



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128  
Anchorage, AK 99508-4149  
Main: 907.276.4176  
Fax: 907.276.7018  
[www.doa.alaska.gov/apoc](http://www.doa.alaska.gov/apoc)

August 6, 2021

VIA EMAIL & CERTIFIED MAIL

David Bronson  
2721 Crystal Bay Circle  
Anchorage, Alaska 99507  
[akbronson@gmail.com](mailto:akbronson@gmail.com)  
[infinitycandc@gmail.com](mailto:infinitycandc@gmail.com)

RE: Notice of Penalty Assessment – 24 Hour Anchorage Municipal Campaign Disclosure Report

Mr. Bronson:

According to our records you did not timely file a 24 Hour Report during the 2021 Anchorage Municipal Election. During the 9 days prior to an election (Mar. 28<sup>th</sup> – Apr. 5<sup>th</sup>), candidates are required to disclose contributions that exceed \$250 within 24 hours of receipt. You were required to disclose a contribution through a 24 Hour Report, no later than April 4, 2021.<sup>1</sup> Instead, this contribution was disclosed on a 7 Day Runoff Report on May 5, 2021 (31 days late).<sup>2</sup> By law a maximum penalty of \$500 accrues each day the report is late.<sup>3</sup> The maximum penalty the Alaska Public Offices Commission could assess you is **\$15,500**.<sup>4</sup>

You have a number of options in this matter:

- 1) You may pay the assessed penalty and avoid formal Commission action by sending payment by check or money order payable to the “State of Alaska” to our office at the address above; visiting our [website](#)<sup>5</sup> to make a payment by credit card; or you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter**. If you are unable to pay the entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

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<sup>1</sup> AS 15.13.110(b).

<sup>2</sup> Moises Gutierrez Jr, April 3, 2021, check, \$500. William Taylor, April 3, 2021, check, \$500.

<sup>3</sup> AS 15.13.390(a).

<sup>4</sup> 2 AAC 50.855(a).

<sup>5</sup> <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

PLEASE NOTE: credit card payments cannot be made by phone; they must be made online.

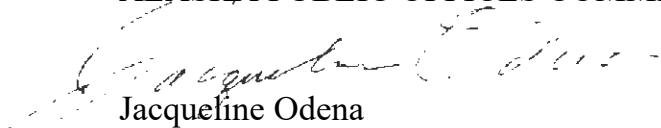
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.<sup>6</sup> **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**<sup>7</sup>

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the assessed penalty and referral to the Attorney General's Office.

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

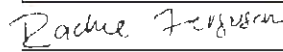
ALASKA PUBLIC OFFICES COMMISSION

  
Jacqueline Odena  
Paralegal I

Encl: Civil Penalty Appeal Affidavit  
2 AAC 50.865

cc: Candidate File (w/o enclosures)

<b>CERTIFICATE OF SERVICE:</b> I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
David Bronson 2721 Crystal Bay Circle Anchorage, Alaska 99507 <a href="mailto:akbronson@gmail.com">akbronson@gmail.com</a> <a href="mailto:infinitycandc@gmail.com">infinitycandc@gmail.com</a>	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail



08/06/2021

Signature

Date

9171-9690-0935-0265-9749-07

<sup>6</sup> AS 15.13.390(a).

<sup>7</sup> 2 AAC 50.831(a).

**Civil Penalty Appeal Affidavit**  
AS 15.13 Alaska Campaign Disclosure Law

**Name of Appellant:** \_\_\_\_\_

**Office:** \_\_\_\_\_

**Penalty issued in connection with** (check box or boxes):

- |                                                     |                                         |                                                     |
|-----------------------------------------------------|-----------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Previous Year Start Report | <input type="checkbox"/> 7 Day Report   | <input type="checkbox"/> Year End Report            |
| <input type="checkbox"/> Year Start Report          | <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Future Campaign Account    |
| <input type="checkbox"/> 30 Day Report              | <input type="checkbox"/> 105 Day Report | <input type="checkbox"/> Public Office Expense Term |
| <input type="checkbox"/> Other: _____               |                                         |                                                     |

**Specify year & election**, if late report (e.g. 04 Primary, 03 Muni, etc.): \_\_\_\_\_

**Instructions:** If you send payment, you need not file this form. An affidavit is required only if you are appealing the civil penalty assessment. An affidavit must be self-certified or notarized by any person authorized to administer oaths.

