

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Ethics Commission

101 E Wilson Street, St. Croix Room
Madison, Wisconsin

Tuesday, July 27, 2021, 9:00 a.m.

Open Session Agenda

- | | |
|---|---------|
| A. Call to Order | |
| B. Report of Appropriate Meeting Notice – Administrator | |
| C. Introduction of New Commissioner | |
| D. Approval of Minutes of Prior Meetings | |
| 1. Open Session Minutes for Meeting on May 11, 2021 | Page 3 |
| E. Personal Appearances | |
| F. Statement of Economic Interest Legislative Recommendations | Page 5 |
| G. 2022 Commission Meeting Schedule | Page 9 |
| H. Reconsideration of October 2021 Meeting Date | Verbal |
| I. Staff Report | Page 11 |
| J. Consideration of Future Agenda Items | |
| K. Closed Session | |
| 1. Requests for Advice | |
| 2. Complaints and Investigations | |
| 3. Consideration of Licensure Revocation | |
| 4. Personnel Matters | |
| L. Final Action on Lobbyist License Revocation (if needed) | Verbal |
| M. Adjourn | |

Future Ethics Commission Meetings Scheduled:

- 9:00 AM on Tuesday, October 12, 2021
- 9:00 AM on Tuesday, December 14, 2021

The Ethics Commission will convene in open session but may move to closed session under WIS. STAT. § 19.85(1)(b), (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 & 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) 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:

- (b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken.
- (c) Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- (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

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101 East Wilson Street | Suite 127 | P.O. Box 7125 | Madison, WI 53707-7125
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

Wisconsin Ethics Commission

101 East Wilson Street, St. Croix Room
Madison, Wisconsin
May 11, 2021
9:00 a.m.

Open Session Minutes

Present: Paul Connell, Awais Khaleel, Scot Ross, Pat Strachota, Timothy Van Akkeren, and David Wambach. Paul Connell appeared via phone.

Staff Present: Daniel Carlton, David Buerger, Caroline Russell

A. Call to Order

Commission Vice Chair Pat Strachota called the meeting to order at 9:06 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. Introduction of New Commissioners

Commissioners Khaleel and Wambach introduced themselves to the Commission, staff, and the public.

D. Selection of New Chair to fill Remainder of Term (July 1, 2022)

Administrator Daniel Carlton provided background information on how the Commission has chosen the chairperson.

MOTION: To nominate Commissioner Khaleel as Chair. Moved by Vice Chair Strachota, seconded by Commissioner Ross. Motion carried unanimously.

Vice Chair Strachota continued to chair the meeting.

E. Approval of Minutes of Prior Meetings

1. Open Session Minutes for Meeting on February 23, 2021

Wisconsin Ethics Commissioners

Paul Connell | Awais Khaleel | Scot Ross | Pat Strachota | Timothy Van Akkeren | David Wambach

Administrator

Daniel A. Carlton, Jr.

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

F. Personal Appearances

There were no personal appearances.

G. Staff Report

Administrator Daniel Carlton presented the memo on page 7 of the meeting materials.

H. Consideration of Future Agenda Items

The Commission did not discuss any future agenda items.

I. Closed Session

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

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

J. Adjourn

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

Meeting adjourned at 1:29 p.m.

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May 11, 2021 Wisconsin Ethics Commission meeting minutes prepared by:

Caroline M. Russell, Ethics Specialist

July 27, 2021

May 11, 2021 Wisconsin Ethics Commission meeting minutes certified by:

Awais Khaleel, Chair

July 27, 2021



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

DATE: For the Commission Meeting on July 27, 2021
TO: Members, Wisconsin Ethics Commission
FROM: Adam Harvell, Ethics Specialist
SUBJECT: Adoption of Additional Legislative Recommendations

FOR COMMISSION ACTION

The Commission may:

1. Adopt one of the additional legislative recommendations;
2. Adopt a modified version of one of the legislative recommendations; or
3. Not adopt an additional legislative recommendation.

