

The Anchorage Times
P.O. Box 100040
Anchorage, Alaska 99510

Bill J. Allen, Publisher

William J. Tobin, Senior Editor

Resume

William J. Tobin

Date of Birth:

Place of Birth: Joplin, Missouri

**Education: Butler University, Indianapolis, Ind., Bachelor of Science, Journalism major,
1948**

Professional:

1945-1946, Indianapolis Star, general news and sports stringer
1946-1950, Associated Press, Indianapolis, staff writer
1950-1952, active duty, U.S. Army
1952-1953, Associated Press Newsfeatures, New York, N.Y.
1954-1955, Associated Press, regional membership executive, Louisville, Ky.
1956-1960, Associated Press, correspondent, Juneau, Alaska
1960-1961, Associated Press, assistant chief of bureau, Baltimore, Md.
1961-1963, Associated Press, chief of bureau, Helena, Mont.
1963-1992, The Anchorage Times, successively as managing editor, associate
editor, general manager, editor in chief, assistant publisher
1992 to present, The Voice of The Times, senior editor

Awards:

1980: C.B. Blethen Memorial Award, first place
1982: Butler University Journalism Alumni Award for Distinguished Service to
Journalism
1988: Alaskan of the Year
1990: Gold Pan Award for Distinguished Public Service, Anchorage Chamber of
Commerce
2002: Gov. William A. Egan Alaskan of the Year Award, Alaska State Chamber
of Commerce

Voice of the Times
A CONSERVATIVE VOICE FOR ALASKANS

EXHIBIT # D
Page # 1 of 2

25044122651

Professional Activities:

Alaska Press Club, three-time president
Alaska Associated Press Members Association, past president
Society of Professional Journalists, Alaska Chapter, past president
Pacific Northwest Newspaper Association, past member
Allied Daily Newspapers, past member
Associated Press Managing Editors Association, past member
American Society of Newspaper Editors, past member

Community Activities:

Alaska World Affairs Council, two-term president
Anchorage Chamber of Commerce, past president
Alaska State Chamber of Commerce, past board member
Anchorage Symphony Orchestra, past board member
Providence Hospital Advisory Board, 18-year board member and past president
Alaskan Command Civilian Advisory Board, 1997 to present

Personal:

Home Address:

Phone: 907-264-8193 (office)

10-05-40

25044122652

The Anchorage Times
P.O. Box 100040
Anchorage, Alaska 99510

Bill J. Allen, Publisher

William J. Tobin, Senior Editor

Resume

Paul Jenkins

DOB:

Education:

1974-1973, 12 hours work toward a master's degree in Public Policy.

1973-1970, University of Central Florida, graduated with honors, double major in political science and journalism.

Various professional development courses, including instruction and seminars at the Poynter Institute.

Military:

1970-1969, Vietnam, I Corps, intelligence officer 3/82 Artillery Battalion, liaison officer to the 2/1 Infantry Battalion, aerial observer. Rank on separation, captain.

1969-1967, training officer, executive officer and commander of a basic training unit at Fort Ord, Calif.

1967-1966, basic training, advanced infantry training, officers' candidate school.

25044122653

Professional:

Present-1992, editor/columnist, Voice of The Times.

1992-1990, managing editor, Anchorage Times, supervised a staff of 100, directed and edited news coverage, including series that won a prestigious Blethan award in 1992.

1990-1980, The Associated Press, writer, editor, reporter, based in Anchorage.

1980-1977, The Orlando (Fla.) Sentinel, metro editor, directed and edited news coverage and managed a staff of 30.

1977-1976, The Orlando (Fla.) Sentinel, assistant metro editor.

1976-1973, The Orlando (Fla.) Sentinel, police reporter, court reporter, investigative reporter, general assignment reporter.

1974-1972, The Orlando (Fla.) Sentinel, metro desk clerk, police reporter.

1970-1971, Law clerk for the firm of Roth, Seagal and Levine.

Journalism Awards:

Various state, local awards, nominated for Pulitzer Prize in 1976 for stories on Sunland Training Centers in Florida. Stories made it to the second tier of judging and were cited by Editor & Publisher magazine as the kind of journalism newspapers should be doing in the post-Watergate era. Teaching:

1992-1990, six semesters as an adjunct professor of journalism at the University of Alaska Anchorage, teaching basic journalism.

Other:

Present-1992, weekly panelist on KAKM's "Anchorage Edition," a public television show analyzing news events that affect Alaska.

2000-1999, Afternoon radio talk show host of KENI, interviewed newsmakers, politicians of every political stripe.

25044122654

The Anchorage Times
P.O. Box 100040
Anchorage, Alaska 99510

Bill J. Allen, Publisher

William J. Tobin, Senior Editor

Resume

Thomas F. Brennan Jr.

