



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
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## Wisconsin Ethics Commission

212 E. Washington Avenue  
Board Room  
Madison, Wisconsin  
February 27, 2018  
9:00 a.m.

### Open Session Minutes

Present: David Halbrooks, Katie McCallum, Mac Davis, Pat Strachota,  
Timothy Van Akkeren, and Jeralyn Wendelberger

Staff present: David Buerger, Richard Bohringer, Julie Nischik, Colette Reinke, and  
Caroline Russell

#### **A. Call to Order**

Commission Chair David Halbrooks called the meeting to order at 9:01 a.m.

#### **B. Report of Appropriate Meeting Notice**

Staff Counsel David Buerger reported that appropriate notice of the Commission meeting had been given to the public and news media.

#### **C. Approval of Minutes of Prior Meetings**

##### **1. Minutes of the January 11, 2018 Meeting**

**MOTION:** Approve the minutes. Moved by Commissioner Wendelberger, seconded by Commissioner McCallum. Motion carried unanimously.

##### **2. Minutes of the January 22, 2018 Meeting**

**MOTION:** Approve the minutes. Moved by Commissioner Van Akkeren, seconded by Commissioner McCallum. Motion carried unanimously.

##### **3. Minutes of the January 25, 2018 Meeting**

**MOTION:** Approve the minutes. Moved by Commissioner Van Akkeren, seconded by Commissioner McCallum. Motion carried unanimously.

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*Wisconsin Ethics Commissioners*

Mac Davis | David R. Halbrooks | Katie McCallum | Pat Strachota | Timothy Van Akkeren | Jeralyn Wendelberger

*Administrator*  
Colette C. Reinke

Page 3

#### **D. Personal Appearances**

There was one personal appearance by a member of the public:

Mike Wittenwyler appeared representing the Association of Wisconsin Lobbyists, to provide comment on the unauthorized lobbying audit. Since the January 11 meeting of the Commission, Mr. Wittenwyler spoke with lobbyists, read the report, and sent a letter to the Commission on January 16. Mr. Wittenwyler expressed concerns he had with the unauthorized lobbying audit from his letter to the Commission. First, Mr. Wittenwyler expressed his concern with the limited notice that was provided to lobbyists about the new policy and definition of contract versus in-house lobbyist. Second, Mr. Wittenwyler described the limited notice of how this new audit will be conducted, what the process will look like, how it will be implemented. Finally, Mr. Wittenwyler felt the percentages that were listed in the report of lobbyists that were not in compliance was inaccurate.

The Commission and Mr. Wittenwyler also discussed the definition of lobbying and lobbyists, the litigation case from the Ethics Board, and how this audit might be a disincentive for lobbyists to report their time.

#### **E. Appointment of Interim Administrator**

**MOTION:** To delay this agenda item until after Closed Session. Moved by Commissioner Wendelberger, seconded by Commissioner McCallum. Motion carried unanimously.

#### **F. Administrative Rule Update**

Staff Counsel Buerger presented the memo starting on page 13 of the meeting materials.

**MOTION:** To hold a public hearing on ETH 16. Moved by Commissioner Davis, seconded by Commissioner Strachota. Motion carried unanimously.

**MOTION:** To approve the public hearing documents for ETH 16. Moved by Commissioner Wendelberger, seconded by Commissioner McCallum.

Discussion.

**Amendment to Motion:** Approve the proposed rule modifications for public hearing of ETH 16. Amendment taken as friendly by Commissioner Wendelberger and agreed to by Commissioner McCallum.

Motion carried unanimously.

**MOTION:** For ETH 1, the Commission approves sending the attached scope statement to the Department of Administration for review and approval. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

## **G. Review of Lobbying-Related Opinions of Previous Boards**

Staff Counsel Buerger and Colette Reinke presented the memo starting on page 31 of the meeting materials.

The Commission agreed with the proposed schedule to review lobbying-related opinions.

**MOTION:** To withdraw the opinions (1-10) as listed on page 33 of the meeting materials. Moved by Commissioner Strachota, seconded by Commissioner McCallum. Motion carried unanimously.

