



# Alaska Public Offices Commission



## COMPLAINT

FILING A COMPLAINT <i>To be accepted, complaint must include</i>	APOC LAWS ALLEGEDLY VIOLATED <i>Specify section of law or regulation</i>		APOC case name/number/date
1. Complainant's name + contact info 2. Respondent's name + contact info 3. Laws, regulations allegedly violated 4. Description of allegations 5. Basis of knowledge of alleged facts 6. Documentation to support allegations 7. Notarized signature of the complainant 8. Proof that complaint <i>and</i> all supporting documents were served on respondent	Campaign Disclosure Law	<input checked="" type="checkbox"/> AS 15.13 <input checked="" type="checkbox"/> 2 AAC 50.250-405	
	Public Official Financial Disclosure	<input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.680-799	
	Legislative Financial Disclosure	<input type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.680-799	
	Lobbying Regulation	<input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.550-590	
<i>If complaint meets requirements for acceptance, APOC will investigate the allegations and notify the respondent of the right to respond. APOC will notify Complainant and Respondent when APOC accepts or rejects a complaint.</i>			

<input type="checkbox"/> APOC <input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	COMPLAINANT	<input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	RESPONDENT <i>Person or group allegedly violating law</i>
	Yes on 2 for Better Elections		Defend Alaska Elections - Vote No on 2
Address City / Zip	P.O. Box 210295, Anchorage, AK 99521	Please see attached supporting information and	
Phone/Fax	907-250-1125	documentation, pages 1-2 and footnotes 2-5.	
E-mail	Shea@AlaskansForBetterElections.com		
COMPLAINANT'S REPRESENTATIVE		RESPONDENT'S REPRESENTATIVE	

*If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info*

Name/Title	Samuel G. Gottstein for Yes on 2 for Better Elections	Please see attached at pages 1-2 and footnotes 2-5.	
Address	701 W. 8th Avenue, Ste 700, Anchorage, AK 99501		
Phone/Fax	907-274-0666 / 907-277-4657		
E-mail	sgottstein@hwb-law.com		

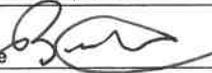
DESCRIPTION or SUMMARY of ALLEGED VIOLATION	Use extra pages if needed	<input checked="" type="checkbox"/> SUPPORTING DOCUMENTS – DESCRIBE:
Please see attached supporting information and documentation.		Please see attached.

PROOF of SERVICE ATTACHED:  Fax – receipt confirmation  Certified mail – signed receipt  
 Process server – return of service  E-mail – delivery/read receipt  Other:

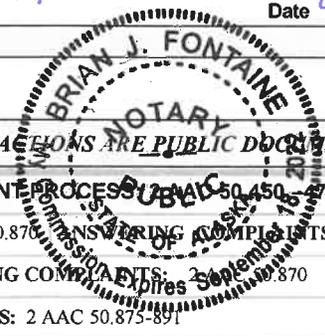
COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true

Signature  Title Samuel Gottstein Date Oct. 9, 2020

Subscribed and sworn to or affirmed by me at \_\_\_\_\_ on \_\_\_\_\_

Signature  Title Notary in, for Alaska, my commission expires 9-18-2022

**APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS**



APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESSING
2221 E. NORTHERN LIGHTS #128 ANCHORAGE, AK 99508 907-276-4176 / FAX 907-276-7018 TOLL-FREE 800-478-4176 WEB: <a href="http://doa.alaska.gov/apoc/">http://doa.alaska.gov/apoc/</a>	240 MAIN STREET #500 P.O. BOX 110222 JUNEAU, AK 99811 465-4864 / FAX 465-4832 APOC FORMS: <a href="http://doa.alaska.gov/apoc/forms_all.html">http://doa.alaska.gov/apoc/forms_all.html</a>	50.450-476 FILING COMPLAINTS: 2AAC 50.870-871 APOC CRITERIA for ACCEPTING COMPLAINTS: 2AAC 50.880 INVESTIGATIONS & HEARINGS: 2 AAC 50.875-891 RULES for REQUESTING EXPEDITED CONSIDERATION: AS15.13.380(c) APOC LAWS: <a href="http://doa.alaska.gov/apoc/apoclaws.html">http://doa.alaska.gov/apoc/apoclaws.html</a>

