



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

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

May 6, 2024

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

Interior Republicans
Attn Cheryl Markwood
PO Box 70202
Fairbanks, AK 99709
Cherylmarkwood@gmail.com
Yuliya.temple@gmail.com

RE: Notice of Penalty Assessment – 30 Day Campaign Disclosure Report

Dear Ms. Markwood:

According to our records you did not timely file your 30 Day Campaign Disclosure Report for the Fairbanks North Star Borough Special Election that was due on April 8. Instead, the report was filed on April 26 (18 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 has assessed you is \$900.²

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](#)³ 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.
- 2) Alternatively, you have the right to appeal staff’s conclusion that a violation has occurred or the penalty amount assessed.⁴ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

¹ AS 15.13.390(a).

² 2 AAC 50.855(a).

³ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

⁴ 2 AAC 50.831(a).

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) 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.