



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
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Wisconsin Ethics Commission

101 E. Wilson Street
St. Croix Room
Madison, Wisconsin
February 25, 2020
9:00 a.m.

Open Session Minutes

Present: Pat Strachota, Tamara Packard, Paul Connell, Mac Davis, David Halbrooks, and Timothy Van Akkeren

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

A. Call to Order

Commission Chair Pat Strachota called the meeting to order at 9:03 a.m.

B. Report of Appropriate Meeting Notice – Staff Counsel

Commission Chair Pat Strachota noted that appropriate meeting notice had been provided to the public and news media.

C. Approval of Minutes of Prior Meetings

MOTION: To approve the minutes from the open session meetings on December 3, 2019, December 19, 2019, and January 9, 2020. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously 5-0, Commissioner Connell abstained.

- 1. Open Session Minutes for Meeting on December 3, 2019**
- 2. Open Session Minutes for Meeting on December 19, 2019**
- 3. Open Session Minutes for Meeting on January 9, 2020**

D. Personal Appearances

There were no personal appearances by members of the public.

E. Administrative Rules Update and Hearing

Staff Counsel David Buerger presented the memo on page 13 of the meeting materials.

MOTION: For ETH 1, the Commission approved the proposed draft rule and directed staff to submit it and the associated documents to the Legislative Council Rules Clearinghouse. Moved by Commissioner Connell, seconded by Commissioner Packard. Motion carried unanimously.

MOTION: For ETH 21, the Commission directed staff to submit the proposed scope statement to the Department of Administration and the Office of the Governor for review and approval. Moved by Commissioner Packard, seconded by Commissioner Connell. Motion carried unanimously.

Commission Chair Pat Strachota opened the public hearing for ETH 26. There were no members of the public present to provide comments. The Chair closed the hearing.

MOTION: For ETH 26, the Commission approved of the statement of scope and directed staff to begin drafting the proposed rule and associated documents for submission to the Legislative Council Rules Clearinghouse. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

F. Consideration of Guidance Document – Recall Committee Overview Manual

Staff Counsel David Buerger presented the memo on page 37 of the meeting materials.

MOTION: The Commission adopted the Campaign Finance Overview for Recall Committees. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

G. Formal Advisory Opinion Drafts Memo

Staff Counsel David Buerger presented the memo on page 61 of the meeting materials.

The Commissioners and staff discussed minor changes made to the advisory opinions based on feedback from the December closed session meeting.

MOTION: The Commission adopted the three advisory opinions, 2020 ETH 01, 2020 ETH 02, and 2020 ETH 03. Moved by Commissioner Packard, seconded by Commissioner Davis.

The Commission and staff discussed the process for the public to provide comments and feedback on the advisory opinions.

Motion carried unanimously.

- 1. 2020 ETH 01: Campaign Finance & Ethics – 50 Piece Rule and Mixed-Use Social Media Accounts**
- 2. 2020 ETH 02: Lobbying – Duties on Behalf of a Principal as Exclusive or Not Exclusive to Lobbying**
- 3. 2020 ETH 03: Campaign Finance – Application of 50 Piece Rule to Communications with Petitions Signatories and Newspaper Advertisements**

H. Review of Ethics Opinions of Previous Boards

Ethics Specialist Colette Greve presented the memo on page 105 of the meeting materials.

Commission staff noted that Eth. Bd. Op. 03-08 and 2013 GAB 01 will be brought back for discussion at the June meeting.

The Commission discussed revising Eth. Bd. Op. 98-12, to remove the specific reference to a \$100 speaking fee and consider any future speaking fees on a case-by-case basis.

MOTION: The Commission revised Eth. Bd. Op. 98-12 by removing the reference to a \$100 speaking fee, and as revised, affirm the opinion. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren.

Commission staff clarified that the revision would mean each circumstance is considered on a case-by-case basis.

Motion carried unanimously.

The Commission and staff discussed revising Eth. Bd. Op. 92-23.

MOTION: The Commission revised Eth. Bd. Op. 92-23, to remove references to the old Chapter 11 statutes. Moved by Commissioner Packard.

Commissioner Davis requested clarification of the motion, and Commissioner Packard noted the revision would remove the reference to forming a referendum committee, as the current statutes do not reference that.

Commissioner Connell seconded the motion.

Motion carried unanimously.

MOTION: The Commission withdrew Eth. Bd. Op. 03-04. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

The Commission and staff reviewed Eth. Bd. Ops. 95-07 and 03-16 and discussed WIS. STAT § 19.45(3) in reference to these two opinions. The discussion covered direct and indirect benefits to state public officials and others, and the offering, giving, and accepting of things of value by officials as well as officials soliciting things of value for either themselves or others. The Commission also considered how the interpretation of this statute might affect other lobbying related opinions issued by the Commission.

Commissioner Packard suggested using a three-part diagram of the statute:

Element A	Element B	Element C
No person may offer to an official...	...anything of value...	If it could reasonably be expected to influence the official's vote, official actions, or judgment.
No person may give to an official...		
No official may accept from any person...		If it could reasonably be considered as a reward for any official action or inaction on the part of the official.
No official may solicit from any person...		

MOTION: The Commission tabled the Eth. Bd. Ops. 95-07 and 03-16 for further discussion at the June meeting. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren.

The Commission discussed the statutory definition of "value". The Commissioners requested the minutes from today's meeting be circulated prior to the June meeting. Motion carried unanimously.

MOTION: The Commission reaffirmed Eth. Bd. Ops. 92-15, 92-19, 92-24, 93-04, 94-01, 94-08, 95-05, 96-15, 97-02, 97-04, 97-11, 98-08, 99-11, 03-11, and 2011 GAB 02, and tabled Eth. Bd. Op. 03-08 and 2013 GAB 01 for the June meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

I. Establishment of Commission – Legislature Protocols

Commission Administrator Dan Carlton presented the memo on page 3 of the supplemental materials.

The Commissioners discussed hypothetical scenarios where consultation with the Chair and Vice Chair is sufficient, and when the Commission needs to convene for a decision. The Commission provided direction to the Administrator to consult with the Chair and Vice Chair when a legislative issue arises, and the Chairs will determine if the item is administrative or partisan. The Chairs may then call a special meeting with the Commission to have all the Commissioners provide a position for the Administrator to convey to the legislature. In a scenario where the Commission could not meet due to time restrictions, the Administrator would only provide information, and would not take a position.

J. IT Projects Report

Commission Administrator Dan Carlton presented the memo on page 113 of the meeting materials. The Commission took no action.

K. Staff Report

Commission Administrator Dan Carlton presented the memo on page 115 of the meeting materials. The Commission took no action.

L. Consideration of Future Agenda Items

Commission staff will provide a demonstration of the SEI system for candidates at the June meeting.

M. Closed Session

MOTION: To adjourn open session. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

Commissioner Davis asked for unanimous consent to rescind the prior motion. Seconded by Commissioner Van Akkeren. Motion carried unanimously.

MOTION: To go into closed session in accordance with the previously published notice. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

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

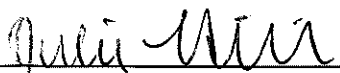
N. Adjourn

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

Meeting adjourned at 4:34 p.m.


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February 25, 2020 Wisconsin Ethics Commission meeting minutes prepared by:



 Julie Nischik, Office Management Specialist June 16, 2020

February 25, 2020 Wisconsin Ethics Commission meeting minutes certified by:



 David R. Halbrooks, Vice Chair June 16, 2020