



# Alaska Public Offices Commission



## COMPLAINT

FILING A COMPLAINT	LAWS ALLEGEDLY VIOLATED		APOC use: Case name/number/date
<i>To be accepted, complaint must include:</i>	<i>Specify section of law or regulation</i>		
1. Complainant's name + contact info	<input checked="" type="checkbox"/> AS 15.13	Campaign	
2. Respondent's name + contact info	See attached.	Disclosure Law	
3. Laws, regulations allegedly violated	<input type="checkbox"/> AS 39.50	Public Official	
4. Description of facts that violate the law	<input type="checkbox"/> AS 24.45	Financial Disclosure	
5. Basis of complainant's knowledge of facts	<input type="checkbox"/> AS 24.60	Regulation of	
6. Documentation to support allegations		Lobbying Law	
7. Notarized signature of the complainant	<input type="checkbox"/> AS 24.60	Legislative Financial	
8. Proof that complaint and all supporting documents were served on respondent	<input checked="" type="checkbox"/> 2 AAC 50.010 – 50.920	Disclosure	
<i>After APOC notification that complaint is accepted for investigation, respondent has 15 days to answer</i>	See attached.	APOC regulations	
<input type="checkbox"/> Request expedited review. State reason:			

<input type="checkbox"/> APOC <input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	COMPLAINANT	RESPONDENT <i>Person or group allegedly violating law</i>
	Pebble Limited Partnership, acting by and through its General Partner, Pebble Mines Corp., and Resource Development Council	<input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group Renewable Resources Coalition, Inc.
Address City / Zip	3201 C St., Suite 604 Anchorage, AK 99503	605 W. 2nd Ave. Anchorage, AK 99501
Phone/Fax	(907) 339-2600 (907) 339-2601	(907) 743-1900 (907) 272-9319
E-mail	receptionist@pebblepartnership.com	info@renewableresourcescoalition.org
COMPLAINANT'S REPRESENTATIVE		RESPONDENT'S REPRESENTATIVE
<i>If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info</i>		
Name	Matthew Singer, Esq.	
Title	Jermain, Dunnagan & Owens PC	
Address	3000 A St., Suite 300	
City / Zip	Anchorage, AK 99503	
Phone/Fax	(907) 563-8844/(907) 563-7322	
E-mail	msinger@jldolaw.com	

DESCRIPTION or SUMMARY of ALLEGED VIOLATION	Use extra pages if needed	<input checked="" type="checkbox"/> SUPPORTING DOCUMENTS – DESCRIBE:
Violation of ballot initiative campaign disclosure laws and regulations		See Complaint, documents and exhibits 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 <i>[Signature]</i>	Title Attorney for Complainants	Date 3/19/2009
Subscribed and sworn to or affirmed by me at _____ on _____		
Signature <i>[Signature]</i>	Title Notary Public in and for the State of Alaska	

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

APOC ANCHORAGE 221 E. NORTHERN LIGHTS #128 ANCHORAGE, AK 99517 907-276-4176 / FAX 907-276-7018	APOC JUNEAU 240 MAIN STREET #201 JUNEAU, AK 99811 P.O. BOX 110222	APOC COMPLAINT PROCESS FILING COMPLAINTS: 2AAC 50.450 ANSWERING COMPLAINTS: 2AAC 50.458 APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.452 INVESTIGATIONS & HEARINGS: 2 AAC 50.460 – 470
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(00232424) Alaska Public Offices Commission – Complaint Form (Rev. 12/08)





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	Pebble Limited Partnership, acting by and through its General Partner, Pebble Mines Corp., and Resource Development Council	<input type="checkbox"/> Person	Alaskans for Clean Water, Inc.
		<input type="checkbox"/> Party	
		<input checked="" type="checkbox"/> Group	
Address City / Zip	3201 C St., Suite 604 Anchorage, AK 99503	1503 W. 31 <sup>st</sup> Ave., Anchorage, AK 99503	
Phone/Fax	(907) 339-2600 (907) 339-2601	(907) 232-0729 (907) 868-7933	
E-mail	receptionist@pebblepartnership.com	info@akcleanwater.org/art@hackney2.com	

COMPLAINANT'S REPRESENTATIVE		RESPONDENT'S REPRESENTATIVE	
<i>If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info</i>			
Name	Matthew Singer, Esq.		
Title	Jerman, Dunnagan & Owens PC		
Address	3000 A St., Suite 300		
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APOC ANCHORAGE  
221 E. NORTHERN LIGHTS #128  
ANCHORAGE, AK 99517

APOC ANCHORAGE  
240 MAIN STREET #201  
P.O. BOX 110222

APOC COMPLAINT PROCESS

FILING COMPLAINTS: 2AAC 50.450 . ANSWERING COMPLAINTS: 2AAC 50.458  
APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.452





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<input type="checkbox"/> APOC <input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	COMPLAINANT	RESPONDENT <i>Person or group allegedly violating law</i>	
	Pebble Limited Partnership, acting by and through its General Partner, Pebble Mines Corp., and Resource Development Council	<input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	Americans for Job Security
Address City / Zip	3201 C St., Suite 604 Anchorage, AK 99503	107 South West Street PMB 561 Alexandria, Virginia 22314	
Phone/Fax	(907) 339-2600 (907) 339-2601	703.535.3110 703.535.3111	
E-mail	receptionist@pebblepartnership.com	infor@savejobs.com	

COMPLAINANT'S REPRESENTATIVE		RESPONDENT'S REPRESENTATIVE	
<i>If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info</i>			
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E-mail	msinger@jldolaw.com		

