



**ALASKA PUBLIC OFFICES COMMISSION  
STAFF RECOMMENDATION FOR COMMISSION ACTION**

**PREPARED BY:** Tamara Maddox **DATE:** May 17, 2022

**RESPONDENT:** Representative Christopher Tuck

**CIVIL PENALTY**

**ASSESSED UNDER:** ☒ Campaign Disclosure: AS 15.13.390, 2 AAC 50.855

**REASON FOR FILING:** Candidate

**LATE REPORT(S):** • Campaign Disclosure Reports

☒ 24 Hour Campaign Disclosure Report

**DUE DATE OF LATE FILED REPORT:** October 26, 2021  
**REPORT FILED ON:** February 16, 2021  
**NUMBER OF DAYS LATE:** 113  
**DATE PENALTY ASSESSMENT SENT:** April 23, 2021  
**DATE PENALTY APPEAL RECEIVED:** May 23, 2021  
**MAXIMUM STATUTORY PENALTY:** \$56,500  
**PENALTY ASSESSED:** \$56,500  
**RECOMMENDATION:** Uphold  
(See "Staff's Recommendation Based on Standard Mitigation Criteria")

**AFFIANT'S STATEMENT OF MITIGATING FACTS:**

1. Affiant requests forgiveness since there was no ill will as evidenced by filing the contribution on his final report and missing the filing was an honest mistake. Affiant states the intent of the law has been followed and he clearly was not supported by a particular special interest group as the contribution was from an individual with no ties to any special interest groups.

## **STAFF'S ANALYSIS OF FACTS FOR COMMISSION REVIEW**

1. The Commission will not accept forgetting to file as a mitigating factor to reduce the amount of the penalty.<sup>1</sup>
2. Due to a lack of mitigating factors for the reduction or waiver of the penalty, staff must recommend upholding the assessed penalty of \$56,500. Nevertheless, the Commission may desire to consider the use of its discretion for further reductions outside of the standard mitigating factors available to staff despite Respondent's reporting history, as the amount of the penalty is 113 times greater than the amount of the late filed transaction.

## **FILER'S REPORTING HISTORY:**

### **2016**

Candidate Registration ..... Filed 06/05/2016  
**Year Start Report..... 1 Day Late**  
30 Day Report..... Timely  
7 Day Report..... Timely  
**24 Hour Report..... 59 Days Late**  
30 Day Report..... Timely  
7 Day Report..... Timely  
**Year End Report ..... 1 Day Late**  
2017 POET Report..... Timely  
**2018 POET Report..... 1 Day Late**

### **2018**

Candidate Registration ..... Filed 06/15/2018  
Year Start Report..... Timely  
30 Day Report..... Timely  
7 Day Report..... Timely  
30 Day Report..... Timely  
7 Day Report..... Timely  
**Year End Report ..... 383 Days Late**  
2019 POET Report..... Timely

### **2020**

Candidate Registration ..... Filed 06/12/2020  
Year Start Report..... Timely  
30 Day Report..... Timely

<sup>1</sup> 2 AAC 50.865(c)(2).

7 Day Report..... Timely  
**24 Hour Report..... 113 Days Late (Subject of Appeal)**  
 Year End Report..... Timely

**ACTIVITY ON LATE REPORT:**

<b>Beginning Balance:</b>	<b>\$ 0.00</b>
<b>Income:</b>	<b>\$ 500.00</b>
<b>Expenses:</b>	<b>\$ 0.00</b>
<b>Debts:</b>	<b>\$ 0.00</b>
<b>Ending Balance:</b>	<b>\$ 500.00</b>