**Brian Fontaine**

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**From:** postmaster@sonicDFW.lwtcloud.com  
**To:** LBaxter@SCHWABE.com  
**Sent:** Friday, October 9, 2020 11:13 AM  
**Subject:** Relayed: APOC Complaint -

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[LBaxter@SCHWABE.com](mailto:LBaxter@SCHWABE.com)

Subject: APOC Complaint -

## Brian Fontaine

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**From:** Baxter, Lee C. <LBaxter@SCHWABE.com>  
**To:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:13 AM  
**Subject:** Read: APOC Complaint -

Your message

To:  
Subject: APOC Complaint -  
Sent: Friday, October 9, 2020 2:13:11 PM (UTC-06:00) Central Time (US & Canada)

was read on Friday, October 9, 2020 2:13:06 PM (UTC-06:00) Central Time (US & Canada).

**Brian Fontaine**

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**From:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:13 AM  
**To:** 'LBaxter@SCHWABE.com'  
**Cc:** Samuel G. Gottstein  
**Subject:** APOC Complaint -  
**Attachments:** 2020-10-09 -APOC Complaint.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'LBaxter@SCHWABE.com' Samuel G. Gottstein	Delivered: 10/9/2020 11:13 AM

Please see the attached.

Sincerely,

Holmes Weddle & Barcott, P.C.  
Brian Fontaine  
Legal Assistant

## Brian Fontaine

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**From:** postmaster@sonicDFW.lwtcloud.com  
**To:** MSinger@SCHWABE.com  
**Sent:** Friday, October 9, 2020 11:12 AM  
**Subject:** Relayed: APOC Complaint -

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[MSinger@SCHWABE.com](mailto:MSinger@SCHWABE.com)

Subject: APOC Complaint -

## Brian Fontaine

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**From:** Singer, Matthew <MSinger@SCHWABE.com>  
**To:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:21 AM  
**Subject:** Read: APOC Complaint -

Your message

To:  
Subject: APOC Complaint -  
Sent: Friday, October 9, 2020 2:21:36 PM (UTC-06:00) Central Time (US & Canada)

was read on Friday, October 9, 2020 2:21:28 PM (UTC-06:00) Central Time (US & Canada).

**Brian Fontaine**

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**From:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:12 AM  
**To:** 'MSinger@SCHWABE.com'  
**Cc:** Samuel G. Gottstein  
**Subject:** APOC Complaint -  
**Attachments:** 2020-10-09 -APOC Complaint.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'MSinger@SCHWABE.com' Samuel G. Gottstein	Delivered: 10/9/2020 11:12 AM

Please see the attached.

Sincerely,

Holmes Weddle & Barcott, P.C.  
Brian Fontaine  
Legal Assistant

## Brian Fontaine

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**From:** postmaster@sonicDFW.lwtcloud.com  
**To:** kcgoode35@gmail.com  
**Sent:** Friday, October 9, 2020 11:10 AM  
**Subject:** Relayed: APOC Complaint -

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[kcgoode35@gmail.com](mailto:kcgoode35@gmail.com)

Subject: APOC Complaint -

## Brian Fontaine

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**From:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:09 AM  
**To:** 'kcgoode35@gmail.com'  
**Cc:** Samuel G. Gottstein  
**Subject:** APOC Complaint -  
**Attachments:** 2020-10-09 -APOC Complaint.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'kcgoode35@gmail.com' Samuel G. Gottstein	Delivered: 10/9/2020 11:09 AM

Please see attached.