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**APOC ANCHORAGE**  
 221 E. NORTHERN LIGHTS #128  
 ANCHORAGE, AK 99517  
 907-276-4176 / FAX 907-276-7018

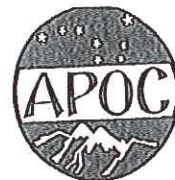
**APOC JUNEAU**  
 20 MAIN STREET, 20  
 JUNEAU, AK 99811

**APOC COMPLAINT PROCESS**  
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 APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.452  
 INVESTIGATIONS & HEARINGS: 2 AAC 50.460 – 470





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	Pebble Limited Partnership, acting by and through its General Partner, Pebble Mines Corp., and Resource Development Council	<input checked="" type="checkbox"/> Person	Robert Gillam
		<input type="checkbox"/> Party	
		<input type="checkbox"/> Group	
Address	3201 C St., Suite 604	3301 C St., Suite 500	
City / Zip	Anchorage, AK 99503	Anchorage, AK 99503	
Phone/Fax	(907) 339-2600 (907) 339-2601	(907) 563-4488 (907) 561-7142	
E-mail	receptionist@pebblepartnership.com	bgillam@mckinleycapital.com	

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ALASKA PUBLIC OFFICES COMMISSION

Pebble Limited Partnership, )  
acting by and through its General Partner, )  
Pebble Mines Corp., and )  
Resource Development Council, )

Complainants, )

vs. )

Renewable Resources Coalition, Inc., )  
Alaskans for Clean Water, Inc., Americans for )  
Job Security, Inc., and Robert Gillam, )

Respondent. )

) APOC Case No. \_\_\_\_\_

COMPLAINT

I. SUMMARY OF VIOLATIONS

This is a complaint against Renewable Resources Coalition ("RRC"), Alaskans for Clean Water ("AFCW"), Americans for Job Security ("AJS"), and Robert Gillam (collectively "Respondents") for violation of Alaska's campaign disclosure laws. This complaint details a myriad of campaign law violations. While each violation is itself improper and punishable, the collective range and scope of the violations establishes something far more troubling. It appears that the Respondents participated in a coordinated effort to hide large campaign contributions and expenditures from public disclosure.

- RRC violated AS 15.13.040(b) by failing to register as a group and disclose its contributors.
- RRC violated AS 15.13.074 by acting as a "pass through" for Robert Gillam to make secret contributions to AFCW.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to disclose the expenditures related to the ballot initiative campaign that it coordinated with Alaskans for Clean Water and Americans for Job Security.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to report its website and email advocacy campaign, despite an express opinion letter from APOC advising that this was a reportable expenditure.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to report several radio advertisements that contain ballot initiative advocacy.

- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to report television advertisements that contain ballot initiative advocacy.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to report newspaper advertisements that contain ballot initiative advocacy.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to disclose wages and expenses for employees and consultants who engaged in ballot initiative advocacy.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to disclose the cost of event booths where it engaged in ballot initiative advocacy.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to disclose the costs of posters and publicity materials it produced to advocate for a ballot initiative.
- RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to disclose mailers that it sent to Alaskans, as well as support it provided for mailers sent by Alaskans for Clean Water.
- AFCW violated AS 15.13.114 and 2 AAC 50.258 by receiving and accepting contributions from RRC and AJS which it knew were made in violation of Alaska law because the funds were in fact contributed by Robert Gillam using the names of RRC and AJS.
- AFCW violated AS 15.13.040(b) by failing to report as contributions various campaign expenses that were paid directly by Robert Gillam for the benefit of AFCW.
- AFCW violated AS 15.13.040(b) by failing to report all monetary and in-kind contributions.
- AJS violated AS 15.13.074 by acting as a "pass through" and allowing Robert Gillam to use AJS's name to make secret contributions to AFCW.
- AJS violated AS 15.13.040 and/or AS 15.13.140 by failing to disclose its expenditures related to the ballot initiative campaign that it coordinated with RRC and AFCW.
- Robert Gillam made prohibited contributions in violation of AS 15.13.074 and 2 AAC 50.258 by using the names of others to contribute secret funds to AFCW. On information and belief, Mr. Gillam made nearly \$2 million in secret contributions by funneling his money through RRC and AJS.
- In order to avoid disclosure of his contributions as required by AS 15.13.040(b) and AS 15.13.140(b), Mr. Gillam violated AS 15.13.084 by making anonymous expenditures. He did so by directly paying vendors and service providers for various AFCW campaign expenses.

By ignoring campaign disclosure laws, hiding contributions and expenditures, and failing to disclose the true source of funds, the Respondents denied Alaska voters information to which they were entitled.



## II. APPLICABLE LAWS

The Respondents have violated the following applicable laws and regulations:

- AS 15.13.040. Contributions, expenditures and supplying of services to be reported.
- AS 15.13.074. Prohibited contributions
- AS 15.13.084. Prohibited expenditures.
- AS 15.13.114. Disposition of prohibited contributions.
- AS 15.13.140. Independent expenditures for or against ballot proposition or question.
- 2 AAC 50.258. Contributions using the name of another.
- 2 AAC 50.266. Prohibited contributions.
- 2 AAC 50.270. Independent expenditures.
- 2 AAC 50.336. Reporting statements of contribution or of independent expenditure.
- 2 AAC 50.352. Ballot measure activity.

These laws and regulations require that an organization report all expenditures made in support of a ballot initiative campaign, including all monetary and non-monetary contributions. These statutes and regulations serve a vital public purpose to safeguard Alaska's democracy by requiring disclosure of information necessary so that Alaskans are informed as to who is spending money to try to influence their vote.

