



Wisconsin Ethics Commission

Campaign Finance | Lobbying | Ethics
212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8123 | ethics@wi.gov | <https://ethics.wi.gov>

Wisconsin Ethics Commission

Board Room
212 E. Washington Avenue
Madison, Wisconsin
August 22, 2017
9:00 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, Richard Bohringer, David Divine, Adam Harvell,
Julie Nischik, Colette Reinke, and Caroline Russell

A. Call to Order

Commission Chair David Halbrooks called the meeting to order at 9:00 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 June 7, 2017 Meeting

Commissioner Davis requested the first motion in Item D be amended to clarify if there is a vacancy, a successor is elected to fill the remaining portion of the term.

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

D. Personal Appearances

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

Mike Wittenwyler appeared regarding the advisory opinion request related to section 527 organizations and non-resident PACs. Mr. Wittenwyler is generally supporting of the first letter drafted stating the law is silent as to the applicability of source restrictions to section 527 organizations and nonresident PACs, and argued it would be inconsistent for the Commission to issue the second letter which states the Commission declines to offer an opinion as to the applicability of source restrictions to section 527 organizations and nonresident PACs and that

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Mac Davis | David R. Halbrooks | Katie McCallum | Pat Strachota | Timothy Van Akkeren | Jeralyn Wendelberger

Administrator
Brian M. Bell, MPA

the issue has been referred to the Legislature. Mr. Wittenwyler also brought up a concern in the first letter where contributions in the name of another is not applicable in this situation, and should be a reference to the statute related to earmarking.

E. Request for Advice RA-2017-2 Response – Opinion or Letter

Staff Counsel Buerger presented the memo starting on page 9 of the meeting materials.

The Commission discussed the two letters drafted in the memo. In the first letter, the Commission directed staff to change the statement “the law is silent” to “the law has not regulated”, as well as refer to the legislature for clarification on the law. The Commission directed staff to also include the references to the earmarking prohibition as well as contributions in the name of another.

The Commission decided to return to this agenda item after closed session is completed and specific facts have been discussed.

F. Administrative Rules

Staff Counsel Buerger presented the memo starting on page 15 of the meeting materials.

Regarding Chapters ETH 1 (Campaign Finance) and ETH 15 (Statements of Economic Interest), staff suggested waiting to make further updates until requirements for the new system have been developed to inform the revision process.

Commission Administrator Bell and Commission Staff Caroline Russell presented the updates for Chapter ETH 16 (Lobbying). Staff notified the Commission of the plan to update the scope statement to request, rather than require, personal addresses of registered lobbyists, and that the information would be kept confidential.

MOTION: Proceed with the scope statement for Chapter ETH 16 with proposed language change of voluntarily providing address, and striking requiring an address. Moved by Commissioner Wendelberger, seconded by Commissioner McCallum. Motion carried unanimously.

G. Proposed Update to Records Disposition Authorizations

Commission Administrator Bell and Commission Staff Julie Nischik presented the memo starting on page 21 of the meeting materials.

MOTION: Adopt the following changes to the proposed Records Disposition Authorizations:

- Guidelines should be kept for 6 years, then transferred to the Wisconsin Historical Society.
- Create two RDAs for Advisory Opinions: Formal and Informal. Informal opinions to be destroyed after 6 years. Formal opinions keep the proposed event, retention, and disposition as proposed in the memo.

- Create two RDAs for Investigations: for those that result in action, retain for 6 years, then transfer to the State Historical Society. For those where no action is taken, retain for 6 years, then destroy.
- Lobbying and Campaign Finance records to be transferred to the Wisconsin Historical Society after 6 years (no change from existing RDA).

Moved by Commissioner Davis, seconded by Commissioner Van Akkeren.

Roll call vote:

Strachota:	Aye	Halbrooks:	Aye
Davis:	Aye	Van Akkeren:	Aye
McCallum:	Aye	Wendelberger:	Nay

H. Agency Annual Report – Fiscal Year 2017

Administrator Bell presented the report starting on page 23 of the meeting materials.

Commissioner Davis requested adding informal opinions in the last paragraph on page 3 of the report.

Commissioner Wendelberger requested changing item six on page 18 of the report to request, rather than require lobbyists to provide a personal address on their application.

Commissioner Wendelberger requesting changing item seven on page 13 of the report to include a two-year term, and to clarify length of term or election period.

MOTION: The Commission approves the report with changes as suggested. Moved by Commissioner Davis, seconded by Commissioner Van Akkeren. Motion carried unanimously.

I. Potential Meeting Dates for Calendar Year 2018

Administrator Bell presented the memo starting on page 89 of the meeting materials.

Discussion.

MOTION: The Commission approves the proposed 2018 meeting dates. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

J. Staff Report

Administrator Bell presented the memo starting on page 91 of the meeting materials.

Discussion.

No action taken.

K. Consideration of Future Agenda Items

Administrator Bell suggested adding a public feedback session for the proposed Campaign Finance system at December 2017 meeting. Commission Staff would also provide a report on systems used by other states.

Administrator Bell suggested adding a public feedback session for the new Statement of Economic Interests system at the December 2017 meeting. Would provide a demonstration of the system and allow for public and Commission comment. Administrator Bell also suggested holding the meeting at the Capitol for better audio/visual equipment.

Commissioner Davis suggested adding a review of the Administrator in Closed Session.

L. 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 McCallum, seconded by Commissioner Van Akkeren. Motion carried unanimously.

Return to agenda item **Request for Advice RA-2017-2**

MOTION: The Commission directs staff to amend the advice to state “has not regulated” rather than “silent” in letter #1, as well as include earmarking in additions to laundering restrictions. The final draft should be reviewed by the Chair and Vice Chair prior to sending to the requester. Moved by Commissioner McCallum, seconded by Commissioner Strachota. Motion carried unanimously.

M. Adjourn

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

The Commission adjourned at 6:03 p.m.

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August 22, 2017 Wisconsin Ethics Commission meeting minutes prepared by:



Julie Nischik, Office Management Specialist

December 5, 2017

August 22, 2017 Wisconsin Ethics Commission meeting minutes certified by:



Katie McCallum, Vice Chair

December 5, 2017