**STAFF'S RECOMMENDATION BASED ON STANDARD MITIGATION CRITERIA**

**Staff finds the following mitigation criteria applicable to the respondent's appeal:**

**Criteria for up to 50% reduction of the maximum civil penalty [2 AAC 50.865(a)]:**

- ☐ Good filing history (no late filings in the previous 5 years). **2 AAC 50.865(a)(1)(A)**
- ☐ Inexperienced filer.<sup>2</sup> **2 AAC 50.865(a)(1)(B)**
- ☐ Technical error at APOC. **2 AAC 50.865(a)(2)**
- ☐ Reported information had a value of \$100 or less. **2 AAC 50.865(a)(3)**
- ☐ Reported information had a value between \$100 and \$1000 AND any factor listed in 2 AAC 50.865(b) also applies. **2 AAC 50.865(a)(4)**

**Criteria for greater than 50% reduction, up to complete waiver [2 AAC 50.865(b)]:**

- ☐ Personal catastrophe/emergency or incapacitating illness. **2 AAC 50.865(b)(1)**
- ☐ APOC Staff error. **2 AAC 50.865(b)(2)**
- ☐ Report included only administrative costs. **2 AAC 50.865(b)(3)**
- ☐ No significant harm to the public and no aggravating factors.<sup>3</sup> **2 AAC 50.865(b)(4)**
- ☐ The civil penalty is significantly greater and out of proportion to the degree of harm to the public for not having the information.<sup>4</sup> **2 AAC 50.865(b)(5)**
- ☐ A unique circumstance. **2 AAC 50.865(b)(6)**

**Non-mitigating factors [2 AAC 50.865(c)]:**

<sup>2</sup> Any entity or filer subject to a registration or reporting requirement for less than 365 days.

<sup>3</sup> The amount missing is \$100 or less; the amount missing is more than \$100 but less than \$1,000 and the filer self-reported; or the missing information is readily available to the public through another forum.

<sup>4</sup> Penalty exceeds the value of late or unreported transactions or for 24-hour and 7-day reports, the penalty exceeds twice the value of the late or unreported transactions

**The Commission will not accept the following mitigating factors to reduce the amount of a penalty.**

- ☐ Relying on another person or mailroom to mail, postmark or submit the statement on or before a due date. **2 AAC 50.865(c)(1)**
- ☒ Forgetting to file. **2 AAC 50.865(c)(2)**
- ☐ Being a volunteer. **2 AAC 50.865(c)(3)**
- ☐ Having no change in data from previous statements on file. **2 AAC 50.865(c)(4)**
- ☐ Relying on the filer's staff to remind the filer of the filing deadline or to complete the report. **2 AAC 50.865(c)(5)**
- ☐ Being too busy to file. **2 AAC 50.865(c)(6)**
- ☐ Absence caused by travel, unless the travel was unplanned or unavoidable such as travel for personal emergency or weather-related travel problems. **2 AAC 50.865(c)(7)**

**Aggravating Factors [2 AAC 50.865(d)]:**

- ☐ Failure to comply by omitting a significant source of income, interest in real property, loan, trust, business, or other substantial financial interest.<sup>5</sup> **2 AAC 50.865(d)(1)**
- ☒ More than one late filing in the preceding 5 years. **2 AAC 50.865(d)(2)(A)**
- ☐ Evidence suggesting deliberate non-reporting. **2 AAC 50.865(d)(2)(B)**
- ☐ Failure to cooperate with staff. **2 AAC 50.865(d)(2)(C)**
- ☐ A violation under AS 15.13, AS 24.45, AS 244.60.200-260, or AS 39.50 in the preceding 5 years. **2 AAC 50.865(d)(2)(D)**

**Based on the applicable standard mitigation criteria, staff recommends that the maximum civil penalty assessment be:**

- ☐ **Waived**
- ☐ **Reduced by \_\_\_\_\_ to \_\_\_\_\_**
- ☒ **Upheld at the assessed amount of \$56,500.**

<sup>5</sup> Value greater than \$1000.