## III. THE MOTIVE

Apparently, Mr. Gillam and the "clean water" ballot measure campaign feared that if Alaska voters knew the true amount of Mr. Gillam's contributions to the campaign then Mr. Gillam would become the target of the opposition. As Art Hackney explained in a March 19, 2008 email, "Gillam needs to have half of that [\$2.5 million for the initiative campaign] raised so he isn't targeted as the only funder – with a 'vested' interest since his lodge home is in the area of the proposed mine." [Doc # 000001]<sup>1</sup>

The campaign's hired fundraiser, Robert Kaplan, wrote on April 11, 2008 that "We cannot turn to Bob Gillam to underwrite the majority of the initiative campaign because our opponents will make him the central campaign issue." [Doc # 000017] Another person involved in the campaign, Scott Hed of Sportsman's Alliance for Alaska, wrote on June 21, 2008 that "we're attempting to show support for the Clean Water Act

<sup>1</sup> This complaint is supported by the attached exhibits, which are derived from a number of sources. The exhibits marked as "Doc # 000001 – 000132" were provided by Robert Kaplan, Fund Raising Inc., who has served as a consultant in this matter.



from many people/many places (aka 'lots of people other than Bob Gillam')." [Doc # 000095]

#### IV. RRC FAILED TO REGISTER AS A GROUP & DISCLOSE ITS CONTRIBUTORS

RRC violated AS 15.13.040(b) by failing to register as a group and failing to disclose its contributors. Pursuant to 2 AAC 50.352(c), RRC was required to register as a group and identify its contributors under AS 15.13.040(b) unless it met two requirements: "(1) all contributions and expenditures to influence the outcome of a ballot measure election are made from the organization's general day-to-day operating account; and (2) the organization does not assess, collect, pool, or solicit money or anything of value for the purpose of influencing a ballot measure election." 2 AAC 50.352(c).

RRC was required to register as a group pursuant to AS 15.13.040(b) because it collected, pooled and solicited money and other things of value. 2 AAC 50.352(c). As of May 19, 2008, RRC's operating account had only \$65,871.23. [Doc # 000069] RRC sent an email, with a copy to Mr. Gillam, stating that "unless Bob gives us \$100,000, or you raise it for us, we are not in any position to donate it to AFCW." [Doc # 000069] This message was itself a solicitation of funds from Mr. Gillam which triggered RRC's duty to register as a group. Further, the email confirms that the \$150,000 reported contribution that RRC made to AFCW on June 4, 2008 could not have come from RRC's general day-to-day operating account -- RRC did not have the funds in its bank account until Mr. Gillam wrote a check.

Furthermore, it was established in advance that Gillam's funds would go from him to RRC and then from RRC to AFCW. In his email of May 26, 2008, Mr. Hackney explained how Richard Jameson of RRC was going to "join" AFCW, then Bob [Gillam] would write a check, then "By weeks end I [AFCW] should have some money to spend." [Doc # 000073] Accordingly, RRC knew when it received Mr. Gillam's contribution of \$350,000 that it was "pooling" money for the campaign. This triggered RRC's duty to register and report as a group. See AS 15.13.040.

Moreover, for the purpose of raising funds for the "clean water" ballot initiative, RRC, along with Renewable Resources Foundation, and AFCW, entered into a contract with a California fundraising company called Fund Raising, Inc. Complainants' counsel has interviewed representatives of Fund Raising, Inc. and confirmed that RRC had a contract with Fund Raising, Inc. to raise funds for the Alaska "clean water" ballot initiative campaign. [See Doc # 000130 (On September 18, 2008, Mr. Jameson wrote "RRC and RRF have decided to exercise their six month option to cancel the fundraising agreement with your company.") Bruce Switzer, a Senior Technical Advisor to RRC, confirmed this basic fact when he told Alaska Public Radio that RRC's money "comes from a variety of sources" and that it had a "fundraiser right now who's trying to raise

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FAX (907) 563-7322



money.” [Exhibit 9] RRC’s hiring of a fundraiser indicates that RRC “solicited” money to support the ballot initiative campaign. Pursuant to 2 AAC 50.352(c), this solicitation of funds required RRC to register and to disclose its contributors.

There is additional evidence that RRC collected things of value in support of the ballot initiative. For example, at its booth at the Sullivan Arena, RRC asked people to vote for the clean water initiative and to join as a member. [Exhibits 12 & 13] This simultaneous solicitation of a vote and membership was a solicitation of “anything of value” in support of the ballot initiative, and so RRC was obligated to register as a group and to disclose its contributors.

In an email dated April 30, 2008, Mr. Jameson of RRC wrote to Robert Kaplan, Fund Raising, Inc., to discuss a draft RRC brochure: “I’m trying to build a grass roots organization that can be called upon to get out the vote on Aug. 26<sup>th</sup>. The membership signup brochure/card says that to get the free membership in RRC they must give us their email address and street address which presumably we can both use.” [Doc # 000048] This email further demonstrates that RRC was soliciting something of value (email and street addresses) for purposes of getting out the vote. This solicitation of something of value on behalf of the campaign required RRC to register as a group. See 2 AAC 50.352(c).

RRC violated AS 15.13.040(b) by failing to register as a group and failing to disclose its contributors, expenses and supplying of services.

