners Dean and Kirk accepted Commissioner King's motion to modify.**

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

**Consent Agenda: Public Official Financial Disclosure and Referral to Attorney General [10]**

Presented by Kim Wilson, APOC staff

**POFD Consent Agenda:**

**Commissioner Dean moved to approve the consent agenda.**

**Commissioner Kirk seconded the motion.**

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

**Referral to Attorney General:**

**Commissioner Kirk moved to accept staff recommendation.**

**Commissioner King seconded the motion.**

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

**Commissioner Dean moved to go on executive session to discuss and seek an advice from the legal counsel on pending legal matters related to receiving confidential documents and a conflicting public records request.**

**Commissioner King seconded the motion.**

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

**Chair Hickerson asked APOC staff to be included in the executive session.**

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

**Executive Session**  
**ON RECORD 2: 28 p.m.**

**The following Public Official Financial Disclosure (POFD) exemption requests are similar requests. The Commission decided to hear both requests simultaneously.**

- **Alice Rasley, POFD Exemption Request, Agenda [3]**
- **Nikole Schick, POFD Exemption Request, Agenda[4]**

**Commissioner Kirk moved to modify the staff recommendation to grant the exemption request; contingent on the filers submitting another copy that more clearly show what was not disclosed.**

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

**Commissioner Dean moved to accept both POFD's exemption requests for certain material to remain confidential.**

**Commissioner King seconded the motion with an amendment that the POFD forms be filled out completely and filed with APOC and kept sealed in a secured area under a keyed lock as well as all prior POFD filings by these two individuals. Dean agreed to amended motion**

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

**A written order from the Commission to follow.**

**Consent Agenda: Group Campaign Disclosure and Referral to Attorney General**  
**[11]**

**Presented by Tamzin Malone and Vullnet Greva, APOC staff**

**The Commission directed that the following filers remain on the consent agenda for consideration by the Commission:**

- **AK. Auto Dealers**
- **AK Heritage PAC**
- **DSA- Dan Carter-Incontro LGBT Democratic Caucus**
- **DSA- National Federation of Democratic Women**

**Commissioner Kirk moved to accept staff recommendations on the filers remaining on the consent agenda.**

**Commissioner King seconded the motion.**

**The Commissioner voted 4-0 in favor of the motion.**

**The Commission removed the following Group from the consent agenda:**

RESPONDENT: AK Doctors of Optometry (ADO)

STATUS: Group

LATE REPORT: 2010 February Year-end Report, filed 52 days late  
2010 State General 30-day report, filed 17 days late  
2010 State General 07-day report, filed 1 day late

MAXIMUM CIVIL PENALTY: **\$700**

STAFF RECOMMENDATION: Uphold the maximum civil penalty

**Commissioner Dean moved to accept staff recommendation.**

**Commissioner King seconded the motion.**

**Commissioner Kirk moved to modify the first motion to impose a 50% reduction of the assessed civil penalty based on the mitigation criteria for out of proportion to the degree of harm to the public for not having the information based on the mitigation criteria.**

**Commissioner Dean seconded the motion to modify.**

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

**OFF RECORD 2:50 p.m.**

**Break**

**ON RECORD 3:00 p.m.**

**Commissioner Frederick joined the meeting @ 3:02 p.m.**

**Advisory Opinion Request, Glen R. Alsworth, Sr. 11-06-POFD [9]**

Presented by Kim Wilson, APOC staff

Jerry Anderson, APOC Assistant Director participated the discussion.

Glen R. Alsworth Sr., Lake and Peninsula Mayor appeared in-person and gave statement in support of his advisory opinion request.

Christy Elliot, Mr. Alsworth secretary appeared in-person and gave brief statement.

**Commissioner Frederick moved to accept staff recommendation.**

**Commissioner Kirk seconded the motion.**

**The Commission voted 5-0 to approve AO 11-06-POFD.**

**Kenneth Kirk, POFD Exemption Request [5]**

The exemption request was continued from earlier Commission discussion.

Commissioner Kirk recused himself as an APOC Commission member.

Presented by Kim Wilson, APOC staff

Mr. Kenneth Kirk, requestor, gave a statement in support of his request.

**Commissioner King moved to defer the discussion on this matter and allow Mr. Kirk one month from today, June 8, 2011 to send out letter to his clients and report back to the Commission with the responses from the letters.**

**Commissioner Dean seconded the motion.**

**Chair Hickerson amended the first motion that Mr. Kirk will report the responses from the 58 letters sent to his clients at the September Commission meeting or earlier, whichever comes first.**

**Commissioner King seconded the amended motion.**

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

**Public Testimony [\*]**

Dr. Theresa Obermeyer, appeared telephonically for public comment.

**Election of Officer [\*]**

**Commissioner Dean nominated Commissioner Hickerson as “Chairperson” of the Commission.**

**Commissioner Dean nominated Commissioner King as “Vice-Chair” of the Commission.**

**Commissioner Frederick seconded the nominations.  
The Commission accepted the nominations by acclamation.**

**Adjourned**

**OFF RECORD 4:25 p.m.**

**The Commission recessed until Thursday, June 9th at 9:00 a.m.**