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6 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

7 THIRD JUDICIAL DISTRICT AT ANCHORAGE

8 DONNA PATRICK, JAMES K.
BARNETT, and JOHN P. LAMBERT,

9 Appellant,

10 vs.

Case No. 3AN-18-_____ CI

11 INTERIOR VOTERS FOR JOHN
12 COGHILL, WORKING FAMILIES OF
ALASKA, and THE ALASKA PUBLIC
13 OFFICES COMMISSION,

14 Appellees.

15 NOTICE OF APPEAL

16 Pursuant to Alaska Statute 22.10.020(d) and Alaska R. App. P. 602(a)(2),
17 Appellants Donna Patrick, James K. Barnett, and John P. Lambert, whose addresses are
18 care of Elizabeth Hodes or Scott Broadwell, Davis Wright Tremaine LLP, 188 W.
19 Northern Lights Boulevard., Suite 1100, Anchorage, Alaska 99503, hereby give notice of
20 their appeal of the Alaska Public Offices Commission (“APOC”) Final Order, dated
21

1 March 15, 2018, as corrected on March 21, 2018, which clarified APOC's prior February
2 26, 2018 written order.

3 This Notice of Appeal is accompanied by the concurrently filed: (1) a copy of the
4 March 15, 2018 Final Order, as corrected on March 21, 2018, from which the appeal is
5 taken; (2) Statement of Point on Appeal; (3) filing fee in the amount of \$250.00 pursuant
6 to Administrative Rule 9(b)(7); (4) bond for costs on appeal in the amount of \$750.00
7 pursuant to Alaska Rules of Appellate Procedure 602(e) and 204(c)(1); and (5) proof of
8 service of the notice of appeal and all required documents, except the filing fee, on all
9 other parties to the appeal.


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DATED this 30th day of March, 2018.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Plaintiffs

By 
Elizabeth Hodes, ABA No. 0511108
M. Scott Broadwell, ABA No. 0611069

Certificate of Service

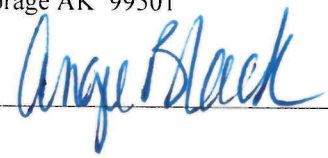
On the 30th day of March, 2018, a true and correct copy of the foregoing document was sent by U.S. Mail, to the following parties:

Tom Temple, Chair
Alaska Public Offices Commission
2221 E. Northern Lights, Room 128
Anchorage, AK 99508

Jahna Lindemuth, Attorney General
Alaska Department of Law
PO Box 110300
Juneau, Alaska 99811

Scott Hawkins
Interior Voters for John Coghill
3201 C Street, Suite 308
Anchorage AK 99503

Kisha Guillen
Working Families of Alaska
2501 Commercial Drive
Anchorage AK 99501



BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

DONNA PATRICK, JAMES)
BARNETT and JOHN P. LAMBERT,)
)
Complainants,)
)
v.)
)
INTERIOR VOTERS FOR JOHN COGHILL)
and WORKING FAMILIES OF ALASKA,)
)
Respondents.)
_____)

FINAL ORDER (CORRECTED)

The Commission grants the March 7, 2018, request for clarification made by the complainants in this case, Donna Patrick, James Barnett, and John P. Lambert. The Commission clarifies its February 26, 2018 written order to read as follows:

This written order confirms the Commission’s oral decision on record affirming staff’s rejection of the three identical complaints filed on February 2, 2018, by James Barnett, Donna Patrick and John P. Lambert against Interior Voters for John Coghill and Working Families of Alaska.

The record shows that staff rejected the complaints on February 5, 2018, because the complaints concerned transactions and activity described in and indistinguishable from activity deemed lawful in an approved advisory opinion.¹ On February 9, 2018, the complainants requested commission review of staff’s rejection of the complaints.

¹ AO 12-09-CD.

The request for review was considered in accordance with 2 AAC 50.870(d) at the Commission's next meeting on February 21, 2018. At that meeting, the full Commission heard argument on the complainants' request for review.

An attorney for staff presented her view that Advisory Opinion 12-09-CD was correct as a matter of federal law. In her presentation, she cited *Speechnow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010), and related federal cases in support of her argument. She was asked several questions by the commissioners.

Next, an attorney for the complainants appeared and argued that the federal court decisions cited by staff's attorney were incorrect interpretations of federal law. The attorney for the complainants urged the Commission to reconsider its conclusion in the 2012 Advisory Opinion and investigate the complaints. The complainants' attorney was asked several questions about this view, which the commissioners considered.

Finally, a representative from Working Families of Alaska appeared and urged the Commission to affirm staff's rejection of the complaints because the federal court cases were correctly decided and should be followed. No representative from respondent Interior Voters for John Coghill appeared.

The Commission then considered the arguments of the parties. After some limited procedural discussion and several motions, the Commission voted 3-2 to affirm staff's rejection of the complaints.

The Commission finds that the complaints against Interior Voters for John Coghill and Working Families of Alaska must be rejected pursuant to AS 15.13.374(e)(1) and (2).

Specifically, the complaints concern transactions and activity described in and indistinguishable from the activity in approved Advisory Opinion 12-09-CD. The Commission further finds that the conclusion in Advisory Opinion 12-09-CD remains valid, and there is thus no good cause to reconsider that opinion.

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order under AS 44.62. A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed pursuant to 2 AAC 50.891(g).

Dated: March 21, 2018, *nunc pro tunc* March 15, 2018

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION²

² At the February 21, 2018, regular commission meeting, commissioners Tom Temple, Ronald King, Irene Catalone, Robert Clift, and Adam Schwemley participated, and the decision to affirm the staff's rejection of the complaint was made on a 3-2 vote. At the March 15, 2018, meeting addressing the complainants' request for clarification, commissioners Tom Temple, Irene Catalone, Robert Clift, and Adam Schwemley participated, and the decision to clarify the written order was made on a 4-0 vote. New commissioner Anne Helzer, although present during the public portion of the meeting, did not participate in the decision-making during executive session.

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

Elizabeth P. Hodes M. Scott Broadwell DAVIS WRIGHT TREMAINE LLP 188 W. Northern Lights Blvd., Ste. 100 Anchorage, AK 99503-3985 elizabethhodes@dwt.com scottbroadwell@dwt.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
Jason Harrow Equal citizens 20 Armory Street Brookline, MA 02446 jason@equalcitizens.us	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
Scott Hawkins Interior Voters for John Coghill 3201 C Street, Ste. 308 Anchorage, AK 99503 scott.hawkins@ascillc.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail
Kisha Guillen Working Families of Alaska 2501 Commercial Drive Anchorage, AK 99501 kguillen@local341.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail

Michael E. Schwab 3-21-2018
Paralegal Date