DOB:

Education:

Bachelor of Arts, English Major, University of Massachusetts, 1959

Military:

6 years Massachusetts Army National Guard, including six months active duty for training at Fort Dix, NJ, and Fort Gordon, GA

Professional:

Worcester, MA, Telegram, reporter/copy editor, 1959-67
The Anchorage Times, reporter/columnist, 1967-69; editor/writer/columnist, 2000-present
Atlantic Richfield Co., director of news services/public relations manager, 1969-80
Brennan & Brennan Inc., communications consultants, owner/staff professional, 1980-2002
Alyeska Pipeline Service Co., public relations staff professional, 1988-89

Author:

Moose Dropping and Other Crimes Against Nature, Epicenter Press, Kenmore, WA, 2000
Murder at Forty Below, Epicenter Press, 2001
Crime in Snow Country, working title for book to be published in 2005 by Epicenter Press
3 unfinished works, 2 novels and 1 book of humor

Community – Past board service:

Alaska Press Club
American Red Cross, Alaska Chapter
Anchorage Chamber of Commerce
Anchorage Convention & Visitors Bureau, one term as chairman
Public Relations Society of America, Alaska Chapter, one term as president
Rotary Club of Anchorage

25044122655

Memberships – Current:

Alaska Waterfowl Association
Birchwood Recreational Shooting Park
KSKA Public Radio Community Advisory Board
Rotary Club of Anchorage
Ruffed Grouse Society
U.S. Ski Association

Personal:

Home Address:

Phone: 907-264-8191 (work)

25044122656



ALASKA DEMOCRATIC PARTY

PO Box 104199 • Anchorage • Alaska • 99510 • (907) 258-3050 • (907) 258-1626 fax

www.alaska.net/~ADP • ADP@ALASKA.NET

Chris Cooke, Chair • Cindy Spanyers, Vice Chair

Joelle Hall, Treasurer • Carolyn C. Doughton, Secretary

ARRIVED

November 3, 2000

NOV 3 2000

Karen Boorman, Director
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149

APOC - ANCH
PM HG FAX

Dear Ms. Boorman:

This letter serves as an official complaint filed against Bill Allen and VECO Corporation for violations of AS 15.30.074 (f).

First, VECO Corporation, a paid advertiser in the Anchorage Daily News, may be in violation of AS 15.13.074 (f) by purchasing paid attack ads in the Voice of the Times on Tuesday, October 31 and Wednesday, November 1, on behalf of candidates Jerry Ward and Terry Martin. Alaska law prohibits corporate contributions to candidates.

Second, Bill Allen, Chairman of VECO Corporation, may be in violation of AS 15.13.070 (b) (1) because he has already contributed the maximum amount (\$500) to both Jerry Ward and Terry Martin. If Mr. Allen personally purchased the paid attack ads in the Voice of the Times, then he exceeded that limit.

Attached are copies of the paid endorsements as published in the Voice of the Times. The clear intent of both pieces is to generate antipathy for Ward and Martin's opponents and generate support for Ward and Martin, and as such, should be considered campaign contributions. Also attached is documentation showing that VECO employees have donated \$11,000 directly to Ward and Martin, and, through contributions to the Republican Party of Alaska, possibly another \$20,000. Additionally, a copy of a fundraising letter from Terry Martin stating that "Most of [his] contributions came from the VECO...employees...", is attached.

We respectfully request that you and your staff give this matter your immediate attention.

Sincerely,




Chris Cooke, Chair
Alaska Democratic Party

EXHIBIT # 6
Page # 1 of 3

Subscribed and sworn before me on this 3rd day of November 2000


Notary Public in and for the State of Alaska
My Commission expires 06-08-04

25044122657

ALASKA DEMOCRATIC PARTY
PO BOX 104199 • ANCHORAGE • ALASKA • 99510
(907) 258-3050 • (907) 258-1626 FAX
WWW.ALASKA.NET/~ADP • ADP@ALASKA.NET

Chris Cooke, Chair • Cindy Spanyers, Vice Chair • Joelle Hall, Treasurer • Carolyn Covington,
Secretary

November 6, 2000

ARRIVED

NOV 6 2000

Ms. Karen Boorman, Director
Alaska Public Offices Commission
221 E. Northern Lights Blvd, Room 128
Anchorage, Alaska 99508-4149

APOC ANCH
PM (HC) FAX

Re: Supplement to Complaint of Alaska Democratic Party filed November 3, 2000

Dear Ms. Boorman,

I would like to supplement the APOC complaint I filed on November 3, 2000. My complaint dealt with the political advocacy activity of Veco Corporation in the "Voice of the Times" space which appears in the Anchorage Daily News.

In my November 3rd letter I indicated uncertainty as to whether the "Voice of the Times" was owned by Veco or its chairman, Bill Allen. However, according to the enclosed article from the November 4th issue of the Anchorage Daily News, the "Voice of the Times" space belongs to Veco, Inc. If Veco, Inc., is the owner, then our complaint is that the use of this space to advocate the election of a political candidate for state office is an illegal contribution by this corporation, in violation of A.S. 15.30.074(f).

