



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
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## Wisconsin Ethics Commission

101 E. Wilson Street  
St. Croix Room  
Madison, Wisconsin  
June 18, 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, Colette Greve,  
Harry Broderick, Caroline Russell, and Deb Brauer

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

Commission Chair Katie McCallum called the meeting to order at 9:10 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 April 9, 2019 Open Session Meeting**

**MOTION:** Approve the April 9, 2019 open session minutes. Moved by Commissioner Packard, seconded by Commissioner Strachota. Motion carried unanimously.

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

There were no personal appearances by a member of the public.

#### **E. Ethics Opinion Review**

Ethics Specialist Colette Greve presented the memo on page 7 of the meeting materials.

The Commissioners discussed the opinions recommended for withdrawal.

**MOTION:** Withdraw opinion Eth. Bd. Op. 05-10 for lack of substantive analysis, withdraw Eth. Bd. Op. 06-05 as inconsistent with the Commission's current policy, and revise Eth. Bd. Op. 92-04 and Eth. Bd. Op. 92-07 summaries to clarify the Commission's discretion in making preliminary decisions. Moved by Commissioner Strachota, seconded by Commissioner Halbrooks. Motion carried unanimously.

The Commissioners discussed the opinions recommended for withdrawal.

**MOTION:** Withdraw Eth Bd. Op. 93-11, Eth. Bd. Op. 07-12, and 2008 GAB 03 as inconsistent with how the Commission would provide advice. Moved by Commissioner Strachota, seconded by Commissioner Packard. Motion carried unanimously.

The Commission discussed Eth. Bd. Op. 92-31 and Eth. Bd. Op. 93-08. The Commission directed staff to review these opinions and bring back for consideration at the next Commission meeting.

**MOTION:** Reaffirm the following opinions: Eth. Bd. Op. 91-05, Eth. Bd. Op. 91-10, Eth. Bd. Op. 91-11, Eth. Bd. Op. 92-08, Eth. Bd. Op. 92-09, Eth. Bd. Op. 92-17, Eth. Bd. Op. 93-02, Eth. Bd. Op. 95-02, Eth. Bd. Op. 96-02, Eth. Bd. Op. 96-04, Eth. Bd. Op. 97-03, Eth. Bd. Op. 97-15, Eth. Bd. Op. 98-09, Eth. Bd. Op. 99-05, Eth. Bd. Op. 03-01, Eth. Bd. Op. 03-03, Eth. Bd. Op. 05-09, and Eth. Bd. Op. 07-01. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

## **F. Administrative Rules Update**

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

The Commission discussed the feedback received from the Legislative Council Rules Clearinghouse.

The Commission opened the public hearing for Chapter ETH 1 – Act 117 Amendments/Attribution. No members of the public appeared to provide comments at the meeting. The hearing was then closed.

The Commission expressed interest in taking time to review the letter with comments on the rule from the Campaign Legal Center.

**MOTION:** The Commission directed staff to draft potential revisions for ETH 1.96, including options based on comments from the Campaign Legal Center, and prepare a broader scope statement based on the suggestions by the Legislative Council Rules Clearinghouse for the August meeting. Moved by Commissioner Halbrooks, seconded by Commissioner Van Akkeren. Motion carried unanimously.

## **G. Review of Settlement Schedules**

Ethics Specialist Colette Greve presented the memo on page 35 of the meeting materials.

The Commission reviewed the existing settlement schedules for Campaign Finance, Lobbying, and Ethics. The Commission discussed the need to be consistent in determining dates as calendar days versus business days.

The Commission and staff discussed the settlement schedule for Exceeding Contributions Limits.

**MOTION:** For the Exceeding Contributions Limits settlement schedule, add statutory citations to the website related to this schedule. Moved by Commissioner Halbrooks, seconded by Commissioner Davis. Motion carried unanimously.

The Commission and staff discussed the settlement schedule for late filing of special post-election reports. The Commission directed staff to look at settlements related to special post-election reports, and settlement amounts and appeals to continuing reports, and bring back for review at the next meeting.

The Commission and staff discussed the settlement schedule related to late payment of lobbying fees. The Commission has received many appeals related to confusion about when the fees are due.

**MOTION:** Amend the settlement schedule for late payment of lobbying fees to:

Calendar days late	Lobbyist	Principal
1-30	Warning	Warning
31-45	\$100	\$200
46-60	\$200	\$400
61+	\$300	\$600

Moved by Commissioner Strachota, seconded by Commissioner Halbrooks.

The Commission discussed if this would be calendar days or business days, and agreed this schedule should be calendar days.

Motion carried unanimously.

**MOTION:** Direct staff to prepare a scope statement to amend the provisions of WIS. ADMIN. CODE ETH 26 related to late filing of semi-annual lobbying reports to clarify business days for all categories in the schedule. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

Commission staff will conduct a review of all settlement schedules to determine where there are differences between calendar days late and business days late.

**MOTION:** Direct staff to prepare a scope statement to create new settlement schedules within WIS. ADMIN. CODE ETH 26 for unauthorized lobbying and late payment of lobbying fees. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

## **H. Staff Report**

Commission Administrator Daniel Carlton presented the report on page 43 of the meeting materials.

The Commission directed staff to investigate how other agencies deal with prosecution of violations, in addition to working with DOJ to develop criteria for referral.

## **I. Closed Session**

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

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

## **J. Appointment of Administrator to 2019-2023 Term**

**MOTION:** The Commission appoints Daniel Carlton to the position of administrator for the term starting July 1, 2019 and ending June 30, 2023. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

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

The Commissioners did not discuss any future agenda items.

## **L. Adjourn**

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

Meeting adjourned at 5:06 p.m.

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June 18, 2019 Wisconsin Ethics Commission meeting minutes prepared by:



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Julie Nischik, Office Management Specialist

August 20, 2019

June 18, 2019 Wisconsin Ethics Commission meeting minutes certified by:



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Tamara Packard, Vice Chair

August 20, 2019