

**IN THE ALASKA PUBLIC OFFICES COMMISSION**

PEBBLE LIMITED PARTNERSHIP,	)	
PEBBLE MINES CORP., and	)	
RESOURCES DEVELOPMENT	)	
COUNCIL,	)	
	)	
Complainants,	)	
	)	
vs.	)	
	)	
RENEWABLE RESOURCES	)	
COALITION, INC., AMERICANS FOR	)	
JOB SECURITY. ALASKANS FOR	)	OAH No.: 09-0231-APO
CLEAN WATER, INC and ROBERT B.	)	
GILLAM,	)	APOC Case Nos.: 09-01-CD
	)	
Respondents.	)	

---

**Response to Commission Order of January 25, 2010**

APOC hereby provides its response to the questions posed by Commission in its Order of 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 agreement should be placed in the file of each party signing the consent decree?**

Yes. Staff concurs that paragraph four 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.

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

The relevant statutes provide for penalties calculated based on the number of days out of compliance with the reporting requirements. Although the beginning date for being out of compliance for each potential penalty differs, Staff calculated the end date as May 18, 2009. The complaint in this case was filed on May 18, 2009. Under AS 15.13.380 a hearing was supposed to have been held within 60 days. Staff requested additional time in which to complete its investigation, and Staff does not feel that it would be appropriate, or legal, to charge this additional time to Respondents. With that in mind, Staff has calculated the maximum potential penalties as follows:

### **Renewable Resources Coalition:**

- a. **The allegation the Renewable Resources Coalition failed to register as a group.** Staff alleged that RRC failed to register and report as a group under 2 AAC 50.270 which requires a corporation that assesses, collects, pools or solicits money for the purpose of influencing a ballot measure to report as if it were a group. Staff alleged this violation began on April 4, 2008, which is the date RRC signed a contract with Fund Raising Inc, and thereby began collecting and soliciting money for the ballot measure campaign. At \$50 per day for 409 days, this total \$20,450.
- b. **The allegation that Renewable Resources Coalition acted as a pass-through for Gillam.** The transaction that formed the basis for Staff's allegation that RRC acted as a pass through occurred on June 2, 2008. Therefore, at \$50 per day, for 350 days, the total possible penalty is \$17,500.
- c. **The allegation that RRC failed to report expenditures.** The earliest expenditure is the February 25, 2008 consulting agreement with Dr. Switzer. Therefore at \$50 per day, the total for 448 days is \$22,400.

Staff recognizes that there is a significant dispute over whether RRC had any reporting requirements prior to the time the ballot measure was certified by the Lieutenant Governor. Staff also recognizes that these violations are somewhat overlapping. If RRC is required to register and report as a group, they would have been required to report all expenditures. Therefore there is some question as to whether the failure to report any expenditures is a separate violation.

### **Alaskans for Clean Water:**

Staff alleged that AFCW received and accepted contributions from RRC and Americans for Job Security that it knew were made in violation of Alaska law. The first contribution to AFCW from RRC was made on June 2, 2008. At \$50 per day, the total potential penalty here is \$17,500. The three transactions with AJS occurred on June 20<sup>th</sup>, 2008, July 15, 2008, and August 1, 2008. If these transactions are considered separate violations, AFCW was out of compliance for 332 days, 307 days, and 290 days respectively. The maximum potential fines for these transactions are \$16,600, \$15,350 and \$14,500.

Staff recognizes there is some dispute as to whether these transactions can, or should, be considered separate violations.

**Robert Gillam:**

The allegations against Robert Gillam are that in four separate transactions he made either anonymous contributions, or contributions in the name of another by using a pass through organization to conceal that he was the source of funds going to AFCW. Three of these involved Americans for Job Security, and one involved RRC. As stated above, the dates of these transactions are June 2, June 20, July 15, and August 1. The maximum penalty for each of these is \$17,500, \$16,600, \$15,350 and \$14,500.

**c. Is the parties' intent that the amount to be inserted in the black in paragraph 5 on page 12 of the proposed consent decree is left to the commission's binding decision following argument?**

Staff's position is that a payment of \$100,000 is the minimum amount appropriate for a resolution of this matter, and will not recommend that the Commission agree to a smaller amount. Whether or not to accept the consent agreement at all, and at what payment may be imposed is a matter for the Commission to decide. While Staff does not recommend that an agreement calling for a payment of less than \$100,000 be accepted by the Commission, and may voice some objection if a smaller figure is chosen by the Commission, Staff does not believe that it has the authority to reject a decree agreed to by the Commission.

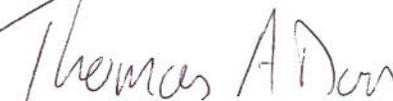
**d. What is the amount of the Commission's costs to date in this matter?**

The costs to APOC staff and attorney generals office are described in the attached spreadsheet. APOC staff does not track its time by separate matters so staff time reported consists of the straight time and overtime paid to investigative and paralegal staff working directly on the case. Since September, APOC staff time has been limited to discussions with the Attorney General's office on case strategy and settlement matters and solely involved time of the Director and/or Assistant Director as decision makers. The Director and Assistant Director time has not been tracked since the inception of the case. The out of pocket costs of the mediation were born by Respondents. A total of 9 hours of attorney time was spent on the mediation.

DATED this 28 day of January, 2010, at Anchorage, Alaska.

DANIEL S. SULLIVAN  
ATTORNEY GENERAL

By:



Thomas A. Dosik  
Assistant Attorney General  
Alaska Bar No. 9505018

Costs related to 09-01-CD	April	May	June	July	August	September	October	November	December	January	Dollar Amt
Hearing Officer	\$634.50	\$2,754.00	\$2,511.00	\$1,232.50	\$507.50	\$9,657.00	\$5,655.00	\$12,629.50	\$594.50	\$1,363.00	\$37,538.50
Overtime Berliner	\$432.92	\$2,684.77	\$1,581.55	\$187.01	\$1,894.77	\$171.12	\$0.00	\$0.00	\$0.00	\$0.00	\$6,952.14
Regular Time Berliner	\$2,269.50	\$4,332.68	\$4,511.90	\$4,110.53	\$4,604.38	\$2,208.35	\$0.00	\$0.00	\$0.00	\$0.00	\$22,037.34
Overtime Wilson	\$1,108.49	\$6,169.12	\$861.16	\$0.00	\$127.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,266.53
Regular Time Wilson	\$2,354.50	\$4,473.55	\$4,680.46	\$3,879.25	\$4,290.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$19,678.16
Overtime Greva	\$550.24	\$3,313.60	\$1,115.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,979.52
Regular Time Greva	\$1,976.00	\$3,754.40	\$3,746.78	\$1,264.97	\$1,110.27	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11,852.42
AG staff B Page	\$317.16	\$268.36	\$292.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$878.28
AG Tom Dosik	\$5,367.12	\$13,722.75	\$8,538.60	\$13,111.38	\$15,720.30	\$3,746.11	\$6,488.00	\$10,301.79	\$9,432.00	\$0.00	\$86,428.05
NA											\$0.00
NA											\$0.00
Totals	\$15,010.43	\$41,473.23	\$27,839.89	\$23,785.64	\$28,255.38	\$15,782.58	\$12,143.00	\$22,931.29	\$10,026.50	\$1,363.00	\$198,610.94