

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
FEBRUARY 21, 2018

A regular meeting of the Alaska Public Offices Commission (APOC) came to order at 9:01 a.m. on Wednesday, February 21, 2018. The meeting was held in the Elizabeth J. Hickerson Hearing Room at 2221 East Northern Lights Boulevard, 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, Chair
Irene Catalone, Commissioner
Robert Clift, Commissioner
Ronald King, Commissioner
Adam Schwemley, Commissioner

Staff: Heather Hebdon, Executive Director
Thomas Lucas, Campaign Disclosure Coordinator
Delight Mells, Paralegal II
Michael Schwahn, Paralegal I
Dacia Collins, Law Office Assistant I

Dept. of Law: Mary Lynn Macsalka, Assistant Attorney General
Laura Fox, Assistant Attorney General
John Ptacin, Chief Assistant Attorney General

Attendees: Eugene Carl Haberman, Observer
Nick Martin, Holmes Weddle & Barcott
Molly Magestro, Holmes Weddle & Barcott

POFD CPAs and Referrals

David Barton, Alaska Human Rights Commission

AO 17-03-CD, Alaska Wins

Stacey Stone, Counsel for Respondent

17-03-CD McDonald v. Alaska Democratic Party

Forrest McDonald, Complainant
Jay Parmley, Respondent

Commission Review of Staff's Rejection of Complaint

Jason Harrow, Counsel for Complainants
Scott Broadwell, Davis Wright Tremaine
Elizabeth Hodes, Davis Wright Tremaine

James Barnett, Complainant
Khali Withen, Counsel for Respondent

Telephonic Attendance

Staff: Heather Dalberg, Paralegal I

Attendees: Tim McKeever, Holmes Weddle & Barcott

Candidate CPAs

Jessie Kiehl

Group CPAs

Paula DeLaiarro – Fair Anchorage, No on Prop 1

Elisa Snelling – Midnight Sun Republican Women’s Club

POFD CPAs

Gary Turner, Select Committee on Legislative Ethics

17-02-POFD, Griffin v. Henry

Roger Griffin, Complainant

Daniel Henry, Respondent

ON RECORD 9:01 A.M.

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 Catalone seconded the motion.

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

Approval of Meeting Minutes [1]

September 7, 2017 – meeting minutes

September 13, 2017 – meeting minutes

Commissioner Catalone moved to approve the September 7, 2017 and September 13, 2017 meeting minutes as written.

Commissioner Clift seconded the motion.

The Commission voted 5-0 to approve the September 7, 2017 and September 13, 2017 meeting minutes as written.

Consent Agenda, Candidate Civil Penalty Appeals [2]

The staff recommendations were presented by Michael Schwahn, APOC staff.

APOC Staff removed item #2 from the consent agenda due to the recommended penalty being paid which closed the matter.

Commissioner King moved to approve the staff recommendations for civil penalty appeal items 3 and 4 on the consent agenda.

**Commissioner Clift seconded the motion.
The Commission voted 5-0 to approve the staff recommendations for civil penalty appeal items 3 and 4 on the consent agenda.**

At the request of the filer, item #1 was removed from the consent agenda to be considered by the Commission.

Jessie Kiehl	2017 Juneau Election
LATE REPORT:	24-Hour Report
MAXIMUM CIVIL PENALTY:	\$500
STAFF RECOMMENDATION:	Reduced by 50% to \$250

Jessie Kiehl appeared telephonically, gave a statement, and answered questions of the Commission.

**Commissioner King moved to assess the penalty at \$50, or 90% of the maximum penalty.
Commissioner Schwemley seconded the motion.
The Commission voted 5-0 to assess the penalty at \$50, or 90% of the maximum penalty.**

**OFF RECORD 9:12 A.M.
Break
ON RECORD 9:20 A.M.**

Consent Agenda, Group Civil Penalty Appeals [3]

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

APOC Staff removed item #3 from the consent agenda due to the recommended penalty being paid which closed the matter.

**Commissioner Schwemley moved to approve the staff recommendations for civil penalty appeal items #4 and #6 on the consent agenda.
Commissioner King seconded the motion.
The Commission voted 5-0 to approve the staff recommendations for civil penalty appeal items #4 and #6 on the consent agenda.**

At the request of the filers, items #1, #2, and #5 were removed from the consent agenda to be individually considered by the Commission.

Fair Anchorage, No on Prop 1	2018 Anchorage Election
LATE REPORT:	15-6 Independent Expenditure Report
MAXIMUM CIVIL PENALTY:	\$1,900
STAFF RECOMMENDATION:	Reduced by 90% to \$41.25

Paula DeLaiarro appeared telephonically, gave a statement, and answered questions of the Commission.

