


Byron Mallott
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Megan Collie, Department of Administration
FROM: Scott Meriwether, Office of the Lieutenant Governor, 465-4081 
DATE: November 21, 2016
RE: Filed Permanent Regulations: Alaska Public Offices Commission

Alaska Public Offices Commission regulations update re: mitigation factors and penalty assessment procedures (2 AAC 50.855(b); 2 AAC 50.860(b); 2 AAC 50.865)

Attorney General File:	JU2015200944
Regulation Filed:	November 21, 2016
Effective Date:	December 21, 2016
Print:	220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE ALASKA PUBLIC OFFICES COMMISSION

The attached ten pages of regulations, dealing with mitigating factors and penalty assessment, are certified to be a correct copy of the regulation changes that the Alaska Public Offices Commission adopted at its October 25, 2016, meeting, under the authority of AS 15.13.030, 15.13.390; AS 24.45.021, 24.45.141; AS 24.60.220, 24.60.240, 24.60.260; AS 39.50.050, 39.50.060, 39.50.070, 39.50.080, and 39.50.135 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Alaska Public Offices Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

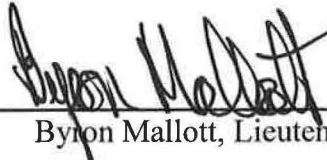
Date: November 15, 2016
Anchorage, Alaska


Heather R. Hebdon, Interim Executive Director
Alaska Public Offices Commission

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

November 21, 2016 at 915 A .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: December 21, 2016

Register: 220, January 2017

2 AAC 50.855(b) is amended to read:

(b) Notwithstanding (a) of this section, [THE STAFF SHALL]

(1) for late filing of a statement or report required under AS 24.60.200 - 24.60.260 or AS 39.50, the staff shall document the violation and

(A) shall waive the assessed penalty if

(i) the late filing is an initial report due from a first-time filer who is also a first-time member of a board or commission who was not notified of the required filing by the staff of that board or commission; or

(ii) the late filing is from a member of the national guard or military reserves called to active duty during the period from 60 days before the due date to 60 days after the due date;

(B) shall reduce the assessed penalty to 25 percent of the maximum penalty under AS 24.60.240 or AS 39.50.135 if the person is a first-time filer and the late filing is a candidate disclosure statement;

(C) shall reduce the assessed penalty to 50 percent of the maximum penalty if

(i) the person is not a first-time filer; or

(ii) the late filing is a final statement due after leaving office;

and

(D) shall reduce the assessed penalty to 75 percent of the maximum penalty for all other late filings under this paragraph;

(2) for late filing of or an error in a registration, statement, or report

required under AS 15.13, the staff shall document the violation and

(A) may not assess a penalty if

(i) the person is a first-time filer;

(ii) there were multiple or multi-day technical issues with the electronic filing system, or a day-long technical issue on the filing due date, that prevented the person from timely filing;

(iii) the late filing is from a member of the national guard or military reserves called to active duty during the period from 60 days before the due date to 60 days after the due date;

(iv) for a statement of contributions, the reporting error was the person's first error, and the contribution was reported by the recipient of the contribution within 30 days after the due date for the statement of contributions; or

(v) for an independent expenditure report, the reporting error was the person's first error, and the filing is not a report required to be filed within 24 hours;

(B) shall reduce the penalty to 25 percent of the maximum penalty if

(i) the election cycle is the person's first election cycle and the report is the person's first late-filed report; or

(ii) the person self-reports the missing information to the staff and discloses the information to the public within seven days after the date of self-reporting; the penalty stops accruing on the date the person self-reported

the error by notifying the staff of the error; filing the late or missing information without notifying the staff of the error does not constitute self-reporting; and

(C) shall reduce the penalty to 50 percent of the maximum penalty if

(i) the election cycle is the person's first election cycle; or

(ii) the amount missing or erroneously reported on a filing is under \$100;

(3) for incomplete filings of all types, the staff shall document the violation

and

(A) may not assess a penalty if the missing or incomplete information was readily available to the public through another forum;

(B) shall reduce the penalty to 50 percent of the maximum penalty if the missing or incomplete information was not readily available to the public through another forum, but the incomplete report is the first alleged violation against the person; and

(C) shall assess the maximum penalty for all other incomplete reports not addressed under (1) or (2) of this subsection;

