

ALASKA PUBLIC OFFICES COMMISSION
MINUTES
REGULAR COMMISSION MEETING
APRIL 24, 2009

A special meeting of the Alaska Public Offices Commission came to order at 9:04 a.m. on Friday, April 24, 2009. The meeting was held at 2221 E. Northern Lights Blvd. Rm. 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binders.

Asterisk * indicates no information was included in the meeting binders.

In Attendance:

COMMISSION: Elizabeth Hickerson - Chair
Kathleen Frederick – Vice Chair
Public Member Commissioner (Vacant)
Shirley Dean – Commissioner
Kathleen (Kate) Ballenger – Commissioner

Staff: Holly R. Hill – Executive Director
Chris Ellingson – Assistant Director
Jerry Anderson- Associate Attorney
Patty Ware – Project Coordinator Juneau Office (Telecon)
Kim Wilson- Paralegal II
Vullnet Greva- Paralegal II
Joan Mize- Paralegal II (Juneau branch) (Telecon)
Maria Bulfa- Recording Secretary

Attendees: Annette Kreitzer- Commissioner (Dept. Of Admin)
Jan DeYoung- Attorney General, Dept. of Law
Tom Dosik – Attorney General, Dept. of Law
Bill Milks – Assistant Attorney General, Dept. of Law
Thomas Daniel- APOC Commission Attorney
Scott Kendall- Complainant’s Attorney for Kraft v. DNR
Mary Lundquist- Respondent’s Attorney
Charles Dunnagan- Respondent’s Attorney
Tim Petumenos- Attorney for Americans for Job Security

ON RECORD 9:04 a.m.

Chair Hickerson introduced herself and the commission members present.

Chair Hickerson and the commission members acknowledged Ms. Jan DeYoung’s forthcoming retirement from the Department of Law.

Commission and Staff Training

The following staff from the Department of Law appeared in person to provide the staff and commission training on state law and regulations.

- Jan DeYoung
- Bill Milks
- Tom Dosik

OFF RECORD 10:45 a.m.

BREAK

ON RECORD 11:00 a.m.

ORAL ARGUMENT AGENDA

Kraft v. Department of Natural Resources, 08-14-CD [7]

Chair Hickerson asked the individuals who would be participating in case number 08-14-CD to introduce themselves.

- Mr. Kendall appeared in person, as Mr. Kraft's representative in this complaint.
- Ms. Lundquist was present in person as Department of Natural Resource's representative in this complaint.
- Mr. Daniels appeared in person and provided legal support for the commission.

OFF RECORD 12:14 p.m.

Lunch/Deliberation (Kraft v. DNR)

ON RECORD 2:10 p.m.

Advisory Opinion Request, AO-09-02-CD (Gara) [8]

- Ms. Ellingson presented the advisory opinion request for Les Gara.
- Mr. Dosik appeared in person to answer any questions the Commission or its counsel might have regarding the opinion request and staff's proposed answer.

Commissioner Dean moved to approve the Advisory Opinion AO-09-02-CD with minor editorial corrections.

Commissioner Ballenger seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Advisory Opinion Request, AO-09-03-CD (Brown) [9]

Chair Hickerson stated, for the record, that she had known Ms. Brown since Junior High but believed that she could be impartial and unbiased in this matter.

Commissioners Frederick, Dean and Ballenger raised no objections.

- Mr. Anderson presented the advisory opinion request for Kay Brown.
- Mr. Dosik appeared in person to answer any questions the Commission or its counsel might have regarding the opinion request and staff's proposed answer.

Commissioner Dean moved to approve Advisory Opinion AO-09-03-CD (Brown) with a minor editorial change noted by Commissioner Ballenger.

Commissioner Frederick seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Advisory Opinion Request, AO-09-04-POFD (Knudsen) [10]

- Mr. Anderson presented the advisory opinion request for Kristin Knudsen.
- Mr. Dosik appeared in person to answer any questions the Commission or its counsel might have regarding the opinion request and staff's proposed answer.

Commissioner Frederick moved to accept advisory opinion AO-09-04-POFD (Knudsen) with a minor editorial correction.

Commissioner Dean seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Advisory Opinion Request, AO-09-05-POFD (Perez) [11]

Mr. Dosik presented the advisory opinion requested by Linda Perez.

Commissioner Dean moved to approve Advisory Opinion AO-09-05-CD (Perez) with a minor editorial correction as noted by Commissioner Ballenger.