**MOTION:** To accept revisions of Eth. Bd. Op. 93-06. Moved by Commissioner Wendelberger, seconded by Commissioner Van Akkeren.

Discussion.

Motion carried unanimously.

**MOTION:** To accept revisions of Eth. Bd. Op. 93-04. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**MOTION:** To accept revisions of Eth. Bd. Op. 98-02. Moved by Commissioner Strachota, seconded by Commissioner McCallum. Motion carried unanimously.

**MOTION:** To accept revisions of Eth. Bd. Op. 98-06. Moved by Commissioner Wendelberger, seconded by Commissioner Van Akkeren. Motion carried unanimously.

## **H. Guideline Update**

Staff Counsel Buerger presented the memo starting on page 49 of the meeting materials.

### **1. The 50-Piece Rule Guideline**

The Commission discussed the guideline as drafted.

**MOTION:** Adopt the 50-Piece Rule Guideline, with an amendment: in the second footnote the Attorney General opinion to be listed first and the withdrawn Elections Board opinion to be listed second. Moved by Commissioner Wendelberger, seconded by Commissioner Van Akkeren. Motion carried unanimously.

### **2. Attribution Statements**

The Commission and staff discussed the guideline as drafted and agreed to amend the section on types of communication that do not require attribution statements, to de-emphasize the examples provided. The Commission also requested staff present a

memo at the April meeting regarding the potential rulemaking process and options to address the limitations of this guideline.

## **I. Standard Settlement Schedules for Lobbying Violations**

### **1. Unauthorized Lobbying**

Staff member Caroline Russell presented the memo starting on page 57 of the meeting materials.

The Commission discussed the proposed settlement schedule.

**MOTION:** To adopt the settlement schedule, with the addition of further explanation of first and second instances, and clarification of multiple violations in the first and second sessions. Moved by Commissioner Strachota, seconded by Commissioner Wendelberger. Motion carried unanimously.

### **2. Late Payment of Lobbying Fees**

Staff member Caroline Russell presented the memo starting on page 59 of the meeting materials.

The Commission discussed the proposed settlement schedule.

**MOTION:** To adopt the settlement schedule as outlined in option one of the memo, with the amendment to the schedule of removing the term “violator”. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

## **J. Staff Report**

Staff Counsel Buerger presented the memo starting on page 61 of the meeting materials.

## **K. Consideration of Future Agenda Items**

Staff Counsel Buerger will continue to look at the other guidelines that were not presented today and add those to future meeting agendas.

Commissioner Halbrooks requested that election of new officers be added to the June 19, 2018 meeting agenda.

## **L. Closed Session**

**MOTION:** The Commission went into closed session pursuant to WIS. STAT. §§ 19.50, 19.55(3), 19.85(1)(g), (h). Moved by Commissioner Wendelberger, seconded by Commissioner McCallum. Motion carried unanimously.

1. Complaints and Investigations
2. Requests for Advice
3. Personnel Matters
4. Litigation Update

Return to Agenda Item E, Appointment of Interim Administrator

**MOTION:** To hire a replacement for Brian Bell and utilizing the support of DOA to post, collect resumes, and set up interviews. Moved by Commissioner Davis, seconded by Commissioner Strachota. Motion carried unanimously.

**MOTION:** To appoint Colette Reinke as temporary Administrator of the Commission for the next 90 days or until a permanent replacement is hired. Moved by Commissioner Van Akkeren, seconded by Commissioner Davis.

Discussion of the motion.

Roll call vote:

Commissioner Van Akkeren:	Aye	Commissioner Strachota:	No
Commissioner Wendelberger:	Aye	Commissioner McCallum:	No
Commissioner Davis:	Aye	Commissioner Halbrooks:	Aye

#### M. Adjourn

**MOTION:** To adjourn. Moved by Commissioner Strachota, seconded by Commissioner Wendelberger. Motion carried unanimously.


Meeting adjourned at 2:30 p.m.

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February 27, 2018 Wisconsin Ethics Commission meeting minutes prepared by:

  
 Julie Nischik, Office Management Specialist April 24, 2018

February 27, 2018 Wisconsin Ethics Commission meeting minutes certified by:

  
 Katie McCallum, Vice Chair April 24, 2018