Sincerely,

Holmes Weddle & Barcott, P.C.  
Brian Fontaine  
Legal Assistant

## Brian Fontaine

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**From:** postmaster@sonicDFW.lwtcloud.com  
**To:** frontiertradellc@aol.com  
**Sent:** Friday, October 9, 2020 11:10 AM  
**Subject:** Relayed: APOC Complaint -

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[frontiertradellc@aol.com](mailto:frontiertradellc@aol.com)

Subject: APOC Complaint -

**Brian Fontaine**

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**From:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:10 AM  
**To:** 'frontiertradellc@aol.com'  
**Cc:** Samuel G. Gottstein  
**Subject:** APOC Complaint -  
**Attachments:** 2020-10-09 -APOC Complaint.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'frontiertradellc@aol.com'	
	Samuel G. Gottstein	Delivered: 10/9/2020 11:10 AM

Please see attached.

Sincerely,

Holmes Weddle & Barcott, P.C.  
Brian Fontaine  
Legal Assistant

## Brian Fontaine

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**From:** postmaster@sonicDFW.lwtcloud.com  
**To:** treasurer@defendalaskaelections.com  
**Sent:** Friday, October 9, 2020 11:11 AM  
**Subject:** Relayed: APOC Complaint -

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[treasurer@defendalaskaelections.com](mailto:treasurer@defendalaskaelections.com)

Subject: APOC Complaint -

## Brian Fontaine

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**From:** Brian Fontaine  
**Sent:** Friday, October 9, 2020 11:11 AM  
**To:** 'treasurer@defendalaskaelections.com'  
**Cc:** Samuel G. Gottstein  
**Subject:** APOC Complaint -  
**Attachments:** 2020-10-09 -APOC Complaint.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'treasurer@defendalaskaelections.com' Samuel G. Gottstein	Delivered: 10/9/2020 11:11 AM

Please see attached.

Sincerely,

Holmes Weddle & Barcott, P.C.  
Brian Fontaine  
Legal Assistant

October 9, 2020

To: Alaska Public Offices Commission  
From: Yes on 2 for Better Elections

Re: Supporting Information and Documentation for APOC Complaint Against Defend Alaska Elections – Vote No on 2.

### **Introduction and Parties**

Respondent “Defend Alaska Elections – Vote No on 2” (“DAE”), a single-issue group registered with APOC, was established to oppose the Better Elections Initiative (“Ballot Measure 2”).<sup>1</sup> DAE’s contact information is as follows:

PO Box 230902  
Anchorage, Alaska 99523  
Email Address to Notify: [kcgoode35@gmail.com](mailto:kcgoode35@gmail.com)

DAE’s registration also includes contact information for its chair,<sup>2</sup> treasurer,<sup>3</sup> and deputy treasurer;<sup>4</sup> Yes on 2 for Better Elections (“Yes on 2”) also has contact information for

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<sup>1</sup> DAE’s stated purpose is: “Defend Alaska’s proven and fair election process. Oppose Ballot Measure 2[.]”

<sup>2</sup> The contact information for DAE’s chair, John Sturgeon, is as follows:

4450 Shoshoni Avenue  
Anchorage, Alaska 99516  
Phone: 907-345-2299  
Email: [frontiertradellc@aol.com](mailto:frontiertradellc@aol.com)

<sup>3</sup> The contact information for DAE’s treasurer, Kelly Goode, is as follows:

PO Box 91518  
Anchorage, Alaska 99509  
Phone: 907-244-0002  
Email: [treasurer@defendalaskaelections.com](mailto:treasurer@defendalaskaelections.com)

<sup>4</sup> The available contact information for DAE’s deputy treasurer, Brett W. Huber, Sr., is as follows:

2617 Shepherdia Drive  
Anchorage, Alaska 99508

DAE's attorneys at Schwabe, Williamson & Wyatt.<sup>5</sup> And despite having multiple opportunities to report an apparent in-kind contribution from Protect My Ballot ("PMB") for an online video advertisement, DAE has repeatedly failed to do so.

