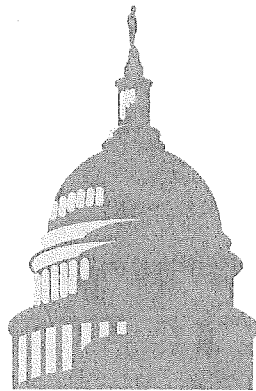
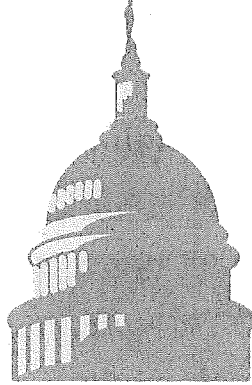


Kentucky Legislative Ethics Commission

ANNUAL REPORT



FY 2019-2020



Kentucky Legislative Ethics
Commission Members in FY 2019-2020

Anthony Wilhoit, Chair
Dave Nicholas, Vice-Chair

Pat Freibert
Tony Goetz
Paula Sherlock
Tanya Pullin

Sheldon Baugh
Phil Huddleston
Michael Noftsger
Dan Kelly (resigned 1/2020)

Commission Staff

John Schaaf, Executive Director (retired 8/2019)
Laura Hendrix, Executive Director
Emily Dennis, Counsel
Donnita Crittenden, Executive Assistant
Lori Smither, Staff Assistant
Mark Brengelman, Enforcement Counsel

22 Mill Creek Park
Frankfort, Kentucky 40601-9230
Telephone: (502) 573-2863
Fax: (502) 573-2929
Web Address: <https://klec.ky.gov>

FOREWORD

I am pleased to submit the 27th Annual Report of the Kentucky Legislative Ethics Commission to the members of the Legislative Research Commission.

The past year has been a busy one for the Commission and its staff. As evidenced by the large number of requests for informal opinions from individuals, businesses, and organizations covered by the Legislative Ethics Code, there is widespread interest in complying with it.

The continued support the Commission has received from the members of the General Assembly and its leadership has been gratifying.

We respectfully submit this report of activities of the Legislative Ethics Commission as required by KRS 6.666(16).

Dave Nicholas

Dave Nicholas, Chairman

Legislative Ethics Commission Member Profiles

Anthony Wilhoit – Judge Wilhoit was appointed to the Commission by the Speaker of the House in 2016. He was Executive Director of the Legislative Ethics Commission from 1997 until he retired in 2015. In 1976, he joined the Kentucky Court of Appeals, and retired as Chief Judge in 1997. Judge Wilhoit also served as a police judge, Versailles City Attorney, Woodford County Attorney, state public defender, and deputy secretary of the Justice Cabinet. He earned an A.B. from Thomas More College, a J.D. from the University of Kentucky, and an L.L.M. from the University of Virginia. In 2012, Judge Wilhoit received the COGEL Award, the highest international award given to a person working in the fields of ethics, campaign finance, and election law. He lives in Versailles.

Sheldon Baugh – Mr. Baugh was appointed to the Commission in 2017 by the President of the Senate. Mr. Baugh has an insurance agency in Russellville, and he served in the House of Representatives from 1995 to 2008. He attended Western Kentucky University, and served in the U.S. Air Force from 1962 to 1966. Mr. Baugh was a Magistrate on the Logan County Fiscal Court from 1977 to 1981, and he served as Midwest Director and two-term President of the Federation of Historical Bottle Collectors. He is a member and former President of the Russellville Rotary Club, and he and his wife Brenda have two children and live in Russellville.

Pat Freibert – Former State Representative Freibert was appointed to the Commission by the President of the Senate in 2008, and also served on the Ethics Commission from 2000-2004. She was a member of the House of Representatives from 1979 to 1993. Mrs. Freibert has a long record of involvement in political, civic, educational, and charitable affairs for which she has received local, state, and national recognition. She is also a free-lance writer for several publications. In 2004, Mrs. Freibert was appointed by the Governor to the Kentucky Commission on Women, and served as Chair of that Commission. She lives in Lexington.

Tony Goetz – Mr. Goetz was appointed to the Commission by the President of the Senate and the Speaker of the House in 2017. He is a native of Daviess County, and a graduate of Brescia University in Owensboro. He began his graduate work at George Peabody College for Teachers in Nashville, and completed his Master's Degree at UK in 1970. Mr. Goetz has served as Executive Director of the Owensboro Council for Retarded Children (1965-1967) and the Bluegrass Association for Mental Retardation (1967-1973). From 1973-1975, he was Executive Director of the Bluegrass Regional Health Planning Council and then served as Executive Director of the East Kentucky Health Systems Agency from 1976-1980. In 1980, he was named Associate Dean in Administration and Finance of the UK Medical School, and served in that and various other administrative positions at the University through 2003. His last position at UK was Director of Government Relations. In 2004-2005, he served as the Governor's Legislative Liaison. He and his wife, Nancy, reside in Jessamine County.

Phil Huddleston – Mr. Huddleston was appointed to the Commission by the Speaker of the House in 2017. He is a native of Albany, and served more than 30 years in state government in a variety of roles, including as a legislative and policy analyst as well as chief of staff to the President of the Senate and chief of staff to the Lt. Governor. Mr. Huddleston has served on the board for the Lexington Hearing and Speech Center, the Kentucky Commission for the Deaf and Hard of Hearing, the Human Services Coordination Alliance, and the Frankfort Salvation Army. He and his wife Pat live in Frankfort and have a daughter and two grandchildren.

Michael Noftsger – Mr. Noftsger is the vice-chairman of the Commission. He was appointed to the Commission by the Speaker of the House in November, 2019. He serves as the Executive Vice-President, Bank Administration, for Forcht Bank. He grew up outside of Xenia, OH and later attended Georgetown College, receiving a BS in Marketing & Finance. Since the summer of 1992, he has worked in the banking industry. Mr. Noftsger has served on many community boards, including the Somerset-Pulaski (morning) Rotary Club, Somerset Christian School Board, Pulaski County Alzheimer's Respite Center Board, Cornelia Dozier Cooper Foundation and the Somerset-Pulaski County Development Foundation. He is a former member of the Kentucky Judicial Conduct Commission. He married Hope King in 1995. Hope is a graduate of the University of Kentucky and works as a Physical Therapist. They have one son, Riley, who attends Somerset Christian School. As a family, they are members of Oak Hill Baptist Church in Somerset, KY.

