

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
JUNE 7, 2017

A regular meeting of the Alaska Public Offices Commission (APOC) came to order at 9:00 a.m. on Wednesday, June 7, 2017. The meeting was held in the Elizabeth J. Hickerson Hearing Room 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-Person Attendance

Commission: Thomas Temple, Vice Chair
Ronald King, Commissioner
Irene Catalone, Commissioner
Robert Clift, Commissioner
Adam Schwemley, Commissioner

Staff: Heather Hebdon, Executive Director
Delight Mells, Paralegal II¹
Thomas Lucas, Paralegal II¹
Heather Dalberg, Paralegal I²
Michael Schwahn, Law Office Assistant I

Attendees: Laura Fox, Assistant Attorney General

POFD CPAs and Referrals

John Sterling Gallagher – Office of the Governor

Candidate CPAs and Referrals

Ed Cullinane – Candidate, 2016 State Primary Election
Ed Wesley – Candidate, 2016 State Primary Election
Tim Steele – Candidate, 2017 Anchorage Municipal Election

Observers: Eugene Haberman

¹ Attended via GoTo Meeting and in person for presentations.

² Attended via GoTo Meeting and telephonic for presentations.

Telephonic Attendance

Attendees: POFD CPAs and Referrals

Eric Ash – Alaska Commission on Postsecondary Education
Karla Taylor-Welch – Alaska Commission on Judicial Conduct
Benjamin Eveland – Department of Labor
William Pattison – Whale Pass City Council

Candidate CPAs and Referrals

Jason Land – Candidate, 2016 State Primary Election

Advisory Opinions

AO 17-02-LOB, Tim McKeever

Tim McKeever, Holmes, Weddle & Barcott PC – Counsel for Requestor

ON RECORD 9:00 A.M.

Vice Chair Temple took a roll-call of the Commissioners present and called the meeting to order.

Approval of the Agenda [*]

Commissioner King moved to approve the agenda as written.

Commissioner Clift seconded the motion.

The Commission voted 5-0 to approve the agenda as written.

Approval of Meeting Minutes [1]

February 22, 2017 – meeting minutes

Commissioner Clift moved to approve the meeting minutes as written.

Commissioner King seconded the motion.

The Commission voted 5-0 to approve the February 22, 2017 meeting minutes as written.

OFF RECORD 9:02 A.M.

Break

ON RECORD 9:10 A.M.

Consent Agenda, POFD Civil Penalty Appeals & Referrals to Attorney General Office [2]

The staff recommendations and referrals were presented by Heather Hebdon, APOC staff.

Vice Chair Temple disclosed on record that Timothy Dooley (item #5) recently became a client of his law firm with unrelated legal matters and that he and Karla Taylor-Welch (item #13) were long-term colleagues and acquaintances in Fairbanks.

Commissioner King moved to approve the staff recommendations for civil penalty appeal items #1, #3-#9, #11, #12, #14-#17 on the consent agenda.

Commissioner Catalone seconded the motion.

The Commission voted 5-0 to approve the staff recommendations for civil penalty appeal items #1, #3 - #9, #11, #12, #14-#17 on the consent agenda.

At the request of the filer, the following items were removed from the consent agenda to be considered individually.

Mr. Ash appeared telephonically and gave a statement in support of his appeal.

Eric Ash	Commission Member, ACPE
LATE REPORT:	2017 Annual POFD Statement
MAXIMUM CIVIL PENALTY:	\$85
STAFF RECOMMENDATION:	Reduced by 50% to \$42.50

Commissioner King move to take the matter under advisement.
Commission Clift seconded the motion.
The Commission voted 5-0 to take the matter under advisement.

Mr. Gallagher appeared in-person and gave a statement in support of his appeal.

John Sterling Gallagher	Assistant to the Governor, Office of the Governor
LATE REPORT:	2016 Final POFD Statement
MAXIMUM CIVIL PENALTY:	\$1,185
STAFF RECOMMENDATION:	Waiver

Commissioner King moved to approve the staff recommendations on the consent agenda.
Commissioner Schwemley seconded the motion.
The Commission voted 5-0 to approve the staff recommendations on the consent agenda.

Chair Temple recused himself from participating in the following matter and appointed Commissioner King to act as Chair.

Ms. Taylor-Welch appeared telephonically and gave a statement in support of her appeal.

Karla Taylor-Welch	Commission Member, ACJC
LATE REPORT:	2017 Annual POFD Statement
MAXIMUM CIVIL PENALTY:	\$65
STAFF RECOMMENDATION:	Reduced by 50% to \$32.50

Commissioner Clift moved to waive the assessed penalty.
Commissioner Schwemley seconded the motion.
The Commission voted 4-0 to waive the assessed penalty.

Chair Temple resumed as Chair presiding over the meeting.

Commissioner King moved that items #18 - #25 on the consent agenda be referred to the Attorney General's Office for collection.
Commissioner Clift seconded the motion.
The Commissioner voted 5-0 to approve the referral of items #8 - #25 on the consent agenda to the Attorney General's Office for collection.

Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General Office [3]

The staff recommendations and referrals were presented by Delight Mellis, APOC staff.

Staff noted that due to legislative immunity, items #8 - #10 and #12 should be removed from the consent agenda to be considered at the next regularly scheduled meeting following the end of the legislative session.

**Commissioner King moved to remove items #8 - #10 and #12 from the consent agenda.
Commissioner Schwemley seconded the motion.
The Commission voted 5-0 to approve items #8 - #10 and #12 be removed from the consent agenda.**

**Commissioner King moved to approve the staff recommendations for items #1, #3, #4 and #7 on the consent agenda.
Commissioner Clift seconded the motion.
The Commissioner voted 5-0 to approve the staff recommendations for item #1, #3, #4 and #7 on the consent agenda.**

At the request of the filer, the following items were removed from the consent agenda to be heard individually.

