

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

WALKER MALLOTT FOR ALASKA,	)	
	)	
Complainant,	)	
	)	
v.	)	APOC Case No. 18-11-CD
	)	
FAMILIES FOR	)	
ALASKA’S FUTURE - DUNLEAVY,	)	
	)	
Respondent.	)	
_____	)	

FINAL ORDER

In an October 5, 2018 order, the Commission found that Families for Alaska’s Future – Dunleavy (FFAF) violated AS 15.13.050(a) by reserving advertising time on Alaska TV stations in April 2018 before it registered with the Commission, and also violated AS 15.13.040 by failing to file accurate independent expenditure reports because it did not report reserving advertising slots nor did it report receiving reserved advertising slots transferred to it by the Republican Governors Association (RGA). The Commission ordered FFAF to cure its violation of AS 15.13.040 “by filing independent expenditure reports that document contributions and expenditures related to advertising reservations.”

In the same order, the Commission also found that the RGA committed related violations, and the RGA has appealed to the superior court. The superior court has issued a stay of further Commission proceedings about the RGA’s violations pending the outcome of that appeal. But FFAF has not appealed, and the superior court’s stay does not apply to FFAF. The Commission has denied FFAF’s request for a stay pending the outcome of the RGA’s appeal, and will now consider the penalty for FFAF’s violations.

The Commission's October 5, 2018 order assessed a total civil penalty of \$4,450 against FFAF for its violations, reduced from the maximum penalty by 50 percent due to FFAF's status as an inexperienced filer.<sup>1</sup> Because AS 15.13.390(a) requires the Commission to accept an affidavit stating facts in mitigation before assessing a final penalty, the Commission retained jurisdiction to consider further adjusting the penalty at its next regular meeting. FFAF timely submitted an affidavit stating facts in mitigation.

The Commission's staff considered the affidavit but recommended against further reducing the assessed penalty of \$4,450. Staff observed that FFAF still has not made any effort to comply with the Commission's order requiring it to file independent expenditure reports that document contributions and expenditures related to advertising reservations. Staff considered this an aggravating factor precluding further penalty mitigation.

The Commission considered the matter at its regular meeting on January 24, 2019. The Commission accepts its staff's recommendation not to further reduce the penalty and assesses a total civil penalty of \$4,450 against FFAF for its violations.

This is a final Commission order. It may be appealed to superior court within 30 days from the date of this order.<sup>2</sup> A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.<sup>3</sup>

Dated: February 4, 2019.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION<sup>4</sup>

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<sup>1</sup> 2 AAC 50.865(a)(1)(B).

<sup>2</sup> AS 44.62.

<sup>3</sup> 2 AAC 50.891(g).

<sup>4</sup> Commissioners Anne Helzer, Irene Catalone, Robert Clift, Jim McDermott, and Richard Stillie participated in this matter. The decision was made on a 5-0 vote.

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Respondent.

Case No. 18-11-CD

**CERTIFICATE OF SERVICE**

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

<b>Stacey C. Stone</b> Holmes Weddle & Barcott, PC 701 West Eighth Avenue, Suite 700 Anchorage, Alaska 99501-3408 <a href="mailto:sstone@hwb-law.com">sstone@hwb-law.com</a>	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
<b>Paula DeLaiarro</b> c/o Ship Creek Group LLC 721 W 1 <sup>st</sup> Ave, Suite 100 Anchorage, AK 99501 <a href="mailto:p.delaiarro@shipcreekgroup.com">p.delaiarro@shipcreekgroup.com</a>	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail



Signature

2/4/2019

Date

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