Tanya Pullin – Judge Pullin was appointed to the Commission by the Senate President in May 2020. She graduated from Greenup County High School and received a B.S. from the University of Kentucky. She received an M.A. from Duke University and a J.D. from the University of Kentucky College of Law. Judge Pullin served in the Kentucky House of Representatives from 2001 to 2016. From 2016 to 2019, she served as an Administrative Law Judge in the Department of Workers' Claims. Judge Pullin currently resides in South Shore in Greenup County.

David L. Nicholas – Mr. Nicholas is the Chairman of the Commission. He was appointed to the Commission by the Senate President in October, 2018. He worked for 15 years for the General Assembly as Staff Administrator of the Administrative Regulation Review Subcommittee. Prior to that, he was Director of the Division of Occupations and Professions in the Finance Cabinet for 18 years. Mr. Nicholas has a Master's in Public Administration and a Bachelor's in Business Administration from Eastern Kentucky University. He is a member of Buck Run Baptist Church and member of the Board of Directors of the Kentucky Golf Association. He and his wife Pat live in Frankfort and have four children and five grandchildren.

Paula Sherlock – Judge Sherlock was appointed to the Commission by the Speaker Pro Tem in 2018. She served as a Family Court Judge in Jefferson County from 2005 until her retirement as Chief Judge of Family Court in 2017. She was selected as Judge of the Year by the Louisville Bar Association in 2015, the Women Lawyers Association in 2016, and the American Academy of Matrimonial Attorneys of Kentucky in 2014. In 2013, Kosair Children's Hospital selected her as Child Advocate of the Year. In 2017, Judge Sherlock was appointed by the Kentucky Supreme Court to serve on the Child Fatality and Near Fatality External Review Panel, which reviews all child deaths and near deaths due to caregiver abuse and neglect. She was on the Board of Directors of the LBA, the Domestic Violence Fatality Review Committee, the Domestic Violence Coordinating Council, and the Family Court Rules Committee. Judge Sherlock has been active in Volunteers of America, Operation Open Arms, and Dress for Success. Judge Sherlock is admitted to practice in all state and federal courts in Kentucky since 1992 and was admitted to practice before the U.S. Supreme Court in 2002. She earned her undergraduate degree at the University of Northern Colorado, a Master's at Campbell University, and her J.D. from Washington & Lee University. She and her husband Ike live in Prospect.

Dan Kelly – Resigned January 2020. Former State Senator and Circuit Judge Kelly was appointed to the Commission by the Senate President in December 2018. Judge Kelly served 19 years in the Senate, including four years as Minority Leader and nine years as Majority Leader, before serving five years as a Circuit Court Judge. He was born in Springfield, Kentucky, but raised in the military with his Father, who was activated with the Kentucky National Guard during the Korean conflict. Judge Kelly graduated from Texas A&M University, was commissioned a 2nd Lieutenant, and served four years active duty and 19 years in the active reserves with the 100th Division in Louisville, retiring as a Lieutenant Colonel. He attended the University of Louisville Brandeis School of Law while working for the Louisville and Jefferson County Planning Commission, then moved home to Springfield and practiced law for 30 years, including eight years as Springfield's city attorney. Judge Kelly and his wife Darlene live in Springfield and have five children and 13 grandchildren.

Legislative Ethics Commission Staff Profile

John Schaaf – Executive Director – Retired August, 2019. Mr. Schaaf joined the Commission in 2004. Prior to that, he was the General Counsel and staff attorney for the Legislative Research Commission for 16 years. His other employment experience includes practicing law in Louisville, and working as editor of a weekly newspaper. He received a journalism degree from the University of Kentucky and a J.D. from the University of Louisville Brandeis School of Law. From 2013 to 2017, he served on the national steering committee of COGEL, the Council on Governmental Ethics Laws.

Laura Hendrix – Executive Director - Ms. Hendrix joined the Commission staff in May 2018 and became the Executive Director in September 2019. Before joining the Commission staff, she was the General Counsel for the Speaker of the Kentucky House of Representatives, General Counsel for the Legislative Research Commission, Committee Staff Administrator for the Elections, Constitutional Amendments and Intergovernmental Affairs Committee, and a Legislative Analyst for the Health and Welfare Committee of the LRC. Prior to her legislative service, she was the General Counsel for the Executive Branch Ethics Commission, Assistant General Counsel for the Kentucky Higher Education Assistance Authority, and clerked for Judge William L. Graham of the Franklin Circuit Court. She received a bachelor's degree in history from Washington University in St. Louis and a J.D. from the University of Kentucky College of Law. She is a 2018 Henry Toll Fellow.

Emily Dennis – Counsel - Ms. Dennis joined the Commission Staff in October 2019 and serves as the Counsel to the Commission. Previously, she served as General Counsel of the Kentucky Registry of Election Finance from May 2008 – September 2019. She was employed by the Kentucky Justice & Public Safety Cabinet in its Office of Legal Services from 2002-2008 and also served as a Staff Attorney with the Cabinet for Economic Development from 1999-2002. Prior to joining state government, she was associated with the Danville law firm of Sheehan, Barnett, Hays, Dean & Pennington, P.S.C. Dennis received her J.D. from the University of Louisville and B.A. from Transylvania University, where she was a William T. Young scholar. When not practicing law, Emily manages Big Red Stables on her family's third generation farm in Mercer County.

Donnita B. Crittenden - Executive Assistant - Mrs. Crittenden is a graduate of Franklin County High School, and has a B.A. in Public Administration from Kentucky State University. Mrs. Crittenden joined the Commission in August 1993. Her previous experience includes a three-year internship with the Kentucky Department of Education, specifically assigned to the State Board of Education.

