

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

Teleconference Meeting

Public attendance and appearances by Zoom or call in only: [join Zoom meeting](#) or dial in (312) 626-6799, meeting ID: 963 8910 3721 passcode: 930 145

To request a personal appearance, email ethics@wisconsin.gov by 5:00 p.m. on 2/19

Tuesday, February 23, 2021, 9:00 a.m.

Open Session Agenda

- A. Call to Order
- B. Report of Appropriate Meeting Notice – Administrator
- C. Approval of Minutes of Prior Meetings
 - 1. Open Session Minutes for Meeting on December 8, 2020 Page 3
- D. Personal Appearances via Teleconference
- E. Late Filing Campaign Finance Reports – Adjusted Standard Settlements Page 7
- F. Staff Report Page 9
- G. Consideration of Future Agenda Items
- H. Closed Session
 - 1. Requests for Advice
 - 2. Complaints and Investigations
- I. Adjourn

Future Ethics Commission Meetings Scheduled:

- Tuesday, May 11, 2021 at 9:00 AM
- Tuesday, July 27, 2021 at 9:00 AM
- Tuesday, October 12, 2021 at 9:00 AM
- Tuesday, December 14, 2021 at 9:00 AM

The Ethics Commission will convene in open session but may move to closed session under WIS. STAT. § 19.85(1)(c), (g), (h), or WIS. STAT. § 19.851. This notice is to inform the public that the Commission intends to convene in open session, but may move to closed session. The Commission plans to return to open session following that closed session, as outlined in the above agenda. WIS. STAT. § 19.85(2).

WIS. STAT. §§ 19.50 & 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) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

(g) Conferring 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.

(h) Consideration of requests for confidential written advice from the elections commission under s. 5.05 (6a) or the ethics commission under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

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.



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
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(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

Wisconsin Ethics Commission

Teleconference
December 8, 2020
9:00 a.m.

Open Session Minutes

Present: David Halbrooks, Pat Strachota, Paul Connell, Mac Davis, Scot Ross, and Timothy Van Akkeren

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

A. Call to Order

Commission Chair David Halbrooks called the meeting to order at 9:03 a.m.

B. Report of Appropriate Meeting Notice – Administrator

Commission Administrator Daniel Carlton notified the Commission appropriate meeting notice had been provided to the public and news media.

C. Approval of Minutes of Prior Meetings

1. Open Session Minutes for Meeting on October 13, 2020

MOTION: To approve the minutes. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

D. Personal Appearances via Teleconference

There were no appearances by members of the public in open session.

E. Guideline ETH-1223 Review

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

MOTION: To adopt the guideline as presented by staff. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

Wisconsin Ethics Commissioners

Paul Connell | Mac Davis | David R. Halbrooks | Scot Ross | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.

F. Delegation of Authority for Administrator to Offer Certain Settlements

Administrator Daniel Carlton presented the memo on page 13 of the meeting materials.

The Commission and staff discussed the proposed delegation of authority for offering settlements. The Commission discussed regular reports from staff on standard settlements issued, and reviewing the process again in a few months to discuss how it is going.

MOTION: To adopt the policy as relates to standard settlement offers by the Administrator. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

G. FY21 Lapse Plan

Administrator Daniel Carlton presented the memo on page 17 of the meeting materials.

The Commission and staff discussed the plan, and concerns for the budget and lapse amount. Staff will continue to provide updates to the Commission on the plan for the rest of the fiscal year. The Commission took no action on this item.

H. Staff Report

Administrator Daniel Carlton presented the report on page 19 of the meeting materials.

The Commission took no action on this item.

I. Consideration of Future Agenda Items

The Commission did not discuss any future agenda items.

J. Closed Session

MOTION: To go into closed session to discuss requests for advice, complaints, and investigations. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously

- 1. Requests for Advice**
- 2. Complaints and Investigations**

K. Adjourn

MOTION: To adjourn the meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

Meeting adjourned at 2:11 p.m.

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December 8, 2020 Wisconsin Ethics Commission meeting minutes prepared by:

Julie Nischik, Office Management Specialist

February 23, 2021

December 8, 2020 Wisconsin Ethics Commission meeting minutes certified by:

Pat Strachota, Vice Chair

February 23, 2021



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DATE: For the Commission Meeting on February 23, 2021
TO: Members, Wisconsin Ethics Commission
FROM: Richard Bohringer, Ethics Specialist
SUBJECT: Late Filing Campaign Finance Reports – Adjusted Standard Settlements

FOR COMMISSION ACTION

1. In addition to the authorization given to the Administrator at the December 8, 2020 meeting, does the Commission authorize Administrator to adjust the standard settlement to ½ the standard amount for committees filing No Activity, or if the committee has requested termination?

At its meeting on December 8, 2020, the Commission authorized the Administrator to issue settlements for late filed finance reports in accordance with the standard settlement schedule. In previous filing periods, the Commission has adjusted the settlement amount to ½ the standard amount if the committee filed No Activity for the filing period, or the committee requested termination. Does the Commission want to authorize the Administrator to continue this practice on its behalf? Alternatively, does the Commission want these matters brought to the Commission for a determination?

