



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: John Grover Whitlock

DATE: May 20, 2024

RESPONDENT: Paul Bauer

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2022 State of Alaska Primary and General Election.

LATE REPORT(S): • Campaign Disclosure Reports
☒ Future Campaign Account

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 16, 2024

NUMBER OF DAYS LATE: 1

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: March 26, 2024

MAXIMUM STATUTORY PENALTY: \$50

PENALTY ASSESSED¹: \$25

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that he has a good filing history.
2. Affiant states that the unreported information had a value of less than \$100.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

¹ 2 AAC 50.855(b)(2)(B)(i).

1. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years).² Here, Mr. Bauer has no late filings in the preceding five years; see the section below on the filer's reporting history.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed when there is no significant harm to the public for not having the information³ A report does not cause significant harm when the unreported amount has a value of \$100 or less. Here, Mr. Bauer reported no activity on a future campaign account that had a balance of \$454.00. Because there the reported value was less than \$100 there was no significant harm to the public.
3. Based on his good filing history, because there was no significant of harm to the public, staff recommends the penalty be waived.

FILER'S REPORTING HISTORY:

2022 – State Primary / State General

2023 Future Campaign Account..... Late by 1 Day (Subject of Appeal)

Year End Report..... Timely
 7 Day Report (due on 11/1)..... Timely
 30 Day Report (due on 10/10)..... Timely
 7 Day Report (due on 8/9)..... Timely
 30 Day Report (due on 7/18)..... Timely

2020 – State Primary / State General

2021 Future Campaign Account Timely
 Year End Report (due 2/15) Timely
 Year End Report (due on 2/16) Timely
 7 Day Report (due on 10/27)..... Timely
 30 Day Report (due on 10/5)..... Timely
 7 Day Report (due on 8/11)..... Timely
 30 Day Report (due on 7/20)..... Timely

² 2 AAC 50.865(a)(1)(A)(i).

³ 2 AAC 50.865(b)(4).

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$454.50
Income:	\$0.00
Expenses:	\$0.00
Debts:	\$0.00
Ending Balance:	\$454.50

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☒ No significant harm to the public and no aggravating factors.⁵ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁶ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁶ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

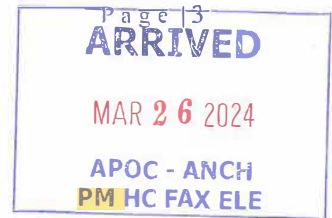
Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ____ to \$ ____**
- ☐ **Upheld at the assessed amount of \$**

⁷ Value greater than \$1000.



Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant: Paul Bauer

Office: _____

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

- | | | |
|---|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☒ Other: <u>late filing of 2023 Future Campaign Act</u> | | |

Specify year & election, if late report (e.g., 04 Primary, 03 Muni, etc.): 2022 GENERAL

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:

2 AAC 50.865 (see highlighted attached form)
a, -A, i
B-4

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: Paul A Bauer 03/23/24

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;



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

March 15, 2024

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Paul Bauer
6244 Eastwood Ct.
Anchorage, AK 99504
pbauer@alaskan.com

RE: Notice of Penalty¹
Late filing of 2023 Future Campaign Account Disclosure Report

Dear Mr. Bauer,

You are receiving this Notice of Violation because you did not timely file your 2023 Future Campaign Account Campaign Disclosure Report for the 2022 State General Election that was due on February 15, 2024. Instead, the report was filed on February 16, 2024 (1 day late). By law a maximum penalty of \$50 accrues each day the report is late.² The maximum penalty the Alaska Public Offices Commission could assess you is \$50.³

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.⁴ **Accordingly, the assessed penalty owed is \$25.00**

Additionally, please be advised:

- 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](#)⁵ 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.

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ 2 AAC 50.855(b)(2)(C)(ii).

⁵ <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.⁶ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁷

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

John Whitlock
John Grover Whitlock
Campaign Disclosure Associate

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

9171 9690 0935 0310 8332 72

CERTIFICATE OF SERVICE:

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

Paul Bauer
6244 Eastwood Ct.
Anchorage, AK 99504
pbauer@alaskan.com

☒ Certified Mail
☒ U.S. Mail
☒ Email

John Whitlock 3/15/24

Paralegal Date

⁶ 2 AAC 50.831(a).

⁷ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Paul Bauer
6244 Eastwood Ct.
Anchorage, AK 99504
pbauer@alaskan.com

Re: Commission Meeting Notice

Dear Mr. Bauer:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Future Campaign Account Disclosure Report.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

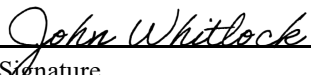
ALASKA PUBLIC OFFICES COMMISSION

John Whitlock
John Grover Whitlock
Paralegal

Encl: Proposed Findings and Order

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Paul Bauer 6244 Eastwood Ct. Anchorage, AK 99504 pbauer@alaskan.com 9489 0178 9820 3021 0601 40	☒ Certified Mail ☒ Email

	5-20-24
Signature	Date

From: [Microsoft Outlook](#)
To: pbauer@alaskan.com
Subject: Relayed: FW: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Monday, May 20, 2024 6:04:55 PM
Attachments: [FW Penalty Appeal Meeting Notice from Alaska Public Offices Commission.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
pbauer@alaskan.com (pbauer@alaskan.com) <mailto:pbauer@alaskan.com>
Subject: FW: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Dyane Chung

DATE: May 20, 2024

RESPONDENT: Simon Brown II

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate in 2020 City of Wasilla Election

LATE REPORT(S): • Campaign Disclosure Reports
☒ Future Campaign Account¹

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 29, 2024

NUMBER OF DAYS LATE: 14

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: April 11, 2024

MAXIMUM STATUTORY PENALTY: \$700

PENALTY ASSESSED²: \$700

RECOMMENDATION: Waive

AFFIANT'S STATEMENT OF MITIGATING FACTS:

1. Affiant states he ran for office in the 2023 City of Wasilla October Election and lost.
2. Affiant states he was unaware he had to file another report since he lost the election and was no longer in office.
3. Affiant states it was not an intentional violation but a lack of understanding and mistake.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

¹ Exhibit A, Future Campaign Report.

² 2 AAC 50.855(a).

1. Mr. Brown created a future campaign account with surplus funds leftover from his 2020 campaign. In 2023, he ran for local office again as an exempt candidate and used the funds from his future campaign account to pay for his campaign expenditures. Although his 2023 was exempt from reporting its activity, he still had an annual filing requirement related to his future campaign account.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely when there is a unique circumstance to justify the reduction or waiver. Here, it is reasonable to believe that based on his 2023 exempt filing status, Mr. Brown believed he had no requirement to disclose the activity of his future campaign account because it was used to pay expenses of his exempt campaign. Based on this unique circumstance, staff recommends the penalty be waived.

FILER'S REPORTING HISTORY:

2020 – City of Wasilla Election

30 Day Report..... Timely
 7 Day Report..... Timely
 105 Day Report Late (1/20/21)

2021- City of Wasilla Election

Year End Report..... Timely

2022- City of Wasilla Election

Future Campaign Account.....Timely

2023- City of Wasilla Election

Future Campaign Account..... Late by 14 Days (Subject of Appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$ 1,678.89
Income:	\$ 0.00
Expenses:	\$ 1,655.00
Debts:	\$ 0.00
Ending Balance:	\$ 23.89

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

☐ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**

- ☐ Inexperienced filer.³ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☐ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.⁴ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁵ **2 AAC 50.865(b)(5)**
- ☒ A unique circumstance. **2 AAC 50.865(b)(6)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

³ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁴ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁵ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ___ to \$___**
- ☐ **Upheld at the assessed amount of \$**

⁶

Value greater than \$1000.

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure LawName of Appellant: Simon BrownOffice Sought: Wasilla City Council (Oct 2023)

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

- | | | |
|---|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☐ Other: <u>2023 future Campaign Account Disclosure Report</u> | | |

Year & Election, if late report (e.g., 2020 Primary, 2020 Muni, etc.): 2023**Instructions:** If you send payment, you need not file this. An affidavit is required only if you are appealing the civil penalty or violation.**Statement:** State why the reporting violation occurred or why you believe it did not occur and the reasons the civil penalty should not be assessed (use additional pages if needed). I do hereby swear and affirm that:

I ran for office during the Wasilla City Council Election of October 2023. I filed an exemption, because I was not going to accept donation and planned to spend a small amount of funds left over from 2020 campaign. I did not realize I had to file another report, since I lost the election and was not in office any longer. I did not accept new donations.

I was traveling out of state for several weeks and did not check mail or email.

I am requesting the commission to consider this was not an intentional violation, but a lack of understanding and a mistake.

Certification: I 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: *[Signature]*4-1-2024

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **02/29/2024**
 Filer First Name: **SIMON**
 Filer Middle Name:
 Filer Last Name: **BROWN**
 Filer's Title: **Wasilla Councilman Simon Brown**
 Report Type: **Future Campaign Account**

CANDIDATE INFORMATION

Candidate Name: **Simon Brown II**
 Candidate Address: **960 N Craig Stadler Loop**
 City, State Zip: **Wasilla, Alaska 99623**

REPORT INFORMATION

Election Year: **2020**
 Election: **Wasilla, City of**
 Report Type: **Future Campaign Account**
 Reporting Period: From **02/02/2023** Through **02/01/2024**

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$1,678.89				
[+] ↓		Previous Campaign Income: (From Box A of previous report)		Campaign Income Total: (Box A)	
Total Income Reported:	\$0.00	[+] ⇒	\$0.00	[=] ⇒	\$0.00
[-] ↓		Previous Campaign Expenses: (From Box B of previous report)		Campaign Expense Total: (Box B)	
Total Expenditures Reported:	\$1,655.00	[+] ⇒	\$0.00	[=] ⇒	\$1,655.00
[=] ↓					
Closing Cash On Hand:	\$23.89				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					
Surplus/Deficit:	\$23.89				

INCOME

Date Received	Payment Method	Contributor	Details	Amount
No Income / Nothing to Report				
Income Total:				\$0.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
08/17/2023	Credit Card	Inkspot Printing 189 E Nelson Ave, Wasilla, AK 99654 Wasilla, Alaska 99654	Campaign Signs and Posters	\$555.00

Date	Payment Method	Vendor	Purpose	Amount
09/21/2023	Credit Card	Alpha Media (KAYO - FM 100.9) 5431 E Mayflower Ln Suite 3 Wasilla, Alaska 99654	Radio campaign ads	\$1,100.00
			Expenditure Total:	\$1,655.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	\$0.00



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

March 15, 2024

Via Certified Mail, U.S. Mail, and Email

Simon Brown II
960 N Craig Stadler Loop
Wasilla, Alaska 99623
simonbii@hotmail.com

RE: Notice of Penalty¹
2023 Future Campaign Account Disclosure Report

Dear Mr. Brown:

According to our records you did not timely file your 2023 Future Campaign Account Disclosure Report for the 2020 City of Wasilla election that was due on February 15, 2024. Instead, the report was filed on February 29, 2024 (14 days late). By law a maximum penalty of \$50 accrues each day the report is late.² **Accordingly the assessed penalty owed is \$700.**³

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](#)⁴ 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.

Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

⁵ 2 AAC 50.831(a).

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

Failure to respond to this notice by either making arrangement for payment or submitting an appeal within 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.⁶

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

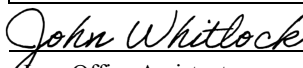

John Grover Whitlock
Paralegal

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

9171 9690 0935 0310 8332 96

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Simon Brown II 960 N Craig Stadler Loop Wasilla, Alaska 99623 simonbii@hotmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

 3/15/24
Law Office Assistant Date

⁶ 2 AAC 50.895.

From: [Whitlock, John G \(DOA\)](#)
To: simonbii@hotmail.com
Cc: [Chung, Dyane \(DOA\)](#); [Hebdon, Heather R \(DOA\)](#); [Sargent, Mike David \(DOA\)](#)
Subject: Notice of Penalty
Date: Friday, March 15, 2024 8:59:01 PM
Attachments: [240315 Brown - Notice of Penalty - 2107 - General No Reduction.pdf](#)

Good Evening,

Please find the attached document(s) being issued to you from the Alaska Public Offices Commission. You will receive physical copies as indicated within the attachment.

Please note if there are any timeframes established to take action within these documents.

Should you have any questions, please contact our office.

Thank you,

John Grover Whitlock
Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

CONFIDENTIALITY NOTICE: This communication with its content and any attachments may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.



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

May 20, 2024

Via Certified Mail and Email

Simon Brown
960 N Craig Stadler Loop
Wasilla, AK 99623
simonbii@hotmail.com

Re: Commission Meeting Notice

Dear Mr. Brown:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Future Campaign Disclosure Report.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

If you do not participate in the meeting, staff will send you a letter and a final order notifying you of the Commission's decision.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

Dyane Chung

Dyane Chung
Campaign Disclosure Associate

CERTIFICATE OF SERVICE:

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

Simon Brown 960 N Craig Stadler Loop Wasilla, AK 99623 simonbii@hotmail.com	☒ Certified Mail ☒ Email
--	---

Dyane Chung

Signature
9489 0178 9820 3021 0514 38

5-20-24

Date

Encl: APOC Staff Recommendations for Commission Action

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

From: postmaster@outlook.com
To: simonbii@hotmail.com
Subject: Delivered: RE: Commission Meeting Notice
Date: Monday, May 20, 2024 4:33:56 PM
Attachments: [RE Commission Meeting Notice .msg](#)

Your message has been delivered to the following recipients:
simonbii@hotmail.com (simonbii@hotmail.com) <mailto:simonbii@hotmail.com>
Subject: RE: Commission Meeting Notice



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: John Grover Whitlock

DATE: May 20, 2024

RESPONDENT: Michael Cronk

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2020 State of Alaska Primary and General Election.

