

Wisconsin Ethics Commission

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

Tuesday, December 14, 2021, 9:30 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 October 7, 2021 Page 3
- D. Personal Appearances
- E. Adoption of Updated Organizational Chart Page 7
- F. Staff Report Page 9
- G. Recess to Attend Senate Committee Hearing*
- H. Consideration of Future Agenda Items
- I. Closed Session
 - 1. Requests for Advice
 - 2. Complaints and Investigations
- J. Adjourn

*Notice is hereby given that a quorum of the Wisconsin Ethics Commission is expected to be present at the meeting of the Senate Committee on Elections, Election Process Reform, and Ethics scheduled for December 14, 2021, at 10:00 a.m. This meeting will be held at the State Capitol in Room 411 South. The Commissioners are attending to observe and gather information about pending campaign finance, lobbying, and ethics legislation. These are subjects over which the Commission has decision-making responsibility. This constitutes a meeting of the Wisconsin Ethics Commission pursuant to *State ex rel. Badke v. Greendale Village Bd.*, 173 Wis.2d 553, 494 N.W.2d 408 (1993), and must be noticed as such. However, the Wisconsin Ethics Commission will not take any formal action at this meeting. After the committee meeting, the Commission will return to the St. Croix Room at 101 E. Wilson Street to continue the agenda described above. Once Closed Session is complete, the Commission will return to Open Session in order to adjourn.

Future Ethics Commission Meetings Scheduled:

- Tuesday, February 22, 2022, at 9:00 AM
- Tuesday, June 28, 2022, at 9:00 AM
- Tuesday, August 30, 2022, at 9:00 AM
- Tuesday, October 18, 2022, at 9:00AM

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:

(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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Wisconsin Ethics Commission

101 East Wilson Street, St. Croix Room
Madison, Wisconsin
October 7, 2021
9:00 a.m.

Open Session Minutes

Present: Awais Khaleel, Pat Strachota, Timothy Van Akkeren, and David Wambach.

Staff Present: Daniel Carlton, David Buerger, Sathya Sivaji, Colette Greve, Richard Bohringer, and Caroline Russell.

A. Call to Order

Commission Chair Awais Khaleel called the meeting to order at 9:04 a.m.

B. Report of Appropriate Meeting Notice

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 July 27, 2021

MOTION: To approve the minutes. Moved by Vice Chair Strachota, seconded by Commissioner Van Akkeren. Motion carries unanimously.

Chair Khaleel noted that Commissioners Connell and Nelson are absent, but that a quorum is still reached and all motions will need to be unanimous amongst the four members present to pass.

D. Personal Appearances

There were no personal appearances.

E. Commission Complaint Process

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

Wisconsin Ethics Commissioners

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

Administrator

Daniel A. Carlton, Jr.

MOTION: Consistent with pages seven to twelve of the meeting materials, the Commission approves staff preparing determinations with the understanding that the verbiage will always be approved by the Commission prior to written execution of the document and provided on a case-by-case basis. Moved by Commissioner Wambach, seconded by Commissioner Van Akkeren. Motion carries unanimously.

F. 2021 Annual Report

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

MOTION: Adopt the policies as written in the 2021 Annual Report. Moved by Commissioner Van Akkeren, seconded by Commissioner Wambach. Motion carries unanimously.

MOTION: Adopt the 2021 Annual Report as presented and allow staff to fix any minor errors if they exist, before submission to the Governor and Legislature. Moved by Commissioner Wambach, seconded by Commissioner Van Akkeren. Motion carries unanimously.

G. Staff Report

Administrator Daniel Carlton presented the staff report on page 99 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, and personnel matters. Moved by Commissioner Wambach. Seconded by Commissioner Van Akkeren. Motion carries unanimously.

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

J. Adjourn

MOTION: To adjourn the meeting. Moved by Commissioner Van Akkeren, seconded by Vice Chair Strachota. Motion carries unanimously.

Meeting adjourned at 1:05 p.m.