Commissioner Clift moved to take the matter under advisement.

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

Fair Anchorage, No on Prop 1	2018 Anchorage Election
LATE REPORT:	15-6 Independent Expenditure Report
MAXIMUM CIVIL PENALTY:	\$3,300
STAFF RECOMMENDATION:	Reduced by 50% to \$325

Paula DeLaiarro appeared telephonically, gave a statement, and answered questions of the Commission.

**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.**

Midnight Sun Republican Women’s Club 2017 Statewide Municipal Election	
LATE REPORT:	7 Day Report
MAXIMUM CIVIL PENALTY:	\$1,000
STAFF RECOMMENDATION:	Uphold

Elisa Snelling appeared telephonically, gave a statement, and answered questions of the Commission.

**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.**

Consent Agenda, POFD Civil Penalty Appeals [4]

The staff recommendations were presented by Delight Mells, APOC staff.

APOC Staff removed item #7 from the consent agenda as the penalty had been paid.

**Commissioner Schwemley moved to approve the staff recommendations for civil penalty appeal items #2, #4-6 and #8-9 on the consent agenda.
Commissioner King seconded the motion.
The Commission voted 5-0 to approve the staff recommendations for civil penalty appeal items #2, #4-6 and #8-9 on the consent agenda.**

At the request of the filers, items #1 and #3 were removed from the consent agenda to be individually considered by the Commission.

David Barton	Alaska Human Rights Commission
LATE REPORT:	Initial POFD Statement
MAXIMUM CIVIL PENALTY:	\$2,300
STAFF RECOMMENDATION:	Reduce by 75% to \$431.25

David Barton appeared in person, gave a statement, and answered questions of the Commission.

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

Gary Turner	Select Committee on Legislative Ethics
LATE REPORT:	Final POFD Statement
MAXIMUM CIVIL PENALTY:	\$950
STAFF RECOMMENDATION:	Reduce by 95% to \$23.75

Gary Turner appeared telephonically, gave a statement, and answered questions of the Commission.

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

Consent Agenda, Lobbyist Civil Penalty Appeals [5]

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

Commissioner King moved to approve the staff recommendation on the consent agenda.

Commissioner Schwemley seconded the motion.

The Commission voted 5-0 to approve the staff recommendation on the consent agenda.

OFF RECORD 10:05 A.M.

Break

ON RECORD 10:16 A.M.

AO 17-03-CD, Alaska Wins [6]

The draft advisory opinion was presented by Tom Lucas, APOC staff. Stacy Stone, counsel for Respondent, appeared in person, gave a statement, and answered questions of the Commission.

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.

OFF RECORD 10:36 A.M.

Break

ON RECORD 10:51 A.M.

Complaint 17-03-CD, McDonald v. Alaska Democratic Party [7]

The staff report was presented by Tom Lucas, APOC Staff. Forrest McDonald, Complainant, and Jay Parmley, Respondent, appeared in person, gave statements, and answered questions of the Commission.

Commissioner King moved to dismiss the complaint.

Commissioner Clift seconded the motion.

The Commission voted 5-0 to dismiss the complaint.

Complaint 17-02-POFD, Griffin v. Henry [8]

The staff report was presented by Delight Mells, APOC Staff. Roger Griffin, Complainant, and Daniel Henry, Respondent appeared telephonically, gave statements, and answered questions of the Commission.

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

AO 18-01-CD, Representative Eastman [9]

The draft advisory opinion was presented by Tom Lucas, APOC Staff.

**Commissioner King moved to approve the draft advisory opinion.
Commissioner Clift seconded the motion.
The Commission voted 5-0 to approve the draft advisory opinion.**

Public Comment [*]

The following individual appeared in person and spoke during the public comment period.

- Eugene Carl Haberman

OFF RECORD 12:15 P.M.

Lunch

ON RECORD 12:46 P.M.

Commission Review of Staff's Rejection of Complaint [10]

AAG Mary Lynn Macsalka, Counsel for APOC Staff, Jason Harrow, Counsel for Complainant, and Khalial Withen, Counsel for Respondent, appeared in person, gave statements, and answered questions of the Commission.

Commissioner Schwemley moved to uphold staff recommendation to dismiss the complaints.

Commissioner Clift seconded the motion.

Commissioner King moved to table to the motion to uphold the staff recommendation.

The motion failed for lack of a second.

The Commission voted 3-2 to uphold staff recommendation to dismiss the complaints.

Executive Director Report [7]

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

Commissioner King moved to adjourn.

Commissioner Schwemley seconded the motion.

The Commission voted 5-0 to adjourn the meeting.

OFF RECORD 1:35 P.M.