



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
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 E. Wilson Street
St. Croix Room
Madison, Wisconsin
December 3, 2019
9:00 a.m.

Open Session Minutes

Present: Katie McCallum, Tamara Packard, Mac Davis, David Halbrooks,
Pat Strachota, 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 Katie McCallum called the meeting to order at 9:02 a.m.

B. Report of Appropriate Meeting Notice

Staff Counsel David Buerger reported that appropriate notice of the Commission meeting had been given to the public and news media.

C. Approval of Minutes of Prior Meeting

1. Minutes of August 20, 2019 Open Session Meeting

MOTION: Approve the August 20, 2019 open session minutes. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

2. Minutes of November 13, 2019 Open Session Meeting

MOTION: Approve the November 13, 2019 open session minutes. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

D. Personal Appearances

There was one personal appearance by a member of the public.

Wisconsin Ethics Commissioners

Mac Davis | David R. Halbrooks | Katie McCallum | Tamara Packard | Pat Strachota | Timothy Van Akkeren

Administrator

Daniel A. Carlton, Jr.

Mike Wittenwyler appeared on behalf of Godfrey & Kahn, to discuss a closed session item.

Mr. Wittenwyler is requesting advice regarding organizations outside of Wisconsin who provide data, reports, and information. Those organizations have two concerns: avoiding making an in-kind contribution, and avoiding coordination between the organization and the candidate. There are currently no specific statutes that address this concern. Mr. Wittenwyler's firm will use this advice from the Commission to inform their clients on the appropriate steps to take to avoid these potential issues.

E. Ethics Opinion Review

Ethics Specialist Colette Greve presented the memo on page 11 of the meeting materials.

MOTION: Modify Eth. Bd. Op. 01-01 citations and statute references according to the changes in legislation. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

MOTION: Table Eth. Bd. Op. 03-08 for review at the March meeting. Moved by Commissioner Van Akkeren, seconded by Commissioner Packard. Motion carried unanimously.

MOTION: The Commission reaffirmed Eth. Bd. Ops. 92-10, 92-20, 92-28, 92-22, 94-04, 94-05, 94-06, 94-06 supplemental, 94-07, 96-09, 96-10, 96-12, 96-13, 97-06, 98-01, 98-04, 99-03, 98-01, 98-04, 00-02, 00-04, 02-01, 02-02, 02-04, 02-05, 02-07, 03-09, 03-09A, 03-17, 04-05, 05-02, 05-04, 05-05, 07-09, and 2009 GAB 04. Moved by Commissioner Van Akkeren, seconded by Commissioner Halbrooks. Motion carried unanimously.

F. Attorney General Opinion Requests

Commission Administrator Daniel Carlton presented the memo on page 25 of the meeting materials.

The Commission discussed the requests that were initially submitted by Government Accountability Board staff. Commission staff indicated there is not a current need for the opinions from the Attorney General.

MOTION: The Commission directed staff to communicate with the Department of Justice to indicate the opinion request is no longer needed. Moved by Commissioner Packard, seconded by Commissioner Halbrooks.

The Commission discussed the origin of the request for the opinion, which stemmed from an audit of the GAB by the Legislative Audit Bureau. The Commissioners suspected it was a misunderstanding of the language of the law.

Motion carried unanimously.

G. Administrative Rules Update and Hearing

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

Staff counsel provided an update on the status of amendments to ETH 1, ETH 16, and ETH 26.

For ETH 1, a scope statement was prepared, notice was published, and a hearing on the proposed scope statement was held. Staff had not received any comments on the rule, or any notice of appearances at the meeting.

Commission Chair McCallum called the public hearing for ETH 1 to order at 9:27 a.m. No members of the public appeared to provide comments during the public hearing. The hearing was then closed.

MOTION: For ETH 1, approve the statement of scope and direct staff to begin drafting the proposed rule and associated documents for submission to the Legislative Council Rules Clearinghouse. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

H. Campaign Finance Audit Procedure – Occupation and Address Information

Commission staff Adam Harvell and Rich Bohringer presented the memo on page 43 of the meeting materials.

The Commissioners discussed making changes to the settlement schedule for campaign finance.