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October 7, 2021, Wisconsin Ethics Commission meeting minutes prepared by:

Sathya Sivaji, Office Management Specialist

December 14, 2021

October 7, 2021, Wisconsin Ethics Commission meeting minutes certified by:

Pat Strachota, Vice Chair

December 14, 2021



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DATE: For the Commission Meeting on December 14, 2021
TO: Members, Wisconsin Ethics Commission
FROM: Daniel A. Carlton, Jr., Administrator
SUBJECT: Organizational Chart Approval

FOR COMMISSION ACTION

For this agenda item, the Commission may:

1. Approve the organizational chart as drafted; or
2. Recommend changes to the organizational chart.

State agencies are required to maintain an accurate, up to date organizational chart. Normally, when we have a change within a specific position, I can simply replace the name without Commission action being necessary. For example, when the prior Office Management Specialist left and we hired Sathya Sivaji to replace her, I simply deleted the predecessor's name and inserted Sathya Sivaji.

Recently, Colette Greve's position was converted from an Ethics Specialist to Deputy Administrator. This change results in a new organizational structure. While the Commission was already aware of, and has approved of the new deputy administrator position, I felt it best to present the new organizational chart to the Commission for its final approval. The attached draft has been reviewed by our Human Resources contact. She provided no feedback that indicated any changes were necessary. The draft organizational chart is attached for your review.