LATE REPORT(S):

- Campaign Disclosure Reports
☒ 2023 Public Office Expense Term (POET)

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: March 12, 2024

NUMBER OF DAYS LATE: 26

DATE PENALTY ASSESSMENT SENT: April 1, 2024

DATE PENALTY APPEAL RECEIVED: April 2, 2024

MAXIMUM STATUTORY PENALTY: \$1,300

PENALTY ASSESSED¹: \$650

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that his late filing was an honest mistake that he will not make again.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

¹ 2 AAC 50.855(b)(2)(B)(i).

1. A civil penalty may be reduced by up to 50% when the late-reported activity is less than \$100.² Here, the late-filed report had no activity from the previous year and therefore meets this criteria for reduction.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information³ A penalty is significantly out of proportion to the degree of harm when the unreported amount has a value of \$100 or less. Again, the late-filed report had no activity from the previous year and also meets this criteria for reduction.
3. Based on the lack of reportable activity and harm to the public, staff recommends the penalty be waived.

FILER'S REPORTING HISTORY:

2022 – State Primary / State General

Year End Report (due on 2/15/23)..... Timely
 Year End Report (due on 2/15/22)..... Timely
 7 Day Report (due on 11/1)..... Timely
 30 Day Report (due on 10/10)..... Timely
 7 Day Report (due on 8/9)..... Timely
 30 Day Report (due on 7/18)..... Timely
 Year Start..... Timely

2020 – State Primary / State General

2023 POET Report **Late by 26 Days (Subject of Appeal)**
 2022 POET Report..... Late by 1 day
 2021 POET Report..... Timely
 Year End Report..... Timely
 7 Day Report (due on 10/27)..... Timely
 30 Day Report (due on 10/5)..... Timely
 7 Day Report (due on 8/11)..... Timely
 30 Day Report (due on 7/20)..... Timely

² 2 AAC 50.865(a)(3).

³ 2 AAC 50.865(b)(4).

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$ 0.00
Income:	\$ 10,930.00
Expenses:	\$ 30.00
Debts:	\$ 170.00
Ending Balance:	\$ 10,730.00

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☐ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☒ No significant harm to the public and no aggravating factors.⁵ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁶ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁶ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

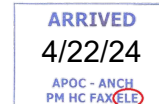
- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ____ to \$ ____**
- ☐ **Upheld at the assessed amount of \$ ____**

⁷ Value greater than \$1000.

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law



Name of Appellant: Michael Cronk

Office: STATE HOUSE REPRESENTATIVE

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

- | | | |
|--|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☒ Other: <u>2023 POET Campaign disclosure report</u> | | |

Specify year & election, if late report (e.g., 04 Primary, 03 Muni, etc.): 2020 State General Election

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:

To be honest, APOC rules are very convoluted and difficult for people to follow and understand. I obviously missed the deadline and the notice, but feel this was an honest mistake that we are working on to correct and now have the understanding of how things work. If APOC would create a "book for dummies" about campaign filings, it would be extremely helpful for anyone involved in campaigns. I ask that my penalty be eliminated or reduced as this was an honest mistake that I admit to making and will not make again.

Certification:

Sincerely, Mike Cronk

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: [Signature] 4/19/24



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

April 1, 2024

Via Certified Mail, U.S. Mail, and Email

Rep. Michael L. Cronk
PO Box 365
Tok, Alaska 99780
mcronk2020@gmail.com

RE: Notice of Penalty¹
Late filing of 2023 Public Office Expense Term (POET) Disclosure Report

Dear Rep. Cronk,

According to our records you did not timely file your 2023 Public Office Expense Team (POET) Campaign Disclosure Report for the 2020 State General Election that was due on February 15, 2024. Instead, the report was filed on March 12, 2024 (26 days late). By law a maximum penalty of \$50 accrues each day the report is late.² The maximum penalty the Alaska Public Offices Commission could assess you is \$1,300.³

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.⁴ **Accordingly, the assessed penalty owed is \$650.00**

Additionally, please be advised:

- 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](#)⁵ 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.

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ 2 AAC 50.855(b)(2)(C)(ii).

⁵ <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.⁶ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁷

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.

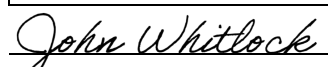
ALASKA PUBLIC OFFICES COMMISSION


John Grover Whitlock
Paralegal

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Rep. Michael L. Cronk PO Box 365 Tok, Alaska 99780 mcronk2020@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

 4-1-24

Signature Date
9171 9690 0935 0310 8219 58

⁶ 2 AAC 50.831(a).

⁷ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Rep. Michael Cronk
PO Box 365
Tok, AK 99780
Mcronk2020@gmail.com

Re: Commission Meeting Notice

Dear Rep. Cronk:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Public Office Expense Term (POET) Disclosure Report.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present you appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

John Whitlock
John Grover Whitlock
Paralegal

Encl: Proposed Findings and Order

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Rep. Michael Cronk PO Box 365 Tok, AK 99780 Mcronk2020@gmail.com 9489 0178 9820 3021 0601 57	☒ Certified Mail ☒ Email

<u>John Whitlock</u>	<u>5/20/24</u>
Signature	Date

From: [Microsoft Outlook](#)
To: cronkforalaska@gmail.com; mcronk2020@gmail.com
Subject: Relayed: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Monday, May 20, 2024 6:04:16 PM
Attachments: [Penalty Appeal Meeting Notice from \[REDACTED\] Alaska Public Offices Commission.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
cronkforalaska@gmail.com (cronkforalaska@gmail.com) <<mailto:cronkforalaska@gmail.com>>
mcronk2020@gmail.com (mcronk2020@gmail.com) <<mailto:mcronk2020@gmail.com>>
Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: John Grover Whitlock

DATE: May 20, 2024

RESPONDENT: William “Bill” Falsey

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2021 Anchorage Municipal Election

LATE REPORT(S): • Campaign Disclosure Reports
☒ Future Campaign Account

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 26, 2024

NUMBER OF DAYS LATE: 11

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: February 27, 2024

MAXIMUM STATUTORY PENALTY: \$550

PENALTY ASSESSED¹: \$137.50

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that he has a good filing history.
2. Affiant states that the unreported information had a value of less than \$100.
3. Affiant states that the late report disclosed only administrative costs.
4. Affiant states that there was no significant harm to the public and no aggravating circumstances.
5. Affiant states that the commission failed to deliver required notices when due.

¹ 2 AAC 50.855(b)(2)(B)(i).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years).² The 2021 Anchorage Municipal election was the filer’s first election. Prior to the late filed 2023 Future Campaign Account disclosure report, the filer had a perfect filing history where he met all the required deadlines.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information³ and when if the late report included only administrative costs.⁴ A penalty is significantly out of proportion to the degree of harm when the unreported amount has a value of \$100 or less.

Here, Mr. Falsey’s report satisfies both tests. The only disclosures made in the filer’s disclosure report were monthly bank fees (bank fees of \$5 were applied to the filer’s Future Campaign account on 3/13/23, 4/11/23, 5/11/23, 6/13/23, 7/11/23, 8/11/23, and 9/12/23). These fees appear to be administrative in nature and total less than \$100 (in this case, \$35).

3. A civil penalty may be reduced by a percentage greater than 50% or waived entirely when a significant cause of the late filing is Commission staff error including failing to deliver required notices when due.⁵ Respondent states that he did not receive any notice regarding his 2023 Future Campaign Account Disclosure Report, in advance of the filing deadline. However, reminder notices are not required and are instead done as a courtesy. Additionally, email notices were sent to the campaign’s email address of record ahead of the filing deadline. Here, it appears that the email address of record was no longer active, but it is the filer’s responsibility to keep an accurate address on file by amending their registration when changes occur.⁶
4. Based on his good filing history, and because the penalty is out of proportion to the degree of harm, and the report only disclosed administrative costs of \$35, staff recommends the penalty be waived.

FILER’S REPORTING HISTORY:

2021 – Anchorage Municipal Election

2023 Future Campaign Account..... Late by 11 Days (Subject of Appeal)

2022 Future Campaign Account Timely

2021 Future Campaign Account Timely

105 Day Report Timely

² 2 AAC 50.865(a)(1)(A)(i).

³ 2 AAC 50.865(b)(4).

⁴ 2 AAC 50.865(b)(3).

⁵ 2 AAC 50.865(b)(2).

⁶ 2 AAC 50.811(b).

7 Day Report..... Timely
 30 Day Report..... Timely
 Year Start Report..... Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$ 5,000
Income:	\$ 0.00
Expenses:	\$ 35.00
Debts:	\$ 0.00
Ending Balance:	\$ 4,965

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁷ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☒ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☒ No significant harm to the public and no aggravating factors.⁸ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁹ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

⁷ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁸ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁹ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.¹⁰ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ____ to \$ ____**
- ☐ **Upheld at the assessed amount of \$**

¹⁰ Value greater than \$1000.

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

ARRIVED

2/27/24

APOC - ANCH
PM HC FAX **ELE**

Name of Appellant: William D. Falsey

Office: 2021 Anchorage Mayoral Election, Future Campaign Account

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

- | | | |
|---|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☒ Other: <u>Future Campaign Account Disclosure Report</u> | | |

Specify year & election, if late report (e.g., 04 Primary, 03 Muni, etc.): 21 Anch Muni

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: See attached.

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: William D. Falsey

To: The Alaska Public Offices Commission and Staff
From: William (Bill) D. Falsey
Date: February 27, 2024
Re: **Civil Penalty Appeal** – Possible Assessment for Late-Filed 2023 Future-Campaign Account Disclosure Report

Commissioners:

I request that any civil penalty assessed in connection with the late-filing of my 2023 Future Campaign Account Disclosure Report be waived, or significantly reduced.

I acknowledge that my 2023 Future Campaign Account Disclosure Report was due February 15, 2024, but was not filed until February 26, 2024. I ask staff and the Commission to consider the following mitigating factors:

- **Good filing history.** Under 2 AAC 50.865(a)(1), a civil penalty may be reduced up to 50% if a person has “no late filings in the immediately preceding five years.”

It is my understanding that I have a “good filing history,” with late filings in the immediately preceding five years.

- **Unreported information had a value of less than \$100.** Under 2 AAC 50.865(a)(2), a civil penalty also may be reduced up to 50% if “any unreported . . . information had a value of \$100 or less.”

At the conclusion of the 2021 Municipality of Anchorage Mayoral election, I established and timely reported a future campaign account with a balance of \$5000. That account has had substantially no activity since.

As reflected in my filing of February 26, 2024, I unexpectedly incurred monthly \$5 bank fees on the account, assessed by Northrim Bank (under what I understand to be a change in bank policy), from March 2023 through September 2023.

The total amount of activity on the account in 2023, and for the whole of the February 2023 to February 2024 reporting period, was only \$35, resulting in a remaining balance of \$4965. (And, of course, each of the \$4965 had been previously disclosed as part of the \$5000 reported in my 2022 Future Campaign Account Disclosure Report).

- **Late report includes only administrative costs.** Under 2 AAC 50.865(b)(2), a civil penalty may be reduced by a percentage greater than 50% percent, or waived entirely, if the late report “included only administrative costs.”

As discussed in the previous bullet, and reflected in my February 26, 2024 report, the late report discloses only \$35 in aggregated monthly bank fees, each of which was an “administrative cost.”

- **No significant harm to the public, and no aggravating circumstances.** Under 2 AAC 50.865(b)(4)(A), a civil penalty may also be reduced by a percentage greater than 50% percent, or waived entirely, where the late report did not cause significant harm to the public, there are no aggravating circumstances, and the dollar amount missing from a disclosure is \$100 or less.

Here, the public was not significantly harmed by the short delay in knowing that a future campaign account unexpectedly incurred \$35 in bank fees in 2023. If the harm that resulted from the late-filing at issue here is not the type of harm that can be understood as “insignificant,” it is not clear what would be.

No 3 AAC 50.865(d) aggravating factors are present and, again, the undisclosed activity amounted to less than \$100.

- **Failure of the Commission to deliver notices.** Last, under 2 AAC 50.865(b)(2), a civil penalty may also be reduced by a percentage greater than 50% percent, or waived entirely, if a significant cause of the late filing is a Commission staff error, including “failure to deliver required notices when due.”

I did not receive any written communication or notice from the Commission or staff regarding my 2023 Future Campaign Account Disclosure Form, prior to being forwarded from Emily Fehrenbacher a copy of an email that was sent by John Whitlock on Friday, February 23, 2024 at 7:24pm to efehrenbacher@gmail.com and to bill@falseformayor.com. See Exhibit 1.

Bill@falseformayor.com is a dead email account that has not worked for some time — and I previously both: (a) *informed Commission staff that I would not be able to receive email at that address*, and (b) *asked that future notices be sent to me at my personal email account*.

I do not have a record of the communication in which I requested that future notices be sent to my personal email account, but I believe it would have come in response to the email I received from Darrian Traw (but signed “DiDi Dunlap”) on February 11, 2022, attached as Exhibit 2. I no longer have access to the

bill@falseyformayor.com account's sent mail, but Outlook indicates that I replied to the incoming email of February 11, 2022.

Whether the request came in the form of a reply to the February 11, 2022 email, or was made separately by phone, I do specifically recall flagging this issue, and requesting that APOC update its contact information for me.

I will renew that request by email and phone call to Commission staff today.

I apologize for the late-filed report, and appreciate the Commission and staff's attention to this appeal.

[To the extent that it allays any concerns, I can further disclose that I actually began work on my 2023 Future Campaign Account Disclosure Form on January 8, 2024 (as reflected in the email sent to myself at 2:55pm, attached as Exhibit 3), and had actually intended to file the form then. I did not, only because I then realized that the reporting period ran through February 1, so I could not file the form before that date. After January 8, I must have missed or mis-calendared my reminder to file the form after February 1 and before February 15. I will endeavor not to make the same mistake in future reporting years.]

Please feel free to contact me with any questions.

