

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
FEBRUARY 20, 2013

A meeting of the Alaska Public Offices Commission came to order at 9:00 a.m. on Wednesday, February 20, 2013. The meeting was held at the 10<sup>th</sup> floor of the State Office Building, Department of Administration, Commissioners Large Conference Room, 333 Willoughby Street, Juneau, 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 (Telephonically)  
Kathleen King - Vice-Chair  
Kenneth Kirk - Commissioner  
Vance Sanders - Commissioner

**Staff:** Paul Dauphinais - Executive Director  
Jerry Anderson - Assistant Director  
Joan Mize - Juneau Program Coordinator  
Thomas Lucas - Associate Attorney II (Telephonically)  
Heather Hebdon - Associate Attorney II  
Reuben Yerkes - Paralegal II

**In Person Attendees:** Bill Milks - Assistant Attorney General, Department of Law  
Kacie Paxton - Ketchikan Gateway Borough City Clerk  
Laurie Sica - City and Borough of Juneau City Clerk  
Sarah Geary - Alaska Municipal League  
John Sedor - Respondent's Counsel, Sedor, Wendlandt, Evans & Filippi - Thomas Schantz v Valdez School District, 12-11-CD

**Telephonic Attendees:**

John Ptacin - Assistant Attorney General, Department of Law  
Kristie Smithers - Clerk, City of Wasilla  
Randy Wanamaker - CBJ Assembly Member  
Melanie Tiska - Corporate Compliance Manager, SeaAlaska PAC

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

Vice-Chair King called the meeting to order.

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

**Commissioner Kirk moved to approve the agenda as amended.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 to approve the meeting agenda as amended.**

### **Approval of the Meeting Minutes [1]**

- **January 30, 2013**

**Commissioner Kirk moved to approve meeting minutes as revised.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 to approve the January 30, 2013 meeting minutes as revised.**

- **January 07, 2013**

**Commissioner Sanders moved to approve meeting minutes.**

**Commissioner Kirk seconded the motion.**

**The Commission voted 4-0 to approve the January 7, 2013 meeting minutes.**

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

The director's report was presented by Paul Dauphinais, APOC Executive Director.

### **Fiscal Year 2014 Meeting Schedule [3]**

The fiscal year 2014 meeting schedule was presented by Paul Dauphinais, APOC Executive Director.

**Commissioner Kirk moved to approve the 2014 meeting schedule.**

**Commissioner Sanders seconded the motion.**

**The Commission voted 4-0 to approve the meeting schedule for fiscal year 2014.**

**OFF RECORD 9:22 a.m.**

**BREAK**

**ON RECORD 9:48 a.m.**

### **Municipal Candidate Filings on Line[4]**

The municipal candidate filings issue was presented by Paul Dauphinais, APOC Executive Director

- Randy Wanamaker (former CBJ school board and current CBJ assembly member, also currently a director for a company that does contract work for the federal government) online/telephonic comments. Mr. Wanamaker is opposed to making filings available online. He spoke at length about how others could "hack" into the system and change data. He also noted that working online could be a prohibitive challenge for someone with macular degeneration and muscular dystrophy.
- Laurie Sica (CBJ Municipal Clerk) made comments. Ms. Sica is opposed to making filings available online. She stated that it dissuades potential public servants from running for public positions. State candidates should be available to a statewide audience; because they make policy (potentially) that impacts the citizenry of the

state. Whereas municipal candidates need not be posted for an audience larger than those they have influence over (larger than the citizens of the municipality).

- Kristie Smithers (City of Wasilla Clerk) made comments. Ms Smithers would like to see APOC have a consistent manner in which we display candidate filings. She also desires clarity in the process. She stated that the biggest problem is the consistency of the process.
- Kacie Paxton (Ketchikan Gateway Borough City Clerk) made comments. Ms. Paxton requested clarification and consistency regarding POFD filings online.

