

BEFORE THE ALASKA PUBLIC OFFICE COMMISSION

ALASKA PUBLIC OFFICE
COMMISSION,

v.

RENEWABLE RESOURCES
COALITION, INC., ALASKANS FOR
CLEAN WATER INC., ROBERT
GILLIAM and AMERICANS FOR JOB
SECURITY, ARTHUR HACKNEY,
MICHAEL DUBKE, RICHARD
JAMESON

OAH No. 09-0231-APO
Agency Nos. 09-01-CD
09-04-CD
09-05-CD
09-06-CD

**RRC'S RESPONSE TO COMMISSION QUESTIONS
ABOUT PROPOSED CONSENT DECREE**

Respondent Renewable Resources Coalition ("RRC") responds to the questions posed in paragraph 4 of the Order Continuing Hearing and Setting Procedure for Consideration of Proposed Settlement, January 25, 2010.

a. Do the parties concur that paragraph 4 on page 12 should be modified to provide that a copy of the consent decree should be placed in the file of each party signing the consent decree?

RRC concurs.

b. What is the potential maximum fine for each allegation still pending against each respondent?

(1) The Staff alleges that RRC should have registered "as if it were" a group on April 4, 2008. The Staff asserts that penalties of \$50/day could accrue from that day

APOC IN RE: RICHARD JAMESON
OAH 09-0231-APO
RRC'S RESPONSE TO COMMISSION QUESTIONS
ABOUT PROPOSED CONSENT DECREE

INGALDSON,
MAASSEN &
FITZGERALD, P.C.
Lawyers
813 W. 3rd Avenue
Anchorage, Alaska
99501-2001
(907) 258-8750
FAX: (907) 258-8751

until May 18, 2009, the day by which the Commission was required to hold a hearing on the allegation. This is 409 days.

\$50/day for 409 days = \$20,450.

(2) The Staff alleges that RRC violated the “pass-through” statute, AS 15.13.074(b), on June 2, 2008, when it made a contribution to Alaskans for Clean Water which, according to the Staff, should have been reported as a contribution from Robert Gillam. RRC is uncertain as to whether the violation is alleged to have occurred on June 2, when RRC made the contribution in its own name, or on June 23, 2008, when RRC reported the contribution in its own name. Assuming the earlier date, then the maximum penalty is as calculated by the Staff in its Response:

\$50/day for 350 days = \$17,500.

(3) Finally, the Staff alleges that RRC failed to report various expenditures “related to the [ballot] campaign.” The Staff asserts that the earliest of these expenditures occurred on February 25, 2008, when RRC entered into a consulting agreement with Dr. Bruce Switzer, although apparently there was no invoice or payment until May 7. According to the Staff, these expenditure allegations will be moot “[i]f the Commission agrees with staff that RRC was required to register and report as [if it were] a group under 2 AAC 50.352.” See APOC Staff Report, June 4, 2009, at 29.

If RRC was *not* required to register “as if it were” a group, then, according to the Staff, “RRC was still required to disclose its independent expenditures under AS

INGALDSON,
MAASSEN &
FITZGERALD, P.C.
Lawyers
813 W. 3rd Avenue
Anchorage, Alaska
99501-2001
(907) 258-8750
FAX: (907) 258-8751

APOC IN RE: RICHARD JAMESON
OAH 09-0231-APO
RRC'S RESPONSE TO COMMISSION QUESTIONS
ABOUT PROPOSED CONSENT DECREE

15.13.140(b).” *Id.* Under this theory, what RRC failed to file was a “30-day report” due July 28, 2008. The maximum penalty was as calculated by Gillam and AFCW in their brief:

\$50/day for 294 days = \$14,700.

(4) With regard to the potential fines against the other respondents, RRC defers to the calculations of Gillam and AFCW.

c. Is it the parties’ intent that the amount to be inserted in the blank in paragraph 5 on page 12 of the proposed consent decree is left to the commission’s binding decision following argument as provided in 3-b and 6 of this order? Is it the parties’ intent that the commission’s discretion in selecting this figure is (i) limited to the choice of \$60,000 or \$100,000; (ii) limited to the range between \$60,000 and \$100,000; or (iii) unlimited, so long as the figure does not exceed actual reimbursable cost?

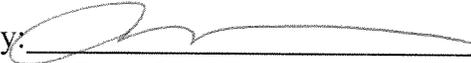
The parties’ intent following mediation was that the Commission decide on an appropriate number somewhere in the range of \$60,000 to \$100,000. The Commission’s decision is binding as long as it is limited to that range.

INGALDSON,
MAASSEN &
FITZGERALD, P.C.
Lawyers
813 W. 3rd Avenue
Anchorage, Alaska
99501-2001
(907) 258-8750
FAX: (907) 258-8751

APOC IN RE: RICHARD JAMESON
OAH 09-0231-APO
RRC’S RESPONSE TO COMMISSION QUESTIONS
ABOUT PROPOSED CONSENT DECREE

DATED: Feb. 1, 2010

INGALDSON, MAASSEN &
FITZGERALD, P.C.
Attorneys for Renewable Resources
Coalition, Inc.

By: 
Peter J. Maassen
ABA No. 8106032

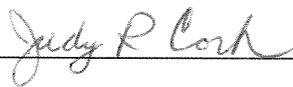
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on
1st day of February, 2010, a copy of
the foregoing was sent to the following via email:

Scott Kendall, Esq
Timothy McKeever, Esq.
Holmes, Weddle & Barcott, PC
701 W. 8th, Suite 700
Anchorage, AK 99501

Matthew Singer, Esq.
Charles Dunnagan, Esq.
Jermain, Dunnagan & Owens, PC
3000 A Street, Suite 300
Anchorage, AK 99503

Thomas A. Dosik, Esq.
Assistant Attorney General
1031 W. 4th, Suite 200
Anchorage, AK 99501



F:\W2210-1\APOC Pleadings\RRC Brief.doc

INGALDSON,
MAASSEN &
FITZGERALD, P.C.
Lawyers
813 W. 3rd Avenue
Anchorage, Alaska
99501-2001
(907) 258-8750
FAX: (907) 258-8751

APOC IN RE: RICHARD JAMESON
OAH 09-0231-APO
RRC'S RESPONSE TO COMMISSION QUESTIONS
ABOUT PROPOSED CONSENT DECREE