For your reference, the following is the standard settlement schedule for the Continuing reports:

Days Late	1 st Offense	2 nd or Greater Offense
1 to 30 days late	Warning	Warning
31 to 60 days late	\$100	\$200
61 to 90 days late	\$200	\$300
91 to 120 days late	\$300	\$400
More than 120 days	\$500	\$500

For your reference, the following is the standard settlement schedule for Pre-Primary, Pre-Election or Post-Election reports:

Days Late	Standard Settlement
1 day late	\$100
2 days late	\$150
3 days late	\$200
additional days late	+\$50 per day
9 or more days late	Max. \$500

Wisconsin Ethics Commissioners

Paul Connell | Mac Davis | David R. Halbrooks | Scot Ross | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.



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DATE: For the Commission Meeting on February 23, 2021

TO: Members, Wisconsin Ethics Commission

FROM: Ethics Commission Staff

SUBJECT: Ethics Commission Staff Report

Commission Administration

E-Payment for Campaign Finance Filing Fees

Ethics Commission staff worked with WIN to launch the online payment option for filing fees on December 15, 2020. The launch was a success! The Commission has received 260 of the 378 (69%) of the campaign finance filing fee payments to date online. The Commission continues to accept checks as payment.

Administrative Rules

The Commission's amendments to ETH 1 (CR#20-010) and ETH 26 (CR#20-019) have both been referred to the respective Senate and Assembly committees for review. Each committee has 30 days to review the rule unless the chairperson requests a meeting with the agency to review the proposed rule or the committee decided to hold a meeting or hearing to review the proposed rule and sends notice to the agency. As of the drafting of this memo, Commission staff has received no such requests or notices. Upon expiration of the Senate and Assembly committee review period, the rule will proceed to the Joint Committee for Review of Administrative Rules.

Ethics Commission staff continue to work on additions to ETH 21 – Practice and Procedure, regarding the process to be used for complaints and requests for advisory opinions received by the Commission.

Ethics Commission staff also are working to prepare and submit the Commission's biennial report to the Legislature regarding rules that are unauthorized, rules for which the authority to promulgate the rules have been restricted, rules that are obsolete or have been rendered unnecessary, rules that are duplicative, and rules that the agency determines are economically burdensome. The report is due by March 31, 2021, and staff will submit the report before that deadline. If CR 20-010 is promulgated by that point, there will be nothing to report. If the rule is still pending in the Legislature, staff expect that only the provisions to be amended within that rule would be identified as obsolete or duplicative in the report.

Training

Staff Counsel presented a training for newly elected district attorneys as part of the Statewide Prosecutors Education and Training Program on December 7, 2020. The Administrator also presented a training for the newly elected legislators as part of the New Legislators Institute on December 9, 2020. As of the drafting of this memo Staff Counsel is also scheduled to provide a brief training to the members of the Group Insurance Board at its meeting on February 17, 2021.

Campaign Finance

January Continuing 2021

All registered committees not claiming exemption were required to file the January Continuing 2021 report by January 15, 2021. There were 978 total committees that filed by January 15, 2021 (92.8%). An additional 26 committees filed after January 15 (2.5%). There are 49 committees that still have not filed (4.7%) at the time of this memo.

Lobbying

Planned launch of the new lobbying website was November 6, 2020. Due to COVID-19 delays, the launch will be delayed to 2021. Staff continues to evaluate when the ideal launch time will be. In addition to making sure that the website is ready to go live, staff is also considering the time necessary to train the lobbying community, filing deadlines, and that the budget process is one of the times where the most lobbying activity occurs.

2019-2020 Legislative Session

The session ended with 818 lobbying principals registered, 708 lobbyists licensed, and 1,797 lobbyist authorizations.

Statutes require each lobbying principal to submit a Statement of Lobbying Activities and Expenditures (SLAE) twice a year. The July – December 2020 SLAE was due on February 1, 2021, as the original deadline of January 31, 2021, fell on a Sunday. All lobbying principals filed the SLAE within two business days of the deadline, which means the Commission does not need to seek any enforcement action under the standard settlement schedule. This is the first time that the Commission has not needed to seek enforcement action for late SLAE's since its creation in 2016.

Staff will prepare an overview of compliance during the 2019-2020 Legislative Session for the next Commission meeting in May.

2021-2022 Legislative Session

Registration for the 2021-2022 Legislative Session began on December 1, 2020. As of February 3, 2021, there are 668 lobbying principals registered, 530 lobbyists licensed, and 1,359 lobbyist authorizations. Approximately 85.5% of all lobbying fees were paid electronically, compared to 70% during the same time period for the previous session.

Legislative Liaison Reporting

The 6-month legislative liaison report was due January 31, 2021. As of February 8, four reports were still outstanding. Staff will continue to follow up with the appropriate agency contacts until all reports are filed.

Code of Ethics and Financial Disclosure

Statements of Economic Interests (SEIs)

As of February 8, 2021, there were 2,332 total state public officials required to file an SEI for 2021. Notices went out in December and January, and all filers received notices by January 13th. There were 185 newly elected officials who were sworn in on January 4th and required to file their SEI by January 25th. As of February 8th, all but one of those SEIs had been filed. The deadline to file without penalty is February 9th.

State of Wisconsin Investment Board Quarterly Reports

The 2020 fourth quarter reports were due by February 1, 2021. All but 2 of the 63 SWIB filers filed by the deadline. As of February 8th, only one report was outstanding. Staff will continue to follow up with that individual and SWIB staff until the last report is filed. The next quarterly reports will be due by April 30th, covering January 1st to March 31st.