#### V. RRC FAILED TO REPORT ITS WEBSITE AND EMAIL ADVOCACY

RRC violated AS 15.13.040 and/or AS 15.13.140(b) by failing to report its website and electronic-mail advocacy as a campaign expenditure.<sup>2</sup> This was a particularly egregious and willful violation of Alaska law because RRC ignored the express advice of APOC. In Advisory Opinion AO 08-02 CD, dated April 23, 2008, APOC expressly directed RRC that its website contained ballot initiative advocacy and that the cost related to that advocacy was reportable as an independent expenditure. The RRC website contained a “call to action” and APOC expressly stated that “this communication is express advocacy, or its functional equivalent, on behalf of the ballot initiatives and, therefore, is a reportable expenditure.” AO 08-02 CD. Despite this express instruction from the regulatory agency, RRC did not, and has not, reported the expenditure identified by APOC in its Advisory Opinion. Instead of reporting its website advocacy, RRC continued to use its website to advocate a position in favor of Ballot

<sup>2</sup> As explained above, Complainants believe that RRC was a “group” as defined by AS 15.13.040. Even if this were not the case, RRC still had an obligation under AS 15.13.140 to report any “independent expenditures” in support of a ballot initiative.



Measure 4 for the months of March, April, May, June, July and August 2008. RRC failed to report its website advocacy during this entire period.

In addition, RRC made numerous express electronic communications in support of Ballot Measure 4, yet failed to report these communications as an independent expenditure as required by AS 15.13.040 and/or AS 15.13.140. For example, on August 22, 2008, RRC sent this mass electronic mail message to Alaskans, imploring each recipient to vote in favor of Ballot Measure 4 [Exhibit 1]:

Vote YES for CLEAN WATER and FISH!!  
If you are registered to vote in Alaska:

Send a strong and clear message on Pebble Mine!  
VOTE YES FOR FISH on Ballot Measure #4 on August 26!

Don't forget to help protect salmon and clean water on Election Day,  
Tuesday, August 26th.

VOTE "YES" ON PROPOSITION 4 to help protect clean water and to let  
your voice be heard in opposition to THE PEBBLE MINE.

Election Day is Tuesday, August 26. Polling places will be open from 7:00  
a.m. to 8:00 p.m.

Don't know where to vote?  
To find your polling place, call 1-888-383-8683 or 269 8683 (you will need  
to have your voter ID or Social Security number ready).

Vote early!  
Early in-person voting started on August 11 and runs through election day.  
Click here to find locations where you can vote early.

Don't let this chance to make a difference slip away. Between now and  
August 26, make sure you vote to help protect clean water, wild salmon and  
Bristol Bay! VOTE "YES" ON PROPOSITION 4.

PLEASE FORWARD THIS EMAIL to anyone you know who wants to  
help protect clean water and wild Alaska salmon. Call all your friends and  
remind them to vote on Tuesday!  
Renewable Resources Coalition, Inc.  
500 L Street  
Anchorage, Alaska 99501



This email, which was sent to non-members as well as members, directed express action on the ballot initiative, and so RRC had a duty to report its campaign expenditure. See AS 15.13.040; AS 15.13.140; AO 08-02 CD (electronic advocacy in support of the ballot initiative is reportable either as an independent expenditure or as a group expenditure). RRC sent a number of similar email and print messages. [See Doc # 000115-120]

RRC has made no secret of its support of Ballot Measure 4. Its website today includes a press release that expressly states that RRC supported the initiative: "The RRC would like to acknowledge the tens of thousands of Alaskans who supported Proposition 4 as we did..." [Exhibit 2] In a mailing on September 26, 2008, RRC thanked Alaskans and acknowledges that "we lost..." the campaign. [Exhibit 3] These post-election messages are strong admissions of RRC's concerted efforts to pass the initiative. RRC engaged in a full-scale election campaign yet fraudulently failed to report its campaign expenditures to Alaskans.

#### VI. RRC FAILED TO REPORT RADIO, TELEVISION AND NEWSPAPER ADVERTISING THAT CONTAINED EXPRESS ADVOCACY ABOUT THE BALLOT INITIATIVE

Alaska law required that RRC had to report its sponsorship of advertising in support of Ballot Measure 4. See AS 15.13.040; AS 15.13.140; AS 15.13.400(6). RRC violated the law by failing to report its substantial advertising campaign.

In its letter to APOC dated March 25, 2008, RRC falsely or incorrectly represented to APOC that it did not wish to engage directly in campaigning activities on behalf of the initiative, but instead wished to continue to educate and inform the public about the concerns RRC has about the Pebble Mine and the need to promote and encourage hunting and fishing activities in Bristol Bay and the state. It appears that RRC was intentionally dishonest with APOC about its intentions. For example, on information and belief, the Complainants understand that within one week of RRC writing to APOC, it had signed a contract to hire a professional fundraiser for the ballot initiative campaign. On April 30, 2008, Mr. Jameson of RRC wrote that he was "trying to build a grass roots organization that can be called upon to get out the vote on Aug. 26<sup>th</sup>." [Doc # 000048]

Based on RRC's apparently false representation that it did not wish to engage directly in campaigning activities, APOC advised that RRC could run general issue ads without reporting, but it would be obligated to report any advertising in support of the initiatives. See AO 08-02 CD. Subsequent to receiving that opinion, RRC drastically and materially changed its message. Instead of its general "issue" advertisements related to mining and the Pebble Project, RRC began running advertisements that directly advocated a position on the ballot measure. RRC ignored APOC's advice, and failed to disclose numerous radio, television, and newspaper advertisements containing express advocacy on behalf of the ballot initiative.