More specifically, the use of this space on October 31, 2000 to attack State Senate candidate Mike Symanski and urge the election of his opponent, Jerry Ward, is an illegal contribution to Mr. Ward. Also, the use of this space on November 1, 2000, to attack State Senate candidate Bettye Davis and urge the election of her opponent, Terry Martin, is an illegal contribution to Mr. Martin.

In the November 4th article representatives of Veco claimed that the Voice of the Times was "pretty much a newspaper" and thus its "editorials" were entitled to free speech protection. Veco is wrong.

The Anchorage Daily News is a newspaper. A typical issue is 60 to 70 pages long. When the Daily News makes political endorsements they occupy less than one-third of the editorial page or about 0.5% of the newspaper. Its political comment is clearly entitled to free speech protection.

EXHIBIT # G
Page # 2 of 3

25044122658

Ms. Karen Boorman
Alaska Public Offices Commission
11/06/00
Page 2

Veco owns one-half a page in the Daily News for its "Voice of the Times." On October 31st and November 1st Veco used forty percent (40%) of that space for its political attacks on Mr. Symanski and Ms. Davis.

This space is the corporate property of Veco. It is controlled by Veco. It is not available to the Daily News for general news or comment or other purposes. It is more like space within a newspaper purchased by an advertiser for placement of ads--an activity APOC clearly regulates--than an entire newspaper.

An advertiser could not use space it purchases in a newspaper to publish statements promoting a candidate or attacking a candidate's opponent unless it complied with Alaska's laws governing political advertising and contributions. In our view, the "Voice of the Times" space which Veco owns is also subject to those laws. Those laws prohibit contributions to a candidate by any corporation, including Veco, Inc.

If you wish any further clarification of our position on this matter, please let me know.

Very truly yours,



Christopher R. Cooke
Chair, Alaska Democratic Party

EXHIBIT # 6
Page # 3 of 3

NOV 6 2000

25044122659



Sec. 15.13.074. Prohibited contributions.

(a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

(b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another.

(c) A person or group may not make a contribution

(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(3) to any candidate later than the 45th day

(A) after the date of a primary election if the candidate

(i) has been nominated at the primary election or is running as a write-in candidate; and

(ii) is not opposed at the general election;

(B) after the date of the primary election if the candidate was not nominated at the primary election; or

(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election.

EXHIBIT # H
Page # 1 of 14

(d) A person or group may not make a contribution to a candidate or a person or group who is prohibited by AS 15.13.072 (c) from accepting it.

(e) A person or group may not make a cash contribution that exceeds \$100.

(f) A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

(h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor and a group that is not a political party and that, under the definition of the term "group," is presumed to be controlled by a candidate for governor or lieutenant governor, may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate or controlled group as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

(1) the group described in this subsection from making contributions to the candidates for governor and lieutenant governor whom the group supports; or

(2) the governor or lieutenant governor, or the group described in this subsection, from making contributions under AS 15.13.116 (a)(2)(A).

25044122661



Sec. 15.13.400. Definitions.

In this chapter,

(1) "candidate"

(A) means an individual who files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional convention delegate, or who campaigns as a write-in candidate for any of these offices; and

(B) when used in a provision of this chapter that limits or prohibits the donation, solicitation, or acceptance of campaign contributions, or limits or prohibits an expenditure, includes

(i) a candidate's campaign treasurer and a deputy campaign treasurer;

(ii) a member of the candidate's immediate family;

(iii) a person acting as agent for the candidate;

(iv) the candidate's campaign committee; and

(v) a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of the candidate;

(2) "commission" means the Alaska Public Offices Commission;

(3) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that are rendered to the candidate or

political party;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or ballot proposition or question, but it does include professional services volunteered by individuals for which they ordinarily would be paid a fee or wage;

(ii) services provided by an accountant or other person to prepare reports and statements required by this chapter; or

(iii) ordinary hospitality in a home;

(4) "expenditure"

(A) means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party; or

(iv) influencing the outcome of a ballot proposition or question;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(5) "group" means

(A) every state and regional executive committee of a political party; and

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the

25044122663

outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate;

(6) "immediate family" means the spouse, parents, children, including a stepchild and an adoptive child, and siblings of an individual;

(7) "independent expenditure" means an expenditure that is made without the direct or indirect consultation or cooperation with, or at the suggestion or the request of, or with the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, or another person acting as a principal or agent of the candidate;

(8) "individual" means a natural person;

(9) "person" has the meaning given in AS 01.10.060, and includes a labor union and a group;

(10) "political party" means

(A) an organized group of voters that represents a political program and that nominated a candidate for governor who received at least three percent of the total votes cast at any one of the last five preceding general elections for governor; and

(B) a subordinate unit of the organized group of voters qualifying as a political party under (A) of this paragraph if, consistent with the rules or bylaws of the political party, the unit conducts or supports campaign operations in a municipality, neighborhood, house district, or precinct;

(11) "publicly funded entity" means a person, other than an individual, that receives half or more of the money on which it operates during a calendar year from government, including a public corporation.

25044122665



Sec. 15.13.065. Contributions.

