



# Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics  
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## Wisconsin Ethics Commission

Teleconference and at  
101 E. Wilson Street  
Wisconsin Room  
Madison, Wisconsin  
June 16, 2020  
9:00 a.m.

### Open Session Minutes

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

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

#### **A. Call to Order**

Commission Chair Pat Strachota called the meeting to order at 9:00 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. Staff Counsel David Buerger noted the amended agenda was posted within 24 hours of the meeting and advised the Commission to create a record of the reasons justifying the “good cause” exception. Commission Chair stated there was good cause and that the reasons could be placed in the record at that agenda item.

#### **C. New Commissioner – Scot Ross**

Commission Chair Strachota introduced the new Commissioner, Scot Ross.

Commissioner Ross introduced himself and provided a statement.

Commissioner Davis raised a point of order.

Addressing the point of order, Commission Chair Pat Strachota interrupted the statement by Commissioner Ross, asking that the statement remain on the topic of introducing himself.

Commissioner Ross finished his statement.

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*Wisconsin Ethics Commissioners*

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

*Administrator*

Daniel A. Carlton, Jr.

#### **D. Selection of Chair and Vice Chair**

**MOTION:** To nominate David Halbrooks as Chair of the Commission beginning July 1, 2020. Moved by Commissioner Davis, seconded by Commissioner Connell. Motion carried unanimously.

**MOTION:** To nominate Pat Strachota as Vice Chair of the Commission beginning July 1, 2020. Moved by Commissioner Van Akkeren, seconded by Commissioner Ross. Motion carried unanimously.

#### **E. Approval of Minutes of Prior Meetings**

**MOTION:** To approve the minutes from the open session meetings on February 25, 2020, March 10, 2020, April 20, 2020, and May 8, 2020. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

- 1. Open Session Minutes for Meeting on February 25, 2020**
- 2. Open Session Minutes for Meeting on March 10, 2020**
- 3. Open Session Minutes for Meeting on April 20, 2020**
- 4. Open Session Minutes for Meeting on May 8, 2020**

#### **F. Personal Appearances**

Two people were present to address agenda items in open session. Mike Wittenwyler, representing himself, was present for agenda items G and K, and, on behalf of the Association of Wisconsin Lobbyists, was present for agenda item H. Joe Kreye, representing the Legislative Reference Bureau, was present to provide comment on item G.

#### **G. Review of 2017 ETH 03**

Commission Administrator Daniel Carlton presented the memo on page 15 of the meeting materials.

Joe Kreye, of the Legislative Reference Bureau, provided the legislative history of 2015 Wisconsin Act 117.

Mike Wittenwyler, who requested the opinion, was present to request the Commission reconsider the advice provided in the opinion.

**MOTION:** To revise the opinion in 2017 ETH 03 to conclude that a PAC or "Other Person" can contribute each year \$12,000 to the general fund and an additional \$12,000 to the segregated fund of a political party or legislative campaign committee. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

Commissioner Davis directed staff to revise the opinion for review by the Chair and Vice Chair prior to publication.

## **H. Requests for Advice to be Issued by the Commission**

### **1. 2020 RA 05 Contributions to Partisan Elective State Officials by Lobbyists**

Ethics Specialist Colette Greve presented the memo on page 33 of the meeting materials.

Mike Wittenwyler, who requested the opinion, was present to request clarification on the opinion.

**MOTION:** To adopt the formalized opinion as drafted. Moved by Commissioner Davis, seconded by Commissioner Ross. Motion carried unanimously.

### **2. 2020 RA 10 General Public Exception and Permissible Use of Attendance Criteria**

Commission Administrator Daniel Carlton presented the memo on page 61 of the meeting materials.

Mike Wittenwyler, who requested the opinion, was present to seek clarification on hosting events for legislators.

**MOTION:** To revisit the opinion at the August 18, 2020 meeting. Moved by Commissioner Connell, seconded by Commissioner Ross.

The Commission discussed the opinion, the relevant statutes, and how the opinion may be revised in the future. Commissioner Halbrooks requested the Commission review the recording from the February meeting, to further aid the discussion at the next meeting.

Motion carried 5-1, Commissioner Davis voted no.

The Commission took up item K next.

Commission Chair Pat Strachota indicated there was good cause to add this item to the agenda for consideration at the open session meeting. Commissioner Halbrooks agreed, and indicated if not for the public health emergency, this would have been posted with 24 hours' notice.

**MOTION:** The Commission had good cause to take up this item without 24 hours' notice. Moved by Commissioner Connell, seconded by Commissioner Halbrooks. Motion carried 5-1, Commissioner Davis voted no.

Commission Administrator Daniel Carlton presented the memo from the supplemental materials.

The Commission directed staff to include this topic for discussion at a future meeting.

**MOTION:** To authorize staff to use the Lobbying system to submit a new application for the lobbyist. Moved by Commissioner Halbrooks, seconded by Commissioner Van Akkeren. Motion carried unanimously.

#### **I. Administrative Rules Update and Hearing**

Staff Counsel David Buerger presented the memo on page 71 of the meeting materials.

Commission Chair Pat Strachota opened the public hearing for ETH 1. No comments were provided by the public in person or via phone.

**MOTION:** To close the public hearing. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

**MOTION:** For ETH 1, the Commission approved the revised draft rule and associated documents and directed staff to submit them to the Governor's Office for final approval prior to submission to the Legislature. Moved by Commissioner Connell, seconded by Commissioner Halbrooks. Motion carried unanimously.

**MOTION:** For ETH 21, the Commission approved the notice of preliminary public comment period and hearing to be held at the Commission's meeting on August 18, 2020. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

**MOTION:** For ETH 26, the Commission approved the draft rule and associated documents and directed staff to submit them to the legislative council rules clearinghouse. Moved by Commissioner Van Akkeren, seconded by Commissioner Davis. Motion carried unanimously.

#### **J. Review of Ethics Opinion of Previous Boards**

Ethics Specialist Colette Greve presented the memo on page 111 of the meeting materials.

**MOTION:** To reaffirm Eth. Bd. Ops. 95-07 and 03-16. Moved by Commissioner Van Akkeren, seconded by Commissioner Davis. Motion carried unanimously.

**MOTION:** To withdraw Eth. Bd. Ops. 03-08 and 13-01, and convert the informal opinion, 2019 RA 50, to a formal opinion for review at the August 18, 2020 meeting. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

#### **K. Reissuance of Lobbyist License During Same Legislative Session**

This item was taken up earlier in the meeting.

**L. Staff Report**

Commission Administrator Daniel Carlton presented the memo on page 131 of the meeting materials. The Commission took no action.

**M. Consideration of Future Agenda Items**

No future agenda items were discussed.

**N. Closed Session**

**MOTION:** To go into closed session for the purpose of discussing requests for advice, complaints, and personnel matters. Moved by Commissioner Connell, seconded by Commissioner Halbrooks. Motion carried unanimously.

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

**O. Adjourn**

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

Meeting adjourned at 3:54 p.m.

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June 16, 2020 Wisconsin Ethics Commission meeting minutes prepared by:

  
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Julie Nischik, Office Management Specialist

August 18, 2020

June 16, 2020 Wisconsin Ethics Commission meeting minutes certified by:

  
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Pat Strachota, Vice Chair

August 18, 2020