Lori M. Smither – Staff Assistant - Mrs. Smither is a graduate of Franklin County High School and has a degree in four areas of Interdisciplinary Early Childhood Education. In addition, Mrs. Smither has obtained certificates for the Kentucky Director's Credential, Kentucky Child Care Provider, School Age Child Care, Interdisciplinary Early Childhood Education Technical Studies, and Early Childhood Administrator. Her previous experience includes working as a Member Service Representative at a banking institution for seven years, as a Director/Teacher for 11 years, and part-time at the Ethics Commission for eight years.

Mark Brengelman – Enforcement Counsel - Mr. Brengelman graduated with both Bachelor's and Master's degrees in Philosophy from Emory University in Atlanta, and earned a J.D. from the University of Kentucky College of Law. He became an Assistant Attorney General working in the area of administrative and professional law as the assigned counsel and prosecuting attorney to numerous health profession licensure boards. He retired from state government in 2012, became certified as a hearing officer, and opened his own law practice. Mr. Brengelman is a frequent participant in continuing education having presented for multiple state and national organizations and private companies. He also represents children as Guardian ad Litem and parents as Court Appointed Counsel in confidential child abuse and neglect proceedings in family court.

Education and Training
FY 2019-2020

September, 2019	Donnita Crittenden, Employer and Legislative Agent Training Session
December, 2019	Emily Dennis, attended the Council on Governmental Ethics Laws (COGEL) Conference in Chicago, Illinois
January, 2020	Current Issues Seminar for Members of the General Assembly conducted by LEC Staff
January, 2020	LEC Staff, Employer and Legislative Agent Training Session
February, 2020	Mark Brengelman, presentation at the SGBA meeting
June, 2020	Emily Dennis, Individual Legislator Training Session

During the fiscal year, the Commission staff:

- Provided various in-house training sessions, as requested
- Posted (on website) Employer and Legislative Agent training which is accessible to the regulated community and public at any time
- Provided substantive research and drafting assistance to the Office of Attorney General to successfully defend against a Motion for Discretionary Review filed in the United States Supreme Court challenging key provisions of the Ethics Code - *Schickel, et al. v. Troutman, et al.* (Case # 19-458)
- Reviewed, approved, and posted (on website) 318 Financial Disclosure forms for legislators, candidates and LRC major management staff
- Developed and posted (on website) a PDF-fillable version of the Financial Disclosure form
- Issued an estimated 500 verbal and written informal advisory opinions
- Answered numerous filing and procedural questions
- E-mailed monthly Ethics Reporters to all General Assembly members, LRC staff, news media, legislative agents, and employers
- E-mailed filing notifications monthly to all employers and legislative agents;
- E-mailed and mailed updated employers and lobbyists lists monthly to all General Assembly members and LRC staff (weekly during legislative session);
- Assisted in the development and presentation of the Commission's legislation, 2020 HB 168, sponsored by Representative Kim Moser. While not passed into law, several key provisions were incorporated in 2020 SB 157, as sponsored by Senator Wil Schroder, passed into law and signed by the Governor (Acts Chapter 127)
- Successfully transitioned to work from home with VPN access to workplace desktop and server, due to the COVID 19 pandemic, with individual staff physically present as needs of the office dictate.

**Legislative Ethics Commission
Registration of Lobbyists and Employers**

FY 2019-2020

Number of Employers: 711

Number of Legislative Agents: 593

Updated Registration Statements were filed on:

- September 15, 2019
- January 15, 2020
- February 15, 2020
- March 15, 2020
- April 15, 2020
- May 15, 2020

The Kentucky Legislative Ethics Commission (KLEC) continues to enhance its database and web site, making more information available to the public regarding legislative agents (lobbyists) and their employers.

By accessing KLEC's web site, citizens can review a variety of reports, including legislator and candidate financial disclosure forms, a list of legislative agents and their employers, legislative agent compensation, employer expenses sorted by the employer's name, and employer expenses sorted by industries, such as "gaming" or "health care."

Complaints and Administrative Actions

FY July 1, 2019 - June 30, 2020

Complaints:

There were two formal complaints filed against legislators during this fiscal year. Both of the complaints were dismissed.

Administrative Fines Levied by the Commission:

Legislative Agents	\$2,250.00
Employers	\$2,850.00
Legislators	\$0.00
Candidates	\$0.00
Total Fines Collected	\$5,100.00

These fines were assessed due to failure to file statements by the designated filing deadlines, and if complaints were filed with the Commission.

Employers and legislative agents are cautioned that chronic late filing of forms may result in additional penalties and possible action by the Commission.