**I. Failure To Disclose PMB's In-Kind Contribution.**

On September 30, 2020, DAE posted a new video on its main Facebook page.<sup>6</sup> DAE began promoting this video as a paid advertisement on Facebook on October 1.<sup>7</sup> DAE spent over \$4,000 on that advertisement, which ran until October 7,<sup>8</sup> and the video remains prominently displayed on the home page of DAE's website to this day.<sup>9</sup>

The content of this video can generally be broken down into three parts. First, DAE's campaign manager, Brett Huber, introduces the video in approximately 14 seconds.<sup>10</sup> Then, the video includes approximately 1 minute and 15 seconds of a previously produced and promoted video by PMB.<sup>11</sup> Finally, in the final 13 seconds or so of the video,

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<sup>5</sup> DAE's attorneys are Lee Baxter and Matthew Singer. Their available contact information is as follows:

420 L Street, Suite 400  
Anchorage, AK 99501  
Phone: 907-339-7129  
Emails: [LBaxter@SCHWABE.com](mailto:LBaxter@SCHWABE.com); [MSinger@SCHWABE.com](mailto:MSinger@SCHWABE.com).

<sup>6</sup> <https://www.facebook.com/watch/?v=680338019265292>. A link to the video can also be found on YouTube. *See* [https://www.youtube.com/watch?v=wSox8Pw7GHQ&feature=youtu.be&ab\\_channel=DefendAlaskaElections](https://www.youtube.com/watch?v=wSox8Pw7GHQ&feature=youtu.be&ab_channel=DefendAlaskaElections) [hereinafter DAE video].

<sup>7</sup> *See* <https://www.facebook.com/ads/library/?id=3528382787253177>.

<sup>8</sup> *Id.*

<sup>9</sup> *See* <https://www.defendalaskaelections.com/>.

<sup>10</sup> Huber opens DAE's video with the following statement: "You know, politics isn't a part of everybody's daily life. What does ranked choice voting mean? Most people don't know. A great, easy way to understand is to watch this short video. I think you'll see through this scheme just like other Alaskans are." *See* DAE video.

<sup>11</sup> *See* DAE video; [https://www.youtube.com/watch?v=K7BVPFtvSNE&feature=youtu.be&ab\\_channel=ProtectMyBallot](https://www.youtube.com/watch?v=K7BVPFtvSNE&feature=youtu.be&ab_channel=ProtectMyBallot) [hereinafter PMB video]. PMB's video is only 1 minute and 22 seconds in length. *See* PMB video. DAE properly attributes the content of this portion of the video to PMB on the bottom right portion of the screen. *See* DAE video.

DAE includes the “paid for by” and “three largest contributors” disclaimer that is required by AS 15.13.090.<sup>12</sup>

Over 70% of the content of DAE’s video relies on a video previously produced by PMB.<sup>13</sup> But DAE has failed to list PMB’s apparent in-kind contribution to its campaign in either its thirty day report,<sup>14</sup> or its most recent ten day report.<sup>15</sup> Alaska’s campaign disclosure statutes require that any in-kind contribution must be reported by a campaign.<sup>16</sup> And it is clear based on when DAE’s video was uploaded that PMB’s in-kind contribution should have been included in both its thirty day and ten day reports.<sup>17</sup>

DAE should be ordered to amend its thirty and ten day reports immediately to include a valuation of PMB’s contribution for the substantive portion of its recent video advertisement.

### **Conclusion**

This complaint establishes that DAE has, again, failed to properly report contributions to its campaign. By doing so DAE is violating Alaska’s campaign laws designed to promote transparency, laws which Ballot Measure 2 seeks to strengthen. DAE should be ordered to amend its thirty and ten day reports to correct this omission without delay.

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<sup>12</sup> DAE video.

<sup>13</sup> This apparent in-kind contribution from PMB may also require PMB itself to file a report with APOC, if the value of the video is greater than \$500 (which appears very likely). *See* AS 15.13.090; AS 15.13.400(3).

<sup>14</sup> *See* <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=31875&ViewType=CD>

<sup>15</sup> *See* <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4680&ViewType=IE>.

<sup>16</sup> *See* AS 15.13.040; AS 15.13.400. In fact, DAE has previously reported in-kind contributions to its campaign, like in its initial ten day report filed on September 7. <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4569&ViewType=IE> (including a “Non-Monetary” donation by Corey Mulder for “Data,” initially valued at \$500).

<sup>17</sup> If PMB does not or did not know about DAE’s use of their video, that could create other issues for DAE.