

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

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ALASKA WILDLIFE )  
ALLIANCE, and JOHN )  
TOPPENBERG, Director, )  
Alaska Wildlife Alliance, )

Plaintiffs, )

v. )

TED SPRAKER, Chairman, )  
Alaska Board of Game, and )  
ALASKA BOARD OF GAME, )

Defendants. )

Case No. 3AN-13-05825CI

**ORDER ON MOTION FOR RECONSIDERATION**

The Alaska Board of Game seeks reconsideration of the court's ruling that the Board may no longer use the stratagem of serial email filings by individual board members to avoid holding a public meeting on the issue of emergency petitions. The Board cites AS 16.05.310, which authorizes any two board members to call a special meeting. The court does not read this statute as authorizing the board to conduct some quotient of its business privately.

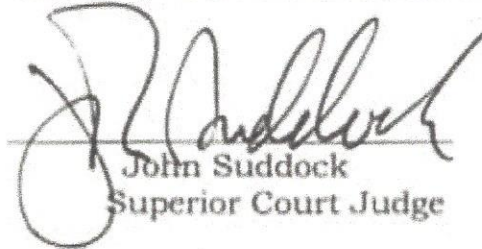
The court is fully cognizant that the procedure adopted by the Board to avoid the strictures of the open meeting law is vastly convenient. Because of the policy decision that emergency petitions are to be granted but rarely, most such petitions will be dead on arrival. Nonetheless, a judgment call by the board on the substance of the petition is required. In the case at bar the decision not to meet is indistinguishable from a decision on the merits.

The board is free to schedule monthly or bi-monthly telephonic meetings to consider any petitions filed during those intervals. The meetings can be as abbreviated as the Board wishes. But they must be publically accessible. The open meeting law simply deprives the Board of the power to make what are effectively collective decisions by pretending that the sum of individual decisions is something other than official board action requiring transparency.

ORDER


The court denies the Board's Motion for Reconsideration.

DATED at Anchorage, Alaska this 31<sup>st</sup> day of December, 2014.

  
John Suddock  
Superior Court Judge

I certify that on 1-2-15  
a copy of the above was mailed  
to each of the following at their  
addresses of record:

Thomas Meacham  
Cheryl Brookling

  
Mary Brault - Judicial Assistant