As APOC will see and hear, RRC's numerous advertisements are not mere "education" or "issue" spots, but are directly focused on a call to action in support of the "clean water" ballot initiative. One television spot, for example, featured spokesperson Bruce Switzer stating that "the initiative was really clearly focused. Specifically to protect drinking water and salmon rearing waters from...toxic release from new large metallurgical mines. And with the exception of the Pebble project, it would have no impact on any mining operation in Alaska." [See Exhibits 4 & 5] After providing this (false) explanation that the initiative would only impact the Pebble project, the advertisement concludes: "It is time to stop the Pebble Mine." Such a message, taken in context, can only fairly be characterized or interpreted as express advocacy for the initiative. The subject matter of the advertisement is not general but rather is specifically about the initiative. The message describes the initiative in favorable terms and then concludes with a call to action. This is a campaign advertisement, plain and simple.

Similarly, RRC ran a newsprint ad titled "What does a former Cominco Executive say about the Clean Water Initiative." [Exhibit 6] The advertisement offers numerous express statements favorable to the initiative and critical of the initiative's opponents. "I've listened to the opponents of the Clean Water Initiative." "The arguments they have advanced are rubbish." "The Clean Water Initiative will not stop mining in Alaska." [Exhibit 6] This advertisement contains an express communication and so the expense associated therewith must be reported to APOC. See AS 15.13.400(7) and AS 15.13.040.

RRC also purchased and ran a series of radio advertisements. In these ads, based on a "Star Trek" theme, the RRC identified itself as "clean water rebels" and offered advocacy about the initiatives and criticism of those who opposed the initiatives. [See Exhibits 7 and 8] These include remarks like "The Clean Water initiative will not harm Red Dog mine. It will simply force the developers of Pebble Mine to protect clean water and wild Alaska salmon." [Exhibits 7 and 8] "The clean water initiative will have no effect on Red Dog mine, but if Red Dog, the number one polluter in America were to be placed in Bristol Bay, it would be an environmental disaster. That is all the clean water initiative aims to stop." [Exhibit 8] These radio advertisements are "express communications" about the ballot initiatives and such expenses are reportable expenditures under Alaska law. See AS 15.13.400(7) and AS 15.13.040.

RRC engaged in a full-scale media advertising campaign in support of Ballot Measure 4, yet failed to disclose any expenditure for its advertising, either as a campaign contribution under AS 15.13.040 or as an independent expenditure under AS 15.13.140. This sort of egregious failure to abide by Alaska campaign disclosure law is abusive and harmful to the democratic process. APOC should not tolerate this kind of campaign fraud. Each unreported ballot initiative advertisement is a separate punishable violation of Alaska law.



## VII. RRC FAILED TO DISCLOSE WAGES, TRAVEL EXPENSES, EVENT BOOTHS, PUBLICITY MATERIALS AND OTHER RELATED COSTS

RRC hired Bruce Switzer to serve as spokesperson in support of the passage of Ballot Measure 4, yet RRC failed to disclose this campaign expenditure. On June 18, 2008, Switzer told Alaska Public Radio that he was a "Senior Technical Advisor to the Renewable Resources Coalition" and was working on passing the "clean water initiative." [Exhibit 9] Switzer said that RRC "picks up my hotel and airfare." [Exhibit 9] He also explained that "the money we do get is, I'm not on the money side of things, but it comes from a variety of sources, not a huge number, although we have a fundraiser right now who's trying to raise money." [Exhibit 9] Mr. Switzer spent several months attending public and private events, conducting media interviews, recording advertisements and otherwise campaigning in support of Ballot Measure 4. Switzer's travel expenses, as well as any compensation, are a campaign expenditure that was not reported, in violation of Alaska law. Each time that RRC "picked up" hotel and airfare for Mr. Switzer, it has an obligation to report the expenditure. RRC engaged in multiple violations of the law by failing to disclose its support of Switzer.

Arthur J. Hackney was another paid consultant of RRC whose salary and expenses were not reported. At a public meeting to the Bartlett Political Forum on May 1, 2008, Mr. Hackney identified himself as "a founder of the Renewable Resources Coalition, which is a 501(c)(6) trade organization." He said "I am a paid consultant for the Renewable Resources Coalition and for Alaska Clean Water, so I wear both hats." "We are both able to spend money on this campaign and at the end of the day we will show how much money we spent." "Renewable Resources Coalition is free to say 'Vote YES on it.'" [Exhibit 11] Mr. Hackney spent the entire presentation advocating in favor of the initiatives and explaining how the initiatives related to RRC's objective of halting the Pebble project. Each payment by RRC to Mr. Hackney to support his ballot initiative work was an expenditure that had to be reported under Alaska law.

RRC also paid for booths at several public events, including the Alaska Sportsman's Show and the Alaska State Fair. RRC provided staff at these booths, and displayed campaign materials imploring Alaskans to vote in favor of Ballot Measure 4. For example, Exhibits 12 & 13 are photographs of RRC's booth at the Sportsman's show. The banner states "Clean Water Initiative – We Need Your Vote" and also displays RRC's logo. [Exhibit 12] The poster asks the reader to support the clean water initiative, write the governor, legislators, and the media, and join RRC. These are statements advocating in favor of the initiatives. RRC was required to disclose the cost of the booth, the cost of any wages paid to personnel to staff the booth, and the cost of any campaign materials displayed or distributed. RRC had the same materials at its booth at the Alaska State Fair.



RRC's failure to report its expenditures for event booths is particularly egregious because APOC expressly advised RRC in AO 08-02 CD that providing a forum or space at RRC events for ballot initiative materials was an activity subject to reporting requirements.

