

Change Record Detail with Description (285)
University of Alaska

Scenario: FY2014 Supplemental Amds Submitted Apr8 (11432)
Component: Budget Reductions/Additions - Systemwide (AR 78535) (1296)
RDU: Budget Reductions/Additions (233)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
FY2014 Supplemental Amds Submitted Apr8												
Alaska Higher Education Crafts and Trades Employees Local 6070 Salary and Benefit Compensation												
	Suppl	45.8	45.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		22.9										
1048 Univ Rcpt		22.9										
<p>A tentative collective bargaining agreement (CBA) has been reached between the University of Alaska (UA) and Alaska Higher Education Crafts and Trades Employees Local 6070 APEA/AFT (AFL-CIO). The union is in the ratification process and the UA Board of Regents is expected to formally approve the agreement after it has been ratified by union represented members.</p> <p>The most recent CBA expired December 31, 2012. The new tentative agreement between the University of Alaska and Local 6070 includes the following adjustments: FY2014 1%; FY2015 1.65%; FY2016 1.9%; FY2017 1.9%; and a step for eligible members in FY2015 - FY2017.</p> <p>FY2014 supplemental funding of \$45.8 will cover the FY2014 compensation increases from April 2014 through June 2014, necessary under the tentative agreement.</p> <p>The Salary and Benefit Adjustments language section of the SLA2013 operating bills (Sec 30b Ch14 SLA2013 P90 L4 and Sec 10b Ch15 SLA2013 P17 L1) is also being amended to add the Alaska Higher Education Crafts and Trades Employees Local 6070 bargaining unit.</p>												
Component Totals		45.8	45.8	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Wild/Hatchery Salmon Management Tools**FY2014 Request: \$2,000,000****Reference No: AMD 54419****AP/AL:** Appropriation**Project Type:** Research / Studies / Planning**Category:** Natural Resources**Location:** Statewide**House District:** Statewide (HD 1-40)**Impact House District:** Statewide (HD 1-40)**Contact:** Kevin Brooks**Estimated Project Dates:** 04/20/2014 - 06/30/2018**Contact Phone:** (907)565-5999**Brief Summary and Statement of Need:**

Douglas Island Pink and Chum, Inc. (DIPAC) recently committed funding to support the Wild/Hatchery Salmon Management Tools capital project appropriated in SLA 2012. The department requests statutory designated program receipt (SDPR) authority in order to receive these funds. This capital project supports a long-term research project designed to support management decisions related to hatchery production.

Funding:	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>Total</u>
Stat Desig	\$2,000,000						\$2,000,000
Total:	\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$2,000,000

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	0
Totals:	0	0

Prior Funding History / Additional Information:

Sec1 Ch16 SLA2013 P119 L12 SB 18 \$2,000,000

Sec1 Ch17 SLA2012 P117 L14 HB160 \$3,500,000

Project Description/Justification:

Douglas Island Pink and Chum, Inc. (DIPAC) recently committed funding to support the Wild/Hatchery Salmon Management Tools capital project appropriated in SLA 2012. The department requests statutory designated program receipt (SDPR) authority in order to receive these funds. This capital project supports a long-term research project designed to support management decisions related to hatchery production. The Department of Fish and Game and the hatchery operators collectively designed this program and have worked to support funding; private sector fish processors recognize the importance of hatchery and wild production to their business and while staying well-removed from design of the studies, have pledged to financially support this research.

Since the original appropriation was made, the processors have committed funding to the project, and now DIPAC has as well. These funds are available for disbursement via contract as soon as the department has SDPR authority; these funds do not lapse.

This SDPR funding is directed at improving scientific understanding of the factors controlling productivity of both wild and enhanced salmon stocks, as well as improving knowledge about the

Wild/Hatchery Salmon Management Tools

FY2014 Request: \$2,000,000

Reference No: AMD 54419

interactions of wild and enhanced salmon populations. This work is important to two of the department's core services: stock assessment and harvest management. The line item distribution of the proposed expenditures will be contractual, as funding will support the current contract with the Prince William Sound Science Center and future contracts. This funding cannot replace existing general funds already appropriated for the project, but they will supplement those funds to help ensure project completion. There is no other impact on the general fund, and this request does not fund any new positions. No existing capital SDPR authority exists for receipt of these funds.

