

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: December 19, 2016

RE: Filed Permanent Regulations: Department of Commerce, Community and Economic Development

Department of Commerce, Community, and Economic Development regulations re:
occupational licensing fees for professions regulated by the Board of Dental Examiners
(12 AAC 02.190)

Attorney General File:	JU2016200931
Regulation Filed:	December 16, 2016
Effective Date:	January 15, 2017
Print:	221, April 2017

cc with enclosures: Linda Miller, Department of Law
Micaela Fowler, Department of Commerce, Community & Economic Development
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF COMMERCE,
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached three pages of regulations, dealing with occupational licensing fees for professions regulated by the Board of Dental Examiners, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 08.01.065, AS 08.01.100, AS 08.32.030, AS 08.32.070, AS 08.32.071, AS 08.32.081 and AS 08.36.250 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.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under 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: December 6, 2016
Juneau, Alaska



Janey Hoyenden, Director
Division of Corporations, Business and
Professional Licensing

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on December 16, 2016 at 10:16 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: January 15, 2017

Register: 221, April 2017



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

OFFICE OF THE COMMISSIONER

P.O. Box 110800
Juneau, Alaska 99811-0800
Main: 907.465.2500
Programs fax: 907.465.5442

**ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT**

Delegation of Authority

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Division of Corporations, Business and Professional Licensing (CBPL), but for the Department of Commerce, Community, and Economic Development (DCCED), under the Alaska Administrative Procedure Act, is hereby delegated to:

Micaela Fowler
Legislative Liaison
Office of the Commissioner
DCCED
P.O. Box 110800
Juneau, AK 99811-0800
907-465-2503
micaela.fowler@alaska.gov

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Division of Corporations, Business and Professional Licensing, under the Alaska Administrative Procedure Act, is hereby delegated to:

Janey Hovenden
Director
CBPL
DCCED
P.O. Box 110806
Juneau, AK 99811-0806
907-465-2538
janey.hovenden@alaska.gov

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 16th day of March, 2015

A handwritten signature in dark ink, appearing to read "CH Hladick", is written over a horizontal line.

Chris Hladick
Commissioner
Department of Commerce, Community,
and Economic Development

Chapter 02. General Occupational Licensing Functions.

12 AAC 02.190 is amended to read:

12 AAC 02.190. Board of Dental Examiners. (a) The following fees for dental hygienists are established:

(1) nonrefundable application fee for

(A) initial license, \$100;

(B) courtesy license, \$50;

(C) initial restorative function endorsement, \$100 [\$60];

(D) local anesthetic permit, \$100 [\$60];

(2) repealed 12/13/2014;

(3) license fee for all or part of the initial biennial license period, \$200 [\$150];

(4) biennial license renewal fee, \$200 [\$150];

(5) local anesthetic permit, \$100 [\$60];

(6) credential review fee, \$110;

(7) local anesthetic permit renewal fee, \$100 [\$60];

(8) courtesy license fee, \$50;

(9) restorative function endorsement fee, for all or part of the initial endorsement period, \$60;

(10) restorative function endorsement renewal fee, \$60.

(b) The following fees for dentists are established:

(1) nonrefundable application fee for

(A) initial license by examination, \$600;

- (B) repealed 12/13/2014;
- (C) courtesy license, \$50;
- (D) repealed 12/13/2014;
- (E) parenteral sedation or general anesthetic permit, \$100;
- (2) nonrefundable application and review fee for license by credentials, \$1,000;
- (3) repealed 12/13/2014;
- (4) license fee for all or part of the initial biennial license period, **\$450** [\$350];
- (5) repealed 12/13/2014;
- (6) biennial license renewal fee, **\$450** [\$350];
- (7) repealed 12/13/2014;
- (8) repealed 12/13/2014;
- (9) parenteral sedation permit fee for all or part of the initial biennial permit period, \$1,000;
- (10) biennial parenteral sedation permit renewal fee, **\$350** [\$250];
- (11) repealed 12/13/2014;
- (12) general anesthetic permit fee for all or part of the initial biennial permit period, \$1,000;
- (13) biennial general anesthetic permit renewal fee, **\$350** [\$250];
- (14) courtesy license fee, \$50.

