



# Wisconsin Ethics Commission

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## Wisconsin Ethics Commission

212 East Washington Avenue, Third Floor Board Room  
Madison, Wisconsin  
Monday, July 11, 2016  
1:00 p.m.

### Open Session Minutes

Present: J. Mac Davis, Robert Kinney, Katie McCallum, Pat Strachota, David Halbrooks (via phone), Peg Lautenschlager

Staff present: David Buerger, Sharrie Hauge, Mike Haas

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

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

Staff Counsel David Buerger reported appropriate meeting notice was posted at the Commission offices, the Capitol, and on the agency website.

#### **C. Selection of Commission Chair and Other Officers**

Staff Counsel David Buerger presented the memo and asked for Commission feedback on the term of the Chairperson. Unanimous consent vote proposed by Commissioner Davis to have July 1 of the even-numbered year always be the start date of the new officers with an end date of June 30 of the odd-numbered year. Seconded by Commissioner McCallum. Motion carried unanimously.

Buerger reviewed the procedure for the Commission to determine the party of the Chairperson. No objections to the proposed procedure. Buerger then placed two slips of paper, one marked with a "D" and one marked with an "R" into a wicker basket, shook the basket, and drew a slip at random. The slip with a "D" was drawn indicating that the first chair should be selected from the Democratic Party.

Commissioner Halbrooks suggested the commissioners who are up in 2019 should be chair/vice chair. Buerger raised the point that if the chair is absent that would turn control over to the other

*Wisconsin Ethics Commissioners*

J. Mac Davis | David R. Halbrooks | Robert Kinney | Peg Lautenschlager | Katie McCallum | Pat Strachota

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*Administrator*  
Brian Bell

party for that meeting. Commissioner Halbrooks said he preferred both parties participate as officers during the two-year term.

**MOTION:** That Commissioner Lautenschlager be appointed Chair with Commissioner McCallum as vice-chair for the first two-year term. Moved by Commissioner Halbrooks and seconded by Commissioner Kinney. Motion carried unanimously.

Commissioner Lautenschlager began to chair the meeting.

Buerger raised the option of selecting a secretary to certify the minutes of the meeting. Commissioners discussed whether there is need for such an officer.

**MOTION:** To have the vice chair sign the meeting minutes. Moved by Strachota and seconded by Kinney. Motion carried unanimously.

D. Considering Compensation and Employment of an Administrator (**Closed Session**)

**MOTION:** Move into closed session pursuant to § 19.85(1)(c) to consider the compensation and employment of an administrator. Moved by Commissioner Kinney. Seconded by Commissioner McCallum. Motion carried unanimously.

19.85 (1) (c) The Commission may consider employment, promotion, compensation or performance evaluation data of any public employee over which it exercises responsibility.

The Commission recessed to closed session at 1:17 p.m. and returned to open session at 1:55 p.m.

E. Administrator Recruitment (**Open Session**)

**MOTION:** Hire Brian Bell as the Administrator at a salary of \$92,500. Moved by Commissioner Kinney and seconded by Commissioner Halbrooks. Motion carried unanimously.

F. Minutes of Previous Meetings

1. June 28, 2016

**MOTION:** Approve the minutes of the June 28, 2016 meeting as provided in the materials. Moved by Commissioner Strachota and seconded by Commissioner Kinney. Motion carried unanimously.

G. Agency Transition Update

No presentation, discussion, or questions from the Commission.

## H. Organizational Matters

### 1. Conduct of Meetings

Mr. Buerger highlighted the statutory requirements for the Commission as outlined in the memo in the materials and advised the Commission of some additional obligations imposed by 2015 Wisconsin Act 118. Per diems will be one full day per meeting unless otherwise authorized by the Commission.

Question by Commissioner Davis as to whether four votes are always required regardless of attendance. Buerger confirmed that four votes are required. Question by Commissioner Davis as to when the two month clock starts for the requirement to update guidance or start rulemaking due to a binding court decision. Buerger stated it would start when the decision is final and no appeals pending.

**MOTION:** Use the most recent version of Robert's Rules for the conduct of Commission meetings. Moved by Commissioner Davis and seconded by Commissioner Strachota.