(a) Individuals, groups, and political parties may make contributions to a candidate. An individual or group may make a contribution to a group or to a political party.

(b) A political party may contribute to a subordinate unit of the political party, and a subordinate unit of a political party may contribute to the political party of which it is a subordinate unit.

(c) Except for reports required by AS 15.13.040 and 15.13.110 and except for the requirements of AS 15.13.050, 15.13.060, and 15.13.112 - 15.13.114, the provisions of AS 15.13.010 - 15.13.116 do not apply to limit the authority of a person to make contributions to influence the outcome of a ballot proposition. In this subsection, in addition to its meaning in AS 15.60.010, "proposition" includes an issue placed on a ballot to determine whether

- (1) a constitutional convention shall be called;
- (2) a debt shall be contracted;
- (3) an advisory question shall be approved or rejected; or
- (4) a municipality shall be incorporated.

25044122666



Sec. 15.13.040. Contributions, expenditures, and supplying of services to be reported.

(a) Except as provided in (g) of this section, each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer.

(b) Each group shall make a full report upon a form prescribed by the commission, listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it; and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; and

(3) the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it.

(c) The report required under (b) of this section shall be filed in accordance with AS 15.13.110 and shall be certified as correct by the group's treasurer.

(d) Every individual, person, or group making a contribution or expenditure shall make a full report, upon a form prescribed by the commission, of

(1) contributions made to a candidate or group and expenditures made on behalf of a candidate or group

25044122667

(A) as soon as the total contributions and expenditures to that candidate or group reaches \$500 in a year; and

(B) for all subsequent contributions and expenditures to that candidate or group in a year whenever the total contributions and expenditures to that candidate or group that have not been reported under this paragraph reaches \$500;

(2) unless exempted from reporting by (h) of this section, any expenditure whatsoever for advertising in newspapers or other periodicals, on radio, or on television; or, for the publication, distribution, or circulation of brochures, flyers, or other campaign material for any candidate or ballot proposition or question.

(e) The report required under (d) of this section must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission by the contributor no later than 10 days after the contribution or expenditure is made. A copy of the report shall be furnished to the candidate, campaign treasurer, or deputy campaign treasurer at the time the contribution is made.

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. Records of provision of services, facilities, or supplies shall be available for inspection by the commission.

(g) The provisions of (a) of this section do not apply if a candidate

(1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than \$2,500 in seeking election to office, including both the primary and general elections;

(2) accepts contributions totaling not more than \$2,500 in seeking election to office, including both the primary and general elections; and

25044122668

(3) makes expenditures totaling not more than \$2,500 in seeking election to office, including both the primary and general elections.

(h) The provisions of (d)(2) of this section do not apply to one or more expenditures made by an individual acting independently of any group and independently of any other individual if the expenditures

(1) cumulatively do not exceed \$250 during a calendar year; and

(2) are made only for billboards, signs, or printed material concerning a ballot proposition as that term is defined by AS 15.13.065(c).

(i) The permission of the owner of real or personal property to post political signs, including bumper stickers, or to use space for an event or to store campaign-related materials is not considered to be a contribution to a candidate under this chapter unless the owner customarily charges a fee or receives payment for that activity. The fact that the owner customarily charges a fee or receives payment for posting signs that are not political signs is not determinative of whether the owner customarily does so for political signs.

Sec. 15.13.045. Investigations, hearings.

(a) The commission may issue subpoenas, administer oaths, hold hearings, and conduct investigations.

(b) In conjunction with (a) of this section, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by this chapter.

(c) The commission may examine the papers, books, records, accounts, and documents of any person subject to this chapter to ascertain the correctness of a report filed with the commission, or in conjunction with an investigation or inspection conducted under (a) of this section.

(d) Subpoenas may be issued and shall be served in the manner prescribed by AS 44.62.430 and court rule. The failure, refusal, or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court

EXHIBIT # H
Page # 10 of 14

2504A122669

rule. The superior court may compel obedience to the commission's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

25044122670

2 AAC 50.313. DEFINITION OF "CONTRIBUTION." (a) In 2 AAC 50.310 - 2 AAC 50.405, except as otherwise provided in this section, "contribution" includes a payment, gift, subscription, loan, advance, transfer, deposit of money, services, or anything of value made by a person or group for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and includes a personal contribution as described in 2 AAC 50 316.

(b) In this section and in 2 AAC 50.321, "loan" includes a guarantee, endorsement, and any other form of security. The following apply to loans:

(1) A loan that exceeds the contribution limitations of AS 15.13.070 is unlawful, whether or not it is repaid;

(2) A loan is a contribution at the time it is made;

(3) Except for a personal contribution loan as described in 2 AAC 50.316(d), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered to have contributed that portion of the total amount for which he or she agreed to be liable in a written agreement. If the agreement does not state the portion of the loan for which each endorser or guarantor is liable, the loan is considered a loan by each endorser or guarantor in the same proportion that each endorser or guarantor bears to the total number of endorsers or guarantors.