(c) The following fees are established for submission of dental and dental hygiene continuing education courses for approval under 12 AAC 28.410:

- (1) initial continuing education course submittal fee, **\$50** [\$40];

Register 221, April 2017 **PROFESSIONAL REGULATIONS**

(2) continuing education course resubmittal fee, \$50 [\$30]. (Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 2/18/93, Register 125; am 5/28/93, Register 126; am 10/29/94, Register 132; am 11/15/96, Register 140; am 4/19/97, Register 142; am 11/24/2000, Register 156; am 6/21/2001, Register 158; am 4/10/2003, Register 166; am 12/24/2006, Register 180; am 12/27/2007, Register 184; am 12/12/2008, Register 188; am 4/17/2011, Register 198; am 12/13/2014, Register 212; am 1 / 15 / 2017, Register 221)

Authority: AS 08.01.065 AS 08.32.070 AS 08.32.081
AS 08.01.100 AS 08.32.071 AS 08.36.250
AS 08.32.030

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: December 9, 2016

File No.: JU2016200931

Tel. No.: 465-3600

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

Re: Department of Commerce,
Community, and Economic
Development regulations re:
occupational licensing fees for
professions regulated by the Board of
Dental Examiners (12 AAC 02.190)

We have reviewed the attached regulations from the Department of Commerce, Community, and Economic Development against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated December 8, 2016 from the Regulations Attorney. The regulations update occupational licensing fees for professions regulated by the Board of Dental Examiners.

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 November 1, 2016 public notice and the December 6, 2016 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.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2016200931

December 9, 2016
Page 2

We have made some technical corrections to the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Hon. Chris Hladick, Commissioner
Department of Commerce, Community, and Economic Development

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: December 8, 2016

FILE NO.: JU2016200931

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SAP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Commerce,
Community, and Economic
Development regulations re: fees
for professions regulated by the
Board of Dental Examiners
(12 AAC 02.190)

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
Legislation/Regulations Section

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
PROFESSIONS REGULATED BY THE BOARD OF DENTAL EXAMINERS IN THE
REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license and continuing education fees charged to dentists and hygienists.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02, of the Alaska Administrative Code, dealing with occupational licensing fees for professions regulated by the Board of Dental Examiners, including the following:

12 AAC 02.190, Board of Dental Examiners, is proposed to be changed to alter the application fees, license fees, permit fees, renewal fees, and continuing education fees for dentists and hygienists.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Dental Examiners and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

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 Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/183421>, and using the comment link. **The comments must be received not later than 5:00 p.m. on December 2, 2016.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at marilyn.zimmerman@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System or on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers.aspx>. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than November 23, 2016, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-Fees-2017.pdf>.

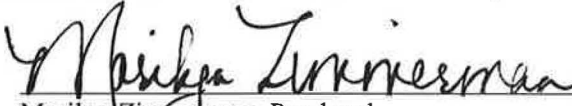
After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.01.100; AS 08.32.030; AS 08.32.070; AS 08.32.071; AS 08.32.081; AS 08.36.250

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.100; AS 08.32.030; AS 08.32.070; AS 08.32.071; AS 08.32.081; AS 08.36.250

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

DATE: 10/31/2016


Marilyn Zimmerman, Paralegal
Division of Corporations, Business and
Professional Licensing

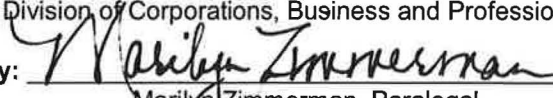
For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees.
3. **Citation of regulation:** 12 AAC 02.190.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: Increase will range from \$10 to \$100 depending on type of license.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):** No costs are expected in FY2017 or in subsequent years.
9. **The name of the contact person for the regulation:**
Sara Chambers, Division Operations Manager
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2144
E-mail: sara.chambers@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.