Commissioner Ballenger seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Advisory Opinion Request, AO-09-06-POFD (Perez) [12]

Mr. Dosik presented the advisory opinion requested by Linda Perez.

During the discussion, the commission agreed advisory opinion 09-06-POFD (Perez) did not meet the required criteria under AS 15.13.374(a) in that there was not a specific gift in question.

Commissioner Dean moved to reject advisory opinion 09-06-POFD (Perez), as written, because it did not meet the criteria of an advisory opinion request.

Commissioner Ballenger seconded the motion.

The Commission voted 4 to 0 in favor of the motion and the Advisory Opinion request AO-09-06-POFD was disapproved.

Advisory Opinion Request, AO-09-07-POFD (AOGCC) [13]

- Mr. Anderson presented the advisory opinion request for AOGCC.
- Mr. Dosik appeared in person to answer any questions the Commission or its counsel might have regarding the opinion request and staff's proposed answer.

Commissioner Dean moved to approve advisory opinion AO-07-POFD (AOGCC).

Commissioner Ballenger seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Advisory Opinion Request, AO-09-08-POFD (Myers) [14]

- Mr. Anderson presented the advisory opinion request for Mark Myers.
- Mr. Dosik appeared in person to answer any questions the Commission or its counsel might have regarding the opinion request and staff's proposed answer.

Commissioner Ballenger moved to approve advisory opinion AO-08-POFD (Myers).

Commissioner Dean seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

Advisory Opinion Request, AO-09-09-POFD (Aspelund) [15]

- Mr. Anderson presented the advisory opinion request for Sue Aspelund.
- Mr. Dosik appeared in person to answer any questions the Commission or its counsel might have regarding the opinion request and staff's proposed answer.

Commissioner Ballenger moved to approve advisory opinion AO-09-POFD (Aspelund).

Commissioner Dean seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

OFF RECORD 2:44 p.m

BREAK

ON RECORD 2:50 p.m

Unfinished Business

The commission discussed procedures for addressing the allegations and concerns brought before them during April 23rd public testimony by Andree McCleod, Paul Kendall and Philip Isley.

HEARING AGENDA

09-01-CD Pebble Limited Partnership, Pebble Mines Corp., Resource Development Council v. Renewable Resources Coalition, Inc., Alaskans for Clean Water, Inc., Americans for Job Security, and Robert Gillam

Chair Hickerson asked individuals who would be participating in case number 08-14-CD to introduce themselves.

- Tim Petumenos and Chuck Dunnagan appeared in person as the Americans for Job Security representative in this complaint and gave an oral statement.
- Scott Kendall, Attorney for Renewable Resources Coalition Inc., Alaskans For Clean Water Inc., and Robert Gillam was present in person in this complaint.
- Tim McKeever, Attorney for Renewable Resources Coalition Inc., Alaskans For Clean Water Inc., and Robert Gillam participated telephonically and made an oral statement.
- Tom Dosik, Assistant Attorney General, appeared in person on behalf of the staff and to answer any questions the Commission or its counsel might have regarding the complaint.

OFF RECORD 3:50 p.m

Break

ON RECORD 4:07 p.m

The commission considered the request to extend the statutory deadlines, and to consider waiving the deadline.

During the discussion, the commission decided to appoint a hearing officer from the Office of Administrative Hearings to address matters presented to the Commission through the hearing.

Chair Hickerson requested that the staff report be available by June 2, 2009. The hearing would be tentatively held on June 15th and 16th and part of the 17th, if necessary.

OFF RECORD 4:10 p.m

Break

ON RECORD 4:15 p.m

The Commission proceeded to the next item on the agenda.

Commissioner Ballenger made a motion to go into executive session to discuss personnel matters. Executive Director Holly R. Hill was requested to join the Commission.

Commissioner Frederick seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

OFF RECORD 4:16 p.m

Executive Session

ON RECORD 4:55 p.m

The commission came out of Executive Session to ascertain if participants in 08-16-CD had provided further information about their availability for future hearing dates. Staff had received no further information from the 08-16-CD participants. The Commission returned to Executive Session to continue discussing personnel matters.

OFF RECORD 5:00 p.m

Continuation of Executive Session

ON RECORD 5:24 p.m

The commission came out of the Executive Session.

Commissioner Dean moved to adjourn.

Commissioner Frederick seconded the motion.

The Commission voted 4 to 0 in favor of the motion.

OFF RECORD 5:25 p.m