

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

TODD SMITH,)
)
 Complainant,)
)
 v.) APOC Case No. 19-04-CD
)
 JOHN QUICK,)
)
 Respondent.)
 _____)

EMERGENCY CEASE-AND-DESIST ORDER

Todd Smith complains that John Quick, who is running for the Kenai Peninsula Borough Assembly, is authorizing or approving advertisements paid for by Alaska Yes, Inc., in violation of AS 15.13.135. After hearing the matter on an expedited basis, the Commission concludes that Mr. Quick’s campaign is aiding and abetting a probable violation by Alaska Yes of the disclaimer requirement.¹ The Alaska Public Offices Commission (APOC) orders Mr. Quick and his campaign to immediately cease and desist from coordinating with Alaska Yes on advertisements that state they are “not authorized, paid for or approved by any candidate” and remands the complaint to staff for further investigation.²

Mr. Smith filed his complaint against Mr. Quick on September 18, 2019, and requested expedited consideration. Since early voting is underway and the election is set

¹ The Commission does not decide whether Alaska Yes violated AS 15.13.135 because no complaint has been filed against the group.

² AS 15.13.380(d).

for October 1, the Commission granted Mr. Smith’s request on the record, concluding that the “alleged violation, if not immediately restrained, could materially affect the outcome of an election” and “could cause irreparable harm that penalties could not adequately remedy.”³ The Commission heard the matter a day later, on September 19. Mr. Smith, Mr. Quick, and Kathy Toms, who is the treasurer for Alaska Yes, testified. Attorney Stacey Stone represented Mr. Quick.

Alaska Yes’s original incorporation documents and an APOC report filed in September list Mr. Quick as a director of the entity. Mr. Quick testified that although he helped incorporate Alaska Yes, he resigned as a director and ended his involvement with the group in March. He filed his candidacy to be a Kenai Peninsula Borough assembly member in August. He testified that he had not coordinated with Alaska Yes on the advertisements and did not approve of them.

The group treasurer, Ms. Toms, testified that she had been the group treasurer for only three weeks and erroneously filed the APOC report indicating that Mr. Quick was a director because no one told her he was no longer involved. She amended the report later in September when she learned that he had resigned in March. In terms of the group’s advertisements, she explained that Alaska Yes President Peter Zuyus created the advertisements and circulated them via email for review and approval to a number of people. She stated that she, Alaska Yes directors and vice presidents Nona Safra and Wayne Ogle, and Quick’s campaign manager Paul Huber responded to the emails. The

³ AS 15.13.380(c).

advertisements state that they are paid for by Alaska Yes, approved by Ms. Toms, and “not authorized, paid for or approved by any candidate.”

After her testimony, Mr. Quick acknowledged that Mr. Huber was his campaign manager but stated that he had not acted with Mr. Quick’s consent in reviewing the Alaska Yes advertisements before they were distributed or aired.

Alaska Statute 15.13.135(b) requires that a person who makes independent expenditures for communications that support or oppose a candidate provide a disclaimer that the communication is “not authorized, paid for, or approved by the candidate.” The Commission concludes that Ms. Toms’ testimony that Mr. Quick’s campaign manager reviewed Alaska Yes’s ads before distribution establishes that the ads’ disclaimer that they “were not authorized, paid for, or approved by any candidate” is false. The ads are a probable violation by Alaska Yes of the disclaimer requirements in AS 15.13.135. (The Commission does not decide whether Alaska Yes violated AS 15.13.135 because no complaint against that group has been filed.)

Under AS 15.13.380(d), the Commission orders Mr. Quick and his campaign to immediately cease and desist from coordinating with Alaska Yes on advertisements that state they are “not authorized, paid for or approved by any candidate.” The Commission refers the complaint for further investigation by staff on a regular basis. The Commission directs staff to investigate whether Mr. Quick violated contribution-reporting requirements

by failing to report the authorized or approved advertisements as campaign contributions and to provide a recommendation on a civil penalty assessment, if any.⁴

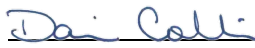
Dated: September 20, 2019.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION⁵

CERTIFICATE OF SERVICE

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

Todd Smith 2405 Watergate Way Kenai, Alaska 99611 aktodd@live.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail
John Quick P.O. Box 8263 Nikiski, AK 99635 john@empireconsulting.co	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail


Signature

9/20/2019

Date

⁴ AS 15.13.040(a) (requiring candidates to report all expenditures and contributions); AS 15.13.110 (requiring campaign disclosure reports at specified times); AS 15.13.390(a) (providing for civil penalties).

⁵ Commissioners Anne Helzer, Robert Clift, Suzanne Hancock, Van Lawrence, and Richard Stillie participated in this decision. The decision was made on a 5-0 vote.