Date: 10/31/2016

Prepared by:


Marilyn Zimmerman, Paralegal
(907) 465-2532

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Marilyn Zimmerman, Paralegal, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 02.190, dealing with occupational licensing fees related to the Board of Dental Examiners, has been given by being:

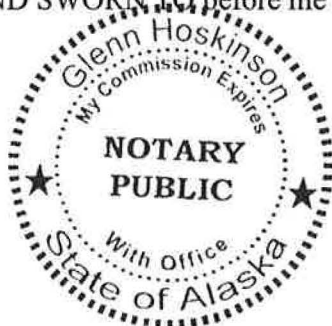
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative 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 regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce 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(d), additional regulations 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 regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 12/7/2016
Juneau, Alaska

Marilyn Zimmerman
Marilyn Zimmerman, Paralegal

SUBSCRIBED AND SWORN TO before me this 7 day of December, 2016.



Glenn A. Hoskinson
Notary Public in and for the
State of Alaska
My commission expires: w/ office


STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Marilyn Zimmerman, Paralegal for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Commerce, Community, and Economic Development regulations on dealing with occupational licensing fees related to the Board of Dental Examiners.

DATE: 12/7/2016
Juneau, Alaska


Marilyn Zimmerman, Paralegal

SUBSCRIBED AND SWORN TO before me this 7 day of December, 2016.



Shawn A. Hoskinson
Notary Public in and for the
State of Alaska
My commission expires: w/ office

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\$473.12

RECEIVED
Juneau
NOV 04 2016

CBPL

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

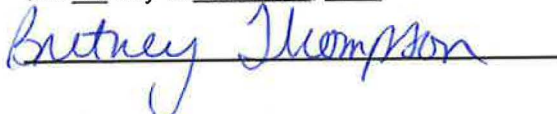
November 01, 2016

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 1st day of November, 2016



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

BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR PROFESSIONS REGULATED BY THE BOARD OF DENTAL EXAMINERS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02, of the Alaska Administrative Code, dealing with occupational licensing fees for professions regulated by the Board of Dental Examiners, including the following:

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Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Dental Examiners and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

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 Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/183421>, and using the comment link. **The comments must be received not later than 5:00 p.m. on December 2, 2016.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at marilyn.zimmerman@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System or on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofDentalExaminers.aspx>. The Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than November 23, 2016, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/DEN-Fees-2017.pdf>.

After the public comment period ends, the Department 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.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.01.100; AS 08.32.030; AS 08.32.070; AS 08.32.071; AS 08.32.081; AS 08.36.250

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.01.100; AS 08.32.030; AS 08.32.070; AS 08.32.071; AS 08.32.081; AS 08.36.250

Fiscal Information: The proposed regulation changes will result in a net increase of \$1,128,173.00 in revenue for the State of Alaska. The following table provides a breakdown of the estimated revenue by category.

Category	Estimated Revenue
Asbestos	12/12-12/16
Asbestos 40hr	11/4
Asbestos 8hr	11/4
Hazwoper 40hr	12/5-12/9
Hazwoper 8hr	11/21
Management Planner 4hr	11/11
Management Planner 16hr	12/1-12/2
Project Design	11/11
Abatement	11/11
Strip Out	11/11
Interior/Exterior	11/11
Building Inspections	11/11
Whole Building	11/11
Tenant Improvements	11/11
Demolition	11/11

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ONLINE AS 8 - CALL FOR DETAILS
CLASS CATALOG

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

AFFIDAVIT OF DEPARTMENT CONSIDERATION OF
BOARD RECOMMENDATIONS

I, Marilyn Zimmerman, Paralegal for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

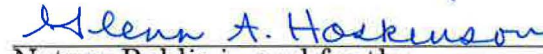
As required by AS 08.01.065(c), the Department of Commerce, Community, and Economic Development has considered the recommendations of the Board of Dental Examiners before adopting changes to the fees in 12 AAC 02.190.

DATE: 12/7/16
Juneau, Alaska


Marilyn Zimmerman, Paralegal

SUBSCRIBED AND SWORN TO before me this 7 day of December, 2016.




Notary Public in and for the
State of Alaska
My commission expires: w/ office