LOBBYING EXPENSES AS REPORTED 1993 - 2020

YEAR	EMP FB	EMP AE	EMP RME	EMP EXP	LA FB	LA RME	LA EXP	LA COMP	TOTAL
**2020	\$0	\$345,984	\$169,447	\$508,884	\$0	\$5,362	\$467,709	\$13,745,927	\$15,243,318
2019	\$0	\$317,860	\$222,083	\$568,785	\$0	\$24,235	\$726,440	\$20,432,842	\$22,292,245
2018	\$0	\$478,350	\$249,972	\$992,151	\$0	\$14,909	\$1,007,980	\$20,428,445	\$23,171,807
2017	\$0	\$227,917	\$192,375	\$690,639	\$0	\$17,542	\$846,917	\$18,856,830	\$20,832,220
2016	\$0	\$299,479	\$236,495	\$660,162	\$0	\$6,027	\$888,039	\$18,692,836	\$20,783,038
2015	\$0	\$1,017,588	\$190,100	\$600,903	\$0	\$13,484	\$781,811	\$16,692,957	\$19,296,843
2014	\$149	N/A	\$185,402	\$563,386	\$0	\$8,685	\$831,507	\$16,822,398	\$18,411,527
2013	\$429	N/A	\$154,182	\$453,074	\$30	\$11,648	\$852,342	\$14,970,623	\$16,442,328
2012	\$539	N/A	\$143,154	\$858,368	\$0	\$16,407	\$945,621	\$15,813,368	\$17,777,457
2011	\$228	N/A	\$160,435	\$393,916	\$16	\$17,491	\$905,572	\$13,613,009	\$15,090,667
2010	\$530	N/A	\$189,059	\$904,378	\$0	\$28,206	\$1,188,642	\$14,382,024	\$16,692,839
2009	\$236	N/A	\$135,943	\$462,256	\$0	\$19,126	\$985,833	\$13,659,283	\$15,262,677
2008	\$434	N/A	\$248,463	\$691,801	\$82	\$35,100	\$1,196,922	\$14,729,726	\$16,902,528
2007	\$160	N/A	\$160,087	\$530,195	\$0	\$18,175	\$1,025,796	\$11,951,309	\$13,685,722
2006	\$423	N/A	\$227,190	\$803,103	\$157	\$19,631	\$1,061,624	\$13,362,476	\$15,474,604
2005	\$420	N/A	\$214,397	\$615,303	\$268	\$24,663	\$902,410	\$10,808,709	\$12,566,170
2004	\$561	N/A	\$204,701	\$819,692	\$150	\$10,003	\$213,134	\$10,836,866	\$12,085,107
2003	\$542	N/A	\$193,663	\$848,670	\$0	\$4,639	\$0*	\$8,141,073	\$9,188,587
2002	\$262	N/A	\$188,446	\$1,008,768	\$20	\$8,248	\$0*	\$9,088,595	\$10,294,339
2001	\$160	N/A	\$136,819	\$608,853	\$73	\$4,201	\$0*	\$6,132,887	\$6,882,993
2000	\$95	N/A	\$136,032	\$857,075	\$0	\$13,424	\$0*	\$8,295,998	\$9,302,624
1999	\$248	N/A	\$30,082	\$411,981	\$0	\$1,562	\$0*	\$3,989,617	\$4,433,490
1998	\$20	N/A	\$82,741	\$939,643	\$10	\$4,500	\$0*	\$7,086,054	\$8,112,968
1997	\$14	N/A	\$22,072	\$420,529	\$0	\$4,019	\$0*	\$3,137,175	\$3,583,809
1996	\$589	N/A	\$40,822	\$880,518	\$301	\$3,939	\$341,893	\$6,037,002	\$7,305,064
1995	\$177	N/A	\$15,692	\$318,105	\$107	\$534	\$144,098	\$2,254,114	\$2,732,827
1994	\$852	N/A	\$34,117	\$1,356,719	\$350	\$2,305	\$514,701	\$4,557,014	\$6,466,058
1993	\$81	N/A	\$1,426	\$552,648	\$3	\$108	\$0	\$986,811	\$1,541,077
Totals	\$7,149	\$2,687,178	\$4,165,397	\$19,320,505	\$1,567	\$338,173	\$15,828,991	\$319,505,968	\$361,854,933

Guide to Abbreviations:

EMP.FB (Emp. Food and Beverage)

LA. FB (Legislative Agent Food and Beverage)

EMP.RME (Emp. Reception, Meals & Events)

LA. RME (Legislative Agent Reception, Meals & Events)

EMP.EXP (Emp. Expenses)

LA. EXP (Legislative Agent Expenses)

EMP.AE (Emp. Advertising Expense)

LA. COMP (Legislative Agent Compensation)

* Employer forms were amended to delete section dealing with reimbursed expenses to legislative agents.

Staff discovered that employers were listing amounts reimbursed to legislative agents for expenses and legislative agents were reporting these figures during the same period.

**2020 figures include totals through August 31, 2020.

2015 was first year for reporting EMP AE

NOTE: Numbers have been rounded to the closest dollar for convenience.

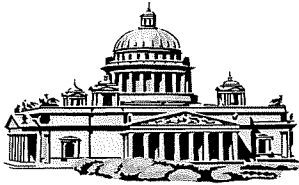
**MONEY SPENT ON LEGISLATIVE ACTIVITY SINCE THE ENACTMENT OF
THE LEGISLATIVE ETHICS CODE - September 1993**

Legislative Year	Money for food and beverages for legislators and their families.	Money for food and beverages at recognized events.	Total expenses/expenditures for lobbying. (Includes legislative agent salary.)
1993	\$84	\$1,534	\$1,541,077
1994	\$1,202	\$36,422	\$6,466,058
1995	\$284	\$16,226	\$2,732,827
1996	\$890	\$44,761	\$7,305,064
1997	\$14	\$26,091	\$3,583,809
1998	\$30	\$87,241	\$8,112,968
1999	\$248	\$31,644	\$4,433,490
2000	\$95	\$149,456	\$9,302,624
2001*	\$233	\$141,020	\$6,882,993
2002	\$282	\$196,694	\$10,294,339
2003	\$542	\$198,302	\$9,188,587
2004	\$711	\$214,704	\$12,085,107
2005	\$688	\$239,060	\$12,566,170
2006	\$580	\$246,821	\$15,474,604
2007	\$160	\$178,262	\$13,685,722
2008	\$516	\$283,563	\$16,902,528
2009	\$236	\$155,069	\$15,262,677
2010	\$530	\$217,265	\$16,692,839
2011	\$244	\$177,926	\$15,090,667
2012	\$539	\$159,561	\$17,777,457
2013	\$459	\$165,830	\$16,442,328
2014	\$149	\$194,087	\$18,411,527
2015	\$0	\$203,584	\$19,296,843
2016	\$0	\$242,522	\$20,783,038
2017	\$0	\$209,917	\$20,832,220
2018	\$0	\$249,972	\$23,171,807
2019	\$0	\$222,083	\$22,292,245
2020**	\$0	\$169,447	\$15,243,318

*2001 Reflects totals from the first annual session in an odd-numbered year. **2020 figures include totals through August 31, 2020.

From 1993 to August 31, 2020, \$361,854,933 was reported.

Of that figure, \$319,505,968 was attributed to salaries of legislative agents and \$42,348,965 was for other lobbying expenses.



Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.ky.gov>

U.S. Court of Appeals denies motions to rehear or delay strong pro-ethics decision



Kentucky's Legislative Ethics Commission (KLEC) recently scored several more important wins in the federal court case filed against the members of KLEC by Sen. John Schickel, whose lawsuit claims he has a constitutional right to accept meals, beverages, and campaign contributions from legislative lobbyists.

First, the U.S. Court of Appeals for the Sixth Circuit denied Schickel's request that his case be heard again by the same three-judge panel that issued the sweeping opinion upholding the constitutionality of ethics laws that were challenged by Schickel.

Schickel also asked that the case be heard by all 16 of the Sixth Circuit's judges, sitting as a single panel. That request was denied after Schickel's motion was circulated among all the Circuit Judges and no judge requested a vote on the suggestion for a rehearing.

Next, Schickel and two Libertarian Party co-plaintiffs asked the Sixth Circuit to delay its mandate to U.S. District Judge William Bertelsman, requiring him to enter a final order in the case. After that "motion to stay the mandate" was denied, the Sixth Circuit issued its mandate to the lower court, and a final order will soon be issued by Judge Bertelsman.

Finally, Schickel and one of the Libertarians asked the U.S. Supreme Court to extend from 90 days to 150 days the time in which Schickel's attorneys must file a petition for Writ of Certiorari. That's a document a losing party files, asking the Supreme Court to review a decision of a lower court.

In the motion to the Supreme Court, Schickel's attorneys referred to **Operation BOPTROT** as "a scandal in which a couple members of the harness racing industry were involved with bribing legislators and other government officials."

That brief description of a serious FBI investigation of the General Assembly is not consistent with the language of the Sixth Circuit's decision. In the 1990's, **BOPTROT** led to 21 convictions, including 15 legislators, several from Northern Kentucky. The Sixth Circuit cited **BOPTROT** as giving Kentucky an important government interest in preventing corruption and adopting a strong ethics law. In the *Schickel* decision, the Sixth Circuit states:

"In the aftermath of **BOPTROT**, the public lost faith in its elected officials, and public standing plunged to an all-time low. (Tom Loftus & Al Cross, *Lies, Bribes and Videotape*, **The Courier-Journal**, July 1, 1993.) Corruption was rampant and came cheap - in some cases, legislators accepted as little as \$400 from lobbyists in exchange for influencing legislation. (Martin Booe, *Ethics: Kentuckians Amazed that \$400 Can Buy a Lawmaker*, **L.A. Times**, April 13, 1993.)"

The request from the attorneys for Schickel and the Libertarian for more time was denied by U.S. Supreme Court Justice Sonia Sotomayor, who is assigned by Chief Justice John Roberts to rule on all such requests from the Sixth Circuit.

If Schickel or one or both Libertarians intend to ask the U.S. Supreme Court to hear an appeal from the Sixth Circuit's decision, their petition to the Supreme Court must be filed by early October, within 90 days of the day the Sixth Circuit denied their motion for a rehearing.

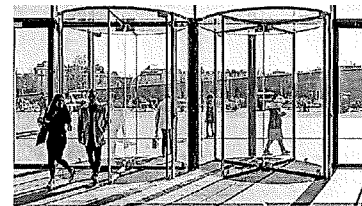
The Sixth Circuit's ruling was a unanimous decision by a panel of judges appointed by Presidents George W. Bush, Jimmy Carter, and Donald Trump.

If the Sixth Circuit's decision stands, it's a stamp of approval for Kentucky's legislative ethics law, and a clear signal in support of strong public ethics laws across the nation.

In the 26 years since the adoption of Kentucky's Code of Legislative Ethics, no Kentucky legislator has been charged or convicted of misusing his or her legislative office.

The federal court ruling is an important message to the other 49 states, hundreds of cities and counties, and to the U.S. Congress, that they can adopt strong ethics laws like Kentucky did in the post-**BOPTROT** era, and help public officials and lobbyists avoid corruption.

**Lobbying groups terminate registrations,
while others begin lobbying this summer**



There are currently 723 businesses and organizations registered to lobby the Kentucky General Assembly, and 588 lobbyists registered to represent those employers.

Lobbying employers which have registered since the end of the 2019 General Assembly are: **The Arrow Fund; CrisisGo, Inc.; Danny Wimmer Presents; Emergent BioSolutions; Kentucky Association for School Social Work; Kentucky Health Departments Association; Kentucky Hemp Works; Life Skills, Inc.; HMB Inc.; and WalMart Inc.**

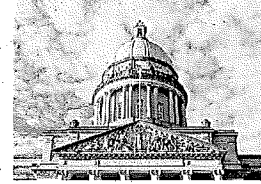
Employers that have terminated their registration and are no longer lobbying the General Assembly are: **Aleris International, Inc.; Appian; Bird Rides, Inc.; BrightStar Care; Cardinal Aluminum; Citizens for Responsible Pet Ownership; Coin Laundry Association; Enclara Pharmacia; Financial Services Institute, Inc.; G2lytics; Good Food Institute; Green River Alliance Group; and International Association of Amusement Parks and Attractions.**

Also terminated are: **Kentucky Municipal Energy Agency; Logan Aluminum; Louisville Free Public Library Foundation; Louisville Theatrical Association; Med Center Health; National Alliance for Public Charter Schools; National Association for Gun Rights; Organization for International Investment; Owl's Head Alloys; Partnership to Protect Patient Health; Passport Foundation; Teachers Insurance and Annuity; Spin; and Sugar Creek Capital.**



Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.ky.gov>

Ethics Commission says law should ban harassment; Appoints Laura Hendrix as Executive Director



At its recent meeting in Frankfort, the Kentucky Legislative Ethics Commission unanimously recommended that the 2020 General Assembly clarify state law to specifically prohibit legislators and lobbyists from engaging in sexual or workplace harassment against legislative employees, or other legislators or lobbyists.

In past cases involving allegations of sexual harassment, the Commission has proceeded under a more general ethics law relating to misuse of office. The recommended change would enshrine specific workplace protections into the legislative ethics law, and provide that a violation is ethical misconduct, punishable by fines and other sanctions.

