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TO: APOC Commissioners

DATE: May 22nd, 2026

FROM: Joel Borgquist, Keep It Alaska Chairman

SUBJECT: Memorandum and Motion to Dismiss, Complaint 25-04-CD, *David Long v. Keep It Alaska IE Group / Joel Borgquist*

In the limited time that we were afforded to review the APOC Staff Report, we file this motion to dismiss the complaint on the following grounds:

- 1. Good faith effort by volunteers.** There was no intent to violate any Alaska statutes or APOC procedures and regulations. Multiple filings were made in order to account for any and all contributions that may be in question.
- 2. No harm to the public.** The treasurer made good faith efforts to understand the statutes and procedures and file the appropriate information, including multiple phone calls and emails between APOC Staff and the treasurer. Any errors that may have ever occurred were simple human errors and caused no public harm. Keep It Alaska and Mr. Borgquist operated in good faith and relied upon the treasurer to file complete and appropriate reports, which he endeavored to do.
- 3. Frivolous lawfare.** An opponent filed the complaints against Keep It Alaska and Mr. Borgquist in a bad faith effort with the stated intent of causing harm in way of fines and government interference, weaponizing APOC against Alaskans lawfully participating in the political process and exercising their First Amendment Rights. Additionally, the complaints included frivolous elements that no reasonable person with even the slightest knowledge of campaign finance regulation could think were violations, wasting taxpayer resources reviewing the complaints and wasting the time and resources of Keep It Alaska and Mr. Borgquist. Rewarding meritless, frivolous, malicious lawfare sets a terrible precedent that negatively impacts all Alaskans.
- 4. No notice and no opportunity to respond.** Keep It Alaska and Mr. Borgquist, as previously stated to APOC Staff, did not receive a copy of the complaint before it was accepted and the window to respond had already closed, as it was never properly served. Nor were Keep It Alaska or Mr. Borgquist afforded the opportunity to respond within the allotted timeframe due to the lack of service.
- 5. Excessive fines.** The fines recommended in the Staff Report, even after reduction, are excessive and beyond any reasonable assessment of the alleged violation and any possible harm to the public, involving only minor reporting issues that even astute individuals do not understand or keep up with. The proposed fines for these minor alleged violations even exceed fines related to the worst crimes possible in violent felony convictions, which is both outlandish and concerning.
- 6. Duplicate and triplicate findings on the same alleged violation.** In addition to the excessiveness of the fines, the Staff Report makes excessive use of APOC's mandate

in order to create multiple offenses for the same alleged violation. This is both excessive and inappropriate.

7. Prejudice. Despite summarily recommending dismissal of much more serious complaints that were made by Mr. Borgquist and others against campaigns that had clearly violated state statutes (see 26-01-CD *Joel Borgquist v. Kyle Walker*), APOC conducted a 16-month investigation into Keep It Alaska and Mr. Borgquist, presenting a case that directly contradicts APOC Staff's approach to other complaints regarding in-kind donations or LLCs (see 25-29-CD *Randolph Ruedrich v. Kyle Walker*). Furthermore, despite having over a year to complete the investigation and provide a Staff Report, APOC Staff did not provide their findings until mere days before the deadline for memorandums and motions on the issue, wherein Keep It Alaska and Mr. Borgquist are meant to submit their defense (which is now being drafted and submitted in a rush). Additionally, Keep It Alaska and Mr. Borgquist requested a different individual to perform the investigation, citing specific instances of prejudice against Keep It Alaska and Mr. Borgquist by Kim Stone during the first investigation (25-03-CD), which was summarily denied by APOC. This is particularly notable because of the excessive length of this investigation, which appears to have a clear intent to manipulate evidence against Keep It Alaska and Mr. Borgquist. Shockingly, Kim Stone has even presented the opposite findings in what appeared to be a full defense of Mr. Walker by APOC in the above referenced investigations of Mr. Walker involving Kim Stone and other Staff. APOC has also handled other investigations involving in-kind contributions in the opposite manner as the complaint made against Keep It Alaska and Mr. Borgquist, wherein defendants were advised not to record personal time as an in-kind contribution and reports have been amended to reflect such.

8. Alaska Law contradicts the APOC Staff Report and clears Keep It Alaska and Joel Borgquist of any violations in this matter. The APOC Staff Report appears to treat the reported in-kind entries as business contributions from Red Dirt Campaigns, LLC, but the factual basis for that conclusion is not clear. Red Dirt Campaigns is an LLC, registered under Mr. Borgquist, and the services at issue were Mr. Borgquist's own time, experience, and personal effort. A person does not lose the ability to volunteer personal campaign services simply because that person also has professional expertise or sometimes performs similar work for pay. Alaska law excludes uncompensated individual volunteer services from the definition of "contribution." AS 15.13.400(4)(B)(i).

9. APOC Regulations contradict the APOC Staff Report and clear Keep It Alaska and Joel Borgquist any violations in this matter. APOC's regulation is consistent with the Alaska statute cited above. Under 2 AAC 50.250(d), services are not a contribution when an individual volunteers the individual's own time without compensation. If the entries reflected paid expenses, subcontracted work, advertising purchases, software charges, use of business property, or services actually provided by Red Dirt Campaigns as a vendor, those may be analyzed separately. HOWEVER, the entries only reflected Mr. Borgquist's own uncompensated personal time and were not required to be reported as in-kind contributions. They were only reported out of an abundance of good faith by the treasurer who did not understand that they were not

required. Therefore, the disclosure was an over-disclosure, and it should not create a 24-hour reporting violation for a contribution that was never legally reportable. All other associated reports of the in-kind contribution should be amended to reflect no contribution and all alleged violations and fines should be dismissed and invalidated. In another APOC Staff Report that is being considered at this same hearing, as referenced above in the complaint filed by Mr. Ruedrich (25-29-CD), APOC staff declined to treat the mere existence or campaign-related use of an LLC as a campaign finance violation. Staff recognized that AS 15.13.074(f) prohibits contributions from certain entities, but does not otherwise make LLC involvement automatically unlawful. The same principle should apply here. The existence of Red Dirt Campaigns, LLC should not automatically convert Mr. Borgquist's personal volunteer time into a reportable LLC contribution.

Therefore, considering the above points, I submit this MOTION TO DISMISS all claims against Keep It Alaska and myself AND in the extraordinary event that any claims are not dismissed, I submit a MOTION TO REDUCE FINES for any claims that are not dismissed, to a level that is reasonable to what is alleged and the small dollar value of the issue at hand, and in full consideration that these issues involve volunteers in Alaska with no harm to the public, we request no fine to exceed \$0.00.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Borgquist', with a stylized flourish at the end.

Joel Borgquist, Chairman
Keep It Alaska