(4) the staff may not assess a penalty if the amount of the reporting error or the amount of a transaction missing in a report is less than \$100 [WAIVE AN ASSESSED PENALTY IF A DEFICIENCY IS INSIGNIFICANT] and is promptly corrected

(A) without receiving a notice from the staff; or

(B) within the time allowed by any notice of deficiency from the staff; or

(5) for reports required under AS 15.13.110(a)(2) or (b), the staff shall assess a penalty of not more than \$500 per day for each day a deficiency exists before the relevant election and reduce the penalty to \$50 per day for each day a deficiency remains uncorrected after the relevant election, if the staff has received no evidence of an aggravating factor under 2 AAC 50.865(d); the amount of a penalty assessed under this paragraph is limited to not more than five times the amount of the expenditure or contribution erroneously reported or unreported [(2) REDUCE AN ASSESSED PENALTY BY 50 PERCENT IF

(A) THE AMOUNT OF THE PENALTY IS LESS THAN \$100;

(B) THE PERSON AGAINST WHOM THE PENALTY IS ASSESSED SHOWS BY MEANS OF AN AFFIDAVIT THAT ONE OR MORE MITIGATING FACTORS SET OUT IN 2 AAC 50.865(b)(1) - (5) WOULD JUSTIFY REDUCING THE PENALTY; AND

(C) STAFF HAS RECEIVED NO EVIDENCE OF AN AGGRAVATING FACTOR UNDER 2 AAC 50.865(d)].

(Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213; am 12/21/2016, Register 220)

Authority:	AS 15.13.030	AS 24.60.220	AS 39.50.060
	AS 15.13.390	AS 24.60.240	AS 39.50.070
	AS 24.45.021	AS 24.60.260	AS 39.50.080
	AS 24.45.141	AS 39.50.050	AS 39.50.135

2 AAC 50.860(b) is amended to read:

(b) The staff shall review any facts disputed in an appeal, including facts relevant to mitigating and aggravating factors. For any appeal of a penalty less than \$250, if the staff has no evidence of an aggravating factor, the staff may determine that facts shown in mitigation under **2 AAC 50.865(b)(1) - (4)** [2 AAC 50.865(b)(1) - (5)] justify reducing the penalty by 50 percent, and may calculate the reduced penalty. If the person who appealed the penalty assessment agrees to the revised penalty assessment and pays the amount due no later than 30 days after receiving the revised penalty assessment, the appeal will be considered withdrawn, and the matter resolved. **If, after applying the mitigating factors in 2 AAC 50.865(a) or (b), the staff reduces the assessed penalty to \$100 or less and the person who appealed pays the revised penalty no later than 30 days after receiving the revised penalty assessment, the appeal will be considered withdrawn, and the matter resolved.** If the person who appealed does not agree to the revised penalty, **the** staff shall provide a written recommendation to the commission and serve a copy on the person who appealed.

(Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213; am 12/21/2016, Register 220)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.865 is amended to read:

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) [(1)] 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 [(2) NO ACTIVITY SHOWN ON THE 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 [SET OUT IN] 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; [OR

(D) CONFIRMED TECHNICAL PROBLEMS WITH OPERATION OF COMMISSION EQUIPMENT, INCLUDING THE ELECTRONIC FILING PROGRAM;]

(3) [A MUNICIPAL CLERK OR THE CLERK'S DESIGNEE FAILED TO NOTIFY A MUNICIPAL OFFICIAL, AS PROVIDED IN 2 AAC 50.850(f), THAT THE MUNICIPAL OFFICIAL'S FILING IS DELINQUENT OR INCOMPLETE;

(4)] a late or erroneous report included only administrative costs [IN A GROUP REPORT];

(4) [(5)] 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

[FILER] self-reported the error; **for purposes of this subparagraph, the error is self-reported if the person notified the staff of the error, but filing the late or missing information without notifying the staff does not constitute self-reporting;** or

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

(5) [(6)] 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) [(7)] 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) [EXPERIENCING STAFF TURNOVER, UNLESS THE TURNOVER CREATED TURMOIL SERIOUS ENOUGH TO JUSTIFY A FINDING OF UNIQUE CIRCUMSTANCES;

(8)] 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. (Eff. 12/22/2011,

Register 200; am 12 / 21 / 2016, Register 220)

Authority:	AS 15.13.030	AS 24.45.141	AS 39.50.050
	AS 15.13.390	AS 24.60.220	AS 39.50.135