I. Introduction

At the February Commission meeting, the Commissioners considered a request for a waiver allowing an official to exclude the street address of a vacation home from Section #5 of the Statement of Economic Interests. The official cited safety concerns with disclosing an address after recent events involving threats of violence to elected officials at their work or residences. During that discussion, the Commissioners asked staff to present an item for consideration at a later meeting discussing whether all officials should be exempt from reporting street addresses of vacation and recreational property. This would make real estate that is not rented to others, and not used for income-producing or commercial purposes, follow the same rules as primary residences, since the statutes already exempt officials from reporting the street address of their primary residence.

II. Discussion

The form of the Statement of Economic Interests (SEI) is codified by [Wis. STAT. § 19.44](#). Officials must report:

19.44 (d) The real property located in this state in which the individual who is required to file or such individual's immediate family holds an interest, other than the principal residence of the individual or his or her immediate family, and the nature of the interest held. An individual's interest in real property does not include a proportional share of interests in real property if the

Wisconsin Ethics Commissioners

Paul Connell | Awais Khaleel | Shauntay Nelson | Pat Strachota | Timothy Van Akkeren | David Wambach

Administrator

Daniel A. Carlton, Jr.

individual's proportional share is less than 10 percent of the outstanding shares or is less than an equity value of \$5,000.

The statute does not specify that the individual should report the street address of the real property. The instructions on the SEI form asks for "the specific location of Wisconsin real estate..." which leads many people to list a street address. But in the case of hunting land and other undeveloped property, a street address is not always available, so officials may list just a road or intersection, or coordinates from the county's Geography Information System (GIS) database. Even this level of specificity may be enough to cause privacy and safety concerns.

Exclusion of some addresses from the SEI could alleviate some confidentiality concerns raised by other government regulations. For example, the Dane County GIS system allows users to search by the last name of the property owner and find an address, but it also allows property owners to request that their name be excluded from the search. Allowing an official not to disclose an address on the SEI would allow for full confidentiality, at least in some counties. The state also has a "Safe at Home" law which allows victims of abuse and those that fear for their safety to substitute an address assigned by the Department of Justice for their actual address for all state and local governmental purposes. See [WIS. STAT. § 165.68](#). However, this statute only mentions residential, school, and work addresses, not vacation or recreational property. Allowing an official not to disclose the addresses of vacation and recreational property, at least on the SEI, might further alleviate some safety concerns.

Any change to the reporting requirements on the SEI should keep in mind the primary purpose of the SEI – to make the officials themselves aware of and able to avoid potential conflicts of interests, and also make the public aware of these conflicts, so officials can be held accountable if they violate the Ethics Code. The Commission should balance officials' safety concerns with the need for disclosure and consider whether a less specific reporting requirement may alleviate officials' concerns. The Commission may decide to that requiring only a general description like the property's municipality and county may best balance those concerns. It may also decide that the best option would be no disclosure at all, which would match the current level of disclosure required for personal residences.

Finally, it should be noted that there are requirements in WIS. STATS. [§ 19.44\(a\)](#) and [\(f\)](#) which may require reporting of commercial property in Section #2. The instructions on the current SEI form say "If no business or trade name, list the address or fire number where the enterprise is located." Commercial property does not usually have the same privacy or safety concerns as a private residence or vacation property. Therefore, the Commission may wish to continue considering requests for waivers concerning reporting of commercial property on an individual basis.

III. Commission Action

Does the Commission wish to:

- 1) Ask the Legislature to change the current statute to specify that vacation and recreational property, like the official's primary residence, does not need to be reported? Sample language:

19.44 (d) The real property located in this state in which the individual who is required to file or such individual's immediate family holds an interest, and the nature of the interest held. **The principal residence of the individual or his or her immediate family, and real estate used for personal recreational and vacation purposes that does not produce**

income, is exempt from this requirement. An individual's interest in real property does not include a proportional share of interests in real property if the individual's proportional share is less than 10 percent of the outstanding shares or is less than an equity value of \$5,000.

