



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 30, 2020

VIA EMAIL & CERTIFIED MAIL

Michael Chambers
201 Barrow St. #4
Anchorage, Alaska 99501
chambones@hotmail.com

Re: Notice of Deficiency
Independent Expenditure Report¹ – Due April 5, 2020

Mr. Chambers:

Based on your recent communications with staff, we have learned that you have not filed your Independent Expenditure Report in connection with your expenditures in support of candidates in the 2020 State Election. Failure to timely file a report results in the assessment of civil penalties for failure to comply with the provisions of the Campaign Disclosure Law under Alaska Statute 15.13.

As of the date of this letter, the report is 25 days late and the accrued civil penalty is **\$1,250**. The penalty continues to accrue at a rate of \$50 per-day until your report is filed. To stop the accrual of penalties you must file your report.

You have a right to appeal the assessment of this penalty. If you wish to contest the assessment of penalty, you must submit your delinquent report and the enclosed appeals affidavit to the Commission within 30 days of the date of this letter. APOC 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.

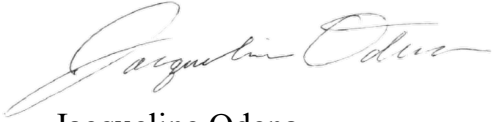
Failure to respond to this notice by filing your report and either making payment arrangements or by appealing the assessment will result in APOC staff presenting this matter to the Commission for entry of a final order assessing the maximum penalty due.

¹ AS 15.13.110(h).

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



Jacqueline Odena
Paralegal I

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Individual 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:	
Michael Chambers 201 Barrow St. #4 Anchorage, Alaska 99501 chambones@hotmail.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail



04/30/2020

Signature

Date

9171-9690-0935-0218-3831-69

Civil Penalty Appeal Affidavit
AS 15.13 Alaska Campaign Disclosure Law

Name of Appellant: _____

Office: _____

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

- | | | |
|---|--|--|
| <input type="checkbox"/> 30 Day Report | <input type="checkbox"/> 105 Day Report | <input type="checkbox"/> Statement of Contributions (15-5) |
| <input type="checkbox"/> 7 Day Report | <input type="checkbox"/> Year End Report | <input type="checkbox"/> Independent Expenditure (15-6) |
| <input type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Registration | <input type="checkbox"/> Paid for By Identifier |
| <input type="checkbox"/> Other: _____ | | |

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

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

Statement:

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

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

Certification:

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

Signed/Date: _____

2 AAC 50.865. Mitigating Factors; Aggravating Factors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) failing to deliver required notices when due;

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

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

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

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

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

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

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

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

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

(2) forgetting to file;

(3) being a volunteer;

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

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

(6) being too busy to file;

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

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

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

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

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

(B) evidence suggesting deliberate non-reporting;

(C) failure to cooperate with the staff;

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

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

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

From: [Microsoft Outlook](#)
To: chambones@hotmail.com
Subject: Relayed: Re: Notice of Deficiency- Independent Expenditure Report
Date: Thursday, April 30, 2020 9:39:22 AM
Attachments: [Re Notice of Deficiency- Independent Expenditure Report .msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
chambones@hotmail.com (chambones@hotmail.com) <mailto:chambones@hotmail.com>
Subject: Re: Notice of Deficiency- Independent Expenditure Report