

OPPOSITION TO REQUEST TO DISMISS AND MOTION TO PROCEED TO HEARING AND DECISION

Complaint 26-14-POFD, Joel Borgquist v. Zachary Johnson

Complainant's response to Respondent's Answer to Complaint dated September 25, 2026

ARRIVED

9/29/2026

APOC - ANCH
PM HC FAX ELE

Request

The complainant opposes the Respondent's request that the complaint "be dismissed for lack of any factual basis." The complainant moves that the Commission proceed with the October 6, 2026 hearing, take sworn evidence on the issues identified in the Notice of Hearing, and issue a decision on the merits. The complainant relies on this filing and on his Response to Staff Report, including Exhibits E through I.

This complaint is not politically motivated

1. This complaint is about accountability, not politics. The complainant has applied the same standard to candidates regardless of party, including a Republican candidate for Governor, and asks only that the law be applied equally.
2. Some things are more important than any one candidate's agenda. Fairness matters, and fighting for all Alaskans is essential. Every elected leader and candidate must be held accountable and take the duties of office seriously. Mr. Johnson, a sitting Anchorage Assembly Member, should want to be held to the same standard, and receive the same treatment, that the Commission applied to Tregarrick Taylor and the complainant has also requested be applied to Ms. Bernadette Wilson.
3. Timing is not a defense. Complaints may be filed within five years of a violation (AS 39.50.055(b)). This complaint was filed promptly after the Commission applied a strict standard to Mr. Taylor, and it asks only that the same standard be applied here.

The Commission should decide the case on the merits

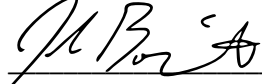
4. **The Answer adds nothing.** It states that "no additional argument is required" and rests on the September 9 brief and affidavit. In ¶ 18 of that affidavit, Mr. Johnson admitted he could not produce supporting documents but could do so "relatively quickly." Three weeks later, none have been produced, and staff never asked for them. (Response to Staff Report, ¶¶ 1-6; Exhibits E, G.)
5. **The POFD is not "complete and accurate," as staff itself found.** Staff found that Mr. Johnson did not identify the Wiest Trust by name or describe its property, as AS 39.50.030(b)(4) requires, and recommended that he be ordered to amend. The Notice of Hearing states that the staff report recommends the complaint "be upheld in part." The form staff blamed tells every filer to "Report each trust." Mr. Johnson has filed POFDs before and is represented by counsel. (Response, ¶¶ 14-19; Exhibit H.)
6. **The affidavit is contradicted by the record.** Mr. Johnson's own POFD lists a partnership interest in Wild Air Farm, LLC, yet he swears he does not own it. The tenant's president said the long-term lease was "with Zach," and a 2024 article reported that Zach "inherited" the property. Morning Dove's long-term lease was reported in April 2025, inside the reporting period. The Department of Law identified undisclosed interests in Charity Horse Shows Inc. and Traders Point Hunt Club. Staff addressed none of this. (Response, ¶¶ 7-13; Exhibits F, I; Complaint Exhibits B-C.)
7. **Substantial compliance is not met.** *Grimm v. Wagoner*, the only case the Answer cites, requires "an accurate representation" of a filer's financial interests while not requiring "absolute precision." An unnamed trust with its property listed as "N/A," unreported leases, and undisclosed business interests are not matters of precision. They leave the public without the information the law requires.
8. **The public record is incomplete.** The complainant timely requested Mr. Johnson's earlier POFDs for his municipal office and campaign. Those filings are public records under AS 39.50.050(c) and bear directly on what he knew and previously reported, but they have not been provided. (Response, ¶¶ 20-24.)

9. **A hearing is the right forum.** The Notice of Hearing requires testimony under oath and provides that if the Respondent does not testify, he "may be called and examined as if under cross-examination." Those procedures exist to test sworn statements against contrary evidence. Dismissing the case now would let an untested affidavit decide it.

Relief requested

- Deny the Respondent's request to dismiss the complaint.
- Proceed with the October 6, 2026 hearing and decide all issues in the Notice of Hearing: the undisclosed sources of income and the required trust details.
- Require Mr. Johnson to testify under oath and to produce the documents offered in ¶ 18 of his affidavit, and give the affidavit no weight where the record contradicts it.
- Make Mr. Johnson's earlier municipal POFDs part of the public record before the hearing.
- Apply the same standard applied to Mr. Taylor, including the substantial-compliance and certification analysis under AS 39.50.060(b) and 2 AAC 50.850(h), and reject the recommendation to take no action.
- Deliberate and vote in open session, with each commissioner's vote on the record.

Respectfully submitted,



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Dated: September 29th, 2026