



ALASKA PUBLIC OFFICES COMMISSION

FALL 2014

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A Word From the Executive Director

There are several ballot propositions that everyone is interested in during this election cycle. The oil referendum has already been voted on, but the regulation of marijuana, the matter of the minimum wage, and the proposition regarding mining in the Bristol Bay region have not been voted on yet, nor has the Anchorage ballot proposition regarding ordinance 37 been decided yet. Rather than numerous words about independent expenditures, I thought a few numbers about independent expenditures would be more interesting. These are reported independent expenditures between December 31, 2013 and September 25, 2014.

Ballot Measure	Position	Number of Expenditures	Total Amount	Average
1 Oil Referendum	Oppose	391	\$13,914,314	\$35,586
1 Oil Referendum	Support	280	\$ 684,602	\$ 2,445
2 Regulate Marijuana	Oppose	33	\$ 108,776	\$ 330
2 Regulate Marijuana	Support	206	\$ 968,174	\$ 4,632
3 Minimum Wage	Oppose	2	\$ 71	\$ 35
3 Minimum Wage	Support	977	\$ 73,122	\$ 75
Repeal Anc AO 37	Oppose	78	\$ 8,501	\$ 109
Repeal Anc AO 37	Support	17	\$ 334,970	\$ 19,704
	TOTALS	1984	\$16,092,530	\$ 8,111

There has been a good deal of money already spent in the form of independent expenditures on these matters and more will most likely be spent between now and the November election.

There have been no independent expenditures reported for the fourth state-wide ballot measure regarding mining in the Bristol Bay region. The numbers above do not account for spending by registered groups making other expenditures related to these propositions.



ADVISORY OPINIONS

AO 14-09-CD – requested on behalf of Alaskans for Mallott

Alaskans for Mallott sought to clarify whether an individual could volunteer both personal time and a personally owned airplane to the campaign. The Commission held that the individual could freely volunteer their time, but use of the personally owned airplane would be a contribution that requires valuation and is subject to contribution limits. (Commission decision on July 16, 2014)

AO 14-10-LOB - Requested by ConocoPhillips Alaska, Inc.

ConocoPhillips Alaska, Inc. sought an advisory opinion regarding whether negotiations between energy company employees and executive branch public officials on the subject of natural gas projects amount to reportable lobbying where the negotiations are pursuant to a state law, SB 138, which directed public officials to negotiate contracts with private industry regarding natural gas projects. The Commission concluded that communications and meetings between public employees and private sector industry representatives pursuant to the requirement of SB 138 are not reportable lobbying under AS 24.45.171. (Commission decision on August 13, 2014)

AO 14-11-CD – requested by Alaskans for Les Gara

Alaskans for Les Gara asked if using candidate contributions to produce and run campaign ads that seek support for his re-election campaign by expressing how he intends to vote on a ballot question is permissible. The Commission held that costs related to producing and running ads which solicit support for his campaign and also express his position on ballot measures, or other issues of political importance, are expenses reasonably related to campaign activities and are a permissible use of campaign contributions. (Commission decision on August 21, 2014, 2014)

AO 14-13-LOB – Requested by TransCanada

The State of Alaska, pursuant to SB 138, has entered into arrangements with TransCanada to finance and own a portion of the State's interest in a potential North Slope natural gas project. Do communications between TransCanada employees and State public officials on the topic of the potential natural gas project amount to reportable lobbying? (Staff's opinion is that communications and activities required pursuant to SB 138 are not lobbying activities. This AO will be heard by the Commission on October 21, 2014.)



COMPLAINTS

13-11-CD APOC Staff v. Chris Tuck

The complaint was filed on October 11, 2013. On July 18, 2014, the Commission approved a consent agreement reached between staff and the respondent. The parties agreed that Rep. Tuck violated provisions of AS 15.13 by failing to timely file complete and accurate campaign disclosure reports; failing to timely return contributions received in excess of prescribed limits; and by using campaign contributions for expenses unrelated to his campaign. Terms of the agreement require Rep. Tuck to pay a civil penalty in the amount of \$14,117; to forfeit leftover campaign funds that were not timely disbursed in the amount of \$5,814.11; to file a final campaign disclosure report to disclose the final forfeiture of funds; to submit substantiating records to APOC at the conclusion of his 2014 campaign so that staff may conduct a thorough audit; and to attend an APOC candidate training.

14-03-CD Vince Beltrami v. Dan Sullivan for Lt. Governor

The complaint was filed on May 21, 2014. Staff issued its report on June 20, 2014. The complaint alleged that Mayor Sullivan used resources of the Mayor's Office for purposes of his campaign for Lt. Governor when he issued a Mayor's press release clarifying remarks he had made at a candidate forum. The case came before the Commission for hearing on July 16, 2014. The Commission adopted staff's report and found that Mayor Sullivan had used municipal resources for campaign purposes in violation of AS 15.13.145, and assessed a reduced civil penalty in the amount of \$187.50. The Commission further directed that the press release be removed from the city's website.

14-04-CD Ruedrich v. Anchorage Republican Womens Club

In this complaint it was alleged that the Anchorage Republican Women's Club violated AS 15.13.040(b) in its 2013 Year-End Report by failing to provide the name, address, occupation and employer of any contributor that never contributed in excess of \$100 at any one time; but that, in the aggregate, contributed in excess of \$100 during calendar year 2013. During the investigation, it was revealed that the Anchorage Republican Women's Club also received \$2,501.07 in contributions that it could not specifically attribute to particular contributors. The Commission approved a Consent Agreement providing that the Anchorage Republican Women's Club forfeit the \$2,501.07 in anonymous contributions to the State and pay a penalty of \$754.