Attachments

Exhibits 1, 2 and 3



Exhibit 1

Bill Falsey <bill.falsey@gmail.com>

Fwd: Notice of Deficiency

3 messages

Emily Fehrenbacher <efehrenbacher@gmail.com>
To: Bill Falsey <william.falsey@gmail.com>

Mon, Feb 26, 2024 at 9:01 AM

Bill! Oh shit. I just got this from DOE. It looks like it went to your old mayoral email!

----- Forwarded message -----

From: **Whitlock, John G (DOA)** <john.whitlock@alaska.gov>

Date: Fri, Feb 23, 2024 at 7:24 PM

Subject: Notice of Deficiency

To: bill@falseyformayor.com <bill@falseyformayor.com>, efehrenbacher@gmail.com <efehrenbacher@gmail.com>

Cc: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>, Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>

Good Afternoon,

Please find the attached document(s) being issued to you from the Alaska Public Offices Commission. You will receive physical copies as indicated within the attachment.

Please note if there are any timeframes established to take action within these documents.

Should you have any questions, please contact our office.

Thank you,

John Grover Whitlock

Paralegal

Alaska Public Offices Commission

[2221 E. Northern Lights Blvd., Rm. 128](#)

[Anchorage, Alaska 99508](#)

Phone: (907) 276-4176

Fax: (907) 276-7018

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--

Emily Fehrenbacher
(907)330-4331
efehrenbacher@gmail.com



Falsey Notice of Deficiency.pdf
478K

Exhibit 2

Bill Falsey

From: Traw, Darrian T (DOA) <darrian.traw@alaska.gov>
Sent: Friday, February 11, 2022 4:25 PM
To: Traw, Darrian T (DOA)
Cc: Lucas, Tom R (DOA); Maddox, Tamara S (DOA)
Filing Reminder: Future Campaign Account



Flagged

Good Afternoon,

You are receiving this email reminder because the Alaska Public Offices Commission's records indicate that you are a candidate, or are assisting a candidate who has a Future Campaign Account report due **before midnight, Tuesday, February 15, 2022.**

You must submit this report(s) even if you had "no activity" during the reporting period.

To find the report, Sign into myAlaska, choose under services for individuals, "APOC - Disclosure Forms". At the welcome to APOC Forms Online page click on the word, "candidates" (ignore the drop down you get when your cursor hovers over the word). This will take you to your candidate profile page. Here, at the top, you will see the words, "Candidate Profile" with a box next to it where you can choose the election year in which you created the POET and/or FCA account. When you choose the appropriate file you will see a list of reports that are due in that profile. Choose the report you need to file and begin filling it out.

Failure to timely file a disclosure report results in the assessment of civil penalties.

Please contact our office if you have any questions or concerns about your reports or your reporting requirements.

Thank you,

DiDi Dunlap
Paralegal I

Phone: (907) 276-4176
Toll-Free: 1-800-478-4176
Fax: (907) 276-7018

Alaska Public Offices Commission
2221 E. Northern Lights Blvd STE 128
Anchorage, AK 99508

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Bill Falsey

Exhibit 3

From: Bill Falsey
Sent: Monday, January 8, 2024 2:55 PM
To: Bill Falsey
Subject: Notes for Future Campaign account filing

Sign into myAlaska, choose under services for individuals, “APOC - Disclosure Forms”. At the welcome to APOC Forms Online page click on the word, “candidates” (ignore the drop down you get when your cursor hovers over the word). This will take you to your candidate profile page. Here, at the top, you will see the words, “Candidate Profile” with a box next to it where you can choose the election year in which you created the POET and/or FCA account. When you choose the appropriate file you will see a list of reports that are due in that profile. Choose the report you need to file and begin filling it out.

Year	Report	Election	Begin Date	End Date	Due Date	Status	Actions
2021	Year Start Report	Anchorage Municipal Election		2/1/2021	2/16/2021	Filed	View
2021	Thirty Day Report	Anchorage Municipal Election	2/2/2021	3/5/2021	3/8/2021	Filed	View
2021	Seven Day Report	Anchorage Municipal Election	3/6/2021	3/27/2021	3/30/2021	Filed	View
2021	105 Day Report	Anchorage Municipal Election	3/28/2021	7/5/2021	7/20/2021	Filed	View
2021	Future Campaign Account	Anchorage Municipal Election	7/6/2021	2/1/2022	2/15/2022	Filed	View
2022	Future Campaign Account	Anchorage Municipal Election	2/2/2022	2/1/2023	2/15/2023	Filed	View
2023	Future Campaign Account	Anchorage Municipal Election	2/2/2023	2/1/2024	2/15/2024	Not Filed	Start

[Click Here](#) to add these to your schedule (use Import in Outlook and choose the .ics file)

Northrim Bank
P.O. Box 241489
Anchorage, AK 99524-1489

Unexpected bank fee. Was charged from March 2023 to September 2023, until I worked with Northrim to eliminate the fee.

Start: \$5000
End: \$4965

3-13 \$5
4-11 \$5
5-11 \$5
6-13 \$5
7-11 \$5
8-11 \$5
9-12 \$5

Huth

Reynolds

William D. Falsey

Partner

Huth Reynolds LLP | huthreynolds.com

(907) 529-7096

bfalsey@huthreynolds.com

This email from Huth Reynolds LLP may contain confidential information, attorney-client privileged communications, and/or attorney work product. If you are not the intended recipient, please advise by return email and delete immediately without reading or forwarding to others. Thank you.



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

March 15, 2024

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Bill Falsey
2200 Strawberry Rd, 220415
Anchorage, Alaska 99502
bill.falsey@gmail.com

RE: Notice of Penalty¹
Late filing of 2023 Future Campaign Account Report

Mr. Falsey:

You are receiving this Notice of Violation because you did not timely file your Future Campaign Account for the 2021 Anchorage Municipal Election that was due on February 15, 2024. Instead, the report was filed on February 26 (11 days late). By law a maximum penalty of \$50 accrues each day the report is late.² The maximum penalty the Alaska Public Offices Commission could have assessed you is \$550.³

Staff is reducing the penalty to 25% of the maximum civil penalty that could have been assessed because this is your first election cycle and the report is your first late-filed report⁴
Accordingly, the assessed penalty owed is \$137.50

Additionally, please be advised:

- 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](#)⁵ 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

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ 2 AAC 50.855(b)(2)(B)(i).

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

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

payment and wish to discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

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

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

Failure to respond to this notice by either making arrangement 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.⁷

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


John Grover Whitlock
Campaign Disclosure Associate

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

9171 9690 0935 0310 8333 57

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Bill Falsey 2200 Strawberry Rd, 220415 Anchorage, Alaska 99502 bill.falsey@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

 3/15/24
Law Office Assistant Date

⁶ 2 AAC 50.831(a).

⁷ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Bill Falsey
2200 Strawberry Rd. 220415
Anchorage, AK 99502
Bill.falsey@gmail.com

Re: Commission Meeting Notice

Dear Mr. Falsey:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Future Campaign Account Disclosure Report.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present you appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

John Whitlock
John Grover Whitlock
Paralegal

Encl: Proposed Findings and Order

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Bill Falsey 2200 Strawberry Rd. 220415 Anchorage, AK 99502 Bill.falsey@gmail.com 9489 0178 9820 3021 0601 64	☒ Certified Mail ☒ Email

<u>John Whitlock</u>	<u>5/20/24</u>
Signature	Date

From: postmaster@huthreynolds.com
To: [Bill Falsey](#)
Subject: Delivered: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Monday, May 20, 2024 6:12:30 PM
Attachments: [Penalty Appeal Meeting Notice from \[REDACTED\] Alaska Public Offices Commission.msg](#)

Your message has been delivered to the following recipients:
Bill Falsey (bfalsey@huthreynolds.com) <mailto:bfalsey@huthreynolds.com>
Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Dyane Chung

DATE: April 18, 2024

RESPONDENT: Roger Holland

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – Year End Report

LATE REPORT(S): • Campaign Disclosure Reports
☒ Year End Report

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: March 3, 2024

NUMBER OF DAYS LATE: 17

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: March 20, 2024

MAXIMUM STATUTORY PENALTY: \$850

PENALTY ASSESSED¹: \$425

RECOMMENDATION: Reduce by 90%

(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states campaign account has been zeroed out and has not received any campaign funds nor has made any campaign expenditures.
2. Affiant states late report did not cause significant harm to the public because the dollar amount missing from the report was less than \$100.
3. Affiant states civil penalty assessment is significantly out of proportion to the degree of harm to the public.

¹

2 AAC 50.855(b)(2)(C)(ii).

4. Affiant states there are no aggravating factors.

STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years)¹ and if any unreported or mistakenly reported information had a value of \$100 or less. Here, Respondent has timely filed reports since 2020 and there was \$0.00 activity on the late-filed report.²

However, although Mr. Holland indicates he has zeroed out his campaign account, his report still shows a significant deficit (-\$15,063). This deficit should have been reconciled after his 2022 campaign ended and still has not been addressed.

2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely the late-filed report did not cause significant harm to the public, and aggravating factors do not exist.³ Here, Respondent's Year End Report was a no activity report. But again, his reporting has not been reconciled and still indicates he has a campaign deficit that has not been addressed and he continues to have an annual reporting requirement because of this.
3. Based on the available mitigating factors, staff recommends a 90% reduction of the assessed penalty. Staff does not recommend a complete waiver because of the significant and ongoing reported deficit that has not been addressed.

FILER'S REPORTING HISTORY:

2020 – State General Election

Year Start Report.....	Timely
30 Day Report	Timely
7 Day Report	Timely
30 Day Report	Timely
7 Day Report	Timely
Year End Report	Timely

2022- State General Election

Year Start Report	Timely
30 Report	Timely
7 Day Report	Timely
30 Day Report	Timely
7 Day Report	Timely
Year End Report	Timely

2023- State General Election

Year End Report.....	Late by 17 Days (Subject of Appeal)
----------------------	-------------------------------------

ACTIVITY ON LATE REPORT:

Beginning Balance:	-\$15,063.04
Income:	\$ 0.00
Expenses:	\$ 0.00
Debts:	-\$15,063.04
Ending Balance:	\$ 0.00

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.² **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☒ No significant harm to the public and no aggravating factors.³ **2 AAC 50.865(b)(4)**
- ☒ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁴ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

² Any entity or filer subject to a registration or reporting requirement for less than 365 days.

³ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁴ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☒ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁵ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☐ **Waived**
- ☒ **Reduced by 90% to \$42.50**
- ☐ **Upheld at the assessed amount of \$**

⁵ Value greater than \$1000.

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **03/03/2024**
 Filer First Name: **Roger**
 Filer Middle Name: **D**
 Filer Last Name: **Holland**
 Filer's Title: **Candidate/Senator**
 Report Type: **Year End Report**

CANDIDATE INFORMATION

Candidate Name: **Roger Holland**
 Candidate Address: **16361 Sandpiper Drive**
 City, State Zip: **Anchorage, Alaska 99516**

REPORT INFORMATION

Election Year: **2022**
 Election: **State General**
 Report Type: **Year End Report**
 Reporting Period: From **02/02/2023** Through **02/01/2024**

No Activity

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	-\$15,063.04				
[+] ↓		Previous Campaign Income: (From Box A of previous report)		Campaign Income Total: (Box A)	
Total Income Reported:	\$0.00	[+] ⇒	\$3,465.00	[=] ⇒	\$3,465.00
[-] ↓		Previous Campaign Expenses: (From Box B of previous report)		Campaign Expense Total: (Box B)	
Total Expenditures Reported:	\$0.00	[+] ⇒	\$18,528.04	[=] ⇒	\$18,528.04
[=] ↓					
Closing Cash On Hand:	-\$15,063.04				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					
Surplus/Deficit:	-\$15,063.04				

INCOME

Date Received	Payment Method	Contributor	Details	Amount
No Income / Nothing to Report				
Income Total:				\$0.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
No Expenditures / Nothing to Report				

Date	Payment Method	Vendor	Purpose	Amount
			Expenditure Total:	\$0.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	\$0.00

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

MAR 20 2024

APOC - ANCH
PM FAX ELE

Name of Appellant: ROGER HOLLAND

Office: STATE SENATOR, DISTRICT E, 2022

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

- | | | |
|---|---|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☒ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☐ Other: _____ | | |

Specify year & election, if late report (e.g., 04 Primary, 03 Muni, etc.): 2022 GENERAL

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:

Please see ATTACHMENT 1.
Roger Holland

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:

Roger Holland
Roger Holland

March 18, 2024

ATTACHMENT 1

As requested, the reasons that this reporting violation occurred include:

1. I had zeroed out my campaign account in an APOC Year End Report submitted on January 27, 2023 knowing that I would have no need of any further campaign funds as I was leaving the pursuit of public office permanently and returning to private life;
2. I had discontinued maintaining the campaign email account that APOC had on file (VoteRogerHolland@gmail.com, I think), and any emailed reminders sent to that account did not reach me. I have since updated my APOC file with my personal email account (Rogery2k@aol.com) and my personal phone number (907-351-8277); and,
3. The mailed civil penalty notice was post-marked on February 23, 2024 which was the same day that I traveled out of Alaska on personal business not to return until 4:00 AM on March 3, 2024. On returning home and catching some sleep after traveling through the night, I checked my mail. Upon finding the paper-copy APOC notice, I immediately logged into the system and filled out and submitted the required report documenting that I had indeed not received any further campaign funds nor made any further campaign expenditures.

I appreciate that the civil penalty assessed against me has been reduced by 50% from \$850 down to \$425, but I am requesting that the civil penalty of \$425 be waived entirely, as allowed by APOC regulations, based on the following factors:

1. My late report did not cause significant harm to the public because the dollar amount missing from the report was \$100 or less (actually, it was zero dollars);
2. The civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information in that the assessed penalty (\$425) exceeds the value of the transactions that were reported late (zero dollars), and there were no aggravating factors involved; and,
3. A unique circumstance justifies waiving the penalty in that I have left public life and have permanently returned to the private life of a private citizen. As the late report involved zero dollars and there was no discernable harm to the public, the civil penalty assessed against a private citizen serves no real purpose.

