



Alaska Public Offices Commission



COMPLAINT

FILING A COMPLAINT <i>To be accepted, complaint must include</i>	APOC LAWS ALLEGEDLY VIOLATED <i>Specify section of law or regulation</i>	<i>APOC case name/number/date</i>								
<ol style="list-style-type: none"> 1. Complainant's name + contact info 2. Respondent's name + contact info 3. Laws, regulations allegedly violated 4. Description of allegations 5. Basis of knowledge of alleged facts 6. Documentation to support allegations 7. Notarized signature of the complainant 8. Proof that complaint <i>and</i> all supporting documents were served on respondent 	<table border="1"> <tr> <td>Campaign Disclosure Law</td> <td><input type="checkbox"/> AS 15.13 <input type="checkbox"/> 2 AAC 50.250-405</td> </tr> <tr> <td>Public Official Financial Disclosure</td> <td><input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.010-200</td> </tr> <tr> <td>Legislative Financial Disclosure</td> <td><input checked="" type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.705-890</td> </tr> <tr> <td>Lobbying Regulation</td> <td><input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.505-545</td> </tr> </table>	Campaign Disclosure Law	<input type="checkbox"/> AS 15.13 <input type="checkbox"/> 2 AAC 50.250-405	Public Official Financial Disclosure	<input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.010-200	Legislative Financial Disclosure	<input checked="" type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.705-890	Lobbying Regulation	<input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.505-545	15-08-LFD
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Lobbying Regulation	<input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.505-545									

If complaint meets requirements for acceptance, APOC will investigate the allegations and notify the respondent of the right to respond. APOC will notify Complainant and Respondent when APOC accepts or rejects a complaint.

<input checked="" type="checkbox"/> APOC <input type="checkbox"/> Person <input type="checkbox"/> Party <input type="checkbox"/> Group	COMPLAINANT	RESPONDENT <i>Person or group allegedly violating law</i>	
	APOC Staff	<input checked="" type="checkbox"/> Person	Senator Lesil McGuire
Address City / Zip	2221 E. Northern Lights Blvd., Rm. 128 Anchorage, AK 99508	<input type="checkbox"/> Party	2022 Kimberly Lyn Circle Anchorage, AK 99515
Phone/Fax	(907) 276-4176 / (907) 276-7018	<input type="checkbox"/> Group	(907) 351-8060
E-mail	apoc@alaska.gov		lesilmcguire@yahoo.com

COMPLAINANT'S REPRESENTATIVE**RESPONDENT'S REPRESENTATIVE**

If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info

Name/Title	Mary Lynn Macsalka , Assistant Attorney General
Address	1031 W. 4 th Avenue, Suite 200 Anchorage, AK 99501
Phone/Fax	(907) 269-5100
E-mail	MaryLynn.Macsalka@alaska.gov

DESCRIPTION or SUMMARY of ALLEGED VIOLATION

Violation of AS 24.60.200. Senator McGuire has not filed a complete LFD to date as the information regarding her spouse has not been provided and no good faith effort to obtain that information has been made. 2 AAC 50.680, 2 AAC 50.690

Use extra pages if needed

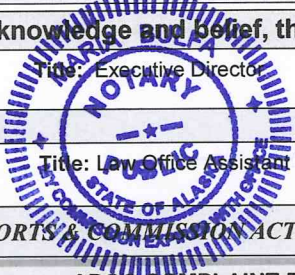
 SUPPORTING DOCUMENTS – DESCRIBE:

1. Complaint Memorandum with accompanying exhibits.

PROOF of SERVICE ATTACHED: Fax – receipt confirmation Certified mail – signed receipt
 Process server – return of service E-mail – delivery/read receipt Other:

COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true

Signature:	Title: Executive Director	Date: 10-7-15
Subscribed and sworn to or affirmed by me at Anchorage, Alaska		Date:
Signature:	Title: Law Office Assistant	Date: 10.7.15



APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS

APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESS: 2 AAC 50.870 - 895	
2221 E. NORTHERN LIGHTS #128	240 MAIN STREET #500	FILING COMPLAINTS : 2AAC 50.870	ANSWERING COMPLAINTS: 2AAC 50.880
ANCHORAGE, AK 99508	P.O. BOX 110222	APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.870	
907-276-4176 / FAX 907-276-7018	JUNEAU, AK 99811	INVESTIGATIONS & HEARINGS: 2 AAC 50.875 – 891	
TOLL-FREE 800-478-4176	465-4864 / FAX 465-4832	RULES for REQUESTING EXPEDITED CONSIDERATION: AS15.13.380(c)	
WEB: http://doa.alaska.gov/apoc/	APOC FORMS: http://doa.alaska.gov/apoc/forms_all.html	APOC LAWS: http://doa.alaska.gov/apoc/apoclaws.html	



TO: APOC Commissioners
DATE: October 7, 2015
FROM: Paul Dauphinais, Executive Director, Public Official Financial Disclosure Coordinator
RE: Senator Lesil McGuire's Violations of AS 24.60, Legislative Financial Disclosure Law

I. BACKGROUND

Senator Lesil McGuire is an incumbent state senator who is required to file a Legislative Financial Disclosure (LFD) under AS 24.60. A routine audit of Senator McGuire's 2015 filing showed that she did not disclose information regarding her spouse's income or business interests. She neither requested an exemption from filing this information nor filed evidence of a good faith effort to obtain the information.

Staff notified Senator McGuire of the missing information multiple times after the close of the extended legislative session and requested corrective action with no results. Staff now files this complaint and believes the facts will show a violation of Legislative Financial Disclosure law.

II. SUMMARY OF ALLEGED VIOLATION

A. Failure to File a Complete and Accurate Annual Financial Disclosure

Senator McGuire failed to meet her reporting obligations. Senator McGuire filed her annual LFD on March 13, 2015. While Senator McGuire met the filing deadline of March 16, 2015 she failed to file a complete report by not reporting income, interests (business, beneficial, or property), or any loans and debts of her spouse. She did report a permanent fund dividend for her spouse and children.¹ She did not request an exemption from reporting this information and did not provide evidence of a good faith effort to obtain the information from her spouse.²

Senator McGuire reported on her 2015 LFD that her spouse is Jason Skala. Mr. Skala is an attorney practicing in Anchorage, Alaska. Legislators are required to provide information concerning income received by themselves, their spouse or domestic partner, dependent children, and non-dependent children living with them if the income is in excess of \$1,000 from a single

¹ Exhibit 1, Senator McGuire's 2015 LFD.

² Exhibit 2, 2 AAC 50.775, process to request an exemption from specific reporting requirements; 2 AAC 50.690, good faith effort requirements

source during the calendar year. For that income the amount, the name and address of the source and recipient, how the income was earned, the dates and approximate number of hours worked to earn the income, and a description sufficient to make clear to a person of ordinary understanding the nature of the service performed is required.³

APOC staff took notice of this discrepancy during a routine audit conducted on April 4, 2015. However, because of Legislative Immunity, staff did not contact Senator McGuire until after the end of the extended legislative session which ended June 11, 2015.⁴ Staff has contacted Senator McGuire on multiple occasions after the extended legislative session and has made her aware of the situation and the need to amend her report.

To date Sentaor McGuire has not amended or otherwise remedied the lack of information of her 2015 annual LFD.

³ AS 24.60.200

⁴ AS 24.40.010 notes immunities. Specifically, “A legislator may not be held to answer before any other tribunal for any statement made in the exercise of legislative duties while the legislature is in session. A member attending, going to, or returning from legislative sessions is not subject to civil process and is privileged from arrest except for felony or breach of the peace. The immunities provided in this section extend to a legislator attending, going to, or returning from a meeting of an interim standing or special committee of the legislature of which the legislator is a member. For the purposes of going to and returning from a session or meeting, the immunities provided extend to a legislator for a period of five days immediately preceding and following the legislator's attendance at the session or meeting.”

Please fax receipt
after signature.

907)276-7918



Elite Courier Services

Admin: 569-4440

Rush-Line: 440-4440

Firm: Alaska Public Offices Commission

Contact: (907) 276-4176

Phone: Michael Schwahn A.M. / P.M.