14-05-CD Campaign to Regulate Marijuana v. Big Marijuana, Big Mistake, Vote no on 2

The complaint was filed on July 25, 2014. Awaiting Commission action.

14-06-CD Campaign to Regulate Marijuana v. Northwest Strategies

The complaint was filed on July 25, 2014. Awaiting Commission action.

14-07-CD Peter Giessel v. Harry Crawford, Jr.

The complaint was filed on August 22, 2014. Awaiting Commission action.



LOBBYISTS & EMPLOYERS OF LOBBYIST

New Version of Lobbying Electronic Filing Program for 2015

Insight Version 2 Lobbying Module is being migrated into the Insight Version 3 **APOC Online Forms** module.

The Insight system will have a new look beginning in mid-November. Lobbyist registration for 2015 will be done in the new version and all subsequent reports will be done in the new version. The new version will have a number of enhancements. Among them is that lobbyists can now certify a given registration without having to wait for the employer or client to do their certification. Reports will now be viewable by the public and the public will have the ability to download directories and summary reports.

2015 Mandatory Training

AS 24.45.031(a)(6) requires APOC to administer an annually updated ethics and compliance training course to both lobbyists and employers of lobbyists. The training covers the requirements of the lobbying law (AS 24.45), answers commonly asked questions and provides information that promotes adherence to high ethical standards. **Please note you must re-take the training every year to be in compliance. There will not be a Beginner and Advanced training program for 2015. There will only be one version of the training so that everyone can receive training on the new version of the electronic filing system. In-Person training sessions will have live internet demonstrations and training in the new version.**

Training Requirements

All registered lobbyists must complete ethics training **prior to registering** AS 24.45.041(b)(8). The lobbyist registration form requires a lobbyist to certify he or she has completed the Commission's ethics training course within the past 12 months. Representational lobbyists are exempt from the training requirement.

Employers must complete the ethics training prior to submitting their first employer of lobbyist report. Employers should ensure at least one person in their agency completes the Commission's ethics training, although broader participation is encouraged. At a minimum, the person responsible for preparing and signing employer of lobbyist reports must complete the training course.

Other public officials: Ethics training for those covered by the legislative ethics act is provided by the Select Committee on Legislative Ethics. Ethics training for executive branch officials is administered by the Alaska Department of Law.



Location	Date	Time
Fairbanks 675 7th Ave. H-5 - Governor's Conference Room	December 16,2014 (Tuesday)	1:30 PM - 3:30 PM
Anchorage 2221 East Northern Lights Blvd., Suite 130 Charter College Conference Room	December 17, 2014 (Wednesday)	9:00 AM - 11:00 AM 1:30 PM - 3:30 PM
	December 18, 2014 (Thursday)	9:00 AM - 11:00 AM 1:30 AM - 3:30 PM
	January 6, 2015 (Tuesday)	1:30 PM - 3:30 PM
	January 7, 2015 (Wednesday)	9:00 AM - 11:00 AM 1:30 PM - 3:30 PM
Juneau State Office Building Department of Administration 10th Floor - Commissioners Conference Room	December 4, 2014 (Thursday)	9:00 AM - 11:00 AM 1:30 PM - 3:30 PM
	January 13, 2015 (Tuesday)	9:00 AM - 11:00 AM 1:30 PM - 3:30 PM
	January 14, 2015 (Wednesday)	9:00 AM - 11:00 AM 1:30 PM - 3:30 PM

ON-LINE COURSES AVAILABLE BEGINNING MID-NOVEMBER, 2014!

ANATOMY OF A COMPLAINT

- As soon as a complaint is filed:
 - APOC decides if complaint meets requirements (2 days),
 - If meets requirements complaint accepted—Day 1
 - By day 15 respondent may file a response to the complaint
 - By day 30 APOC must file staff report—investigation
 - By day 45 respondent may file response to staff report
 - By day 90 Commission must have hearing.

APOC TRIVIA

The 1975 “Conflict of Interest Law” was renamed in 1999. What is the current name?

Extra credit: what is the statute number?

.....answer at the bottom of the last page



MARK YOUR CALENDAR

Friday, October 3: Last Day Candidates May Give/Loan Their Campaigns More Than \$5,000. - 2014 State General Election

Friday, October 3: Last Day Unsuccessful Primary Candidates May Accept Contributions - 2014 State Primary Election

Monday, October 6: 30-Day Reports Due - 2014 State General Election

Tuesday, October 7: 2014 Statewide Municipal Election Day

Friday, October 17: **SOA Holiday - Alaska Day**

Sunday, October 26: 24-Hour Reporting Period - 2014 State General Election

Tuesday, October 28: 7-Day Reports Due - 2014 State General Election

Friday, October 31: 3rd Quarter 2014 Lobbyist and Employer of Lobbyist Reports Due

Tuesday, November 4: 2014 State General Election Day

Tuesday, November 11: **SOA Holiday - Veterans Day**

Friday, November 21: Last Day a Candidate May Accept Contributions - 2014 Statewide Municipal

Thursday, November 27: **SOA Holiday - Thanksgiving Day**

Friday, December 19: Last Day Candidates May Accept Contributions - 2014 State General Election

Thursday, December 25: **SOA Holiday - Christmas Day**

APOC TRIVIA ANSWER:

The current name is the “Public Official Financial Disclosure Law”, and the statute location is AS 39.50