**Civil Penalty Appeal Affidavit**  
AS 15.13 Alaska Campaign Disclosure LawName of Appellant: Chris TuckOffice: State House D23

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

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Previous Year Start Report | <input type="checkbox"/> 7 Day Report              | <input type="checkbox"/> Year End Report            |
| <input type="checkbox"/> Year Start Report          | <input checked="" type="checkbox"/> 24 Hour Report | <input type="checkbox"/> Future Campaign Account    |
| <input type="checkbox"/> 30 Day Report              | <input type="checkbox"/> 105 Day Report            | <input type="checkbox"/> Public Office Expense Term |
| <input type="checkbox"/> Other: _____               |  |   |

Specify year & election, if late report (e.g. 04 Primary, 03 Muni, etc.): 2020 General

**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:**

please see attached letter.

**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: Chris Tuck May 23, 2021

Alaska Public Offices Commission  
22210 E. Northern Lights Blvd., Room 128  
Anchorage, AK 99508  
Re: Penalty Appeal

May 23, 2021

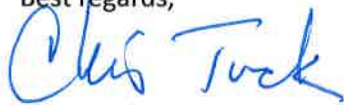
Dear Board Members,

Apparently, I missed filing a contribution that was over \$250 during the 24-hour period. I am asking forgiveness since there was no ill will as evidenced by filing the contribution on my final report. It was an honest mistake.

The intent of the law has been followed and clearly, I was not supported by a particular special interest group as this contribution was from an individual with no ties to any special interest groups.

Thank you for your service and consideration.

Best regards,



Chris Tuck



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](http://www.doa.alaska.gov/apoc)

April 23, 2021

VIA EMAIL & CERTIFIED MAIL

Representative Christopher Tuck  
8220 Barnett Drive, Unit 2  
Anchorage, Alaska 99518  
[tuck4ak@gmail.com](mailto:tuck4ak@gmail.com)

RE: Notice of Penalty Assessment – 24 Hour 2020 State General Campaign Disclosure Report

Representative Tuck:

According to our records you did not timely file a 24 Hour Report during the 2020 State General Election. During the 9 days prior to an election (Oct. 25<sup>th</sup> - Nov. 2<sup>th</sup>), candidates are required to disclose contributions that exceed \$250 within 24 hours of receipt. You were required to disclose a contribution through a 24 Hour Report, no later than October 26, 2020.<sup>1</sup> Instead, this contribution was disclosed on a Year End Report on February 16, 2021 (113 days late).<sup>2</sup> By law a maximum penalty of \$500 accrues each day the report is late.<sup>3</sup> The maximum penalty the Alaska Public Offices Commission could assess you is **\$56,500**.<sup>4</sup>

Staff recognizes that you are a sitting legislator and enjoy legislative immunity. No action is required of you while the legislature is in session. However, the matter should be addressed as soon as possible after the regular session, or any special session that may occur, concludes.

You have a number of options in this matter:

- 1) You may pay this penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; 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

<sup>1</sup> AS 15.13.110(b).

<sup>2</sup> Leon Brown, October 25, 2020, credit card, \$500

<sup>3</sup> AS 15.13.390(a).

<sup>4</sup> 2 AAC 50.855(a).

discuss a payment plan, or have any other question concerning this matter, please contact the APOC staff.

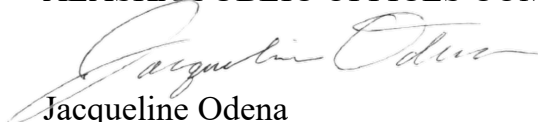
- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred or the penalty amount assessed.<sup>5</sup> **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**<sup>6</sup>

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission to consider concerning the violation and the penalty amount. You will receive a copy of that recommendation and a notification of when the Commission will meet to consider the matter. When the Commission reviews the appeal and recommendation you will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangements for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the assessed penalty and referral to the Attorney General's Office.

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.