Reference Numbers:

Rush

Initiated: 10-7

By: [Signature]

XPRS

Completed: 10/07/15

By: [Signature]

Time: 9:40

ARRIVED

10-7-2015

APOC - ANCH
PM HC FAX ELE

Instructions:

Please Deliver to:
Legislative Information Office
716 W. 4th Ave, #200
Anchorage, AK, 99501

Received:

Jodi JACQUES

POFD FORM

COMPLETED

Submission Date: **03/13/2015**

FILER INFORMATION

First Name: **LESIL**
 Last Name: **MCGUIRE**
 Address: **2022 Kimberly Lyn Circle**
 City, State Zip: **Anchorage, Alaska 99515**
 Contact Phone: **9073518060**
 Alternate Phone: **Nothing to Report**
 Fax (Optional): **Nothing to Report**
 Email: **lesilmcguire@yahoo.com**
 Partner Type: **Spouse**
 Spouse/Domestic Partner Name: **Jason Skala**
 Dependent Children: **2**
 Non-Dependent Children: **0**
 Names of Non-Dependent Children living with filer:

PURPOSE OF FILING

Report Year: **2015**
 Report Dates: From **01/01/2014** Through **12/31/2014**
 Filing As: **Office Holder**
 Branch: **Legislative**
 Position: **Senator**
 Report Type: **Annual**

INCOME

Owner	Type	Detail	Description	Amount
Filer	Salaried	State of Alaska State Capitol Room 121 Juneau, Alaska 99801 Full-time From: 01/01/2014 Through 12/31/2014 Time Worked:	State Senator	\$50,000 - \$100,000
Filer	Dividend or Interest	Permanent Fund Dividend		\$1,000 - \$2,000
Spouse	Dividend or Interest	Permanent Fund Dividend		\$1,000 - \$2,000
Child	Dividend or Interest	Permanent Fund Dividend		\$1,000 - \$2,000
Child	Dividend or Interest	Permanent Fund Dividend		\$1,000 - \$2,000

INTERESTS

Owner	Type	Detail	Description	Interest
Filer	Business	Business Name: Brain Injury Network 801 B Street Anchorage, Alaska 99518	Board Member	Position / Type: Non-Profit/Board Member
Filer	Business	Business Name: Pacific Northwest Economic Region (PNWER) World Trade Center West 2200 Alaskan Way Suite 460 Seattle, Washington 98121	Past President/Promoting economic development in the Pacific Northwest	Position / Type: Non-Profit/Past President
Filer	Business	Business Name: Special Olympics of Alaska 3200 Mountain View Drive Anchorage, Alaska 99501	Board of Directors/Advocate for Alaskan Athletes	Position / Type: Non-Profit/Board of Directors
Filer	Real Property	2022 Kimberly Lyn Circle Anchorage, Alaska 99515	Ownership Interest: Home owner	
Filer	Beneficial	Managed By: State Retirement PERS	Diversified	Ownership: 100%
Filer	Beneficial	Managed By: Smith Barney	Bright Start College Savings Smith and Barney Mutual Funds Class A Funds	Ownership: 100%

LOANS AND DEBTS

Owner	Type	Name
Filer Address: 2022 Kimberly Lyn Circle Anchorage, Alaska 99515	Lender Original Loan Amount: \$209,000.00 Balance Amount: \$157,000.00 Interest Rate: 4.625%	Wells Fargo Mortgage

LEASES

Owner	Type of Lease	Lease/Contract ID	Interest	Status	Description
No Leases / Nothing to Report					

CLOSE ECONOMIC ASSOCIATIONS

Person Disclosing Association	Associated Person	Description
No Associations / Nothing to Report		

LOBBYIST PARTNER EMPLOYERS

Name	Address	Compensation
No Lobbyist Partner Employers / Nothing to Report		



2 AAC 50.690. Good faith effort to obtain information

In a disclosure statement required by [AS 24.60.200](#) or [AS 39.50.020](#) , a legislative branch filer, public official, or candidate shall report the information that the legislative branch filer, public official, or candidate knows after making a good faith effort to ascertain the information. A good faith effort includes a written request to each family member of the legislative branch filer, public official, or candidate, or to the person in charge of a business in which the legislative branch filer, public official, candidate, or family member of the legislative branch filer, public official, or candidate held an interest in the reporting period