(c) In this section, "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(d) In this section "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered

(e) The provision of goods or services without charge, or at a charge which is less than the usual and normal charge for the goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the nonmonetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) The payment by a person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) when an employee paid on an hourly or salaried basis engages in political activity during what would otherwise be a regular work period, if the time spent is made up by the employee within a reasonable period of time;

(2) when an employee paid on a commission or piecework basis, or an employee paid only for work actually performed whose time is considered the employee's own, engages in political activity during normal working hours;

(3) if time used by the employee during normal working hours to engage in political activity is bona fide vacation or other earned leave time.

25044122671

(h) The extension of credit by a person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(i) A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The commission will, in its discretion, consider the following factors before directing staff to commence a preliminary investigation:

(1) whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) whether the campaign has made a good faith effort to repay all outstanding debts;

(3) whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign,

(4) whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) An expenditure made by a person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. The financing by a person of the issuance, republication, or distribution of a broadcast or of a written, graphic, or other form of campaign material provided by the candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a

contribution to the candidate. This includes an expenditure:

(1) based on information about the candidate's plans, projects, or needs provided by the candidate or the candidate's campaign agents;

(2) made by or through a person who is, or has been, authorized to raise or expend money for the candidate, who is, or has been, an agent of a candidate's campaign, or who has received any form of compensation or reimbursement from the candidate, members of the candidate's campaign committee, campaign agents, or campaign consultants;

(3) made by any person or group based on data from a candidate's pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

(4) made by a political group for soliciting contributions to be paid or delivered directly to a candidate or the candidate's campaign agents.

(k) In (j) of this section, "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(l) In 2 AAC 50.310 - 2 AAC 50.405, "contribution" does not include the following payments, services, or other things of value.

(1) costs incurred in covering or carrying a news story by a broadcasting station, newspaper, or periodical of regular publication, unless the facility is owned by or controlled by a political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story is a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area;

(2) a non-monetary contribution or in-kind donation of a single item with a usual and normal cost of \$50.00 or less;

25044122672

(3) a payment made by any individual for his or her own travel expenses, if such payments are voluntary and are made without any understanding that they will be directly or indirectly repaid;

(4) a payment made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections to communicate directly with its members or employees, or their families, on any subject, if the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to do anything other than exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization;

(5) a gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election.

(m) A contribution made by a married individual is not attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. 1/4/86, Reg. 97)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130

25044122673

MEMORANDUM

State of Alaska
ALASKA PUBLIC OFFICES COMMISSION
DEPARTMENT OF ADMINISTRATION
(907)276-4176 FAX (907)276-7018

TO: APOC Commission Members
FROM: B.A. Davis, Investigator *BA*
DATE: August 27, 2001
SUBJECT: Alaska Democratic Party v. Veco Corporation and the Anchorage Times - "Voice of the Times", 00-11- CD

INTRODUCTION

On November 3, 2000, the Alaska Democratic Party (Party) filed a complaint against Veco Corporation (Corporation) and the Anchorage Times - "Voice of the Times" alleging that the Corporation made prohibited contributions by endorsing senate candidates Terry Martin and Jerry Ward and opposing senate candidates Bettye Davis and Mike Szymanski during the 2000 state election (Exhibit A). The Party filed a supplement to the complaint on November 6, 2000 (Exhibit B).

For the reasons described below, staff recommends that the Commission dismiss the complaint against Veco Corporation and the Anchorage Times - "Voice of the Times."

APPLICABLE LAWS

Definition of Contribution

AS 15.13.400(3)(A)

... "Contribution" means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, ...

2 AAC 50.313(a)

2504412267A

EXHIBIT # 1
Page # 1 of 6

Preliminary Investigation
RE: Alaska Democratic Party v. Veco Corp. and
Anchorage Times, 00-11-CD

August 27, 2001
Page 2

... "Contribution" includes a payment, gift, subscription, loan, advance, transfer, deposit of money, services, or anything of value made by a person or group for the purpose of influencing an election for state or municipal office ...

2 AAC 50.313(d)

... "Anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

Definition of Non-Contribution

2 AAC 50.313(l)(1)

(l) ... "contribution" does not include the following payment, services, or other things of value:

- (1) costs incurred in covering or carrying a news story by a broadcasting station, newspaper, or periodical of regular publication, unless the facility is owned by or controlled by a political party, political group, or candidate; ...

Prohibited Contributions

AS 15.13.074(f)

A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

Enforcement

AS 15.13.380(d) (Formerly AS 15.13.120(d))

A person who believes a violation of this chapter or a regulation adopted under this chapter has occurred or is occurring may file an administrative complaint with the commission within four years of the date of the alleged violation. ...

AS 15.13.390(a) and (b) (Formerly AS 15.13.125 (a) and (b))

25044122675

Preliminary Investigation

RE: Alaska Democratic Party v. Veco Corp. and
Anchorage Times, 00-11-CD

August 27, 2001

Page 3

A person who violates a provision of this chapter, except a provision requiring registration or filing of a report within the time required ... is subject to a civil penalty of not more than \$50 a day for each day the violation continues as determined by the commission, subject to right of appeal to the superior court.