Change Record Detail with Description (285)
Special Appropriations

Scenario: FY2014 Supplemental Amds Submitted Apr8 (11432)
Component: Judgments, Claims and Settlements (AR 0) (3008)
RDU: Judgments, Claims and Settlements (615)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
FY2014 Supplemental Amds Submitted Apr8												
Judgments and Settlements												
(Language)	Suppl	1,417.4	0.0	0.0	1,417.4	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		1,417.4										
Amend judgments and settlements appropriation to add cases settled in the amount of \$1,417.4 after the 3/12 supplemental amendment was submitted.												
Amend * Sec. 8. DEPARTMENT OF LAW., as follows:												
* Sec. 8. DEPARTMENT OF LAW. (a) The sum of \$3,090,400 [\$1,673,000] is appropriated from the general fund to the Department of Law, civil section, deputy attorney general's office, for the purpose of paying judgments and settlements against the state for the fiscal year ending June 30, 2014.												
\$149,069.87 - Jennifer Paramour et al. v. State of Alaska												
\$187,587.41 - Peterson v. SOA												
\$17,525.70 - Reel v. Big Game Commercial Services Board												
\$1,230.05 - SOP Inc. v. SOA, DNR, et al.												
\$1,264,906.59 - Mulgrew v. DHSS OCS (Amended)												
\$37,286.84 - SOP Inc. v. SOA, DNR, et al.												
\$15,363.04 - ITMO Leah VanOrden/Leah Funk												
\$38,585.13 - DOP Inc. v. SOA, DNR, et al.												
\$37,250.89 - Olivia v. SOA												
\$100,677.81 - Jones v. SOA, DOC												
\$1,000,000.00 - White v. SOA, OCS v. Kelley, George, and Shirley												
\$90,000.00 - McLean et al. v. SOA, DPS												
\$150,847.60 - Carr v. Ted Stevens Anch. International Airport and DOTPF												
Component Totals		1,417.4	0.0	0.0	1,417.4	0.0	0.0	0.0	0.0	0	0	0

Department of Law
Judgments / Claims / Settlements for Payment
As of April 8, 2014

	Payee	Case Name	Date Interest Commences	Anticipated Pymt Date	Judgment	Interest Rate	Days	Interest Total	To Be Paid
1	Northern Justice Project	Jennifer Paramore et al. v. State of Alaska	08/01/13	06/01/14	144,555.00	3.75%	304	4,514.87	149,069.87
2	Douglas K. Mertz Law Office	Peterson v. SOA	06/19/13	06/01/14	181,130.00	3.75%	347	6,457.41	187,587.41
3	Kevin Fitzgerald, Ingaldson Fitzgerald, P.C.	Reel v. Big Game Commercial Services Board	07/11/13	06/01/14	16,959.42	3.75%	325	566.28	17,525.70
4	Atkinson Conway & Gagnon Inc.	SOP Inc. v. SOA, DNR, et al. (Supreme - costs)	06/01/14	06/01/14	1,230.05	0.00%	-	-	1,230.05
5	Northern Justice Project	Mulgrew v. SOA, DHSS, OCS (Amended)	01/15/13	06/01/14	1,202,868.25	3.75%	502	62,038.34	1,264,906.59
6	Atkinson Conway & Gagnon Inc.	SOP Inc. v. SOA, DNR, et al. (Supreme - Attorneys fees)	01/31/14	06/01/14	36,829.00	3.75%	121	457.84	37,286.84
7	Patricia Funk	ITMO Leah VanOrden/Leah Funk	10/16/13	06/01/14	15,363.04	0.00%	228	-	15,363.04
8	Atkinson Conway & Gagnon Inc.	SOP Inc. v. SOA, DNR, et al. (Superior - Attorneys Fees and Costs)	03/03/14	06/01/14	38,231.62	3.75%	90	353.51	38,585.13
9	Johnson & Combs, P.C.	Ralph J. Oliva v. State of Alaska	03/27/14	06/01/14	37,000.00	3.75%	66	250.89	37,250.89
10	Charles W. Coe	Jerome J. Jones v State of Alaska, Department of Corrections	03/28/14	06/01/14	100,000.00	3.75%	65	667.81	100,667.81
11	Kramer and Associates	Thomas J. White v. State of Alaska Office of Children's Services v. Patrick and Sherry Kelley, and George & Shirley	08/01/14	06/01/14	1,000,000.00	3.75%	-	-	1,000,000.00
12	Law Offices of William R. Satterberg, Jr Trust Account	James R. McLean et. al. v. State of Alaska, Department of Public Safety	04/02/14	06/01/14	90,000.00	0.00%	60	-	90,000.00
13	Josephson Law Offices, LLC in trust for Patricia Carr	Patricia Carr v. Ted Stevens Anchorage International Airport and Alaska Department of Transportation and Public Facilities	04/07/14	06/01/14	150,000.00	3.75%	55	847.60	150,847.60
	Total Judgments Funded by Section 13 (a)				\$ 3,014,166.38			\$ 76,154.55	\$ 3,090,320.93
								FY14 Supplemental submitted 2/3	\$ 1,570,189.34
								FY14 Supplemental Amendment 3/12	\$ 102,780.16
								FY14 Supplemental Amendment 4/8	\$ 1,417,351.43

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PATRICK B. GILMORE
ATKINSON, CONWAY & GAGNON
Attorneys for SOP, Inc.
420 L Street, Suite 500
Anchorage, Alaska 99501-1989
(907) 276-1700

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

SOP, INC.,)
)
Plaintiff,)
)
vs.)
)
STATE OF ALASKA, DEPARTMENT)
OF NATURAL RESOURCES,)
DIVISION OF PARKS AND)
OUTDOOR RECREATION; BEN)
ELLIS, DIRECTOR OF DIVISION OF)
PARKS AND OUTDOOR)
RECREATION IN HIS OFFICIAL)
CAPACITY,)
)
Defendants.)

