



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
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Wisconsin Ethics Commission

Wisconsin State Capitol
Room 300 Southeast
2 E. Main Street
Madison, Wisconsin
January 11, 2018
9:30 a.m.

Open Session Minutes

Present: David Halbrooks, Katie McCallum, Mac Davis, Pat Strachota,
Timothy Van Akkeren, and Jeralyn Wendelberger

Staff present: Brian Bell, David Buerger, Colette Reinke, and Caroline Russell

A. Call to Order

Commission Chair David Halbrooks called the meeting to order at 9:38 a.m.

B. Report of Appropriate Meeting Notice

Administrator Bell reported that appropriate notice of the Commission meeting had been given to the public and news media.

C. Minutes of the December 5, 2017 Meeting

MOTION: Approve the minutes. Moved by Commissioner Strachota, seconded by Commissioner Wendelberger. Motion carried unanimously.

D. Minutes of the December 8, 2017 Meeting

MOTION: Approve the minutes. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

E. Minutes of the December 22, 2017 Meeting

MOTION: Approve the minutes. Moved by Commissioner Wendelberger.

Clarification of the motion to adjourn, Commissioner Van Akkeren moved to adjourn the meeting, and Commissioner Strachota seconded the motion.

Seconded by Commissioner Davis.

Motion carried unanimously.

F. Personal Appearances

There was two personal appearance by a member of the public:

Mike Wittenwyler appeared representing himself on Item I and on behalf of the Association of Wisconsin Lobbyists on Item M. Mr. Wittenwyler first discussed the draft guidelines as presented in the meeting materials (Item I). Mr. Wittenwyler supports efforts to revisit the current guidelines as he uses them regularly to advise clients; however, he was concerned with how the Commission could proceed with changing the guidelines after the passage of 2011 Act 21. Mr. Wittenwyler expressed his belief that changes to guidelines should be done through the rulemaking process (Chapter 227). He also expressed concern that those who rely on the current guidelines could get into legal trouble.

Mr. Wittenwyler also spoke on behalf of the Association of Wisconsin Lobbyists, in regard to agenda item K, the unauthorized lobbying audit. Mr. Wittenwyler acknowledged the connection between principals and lobbyists in the lobbying system, and agrees that the public should be aware that lobbyists are authorized by a principal. He suggested the Commission continue to educate the lobbying community about their requirements, and to improve the process. He also expressed that he believes lobbying prior to authorization is not intentional, that it is likely errors in paperwork and the administrative process, but that doesn't excuse the fact that the public has not been on notice that the lobbyist is authorized by the principal.

Matt Rothschild, representing the Wisconsin Democracy Campaign, appeared regarding Administrator Bell's performance. Mr. Rothschild presented an open letter from the Wisconsin Democracy Campaign regarding Senator Fitzgerald. Mr. Rothschild has worked with Administrator Bell on many occasions, and has always found him to be exceptionally professional and nonpartisan. He also applauded the Commissioners for their support of Administrator Bell. Mr. Rothschild also supports a hearing for Administrator Bell to defend his work and for members of the public to comment on his work.

G. Commission Determination Regarding Confidence in the Performance of Administrator Bell

H. Discussion on Confirmation Hearing for Administrator Bell

Items G and H taken up together.

Discussion on holding a public hearing for Administrator Bell.

Discussion on the Attorney General report, GAB records, and transition from GAB to Ethics Commission. The Commission and Administrator Bell also discussed work experience prior to GAB and at GAB.

MOTION: To hold a public hearing for Administrator Bell prior to January 23, 2018 to share their views on Administrator Bell's performance, and comment on whether he has acted in a partisan matter. Moved by Commissioner Wendelberger. Motion does not proceed for lack of second.

Commission determines the letters from the public indicating support of the Commission and Administrator Bell should be distributed to the Senate members.

MOTION: To express the full Commission's public confidence in Administrator Bell. Moved by Commissioner Wendelberger, seconded by Commissioner Van Akkeren. Motion carried unanimously.

I. Draft Guidelines

Administrator Bell presented the memo starting on page 13 of the meeting materials.

1. Joint Fundraisers

The Commission discussed the drafted guideline, and determine it should be part of a rule.

2. Strictly Personal Use Under Campaign Finance Law

The Commission discussed the drafted guideline, and determine it should be part of a rule, and a guideline could be drafted after the rule to provide further clarification.

3. The 50-Piece Rule

The Commission discussed the drafted guideline, and determine it should be part of a rule, and a guideline could be drafted after the rule to provide further clarification.

4. Attribution Statements (Political Disclaimers)

The Commission discussed the drafted guideline, and requested a clearer definition of "readable with the naked eye", especially regarding yard signs.

5. Social Media and Other Electronic Communications

The Commission discussed the drafted guideline, and requested clarification of officials and candidates to solicit for non-profit organizations.

6. Segregated Funds

The Commission discussed the drafted guideline, and decided to delay publishing until a rule has been drafted regarding the application of contribution limits to segregated funds.

7. 1258 – Referenda (Revised)

No comment on the drafted guideline.

J. Review of Lobbying-Related Opinions of Previous Boards

The Commission decided to hold over the review of Lobbying-related opinions of previous Boards, and requested staff review the “inconsistent” opinions to see if any could be fixed by updating the citations. The Commissioners also requested to review these at future meetings in smaller portions, possibly one topic at a time.

K. Closed Session

MOTION: The Commission went into closed session pursuant to WIS. STAT. §§ 19.50, 19.55(3), 19.85(1)(g), (h). Moved by Commissioner Wendelberger, seconded by Commissioner Strachota. Motion carried unanimously.

1. Complaints and Investigations
2. Requests for Advice
3. Litigation Update

L. Standard Settlement Schedules for Lobbying Without Authorization

Administrator Bell presented the memo provided in the supplemental materials.

The Commission directed staff to compile a settlement schedule based on the feedback received to be presented at the February meeting. The settlement schedule should be standard, and will allow for lobbyists to appeal specific circumstances. Settlements for lobbyists should start at \$100, and \$200 for principals, increasing with the number of days late. Repeat offenders would increase by \$100 for each instance of lobbying prior to authorization.

M. Audit of Lobbying Without Authorization

Administrator Bell presented the memo provided in the supplemental materials.

The Commission discussed the information provided in the memo, with no additional action.

N. Staff Report

Administrator Bell presented the memo starting on page 57 of the meeting materials.

No action was taken.

O. Consideration of Future Agenda Items (Open Session)

Future agenda items were discussed throughout the meeting.

MOTION: The Commission went into closed session pursuant to WIS. STAT. §§ 19.50, 19.55(3), 19.85(1)(g), (h). Moved by Commissioner Van Akkeren, seconded by Commissioner McCallum. Motion carried unanimously.


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January 11, 2018 Wisconsin Ethics Commission meeting minutes prepared by:



Julie Nischik, Office Management Specialist February 27, 2018

January 11, 2018 Wisconsin Ethics Commission meeting minutes certified by:



Katie McCallum, Vice Chair February 27, 2018