I did not realize that I was required to submit another APOC report just as I am still surprised that it looks like I am expected to file yet another Year End Report by February 18, 2025. Is there a report that I can submit to permanently end my continued requirement to file reports documenting that I have permanently left the pursuit of public office?

Regards,

Roger Holland, Private Citizen (really!)

907-351-8277





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

March 15, 2024

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Roger Holland
16361 Sandpiper Dr.
Anchorage, AK 99516
VoteRogerHolland@gmail.com

RE: Notice of Penalty Assessment – 2023 Year End Campaign Disclosure Report

Mr. Holland:

According to our records you did not timely file your 2023 Year End Campaign Disclosure Report for the State General Election that was due on February 15, 2024. Instead, the report was filed on March 3, 2024 (17 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$850.²

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.³ **Accordingly, the assessed penalty owed is \$425.**

Additionally, please be advised:

- 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](https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx)⁴ 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.

¹ AS 15.13.390(a).

² 2 AAC 50.855(a).

³ 2 AAC 50.855(b)(2)(C)(ii).

⁴ <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.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁶

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

Dyane Chung

Dyane Chung
Campaign Disclosure Associate

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Roger Holland 16361 Sandpiper Dr. Anchorage, AK 99516 VoteRogerHolland@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

Dyane Chung

Campaign Disclosure Associate

9171 9690 0935 0310 8215 90

3-15-24

Date

⁵ 2 AAC 50.831(a).

⁶ 2 AAC 50.895.



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

May 21, 2024

Via Certified Mail and Email

Roger Holland
16361 Sandpiper Dr.
Anchorage, AK 99516
VoteRogerHolland@gmail.com

Re: Commission Meeting Notice

Dear Mr. Holland:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Future Campaign Account Disclosure Report.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

Michael Sargent

Michael Sargent

Paralegal Specialist I

Campaign Disclosure Coordinator

Encl: Proposed Findings and Order

CERTIFICATE OF SERVICE:	
I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Roger Holland 16361 Sandpiper Dr. Anchorage, AK 99516 VoteRogerHolland@gmail.com	☒ Certified Mail ☒ Email
9489 0178 9820 3021 0602 56	

Michael Sargent

05.21.2024

Signature

Date

From: [Whitlock, John G \(DOA\)](#)
To: [Whitlock, John G \(DOA\)](#)
Subject: FW: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Tuesday, May 21, 2024 8:39:52 AM
Attachments: [Penalty Appeal Meeting Notice from the Alaska Public Offices Commission.msg](#)

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@stateofalaska.onmicrosoft.com>
Sent: Tuesday, May 21, 2024 8:04 AM
To: VoteRogerHolland@gmail.com <VoteRogerHolland@gmail.com>
Subject: Relayed: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

VoteRogerHolland@gmail.com (VoteRogerHolland@gmail.com)

Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: John Grover Whitlock

DATE: May 21, 2024

RESPONDENT: Stephanie Nowers

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2022 Year End Disclosure Report

LATE REPORT(S): • Campaign Disclosure Reports
☒ Year End Report

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: April 3, 2024

NUMBER OF DAYS LATE: 48

DATE PENALTY ASSESSMENT SENT: April 17, 2024

DATE PENALTY APPEAL RECEIVED: May 2, 2024

MAXIMUM STATUTORY PENALTY: \$2,400

PENALTY ASSESSED¹: \$1,200

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having this information.
2. Affiant states that the late filing of her Year End report does not significantly harm the public as the unreported information was less than \$100.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

¹ 2 AAC 50.855(b)(2)(B)(i).

1. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information² A penalty is significantly out of proportion to the degree of harm if the penalty exceeds twice the value of the transaction that was reported late. Here, the penalty is significantly out of proportion to the degree of harm because the late-reported transaction was \$0 and the resulting penalty was \$1,200.00.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely when the late report included only administrative costs.³ Here, the report did not report any activity; the beginning cash on hand was \$349.76 and the ending balance was \$349.76.
3. Based on the lack of reportable activity and harm to the public, staff recommends the penalty be waived.

FILER'S REPORTING HISTORY:

2022 – Matanuska-Susitna Borough Election

2023 Year End Report.....Late by 48 days (Subject to this appeal)
 105 Day ReportLate
 7 Day Report.....Timely
 30 Day Report.....Timely

2019 – Matanuska-Susitna Borough Election

Year End Report.....Timely
 105 Day ReportTimely
 7 Day Report.....Timely
 30 Day Report.....Timely

² 2 AAC 50.865(b)(5).

³ 2 AAC 50.865(b)(3).

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$ 349.76
Income:	\$ 0.00
Expenses:	\$ 0.00
Debts:	\$ 0.00
Ending Balance:	\$ 349.76

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☐ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.⁵ **2 AAC 50.865(b)(4)**
- ☒ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁶ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁶ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by percent to \$**
- ☐ **Upheld at the assessed amount of \$**

⁷ Value greater than \$1000.

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law



Name of Appellant: Stephanie Nowers

Office: Matanuska-Susitna Borough Assembly

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

- | | | |
|---|---|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☒ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☐ Other: _____ | | |

Specify year & election, if late report (e.g., 04 Primary, 03 Muni, etc.): 22 Mat-Su Assembly

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:

I ask for the penalty of \$1,200 to be waived or reduced to \$100 due to the following mitigating factors provided for under 2AAC 50.865:

- 1) (b) (4) (A) - The late report did not cause significant harm to the public as the amount of the unreported information was less than \$100. The actual unreported amount was \$0
- 2) (b) (5) - The civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information. In this case, the penalty of \$1,200 significantly exceeds and is far out of proportion to the late reported information of \$0.
- 3) Lastly, I appreciate the work of the AK Public Offices Commission and would just note as a matter of record that I filed the report within 6 hours of being notified of the deficiency.

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: Stephanie Nowers / 5-2-24



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

April 17, 2024

Via Certified Mail, U.S. Mail, and Email

Stephanie Nowers
PO Box 3895
Palmer, AK 99645
stephanie.nowers@gmail.com

RE: Notice of Penalty¹
Late filing of 2023 Year End Disclosure Report

Dear Ms. Nowers,

According to our records you did not timely file your 2023 Year End Disclosure Report for the 2022 Mat-Su Borough Election that was due on February 15, 2024. Instead, the report was filed on April 3, 2024 (48 days late). By law a maximum penalty of \$50 accrues each day the report is late.² The maximum penalty the Alaska Public Offices Commission could assess you is \$2,400.00.³

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.⁴ **Accordingly, the assessed penalty owed is \$1,200.00**

Additionally, please be advised:

- 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](https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx)⁵ 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.

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ 2 AAC 50.855(b)(2)(C)(ii).

⁵ <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.⁶ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁷

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.

Thank you,

ALASKA PUBLIC OFFICES COMMISSION

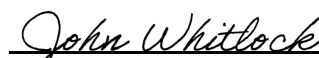

John Grover Whitlock
Paralegal

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Stephanie Nowers PO Box 3895 Palmer, AK 99645 stephanie.nowers@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

9489 0178 9820 3021 0507 69

 Paralegal	<u>4/17/24</u> Date
--	------------------------

⁶ 2 AAC 50.831(a).

⁷ 2 AAC 50.895.



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

May 21, 2024

Via Certified Mail and Email

Stephanie Nowers
PO Box 3895
Palmer, AK 99645
Stephanie.nowers@gmail.com

Re: Commission Meeting Notice

Dear Ms. Nowers:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Year End Campaign Disclosure Report.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present you appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

John Whitlock
John Grover Whitlock
Paralegal

Encl: Staff Recommendation

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

Stephanie Nowers
Commission Meeting Notice

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Stephanie Nowers PO Box 3895 Palmer, AK 99645 Stephanie.nowers@gmail.com 9489 0178 9820 3021 0602 94	☒ Certified Mail ☒ Email

<u>John Whitlock</u>	<u>5/21/24</u>
Signature	Date

From: [Microsoft Outlook](#)
To: [stephanie nowers](#)
Subject: Relayed: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Tuesday, May 21, 2024 5:10:49 PM
Attachments: [Penalty Appeal Meeting Notice from \[REDACTED\] Alaska Public Offices Commission.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
stephanie nowers (stephanie.nowers@gmail.com) <mailto:stephanie.nowers@gmail.com>
Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: John Grover Whitlock

DATE: May 20, 2024

RESPONDENT: Daniel Saddler

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2022 State of Alaska Primary and General Election

LATE REPORT(S): • Campaign Disclosure Reports
☒ Year End Report

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 28, 2024

NUMBER OF DAYS LATE: 13

DATE PENALTY ASSESSMENT SENT: March 18, 2024

DATE PENALTY APPEAL RECEIVED: April 3, 2024

MAXIMUM STATUTORY PENALTY: \$650

PENALTY ASSESSED¹: \$650

RECOMMENDATION: Reduce
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that he believed he had filed all necessary reports from his 2022 campaign and had a zero balance. He was not aware he still owed another report for the 2022 election and timely filed his Year Start Report for the 2024 election.
2. Affiant states that he has a good filing history.
3. Affiant states that the late filing did not significantly harm the public.

¹ 2 AAC 50.855(b)(2)(B)(i).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. Following the 2022 election, the filer’s year end close out report disclosed a surplus balance of \$424.15. Because of this surplus and until it is reconciled, the 2022 campaign continues to have an annual reporting expectation.
2. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years).² The filer has no late filings in the preceding five years and meets this criteria for reduction.
3. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information³. For this criteria, a penalty is considered to be significantly out of proportion to the degree of harm when it exceeds the value of the late-filed transactions. Because the filer’s year-end report disclosed more than \$10,000 in activity, staff is unable to consider this mitigator for reduction.
4. Based on his good filing history staff recommends the penalty be reduced by 50 percent.

FILER’S REPORTING HISTORY:

2022 – State Primary / State General

2023 Year End Report.....**Late by 13 Days (Subject of Appeal)**
2022 Year End Report.....Timely
7 Day Report.....Timely
30 Day Report.....Timely
7 Day Report.....Timely
30 Day Report.....Timely
Year Start Report.....Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0.00
Income:	\$10,930.00
Expenses:	\$30.00
Debts:	\$170.00
Ending Balance:	\$10,730.00

² 2 AAC 50.865(a)(1)(A)(i).

³ 2 AAC 50.865(b)(4).

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☐ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.⁵ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁶ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁶ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☐ **Waived**
- ☒ **Reduced by 50 percent to \$325**
- ☐ **Upheld at the assessed amount of \$**

⁷ Value greater than \$1000.

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

ARRIVED

4/3/24

**APOC - ANCH
PM HC FAX ELE**

Name of Appellant: DANIEL SADDLER

Office Sought: STATE REPRESENTATIVE

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

- | | | |
|--|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☒ Other: <u>2023 YEAR END CAMPAIGN DISCLOSURE REPORT</u> | | |

Year & Election, if late report (e.g., 2020 Primary, 2020 Muni, etc.): 2022 GENERAL

Instructions: If you send payment, you need not file this. An affidavit is required only if you are appealing the civil penalty or violation.

Statement: State why the reporting violation occurred or why you believe it did not occur and the reasons the civil penalty should not be assessed (use additional pages if needed). I do hereby swear and affirm that:

SEE ADDENDUM TO CIVIL PENALTY APPEAL AFFIDAVIT.

Certification: I 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: Dan Saddler 3/27/24

Addendum to Civil Penalty Appeal Affidavit

Name of Appellant: Daniel Saddler

Office Sought: State Representative

Penalty issued in connection with: 2023 Year End Campaign Disclosure Report

Year & Election: 2022 General

I have been notified by Certified U.S. Mail dated March 18, 2024 that I failed to make a timely 2023 Year End Campaign Disclosure Report for the 2022 General Election. I am submitting this "Civil Penalty Appeal Affidavit" because I believe that mitigating circumstances described in 2 AAC 50.855 exist that justify reduction of the civil penalty by up to 50 percent, and possibly by more than 50 percent.

I do not dispute that the report was filed late – not until Feb. 28, 2024, although the report was due Feb. 15, 2024 – and so I offer no excuse. However, I'd like to offer some information by way of explanation.

I thought I actually had filed a timely disclosure report, on Feb. 13, 2024, of the next report required of me as a candidate for the 2024 State Primary Election. However, what I actually filed on this date was a different required report: a Year Start Report for the 2024 State Primary Election, in which I am a candidate. I believed I had completed and filed all necessary reports for the 2022 general election campaign and had a zero balance from the campaign, and that therefore the next report I had to submit was the Year Start Report for the 2024 Primary Election.

My confusion was exacerbated by the fact that the online reporting form interface for the Year End Report is almost identical to the one for the Year Start Report. Again, I do not offer this information as an excuse, but solely to explain why my non-timely filing was an honest mistake, and not an effort to conceal information from the Commission or the public.

Having reviewed the relevant regulations, it appears these mitigating circumstances meet the test laid out in 2 AAC 50.855 (a)(1)(A)(i). That is, (as I have been informed by APOC staff) I have "a good filing history," in that I have had no late filings in the immediately preceding five years, and therefore qualify for a reduction in the civil penalty of up to 50 percent.

While APOC staff advised me that it is only necessary to meet the conditions of one element of 2 AAC 50.865(a) in order to qualify for a reduction in my civil penalty, I was also told that it might be possible to qualify under a different section of the regulation, for a reduction of more than 50 percent, or even a waiver of all, of my civil penalty.

2 AAC 50.865 (b)(5) states that the person may qualify for a reduction of more than 50 percent of a civil penalty if a couple of tests are met: in the first place, that "the civil penalty is

significantly out of proportion to the degree of harm to the public for not having the information;" in the second place, that there are no aggravating factors as in (d) of the section.