Case No. 3AN-11-5670 CI

FINAL JUDGMENT AND INJUNCTION

The Court has considered the pleadings on file and Opinion No. 6835 issued by the Alaska Supreme Court, and being fully informed,

HEREBY ORDERS, ADJUDGES AND DECREES as follows:

DEC 20 2013

LAW OFFICES
ATKINSON, CONWAY
& GAGNON, INC.
420 L STREET
SUITE 500
ANCHORAGE,
ALASKA 99501
TEL: (907) 276-1700
FAX: (907) 272-2082

D

The State of Alaska, Department of Natural Resources, Division of Parks and Outdoor Recreation, and the Director of the State of Alaska, Department of Natural Resources, in his or her official capacity (collectively "DPOR") and all agents and employees of DPOR are enjoined as follows:

1. All outstanding permits for summer time motorized use of the Butterfly Lake Trail shall be revoked effective immediately. No permits for summer time motorized use of the Butterfly Lake trail for the purpose of accessing private property shall be issued hereafter unless consistent with applicable law at the time of issuance. DPOR shall provide a) notice to counsel for Plaintiff; and b) copies of any applicable findings, thirty days (30) days prior to issuing any future permit(s) for summer time motorized use of the Butterfly Lake trail. Such notice shall include the terms of the permits and the purposes for which they are to be issued. Counsel for SOP may apply to this Court for an order enjoining issuance of such permits if counsel believes issuance violates applicable law or the terms of this order. This notice requirement shall be in force for five (5) years from the date of this Order.

2. All outstanding permits for storage of boats and other personal property at the north end of Butterfly Lake shall be revoked effective April 30, 2014. No permits for storage of boats or other personal property at the north end of Butterfly Lake shall be issued hereafter unless consistent with applicable law at the time of issuance.

3. Permittees storing boats or other personal property at the north end of Butterfly Lake shall be further notified that they have until April 30, 2014 to remove all such

FINAL JUDGMENT AND INJUNCTION
SOP, Inc. v. State of Alaska, Case No. 3AN-11-5670 CI
Page 2 of 4
14-289/11590.888888

LAW OFFICES
ATKINSON, CONWAY
& GAGNON, INC.
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ALASKA 99501
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boats and personal property from park land. DPOR shall take appropriate steps to enforce the requirement that such boats and personal property be timely removed.

4. DPOR shall erect clearly visible signs at both ends of Butterfly Lake trail stating that summer time vehicular use of the trail, and storage of boats and personal items for longer than seventy two (72) hours is prohibited. The signs shall state the penalties for violating the foregoing prohibitions.

5. DPOR shall take reasonable efforts to enforce the bans on summer time motorized traffic on the Butterfly Lake trail and storage of personal property and boats at the north end of Butterfly Lake. Such efforts shall include, issuing citations to individuals found in violation of the foregoing bans.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff SOP, Inc. have and recover judgment against Defendant State of Alaska, Department of Natural Resources, Division of Parks and Outdoor Recreation, as follows:

a. ~~_____~~ in costs and attorney's fees as awarded by the Alaska Supreme Court;

b. \$ 35,853.60 ^{PMC} _{2/26/14} in attorney's fees awarded by this Court;

c. \$ 2,378.02 ^{SA} _{2/28/14} in costs awarded by this Court, for a total judgment in favor of Plaintiff SOP, Inc., and against Defendant State of Alaska,

Department of Natural Resources, Division of Parks and Outdoor Recreation in the amount of \$ 38,231.62 ^{SA} _{2/28/14}

FINAL JUDGMENT AND INJUNCTION
SOP, Inc. v. State of Alaska, Case No. 3AN-11-5670 CI
Page 3 of 4
14-289/11590.888888

DATED this 8th day of January, 20 14.


Patrick J. McKay
Judge of the Superior Court

I certify that on Dec. 20, 2013,
a copy of the foregoing document was sent
to the following attorneys or parties
of record by:

- Mail
- Facsimile
- Hand Delivery

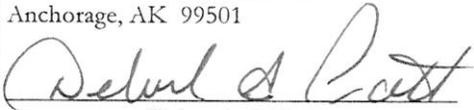
John T. Baker, Esq.
Sr. Asst. Attorney General
State of Alaska, Dept. of Law
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501

I hereby certify that this is a true and correct
copy of the original on file in my office.

ATTEST: Clerk of the Trial Courts

By: Susan Adams Deputy

Date: 2/28/14


Deborah A. Pratt

I certify that on 1/8/14 a copy
of the following was mailed/faxed/ hand-delivered
to each of the following at their addresses of
record.

Patrick Gilmore
John J. Baker
Administrative Assistant AK

Resent
3/3/14
SA

I certify that on 2/27/14 a copy
of the following was mailed/faxed/ hand-delivered
to each of the following at their addresses of
record.