**Statement:**

I do hereby swear and affirm that this statement of facts is offered in mitigation of the civil penalty issued in connection with a violation of the AS 15.13, the Alaska Campaign Disclosure Law.

**State the reasons why the reporting violation occurred and any reasons why the civil penalty should not be assessed:**

**Certification:**

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

**Signed/Date:** \_\_\_\_\_

## **2 AAC 50.865. Mitigating Factors; Aggravating Factors**

(a) A civil penalty determined under 2 AAC 50.855 may be reduced by up to 50 percent if

(1) a person required to file a statement or other filing

(A) has a good filing history; in this subparagraph, "good filing history" means

(i) no late filings in the immediately preceding five years; and

(ii) for groups, no more than \$500 in non-administrative activity shown on the group's overdue report; or

(B) is an inexperienced filer; in this subparagraph, "inexperienced filer" means a person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days, or a person engaged in the person's first election cycle;

(2) a technical error at the commission, including a communication, facsimile machine, computer program, electronic filing system, or other equipment problem may have contributed to the late or incomplete filing;

(3) any unreported or mistakenly reported information had a value of \$100 or less; or

(4) any unreported or mistakenly reported information had a value higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies.

(b) A civil penalty determined under 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, or waived entirely based on the following factors:

(1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing on or before the due date; this mitigating factor is only available to a natural person;

(2) a significant cause of the late filing is commission staff error, including

(A) furnishing reporting materials too late for filing on or before the due date;

(B) giving incorrect oral or written information to a person required to submit a statement or other filing; or

(C) failing to deliver required notices when due;

(3) a late or erroneous report included only administrative costs;

(4) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if

(A) the dollar amount missing from a form or disclosure is \$100 or less;

(B) the dollar amount for the information missing from a form or disclosure is more than \$100 but no more than \$1,000, and the person required to file self-reported the error; for purposes of this subparagraph, the error is self-reported if the person notified the staff of the error, but filing the late or missing information without notifying the staff does not constitute self-reporting; or

(C) the missing or incomplete information is readily available to the public through another forum;

(5) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; for purposes of this paragraph, absent the presence of aggravating factors in (d) of this section, an assessed penalty is significantly out of proportion if it exceeds the value of the transactions that were not reported or were reported late, or, in the case of seven-day or 24-hour reports, exceeds twice the value of the transactions that were not reported or were reported late; or

(6) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept any of the following as mitigating factors to reduce the amount of a penalty:

(1) relying on another person or mailroom to mail, postmark, or submit the statement on or before a due date;

(2) forgetting to file;

(3) being a volunteer;

(4) having no change in reportable information from previous filed statements;

(5) relying on the responsible person's staff to remind the person of the filing deadline or to complete or file the report;

(6) being too busy to file;

(7) absence caused by travel, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather-related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under the applicable statute if a person required to file a statement or other filing has

(1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; or

(2) a poor reporting history; indicators of a poor reporting history include any of the following:

(A) more than one late filing in the immediately preceding five years;

(B) evidence suggesting deliberate non-reporting;

(C) failure to cooperate with the staff;

(D) a violation of any provision of AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, AS 39.50, or this chapter in the preceding five years.

**History:** Eff. 12/22/2011, Register 200; am 12/21/2016, Register 220

**Authority:** AS 15.13.030; AS 24.45.141; AS 39.50.050; AS 15.13.390; AS 24.60.220; AS 39.50.135; AS 24.45.021; AS 24.60.240