I believe I qualify under both tests. In the first place, the civil penalty of \$650 is significantly out of proportion to the degree of harm to the public for not having the information because the election had been over more than 15 months ago, and a 13-day delay in filing the report this long after the election could have no effect on the results of the election, or on public opinion relating to it. In the second place, none of the aggravating factors in 2 AAC 50.865 (d) apply.

Again, I am not sure whether it is actually permissible to make a claim for reduction under two different sections of the regulation; but thought it might be worthwhile to provide evidence for both claims as additional information that may help in the Commission's consideration of my appeal.

Thank you for allowing me the opportunity to file this civil penalty appeal affidavit.

Sam J. J. 3/27/24



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

March 18, 2024

Via Certified Mail, U.S. Mail, and Email

Daniel Saddler
PO BOX 771811
Eagle River, AK 99577
dan@dansaddler.com

RE: Notice of Penalty¹
2023 Year End Campaign Disclosure Report

Dear Mr. Saddler:

According to our records you did not timely file your 2023 Year End Day Campaign Disclosure Report General Election for the State that was due on February 15, 2024. Instead, the report was filed on February 28, 2024(13 days late). By law a maximum penalty of \$50 accrues each day the report is late.² **Accordingly the assessed penalty owed is \$650.**³

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](#)⁴ 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.

Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

⁵ 2 AAC 50.831(a).

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

Failure to respond to this notice by either making arrangement for payment or submitting an appeal within 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.⁶

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

Dyane Chung

Dyane Chung
Campaign Disclosure Associate

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Daniel Saddler PO BOX 771811 Eagle River, AK 99577 dan@dansaddler.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

Dyane Chung

3-18-24

Campaign Disclosure Associate

Date

9171 9690 -0935 0310 8217 12

⁶ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Daniel Saddler
PO Box 771811
Eagle River, AK 99577
dan@dansaddler.com

Re: Commission Meeting Notice

Dear Mr. Saddler:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Year End Campaign Disclosure Report.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present you appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

John Whitlock
John Grover Whitlock
Paralegal

Encl: Proposed Findings and Order

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Daniel Saddler PO Box 771811 Eagle River, AK 99577 dan@dansaddler.com 9489 0178 9820 3021 0601 71	☒ Certified Mail ☒ Email

	5/20/24
Signature	Date

From: [Microsoft Outlook](#)
To: dan@dansaddler.com
Subject: Relayed: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Monday, May 20, 2024 6:20:00 PM
Attachments: [Penalty Appeal Meeting Notice from \[REDACTED\] Alaska Public Offices Commission.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
dan@dansaddler.com (dan@dansaddler.com) <mailto:dan@dansaddler.com>
Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Michael Sargent

DATE: May 10, 2024

RESPONDENT: Elizabeth Siddon

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2021 Juneau City and Borough Election.

LATE REPORT(S): • Campaign Disclosure Reports
☒ Future Campaign Account

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 24, 2024

NUMBER OF DAYS LATE: 9

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: April 09, 2024

MAXIMUM STATUTORY PENALTY: \$450.00

PENALTY ASSESSED¹: \$225.00

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that she has a good filing history.
2. Affiant states that the late report caused no significant harm to the public.
3. Affiant states that the unreported information had a value of less than \$100.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

¹ 2 AAC 50.855(b)(2)(B)(i).

1. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years).² Ms. Siddon has no other late filings in the previous five years and therefore qualifies for a penalty reduction under this criteria.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information.³ A penalty is significantly out of proportion to the degree of harm when the unreported amount has a value of \$100 or less. Here, Ms. Siddon reported 0.54 in bank account interest on a future campaign account that had a balance of \$1,189.04. The assessed penalty amount of \$225.00 is clearly disproportionate in this instance.
3. Based on her good filing history, and because the penalty is out of proportion to the degree of harm, staff recommends the penalty be waived.

FILER'S REPORTING HISTORY:

2021 – Juneau City and Borough (exempt candidate)

2023 Future Campaign Account..... Late by 9 Days (Subject of Appeal)

2022 Future Campaign Account Timely

2021 Future Campaign Account Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$1,189.04
Income:	\$0.54
Expenses:	\$0.00
Debts:	\$0.00
Ending Balance:	\$1,189.58

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**

² 2 AAC 50.865(a)(1)(A)(i).

³ 2 AAC 50.865(b)(4).

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☒ No significant harm to the public and no aggravating factors.⁵ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁶ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

⁵ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁶ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ___ to \$___**
- ☐ **Upheld at the assessed amount of \$**

⁷ Value greater than \$1000.

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law



Name of Appellant: Elizabeth Siddon

Office: Juneau City and Borough Board of Education

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

- | | | |
|---|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☐ Other: _____ | | |

Specify year & election, if late report (e.g., 04 Primary, 03 Muni, etc.): 2021 Municipal

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:

(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;

(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: (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; (5) (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.

Based on the above mitigating factors, I am requesting leniency for the civil penalty. The late-reported value of 2023 earnings in the Future Campaign Account was \$0.54 cents.

Thank you for your consideration.

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) except for a disclosure that must be submitted within 24 hours under AS 15.13.110 or 15.13.040, 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.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

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Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

March 15, 2024

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Elizabeth Siddon
P.O. Box 21007
Juneau, Alaska 99802
ebett_calvert@hotmail.com

RE: Notice of Penalty Assessment – 2023 Future Campaign Account Disclosure Report

Ms. Siddon:

According to our records you did not timely file your 2023 Future Campaign Account Campaign Disclosure Report for the 2021 Juneau City and Borough election that was due on February 15, 2024. Instead, the report was filed on February 24, 2024 (9 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$450.00.²

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.³ **Accordingly, the assessed penalty owed is \$225.**

Additionally, please be advised:

- 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](#)⁴ 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.

¹ AS 15.13.390(a).

² 2 AAC 50.855(a).

³ 2 AAC 50.855(b)(2)(C)(ii).

⁴ <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.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁶

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

John Whitlock

John Grover Whitlock
Paralegal

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

9171 9690 0935 0310 8334 70

CERTIFICATE OF SERVICE:

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

Elizabeth Siddon
P.O. Box 21007
Juneau, Alaska 99802

ebett_calvert@hotmail.com

☒ Certified Mail
☒ U.S. Mail
☒ Email

John Whitlock
Law Office Assistant

3/15/24

Date

⁵ 2 AAC 50.831(a).

⁶ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Elizabeth Siddon
P.O. Box 21007
Juneau, Alaska 99802
ebett_calvert@hotmail.com

Re: Commission Meeting Notice

Dear Ms. Siddon:

At its upcoming June meeting, the Commission will consider the matter of the civil penalty assessed for your late filed Future Campaign Disclosure Report.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

If you do not participate in the meeting, staff will send you a letter and a final order notifying you of the Commission's decision.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

Michael Sargent

Michael Sargent
Paralegal Specialist I /
Campaign Disclosure Coordinator

Encl: Proposed Findings and Order

CERTIFICATE OF SERVICE:

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

Elizabeth Siddon
P.O. Box 21007
Juneau, Alaska 99802
ebett_calvert@hotmail.com

9489 0178 9820 3021 0602 18

☒ Certified
Mail
☒ Email

Signature *Michael Sargent* date

05.20.2024

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

Delivered: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission

postmaster@outlook.com <postmaster@outlook.com>

Mon 5/20/2024 3:59 PM

To:ebett_calvert@hotmail.com <ebett_calvert@hotmail.com>

 1 attachments (43 KB)

Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission;

Your message has been delivered to the following recipients:

ebett_calvert@hotmail.com

Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: John Grover Whitlock

DATE: May 20, 2024

RESPONDENT: Bert Stedman

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2022 State of Alaska Primary and General Election.

LATE REPORT(S): • Campaign Disclosure Reports
☒ Year End Report

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 24, 2024

NUMBER OF DAYS LATE: 9

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: March 20, 2024

MAXIMUM STATUTORY PENALTY: \$450

PENALTY ASSESSED¹: \$450

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that the unreported information had a value of less than \$100 and that the civil penalty is significantly out of proportion to the degree of harm to the public for not having the information.

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

¹ 2 AAC 50.855(b)(2)(B)(i).

1. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information² or if the late report included only administrative costs.³ A penalty is significantly out of proportion to the degree of harm when the unreported amount has a value of \$100 or less. Here, although the filer's unreported amount surpassed \$100 by 56 cents, all of the expenditures were bank fees/administrative costs. Because the late report only included administrative costs, this mitigator can be applied.
2. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years).⁴ This filer is a long-time filer and has no late filings in the previous five years.
3. Based on his good filing history and the report only including administrative costs, staff recommends the penalty be waived.

FILER'S REPORTING HISTORY:

2022 – State Primary / State General

2023 Future Campaign Account.....Late by 9 Days (Subject of Appeal)

2023 Public Office Expense Term Timely
 2022 Public Office Expense Term Timely
 Year End Report..... Timely
 7 Day Report..... Timely
 30 Day Report..... Timely
 7 Day Report..... Timely
 30 Day Report..... Timely
 Year Start Report Timely

2020 – State Primary / State General

2023 Public Office Expense Term..... Timely
 Year End Report..... Timely
 7 Day Report..... Timely
 30 Day Report..... Timely
 7 Day Report..... Timely
 30 Day Report..... Timely
 Year Start Report..... Timely

² 2 AAC 50.865(b)(4).
³ 2 AAC 50.865(b)(3).
⁴ 2 AAC 50.865(a)(1)(A)(i).

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$ 1,000.00
Income:	\$ 0.00
Expenses:	\$ 100.56
Debts:	\$ 0.00
Ending Balance:	\$ 899.44

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁵ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☐ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☒ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.⁶ **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁷ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

⁵ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁶ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁷ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁸ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ____ to \$ ____**
- ☐ **Upheld at the assessed amount of \$ ____**

⁸ Value greater than \$1000.

ARRIVED

MAR 20 2024

APOC - ANCH
PM HC FAX ELE

Civil Penalty Appeal Affidavit

AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant: BERT STEEDMAN

Office Sought: SENATE

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

- | | | |
|---|---|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☒ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☐ Other: _____ | | |

Year & Election, if late report (e.g., 2020 Primary, 2020 Muni, etc.): 2022 GENERAL

Instructions: If you send payment, you need not file this. An affidavit is required only if you are appealing the civil penalty or violation.

Statement: State why the reporting violation occurred or why you believe it did not occur and the reasons the civil penalty should not be assessed (use additional pages if needed). I do hereby swear and affirm that:

*Non-deliberate oversight, a \$100.56
Bank fee for a static Future Election
account.*

Certification: I 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: Bert Steedman 3/17/2024

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) except for a disclosure that must be submitted within 24 hours under AS 15.13.110 or 15.13.040, 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.



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

March 15, 2024

Via Certified Mail, U.S. Mail, and Email

Senator Bert Stedman
1806 Sawmill Creek Road
Sitka, AK 99835
bertstedman@yahoo.com

RE: Notice of Penalty¹
2023 Future Campaign Account Disclosure Report

Dear Senator Stedman:

According to our records you did not timely file your Future Campaign Account Disclosure Report for 2022 State General Election that was due on February 15, 2024. Instead, the report was filed on (9 day(s) late). By law a maximum penalty of \$50 accrues each day the report is late.² **Accordingly the assessed penalty owed is \$450.**³

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](#)⁴ 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.

Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission. You will receive a copy of that recommendation and notice of when the

¹ 2 AAC 50.855(a)

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

⁵ 2 AAC 50.831(a).

Commission will meet to consider the matter. You will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangement for payment or submitting an appeal within 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.⁶

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.

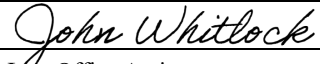
ALASKA PUBLIC OFFICES COMMISSION


John Grover Whitlock
Paralegal

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

9171 9690 0935 0310 8334 87

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Senator Bert Stedman 1806 Sawmill Creek Road Sitka, AK 99835 bertstedman@yahoo.com	☒ Certified Mail ☒ U.S. Mail ☒ Email
 Law Office Assistant	3/15/24 Date

⁶ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Senator Bert Stedman
1806 Sawmill Creek Road
Sitka, AK 99835
Bertstedman@yahoo.com

Re: Commission Meeting Notice

Dear Mr. Stedman:

At its upcoming June meeting, the Commission will review the matter of the civil penalty assessed for your late filed Future Campaign Account Disclosure Report.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

From: [Sargent, Mike David \(DOA\)](#)
To: [Whitlock, John G \(DOA\)](#)
Subject: Fw: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Tuesday, May 21, 2024 6:41:46 AM
Attachments: [Penalty Appeal Meeting Notice from the Alaska Public Offices Commission.msg](#)

Michael Sargent
Paralegal Specialist I / Campaign Disclosure Coordinator
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Room 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

CONFIDENTIALITY NOTICE: This communication with its content and any attachments may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@stateofalaska.onmicrosoft.com>
Sent: Monday, May 20, 2024 6:31 PM
To: Bertstedman@yahoo.com <Bertstedman@yahoo.com>
Subject: Relayed: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Bertstedman@yahoo.com (Bertstedman@yahoo.com)
Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: John Grover Whitlock

DATE: May 20, 2024

RESPONDENT: Gary Stevens

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2022 State of Alaska Primary and General Election.

LATE REPORT(S): • Campaign Disclosure Reports
☒ 24 Hour Report

DUE DATE OF LATE FILED REPORT: October 31, 2022

REPORT FILED ON: January 22, 2023

NUMBER OF DAYS LATE: 83

DATE PENALTY ASSESSMENT SENT: June 9, 2023

DATE PENALTY APPEAL RECEIVED: June 12, 2023

MAXIMUM STATUTORY PENALTY: \$41,500

PENALTY ASSESSED¹: \$7,750

RECOMMENDATION: Reduce to \$500
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant does not believe that the public was harmed in any way.
2. Affiant thought that the 24-hour campaign disclosure report was only for those contributions that exceeded \$250 in the last 24 hours of the campaign. Affiant talked regularly with APOC staff and believed that he was in compliance with statutory disclosure requirements.

