

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

APOC STAFF,)
)
 Complainant,)
)
 vs.) Case No. 15-02-CD
)
 CHARLOTTE BROWER,)
)
 Respondent.)
 _____)

FINAL ORDER

Complainant APOC staff alleges that North Slope Borough Mayor Charlotte Brower’s campaign 1) failed to file its 105 Day Report due January 20, 2105; 2) filed disclosure reports with material omissions including contributor addresses, occupation and employer information, vendor names and addresses, and purposes of expenditures; 3) failed to accurately report all of its financial activity; 4) disclosed three over-the-limit cash contributions that were not returned; 5) disclosed reimbursements totaling \$849.93 to an individual who was not registered as either the treasurer or deputy treasurer; and 6) failed to provide any records to substantiate contributions received and expenditures made. The APOC staff conducted an investigation and prepared a report recommending that Mayor Brower be penalized for these substantial and ongoing violations.

On September 16, 2015, this matter came before the Commission. APOC staff presented testimony in support of their complaint. Mayor Brower was represented telephonically by her campaign treasurer, Eugene Brower. Mr. Brower admitted the

violations asserted in the Complaint and acknowledged that the campaign has not yet remedied its numerous violations. Mr. Brower testified that the campaign would work with staff to bring its disclosures into compliance.

Based on the evidence presented by staff and the admissions of the Brower campaign, the Commission finds:

- 1) Mayor Brower failed to fulfill the filing requirements under AS 15.13.110(a)(3). Brower did not file her 105 Day Report which would disclose all activity leading into the election through the closeout of the campaign after the election.
- 2) Mayor Brower filed disclosure reports with material omissions in violation of AS 15.13.040(a)(1). Mayor Brower failed to include necessary information in her disclosures including contributor addresses, occupation and employer information, vendor names and addresses, and purposes of expenditures. Additionally, Mayor Brower failed to disclose \$5,535.81 in campaign contributions, and disclosed \$13,915.36 in expenditures that either were not made through the campaign's bank account or that were erroneously over-reported.
- 3) Mayor Brower accepted and failed to return prohibited cash contributions in violation of AS 15.13.072(b), AS 15.13.114(a), and 2 AAC 50.266(a). Mayor Brower accepted three cash contributions in excess of \$100, and then failed to return those prohibited contributions.
- 4) Mayor Brower failed to register authorized makers of expenditures in violation of AS 15.13.086. Campaign expenditures may only be made by the candidate,

treasurer, and deputy treasurers pursuant to AS 15.13.086. Candidates must designate their treasurer and any deputy treasurers pursuant to AS 15.13.060. Mayor Brower made reimbursements totaling \$849.93 to Crystal Tulai who was not registered as either the treasurer or a deputy treasurer. Expenditures made by Tulai on behalf of the campaign violated AS 15.13.086.

5) Mayor Brower failed to provide records substantiating her campaign's financial activity as required by AS 15.13.045 and 15.13.111. Mayor Brower not only ignored multiple requests by APOC staff for these records, but failed to comply with a subpoena issued by the Commission for her campaign records.

The maximum possible civil penalty in this case is \$172,300. Staff recommended a 90% reduction of this fine, but also noted that "failure to cooperate is an aggravating factor that could be used to support imposing the maximum penalty." The Commission agrees that Mayor Brower's glaring lack of cooperation warrants a greater fine than recommended by staff. These egregious violations remain uncorrected, presenting the Commission with extraordinary circumstances. For these reasons, a civil penalty of \$34,460 is assessed. This is an 80% reduction of the maximum civil penalty, which reflects the 90% reduction recommended by staff, less 10% for the aggravating factor of failure to cooperate. In addition, Mayor Brower is ordered to return \$340 to the contributors who made excess cash contributions. Mayor Brower will also reimburse APOC staff \$510 for the costs of their investigation; most of these costs could have been avoided had Mayor Brower cooperated with APOC staff.

This is a final Commission order. It may be appealed to superior court within 30 days from the date of this order under AS 44.62. A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed pursuant to 2 AAC 50.891(g).

Dated: September 24, 2015.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION¹

¹ Commissioners Irene Catalone, Ronald King, Kenneth Kirk, and Mark Fish participated in this matter. The decision was made on a 4-0 vote.

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

APOC Staff,

Complainant

vs.

Charlotte Brower,

Respondent

Case No. 15-02-CD

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the Final Commission Order to be delivered as indicated to the following:

Charlotte Brower 4455 North Star Street Barrow, AK 99723	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail
Charlotte Brower P.O. Box 492 Barrow, AK 99723 trail50@gci.net eugenebrower@gci.net	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Mail

Michael F. Schwahn

9-25-2015

Signed
Alaska Public Offices Commission

Date