#### Roll Call:

Davis – Aye

Halbrooks – No

Kinney – Aye

Lautenschlager – Aye

McCallum – Aye

Strachota – Aye

Motion carried.

### 2. Commissioner and Staff Roles

Commissioners Strachota and Davis indicated a preference for paper copies of meeting materials. The Commissioners also discussed how early they would like materials for a meeting. Commission would like materials at least 10 days ahead of the meeting.

Buerger inquired if the Commission would authorize delegation of authority for settlements at or below \$2,500 under Wis. Stat. § 19.49(2)(b)10. Commission indicated they would prefer to keep all settlements going through the Commission until they have a better sense of the level of activity. Ethics Specialist Adam Harvell indicated that staff has purposely delayed conducting audits until after July 1, and there are not many settlements in the pipe yet. Commission consensus to reassess this at the August meeting.

### 3. Memoranda of Understanding with Wisconsin Elections Commission

Buerger briefly reminded the Commission that MOUs need to be adopted, but that the draft MOUs in the materials are subject to amendments as requested by the Elections Commission. Commission consensus to consider the MOUs at the August meeting.

#### 4. Future Meeting Schedule

**MOTION:** Adopt the attached list of three meetings for 2016 as schedule for the Commission (August 23, October 18, December 6). Meetings will begin at 9:00 a.m. Moved by Commissioner Kinney and seconded by Commissioner Strachota. Motion carried unanimously.

Commissioner Davis asked that 2017 dates be preliminary decided at the August meeting.

#### I. Biennial Budget Preparations

Chief Administrative Officer Sharrie Hauge presented the memo in the materials to the Commission and explained the budget reconciliation process. Hauge reviewed the four staff recommendations for budget initiatives for the Commission to consider. Question from Commissioner Strachota about how the number for the investigation was determined. Hauge indicated that the figure came from prior year funding. Commissioner Davis questioned whether there was any averaging across multiple years because the number seemed excessively high. Hauge indicated that DOA gave us what we spent last year, but that if we do not use the money this year, it will lapse. Question from Chairperson Lautenschlager if the investigation budget could be used to pay for the identified shortfalls. Hauge indicated staff could request that from the Legislature. Chairperson Lautenschlager asked this be brought back to the Commission in August.

#### J. Future Agenda Items

Buerger presented the staff memo in the materials and indicated that prioritization would be required, but all items could be future agenda items. Commissioner Strachota would like staff to do a preliminary prioritization according to time and importance. Buerger reminded the Commission that the budget will need to be addressed at the August meeting.

#### K. Request for Advice under Chapter 11 (**Closed Session**)

**MOTION:** Move into closed session pursuant to § 19.85(1)(h) to consider a request for confidential written advice pursuant to § 19.46(2). Moved by Commissioner Strachota. Seconded by Commissioner McCallum. Motion carried unanimously.

5.05 (6a) and 19.85 (1) (h)      The Commission's deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session.

The Commission moved into closed session at 2:25 p.m.

**MOTION:** Continue the past practice of the Government Accountability Board and consider a salary paid to a candidate to be "strictly personal use" and prohibited under § 11.1208(2)(a). Direct staff to draft an informal opinion of the Commission for the inquiring party consistent with this motion. Moved by Commissioner Davis and seconded by Commissioner McCallum. Motion carried unanimously.

**MOTION:** Return to open session. Moved by Commissioner Kinney and seconded by Commissioner Strachota. Motion carried unanimously.

The Commission returned to open session at 2:45 p.m.

L. Adjourn

**MOTION:** Move to adjourn. Moved by Commissioner Kinney and seconded by Commissioner Strachota. Motion carried unanimously.

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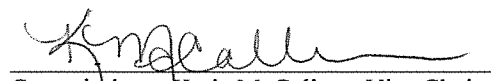
The next regular meeting of the Wisconsin Ethics Commission is scheduled for Tuesday, August 23, 2016, at the Commission office in Madison, Wisconsin beginning at 9:00 a.m.

July 11, 2016 Wisconsin Ethics Commission meeting minutes prepared by:

  
David Buerger, Staff Counsel

August 23, 2016

July 11, 2016 Wisconsin Ethics Commission meeting minutes certified by:

  
Commissioner Katie McCallum, Vice Chair

August 23, 2016

