

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

212 East Washington Avenue, Third Floor
Madison, WI 53703
Friday, December 22, 2017
Time: 10:30 a.m.

Agenda

- A. Call to Order
- B. Report of Appropriate Meeting Notice
- C. Modifications to CR 17-038 at the request of JCRAR Page 3
- D. Discussion of Letter from Senate Majority Leader Fitzgerald and Speaker Vos Page 5
- E. Future Meeting Dates and Agenda Items
- F. Personal Appearances
- G. The Commission will convene in Closed Session per the following Wisconsin Statutes Sections:
 - WIS. STAT. §§ 19.50 and 19.55 (3) no employee of the Commission may disclose information related to an investigation or prosecution under ch. 11, subchapter III of ch, 13, or ch. 19.
 - WIS. STAT. § 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
 - WIS. STAT. § 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and
 - WIS. STAT. § 19.851(2) the commission shall hold each meeting of the commission for the purpose of deliberating concerning an investigation of any violation of the law under the jurisdiction of the commission in closed session under this section.
- H. Adjourn



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

December 13, 2017

David Halbrooks, Chair
Wisconsin Ethics Commission
212 E. Washington Ave., Third Floor
P.O. Box 7125
Madison, WI 53707-7125

Katie McCallum, Vice Chair
Wisconsin Ethics Commission
212 E. Washington Ave., Third Floor
P.O. Box 7125
Madison, WI 53707-7125

Dear Chair Halbrooks and Vice Chair McCallum:

We are writing to notify you that on December 12, 2017 the Joint Committee for Review of Administrative Rules (JCRAR) held a public hearing on CR 17-038, relating to requests for written advice issued on behalf of the Ethics Commission.

Pursuant to s. 227.19 (5) (b) 2., Stats., JCRAR approved a motion requesting the Ethics Commission to consider modifications to the rule; and further, that if the commission does not provide written acceptance of the request to consider modifications, delivered to the JCRAR co-chairs by 12:00 p.m. on December 19, 2017, that pursuant to s. 227.19 (5) (d), Stats., the Committee objects to Clearinghouse Rule 17-038, on the grounds that the proposed rule is arbitrary and capricious and fails to comply with legislative intent. The motion requesting modifications was passed by 10-0 vote.

The JCRAR specifically requests that CR 17-038 be modified to include the Ethics Commission's internal policy on delegation of commission authority for staff to issue informal opinions in Administrative Code. State statute requires that each agency promulgate as a rule each statement of general policy and each interpretation of a statute that it adopts to govern its administration of that statute.

The Ethics Commission must notify the JCRAR co-chairs in writing whether the commission plans to consider modifications to CR 17-038, pursuant to s. 227.19 (5) (b) 2., Stats., by 12:00 p.m. on December 19, 2017.

Sincerely,



Senator Steve Nass
Co-Chair, JCRAR



Rep. Joan Ballweg
Co-Chair, JCRAR



December 14, 2017

The Honorable Steve Nass
Senator and Co-Chair, JCRAR
Sen.Nass@legis.Wisconsin.gov

The Honorable Joan Ballweg
Representative and Co-Chair, JCRAR
Rep.Ballweg@legis.Wisconsin.gov

Senator Nass and Representative Ballweg:

On behalf of Chair Halbrooks, Vice-Chair McCallum, and all the members of the Ethics Commission, thank you again for the opportunity to participate in the public hearing on December 12, 2017 regarding CR 17-038, relating to requests for written advice issued on behalf of the Ethics Commission.

In response to your later dated December 13, 2017 regarding the motion adopted by JCRAR regarding CR 17-038, the Chair and Vice-Chair are notifying the JCRAR co-chairs that the Ethics Commission hereby plans to consider modifications to CR-17-038, and specifically to include the Ethics Commissions internal policy on delegation of commission authority for staff to issue informal opinions in Administrative Code.

I would also like to share that the Ethics Commission staff, having been directed by the Chair and Vice-Chair to draft the requested modifications, will be, along with the Chair and Vice-Chair, recommending that the full Commission support the requested modification, and immediately message that modification to JCRAR for review pursuant to Wis. Stat. 227.19(5)(b) 2.

Again, thank you for the opportunity to speak with the committee and work collaboratively on CR 17-038. Please confirm that you have received this requested written notice in advance of the 12:00 pm on December 19, 2017 deadline. I am providing this written response by email to the co-chairs and will hand-deliver a hard copy of the letter to each of your offices as soon as practicable.

Sincerely,

Brian M. Bell, MPA
Commission Administrator



Wisconsin State Legislature

December 14, 2017

Administrator Bell:

The recent revelations made by the Department of Justice about the John Doe investigation have been deeply concerning.

The voting public must have faith that the watchdog agency of ethics in government can be run without any tint of partisanship, and our creation of the bipartisan commission, in which both political parties are represented equally, was a positive step in that direction.

Unfortunately, due to past errors in judgment by leadership and staff at the recently-disbanded Government Accountability Board, there are still widespread concerns over partisan influence remaining at the top of the Ethics Commission. You have lost the confidence of our caucuses to be an impartial administrator.

Therefore, we believe that it would be appropriate at this time for you to tender your resignation to the Ethics Commission board.

Sincerely,

Handwritten signature of Scott Fitzgerald in black ink.

Scott Fitzgerald
Senate Majority Leader

Handwritten signature of Robin Vos in black ink.

Robin Vos
Speaker of the Assembly

cc: Ethics Commission Chairman David Holbrooks