Patrick Gilmore
John T. Baker
Administrative Assistant AK

LAW OFFICES
ATKINSON, CONWAY
& GAGNON, INC.
420 L STREET
SUITE 500
ANCHORAGE,
ALASKA 99501
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FINAL JUDGMENT AND INJUNCTION
SOP, Inc. v. State of Alaska, Case No. 3AN-11-5670 CI

Page 4 of 4
14-289/11590.888888

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. Please submit this form to the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. Case Name: SOP Inc. v. SOA, DNR et al.
2. Case Number: 3AN-11-5670 CI
3. Judge/Justices: Patrick J. McKay
4. Date Judgment entered: 3/3/2014
5. Did the date of the cause of action accrue on or after August 7, 1997? Yes.
6. Amount to be paid: \$38,231.62
7. Interest Rate: 3.75% Effective Date: 3/3/14
8. Requested hourly rate and total compensation of attorneys to be paid: \$300.
9. Court approved/ordered hourly rate and total compensation of attorneys to be paid:
10. Payable to: Atkinson Conway & Gagnon Inc., 420 L St., Suite 500, Anchorage, AK 99501
11. EIN: 92-0036495
12. Send check to: above address Departmental contact: _____

Departmental attorney contact:

Departmental Approval:

Signature

Deputy Attorney General

Telephone Number

Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: SOP Inc. v. SOA, DNR et al.

Case No.: 3AN-11-5670 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

Appellant SOP Inc. challenged practice of Department of Natural Resources to issue permits for ATV use and boat storage within Nancy Lake State Recreation Area, a unit of the state park system. DNR prevailed in the trial court, but the Alaska Supreme Court reversed, finding that the permits constituted easements, which are illegal within state parks. The court found that the permits constituted easements because (1) they were revocable only for cause and (2) were issued solely to property owners for access to their property, functioning as easements appurtenant. The court also ruled that SOP Inc. were public interest litigants and were entitled to full attorney's fees on appeal. On remand, the Superior Court issued an injunction implementing the Supreme Court's ruling.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

The issue of law was whether the permits issued by DNR were actually easements, in which case their issuance would contravene sections of the Alaska Constitution prohibiting disposals of property interests in state land removed from the public domain.

3. Did the State prevail on any issues? If so, describe.

The only issue the court reached was the "permit v. easement" issue, on which SOP Inc. prevailed. For that reason, the State did not prevail on any issue.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

We did challenge the plaintiffs' requests for costs and fees as not justified under AS 09.60.010. The Alaska Supreme Court ruled in the plaintiffs' favor. On remand, the Superior Court adopted the Supreme Court's rationale, and awarded enhanced fees – 80% of those actually incurred – in addition to actual costs incurred.

5. What was the source of the State's liability in this case?

Monetary liability is limited to the fee/cost award.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

The current permitting practice has been discontinued. DNR, with the advice of the Dept. of Law, is carefully reviewing options for permitting that would not violate the Alaska Supreme Court's ruling. The Dept. of Law has also provided to training sessions to DNR to provide guidance on the "permit v. easement" issue.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

See answer to 6, above.

8. Any recommendations concerning cases of this type in the future?

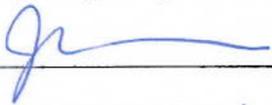
Careful attention to the nature of the interest created by state land management authorizations, rather than merely the label (e.g., "permit").

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

Statutory changes contemplated by HB 351, introduced during the 2014 legislative session, to declare ATV use and boat storage compatible uses within the park would, if adopted, likely render the Superior Court injunction moot and avoid the constitutional issue upon which the Alaska Supreme Court ruled.

Attorney completing form: John Baker

Date: March 18, 2014



SK ASST. ATTY GEN.

Title

Phone Number

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

****This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. Please submit this form to the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.**

PART ONE

1. **Case Name:** *RALPH J. OLIVA v. STATE OF ALASKA*
2. **Case Number:** 3AN-13-10338 CI
3. **Judge/Justices:** Douglas H. Kossler
4. **Date Judgment entered:** N/A
5. **Did the date of the cause of action accrue on or after August 7, 1997?** Yes
6. **Amount to be paid:** \$37,000
7. **Interest Rate:** 3.75% **Effective Date:** March 27, 2014
8. **Requested hourly rate and total compensation of attorneys to be paid:** N/A
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:**
N/A
10. **Payable to:**
Johnson & Combs, P.C.
In trust for Ralph J. Oliva
729 N Street
Anchorage, AK 99501
11. **EIN: Submit separately** or **SSN: Submit separately**
12. **Send check to:** X above address Departmental contact: _____

Departmental Attorney contact:

Departmental Approval:

Jessica L. Srader
Jessica L. Srader, Assistant Attorney General

(907) 465-3600
Phone Number

[Signature]
Deputy Attorney General

4/1/14
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *RALPH J. OLIVA v. STATE OF ALASKA*

Case No.: 3AN-13-10338 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

This lawsuit involves an automobile collision. A seasonal small engine mechanic employed by the Department of Natural Resources, Division of Forestry, crashed into the rear of the Plaintiff Ralph Oliva's vehicle. The state employee was driving a state-owned Dodge Dakota, and he was acting within the course and scope of his employment at the time of the collision. Mr. Oliva's vehicle was reportedly totaled (by value). Mr. Oliva suffered soft tissue injuries (cervical and thoracic strain) and a concussion. Two treating doctors attribute his injuries and post-accident symptoms to the automobile accident. Mr. Oliva contends that, as a result of the collision, he suffered physical, mental, and emotional injuries and that the State is responsible for his pain and suffering, past and future medical expenses, wage loss, mental and emotional distress, and loss of enjoyment of life.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