When an administrative complaint has been filed under AS 15.13.380(d), the Commission shall give the respondent due notice and an opportunity to be heard. If, at the conclusion of the hearing, the commission determines that the respondent engaged in the alleged violation, the commission shall assess

- (1) civil penalties under (a) of this section;
- (2) the commission's costs of investigation and adjudication; and
- (3) reasonable attorney fees.

FACTS

In June 1992, the Anchorage Daily News (buyer), a wholly-owned subsidiary of McClatchy Newspapers, Inc. purchased the Anchorage Times (seller), a wholly-owned subsidiary of Veco, International, Inc. (now Veco Corporation). The seller and Veco agreed not to compete with the buyer for a period of five years after closing of the purchase. Because both parties believed that the preservation of separate, independent, and high quality editorial voices was important to the citizens of Alaska, the purchase agreement contained a clause granting the seller a continuation of its editorial commentary for 10 years after the closing of the purchase (June 2002). The agreement specified the location of the commentary was to be printed on the top half of the Anchorage Daily News op-ed page, facing the editorial page. The contents of the commentary could include editorials, opinion pieces, columns, letters to the editor, cartoons, photographs, comments on the news, comments on news coverage, syndicated features, and other content typically found on editorial op-ed pages.

The agreement specified that for the first five years after closing the contract, the buyer was required to pay all newsprint, ink and pre-press labor costs directly associated with the production of the top half of the op-ed page. The seller was to pay costs associated with writing, acquiring, or editing material for the commentary. In addition, the agreement prohibited the seller from transferring or assigning its right to provide commentary and from accepting advertising for the commentary.

During years six through 10, the seller was and is required to bear all costs directly associated with the production of the top half of the op-ed page. Production costs are made up of the cost for paper and news print and vary month-to-month. According to

25044122676

Preliminary Investigation

RE: Alaska Democratic Party v. Veco Corp. and Anchorage Times, 00-11-CD

August 27, 2001

Page 4

John Miller, attorney for respondent, the monthly production cost to the Times is approximately \$3,000 to \$3,600 per day depending upon the day of the week.

The agreement also set out the printing format, the content, procedures for journalistic review and legal review, and terms for cessation of the commentary. This agreement has been in effect over eight years. The Daily News and the Times have agreed to extend the agreement for an additional five years, with terms and conditions to remain the same as the current agreement.

The Anchorage Times – "Voice of the Times" has run in the Anchorage Daily News since June 1992 for 365 days, seven days per week. The contents of this op-ed page have included editorials on numerous subjects, including political issues and candidates. The Times' editorial staff, Bill Tobin and Paul Jenkins, are responsible for day-to-day decisions regarding the content of the commentary page and are also responsible for the management of the paper. Bill Allen, the publisher of the Times, works with the editorial staff to establish the overall editorial viewpoint of the paper.

RESPONSE

In a letter dated March 9, 2001, attorney John Miller, on behalf of his clients, Veco, Corporation and The Times, denied the allegation in this complaint (Exhibit C). Mr. Miller gave a historical background of the Times and presented legal arguments that editorial endorsements by the Times do not constitute illegal campaign contributions but that such endorsements fall within the protection of the First Amendment.

Mr. Miller stressed that if action is taken to curtail editorial endorsements of the Times, such action should be applied to all Alaska newspapers, magazines, or periodicals. In closing, Mr. Miller requested that the complaint be dismissed and that no further action be taken against his clients.

ANALYSIS

Prior to January 1, 1997, the campaign disclosure law (AS 15.13) allowed corporations to make contributions to candidates. Currently, corporations are prohibited from making contributions to candidates and political groups. Veco Corporation and the Times are corporations, and thus are prohibited from making contributions to candidates and groups.

Black's Law Dictionary defines a newspaper as a publication, usually in sheet form, intended for general circulation and published regularly at short intervals, containing intelligence of current events and news of general interest. Staff believes that the Times

2504A122677

Preliminary Investigation

RE: Alaska Democratic Party v. Veco Corp. and Anchorage Times, 00-11-CD

August 27, 2001

Page 5

meets the definition of a newspaper even though it is a unique entity established by a contractual agreement with the Anchorage Daily News.

For the past eight years, the Voice of the Times has existed based on a contractual agreement with the Anchorage Daily News. In keeping with its contractual agreement, the Voice of the Times' editorial opinion page has included articles on local, state, and federal issues, national politics and foreign policies, editorial cartoons, and letters to the Times from readers. In addition, The Times has also endorsed candidates on local, state, and federal levels.