Register 220, January 2017

ADMINISTRATION

AS 24.45.021

AS 24.60.240

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: November 18, 2016

File No.: JU2015200944

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Alaska Public Offices Commission
regulations update re: mitigation
factors and penalty assessment
procedures (2 AAC 50.855(b); 2 AAC
860(b); 2 AAC 50.865)

We have reviewed the attached regulations from the Alaska Public Offices Commission against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated November 17, 2016 from the Regulations Attorney. The regulations update mitigation factors and penalty assessment procedures regarding various late or erroneous documents.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The December 6, 2015 public notice and the November 15, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Heather R. Hebdon, Interim Executive Director
Alaska Public Offices Commission

Megan Collie, Regulations Contact
Department of Administration

Mary Lynn Macsalka, Assistant Attorney General
Labor and State Affairs Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: November 17, 2016

FILE NO.: JU2015200944

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority
regarding regulations review on
Alaska Public Offices
Commission regulations re:
mitigation factors and penalty
assessment procedures (2 AAC
50.855(b); 2 AAC 50.860(b);
2 AAC 50.865)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc:

Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General & Assistant Regulations Attorney
Legislation/Regulations Section

AFFIDAVIT OF COMMISSION ACTION

I, Heather R. Hebdon, Interim Executive Director for the Alaska Public Offices Commission, being duly sworn, state the following:

The attached motion dealing with mitigating factors and penalty assessment was passed by the Alaska Public Offices Commission during its October 25, 2016, meeting.

Date: November 15, 2016

Heather R. Hebdon

Heather R. Hebdon, Interim Executive Director

Subscribed and sworn to before me at Anchorage, Alaska, on NOV. 15, 2016.

[Signature]

Notary Public in and for the State of Alaska



Alaska Public Offices Commission Meeting
October 25, 2016
Excerpt from Unapproved Minutes

Commission member Ronald King moved and Commission member Irene Catalone seconded the following motion:

“I move to readopt the regulations revisions as proposed.”

The motion carried unanimously.

)

) SS.

3rd JUDICIAL DISTRICT

)

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Paul Dauphinais, Executive Director, of the Alaska Public Offices Commission, being sworn,
state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 2 AAC 50.855 - .865 has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the State Affairs Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date:

March 1, 2014

Anchorage, Alaska

Paul Dauphinais, Executive Director
Alaska Public Offices Commission

Subscribed and sworn to before me at

Anchorage, Alaska on

March 1, 2014

[NOTARY SEAL]

Notary Public in and for the State of Alaska

My Commission Expires: 7 the Comm.

NOTICE OF PROPOSED CHANGES ON MITIGATION CRITERIA AND PENALTY
ASSESSMENT PROCEDURES IN THE REGULATIONS OF
THE ALASKA PUBLIC OFFICES COMMISSION

The Alaska Public Offices Commission proposes to adopt regulation changes in Title 2, chapter 50, of the Alaska Administrative Code, dealing with mitigation criteria and penalty assessment procedures, including the following:

Article 4 of chapter 50 of Title 2 of the Alaska Administrative Code is proposed to be changed as follows: Organization the language of three sections in this article are revised to make the regulations easier to understand and execute. Substantive changes proposed include:

2 AAC 50.855: Penalty assessment procedures for waiving penalties are defined for specific statutes, AS 39.50 and AS 24.60, AS 15.13, so that all filers have the opportunity for waiving or reducing penalties; also defines limits to some penalties.

2 AAC 50.860: The revision provides that the assessment of certain penalties will not be heard by the Commission.

2 AAC 50.865: The revision expands the definition of an inexperienced filer, takes into account new technical issues, defines self-reporting, and sets limits on the level of penalties to be considered out of proportion to the alleged violation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Maria Bulfa at Alaska Public Offices Commission, 2221 E. Northern Lights, Suite 128, Anchorage, AK 99508. Additionally, the Alaska Public Offices Commission will accept comments by facsimile at 907-276-7018 and by electronic mail at doa.apoc.regs@alaska.gov. The comments must be received not later than 5:00 p.m. on **January 29, 2016**.

Oral comments may be submitted at a hearing to be held on **February 11, 2016**, at Suite 128, Conference Room, 2221 E. Northern Lights, Anchorage, AK 99508. The hearing will be held from 9:00 a.m. to 10:30 a.m. and might be extended to accommodate those present before 10:15 a.m. who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov, at Alaska Public Offices Commission. The questions must be received **at least 10 days before the end of the public comment period**. The Alaska Public Offices Commission will aggregate its response to substantially similar questions and make the questions and responses available on its website at <http://doa.alaska.gov/apoc/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov, not later than **January 20, 2016**, to ensure that any necessary accommodation can be provided.