#### VIII. RRC FAILED TO REPORT MAILINGS

RRC also mailed ballot initiative materials to Alaskans, and coordinated and assisted Alaskans for Clean Water in doing the same. For example, Exhibit 14 is a letter mailed by Alaskans for Clean Water to all RRC members seeking support and monetary contributions. RRC donated its mailing list to Alaskans for Clean Water. [Exhibit 14; Doc # 000021] RRC failed, however, to report the value of this non-monetary campaign expenditure as required by AS 15.13. While RRC filed one disclosure indicating a \$150,000 monetary contribution to Alaskans for Clean Water, RRC has not disclosed the value of its non-monetary contributions as required by either AS 15.13.040 or AS 15.13.140. RRC also failed to report the costs of its own mailings to voters.

#### IX. RRC FAILED TO DISCLOSE ITS "STOP PEBBLE" ADVERTISING CAMPAIGN THAT WAS PART AND PARCEL OF ITS "YES ON 4" MESSAGE

In addition to its express ballot initiative advocacy, RRC also spent hundreds of thousands of dollars (at minimum) to run television advertising with a "Stop Pebble" and "no mining" message. In AO 08-02 CD, APOC made a distinction between "issue advertisements that do not mention ballot initiatives" and those that do mention an initiative. Complainants respectfully submit that APOC has made an incorrect distinction by focusing solely on the content of these advertisements, while failing to recognize them as part and parcel of a sophisticated, multi-pronged effort to turn the ballot initiative into a referendum on the Pebble project. It is insufficient and contrary to Alaska law to evaluate an advertisement solely on its content, without any regard to the context in which it is run. Every single published media story about the "clean water" ballot initiative referred to Pebble. Every Alaskan who viewed RRC's advertisements about Pebble knew that the ads were intended to sway votes on the "clean water" initiative.

The "clean water" initiative was the most expensive initiative campaign in Alaska history. RRC flooded Alaska's airwaves with advertising. RRC's campaign strategy was to turn the initiative into a referendum on the Pebble project. [See Art Hackney presentation to Bartlett Political Forum, Exhibit 11] One prong of this strategy was to run initiative-specific advertisements that (falsely) suggested to voters that the initiative would only affect the Pebble project. [See Exhibits 4 & 5] Another prong was to simultaneously run a barrage of negative advertisements about the Pebble project and risks of mining in Bristol Bay. RRC and AFCW wanted voters to conclude that Ballot

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Measure 4 was only about Pebble, so a vote in favor of the ballot measure was a vote against Pebble.

The applicable statute is AS 15.13.400(7), which defines an "express communication" as one that "when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." APOC has erred in its interpretation of this statute. APOC's error is that it looks solely at the content of the advertisement as if it were aired in a bubble, with *no reference to outside events*. The statute, however, specifically contemplates the need for APOC to take some "limited reference to outside events." APOC's misreading of the statute has allowed it to ignore advertisements that any common Alaskans would interpret as part and parcel of the ballot initiative campaign.

APOC has erred by advising RRC that it need not report its expenditures for all of its "clean water" and "no Pebble" advertising done in the period preceding the election. The timing, volume, and message of these advertisements were all plainly intended to exhort voters to "stop the Pebble Mine" by voting in favor of the "clean water" initiative. Alaskans had a right to know who was spending enormous sums of money to influence their vote. APOC should direct RRC to submit reports identifying all expenditures for advertising related to the ballot initiative campaign, including the advertisements which expressly discuss the initiative and also those that do not mention the initiative by name but by context were plainly intended to influence the outcome of the election with anti-Pebble and anti-mining messages.

**X. AFCW VIOLATED AS 15.13.114 AND 2 AAC 50.258 BY RECEIVING AND KEEPING PROHIBITED CONTRIBUTIONS**

Under AS 15.13.114, AFCW had a legal duty to reject unlawful contributions. AFCW violated the law when it accepted contributions which it knew were in fact secret contributions from Robert Gillam. There is clear evidence contained in the attached documents that establish that Art Hackney of AFCW knew that Robert Gillam was going to write a check to RRC and that RRC would then in turn write a check to AFCW. With his actual knowledge of this money laundering, Art Hackney of AFCW had an unequivocal duty to immediately return the funds to the contributor. Instead, AFCW deposited and spent the illicit money.

In addition to the improper funds contributed by RRC, APOC should fully investigate whether AFCW committed the same violation by accepting funds from AJS. There is strong evidence that Mr. Gillam funneled contributions to AFCW through AJS. There is also strong evidence that AFCW and AJS closely coordinated their activities. Mr. Hackney was AJS's treasurer and board member. If Mr. Hackney knew or reasonably should have known that Mr. Gillam was funneling his money to AJS in order



to conceal the true value of his contributions to AFCW, then when Mr. Hackney received three contributions from AJS totaling \$1.6 million, he should have returned the funds as required by AS 15.13.115. Instead, AFCW apparently kept and spent the illicit funds.

AFCW violated AS 15.13.114 and 2 AAC 50.258 by receiving and accepting contributions from RRC and AJS which it knew were made in violation of Alaska law because the funds were in fact contributed by Robert Gillam using the names of RRC and AJS.

#### XI. AFCW VIOLATED AS 15.13.040(b) BY FAILING TO REPORT ALL CONTRIBUTIONS

AFCW knowingly violated AS 15.13.040(b) by failing to report a number of monetary and in-kind contributions. For example, Art Hackney of AFCW received an invoice from Robert Kaplan, Fund Raising, Inc. on May 12, 2008 for the amount of \$30,000. [Doc. # 000059] On information and belief, Mr. Kaplan's efforts were focused at the time on raising funds for AFCW's ballot initiative campaign. The invoice was paid by a personal check from the account of Robert Gillam on May 29, 2008. [Doc. # 000059] AFCW failed to report Mr. Gillam's contribution of \$30,000.