N/A

3. Did the State prevail on any issues? If so, describe.

N/A

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

N/A

5. What was the source of the State's liability in this case?

A seasonal employee of the Department of Natural Resources, Division of Forestry looked down at his radio while driving and rear-ended plaintiff's vehicle. The employee was driving a state-owned Dodge Dakota, and he was acting within the course and scope of his employment at the time of the collision. The state employee was cited for inattentive driving.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

The agency talked to its employees about defensive driving and asked a Department of Transportation Safety Officer to give a class.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

The agency referred the employee for drug-testing and counseled him about keeping his eyes on the road at all times.

8. Any recommendations concerning cases of this type in the future?

None

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

None

Attorney completing form:

Jessica L. Srader
Jessica L. Srader, Assistant Attorney General

4/1/2014
Date

(907) 465-3600

Phone Number

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

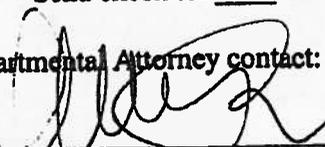
****This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. Please submit this form to the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.**

PART ONE

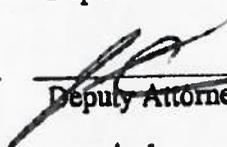
1. **Case Name:** *Jerome J. Jones v. State of Alaska, Department of Corrections*
2. **Case Number:** 3PA-11-02353 CI
3. **Judge:** Hon. Eric Smith, Palmer Superior Court
4. **Date Judgment entered:** N/A. Settlement agreement reached 3/28/2014. Judgment to be entered after approval in the judgment bill.
5. **Did the date of the cause of action accrue on or after August 7, 1997?** Yes.
6. **Amount to be paid:** 100,000
7. **Interest Rate:** 3.75% simple interest **Effective Date:** 3/28/2014
8. **Requested hourly rate and total compensation of attorneys to be paid:** N/A
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:** N/A
10. **Payable to:** Charles W. Coe, Attorney at Law in trust for Jerome J. Jones
11. **EIN:** _____
12. **Send check to:** _____ above address **Departmental contact:** X

Departmental Attorney contact:

Departmental Approval:



Ali Moser Rahoi, Assistant Attorney General



Deputy Attorney General

(907) 269-5190

Phone Number

 4/1/14

Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *Jerome J. Jones v. State of Alaska, Department of Corrections*

Case No.: 3PA-11-02353 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

Plaintiff was treated for an abscess while incarcerated with Department of Corrections (DOC) at Mat-Su Pretrial facility (MSPT) in December 2009. Following his release from custody, plaintiff was diagnosed as having MRSA infection, treated with IV antibiotics, and later hospitalized. He underwent two surgeries for treatment of the MRSA infection. Plaintiff has some residual scarring.

Plaintiff claimed that DOC was negligent for failing to protect him from contracting MRSA while incarcerated, and that DOC medical staff were medically negligent for failing to adequately diagnose and treat him while in custody. DOC denied plaintiff's claims. Plaintiff sought damages for past and future medical expenses, lost earnings, pain and suffering, and scarring.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

None.

3. Did the State prevail on any issues? If so, describe.

N/A.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

We successfully negotiated a favorable settlement in the face of plaintiff's initial settlement demand of \$355,000 plus attorney fees, costs, and prejudgment interest. The settlement is

considerably less than the state's potential exposure and includes plaintiff's costs, attorney's fees, prejudgment interest, and all liens for medical expenses.

5. What was the source of the State's liability in this case?

Both parties' retained medical experts opined that plaintiff most likely contracted the MRSA infection while incarcerated with DOC because there was no evidence of an infection prior to his incarceration, and the infection was diagnosed soon after his release from custody.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

N/A. The medical expert retained on behalf of DOC, Jeremy Biggs, MD, evaluated DOC policy and procedure, nursing and medical protocols for the prevention and treatment of MRSA, and inmate educational materials posted by DOC within its facilities. Dr. Biggs opined that the policy and procedures, protocols, and educational materials were reasonable and that DOC medical staff were not medically negligent.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

N/A (see expert opinion summarized above).

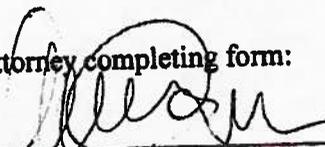
8. Any recommendations concerning cases of this type in the future?

No.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

No.

Attorney completing form:



Ali Moser Rahoi, Assistant Attorney General

March 29, 2014

Date

(907) 269-5190

Phone Number

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

To be submitted to: Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. Case Name:

Thomas J. White v. State of Alaska, Office of Children's Services v. Patrick & Sherry Kelley, and George & Shirley

2. Case Number:

3PA-12-02545 CI

3. Judge/Justices:

Eric Smith

4. Date Judgment entered:

Not applicable. The case was settled through mediation.