Enclosures: Draft Organizational Chart

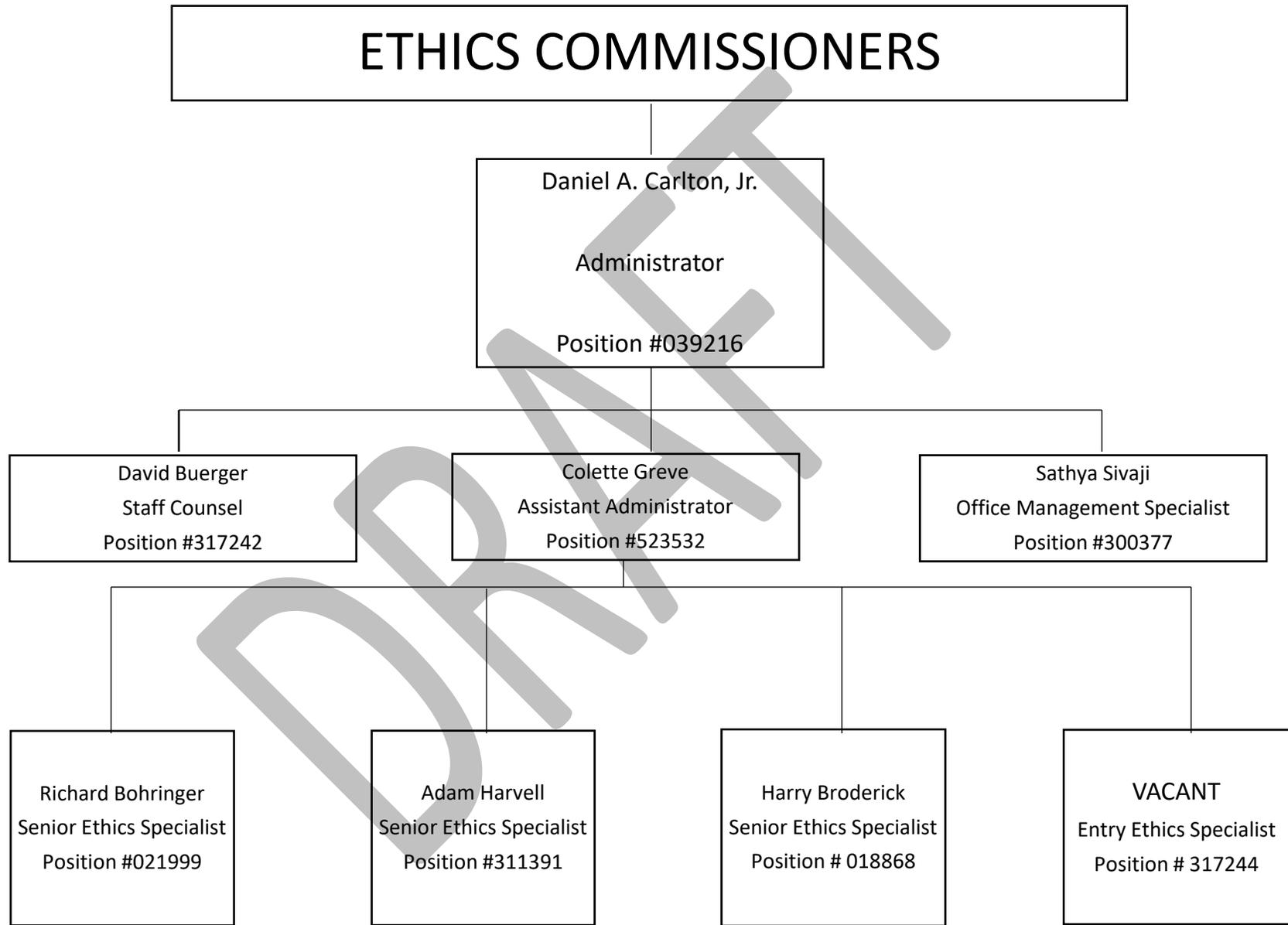
Wisconsin Ethics Commissioners

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

Administrator

Daniel A. Carlton, Jr.

ETHICS COMMISSION ORGANIZATIONAL CHART*



*Pending Commission approval at its meeting on December 14, 2021



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DATE: For the Commission Meeting on December 14, 2021

TO: Members, Wisconsin Ethics Commission

FROM: Ethics Commission Staff

SUBJECT: Ethics Commission Staff Report

Commission Administration

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.

Request for Attorney General Opinion – Exemption from Campaign Finance Reporting

At its meeting on August 18, 2020, the Commission directed staff to submit proposed legislation as well as a request to the Wisconsin Department of Justice for an opinion of the Attorney General regarding the issues it identified with WIS. STAT. § 11.0104, which governs the exemption from campaign finance reporting. On October 20, 2021, Commission staff were notified that the Department of Justice is declining to issue the opinion requested because they believe the statute is clear. However, the Legislature is now considering the Commission’s recommended changes to this statute in Senate Bill 718.

Entry Ethics Specialist Recruitment

As the Commission is aware, one of the Ethics Specialist positions was recently vacated. As of the writing of this memo, staff has reviewed applicants and conducted interviews. Staff anticipates making a hire soon. Due to HR rules and policies, the successful candidate will join the team in January 2022.

Campaign Finance

No new reports were required to be filed since the last meeting. The next required finance report will be the January Continuing 2022, which is required to be filed by all registered committees not claiming the exemption.

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Administrator

Daniel A. Carlton, Jr.

Audits

Staff conducted the missing contribution/disbursement information audit query and the anonymous contribution audit query. Staff sent notices to committees identified as not in compliance regarding anonymous donations, and those lacking occupations, and complete addresses, on August 23, 2021. Committees had 30 days (September 22), to amend their reports to provide the missing information or to provide an explanation why there is no violation of the applicable law. Consistent with the authority delegated to the Administrator to offer standard settlements, a standard settlement offer was sent to those who are unable to resolve their issues before September 22, 2021. Staff will be conducting the cash balance audit in December for all reports filed through the July Continuing 2021. Committees will have 30 days to amend the reports to resolve the discrepancies. Committees unable to resolve the discrepancies within 30 days will be issued a standard settlement offer, consistent with the authority delegated to the Administrator.

Lobbying

2021-2022 Legislative Session

As of December 1, 2021, there are 632 lobbyists licensed, 807 principals registered and 1,657 lobbyist authorizations.

The next SLAE covering July-December 2021 will be due on Monday, January 31, 2022.

Lobbying Website

Staff is still working through internal testing of the new lobbying website. On December 2, 2021, staff met with a couple members of the lobbying community to get their feedback on the new website prior to its launch. Staff will continue internal testing and fixing issues identified in testing. Staff is looking at a potential launch in early spring of 2022.

Legislative Liaison Reporting

The next 6-month legislative liaison report is due January 31, 2022.

Code of Ethics and Financial Disclosure

Statements of Economic Interests (SEIs)

As of November 23rd, 2869 officials have filed SEIs for 2021. Candidates for the Spring Election will begin filing their 2022 SEIs on December 1, 2021, with a deadline of January 7, 2022. Notices to reserve judges, who have to file within 21 days of taking a case, will go out approximately December 15, 2021. Notices to all annual filers will be sent during the second week of January, and the due date will be Monday, May 2, 2022.

State of Wisconsin Investment Board Quarterly Reports

The 2021 third quarter reports were due by October 31, 2021. All SWIB filers filed within the grace period and their reports have been transferred to the Legislative Audit Bureau. The 2021 fourth quarter reports will be due by January 31, 2022.