ALASKA PUBLIC OFFICES COMMISSION



Jacqueline Odena  
Paralegal I

Encl: Civil Penalty Appeal Affidavit  
2 AAC 50.865

cc: Candidate File (w/o enclosures)

**CERTIFICATE OF SERVICE:**

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

Representative Christopher  
Tuck  
8220 Barnett Drive, Unit 2  
Anchorage, Alaska 99518  
[tuck4ak@gmail.com](mailto:tuck4ak@gmail.com)

☒ Email  
☒ Certified Mail



04/23/2021

Signature

Date

9171-9690-0935-0251-9514-62

<sup>5</sup> AS 15.13.390(a).

<sup>6</sup> 2 AAC 50.831(a).

**From:** [Microsoft Outlook](#)  
**To:** [tuck4ak@gmail.com](mailto:tuck4ak@gmail.com)  
**Subject:** Relayed: Re: Notice of Penalty Assessment - 24 Hour 2020 State General Campaign Disclosure Report  
**Date:** Friday, April 23, 2021 4:50:20 PM  
**Attachments:** [Re Notice of Penalty Assessment - 24 Hour 2020 State General Campaign Disclosure Report .msg](#)

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Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:  
tuck4ak@gmail.com (tuck4ak@gmail.com) <mailto:tuck4ak@gmail.com>  
Subject: Re: Notice of Penalty Assessment - 24 Hour 2020 State General Campaign Disclosure Report





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](http://www.doa.alaska.gov/apoc)

May 20, 2022

VIA EMAIL & CERTIFIED MAIL

Representative Christopher Tuck  
8220 Barnett Drive, Unit 2  
Anchorage, Alaska 99518  
[tuck4ak@gmail.com](mailto:tuck4ak@gmail.com)

RE: Commission Meeting Notice

Representative Tuck:

The Commission will review the matter of the civil penalty assessed for your late filed 24 Hour Report at its June 8, 2022 Commission Meeting in Anchorage, Alaska.

I have enclosed the Staff Recommendation that will be presented to the Commission at the meeting for your review.

You have a right to participate at the meeting, either in person or by telephone (1-650-479-3207, Access Code 2461 285 1654#, Meeting Password 64767472#), or via Webex<sup>1</sup> please notify our office if you intend to participate. Candidate Civil Penalty Appeals are expected to begin at **9:25 a.m. on Wednesday, June 8, 2022.**

This matter will initially be presented to the Commission on a Consent Agenda. If you do not wish to present your appeal or make a statement to the Commission, and your appeal is not removed from the agenda by a Commissioner, the Staff Recommendation will be approved without discussion or deliberation. If you do wish to present your appeal or make a statement before the Commission, please notify staff or the Commission prior to the approval of the consent agenda.

Staff will send you a copy of the Commission's final decision regarding your appeal.

If you have any questions, please contact our office.

<sup>1</sup> If you choose to participate via Webex, please contact our offices so that we may send you a meeting invitation.

ALASKA PUBLIC OFFICES COMMISSION

*Thomas R. Lucas*

Thomas R. Lucas  
Campaign Disclosure Coordinator

Encl: Staff Recommendation

cc: Candidate File

<b>CERTIFICATE OF SERVICE:</b> I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Rep. Christopher Tuck 8220 Barnett Drive, Unit 2 Anchorage, Alaska 99518 <a href="mailto:tuck4ak@gmail.com">tuck4ak@gmail.com</a>	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail

*Rachne Ferguson*

05/19/2022

Signature

Date

9171-9690-0935-0278-7676-19

**From:** [Microsoft Outlook](#)  
**To:** [tuck4ak@gmail.com](mailto:tuck4ak@gmail.com)  
**Subject:** Relayed: Re: Commission Meeting Notice  
**Date:** Thursday, May 19, 2022 10:21:23 AM  
**Attachments:** [Re Commission Meeting Notice.msg](#)

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Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:  
tuck4ak@gmail.com (tuck4ak@gmail.com) <mailto:tuck4ak@gmail.com>  
Subject: Re: Commission Meeting Notice