The Commission also recommended that the ethics law be amended to give the Commission the authority to adjudicate a complaint filed against a legislator, even if the legislator leaves office after the complaint is filed, as long as the complaint is based on action that occurred not more than a year prior to the day the legislator left office.

Under the recommendation, the same principle would apply in a case against a lobbyist or employer for up to a year after the lobbyist or employer is no longer registered.

In other action, the Ethics Commission unanimously chose Laura Hromyak Hendrix as its new Executive Director, effective September 1 when current director John Schaaf retires.

In selecting its next Executive Director, the Commission promoted Hendrix from her position of legal counsel for the Commission.

“Laura’s knowledge of the ethics law and her legal experience will allow the Commission to continue its tradition of advising on and enforcing the ethics laws in a fair and nonpartisan manner,” said Commission Chairman Anthony Wilhoit of Versailles. The Commission is the only citizen-run (no legislators) legislative ethics commission in the nation.

Schaaf has led the Commission staff since 2015, and served as the Commission’s legal counsel since 2004. Before that, he was General Counsel for the Legislative Research Commission (LRC) for 16 years, practiced law in Louisville, and ran a weekly newspaper.

In 1993, as LRC’s Counsel, Schaaf staffed the Task Force on Governmental Ethics, and drafted the legislation the General Assembly enacted as the Code of Legislative Ethics, creating the independent Ethics Commission.

Schaaf has been active in the **Council on Governmental Ethics Laws (COGEL)**, serving on its Steering Committee. **COGEL** is an international organization for government ethics and campaign finance administrators.

"John has had an exemplary career of principled public service," Wilhoit said. "He's been instrumental in helping the General Assembly compile an excellent record of compliance and avoid the type of ethics problems which often occur in other states."

Hendrix joined the Commission staff in May 2018. Prior to that, she was General Counsel for the Speaker of the Kentucky House, General Counsel for the LRC for 11 years, and a Committee Staff Administrator and Legislative Analyst for LRC.

She also served as the General Counsel for the Executive Branch Ethics Commission, Assistant General Counsel for the Kentucky Higher Education Assistance Authority, and clerked for Judge William L. Graham of the Franklin Circuit Court.

Hendrix earned a bachelor's degree in history from Washington University in St. Louis and a J.D. from the University of Kentucky College of Law. She is a 2018 **Council of State Governments** Henry Toll Fellow. She and her husband, Doug have three children and reside in Frankfort.

In addition to **Judge Wilhoit**, other members of the Legislative Ethics Commission are: Vice-Chair, retired Judge and former Senator **Dan Kelly** of Springfield; former Representative **Sheldon Baugh** of Russellville; former Representative **Pat Freibert** of Lexington; **Anthony Goetz** of Nicholasville; former Judge **Paula Sherlock** of Prospect; and **Phil Huddleston** and **Dave Nicholas** of Frankfort.

**Lobbying reports due by September 16:
Few employers register and terminate**



There are currently 724 businesses and organizations registered to lobby the Kentucky General Assembly, and 588 lobbyists registered to represent those employers.

By **Monday, September 16, 2019**, all lobbyists and employers are required to file Updated Registration Statements (expense reports) for the period May 1 through August 31, 2019.

The easiest and quickest way for lobbyists and employers to file is to visit the Commission's website <http://klec.ky.gov> and click "file forms online."

Employers which have recently signed up to lobby are: **Danny Wimmer Presents; Encore Technology; Harley Davidson Motor Co.**; and **KEPRO**, a Pennsylvania-based company whose website states it is "the nation's largest CMS-designated quality improvement organization and care management organization."

Employers which have terminated and are no longer lobbying in Kentucky are: **AARP Government Affairs; American Association of University Women**; and **Zoll**, which develops medical devices.

ETHICS REPORTER

September, 2019



Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.ky.gov>

Kentucky lobbying increases more than \$1 million from last odd year's totals

Businesses and organizations spent \$15.7 million on lobbying the Kentucky General Assembly during the first eight months of 2019, which is up \$1.2 million from the most recent short session year, in 2017. In 2015, spending was \$13.7 million, and in 2013, it was \$11.9 million, for the same period. The General Assembly is in session for only 30 legislative days in odd years, as opposed to a 60-day session in even numbered years.

During the first two-thirds of 2019, 709 lobbying employers paid about 580 lobbyists more than \$14.3 million, and an additional \$902,575 was spent on lobbying-related administrative costs, such as travel and other expenses.

The leading spender for January through August, 2019, is the **Kentucky Chamber of Commerce**, which spent \$235,978 on lobbying. Running a close second, at \$214,025, is **Altria (Phillip Morris)**.

The rest of the top 10 spenders and amounts for this period of reporting are: **Kentucky Hospital Association** (\$169,596); **Kentucky Bankers Association** (\$125,644); **National Council of State Boards of Nursing** (\$116,889); **CSX Corporation** (\$104,643); **Anthem, Inc** (\$99,589); **Kentucky Retail Federation** (\$96,988); **Greater Louisville, Inc.** (\$96,624); and **Kentucky Justice Association** (\$94,142).

The remainder of the top 25 spenders and amounts are: **Humana** (\$90,547); **U.S. Justice Action Network** (\$86,848); **Kentucky Credit Union League** (\$85,277); **Home Builders Association of Kentucky** (\$82,640); **United Healthcare Services** (\$80,610); **Kentucky Medical Association** (\$79,670); **HCA Healthcare** (\$78,400); **Kentucky League of Cities** (\$77,770); **Kentucky Farm Bureau Federation** (\$74,086); **Accenture** (\$74,000); **Juul Labs** (\$73,989); **DisposeRX** (\$71,900); **Kentucky Association of Manufacturers** (\$70,377); **Kentucky Equine Education Alliance** (\$66,978); and **Johnson & Johnson** (\$66,120).