Mr. Gillam also apparently arranged to pay directly for magazine advertisements to benefit AFCW. An email to Mr. Hackney from the magazine publisher on June 19, 2008 stated: "Beginning in our next few issues Bob's Anti-Pebble mine group is going to run 2 page spread ads in both of our titles, On Target (Shooting title) & Fly Fish America: Bob is going to 'pay for it' all the ad insertions." [Doc. # 000103] The same date, Mr. Gillam wrote an email stating "The election is in August of 08..I asked Art Hackney, our media genius to get with you today and get the spread done ...I will pay for it.." [Doc. # 000106] In another email about magazine advertising on June 19, 2008, Mr. Hackney wrote that "Bob has 'instructed' me to do the whole nineyards and for Battles [magazine publisher] to bill HIM directly." [Doc # 000089] Mr. Hackney of AFCW knew that Mr. Gillam was paying for these contributions, yet AFCW failed to report the contributions as required by AS 15.13.040(b).

#### XII. AMERICANS FOR JOB SECURITY VIOLATED AS 15.13.040 BY FAILING TO REGISTER AS A GROUP AND IDENTIFY ITS CONTRIBUTORS

As explained below, there is strong evidence to infer that Mr. Gillam secretly funneled his contributions to AFCW through AJS in order to conceal his identity. If this was in fact what occurred, then AJS violated AS 15.13.040 because it pooled funds for the ballot initiative campaign. Such pooling of Mr. Gillam's funds required AJS to register as a group and to identify the source and amounts of its contributors.



In addition to the evidence discussed in Section XIV below, there is further evidence that AJS was actively engaged as a group in support of the ballot initiative. It appears that Mike Dubke, AJS's President, participated at a high level in the strategy and inner-workings of the ballot measure campaign. For example, when the campaign decided to hire Fund Raising, Inc. as a fundraiser, it convened a meeting in Anchorage. In an email on March 28, 2008, Art Hackney wrote that: "We have a lunch meeting at [Gillam's] office on Tuesday at 11:45. Mike Dubke of Alexandria, VA will be here for that meeting, as will Richard Jameson of Renewable Resources Coalition/Foundation and Brian Kraft of Alaska Sportsman's Lodge." [Doc # 000007] On May 29, 2008, Art Hackney wrote "I'm having Dubke fly in from DC Sunday night and go out on Bob's Navajo with film crew ... Dubke will be sizing up any potential they have for helping \$\$ chase and vote chase, which is where I expect they can only be of assistance." [Doc # 000074] Because AJS was coordinating with AFCW to assist with the "money chase and vote chase," it was engaged in precisely the type of activity which requires registration and reporting under AS 15.13.040.

**XIII. AJS VIOLATED AS 15.13.074 BY ACTING AS A "PASS THROUGH" AND ALLOWING ROBERT GILLAM TO USE AJS'S NAME TO MAKE SECRET CONTRIBUTIONS TO AFCW**

On information and belief, and as further discussed in Section XIV below, there is evidence to suggest that AJS acted as a "pass through" for Mr. Gillam's secret contributions to AFCW. The most significant of this evidence is Mr. Gillam's October 1, 2008 email to Robert Kaplan, wherein Mr. Gillam insists that Kaplan is not entitled to a commission on certain donations that were made to AFCW: "we specifically excluded funds that I contributed which includes monies to Americans for Job Security...and other monies I contributed otherwise. bob." [Doc. # 000129] On information and belief, Mr. Gillam takes the position that all \$1.6 million of AJS's contributions to AFCW are exempt from the commission obligation in Fund Raising, Inc.'s contract because Mr. Gillam is the true source of the contribution and his contributions to AFCW were exempt from commission. If in fact AJS acted in this manner to launder Mr. Gillam's contributions, then it engaged in unlawful conduct by making contributions in its name which it knew were actually the contributions of another.

**XIV. ROBERT GILLAM USED THE NAMES OF OTHERS TO MAKE PROHIBITED CONTRIBUTIONS IN VIOLATION OF AS 15.13.074 AND 2 AAC 50.258**

Alaska law requires that the true source of a campaign contribution must identify himself. It is unlawful under AS 15.13.074 and 2 AAC 50.258 to make contributions using the name of another. Based on the attached documents, and on information and belief, it appears that Mr. Gillam made nearly \$2 million in secret contributions by funneling his money through RRC and AJS.



*Evidence of Secret Contribution Using the Name of RRC*

- May 18, 2008, campaign fundraiser Robert Kaplan contacted Mr. Jameson of RRC and asked when RRC was going to transfer \$100,000 to the campaign. Kaplan also asked Jameson if RRC or Renewable Resources Foundation ("RRF") could purchase mailing lists for use by the campaign. [Doc # 000069-70]
- May 19, 2008, Mr. Jameson responds (with copy to Robert Gillam) that RRC has only \$65,871.23 in its account and will have to shut down unless more grant money comes through. Jameson writes that "unless Bob gives us \$100,000, or you raise it for us, we are not in any position to donate it to AFCW." [Doc # 000069]
- May 26, 2008, Art Hackney (who was running the AFCW campaign) relays to Mr. Kaplan a conversation he had with Robert Gillam. Apparently, Mr. Jameson had consulted with Mike Dubke (Americans for Job Security) in a 45-minute phone call. After the call, Jameson decided he was going to send a letter having RRC "join" AFCW. Then "Bob will write a check." Hackney wrote that according to Mr. Gillam "By weeks end I should have some money to spend." [Doc # 000073]
- On June 2, 2008, RRC's deposit register indicates that Mr. Gillam donated \$350,000 to RRC. [Doc # 000099]
- On June 4, 2008, RRC writes a \$150,000 check to AFCW. [See AFCW's APOC disclosure, indicating contribution from RRC to AFCW on June 4, 2008]