5. Did the date of the cause of action accrue on or after August 7, 1997?

Yes

6. Amount to be paid:

\$1,000,000

7. Interest Rate: 3.75%

Effective Date: 08/01/14

8. Requested hourly rate and total compensation of attorneys to be paid:

Attorney's fees and costs are included in the settlement amount.

9. Court approved/ordered hourly rate and total compensation of attorneys to be paid:

Not applicable

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

1. Case Name:

Thomas J. White v. State of Alaska, Office of Children's Services v. Patrick & Sherry Kelley, and George & Shirley

2. Case Number: 3PA-12-02545 CI

3. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

Plaintiff is a child who was frequently in OCS custody during the first seven years of his life. In 2000, after the parental rights of both of his natural parents were terminated, he was placed with Patrick and Sherry Kelley, who adopted him five months later. There is evidence that plaintiff and other children placed by OCS with the Kelleys and then adopted by them were severely abused and neglected in the following three and a half years. The discovery by Alaska State Troopers in July 2004 of horrific conditions at the Kelley home near Wasilla garnered considerable media attention. In this lawsuit, plaintiff claims that OCS acted negligently in placing him with the Kelleys as foster parents and by approving his adoption by the Kelleys. He claims that OCS failed to provide required post-placement services and training and that the pre-adoption home study was deficient. The state denied these allegations.

4. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

The difficulties presented in defending this case were not attributable to deficiencies in State policy or law. Cases brought by people who were injured as children, years after they were in OCS custody, are difficult to defend for many other reasons.

5. Did the State prevail on any issues? If so, describe.

Not applicable. The case was resolved through mediation.

- 6. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.**

We are satisfied that the settlement agreed to through mediation is a reasonable one in light of the evidence bearing on liability and damages and the uncertainties of trial which were acute in this case. Mediation was scheduled well before trial to avoid trial preparation expenses and to leverage our ability to offer early payment by seeking appropriation during the current legislative session.

- 7. What was the source of the State's liability in this case?**

There is a factual dispute regarding whether OCS social workers failed to completely follow all pre-adoption policies and procedures regarding TJ's adoption, and to completely document all of their actions. It is possible that more careful compliance would have avoided an outcome in which plaintiff suffered grievous harm following his adoption by the Kelleys.

- 8. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?**

The undersigned has been advised that OCS is now more cautious to ensure that regulations and policies and procedures for the adoption of children in State custody are carefully complied with and properly documented.

- 9. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.**

A number of changes to the statutes, regulations, and policies and procedures under which OCS operates have been made. Although not necessarily a result of the publicity about this case, those changes address concerns presented by this case.

- 10. Any recommendations concerning cases of this type in the future?**

We have no specific recommendations beyond the suggestion that regulations and policies and procedures relating to Child in Need of Aid Cases and to the adoption of children in State custody should be strictly complied with and well documented. When documentation is not routinely complete, an absence of documentation is not effective evidence against false allegations that reports of harm were made to OCS.

- 11. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.**

No.

Attorney completing form:

Dale W. House

Dale W. House, Senior Assistant Attorney
General

Phone Number: (907) 269-5190

Dated: April 4, 2014

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. Please submit this form to the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

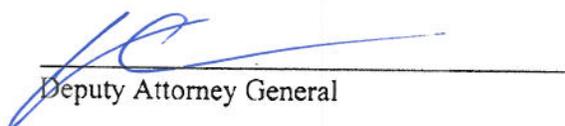
PART ONE

1. **Case Name:** *James R. McLean et al. v. State of Alaska, Department of Public Safety*
2. **Case Number:** 4FA-13-01201 CI
3. **Judge/Justices:** Honorable Paul R. Lyle
4. **Date Judgment entered:** April 2, 2014
5. **Did the date of the cause of action accrue on or after August 7, 1997?** Yes
6. **Amount to be paid:** \$90,000
7. **Interest Rate:** N/A **Effective Date:** N/A
8. **Requested hourly rate and total compensation of attorneys to be paid:** Included.
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:** N/A
10. **Payable to:** Law Offices of William R. Satterberg, Jr. Trust Account
11. **EIN:** Submit separately **or SSN:** Submit separately
12. **Send check to:** ___ above address **Departmental contact:** X

Departmental attorney contact:
Aisha Tinker Bray

Departmental Approval:


Signature


Deputy Attorney General

(907) 451-2974
Telephone Number

4/4/14
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

Case Name: *James R. McLean et al. v. State of Alaska, Department of Public Safety*

Case No.: 4FA-13-01201 CI

1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.

On July 23, 2011, at about 9:30 p.m., plaintiff James R. McLean was in the side parking lot of the AST/DMV building in Fairbanks, putting down striping for DMV's motorcycle course. Trooper Brian Zeisel received a burglary report and told K-9 Trooper Argo they were "going to go get the bad guys." The dog, who was excited and not on a lead, exited the building first. Argo saw McLean kneeling on the ground near the exit door, dressed in black and almost identically to the gear worn in bite training, and raced toward him. McLean threw up his right forearm for protection, as is similarly done in training. Argo bit McLean's right forearm hard and held it for a few seconds until Trooper Zeisel could command him to release. Argo bit once and let go, resulting in a single, clean bite in Mr. McLean's forearm without any tearing. Mr. McLean was treated and released from the emergency room the same evening.