Advertising relating to lobbying in the 2019 legislative session

In 2014, bipartisan legislation enacted by the Kentucky General Assembly required employers of lobbyists to report the cost of advertising appearing during a legislative session that supports or opposes legislation, which is paid for by that employer of lobbyists or a person or organization affiliated with an employer. This includes statements disseminated to the public in print, via radio or television, or any electronic means, including internet or telephonically, and includes direct or bulk mailings.

During the 2019 Regular Session of the General Assembly, \$294,117.10 was spent on advertising relating to legislation, by employers of lobbyists. The top 10 employers and amounts spent on advertising were: **National Council of State Boards of Nursing** (\$94,639); **Kentucky Credit Union League** (\$40,077.65); **Kentucky Retired Teachers Association** (\$30,003.67); **Everytown for Gun**

Safety Action Fund (\$18,235); Juul Labs (\$17,232.72); Excellence in Education in Action (\$14,614.57); American Federation for Children (\$13,192.50); Family Foundation (\$12,640); Mountain Association for Community Economic Development (\$8,163.63); and Americans for Prosperity (\$7,892.56).

The top 5 amounts and issues on which advertising costs were paid for by employers during the 2019 legislative session were: \$94,639.00 regarding 2019 RS SB 132 (advanced registered nurse prescriptive authority); \$48,303.66 regarding 2019 RS HB 205 (scholarship tax credits); \$40,077.65 regarding 2019 RS HB 139 (Kentucky Financial Empowerment Commission); \$30,083.55 regarding teacher pension and health insurance legislation; and \$19,958.97 regarding 2019 RS SB 150 (concealed carry without permit).

Recent lobbying registrations and terminations

Six businesses recently registered to lobby the General Assembly, including two companies intending to lobby on the issue of medical marijuana: **Ovid Ventures**, registered by Robert Arnold, also the owner of Saffire Vapor, an e-cigarette company; and **CT Pharmaceutical**, a Connecticut medical marijuana vaping company. Other new registrants include: **Cisco Systems, Inc; Evolent Health, Inc; Prescient Medicine; and Viverra Senior Living, LLC.**

Recently terminated businesses and organizations include: **Alcohol Monitoring Systems, Inc; Astrellas Pharma US; Balanced Health KY; Boy Scouts of America; Ellis Park Race Course, LLC; Energy Systems Group; Equian LLC; Fund for the Arts; Hagan Properties; Highlands Health System; Kentuckians for Better Transportation; KY State Beekeepers Association; Mortenson Dental Partners; New Meridian Corp.; Notarize; Objectiv Growth, LLC; Republic Bank & Trust Company; RiverValley Behavioral Health; and Walker Company.**

Recent spending on events

As summer ends, so too does the spring and summer conference season. Under Kentucky's legislative ethics law, lobbying groups are permitted to invite designated groups of legislators to events, but they must report spending on these events.

Some of the events held recently, and reported to the Legislative Ethics Commission, included receptions held in conjunction with the **National Conference of State Legislatures' Annual Meeting** in Nashville, TN, with a total cost of \$18,774.61, and the **American Legislative Exchange Council's Annual Meeting** in Austin, TX, with a total expenditure of \$7,267.55.

Other events included the Kentucky Farm Bureau's 56th Annual Kentucky Ham Breakfast and Picnic, at \$5,772; a Cincinnati Reds Game in conjunction with Northern Kentucky committee meetings, at \$3,238.02; and a Derby Day Brunch held at the Kentucky Exposition Center totaling \$5,263.96.

ETHICS REPORTER

October, 2019

Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.ky.gov>

Two-year registration for lobbyists and employers opens on December 1, 2019

Employers' and legislative agents' registration with the Legislative Ethics Commission will expire on December 31, 2019. Check the Ethics Commission's website <http://klec.ky.gov/> for the Initial Registration Statement for the two-year period beginning January 1, 2020 and ending on December 31, 2021. For your convenience, we will also send out an email mid-November with instructions and forms attached.

Beginning December 1, 2019, the Commission will accept completed registrations. Initial registration forms CANNOT be filed online.

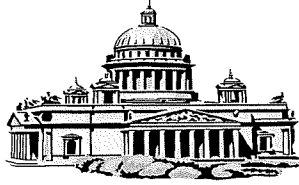
A registration fee of \$250 must be paid by the employer of one or more legislative agents. This fee may be paid by cash, check, Visa, MasterCard, American Express, or Discover. If the registration is mailed with a check, the check should be payable to **Kentucky State Treasurer**.

If paid by credit card, the registration may be faxed, or scanned and e-mailed, along with the completed credit card form. The Initial Registration Statement may be copied.

Please remember the employer must sign the registration form of each legislative agent. If more information is needed, please contact the Commission at (502) 573-2863, or e-mail Donnita.Crittenden@lrc.ky.gov

Ethics Commission hires Emily Dennis as counsel

The Ethics Commission has appointed Emily Dennis as counsel. Ms. Dennis comes to the Commission from the Kentucky Registry of Election Finance, where she served as General Counsel for 11 years. She also worked for the Justice and Public Safety Cabinet and the Cabinet for Economic Development, as well as in private practice. She is a graduate of the University of Louisville School of Law and received her bachelor's degree from Transylvania University. Please join us in welcoming Emily to the Commission.



ETHICS REPORTER November, 2019

Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
Fax (502) 573-2929
<http://klec.ky.gov>

Two-year registration for lobbyists and employers opens on December 1, 2019

Employers' and legislative agents' registration with the Legislative Ethics Commission will expire on December 31, 2019. Check the Ethics Commission's website [http://klec.ky.gov/](http://klec.ky.gov) for the Initial Registration Statement for the two-year period beginning January 1, 2020 and ending on December 31, 2021. For your convenience, we sent out an email mid-November with instructions and forms attached.

Beginning December 1, 2019, the Commission will accept completed registrations. Initial registration forms CANNOT be filed online.

A registration fee of \$250 must be paid by the employer of one or more legislative agents. This fee may be paid by cash, check, Visa, MasterCard, American Express, or Discover. If the registration is mailed with a check, the check should be payable to **Kentucky State Treasurer**.

