

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
February 20, 2014

A regular meeting of the Alaska Public Offices Commission came to order at 10:05 a.m. on Thursday, February 20, 2014. The meeting was held at the Anchorage Office at 2221 E. Northern Lights Blvd., Room 128, Anchorage, 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
Kenneth Kirk – Vice-Chair
Vance Sanders – Commissioner
Ron King – Commissioner

Staff:

Paul Dauphinais – Executive Director
Jerry Anderson – Assistant Director
Joan Mize – Program Coordinator II (Telephonically)
Heather Hebdon – Campaign Disclosure Coordinator, Candidates
Thomas Lucas – Campaign Disclosure Coordinator, Groups
July Lam – Financial Disclosure Coordinator
Delight Mells – Paralegal II
Tamara Douglas – Paralegal II
Maria Bulfa – Law Office Assistant II
Wynona Sampson – Law Office Assistant I, Recording Clerk

Attendees:

Department of Law – Attorney General’s Office

Bill Milks
John Ptacin
Nancy Dahl

Consent Agenda POFD Civil Penalty Appeal (Telephonically)

Deantha Crockett – Board Member, Alaska Workforce Investment
Michael O’Conner – Board Member, Workers Compensation

Advisory Opinion Requests

Jerry Gallagher – Campaign Manager for Parnell, AO 14-01-CD

Dan Coffey – 2014 Anchorage Municipal Candidate, AO 14-02-CD

Complaints

13-12-CD, Lee DeSpain v. John Eberhart

Lee DeSpain – Complaint (Telephonically)

John Eberhart – Respondant

Mike Walleri – Attorney for Respondant

14-02-CD, John E. Lewis v. Falemao Tosi

Falemao Tosi – Respondant

Reporters

Amanda Coyne – Alaska Dispatch

Sean Doogan – Alaska Dispatch

Daysha Eaton – KSKA Public Radio APRN

Public

Randy Ruedrich – Self

Theda Pittman – Public Comment

Tram Nguyen – Legislative Auditor

Irene Catalone (Telephonically)

Donna Gilbert (Telephonically)

ON RECORD: 10:05 a.m.

Chair Hickerson called the meeting to order.

Approval of the Agenda [*]

The proposed revised agenda presented by Paul Dauphinais, APOC staff. The Commission approved the agenda as revised.

Approval of the Meeting Minutes [1]

December 18, 2013 – meeting minutes

Commissioner Kirk moved to approve the meeting minutes as written.

Commissioner King seconded the motion.

The Commission voted 4-0 to approve the December 18, 2013 meeting minutes as written.

December 17, 2013 – meeting minutes

Commissioner Kirk moved to approve the meeting minutes as written.

Commissioner R. King seconded the motion.

The Commission voted 4-0 to approve the December 17, 2013 meeting minutes as written.

November 20, 2013 – meeting minutes

Commissioner Kirk moved to approve the meeting minutes as revised.

Commissioner R. King seconded the motion.

The Commission voted 4-0 to approve the November 20, 2013 meeting minutes as revised.

AO 14-01-CD, Jerry Gallagher, Campaign Manager for Parnell [2]

The staff draft advisory opinion was presented by Heather Hebdon, APOC staff. Mr. Jerry Gallagher, Campaign Manager appeared in person and gave statement on behalf of his request.

The Commission took the above matter under advisement.

Proposed FY 2015 Meeting Schedule [12]

The proposed meeting schedule was presented by Paul Dauphinais, APOC staff. The Commission approved the schedule and directed Paul Dauphinais to add a meeting in March of 2014 and in March of 2015.

OFF RECORD: 10:39 a.m.

Break

ON RECORD: 10:46 a.m.

AO 14-02-CD, Dan Coffey, Coffey for Anchorage [3]

The staff draft advisory opinion was presented by Tom Lucas, APOC staff. Mr. Dan Coffey, 2014 Anchorage Municipal Candidate, appeared in person and gave statement on behalf of his request.

The Commission took above matter under advisement.