Although newspaper editorial endorsements may be intended to influence the outcome of an election, staff believes that this activity is protected by the constitutional prohibition against restraining the freedom of the press. Staff notes while the campaign disclosure law contains no express exemption for editorial endorsements by the press being a contribution or expenditure, the Commission has adopted a regulation which excludes the "costs incurred in covering or carrying a news story by a ... newspaper ... from the definition of a "contribution" unless the facility is owned or controlled by a political party, political group, or candidate (2 AAC 50.313(1)(1)). In this complaint, staff found no evidence to indicate that the Times is owned by a political group, political party or candidate. Thus, the exemption would be in effect, and the costs associated with the non-endorsements or endorsements are not contributions under the campaign disclosure law. Staff, therefore, believes that Veco Corporation and the Times did not make an illegal contribution to senate candidates Terry Martin and Jerry Ward when it published its editorial opinions in opposition to senate candidates Bettye Davis and Mike Szymanski. Thus, there was no violation of AS 15.13.074(f).

PAST COMMISSION DECISIONS

The Commission has addressed the subject of newspaper editorials in the following complaints:

In Welsh v. Valley Press, 84-14-CD a complainant alleged that the Valley Press, a local newspaper, should have registered as a political group for its editorial stance opposing a Wasilla mayoral candidate. APOC staff dismissed the complaint because it believed that the First Amendment to the Alaska and U.S. Constitutions prohibited the APOC from regulating or otherwise restraining the free exercise of a publisher's right to freedom of the press. At its February 14, 1985 meeting, the Commission upheld staff's decision to dismiss the complaint.

In Frost v. Frontiersman, 87-01-CD, a candidate alleged that the Frontiersman's endorsement of "Democratic candidates" for public office constituted free advertising and thus was subject to the campaign disclosure law. APOC staff

EXHIBIT # 1
Page # 5 of 6

25044122678

Preliminary Investigation

RE: Alaska Democratic Party v. Veco Corp. and Anchorage Times, 00-11-CDAugust 27, 2001
Page 6

dismissed the complaint because it believed that the editorial endorsements were not contributions to the candidates. The complainant did not appeal staff's decision.

In Barton v. Kids Come First PAC, 88-12-CD, a complainant alleged that the Kids Come First PAC failed to report an expenditure after the Fairbanks Daily News-Miner reprinted the group's solicitation letter as an editorial opinion. At its April 27, 1989 meeting, the Commission dismissed the complaint because the PAC did not expend funds toward reprinting the letter and the newspaper's editor reprinted the letter as an editorial opinion.

ATTORNEY GENERAL'S OPINION

In March 1987, former Senator Jan Faiks requested an attorney general's opinion regarding whether or not a newspaper editorial board is a group that must report under the campaign disclosure law. The opinion concluded that an editorial board does not meet the definition of group and is not required to report under the campaign disclosure law.

RECOMMENDATION

Based on the facts above and in keeping with the Commission's past practices, staff recommends that the Commission dismiss the complaint filed against Veco Corporation and the Anchorage Times.

EXHIBIT # I
Page # 6 of 6

25044122679

ALASKA PUBLIC OFFICES COMMISSION

FINDINGS AND ORDER

Alaska Democratic Party v. Veco Corporation
and the Anchorage Times, 00-11-CD

At a public meeting held on November 1, 2001, the Alaska Public Offices Commission (Commission) considered the complaint filed by the Alaska Democratic Party (ADP) against Veco Corporation and the Anchorage Times. The matter was heard by Andrea Jacobson, Chair, and Commission members Mark Handley, John Dapcevich, and Sheila Gallagher. The Commissioners had before them for consideration the APOC staff's preliminary investigation report with Exhibits A through C; an oral presentation made by staff; and oral statements by John Miller, attorney for the respondents. All interested parties were given a copy of staff's preliminary investigation report, notice of the hearing and an opportunity to testify. APOC staff presented its findings and recommendation to the Commission.

By a vote of 3 to 1, the Commission dismissed the complaint filed against Veco Corporation and the Anchorage Times because it found no violation of AS 15.13.074(f).

ALLEGATION

Contrary to AS 15.13.074(f), Veco Corporation, owner of the Anchorage Times, made prohibited contributions by endorsing senate candidates Terry Martin and Jerry Ward and opposing senate candidates Bettye Davis and Mike Szymanski during the 2000 state election.

FINDINGS OF FACT

1. On November 3, 2000, the Alaska Democratic Party (ADP) filed this complaint against Veco Corporation and the Anchorage Times.
2. On November 6, 2000, the ADP filed a supplement to the complaint.
3. On February 2, 2001, staff notified the Anchorage Times that it was opening a preliminary investigation in accordance with 2 AAC 50.450(e).
4. John Miller, attorney for Veco Corporation, owner of the Anchorage Times, responded to this complaint on March 9, 2001.
5. Mr. Miller, on behalf of his client, denied the allegation and provided a historical background of the Times.
6. The Anchorage Times commenced publication in 1935.