**The Commission went off the public record to go into executive session to discuss legal issues with counsel.**

**OFF RECORD 10:52 a.m.**

**DELIBERATION**

**ON RECORD 12:02 p.m.**

**Civil Penalty Appeal [5]**

**GROUPS**

The staff recommendations regarding the consent agenda was telephonically presented by Thomas Lucas, APOC staff. Ms. Melanie Tiska, Corporate Compliance Manager for SeaAlaska PAC, appeared telephonically.

The following individual was removed from the consent agenda for the Commission to consider separately.

**SeaAlaska State PAC**

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

**2012 State Election**

7D General Election Report

\$7500 as filed 15 days late @\$500 a day

Reduction of 99% assessed civil penalty

**Commissioner Sanders moved to approve staff recommendation of a civil penalty of \$75.**

**Commissioner Kirk seconded the motion.**

**The Commission voted 4-0 to approve the recommended civil penalty.**

**Commissioner Sanders moved to approve the remaining items on the consent agenda.**

**Commissioner Kirk seconded the motion.**

**The Commission voted 4-0 to approve the remaining items on the consent agenda.**

**OFF RECORD 12:08 p.m.**

**BREAK**

**ON RECORD 12:10 p.m.**

**Public Comment Period [\*]**

No one from the public made comment.

**Presentation of 2012 COGEL Conference [6]**

The following APOC staff Jerry Anderson, Assistant Director, Brenda Mize, Juneau Program Coordinator, and Thomas Lucas, Associate Attorney II, gave brief presentation to the Commission regarding information gathered while attending the December 2012 COGEL Annual Conference related to Groups, Campaign Disclosure, Lobbying Law, and Electronic Filing.

**OFF RECORD: 12:31 p.m.**

**LUNCH**

**ON RECORD: 1:48 p.m.**

**Continuation of COGEL presentation by staff**

**OFF RECORD: 2:10 p.m.**

**BREAK**

**ON RECORD: 2:18 p.m.**

**Peter A. Giessel v. Ron Devon, Alaskans for Ron Devon, 12-17-CD [7]**

The staff report was presented by Heather Hebdon, APOC staff. Mr. Peter Giessel, complainant and Mr. Ron Devon, respondent both appeared telephonically and gave statements regarding the above complaint.

On November 2, 2012, Peter Giessel filed a complaint against Ron Devon, a candidate for State Senate District N. Mr. Giessel's complaint alleged that Mr. Devon's media advertisements lacked an audible "Paid for by" disclaimer under AS 15.13.090 and 2 AAC 50.306.

**The Commission took the above matter under advisement.**

**Thomas E. Schantz v. Valdez School District, 12-11-CD [8]**

The consent agreement was presented by Heather Hebdon, APOC staff. Mr. John Sedor, Respondent's Counsel from Sedor, Wendlandt, Evans, & Filippi appeared in person, presented his argument and answered questions from the Commission members.

The consent agreement was entered into regarding the expedited complaint filed by Thomas Schantz on September 26, 2012. Mr. Schantz alleged that the Valdez School District used municipal funds to advocate in favor of a bond proposition on the City of Valdez's October 2012 election ballot in violation of AS 15.13.145. Additionally, he further alleged that the advertisements that were paid for by the School District lacked proper paid for by identification as required by AS 15.13.090.

**The Commission took the above matter under advisement.**

**The Commission went off public record to deliberate on 12-11-CD, Thomas E. Schantz v. Valdez School District and Peter A. Giessel v. Ron Devon.**

**OFF RECORD 3:02 p.m.**  
**DELIBERATION**  
**ON RECORD 3:45 p.m.**

**The Commission went off the public record and into executive session discuss personnel issues.**

**OFF RECORD 3:45 p.m.**  
**EXECUTIVE SESSION**  
**ON RECORD 4:11 p.m.**

**Department of Administration[\*]**

Department of Administration Commissioner Rebecca Hultberg appeared in person to brief the Commission and answer questions.

**Commissioner Sanders moved to adjourn.**  
**Commissioner Kirk seconded the motion.**  
**The meeting adjourned at 4:30 p.m.**