DPS admitted liability for the bite. The only issue was damages. Mr. McLean alleged past and future medical expenses, lost wages/income from his business, anxiety, loss of enjoyment of life, pain and suffering, and loss of consortium. Mrs. McLean also sued for loss of consortium.

Settlement was reached as a result of mediation on April 2, 2014.

2. Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.

None.

3. Did the State prevail on any issues? If so, describe.

No; neither party prevailed on any issues because no issues were decided by the court.

4. Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.

N/A

5. What was the source of the State's liability in this case?

Trooper K-9 Argo should have been on a leash or otherwise under control when he left the AST/DMV building, per training and policy.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

Trooper K-9 Trainer Scott Johnson is incorporating this case, including the facts and the settlement, in his training to reinforce why Trooper K-9s must be on lead at all times. All Trooper K-9 handlers are trained to keep their dogs on their leads.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

See above; the agency is reinforcing its training.

8. Any recommendations concerning cases of this type in the future?

In cases such as this where liability is not a real issue and the State is solely liable, it would be useful to have a mechanism to discuss and resolve damages (especially medical expenses) with the injured parties right away, as soon after the incident as possible, to avoid malingering, over-valuation, and litigation.

9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

None.

Attorney completing form:

Aisha Tinker Bray

Assistant Attorney General – Torts
Title

Date:

April 4, 2014

(907) 451-2974
Phone Number

Department of Law

JUDGMENTS/CLAIMS/SETTLEMENTS FOR PAYMENT

(Please Type)

**This form will be used for the purpose of standardizing the submission of claims to the Legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. Please submit this form to the Director, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3673.

PART ONE

1. **Case Name:** *Patricia Carr v. Ted Stevens Anchorage International Airport and Alaska Department of Transportation & Public Facilities*
2. **Case Number:** 3AN-12-09018 CI
3. **Judge/Justices:** Hon. Frank A. Pfiffner, Anchorage Superior Court
4. **Date Judgment entered:** N/A. Settlement agreement reached April 7, 2014. Judgment to be entered after approval in the judgment bill.
5. **Did the date of the cause of action accrue on or after August 7, 1997?** Yes.
6. **Amount to be paid:** 150,000
7. **Interest Rate:** 3.75% simple interest **Effective Date:** April 7, 2014
8. **Requested hourly rate and total compensation of attorneys to be paid:** N/A
9. **Court approved/ordered hourly rate and total compensation of attorneys to be paid:** N/A
10. **Payable to:** Josephson Law Offices, LLC in trust for Patricia Carr
11. **EIN:** _____
12. **Send check to:** _____ above address Departmental contact: X

Departmental Attorney contact:

Departmental Approval:

Ali Moser Rahoi, Assistant Attorney General

Deputy Attorney General

(907) 269-5190

Phone Number

4/7/14
Date

Department of Law

JUDGMENT/SETTLEMENT FUNDING REQUEST
QUESTIONNAIRE

PART TWO

The following information needs to be provided on all judgment awards and/or settlements made against the State.

12. **Case Name:** *Patricia Carr v. Ted Stevens Anchorage International Airport and Alaska Department of Transportation & Public Facilities*

Case No.: 3AN-12-09018 CI

1. **Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.**

Plaintiff was working as a Transportation Safety Officer with the Transportation Safety Administration (TSA) traveling team and was assigned to Ted Stevens Anchorage International Airport in May 2012. After her shift, and while walking toward the hotel shuttle bus with her team members on May 28, 2012 plaintiff tripped and fell over a low-profile decorative rock that was embedded in the sidewalk at the shuttle bus waiting area. Plaintiff sustained a fracture of her left wrist and underwent two surgeries. She returned to work for TSA on light duty with limited hours and lost her position on the traveling team. Plaintiff has residual numbness and weakness of the left wrist.

2. **Describe issues of State policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.**

None.

3. **Did the State prevail on any issues? If so, describe.**

N/A.

4. **Did we challenge plaintiffs' request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.**

We successfully negotiated a favorable settlement in the face of plaintiff's initial settlement demand of \$170,000 inclusive of attorney fees, costs, and prejudgment interest. The settlement is considerably less than the State's potential exposure and includes plaintiff's costs, attorney's fees, prejudgment interest, and all liens for medical expenses and federal Workers' Compensation benefits paid to plaintiff.

5. What was the source of the State's liability in this case?

A low-profile decorative rock placed in the sidewalk at the shuttle bus waiting area.

6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?

A large concrete planter has been placed over the subject decorative rock.

7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.

Yes, a large concrete planter has been placed over the subject decorative rock.

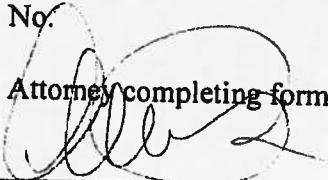
8. Any recommendations concerning cases of this type in the future?

No.

