



# ALASKA PUBLIC OFFICES COMMISSION

SPRING 2015

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## *A Word from the Executive Director*

Happy Spring!

In some aspects this has been a gentle winter, in other ways not so much. The 2014 election cycle is over and things are calming down from that process. As the legislative session draws to a close there are still numerous issues still in flux. It is true that we live in interesting times.

The 2016 election cycle will soon be underway and all the activity for groups, candidates, and others will begin to ramp up again. Remember that the staff of APOC is here to help you navigate the various report requirements as you become involved in the next election be it state wide, municipal, or a ballot proposition/initiative. We would much prefer to hear from you early in your election activities and hopefully help you get things done correctly early rather than later in an attempt to fix something.

In the meantime, enjoy the summer, catch some fish, and smell the roses.

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*"Let every day be a dream you can touch, a love you can feel and a reason to smile, because life is too short not to be happy."*



## CANDIDATE COMPLAINTS

### **14-11 CD Alaska District 36 Republicans v. Daniel Ortiz**

The Complaint was filed on October 20, 2014. Awaiting Commission action.

### **14-13 CD Peter Giessel v. Harry Crawford, Jr.**

The Complaint was filed on October 30, 2014. Staff issued its report on December 1, 2014. The complaint alleged that Mr. Crawford's campaign signs failed to include paid for by identifiers or failed to include identifiers of sufficient size. The case came before the Commission for hearing on February 11, 2015. The Commission agreed with staff's determination that two signs affixed to fences with the paid for by identifiers on the back violated AS 15.13.090. The Commission further determined that because an identifier must be easily discernible, all of Mr. Crawford's two-sided signs that did not have an identifier on both sides were also violations. The Commission assessed a reduced civil penalty of \$475.

### **14-14 CD Kristine Klein v. Daniel Ortiz**

The Complaint was filed on November 14, 2014. Awaiting Commission action.

## PUBLIC OFFICIAL FINANCIAL DISCLOSURE ADVISORY OPINIONS

### **14-19-POFD Mental Health Trust Land Office Staff and Reporting Requirements**

The Executive Director of the Alaska Mental Health Trust Land Office (TLO) requested an advisory opinion asking if staff members of the organization, including the Executive Director and Deputy Directors, are required to file Public Official Financial Disclosure statements. Staff recommended that they are not required to file POFDs. The recommendation was based on the organizational structure to the TLO which is accountable to the Board of Trustees of the Alaska Mental Health Trust Authority. That Board is required to file POFDs. The Executive Director serves in providing day-to-day management, technical assistance and advice, as well as program management. The executive director is not listed in statute as being required to file and specific positions required to file are listed in statute; moreover, the positions in question do not make policy, but administer policy. The Commission approved this advisory opinion by a vote of 5 – 0.

### **14-20-POFD Reporting Requirements for Policy Analysts in the Office of the Governor**

The Office of the Governor asked if individuals employed under the title of "Policy Analyst" would be required to file POFD statements. Staff recommended that these positions be required to report as an "assistant to the governor or the lieutenant governor" includes any executive, legislative, special, administrative, or press assistant to the governor or lieutenant governor, and any person similarly employed in a policy-making position". (AS 39.50.200(a)(1)) (Continued on next page.)



A policy analyst would be engaging in policy making work. Whether a position performs policy level work was previously reviewed by the Commission in AO 09-08-POFD. In that opinion a position not listed in statute, but performing policy level work, was determined by the Commission to be subject to reporting requirements because of the policy level work the position executed. In AO 09-09-POFD the Commission considered duties listed in a position description to determine whether the position was subject to POFD disclosure. The Commission decided that the “time allocated to determination of policy level issues” was a distinction in whether someone should file a POFD. Positions that dealt with policy level work were required by the Commission to file a POFD. The Commission approved this advisory opinion by a vote of 5 – 0.

### LOBBYIST REPORTING REMINDER

Lobbyists and Employers of Lobbyists both have reports due on April 30. For Lobbyists it's their March report. For Employers of Lobbyists it is their first quarter 2015 report.

For Employers getting ready to do their first quarterly report, remember that you need to have taken the annual ethics training (available online) before you submit your first report. To help newer Employers of Lobbyists understand some of the rudiments of their Quarterly reports, The “Schedule A” section is strictly for compensation paid to your lobbyist. This includes any travel related expenses that involved the lobbyist.

The “Schedule B” section is for activities that can be considered as being lobbying related activity, but not paid to your lobbyist. For example, if you flew employees to Juneau during the legislative session to meet with legislators you would put their airfare and hotel expenses in the “Outsourced Lobbying Cost” section of Schedule B. If you had an employee doing research on legislative or administrative action of interest to your organization, and they spent more than 10-hours in a calendar month doing it, you would pro-rate their time and report it in the “In-House Lobbying Cost” section of Schedule B. Other examples of common Schedule B expenses are legislative receptions or consultant fees.

As always, do not hesitate to call the Juneau APOC office if you have questions.



## GROUP COMPLAINTS

### 14-12-CD Randy Ruedrich v. IBU Alaska Region PAC

In this complaint, the Complainant, Randy Ruedrich alleges that the group IBU Alaska Region PAC violated AS 15.13 in three ways: (1) by failing to register with APOC before making contributions to candidates in the 2014 State General Election; (2) failing to file a timely 30 day State General campaign disclosure report reporting those contributions; and (3) providing contributions to candidates that may have originated from the Inlandboatmen's Union or from excessive contributions from contributors outside of Alaska. The investigation revealed that the PAC had not registered with APOC since 2006 and the last campaign disclosure report it had filed was its 2006 year end report. The Commission assessed a total civil penalty of \$2,646.20 for failing to register between 2006 and 2013; untimely filing its registration in 2014; and failing to file required reports between 2009 and 2013. The Commission waived the civil penalty in connection with the 2014 30 day State General report and dismissed allegation concerning prohibited contributions.

### UPCOMING GROUP TRAINING

(Contact the Anchorage APOC office at 907-276-4176 for details)

<b>Friday, April 17</b>	<b>Anchorage</b>	<b>12:00pm - 2:00pm</b>	<b>Independent Expenditure Group Training</b>
<b>Friday, May 22</b>	<b>Anchorage</b>	<b>12:00pm - 2:00pm</b>	<b>General Group Training</b>
<b>Friday, June 19</b>	<b>Anchorage</b>	<b>12:00pm - 2:00pm</b>	<b>Independent Expenditure Group Training</b>
<b>Friday, July 17</b>	<b>Anchorage</b>	<b>12:00pm - 2:00pm</b>	<b>General Group Training</b>

## MARK YOUR CALENDAR

**Thursday, April 30:** Lobbyist March Report and Employer of Lobbyist 1st Quarter Reports Due

**Friday, May 22:** Last day a candidate may accept contributions - 2015 Anchorage Municipal Election

**Monday, May 25: Holiday - Memorial Day (All State Offices Closed)**

**Sunday, May 31:** Lobbyist April Report Due (*No civil penalty will be assessed if the report is received by 6/1/15.*)

**Wednesday, June 3:** APOC Commission Meeting

**Friday, June 19:** Independent Expenditure Group Training