- 2) Ask the Legislature to change the current statute to specify that vacation and recreational property should be reported by municipality and county only, without requiring a specific address or location? Sample language:

19.44 (d) The real property located in this state in which the individual who is required to file or such individual's immediate family holds an interest, other than the principal residence of the individual or his or her immediate family, and the nature of the interest held. **Real estate used for personal recreational and vacation purposes that does not produce income may be reported by the nature of the property and list the municipality and county only.** An individual's interest in real property does not include a proportional share of interests in real property if the individual's proportional share is less than 10 percent of the outstanding shares or is less than an equity value of \$5,000.

- 3) Ask the Legislature to implement some other language?
- 4) Make no recommendation at all?



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DATE: For the July 27, 2021, Meeting
TO: Members, Wisconsin Ethics Commission
FROM: Daniel A. Carlton, Jr., Administrator
SUBJECT: Commission Meeting Dates for Calendar Year 2022

FOR COMMISSION ACTION

The Commission may:

1. Adopt the schedule discussed herein; or
2. Adopt a different schedule in accordance with today's discussion.

The Ethics Commission has not determined its schedule for calendar year 2022. Staff examined known election dates, filing deadlines, and other important dates for that year. After considering the information available, staff proposes the following meeting dates for the year 2022:

Commission Meeting Date	Materials Deadline ¹
March 15, 2022	March 1, 2022
June 28, 2022	June 14, 2022
August 30, 2022	August 16, 2022
October 18, 2022	October 4, 2022
December 13, 2022	November 29, 2022

Attachment: 2022 Important Dates Calendar

¹ While there is no statutory requirement to provide materials to the Commissioners by a particular time, staff practice has been to send meeting materials to the Commission members approximately two weeks prior to the next meeting. These dates are subject to change and are provided for reference only. If an alternate meeting date is suggested, it is important to also consider any events occurring two weeks prior to the alternate date.

Ethics Commission 2022 Calendar

Calendar for year 2022 (United States)



January

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2	3	4	5	6	7	8
9	10	11	12	13	14	15
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30	31					

February

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August

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November

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December

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- Jan 17** ● Dr. MLK Jr. Day
- Jan 18** ● January Continuing due
- Jan 31** ● SLAE due
- Feb 7** ● Spring Pre-Primary Report due
- Feb 15** ● Primary Election
- Mar 28** ● Spring Pre-Election Report due
- Apr 5** ● General Election
- Apr 17** ● Easter
- May 2** ● SEI - Annual Filers
- May 30** ● Memorial Day
- Jun 1** ● Nominations Papers due
- Jun 6** ● Candidate SEIs due
- Jul 4** ● Independence Day
- Jul 15** ● July Continuing due
- Aug 1** ● Fall Pre-Primary Report due
- Aug 1** ● SLAE due
- Aug 9** ● Primary Election
- Sep 5** ● Labor Day
- Sep 27** ● September Report due
- Oct 31** ● Fall Pre-Election Report due
- Nov 8** ● General Election
- Nov 24** ● Thanksgiving
- Dec 26** ● Christmas Observed



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DATE: For the Commission Meeting on July 27, 2021
TO: Members, Wisconsin Ethics Commission
FROM: Ethics Commission Staff
SUBJECT: Ethics Commission Staff Report

Commission Administration

Office Management Specialist

Sathya Sivaji is the Commission's new Office Management Specialist. She joined our team on June 7, 2021. She was previously employed at the Department of Corrections and the Department of Administration. In her first month she has completed the agency's Pay Plan Supplement, finalized contracts with vendors for the new fiscal year, and has begun navigating the fiscal year budget close-out process. We are excited to have her as a member of the team!