AFFIDAVIT OF ORAL HEARING

I, Kenneth Kirk, Chair of the Alaska Public Offices Commission, being sworn, state the following:

On February 11, at 9:00 a.m. until 10:30 a.m., in Room 128, 2221 E. Northern Lights Blvd., Anchorage, Alaska, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 2 AAC 50.855 .865 relating to mitigation criteria and penalty assessment procedures.

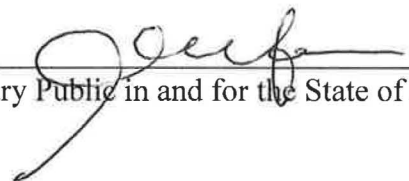
Date: 2-29-16



Kenneth Kirk, Chair
Alaska Public Offices Commission

Subscribed and sworn to before me at Anchorage, Alaska on
Feb. 29, 16.





Notary Public in and for the State of Alaska

My commission expires: at the commission

NOTICE OF PROPOSED CHANGES ON MITIGATION CRITERIA AND PENALTY
ASSESSMENT PROCEDURES IN THE REGULATIONS OF
THE ALASKA PUBLIC OFFICES COMMISSION

The Alaska Public Offices Commission proposes to adopt regulation changes in Title 2, chapter 50, of the Alaska Administrative Code, dealing with mitigation criteria and penalty assessment procedures, including the following:

Article 4 of chapter 50 of Title 2 of the Alaska Administrative Code is proposed to be changed as follows: Organization the language of three sections in this article are revised to make the regulations easier to understand and execute. Substantive changes proposed include:

2 AAC 50.855: Penalty assessment procedures for waiving penalties are defined for specific statutes, AS 39.50 and AS 24.60, AS 15.13, so that all filers have the opportunity for waiving or reducing penalties; also defines limits to some penalties.

2 AAC 50.860: The revision provides that the assessment of certain penalties will not be heard by the Commission.

2 AAC 50.865: The revision expands the definition of an inexperienced filer, takes into account new technical issues, defines self-reporting, and sets limits on the level of penalties to be considered out of proportion to the alleged violation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Maria Bulfa at Alaska Public Offices Commission, 2221 E. Northern Lights, Suite 128, Anchorage, AK 99508. Additionally, the Alaska Public Offices Commission will accept comments by facsimile at 907-276-7018 and by electronic mail at doa.apoc.regs@alaska.gov. The comments must be received not later than 5:00 p.m. on **January 29, 2016**.

Oral comments may be submitted at a hearing to be held on **February 11, 2016**, at Suite 128, Conference Room, 2221 E. Northern Lights, Anchorage, AK 99508. The hearing will be held from 9:00 a.m. to 10:30 a.m. and might be extended to accommodate those present before 10:15 a.m. who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov, at Alaska Public Offices Commission. The questions must be received **at least 10 days before the end of the public comment period**. The Alaska Public Offices Commission will aggregate its response to substantially similar questions and make the questions and responses available on its website at <http://doa.alaska.gov/apoc/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov, not later than **January 20, 2016**, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov.

After the public comment period ends, the Alaska Public Offices Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory Authority: AS 15.13.030; AS 24.45.021; AS 24.60.220; AS 39.50.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 15.13; AS 24.45; AS 24.60.200-AS 24.60.260; AS 39.50.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 11-19-15



Paul Dauphinais, Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Alaska Public Offices Commission
2. General subject of regulation: Penalty Assessment, Disputing Penalty, Mitigating Factors
3. Citation of regulation (may be grouped): 2AAC 50.855, .860, .865
4. Department of Law file number, if any: JU201520094

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- () Development of program standards
- (X) Other (identify): Standardizes procedures and is responsive to Legislative Audit findings.