MOTION: The Commission approved expanding the scope statement for ETH 26 to include expenditures as well as contributions. Moved by Commissioner Davis. The motion was not initially seconded.

Commission staff asked the Commission to clarify that the motion was to expand the previously presented scope statement for ETH 26, and informed the Commission how that would affect the timeline for that rule.

Motion carried unanimously.

MOTION: The Commission approved the changes as discussed to the scope statement for ETH 26. Moved by Commissioner Packard, seconded by Commissioner Strachota. Motion carried unanimously.

Commission staff noted the lack of a second on the first motion in this agenda item. Commissioner McCallum seconded the motion.

The Commissioners discussed the proposed standards for the audits outlined in the memo.

MOTION: For the proposed occupation audit, the Commission directs staff to flag committees with less than 95% compliance who also have five or more contributions over \$200 without occupation information. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

MOTION: For the proposed occupation audit, the Commission directs staff to also flag all committees where contributions of \$1,000 or more that lack occupation information are 25% or more of all contributions received by the committee. Moved by Commissioner McCallum, seconded by Commissioner Strachota. Motion carried unanimously.

MOTION: For the proposed missing contributor address audit, the Commission directs staff to flag committees with less than 95% compliance who also have five or more contributions without the address of the contributor, and to also flag all committees where contributions of \$1,000 or more without the address of the contributor are 25% or more of all contributions received by the committee. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

MOTION: For the proposed audit of missing name or address information of expenditures, the Commission directs staff to flag committees with less than 95% compliance who also have five or more expenditures without the name or address of the person to whom the disbursement was made, and to also flag all committees where expenditures of \$1,000 or more without the name or address of the person to whom the disbursement was made are 25% or more of all expenditures made by the committee. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

MOTION: Commission staff are to notify the regulated community of the audits of occupation and name/address information. Moved by Commissioner Van Akkeren, seconded by Commissioner Halbrooks. Motion carried unanimously.

I. Request for Lobbying Program Revenue Use

Commission Administrator Daniel Carlton and Office Manager Julie Nischik presented the memo on page 49 of the meeting materials.

The Commission discussed the overall project of updating the lobbying website, and the process to request additional use of program revenue. The Commission also discussed the budget implications of this request.

MOTION: The Commission authorized staff to submit the budget request to the Legislature up to the amount of \$50,000 and to notify the Commission when a final amount is determined. Moved by Commissioner Packard, seconded by Commissioner Strachota. Motion carried unanimously.

J. IT Projects Report

Commission Administrator Daniel Carlton presented the report on page 51 of the meeting materials.

The Commission took no action.

K. Staff Report

Commission Administrator Daniel Carlton presented the report on page 53 of the meeting materials.

The Commission took no action.

L. Proposed Meeting Dates for 2021

Commission Administrator Daniel Carlton presented the memo on page 57 of the meeting materials.

MOTION: The Commission adopted the proposed meeting dates for 2021. Moved by Commissioner Packard, seconded by Commissioner Van Akkeren. Motion carried unanimously.

M. Consideration of Future Agenda Items

1. Complaints and Opinions Rulemaking

Commission Administrator Daniel Carlton presented the memo on page 59 of the meeting materials.

MOTION: The Commission directed staff to begin the rulemaking process concerning complaints and advisory opinions. Moved by Commissioner Van Akkeren, seconded by Commissioner Strachota. Motion carried unanimously.

MOTION: The Commission directed staff to prepare a scope statement for review at the March 2020 meeting. Moved by Commissioner Packard, seconded by Commissioner Halbrooks. Motion carried unanimously.

The Commission and staff also discussed presenting the recall manual for review, and the Attorney General opinion request draft at the March 2020 meeting.

N. Closed Session

MOTION: To go into closed session. Moved by Commissioner Van Akkeren, seconded by Commissioner Packard. Motion carried unanimously.

1. Request for Advice
2. Complaints and Investigations
3. Personnel Matters

O. Adjourn

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

Meeting adjourned at 4:29 p.m.

###

December 3, 2019 Wisconsin Ethics Commission meeting minutes prepared by:



Julie Nischik, Office Management Specialist February 25, 2020

December 3, 2019 Wisconsin Ethics Commission meeting minutes certified by:



Tamara Packard, Vice Chair February 25, 2020