¹ 2 AAC 50.855(b)(2)(B)(i).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information² A penalty is significantly out of proportion to the degree of harm if the penalty exceeds twice the value of the transaction that was reported late. Here, the penalty is significantly out of proportion to the degree of harm because the late-reported transaction was a \$500 contribution and the resulting penalty was \$7,750.
2. Although the filer states that he misunderstood the 24 hour reporting requirement, talked regularly with APOC staff, and believed that he was in compliance with his reporting requirements, there is insufficient detail that can be relied upon for a recommended reduction.
3. Based on applicable mitigation criteria, staff recommends the penalty be reduced to \$500, the amount of the contribution that triggered the 24 hour report requirement.

FILER’S REPORTING HISTORY:

2022 – State Primary / State General

Year End Report..... Timely
7 Day Report (due on 11/1)..... Timely
24 Hour Report due **Late (subject to appeal)**
30 Day Report (due on 10/10)..... Timely
7 Day Report (due on 8/9)..... Timely
30 Day Report (due on 7/18)..... Timely
Year Start Report..... Late (filed on 3/3)

2020 – State Primary / State General

2021 Public Office Expense Term..... Timely
Year End Report (due 2/15) Late (filed on 3/10)
Year End Report (due on 2/16) Timely
7 Day Report (due on 10/27)..... Timely
30 Day Report (due on 10/5)..... Timely
7 Day Report (due on 8/11)..... Timely
30 Day Report (due on 7/20)..... Timely
Year Start Report..... Timely

² 2 AAC 50.865(b)(5).

ACTIVITY ON LATE REPORT:

Income:	\$1,500³
----------------	----------------------------

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☐ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁴ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☐ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.⁵ **2 AAC 50.865(b)(4)**
- ☒ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁶ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

³ Filer's year end report disclosed contributions of \$1,500 received on 10/30/22 but only one \$500 contribution required a 24 hour report.

⁴ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁵ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁶ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁷ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☐ **Waived**
- ☐ **Reduced to \$500**
- ☐ **Upheld at the assessed amount of**

⁷ Value greater than \$1000.

ARRIVED
JUN 12
APOC - ANCH
PM HC FAX **ELE**

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant: GARY STEVENS

Office: SENATE

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

- | | | |
|---|--|--|
| ☒ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☐ Other: _____ | | |

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

2022 STATE GENERAL ELECTION

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:

I am so sorry it has come to this. I was under the impression that the 24-hour campaign disclosure report was only for those contributions that exceeded \$250 in the last 24 hours of the campaign. I talked regularly with APOC staff trying to make sure I was complying with all the rules and believed I was. This is a terrible mistake on my part. I don't believe the public was harmed in any way. Finally, I have no idea how I am going to pay \$7,750 as a retired teacher. If this should be the final assessment, I hope I will be able to make monthly payments. I would ask you to reassess this fine and find a way to reduce it so I can afford to pay it.

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: [Signature] 5/12/23



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

June 9, 2023

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Senator Gary Stevens
P.O. Box 201
Kodiak, Alaska 99615
ritstev@gci.net
senator.gary.stevens@akleg.gov

RE: Notice of Penalty Assessment – 24 Hour State General Campaign Disclosure Report

Senator Stevens:

According to our records you did not timely file your 24-Hour Campaign Disclosure Report for the 2022 State General Election. During the nine days prior to an election (Oct. 30th-Nov. 7th) 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 October 31, 2022.¹ Instead, this contribution was disclosed on a Year End Report on January 22, 2023, (83 days late).² By law, a maximum penalty of \$500 accrues each day the report is late.³ The maximum penalty the Alaska Public Offices Commission could assess you is \$41,500.⁴

Staff is assessing the penalty at \$500 a day for each day the report was late through the date of the election and assessing the penalty at \$50 a day for each day the report was late after the election.⁵ **Accordingly, the assessed penalty owed is \$7,750.**

Additionally, please be advised:

- 1) You may pay the reduced penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; visiting our [website](https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx)⁶ to make a

¹ AS 15.13.110(b).

² [Sam Roher, October 30, 2022, Credit Card, \$500].

³ AS 15.13.390(a).

⁴ 2 AAC 50.855(a).

⁵ 2 AAC 50.855(b)(5).

⁶ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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 questions concerning this matter, please contact the APOC staff.

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

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

Failure to respond to this notice by either making arrangement 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.⁸

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

Thomas R. Lucas

Thomas R. Lucas
Campaign disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Senator Gary Stevens P.O. Box 201 Kodiak, Alaska 99615 ritstev@gci.net senator.gary.stevens@akleg.gov	☒ Certified Mail ☒ U.S. Mail ☒ Email

Rachelle Ferguson 06/09/2023
Law Office Assistant Date
9171-9690-0935-0298-0979-18

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

⁷ 2 AAC 50.831(a).

⁸ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Senator Gary Stevens
P.O. Box 201
Kodiak, Alaska 99615
ritstev@gci.net
senator.gary.stevens@akleg.gov

Re: Commission Meeting Notice

Dear Senator Stevens:

At its upcoming June meeting, the Commission will consider the matter of the civil penalty assessed for your late filed 24 Hour Campaign Disclosure Report.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

If you do not participate in the meeting, staff will send you a letter and a final order notifying you of the Commission's decision.

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

Michael Sargent
 Michael Sargent
 Paralegal Specialist I /
 Campaign Disclosure Coordinator

Encl: Staff Penalty Recommendation

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Senator Gary Stevens P.O. Box 201 Kodiak, Alaska 99615 ritstev@gci.net senator.gary.stevens@akleg.gov 9489 0178 9820 3021 0602 32	☒ Certified Mail ☒ Email

Signature	date
<i>Michael Sargent</i>	05.20.2024

From: [Sargent, Mike David \(DOA\)](#)
To: [Whitlock, John G \(DOA\)](#)
Subject: Fw: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission
Date: Tuesday, May 21, 2024 6:42:37 AM
Attachments: [Penalty Appeal Meeting Notice from Alaska Public Offices Commission.msg](#)

Michael Sargent
Paralegal Specialist I / Campaign Disclosure Coordinator
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Room 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

CONFIDENTIALITY NOTICE: This communication with its content and any attachments may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Microsoft Outlook
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@stateofalaska.onmicrosoft.com>
Sent: Monday, May 20, 2024 5:37 PM
To: Stevens, Gary L (LEG) <senator.gary.stevens@akleg.gov>
Subject: Relayed: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[Stevens, Gary L \(LEG\) \(senator.gary.stevens@akleg.gov\)](#)

Subject: Penalty Appeal / Meeting Notice from the Alaska Public Offices Commission



**ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION**

PREPARED BY: Dyane Chung

DATE: April 10, 2024

RESPONDENT: Richard Trotter

CIVIL PENALTY

ASSESSED UNDER: ☒ **Campaign Disclosure: AS 13.15.390, 2 AAC 50.855**

REASON FOR FILING: Candidate – 2023 State Primary Election

LATE REPORT(S): • **Campaign Disclosure Reports**

☒ Year End Report

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: March 5, 2024

NUMBER OF DAYS LATE: 19

DATE PENALTY ASSESSMENT SENT: March 20, 2024

DATE PENALTY APPEAL RECEIVED: March 22, 2024

MAXIMUM STATUTORY PENALTY: \$950

PENALTY ASSESSED¹: \$475

RECOMMENDATION: Reduce by 75%

(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states he thought all reporting had been completed and was unaware of the 2023 Year End Report.
2. Affiant requests any penalties to be waived.
3. Affiant states it was his first election therefore would qualify as an inexperienced filer.
4. Affiant states the report had no significant harm to the public.

¹ 2 AAC 50.855(b)(2)(C)(ii).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by up to 50% if the person required to file is an inexperienced filer (one who has been subject to a registration or reporting requirement for less than 365 days)¹. Here, Respondent became subject to registration or reporting requirement on June 21, 2022.² Accordingly, he has been subject to reporting requirements for more than 365 days.
2. A civil penalty may be reduced by a percentage greater than 50%, or waived if the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information and no aggravating factors exist . A late report does not cause significant harm when the dollar amount reported is less than \$100. Here, although Respondent filed a no activity report, he has an aggravating factor because he previously filed a report late in the same election cycle.³

Additionally, the filer had a year end reporting obligation because his year end report filed after the 2022 election disclosed a deficit balance of -\$491.74. But the next report filed (subject of this appeal) disclosed no starting deficit, no financial activity, and a closing balance of zero, i.e. he has not disclosed how the deficit was satisfied.

3. A civil penalty may be reduced by up to 50% when any unreported information had a value between \$100 and \$1,000 and an additional factor applies.² Here the value that was unreported was less than \$500 but there isn’t any other mitigation factor that applies. In any event, given the minimal amount of the reported deficit which appears to have been caused by his disclosing personal loans to his campaign as campaign debt, his overall campaign activity (less than \$4,000), and the fact that he withdrew after the primary election, staff recommends a 75% reduction of the assessed penalty.

FILER’S REPORTING HISTORY:

2019 – Anchorage Municipal Election

Letter of Intent..... Timely (6/21/22)

Year Start Report..... Timely

2022 – State Primary Election

30 Day Report..... Late by 6 Days (Appealed)

7 Day Report..... Timely

Year End Report..... Timely

2023 – State Primary Election

Year End Report..... Late (subject of this appeal)

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$0.00
Income:	\$0.00

² 2 AAC 50.865(a)(4).

Expenses:	\$0.00
Debts:	\$0.00
Ending Balance:	\$0.00

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☐ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.³ **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☐ Reported information had a value of \$100 or less². **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.⁴ **2 AAC 50.865(b)(4)**
- ☒ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁵ **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

-
- 1 2 AAC 50.865(a)(1)(B)
 - 2 Respondent filed a Letter of Intent on June 21, 2022, for the 2022 State Primary Election
 - 3 2 AAC 50.865 (b)(5)
 - 4 The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.
 - 5 Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁶ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☐ **Waived**
- ☒ **Reduced by 75% to \$118.75**
- ☐ **Upheld at the assessed amount of \$**

7

⁶ Value greater than \$1000.

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **03/05/2024**
 Filer First Name: **Richard**
 Filer Middle Name: **C**
 Filer Last Name: **Trotter**
 Filer's Title: **Candidate**
 Report Type: **Year End Report**

CANDIDATE INFORMATION

Candidate Name: **Richard Clayton Trotter**
 Candidate Address: **13538 Konrad Circle**
 City, State Zip: **Anchorage, Alaska 99577**

REPORT INFORMATION

Election Year: **2022**
 Election: **State Primary**
 Report Type: **Year End Report**
 Reporting Period: From **02/02/2023** Through **02/01/2024**

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$0.00				
[+] ↓		Previous Campaign Income: (From Box A of previous report)		Campaign Income Total: (Box A)	
Total Income Reported:	\$0.00	[+] ⇒	\$3,558.00	[=] ⇒	\$3,558.00
[-] ↓		Previous Campaign Expenses: (From Box B of previous report)		Campaign Expense Total: (Box B)	
Total Expenditures Reported:	\$0.00	[+] ⇒	\$3,558.00	[=] ⇒	\$3,558.00
[=] ↓					
Closing Cash On Hand:	\$0.00				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					
Surplus/Deficit:	\$0.00				

INCOME

Date Received	Payment Method	Contributor	Details	Amount
No Income / Nothing to Report				
Income Total:				\$0.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
No Expenditures / Nothing to Report				
Expenditure Total:				\$0.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	\$0.00

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law



Name of Appellant: RICHARD CLAYTON TROTTER

Office: SENATE

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

- | | | |
|---|--|--|
| ☐ 30 Day Report | ☐ 105 Day Report | ☐ Statement of Contributions (15-5) |
| ☐ 7 Day Report | ☐ Year End Report | ☐ Independent Expenditure (15-6) |
| ☐ 24 Hour Report | ☐ Registration | ☐ Paid for By Identifier |
| ☒ Other: <u>2023 Year End Report for 2022 Primary due in 2024</u> | | |

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:

I was unaware of the 2023 Year End Report requirement to be filed in 2024. I thought all reporting had been completed. Additionally, since I had withdrawn from the race after the primary I did not actually participate in the election. I had no notice of the requirement until I received your Notice of Deficiency dated Feb. 23, 2024.

Please waive any penalties, due to my lack of awareness of the requirement. This was my first election effort in Alaska; accordingly, I would seem to qualify as an "inexperienced filer". There was no significant harm to the public as all amounts were recorded on the

Certification:

previous forms.

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: Richard Clayton Trotter 3/22/2024



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

March 20, 2024

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Richard Trotter
13538 Konrad Circle
Anchorage, AK 99577
claytonrotter@gmail.com

RE: Notice of Penalty Assessment – 2023 Year End Campaign Disclosure Report

Mr. Trotter:

According to our records you did not timely file your 2023 Year End Campaign Disclosure Report for the State Primary Election that was due on February 15, 2024. Instead, the report was filed on March 5, 2024 (19 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$950.²

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.³ **Accordingly, the assessed penalty owed is \$475.**

Additionally, please be advised:

- 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](https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx)⁴ 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.

¹ AS 15.13.390(a).

² 2 AAC 50.855(a).

³ 2 AAC 50.855(b)(2)(C)(ii).

⁴ <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.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁶

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

Dyane Chung

Dyane Chung
Candidate Disclosure Associate

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

CERTIFICATE OF SERVICE:

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

Richard Trotter
13538 Konrad Circle
Anchorage, AK 99577
claytonrotter@gmail.com

☒ Certified Mail
☒ U.S. Mail
☒ Email

Dyane Chung

Campaign Disclosure Associate

9171 9690 0935 0310 8217 50

3-20-24

Date

⁵ 2 AAC 50.831(a).

⁶ 2 AAC 50.895.



