

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

In re)
)
Mead Treadwell) CIVIL PENALTY APPEAL
_____)

FINAL ORDER

On September 18, 2019, the Commission reviewed the assessment of a civil penalty against candidate Mead Treadwell for a late-filed 24-hour report. For the following reasons, the Commission orders that Mr. Treadwell pay a reduced civil penalty of \$400.

Mr. Treadwell was required to disclose two checks, totaling \$800, within 24 hours of receipt, or on August 13, 2018, because the campaign contributions were made within nine days of the state primary election.¹ But Mr. Treadwell did not report the two contributions until the campaign disclosure report due February 15, 2019, effectively making the disclosure 186 days late.² Failure to timely make these disclosures carries a maximum civil penalty of \$500 per day until reported.³ This resulted in a maximum possible penalty of \$93,000, but the staff assessed a penalty of \$4,000.

Mr. Treadwell appealed the penalty assessment to the Commission. The treasurer and deputy treasurer from Mr. Treadwell's campaign appeared in person at the

¹ See AS 15.13.110(b). The reporting requirement in AS 15.13.110(b) is triggered only if the contribution exceeds \$250. Here, the two checks were for \$300 and \$500.

² AS 15.13.110(a), (b).

³ AS 15.13.390(a).

September 18, 2019, meeting. They explained that in the “crazy” final days of the primary, the two contributions were overlooked while all other contributions received during the nine days before the primary election were timely reported. Also, they stated that the amount of the late-reported contributions—\$800—was not significant relative to the size of the campaign. Staff recommended that the Commission reduce the assessed penalty by 90 percent to \$400 because the assessed penalty was significantly out of proportion to the harm to the public since it was more than twice the value of the late-reported contributions and no aggravating factors were present.⁴

The Commission concludes that the contributions were reported late⁵ and consequently a penalty is due.⁶ But the assessed penalty of \$4,000 is more than four times the value of the late-reported contributions—significantly out of proportion to the harm to the public of not having the information earlier. The regulation, 2 AAC 50.865(b)(5), provides that a penalty assessed at more than twice the value of late-reported contributions warrants a reduction as it is significantly out of proportion to the harm to the public. Here, even a 50 percent reduction in the assessed penalty would still exceed twice the value of the late-reported transactions (\$1,600). Consequently, the Commission accepts staff’s recommendation to reduce the assessed penalty by 90 percent and orders Mr. Treadwell to pay a penalty of \$400.⁷

⁴ See 2 AAC 50.865(b)(5).

⁵ AS 15.13.110(b).

⁶ AS 15.13.390(a).

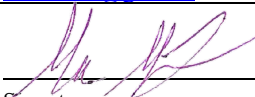
⁷ 2 AAC 50.865(b)(5).

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.⁸ A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.⁹

Dated: September 27, 2019

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION¹⁰

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Mead Treadwell 528 N. Street Anchorage, AK 99501 mead@treadwellalaska.com robinphillipsak@gmail.com c2burton@gci.net	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail



Signature

9/27/2019

Date

9171-9690-0935-0218-4235-37

⁸ AS 44.62.560, Alaska R. App. P. 602.

⁹ 2 AAC 50.891(g).

¹⁰ Commissioners Anne Helzer, Robert Clift, Suzanne Hancock, Van Lawrence, and Richard Stillie participated in this matter. The decision was made on a 4-1 vote.