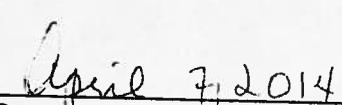
9. Any recommendations for changes in statutes, regulations or policy? Cite any applicable statutes or regulations.

No.

Attorney completing form:



Ali Moser Rahoi, Assistant Attorney General



Date

(907) 269-5190

Phone Number

North Pole Refinery Remedial Action

FY2014 Request: \$2,000,000
Reference No: AMD 56509

AP/AL: Appropriation
Category: Law and Justice
Location: North Pole
Impact House District: North Pole/Eielson (HD 1)
Estimated Project Dates: 04/20/2014 - 06/30/2018

Project Type: Life / Health / Safety
House District: North Pole/Eielson (HD 1)
Contact: Dave Blaisdell, Director
Contact Phone: (907)465-3673

Brief Summary and Statement of Need:

This appropriation is contingent upon the execution of an agreement between the state, Flint Hills Resources Alaska, LLC, (FHR) and Williams Alaska Petroleum, Inc. (Williams). There have been releases of sulfolane and other contaminants at the North Pole Refinery (Refinery) by both Williams and FHR. Presently, groundwater at and beyond the Refinery is contaminated with sulfolane, impacting approximately 500 properties and approximately 300 private drinking water wells in the North Pole area.

Funding:	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>Total</u>
Gen Fund	\$2,000,000						\$2,000,000
Total:	\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$2,000,000

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
One-Time Startup:	0	0
Totals:	0	0

Prior Funding History / Additional Information:

No prior funding history.

DEPARTMENT OF LAW. (x) The sum of \$2,000,000 is appropriated from the general fund to the Department of Law, for the state's share of interim remedial actions to protect the health, safety and welfare of the people in the North Pole area contingent upon the execution of an agreement between the state, Flint Hills Resources Alaska, LLC, and Williams Alaska Petroleum, Inc.

Project Description/Justification:

The Alaska Department of Natural Resources (DNR) leased the land to the Refinery until 2004, at which time the state sold the property to the Refinery owner. Williams, DNR, and FHR are potentially responsible parties under state and federal law for releases of pollutants at the Refinery. In order for the issues in the litigation to be finally resolved and/or adjudicated it is necessary for certain environmental studies and cleanup proposals be completed and submitted to the Department of Environmental Conservation for review and approval. It is proposed that the parties share the cost of these interim activities equally, and this amendment requests funding for the state's portion.

Change Record Detail with Description (285)
Office of the Governor

Scenario: FY2014 Supplemental Amds Submitted Apr8 (11432)
Component: Executive Office (AR 1530) (6)
RDU: Executive Operations (2)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
FY2014 Supplemental Amds Submitted Apr8												
Initiative Information and Education												
1004 Gen Fund	Suppl	25.0	0.0	0.0	25.0	0.0	0.0	0.0	0.0	0	0	0
Appropriation required under AS 15.13.145(b) for costs to provide information on initiatives that will appear on a statewide election ballot in 2014.												
Component Totals		25.0	0.0	0.0	25.0	0.0	0.0	0.0	0.0	0	0	0

Change Record Detail with Description (285)
Debt Service

Scenario: FY2014 Supplemental Amds Submitted Apr8 (11432)
Component: International Airport Revenue Bonds (AR 0) (2284)
RDU: Debt Service (251)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
FY2014 Supplemental Amds Submitted Apr8												
Arbitrage Rebate												
(Language)	Suppl	141.0	0.0	0.0	0.0	0.0	0.0	0.0	141.0	0	0	0
1112 IntAptCons		141.0										
Amend section 19(b) as follows: Sec. 19. DEBT AND OTHER OBLIGATIONS. (4) the amount necessary for the purpose of authorizing payment to the United States Treasury for arbitrage rebate on outstanding international airports revenue bonds, bonds estimated to be \$141,000, from the International Airports Construction Fund (AS 37.15.420(a)).												
EXPLANATION: When money is borrowed on a tax exempt basis the Internal Revenue Service (IRS) code requires that if the blended earnings on the borrowed funds exceeds the interest rate on the bonds, that the excess be remitted to the IRS. The IRS has declared that earnings that exceed the state's cost are to accrue to the benefit of the federal government rather than the local issuer. The earnings analysis, called arbitrage rebate analysis, is required to be undertaken during specific intervals. With the 2006C bonds the next interval would have been March 2016, however the Department of Revenue recently determined that because those bonds were refinanced and re-issued in 2009 that date was accelerated to March 2014. The Department of Revenue is currently in the process of determining exactly what the Alaska International Airport System (AIAS) liability is on the 2009 AIAS bonds, but preliminarily it has been estimated at \$141,000. This can be appropriated from investment earnings of the project fund that are restricted in use to authorized projects, arbitrage rebate, or certain debt service costs of the 2009 bond issue. If the state is unable to pay the arbitrage rebate liability by June 30, 2014, the state should expect penalty and interest to be applied to the current liability amount.												
Component Totals		141.0	0.0	0.0	0.0	0.0	0.0	0.0	141.0	0	0	0