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

May 21, 2024

Via Certified Mail and Email

Richard Trotter
13538 Konrad Circle
Eagle River, AK 99577
claytonrotter@gmail.com

Re: Commission Meeting Notice

Dear Mr. Trotter:

At its upcoming June meeting, the Commission will consider the matter of the civil penalty assessed for your late filed Year End Campaign Disclosure Report.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

If you do not participate in the meeting, staff will send you a letter and a final order notifying you of the Commission's decision.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

Michael Sargent
Michael Sargent
Paralegal Specialist I /
Campaign Disclosure Coordinator

Encl: Proposed Findings and Order

CERTIFICATE OF SERVICE:

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

Richard Trotter
13538 Konrad Circle A
Eagle River, AK 99577
claytonrotter@gmail.com

☒ Certified
Mail
☒ Email

9489 0178 9820 3021 0602 63

Signature

date

Michael Sargent

05.21.2024

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

Tracking Number:

Remove X

9489017898203021060263

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Expected Delivery by

THURSDAY**23** May 2024 ⓘ by **9:00pm** ⓘ

Your item arrived at our USPS facility in ANCHORAGE AK DISTRIBUTION CENTER on May 21, 2024 at 9:19 pm. The item is currently in transit to the destination.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network**Arrived at USPS Regional Facility**ANCHORAGE AK DISTRIBUTION CENTER
May 21, 2024, 9:19 pm**Accepted at USPS Origin Facility**ANCHORAGE, AK 99508
May 21, 2024, 8:04 pm[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Undeliverable: Notice of Referral / Meeting Notice from the Alaska Public Offices Commission

Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@stateofalaska.onmicrosoft.com>

Wed 5/22/2024 11:17 AM

To:claytonrotter@gmail.com <claytonrotter@gmail.com>

1 attachments (921 KB)

Notice of Referral / Meeting Notice from the Alaska Public Offices Commission;



Your message to claytonrotter@gmail.com couldn't be delivered.

claytonrotter wasn't found at gmail.com.

mike.sargent
Action Required

Office 365

claytonrotter
Recipient

Unknown To address

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.1 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? [Send feedback to Microsoft](#).

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected.



ALASKA PUBLIC OFFICES COMMISSION
STAFF RECOMMENDATION FOR COMMISSION ACTION

PREPARED BY: Michael Sargent

DATE: May 13, 2024

RESPONDENT: Stephen Wright

CIVIL PENALTY

ASSESSED UNDER: ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

REASON FOR FILING: Candidate – 2024 State Primary Election

LATE REPORT(S): • Campaign Disclosure Reports
☒ Year Start Campaign Disclosure Report

DUE DATE OF LATE FILED REPORT: February 15, 2024

REPORT FILED ON: February 23, 2024

NUMBER OF DAYS LATE: 8

DATE PENALTY ASSESSMENT SENT: March 15, 2024

DATE PENALTY APPEAL RECEIVED: March 18, 2024

MAXIMUM STATUTORY PENALTY: \$400.00

PENALTY ASSESSED¹: \$200.00

RECOMMENDATION: Waive
(See “Staff’s Recommendation Based on Standard Mitigation Criteria”)

AFFIANT’S STATEMENT OF MITIGATING FACTS:

1. Affiant states that he has a good filing history.
2. Affiant states that the late report was due to technical issues with the online filing system.
3. Affiant states that he was provided incorrect information regarding online filings by APOC staff.

¹ 2 AAC 50.855(b)(2)(B)(i).

STAFF’S ANALYSIS OF FACTS FOR COMMISSION REVIEW

1. A civil penalty may be reduced by up to 50% if the person required to file has a good filing history (no late filings in the immediately preceding 5 years).² Mr. Wright has no other late filings in the previous five years and therefore qualifies for a penalty reduction under this criteria.
2. A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the civil penalty assessed is significantly out of proportion to the degree of harm to the public for not having the information³ and when if the late report included only administrative costs.⁴ A penalty is significantly out of proportion to the degree of harm when the unreported amount has a value of \$100 or less. Here, Mr. Wright reported no activity on a Year Start Campaign Disclosure Report that had a balance of \$0.00. The assessed penalty amount of \$200.00 is clearly disproportionate in this instance.
3. A civil penalty may be reduced by up to 50% when there is a technical issue with the online filing system and may be waived entirely when a unique circumstance justifies it.⁵ In this instance, Mr. Wright provided evidence of numerous attempts to file online while travelling internationally. Due to State of Alaska cyber security measures, access to My Alaska and the APOC online filing system from outside the United States is restricted.
4. Based on the foregoing, including a good filing history, the penalty being out of proportion to the degree of harm, the report disclosing no new activity and the inability to access the filing system, staff recommends the penalty be waived.

FILER’S REPORTING HISTORY:

2024 – State Primary

2024 Year Start Report..... Late by 8 Days (Subject of Appeal)

2022 – State Primary

Seven Day Report..... Timely

Thirty Day Report Timely

Year Start Report..... Timely

2022 – State General

Year End Report Timely

Seven Day Report Timely

² 2 AAC 50.865(a)(1)(A)(i).

³ 2 AAC 50.865(b)(4).

⁴ 2 AAC 50.865(b)(3).

⁵ 2 AAC 50.865 (a)(2) and 2 AAC 50.865(a)(6).

Thirty Day Report Timely

ACTIVITY ON LATE REPORT:

Beginning Balance:	\$ 0.00
Income:	\$ 0.00
Expenses:	\$ 0.00
Debts:	\$ 0.00
Ending Balance:	\$ 0.00

STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA

Staff finds the following mitigation criteria applicable to the respondent's appeal:

Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:

- ☒ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.⁶ **2 AAC 50.865(a)(1)(B)**
- ☒ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☒ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☒ No significant harm to the public and no aggravating factors.⁷ **2 AAC 50.865(b)(4)**
- ☒ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.⁸ **2 AAC 50.865(b)(5)**
- ☒ A unique circumstance. **2 AAC 50.865(b)(6)**

⁶ Any entity or filer subject to a registration or reporting requirement for less than 365 days.

⁷ The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

⁸ Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions.

Non-mitigating factors [2 AAC 50.865(c)]:

The Commission will not accept the following mitigating factors to reduce the amount of a penalty.

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☐ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

Aggravating Factors [2 AAC 50.865(d)]:

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.⁹ **2 AAC 50.865(d)(1)**
- ☐ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:

- ☒ **Waived**
- ☐ **Reduced by ____ to \$ _____**
- ☐ **Upheld at the assessed amount of \$ _____**

⁹ Value greater than \$1000.

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **02/23/2024**
 Filer First Name: **Stephen**
 Filer Middle Name: **T**
 Filer Last Name: **Wright**
 Filer's Title: **Stephen Wright for state senate N**
 Report Type: **Year Start Report**

CANDIDATE INFORMATION

Candidate Name: **Wright, Stephen**
 Candidate Address: **3560 N Banner Way**
 City, State Zip: **Wasilla, Alaska 99654**

REPORT INFORMATION

Election Year: **2024**
 Election: **State Primary**
 Report Type: **Year Start Report**
 Reporting Period: From **05/01/2023** Through **02/01/2024**

No Activity

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$0.00				
[+] ↓		Previous Campaign Income: (From Box A of previous report)		Campaign Income Total: (Box A)	
Total Income Reported:	\$0.00	[+] ⇒	\$7.63	[=] ⇒	\$7.63
[-] ↓		Previous Campaign Expenses: (From Box B of previous report)		Campaign Expense Total: (Box B)	
Total Expenditures Reported:	\$0.00	[+] ⇒	\$0.00	[=] ⇒	\$0.00
[=] ↓					
Closing Cash On Hand:	\$0.00				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					
Surplus/Deficit:	\$0.00				

INCOME

Date Received	Payment Method	Contributor	Details	Amount
No Income / Nothing to Report				
Income Total:				\$0.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
No Expenditures / Nothing to Report				
Expenditure Total:				\$0.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
Remaining Debt Total:				\$0.00

MAR 18 2024

APOC - ANCH
PM FAX ELE

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant:

Stephen Wright

Office:

State Senate District N

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

No Activity During Period

☐ 30 Day Report

☐ 105 Day Report

☐ Statement of Contributions (15-5)

☐ 7 Day Report

☐ Year End Report

☐ Independent Expenditure (15-6)

☐ 24 Hour Report

☐ Registration

☐ Paid for By Identifier

☒ Other:

year start error during signing while traveling

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

2024 Primary

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:

See 6 page Attachment: For Attempts to sign Error messages on chrome, google Safari, Apple phone & Samsung phone see attached multiple attempts to sign after Feb 2 2024 and up until the 13th while traveling internationally on the Atlantic Ocean.

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:

Stephen Wright 2024 Mar

Signed in completed form on 6 Feb at 10:53 AM but no matter the platform signature failed

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;

See Attachment pages

(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) except for a disclosure that must be submitted within 24 hours under AS 15.13.110 or 15.13.040, 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.

[illegible]

☐	me, Tom 2	inbox	Tried to sign on multiple occasions, just didn't work out.	Feb 29
☒			Screen Shot 20...	
☐	Tom, me 3	inbox	APOC Year Start Report Due Today - tom.lucas@alaska.gov - write Good Afternoon, You are receiving this reminder email because you are a candidate, or	Feb 28
☐	me		Tried to load file reports for my campaign which currently has no open funds uns... - I am travelling until 28th February getting error messages when trying to sign i...	Feb 6
☒			Screen Shot 20...	
☒			Screen Shot 20...	
☒			Screen Shot 20...	
☐	me		Filing Letter of Intent	5/24/23
☒			Screen Shot 20...	
☐	Stormont, Charles P.	inbox	APOC - 2024 State Primary/General Elections - Campaign Profile Deactivated - Hello Stephen, We regret to inform you this office has rescinded informa...	2/28/23

Site Error Multiple times
Screen shot
Attachment #3

I am traveling until 28th February getting error messages when trying to sign in. Will be at sea from the 13th to the 24th in international waters, Miami, Orlando and then to Seattle, back to Alaska from vacation on the 1st of March. Getting error messages and cannot sign until the following week. Will be home on the first of March...for some reason myAlaska will not allow me to accessAPOC while traveling in chrome or safari.

Error messages.

After Checking my signs when the snow melts I will add a non-monetary value for what I currently have on hand from my many runs for office.

Let me know if their is something else that I can try but for now no luck on getting the forms to load, I tried with google chrome and Safari. Safari wants a verification with my phone number that won't work until I hit Miami.

Stephen Wright

Candidate for State Senate District N

Signed Friday
23rd In
Miami, FL from
Cruise Port Terminal

Attachment #2

3 file reports for m... x +

mail.google.com/mail/u/0/#search/tom.lucas%40alaska.gov/KtbtLrjKVRDZZjzhdkKWK8qdNFhpftQL

mail tom.lucas@alaska.gov

3 of 5

Tue, Feb 6, 10:53 AM

Tried to load file reports for my campaign which currently has no expenditures...

4,550

Stephen Wright - stephenwright@alaska.sigmall.coms
to tom.lucas, stephenwright

I am traveling until 28th February getting error messages when trying to sign in. Will be at sea from the 13th to the 24th in international waters. Miami, Orlando and then to Seattle, back to Alaska from vacation on the 1st of March. Getting error messages and cannot sign until the following week. Will be home on the first of March, for some reason myAlaska will not allow me to access APOC while traveling in chrome or safari.

I will sign my disclosure as soon as I return from my trip

Error messages
I will be signing for the initial filing period with no income or no expenditures at this point in my campaign to report.

After Checking my signs when the snow melts I will add a non-monetary value for what I currently have on hand from my many runs for office.

I will check the box and try to sign it again when I get to the secure internet. As it doesn't seem to work while traveling overseas.

Let me know if their is something else that I can try but for now no luck on getting the forms to load. I tried with google chrome and Safari. Safari wants a verification with my phone number that won't work until I hit Miami.

Thanks
Stephen Wright
Candidate for State Senate District N

4 Attachments • Scanned by Gmail

This site can't be reached
myAlaska
myAlaska is having trouble connecting to the Internet.
Try:
• Checking the connection.
• Refreshing the page (Ctrl + F5).
• Viewing the page offline.

