



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
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## Wisconsin Ethics Commission

101 E. Wilson Street  
St. Croix Room  
Madison, Wisconsin  
March 5, 2019  
9:00 a.m.

### Open Session Minutes

Present: Katie McCallum, Tamara Packard, Mac Davis, David Halbrooks,  
Pat Strachota, and Timothy Van Akkeren

Staff Present: Daniel Carlton, David Buerger, Julie Nischik, Rich Bohringer,  
Harry Broderick, Colette Greve, and Caroline Russell

#### A. Call to Order

Commission Chair Katie McCallum 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 Meeting

##### 1. Minutes of December 11, 2018 Open Session Meeting

**MOTION:** Approve the December 11, 2018 open session minutes. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

#### D. Personal Appearances

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

Mike Wittenwyler appeared on behalf of the Association of Wisconsin Lobbyists to provide comment on the review of guideline 1211-14.

Mr. Wittenwyler requested the Commission provide clear guidance and interpretation of state law and expressed concern for the proposed changes to the guideline 1211-14 on how legislative or lobbying days are held and certain items of value are paid for by state officials.

*Wisconsin Ethics Commissioners*

Mac Davis | David R. Halbrooks | Katie McCallum | Tamara Packard | Pat Strachota | Timothy Van Akkeren

*Administrator*

Daniel A. Carlton, Jr.

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Mr. Wittenwyler stated on lobbying day prior agencies have allowed an exception, where generally the law says an official should not pay a lobbyist or lobbying principal for something, in this instance it was allowed. At these events, the lobbyists and principals collect money from public officials to attend the event. With the new guideline, lobbying principals would now have to allow the officials to attend the events for free. The guideline is unclear on how to invite a specific group to an event without giving some advantage. AWL has no problems with the way lobbying days were held in the past, and want to continue to charge for the event, and not provide something to officials for free.

#### **E. Appearance by Department of Justice Representatives**

Charlotte Gibson, Administrator of the Division of Legal Services, and Corey Finkelmeyer, Deputy Administrator of the Division of Legal Services introduced themselves to the Commission and provided information on opinion requests.

Ms. Gibson informed the Commission that the Administrator and Staff Counsel can make referrals to them for opinion requests and her office can assist with the process. Ms. Gibson provided an update on two opinion requests from the Commission. The request for an opinion on spring elections was too broad and needs to be more focused for the Attorney General to provide a response. The second request has been drafted, and will be brought to the new administration, and the Commission can expect to receive that in the next couple of months.

#### **F. 2017 Act 108 Report**

Staff Counsel David Buerger presented the memo on page 7 of the meeting materials.

The Commission provided no comments or changes to the report.

#### **G. 2017 Act 369 Report**

Commission staff Colette Greve presented the memo on page 13 of the meeting materials.

The Commission discussed the process for submitting guidelines to the Legislative Council and directed staff to contact the Legislative Council to get more information on this new process and further define what is included in the definition of guidance.

#### **H. Guideline 1211-14 Review**

Staff Counsel David Buerger presented the memo on page 21 of the meeting materials.

The Commissioners and staff discussed the specifics of item 3, Food and Drink that the Official Purchases at an Event Intended for and Conducive to the Discussion of State Governmental Processes, Proposals, or Issues (From Any Person) on page 28 of the meeting materials. Staff Counsel stated that lobbying day events could still be held but would need to be open to the public if the lobbying principals wanted to provide food or drink to officials.

The Commission expressed interest in having others weigh in on the proposed changes, including the legislature.

**MOTION:** The Commission directs staff to submit the revised guideline to the Legislative Reference Bureau for publication for public comment. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**I. Ethics Opinions Schedule Review**

Commission staff Colette Greve presented the memo on page 41 of the meeting materials. The Commission agreed with the proposed schedule to review Ethics Opinions.

**J. Administrative Rules Update**

Staff Counsel David Buerger presented the memo on page 43 of the meeting materials.

Staff requested further direction from the Commission on electronic communication, as addressed in ETH 1. Commission staff suggested specifying font, size, and contrast. The Commission decided not to include those specifications in the rule. Commissioner Davis requested including tickets and business cards in the list of items exempt from attribution requirements.

Staff Counsel will make changes to the draft and present a final draft for review at the April 9, 2019 meeting.

**K. Staff Report**

Commission Administrator Daniel Carlton presented the report on page 63 of the meeting materials.

**L. Discuss New August Meeting Date**

The Commission changed the August meeting date to August 20, 2019.

**M. Consideration of Future Agenda Items**

Commissioner Davis requested the administrator review process be included at the April meeting. Commissioner Davis also requested discussing the 2020 meeting dates at the next meeting.

**N. 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 Strachota, seconded by Commissioner Packard. Motion carried unanimously.

1. Requests for Advice
2. Complaints and Investigations

**O. Return to Open Session**

**P. Adjourn**

**MOTION:** To adjourn. Moved by Commissioner Halbrooks, seconded by Commissioner Van Akkeren. Motion carried unanimously.

Meeting adjourned at 2:57 p.m.

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March 5, 2019 Wisconsin Ethics Commission meeting minutes prepared by:

  
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Julie Nischik, Office Management Specialist

April 9, 2019

March 5, 2019 Wisconsin Ethics Commission meeting minutes certified by:

  
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Tamara Packard, Vice Chair

April 9, 2019