6. Appropriation/Allocation: Department of Administration/Alaska Public Offices Commission

7. Estimated annual cost to comply with the proposed action to:

A private person: 0

Another state agency: 0

A municipality: 0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>17</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:


Name: Maria Bulfa
Title: Law Office Assistant II
Address: 2221 E. Northern Lights Blvd, Anchorage, AK 99508
Telephone: 907-276-4176
E-mail address: maria.bulfa@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: 11-19-15

Prepared by: _____


[signature]

Name (printed): Paul Dauphinais
Title (printed): Executive Director
Telephone: 907-276-4176

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ARRIVED

DEC 16 2015

APOC - ANCH
PM HC FAX ELE

12-14-2015

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Emma Dunlap

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

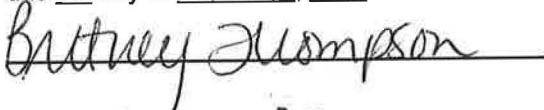
December 06, 2015

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 9th day of December, 2015



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES



2/23/2019

NOTICE OF PROPOSED CHANGES ON MITIGATION CRITERIA AND PENALTY ASSESSMENT PROCEDURES IN THE REGULATIONS OF THE ALASKA PUBLIC OFFICES COMMISSION

The Alaska Public Offices Commission proposes to adopt regulation changes in Title 2, chapter 50, of the Alaska Administrative Code, dealing with mitigation criteria and penalty assessment procedures, including the following:

Article 4 of chapter 50 of Title 2 of the Alaska Administrative Code is proposed to be changed as follows: Organization the language of three sections in this article are revised to make the regulations easier to understand and execute. Substantive changes proposed include:

2 AAC 50.855: Penalty assessment procedures for waiving penalties are defined for specific statutes, AS 39.50 and AS 24.60, AS 15.13, so that all filers have the opportunity for waiving or reducing penalties; also defines limits to some penalties.

2 AAC 50.860: The revision provides that the assessment of certain penalties will not be heard by the Commission.

2 AAC 50.865: The revision expands the definition of an inexperienced filer, takes into account new technical issues, defines self-reporting, and sets limits on the level of penalties to be considered out of proportion to the alleged violation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Maria Bulfa at Alaska Public Offices Commission, 2221 E. Northern Lights, Suite 128, Anchorage, AK 99508. Additionally, the Alaska Public Offices Commission will accept comments by facsimile at 907-276-7018 and by electronic mail at doa.apoc.regs@alaska.gov. The comments must be received not later than 5:00 p.m. on January 29, 2016.

Oral comments may be submitted at a hearing to be held on February 11, 2016, at Suite 128, Conference Room, 2221 E. Northern Lights, Anchorage, AK 99508. The hearing will be held from 9:00 a.m. to 10:30 a.m. and might be extended to accommodate those present before 10:15 a.m. who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov, at Alaska Public Offices Commission. The questions must be received at least 10 days before the end of the public comment period. The Alaska Public Offices Commission will aggregate its response to substantially similar questions and make the questions and responses available on its website at <http://doa.alaska.gov/apoc/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov, not later than January 20, 2016, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Maria Bulfa at (907) 276-4176, or maria.bulfa@alaska.gov.

After the public comment period ends, the Alaska Public Offices Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory Authority: AS 15.13.030; AS 24.45.021; AS 24.60.220; AS 39.50.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 15.13; AS 24.45; AS 24.60.200-AS 24.60.260; AS 39.50.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 11/19/15

Paul Dauphinais, Executive Director

Published: December 6, 2015

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Oral comments may be submitted at a hearing to be held on **February 12, 2016**, at Suite 128, Conference Room, 2221 E. Northern Lights, Anchorage, AK 99508. The hearing will be held from 9:00 a.m. to 10:30 a.m. and might be extended to accommodate those present before 10:15 a.m. who did not have an opportunity to comment.

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Date: _____

Paul Dauphinais, Executive Director

AFFIDAVIT OF PUBLICATION

Legal No. 15392

STATE OF ALASKA,)
) SS:
Gateway Borough)

Kathy Williams, being duly sworn says:
That she is a representative of the
Ketchikan Daily News, a daily newspaper
published at Ketchikan, in said Borough
and State, and that the publication of
which the annexed is a printed and true
copy, was published in said newspaper at
least once per week for one week,
commencing on the 28th day of
November 2015 and ending on the 28th
day of November, 2015.

Kathy Williams

Subscribed and sworn to before me this

28th day of
November, 2015

Tena Williams

Notary Public for Alaska
My Commission Expires 1.12.19



Official Seal
Tena Williams
Notary Public - State of Alaska
My Comm. Expires
January 12, 2019

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President and CEO Marissa International Consumer Vegas in 2014. AP
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Alibaba Group - and sell
s Internet business in-