Consent Agenda, Public Official Financial Disclosure Civil Penalty Appeals and Referrals to Attorney General Office [4]

The staff recommendations regarding the consent agenda were presented by July Lam, APOC staff.

The following items were removed from the consent agenda for the Commission to consider separately:

Deantha Crockett

LATE REPORT:

MAXIMUM CIVIL PENALTY:

STAFF RECOMMENDATION:

2013 Public Official Financial Disclosure

Initial Public Official Statement

\$640 as filed 64 days late @\$10 a day

Reduced by 75% to \$160

Ms. Deantha Crockett, Board Member, Alaska Workforce Investment, appeared telephonically and answered questions of the Commission.

The Commission took above matter under advisement.

Michael O'Connor	2013 Public Official Financial Disclosure
LATE REPORT:	Initial Public Official Statement
MAXIMUM CIVIL PENALTY:	\$1,030 as filed 130 days late @\$10 a day
STAFF RECOMMENDATION:	Waive Penalty

Mr. Michael O'Connor, Board Member, Workers Compensation, appeared telephonically and answered questions of the Commission.

The Commission took the above matter under advisement.

Lorene Anelon	2013 Public Official Financial Disclosure
LATE REPORT:	Municipal Final Statement
MAXIMUM CIVIL PENALTY:	\$1,540 as filed 154 days late @\$10 a day
STAFF RECOMMENDATION:	Waive Penalty

The Commission took the above matter under advisement.

The following items remained on the consent agenda:

- Kristy Hinchman, School Board, City of Hoonah
- Richard George, Council Member, City of Angoon

Commissioner Kirk moved to approve staff recommendations for the remaining items on the consent agenda.

Commissioner Sanders seconded the motion.

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

Public Comment Period [*]

Ms. Theda Pittman appeared telephonically during public comment period and provided comments to the Commission.

OFF RECORD: 11:53 a.m.

Lunch

ON RECORD: 12:27 p.m.

13-12-CD, Lee DeSpain v. John Eberhart [5]

Lee DeSpain, appeared telephonically, was sworn in and gave his statement. The following individuals appeared in person, were sworn in and questioned by John Ptacin, for APOC staff and by Michael Walleri, respondent's attorney.

- John Eberhart, Respondent
- Heather Hebdon, APOC staff
- Thomas Lucas, APOC staff

On October 21, 2013 Lee DeSpain filed complaint against John Eberhart alleging a violations of AS 15.13 for the use of prohibited corporate contribution, and corporate resources, failure to report Tanana Chief's Conference (TCC) contributions, and failure to timely return prohibited contributions.

The commission continued the hearing to the afternoon.

OFF RECORD: 2:15 p.m.

Break

ON RECORD: 2:29 p.m.

14-02-CD, John E. Lewis v. Falemao Tosi [*]

A complaint filed by John E. Lewis on February 18, 2014 requested to be heard on an expedited basis. On February 21, 2014, the complainant withdrew his request for an expedited hearing due to his unavailability to appear. Mr. Tosi appeared in person, was sworn in and gave a brief statement.

The Commission took the above matter under advisement.

Commissioner Kirk moved to go into executive session for the purpose of deliberation and consult with the Commission counsel.

Commission R. King seconded the motion.

The Commission voted 4-0 to approve to go into executive session.

OFF RECORD: 2:41 p.m.

Deliberation

ON RECORD: 2:50 p.m.

The Commission remanded the complaint to the executive director for consideration on a regular schedule. The Commission asked the executive director to have staff work with the complainant and the respondent to develop a timeline so that the complaint could be presented to the Commission prior to the Anchorage municipal election.

13-12-CD, Lee DeSpain v. John Eberhart, Continuation [5]

The attorneys for both parties presented their closing arguments.

The Commission took the above matter under advisement.

Commissioner R. King moved to go off the public record and go into executive session for the purpose of deliberation, to discuss personnel issues and consult with the Commission counsel.

Commission Kirk seconded the motion.

The Commission voted 4-0 to approve to go off public record.

OFF RECORD: 4:15 p.m.

Executive Session/Deliberation

The Commission recessed until Friday, February 21, 2014, and did not come back to the public record after executive session and deliberation.