

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION HEARING  
NOVEMBER 17-19, 2010

A regular hearing of the Alaska Public Offices Commission came to order at 9:10 a.m. on Friday, November 19, 2010. The hearing was held at the Anchorage APOC 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 binders. Asterisks \* indicate that no information was included in the meeting binders.

**In Attendance:**

**Commission:**

Elizabeth Hickerson - Chair  
Kathleen Frederick – Vice Chair  
Shirley Dean – Commissioner  
Kathleen (Kate) Ballenger - Commissioner  
Kathleen King – Commissioner

**Staff:**

Holly R. Hill - Executive Director  
Jerry Anderson – Assistant Director  
Patricia Ware – Project Coordinator, Juneau Office (Telephonically)  
Barbara Dreyer – Associate Attorney II  
Amy H. Robinson – Associate Attorney II  
Kim Wilson – Associate Attorney I  
Vullnet Greva – Paralegal II  
Heather Hebdon – Paralegal I  
Maria Bulfa – Law Office Assistant II

**Attendees:**

John Ptacin – Assistant Attorney General, Dept. of Law  
Bill Milks – Assistant Attorney General, Dept. of Law  
Scott Kendall – Attorney for Alaska Wild Salmon Protection, Inc. (AWSP, Respondent)  
John Pratt – Observer  
Nancy Manley - Legislative Aide, on behalf of Representative Bob Lynn (Telephonically)  
Deborah Brollini – Complainant, 10-17-CD, Alaska Energy 1<sup>st</sup> v. Rep. Lynn  
Linda Kellen Beigel – Complainant, 10-19, 20, 21, 22, 23-CD, Consolidated Cases  
Tom Dosik – Assistant Attorney General, Dept. of Law (Telephonically)  
Tom Morphet – Editor, Chilkat Valley News (Telephonically)

Leslie Evenden – Advertising Agent, Chilkat Valley News  
(Telephonically)  
Aisha Tinker Bray – Attorney for Lake and Peninsula Borough  
(Telephonically)  
Brittany Sebastian - Observer  
Julie Germain - Observer  
Kathryn Buso – Observer  
Elizabeth Heeslee – Observer  
Gary Durr – Observer  
Mellissa Herring – Observer  
Gay Smith - Observer

**ON RECORD 9:10 a.m.**

Chair Hickerson called the hearing to order.

**Truth about Pebble v. Alaska Wild Salmon Protection, Inc. (AWSP) 10-04-CD [14]**

The Alaska Public Offices Commission held a hearing on the complaint. Ms. Robinson and Mr. Ptacin presented the staff report.

Mr. Kendall appeared in person and gave a brief statement.

**OFF RECORD 9:28 a.m.**

**Deliberation**

**ON RECORD 10:47 a.m.**

The Commission finds that Alaska Wild Salmon Protection, Inc. did not violate the campaign reporting statutes. The Commission announced that a written order will follow.

**Alaska Energy 1<sup>st</sup> v. Representative Bob Lynn 10-17-CD [15]**

The Alaska Public Offices Commission held a hearing on the complaint. Ms. Robinson and Mr. Ptacin presented the staff report.

Ms. Brollini appeared in person and gave a brief statement.

**OFF RECORD 11:00 a.m.**

**Deliberation**

**ON RECORD 11:43 a.m.**

**The Commission came out of deliberation and proceeded to the next item on the Agenda**

**McLeod v. Parnell for Governor 10-XXX-CD [18]**

The Alaska Public Offices Commission held a review of the staff rejection of the complaint. Ms. Hill presented the staff reasons for rejection.

Ms. Mcleod appeared telephonically and gave a statement.

**The Commission announced they will take this matter under advisement. A written order will follow.**

**OFF RECORD 12:03 p.m.**

**Deliberation/Lunch**

**ON RECORD 1:30 p.m.**

**Consolidated Cases [17]**

**Kellen v. Rep. Bill Thomas 10-19-CD**

**Kellen v. Joyce Thomas 10-20-CD**

**Kellen v. Doug Olerud 10-21-CD**

**Kellen v. James Studley 10-22-CD**

**Kellen v. Gregg Richmond 10-23-CD**

**Commissioner Frederick told the Commission she had dealt with Mr. Studley in real estate properties eleven years ago in Haines, Alaska. In addition, two or three years ago Commissioner Frederick sold her real estate property in Haines and Haines Realtor was the real-estate agent for that sale. She did not know that Mr. Studley was part owner of the Haines real estate company until she read the staff report for this case. Commissioner Frederick stated she thought she could make a decision in this matter without any bias. There was no objection to Commissioner Frederick's participation in this case by the Commission or either of the parties.**

Linda Kellen Biegel appeared in person and presented her statement.

Mr. Anderson presented the staff report and findings.

Mr. Dosik appeared telephonically.

**The Commission will take a short recess to consult with the Commission attorney.**

**OFF RECORD 2:05 p.m.**

**Recess**

**ON RECORD 2:14 p.m.**

**Tom Morphet and Leslie Evenden appeared telephonically, were sworn-in and testified at the Commission's request.**

**The Commission announced they will take this matter under advisement. A written order will follow.**

**Lake and Peninsula Borough v. George Jacko, Jr. 10-XXX-CD [19]**

The Alaska Public Offices Commission held a review of the staff rejection of the complaint. Mr. Anderson and Mr. Ptacin presented the staff reasons for rejecting the complaint.

Ms. Tinker Bray appeared telephonically and gave a statement.

**The Commission will take this matter under advisement and a written order will follow.**

**Lake and Peninsula Borough v. Robert B. “Bob” Gillam 10-XX-CD [20]**

The Alaska Public Offices Commission held a review of the staff rejection of the complaint. Mr. Anderson presented the staff reasons for rejecting the complaint.

Mr. Kendall appeared in person and gave a statement.

Ms. Tinker Bray appeared telephonically and gave a statement.

**The Commission will take this matter under advisement and a written order will follow.**

**Advisory Opinion Request, AO 10-36-CD, Prosperity Alaska [6]**

Staff presented the additional information requested by the Commission from the November 18<sup>th</sup> Commission meeting and staff’s proposed response to the advisory opinion request.

**Commissioner King made a motion to accept staff recommendation.  
Commissioner Ballenger seconded the motion.**

During the discussion, the Commissioners rejected the staff’s proposed response to the advisory opinion request by Prosperity Alaska, because there was not sufficient information to make a determination. The Commission could not determine whether Prosperity Alaska is or is not a group at this time.

**The Commission voted 0-5. Motion failed. Advisory Opinion 10-36-CD Prosperity Alaska was not approved.**

**Chair Hickerson announced the Commission will deliberate several matters and will not be back on the public record.**

**Adjourn**

**OFF RECORD 3:40 p.m.**