Alaska Democratic Party v. Veco Corporation and the Anchorage Times, 00-11-CD

7. In 1989, publisher and owner Robert Atwood sold the Anchorage Times to Veco International, Inc.
8. In June 1992, the Anchorage Daily News (buyer), a wholly-owned subsidiary of McClatchy Newspapers, Inc. purchased the Anchorage Times (seller), a wholly-owned subsidiary of Veco International, Inc. (now Veco Corporation).
9. The recitals in the sale of the Anchorage Times indicated that because the buyer and seller believed that the preservation of separate, independent, and high quality editorial voices was important to the citizens of Alaska, the purchase agreement contained a clause granting the seller a continuation of its editorial commentary for 10 years after the closing of the purchase (June 2002). This agreement was extended for an additional five years, with terms and conditions to remain the same as the current agreement.
10. The agreement specified that the location of the commentary was to be printed on the top half of the Anchorage Daily News op-ed page, facing the editorial page.
11. The contents of the commentary could include editorials, opinion pieces, columns, letters to the editors, cartoons, photographs, comments on the news, comments on news coverage, syndicated features, and other contents typically found on editorial op-ed pages.
12. The buyer was required to pay all newsprint, ink and pre-press labor costs directly associated with the production of the top half of the op-ed page for the first five years after closing the contract.
13. The seller was to pay costs associated with writing, acquiring, or editing material for the commentary.
14. The agreement prohibited the seller from transferring or assigning its right to provide commentary and from accepting advertising for the commentary.
15. During years six through 10, the seller was and is required to bear all costs directly associated with the production of the top half of the op-ed page. These costs are paid from the seller's operating funds.
16. The agreement between the Anchorage Daily News and the Times set out the printing format, the content, procedures for journalistic review and legal review, and terms for cessation of the commentary.
17. The Times' editorial staff, Bill Tobin and Paul Jenkins, are responsible for day-to-day decisions regarding the content of the commentary page and are also responsible for the management of the paper. Bill Allen, the publisher of the Times, works with the editorial staff to establish the overall editorial viewpoint of the paper.

18. The Anchorage Times –“Voice of the Times” has run in the Anchorage Daily News since June 1992 for 365 days, seven days per week.

CONCLUSIONS OF LAW

1. A corporation is prohibited from making contributions to candidates and political groups. AS 15.13.074(f).
2. A contribution includes a payment, gift, subscription, loan, advance, transfer, deposit of money, services, or anything of value made by a person or group for the purpose of influencing an election for state or municipal office. 2 AAC 50.313(a).
3. Veco Corporation and the Anchorage Times are corporations, and thus are prohibited from making contributions to candidates and groups.
4. Costs incurred in covering or carrying a news story by a broadcasting station, newspaper, or periodical of regular publication are not contributions, unless the facility is owned by or controlled by a political party, political group, or candidate. 2 AAC 50.313(l)(1)
5. In its deliberation, the Commission also considered the following:
 - (a) Black’s Law Dictionary defines a newspaper as a publication, intended for general circulation and published regularly at short intervals, containing intelligence of current events and news of general interest.
 - (b) The Anchorage Times has been a newspaper since 1935 and continues to meet the definition of a newspaper even though it is now a unique entity established by a contractual agreement with the Anchorage Daily News since 1992.
 - (c) The Commission recognizes that although newspaper editorial endorsements may be intended to influence the outcome of an election, this activity is protected by the constitutional prohibition against restraining the freedom of the press.
 - (d) The Commission has adopted a regulation that excludes the costs incurred in covering or carrying a news story by a newspaper from the definition of a contribution unless the facility is owned or controlled by a political party, political group, or candidate, including editorial endorsements.
 - (e) In this case, the Commission found no evidence that the Anchorage Times is owned by a political group, political party or candidate. Thus, the exemption for editorial opinions would be in effect, and the costs associated with the activity are not contributions under the campaign disclosure law.
 - (f) Because the editorial endorsements do not meet the definition of contribution under the campaign disclosure law, neither Veco Corporation nor the Anchorage

25044122682

Times made illegal contributions to senate candidates Terry Martin and Jerry Ward when it published its editorial opinions in opposition to senate candidates Bettye Davis and Mike Szymanski. Thus, there was no violation of AS 15.13.074(f).

- 6. Based on the above, the Commission dismisses the allegation that Veco Corporation and the Anchorage Times made prohibited contributions by endorsing senate candidates Terry Martin and Jerry Ward and opposing senate candidates Bettye Davis and Mike Szymanski during the 2000 state election.

DECISION AND ORDER OF THE COMMISSION

In accordance with the above findings of facts and conclusions of law, the Commission dismisses the complaint filed against Veco Corporation and the Anchorage Times.

ALASKA PUBLIC OFFICES COMMISSION

Andrea Jacobson
 Andrea Jacobson
 Chair of the Commission

DATE: 12-4-01

TO OBTAIN JUDICIAL REVIEW OF THIS ORDER CONSISTENT WITH AS 44.62.560-570, YOU MUST FILE AN APPEAL WITH THE SUPERIOR COURT WITHIN THIRTY (30) DAYS FROM THE DATE THIS ORDER IS MAILED OR OTHERWISE DISTRIBUTED TO YOU.

25044122683