



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
August 18, 2020
9:00 a.m.

Open Session Minutes

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

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

A. Call to Order

Commission Chair David Halbrooks called the meeting to order at 9:07 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.

C. Approval of Minutes of Prior Meetings

1. Open Session Minutes for Meeting on June 16, 2020

MOTION: To approve the minutes. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

D. Personal Appearances

Two people were present to address agenda items in open session. Mike Wittenwyler, representing the Association of Wisconsin Lobbyists, was present for agenda items E1 and I. George Klaetsch, representing the Association of Wisconsin Lobbyists, was present for agenda item I.

E. Requests for Advice to be Issued by the Commission

1. 2020 RA 10 General Public Exception and Permissible Use of Attendance Criteria

Administrator Daniel Carlton presented the memo on page 9 of the meeting materials.

Mike Wittenwyler provided comment on the agenda item, seeking guidance from the Commission on hosting events and conforming to the advice provided by the Commission.

The Commission, staff, and Mr. Wittenwyler discussed possible criteria for hosting events in the future, and past practices of the organizations for hosting events that were attended by legislators.

MOTION: The Commission directed the administrator to seek legislation to clarify the issue of give versus furnish, and to work with Mr. Wittenwyler to get factual representations for the Commission to consider if they fit within the general public exception. Moved by Commissioner Van Akkeren, seconded by Commissioner Connell. Motion carried unanimously.

2. 2020 ETH 05 Village Contracting with Company Employing Department Head's Spouse

Ethics Specialist Colette Greve presented the opinion on page 29 of the meeting materials.

MOTION: To approve the draft opinion as presented. Moved by Commissioner Van Akkeren, seconded by Commissioner Davis. Motion carried unanimously.

F. Lobbying Website Demonstration

Ethics Specialist Caroline Russell provided a demonstration of the new lobbying website. The Commission took no action.

G. SEI Candidates Module Demonstration

Ethics Specialist Adam Harvell provided a demonstration of the SEI website candidates module. The Commission took no action.

H. Adoption of Guidance Documents – SEI Manuals

Staff Counsel David Buerger presented the memo on page 41 of the meeting materials.

MOTION: To adopt the manual for agency users. Moved by Commissioner Van Akkeren, seconded by Commissioner Ross. Motion carried unanimously.

MOTION: To adopt the manual for state public officials and candidates. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

The Commission and staff discussed the process of reviewing guidance documents and citations in the future, in light of the recent Supreme Court decision. The Commissioners requested staff bring suggestions for a policy on adopting guidance documents and manuals, including the use of citations, for the Commission to consider at the October meeting.

I. Administrative Rules Update and Hearing

Staff Counsel David Buerger presented the memo on page 63 of the meeting materials.

Commission Chair David Halbrooks opened the public hearing for ETH 21. 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 Davis. Motion carried unanimously.

MOTION: For ETH 21 – Practice and Procedure, the Commission approved 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 Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

Staff Counsel David Buerger discussed the Legislative Council’s report, written comments provided regarding ETH 26, and how staff had addressed the Legislative Council’s report in the revised rule.

Commission Chair David Halbrooks opened the public hearing for ETH 26. Two members of the public were present to provide comment: Mike Wittenwyler and George Klaetsch.

Mr. Wittenwyler suggested changing the references to legislative session to reporting period in Section 18 of the revised rule.

Mr. Klaetsch requested clarification of the term “due date” in Sections 9 and 19 of the revised rule, as that date is dependent on completing the registration steps and may cause confusion as it is currently written. Mr. Klaetsch suggests the Commission provide a warning to the lobbyist or principal that the required fees have not been paid and that the Commission count days from that communication instead.

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

The Commission and staff discussed the comments provided, as well as defining calendar days. The Commission directed staff to define business days similar to the example of ATCP 93.050 but to also include a cross-reference to WIS. STAT. § 995.20.

MOTION: For ETH 26 – Settlement Offer Schedule, the Commission directed staff to proceed with drafting the rule as directed in today’s meeting and submit to the Governor’s office. Moved by Commissioner Van Akkeren, seconded by Commissioner Ross. Motion carried unanimously.

J. Attorney General Opinion Request

Staff Counsel David Buerger presented the memo on page 85 of the meeting materials.

MOTION: The Commission directed staff to proceed with requesting the Attorney General opinion, as well as the proposed legislation. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

K. FY21 Lapse Plan

Office Manager Julie Nischik presented the memo on page 91 of the meeting materials.

The Commission directed staff to invite a representative from the State Budget Office to attend the October meeting to discuss the plan with the Commission.

L. Biennial Budget Draft 2021-23

Office Manager Julie Nischik presented the memo on page 95 of the meeting materials.

The Commission set a teleconference meeting to review the final draft of the budget for September 10, at 10:00 am.

M. Reissuance of Lobbyist License During Same Legislative Session

Administrator Daniel Carlton presented the memo on page 103 of the meeting materials.

MOTION: To allow lobbyists and principals to surrender their license and allow them to reapply and pay the fees for a license within the same legislative session. Moved by Commissioner Strachota, seconded by Commissioner Van Akkeren. Motion carried unanimously.

N. Legislative Recommendations for 2021 – 2022 Legislative Session

Administrator Daniel Carlton presented the memo on page 111 of the meeting materials.

MOTION: To reapprove the previously approved package for the legislative session and directed staff to segregate certain recommendations that may assist in the passage of the legislation. Moved by Commissioner Strachota, seconded by Commissioner Ross. Motion carried unanimously.

Regarding item 2 of the memo, the Commission directed staff to narrow the scope of the proposal for their consideration at the December meeting.

O. Annual Report

Administrator Daniel Carlton presented the memo on page 183 of the meeting materials.

MOTION: To approve the annual report as drafted. Moved by Commissioner Connell, seconded by Commissioner Van Akkeren. Motion carried unanimously.

P. Staff Report

Administrator Daniel Carlton presented the memo on page 257 of the meeting materials. The Commission took no action.

Q. Consideration of Future Agenda Items

Commissioner Davis requested a discussion at the October meeting regarding how groups are incorporating, with regard to corporate contributions.

R. Closed Session

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

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

S. Adjourn

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

Meeting adjourned at 4:19 p.m.

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August 18, 2020 Wisconsin Ethics Commission meeting minutes prepared by:



 Julie Nischik, Office Management Specialist

October 13, 2020

August 18, 2020 Wisconsin Ethics Commission meeting minutes certified by:



 Pat Strachota, Vice Chair

October 13, 2020