Administrative Rules

The Commission's amendments to ETH 1 (CR#20-010) and ETH 26 (CR#20-019) were both sent to the Legislative Reference Bureau for final publication on May 27, 2021. The rules were published on June 28, 2021, and became effective July 1, 2021.

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.

Training

Staff Counsel presented a training on campaign finance at the 2021 Municipal Clerks and Treasurers Institute on July 12, 2021. The class was attended by approximately 227 students.

Future scheduled trainings include: a legislative ethics training on dates in August and September, a presentation at the Wisconsin Municipal Clerks Association's annual conference in Brookfield on August 26, 2021, and an ethics training for the State of Wisconsin Investment Board's Board of Trustees on September 15, 2021.

Wisconsin Ethics Commissioners

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Administrator

Daniel A. Carlton, Jr.

Campaign Finance

Post-Election Special 2021 (13th Senate/89th Assembly)

All six candidates for the Special Elections in the 13th Senate and 89th Assembly Districts filed their report. Five of the six filed by the deadline and one was three days late. Seventy-three other committees supported or opposed these candidates, and they filed the Post-Election report. The report was due forty-five days after the election, on May 21, 2021.

Special Election Assembly District 37

There were ten candidates registered for the Special Election in the 37th Assembly District. The Pre-Primary report was due June 7, 2021. The seven candidates on the Primary Ballot which did not claim the filing exemption filed this report on time. These seven candidates were also required to file a Pre-Election report by July 6, 2021. All seven candidates filed the report, with one candidate filing one day late.

July Continuing 2021

All registered committees that have not claimed the exemption from filing finance reports are required to file a July Continuing 2021 report by July 15, 2021. There were 966 committees required to file this report. At the time of drafting this report, committees are actively filing their reports. Staff has responded to numerous emails and phone calls to assist committees in filing the reports.

Post – Election Special 2021 – 37th Assembly

All candidates in the 37th Assembly Special Election along with the committees that supported or opposed them will be required to file a Post-Election report by August 27, 2021. That report will cover all activity from July 1, 2021-August 4, 2021.

Audits

After the July Continuing reports are filed, staff will begin a series of audits, checking for compliance with reported cash balances, contribution limits for the fall 2020 candidates, and complete addresses and occupations.

Lobbying

2021-2022 Legislative Session

As of July 12, 2021, there are 612 lobbyists licensed, 773 principals registered and 1,613 lobbyist authorizations.

Statutes require each lobbying principal to submit a Statement of Lobbying Activities and Expenditures (SLAE) twice a year. The statutory deadline, July 31, 2021, falls on a Saturday. Therefore, the deadline is moved to the next succeeding day that is not a Sunday. [WIS. STAT. §](#)

[990.001\(4\)\(c\)](#). The next SLAE covering January-June 2021 will be due on Monday, August 2, 2021.

Lobbying Website

Staff is currently working with the UW-Madison Department of Information Technologies developer to finish the last portion of the lobbying website: the public-facing side. Over the next month or so, we will conduct final beta testing. Once that is done, we will proceed to launch.

Legislative Liaison Reporting

The next 6-month legislative liaison report is due August 2, 2021.

Code of Ethics and Financial Disclosure

Statements of Economic Interests (SEIs)

Elected officials sworn in for a new term in January 2021 filed their SEIs by January 25, 2021. The remaining annual filers had their SEIs due by April 30, 2021. Out of 2,242 state public officials, 2,130 filed by the April 30, 2021, deadline. 107 officials filed between May 1 and May 17, 2021, the last day to file without penalty. Of the remaining five filers, only one had not filed as of July 12, 2021. Staff will continue to follow up until all SEIs are filed.

State of Wisconsin Investment Board Quarterly Reports

The 2021 first quarter reports were due by April 30, 2021. All SWIB filers filed within the grace period and their reports have been transferred to the Legislative Audit Bureau. The 2021 second quarter reports are due by August 2, 2021.