Type here to search

1:21 PM 3/18/2024 32°F Cloudy

Attachment #3



This site can't be reached

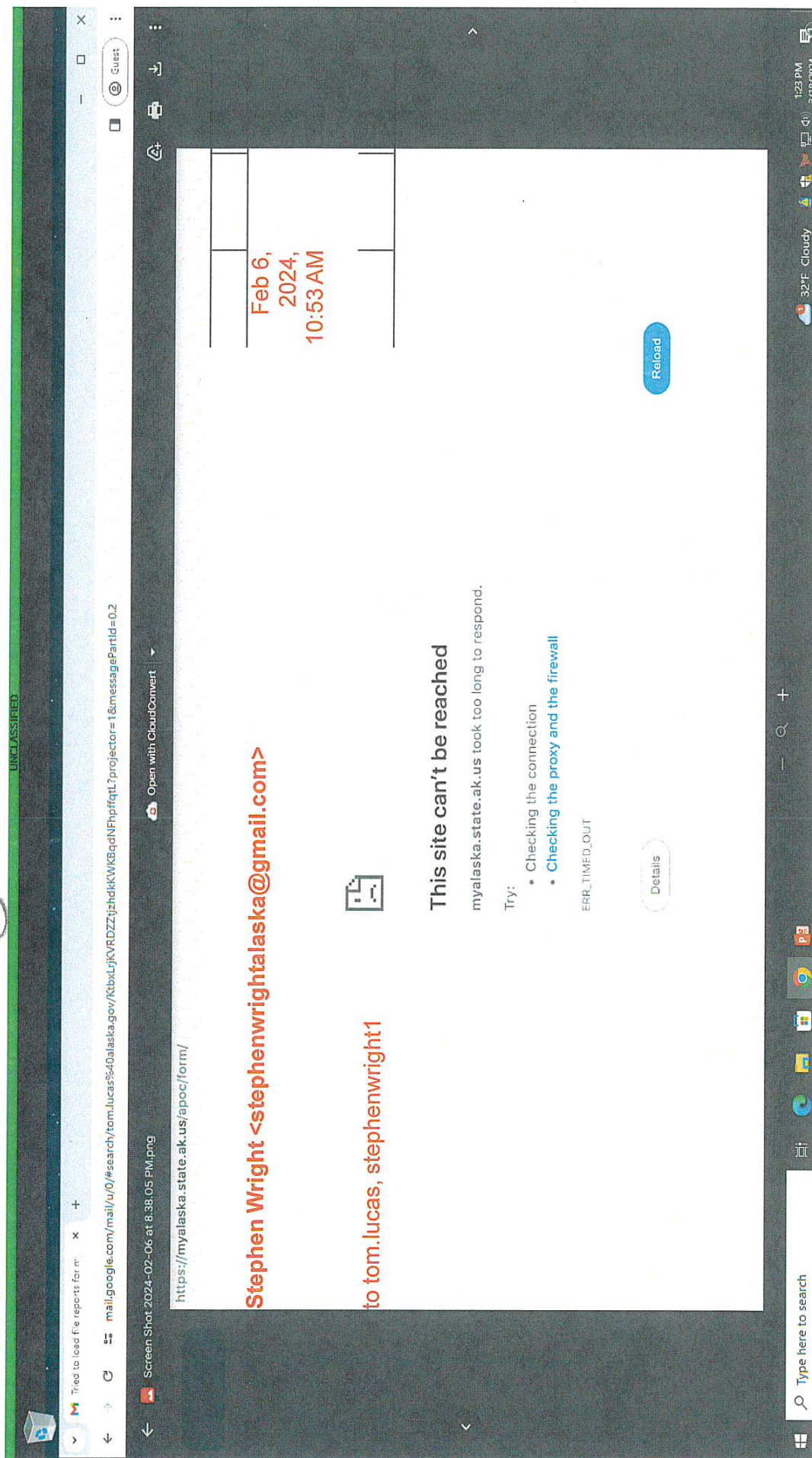
myalaska.state.ak.us took too long to respond.

Try:

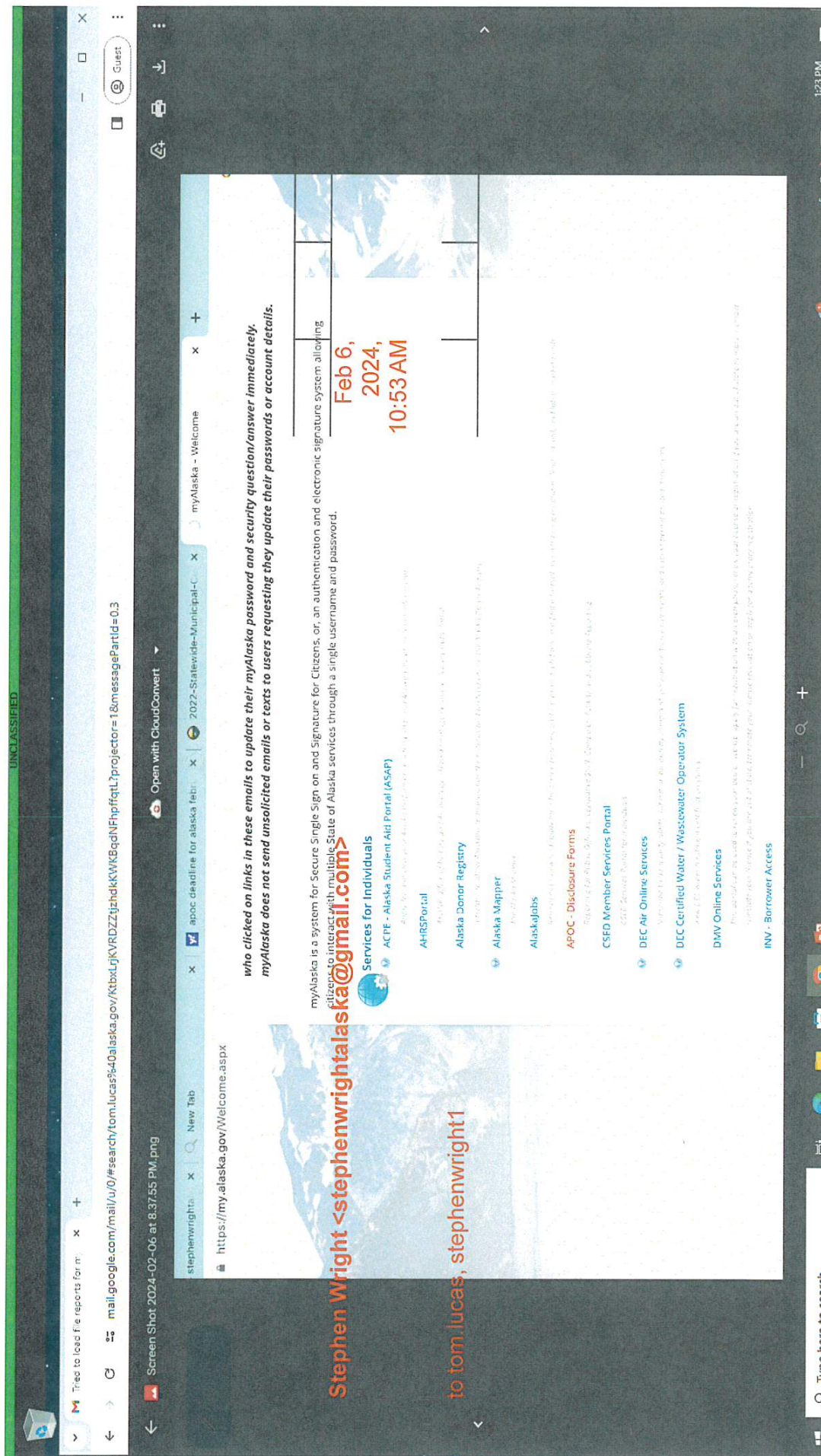
- Checking the connection
- [Checking the proxy and the firewall](#)

ERR_CONNECTION_TIMED_OUT

google pretext Attachment #4



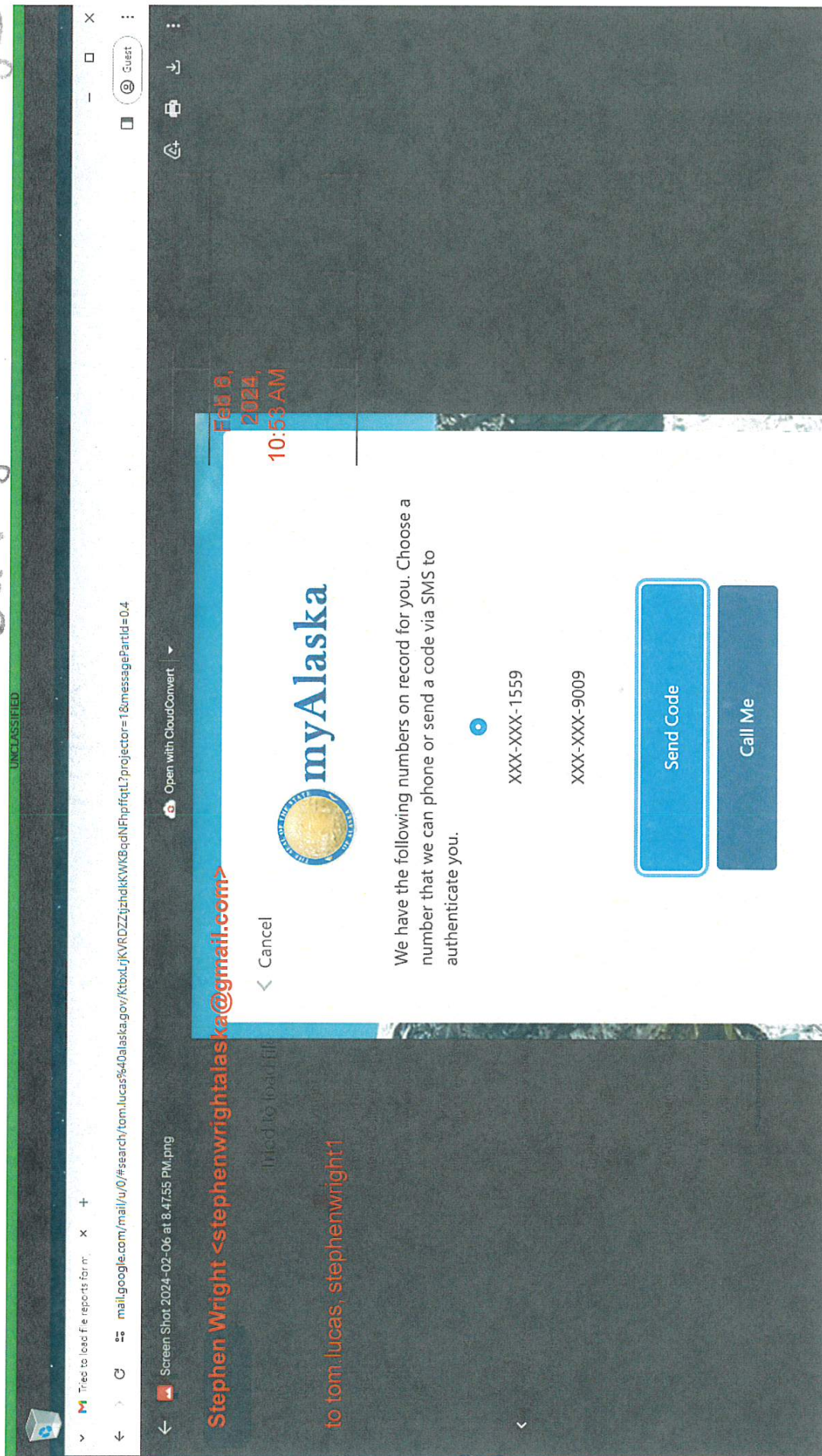
could sign it but (could not sign it)
completed form
Attachment #5



Error with signing addressed that
Nothing to report and got Error
see attachment 6

Attachment
to

could sign in completed form
but got error messages



No response
until 15 march
from Tom
at this point I sent an Email
to Tom 9 days before
(limited internet at sea)
to try and remedy.



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

March 15, 2024

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Stephen Wright
3560 N Banner Way
Wasilla, Alaska 99654
stephenwright1@yahoo.com

RE: Notice of Penalty Assessment – 2024 Year Start Report

Dear Mr. Wright:

According to our records you did not timely file your 2024 Year Start Campaign Disclosure Report for the 2024 State Primary Election that was due on February 15, 2024. Instead, the report was filed on February 23, 2024 (8 days late). By law a maximum penalty of \$50 accrues each day the report is late.¹ The maximum penalty the Alaska Public Offices Commission could assess you is \$400.²

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because the missing information had a value under \$100.³ **Accordingly, the assessed penalty owed is \$200.**

Additionally, please be advised:

- 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](https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx)⁴ 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.

¹ AS 15.13.390(a).

² 2 AAC 50.855(a).

³ 2 AAC 50.855(b)(2)(C)(ii).

⁴ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

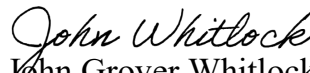
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.⁵ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

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

Failure to respond to this notice by either making arrangement 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.⁶

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

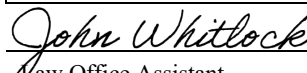

John Grover Whitlock
Campaign Disclosure Associate

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Candidate File (w/o enclosures)

9171 9690 0935 0310 8335 31

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Stephen Wright 3560 N Banner Way Wasilla, Alaska 99654 stephenwright1@yahoo.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

 Law Office Assistant	<u>3/15/24</u> Date
--	------------------------

⁵ 2 AAC 50.831(a).

⁶ 2 AAC 50.895.



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

May 20, 2024

Via Certified Mail and Email

Stephen Wright
3560 N Banner Way
Wasilla, Alaska 99654
stephenwright1@yahoo.com

Re: Commission Meeting Notice

Dear Mr. Wright:

At its upcoming June meeting, the Commission will consider the matter of the civil penalty assessed for your late filed Year Start Campaign Disclosure Report.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

The meeting will be held remotely. You have a right to participate at the meeting either by telephone (1-907-202-7104, Access Code 282 382 763#), or via [Microsoft Teams](#).¹ Please notify our office if you intend to participate. The matter is currently scheduled to be heard at **[9:30 a.m.(for Candidates)/10:00 a.m. (for Groups)] on Wednesday, June 5, 2024.**

If you do not participate in the meeting, staff will send you a letter and a final order notifying you of the Commission's decision.

Sincerely

ALASKA PUBLIC OFFICES COMMISSION

Michael Sargent

Michael Sargent
Paralegal Specialist I /
Campaign Disclosure Coordinator

Encl: Staff Penalty Recommendation

CERTIFICATE OF SERVICE:

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

Stephen Wright
3560 N Banner Way
Wasilla, Alaska 99654
stephenwright1@yahoo.com

9489 0178 9820 3021 0602 25

☒ Certified Mail
☒ Email

Signature

date

Michael Sargent

05.20.2024

¹ Meeting ID: 253 276 723 04, Passcode: PpgBwy.

Tracking Number:

Remove X

9489017898203021060225

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Expected Delivery by

FRIDAY

24 May 2024 ⓘ by 9:00pm ⓘ

Your item arrived at our USPS facility in ANCHORAGE AK DISTRIBUTION CENTER on May 21, 2024 at 8:36 pm. The item is currently in transit to the destination.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

- Delivered
- Out for Delivery
- Preparing for Delivery

Moving Through Network

Arrived at USPS Regional Facility

ANCHORAGE AK DISTRIBUTION CENTER
May 21, 2024, 8:36 pm

Accepted at USPS Origin Facility

ANCHORAGE, AK 99508
May 21, 2024, 7:21 pm

See All Tracking History