Ed Cullinane	2016 State Primary Election
LATE REPORT:	24 Hour Report
MAXIMUM CIVIL PENALTY:	\$82,000
STAFF RECOMMENDATION:	Reduced by 99% to \$820

Mr. Cullinane appeared in-person but then requested his appeal be placed back on the consent agenda.

**Commissioner King moved to approve the staff recommendation on the consent agenda.
Commissioner Clift seconded the motion
The Commissioner voted 5-0 to approve the staff recommendation on the consent agenda.**

Duncan Fields	Candidate 2016 State Primary & General Election
LATE REPORT:	24 Hour Report - Primary
MAXIMUM CIVIL PENALTY:	\$32,500
STAFF RECOMMENDATION:	Reduced by 50% to \$16,250

Mr. Fields was unable to attend the meeting, but provided a written statement in support of his appeal.

**Commissioner King moved to take the matter under advisement.
Commissioner Schwemley seconded the motion.
The Commission voted 5-0 to take the matter under advisement.**

Jason Land **Candidate 2016 State Primary & General Election**
LATE REPORT: 7 Day & 24 Hour Report - General
MAXIMUM CIVIL PENALTY: \$51,000
STAFF RECOMMENDATION: Reduced by 99% to \$510

Commissioner King moved to accept Mr. Land's late-filed appeal.
Commissioner Clift seconded the motion.
The Commission voted 5-0 to approve to accept Mr. Land's late-filed appeal.

Mr. Land appeared telephonically and gave a statement in support of his appeal.

Commissioner King moved to take the matter under advisement.
Commissioner Schwemley seconded the motion.
The Commission voted 5-0 to take the matter under advisement.

Tim Steele **Candidate 2017 Anchorage Municipal Election**
LATE REPORT: 7 Day report
MAXIMUM CIVIL PENALTY: \$500
STAFF RECOMMENDATION: Penalty Uphold

Mr. Steele appeared in-person and gave a statement in support of his appeal.

Commissioner King moved to take the matter under advisement.
Commissioner Clift seconded the motion.
The Commission voted 5-0 to take the matter under advisement.

Ed Wesley **2016 State Primary Election**
LATE REPORT: 24 Hour Report - Primary
MAXIMUM CIVIL PENALTY: \$95,000
STAFF RECOMMENDATION: Reduced by 99.5% to \$475

Mr. Wesley appeared in person and gave a statement in support of his appeal.

Commissioner King moved to take the matter under advisement.
Commissioner Schwemley seconded the motion.
The Commission voted 5-0 to take the matter under advisement.

In the matter of candidate referrals, staff informed the Commission that all the referral matters on the agenda had been concluded as filers #14 and #15 had filed their missing reports and filer #16 had paid the penalty.

Consent Agenda, Group Civil Penalty Appeals [4]

The staff recommendations were presented by Thomas Lucas, APOC staff.

Commissioner King moved to approve the staff recommendations for items #1 - #4 on the consent agenda.

**Commissioner Clift seconded the motion.
The Commission voted 5-0 to approve the staff recommendations for items #1 - #4 on the consent agenda.**

Consent Agenda, Lobbying Civil Penalty Appeals [5]

The staff recommendations were presented by Heather Dalberg, APOC staff.

Commissioner King recused himself from consideration of item #1, Barbara Huff Tuckness as they are long-time friends.

Commissioner Clift moved to approve the staff recommendations for items #1 and #2 on the consent agenda.

Commissioner Schwemley seconded the motion.

The Commission voted 4-0 to approve the staff recommendations for items #1 and #2 on the consent agenda.

OFF RECORD 10:09 A.M.

Break

ON RECORD 10:15 A.M.

ADVISORY OPINION

Advisory Opinion Request - 17-02-LOB, Timothy McKeever [6]

The unapproved advisory opinion was presented by Heather Dalberg, APOC staff.

Timothy McKeever, Counsel for Requestor appeared telephonically to answer questions of the Commission.

Commissioner King moved to approve draft advisory opinion 17-02-LOB as written.

Commissioner Clift seconded the motion

The Commission voted 5-0 to approve draft advisory opinion 17-02-LOB as written.

OFF RECORD 10:16 A.M.

Break

ON RECORD 10:45 A.M.

Election of Officers [*]

Commissioner King nominated Commissioner Temple as Chair of the Commission.

Commissioner Schwemley seconded the nomination.

The Commission voted 4-0 to approve the nomination.

Commissioner Temple accepted the nomination.

Commissioner Clift nominated Commissioner King as Vice Chair of the Commission.

Commissioner Schwemley seconded the nomination.

The Commission voted 4-0 to approve the nomination.

Commissioner King accepted the nomination.

Commissioner King moved to amend the agenda to next consider the Executive Director Report.

Commissioner Clift seconded the motion.

The Commission voted 5-0 to amend the agenda to next consider the Executive Director Report.

Executive Director Report [7]

The Executive Director Report was presented by Heather Hebdon, APOC staff.

Public Comment [*]

Eugene Haberman appeared in person to speak during the public comment period.

Heather Hebdon, APOC executive director requested to meet with the Commission in executive session to discuss personnel issues.

EXECUTIVE SESSION

Commissioner King moved to go into executive session to discuss personnel matters and to deliberate on pending matters.

Commissioner Clift seconded the motion.

The Commission voted 5-0 to go into executive session to discuss personnel matters and to deliberate on pending matters.

OFF RECORD 11:30 A.M.

EXECUTIVE SESSION

The Commission did not return to the public record after the executive session.

PUBLIC MEETING ADJOURNED.