This evidence indicates a violation of AS 15.13.074 and AS 15.13.040(b). It is unlawful to contribute campaign funds in the name of another, and a group such as RRC is required to register and disclose its contributors unless all of the money it uses to make a ballot initiative contribution derives from its day-to-day operating fund. It appears that Mr. Gillam had actual knowledge that RRC lacked general operating funds to make any contribution to AFCW. Mr. Gillam decided to write a check to RRC, which in turn would write a check to AFCW. According to Mr. Hackney, Mr. Gillam communicated that "by weeks end [AFCW] should have some money to spend." [Doc # 000073] The temporal nexus between Gillam's contribution to RRC (June 2, 2008) and RRC's contribution to AFCW (June 4, 2008) is further evidence that RRC was acting as a secret "pass through" to conceal Mr. Gillam's name.



### *Evidence of Secret Contributions using the name of AJS*

There is also evidence to show that Gillam secretly funneled money from himself to AJS and then from AJS to AFCW. Here is the evidence to support such a conclusion:

- As described above, RRC's plan to act as a secret pass-through for Gillam was apparently hatched when Mr. Jameson of RRC had a 45-minute phone call with Mike Dubke, President of AJS. [Doc # 000073] This certainly suggests that Mr. Dubke recommended or knew about this course of conduct.
- AFCW's APOC reports indicate that AJS made three reported contributions to AFCW for the total amount of \$1.6 million. [See AFCW APOC report, indicating contributions from AJS on June 20, 2008, July 15, 2008, and July 31, 2008]
- After the campaign, a dispute arose between Gillam, AFCW, and RRC and their fundraiser, Robert Kaplan. On information and belief, Kaplan's contract provided that he was supposed to receive a commission for all contributions received by AFCW and RRC. He wrote on October 1, 2008 to Art Hackney and Robert Gillam, indicating that commissions due were at least \$264,069. In response, Mr. Gillam wrote: "I appreciate your position but we specifically excluded funds that I contributed *which includes monies to Americans for Job security ... and other monies I contributed otherwise.* bob." [Doc # 000129 (emphasis added)] On information and belief, Mr. Gillam, RRC and AFCW have taken the position that Mr. Kaplan is not entitled to any commission on the \$1.6 million contributed in the name of AJS to AFCW. In the context of this discussion about commissions owed on donations to AFCW, the evidence strongly suggests that the AJS donations to AFCW were actually contributions of Mr. Gillam's money.

The evidence demonstrates or suggests that Mr. Gillam used RRC and AJS to funnel large secret contributions to AFCW. This type of money laundering is expressly prohibited by AS 15.13.074 and 2 AAC 50.258.

### **XV. TO AVOID DISCLOSURE OF HIS CONTRIBUTIONS AS REQUIRED BY AS 15.13.040 AND AS 15.13.140, MR. GILLAM VIOLATED AS 15.13.084 BY MAKING ANONYMOUS EXPENDITURES – HE SECRETLY PAID VENDORS AND SERVICE PROVIDERS FOR CAMPAIGN EXPENSES**

In addition to using RRC and AJS to funnel his money to AFCW, Mr. Gillam also sought to hide the true amount of his support for the campaign by writing personal checks to pay for campaign expenses. For example, on information and belief, RRC, RRF and AFCW entered into an agreement with Fund Raising, Inc. to raise funds for the ballot measure campaign. From his personal account, Mr. Gillam paid Fund Raising, Inc.'s



second invoice, in the amount of \$30,000. [Doc # 000059] That payment does not appear to have been disclosed as a contribution on any of AFCW's APOC reports.

Mr. Gillam also paid directly for advertisements in two magazines. An email to Mr. Hackney from the magazine publisher on June 19, 2008 stated: "Beginning in our next few issues Bob's Anti-Pebble mine group is going to run 2 page spread ads in both of our titles, On Target (Shooting title) & Fly Fish America: Bob is going to 'pay for it' all the ad insertions." [Doc. # 000103] The same date, Mr. Gillam wrote an email stating "The election is in August of 08..I asked Art Hackney, our media genius to get with you today and get the spread done ...I will pay for it." [Doc. # 000106 (emphasis added)] In another email about magazine advertising on June 19, 2008, Mr. Hackney wrote that "Bob has 'instructed' me to do the whole nineyards and for Battles [magazine publisher] to bill HIM directly." [Doc # 000089]

It appears that Mr. Gillam made these direct payments, in coordination with the campaign, so as to avoid having the total value of his contributions reported to Alaska voters.

## XVI. CONCLUSION

As demonstrated by this complaint and the attached exhibits, Respondents have violated Alaska's campaign disclosure laws. Alaska law expressly requires that organizations register and disclose campaign expenditures in support of a ballot initiative, and that contributors be identified. Respondents cheated Alaskans by failing to comply with the law. Complainants respectfully request that APOC investigate and prosecute this willful and unlawful conduct.

This complaint is based on information and belief, and on the documentary evidence attached herewith. The complaint is true and accurate to the best of the knowledge of the undersigned.

DATED at Anchorage, Alaska this 19th day of March, 2009.

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