(1) asking for the information required under [AS 39.50.030](#) and 2 AAC [50.680](#) - 2 AAC [50.740](#); and

(2) informing the recipient of the written request that the legislative branch filer, public official, or candidate

(A) is required to provide the information under oath and penalty of perjury; and

(B) may be subject to the penalties or other remedies set out in the applicable provisions of [AS 24.60.240](#) - 24.60.260, [AS 39.50.060](#) - 39.50.080, 39.50.110, 39.50.130, or 39.50.135 for failure to provide the information.

History: Eff. 12/22/2011, Register 200

Authority: [AS 15.13.030](#) [AS 24.60.200](#) [AS 24.60.220](#) [AS 39.50.020](#) [AS 39.50.030](#) [AS 39.50.050](#)

2 AAC 50.775. Exemption from reporting sources of income

(a) A legislative branch filer, public official, or candidate required under [AS 24.50.200](#) or [AS 39.50.020](#) to file a disclosure statement may, for any reason set out in this section, request an exemption from the requirement to report the name of an individual who was a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#). An exemption request must comply with 2 AAC [50.821](#). The person requesting any exemption has the burden of proving each fact necessary to show that an exemption available under this section is applicable.

(b) A legislative branch filer, public official, or candidate may request an exemption from the requirement to report the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#) regarding an individual who received

(1) mental health services provided by a mental health practitioner including a psychiatrist, psychologist, or therapist;

(2) medical services and the source of income was

(A) an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness;

(B) a minor who received medical services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(C) a married individual who received medical services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety, or embarrassment from publication of the individual's name as a source of income; or

(D) an individual who received medical services of any nature if at least 67 percent of the patients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) - (C) of this paragraph; or

(3) legal services provided by an attorney and the source of income was

(A) a minor who received legal services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(B) a married individual who received legal services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety, or embarrassment from publication of the individual's name as a source of income;

(C) an individual who received legal services of any nature if at least 67 percent of the clients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) or (B) of this paragraph.

(c) A legislative branch filer, public official, or candidate may request an exemption if

(1) the legislative branch filer, public official, or candidate is prohibited by law or court-ordered settlement from reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#);

(2) the legislative branch filer, public official or candidate believes reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#), would violate rights of the source under state or federal statutes or constitutions;

(3) the legislative branch filer, public official, or candidate believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d - 1320d-9 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).

(d) A legislative branch filer, public official, or candidate may request a personal security exemption from reporting the name of a minor that is a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#) that exposes the public official, candidate, or a family member to a personal security threat.

(e) A legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#) if a state or federal law or court order requires the name of the source or the other information to be kept confidential.

(f) Notwithstanding any other provision of this section, a legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required under [AS 39.50.030](#) or 2 AAC [50.680](#) - 2 AAC [50.740](#), if the public official or candidate demonstrates that the right to privacy of the information outweighs the compelling state interest in disclosing the information.

History: Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200

Authority: [AS 15.13.030](#) [AS 24.60.200](#) [AS 24.60.220](#) [AS 24.60.230](#) [AS 39.50.020](#) [AS 39.50.030](#) [AS 39.50.035](#) [AS 39.50.050](#)

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKA PUBLIC OFFICES
 COMMISSION, APOC
 Complainant

vs.

SENATOR LESIL MCGUIRE
 Respondent

Case No.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the Complaint and Supporting Documents and this Certificate of Service to be delivered as indicated to the following:

Senator Lesil McGuire 2022 Kimberly Lyn Circle Anchorage, AK 99515 lesilmcguire@yahoo.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Return Receipt Requested
Senator Lesil McGuire 716 W. 4 th Ave #200 Anchorage, AK 99501	<input checked="" type="checkbox"/> Courier

RR: 9171-9690-0935-0096-9834-44

Maria Bulfa

10/7/2015

Signed

Date

Law Office Assistant
 Alaska Public Offices Commission