If paid by credit card, the registration may be faxed, or scanned and e-mailed, along with the completed credit card form. The Initial Registration Statement may be copied.

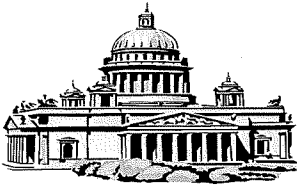
Please remember the employer must sign the registration form of each legislative agent. If more information is needed, please contact the Commission at (502) 573-2863, or e-mail Donnita.Crittenden@lrc.ky.gov

Mandatory Current Issues Seminar for Legislators-January 8 & 9, 2020

All General Assembly members are required to attend the annual Current Issues Seminar on January 8 and 9, 2020, from 9 to 10:30 a.m., in the Capitol Annex. This 3 hour training will cover Kentucky's legislative ethics law, real-life scenarios, and legal issues relating to ethics.

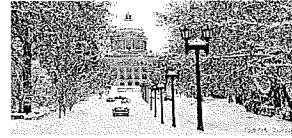
ETHICS REPORTER

December, 2019



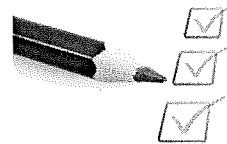
Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.ky.gov>

Mandatory Ethics sessions in January



The 2020 Current Issues ethics sessions for members of the General Assembly will be on Wednesday and Thursday, January 8 and 9. The 90-minute sessions will start at 9 a.m. on both days and will be in Room 154 of the Capitol Annex.

Year-end spending reports due by January 15



Employer and Legislative Agent Updated Registration Statements for the period of September 1 to December 31, 2019 are required to be filed by Tuesday, January 15, 2020.

To file forms quickly and easily, please use the Legislative Ethics Commission's website <http://klec.ky.gov/>. The **File Forms Online** box is on the front page of the website. If there are questions about an employer's or legislative agent's form, please contact the Commission office at (502) 573-2863.

New registration cycle begins January 1

January 1 is the beginning of a new two-year registration cycle, so every person, business, and organization interested in lobbying is required to register with the Commission for the period covering January 1, 2020 to December 31, 2021, by December 31, 2019. After the January filing, lobbying spending reports are due by the 15th of each month from February to May, then again in September.

New & terminated employers

There are 729 businesses and organizations, and 590 legislative agents, registered to lobby the General Assembly. Those which have recently registered include: American Law Institute; Aperture Credentialing LLC; Christian Co. Chamber of Commerce; Coalition for the Homeless; Diabetes Patient Advocacy Coalition; Esper Regulatory Technologies, Inc.; Facebook, Inc.; Girls Who Code; Grover Gaming; KY Public Health Assn.; Med Center Health; National Assn. of Professional Employer Organizations; Nature Conservancy; Parity for Pumps; Point Pleasant Fire Protection District; PremierTox Laboratory & Environmental Health; RB Seelbach LLC; Real Alloy Recycling; Rumpke of Kentucky, Inc.; Washington Center; WHC KY LLC; Whitney/Strong. Those which have recently terminated lobbying are: Amrock; KY Beverage Assn.; Software Information Systems; Tahirih Justice Center; Treatment Advocacy Center.

Kentucky's Ethics Laws Stand- United States Supreme Court denies petition

Thanks to the Kentucky General Assembly's bipartisan action, Kentucky has a "no cup of coffee" rule that prevents individual legislators from receiving food and beverages and other gifts from lobbyists and their employers. Additionally, lobbyists cannot contribute to legislators' or legislative candidates' campaigns for office, and employers and PACs cannot give to legislative campaigns during the regular legislative sessions. The ethics law, enacted as a response to the BOPTROT scandal in the early 1990's, was strengthened by the General Assembly in 2014.

In early December of this year, the United States Supreme Court declined to review a federal 6th Circuit Court of Appeals decision which upheld Kentucky's strong legislative ethics laws against a constitutional challenge. This means that the gift and contribution provisions continue to be in force and applicable to the actions of legislators and lobbying interests in Kentucky. The Supreme Court's decision not to review the case is a victory for the General Assembly's strong approach to regulating legislative ethics.

Ethics & Lobbying News from around the U.S.



Americans want civility in politics

WASHINGTON DC – *THE HILL* – editorial by Carolyn Lukensmeyer -- December 26, 2019

The latest annual survey released by Weber Shandwick finds that nearly 70 percent of Americans feel we have a serious problem with civility. Yet despite these gloomy indicators, there are plenty of reasons to believe that civility is not dead and trust in government can be restored.

It helps to take the long view. The Founding Fathers saw that conflict and division inevitably lay at the heart of our democracy, and they set out to balance a range of inherent tensions in the drafting of the Constitution, including the rural versus urban, states versus federal, legislative versus judicial. The Founding Fathers believed that conflicts would ultimately be resolved by the people, and their faith in us has been rewarded so many times in the more than two centuries since the Constitution was ratified.

Rising above our political differences has never been easy. However, even in the highly polarized climate today, we are reminded that transcending our political divisions is possible. Consider the improbable friendship of George Bush and Michelle Obama. The political viewpoints of the former president and the former first lady in various ways could not be further apart. Yet the two have forged a warm relationship throughout the years. "We disagree on policy but we do not disagree on humanity. We do not disagree about love and compassion," Obama said of their friendship.

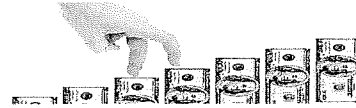
This very sentiment of shared values resonates with a significant portion of the Americans. For all the anger and divisiveness that is laid bare on social media and on cable networks hour after hour and day after day, there is a yearning for civility across our political discourse. In the Weber

January, 2020



Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.kv.gov>

Lobbying spending hits all-time high for an odd-year



Kentucky lobbying interests spent a record \$22.2 million in 2019, easily outpacing the previous record of \$20.8 million for a year in which the General Assembly met for 30 legislative days (“odd-year session”), which was set in 2017.

The 2019 General Assembly was a short session, lasting 30 days, but this record odd-year number almost matched that of the 2018 session, which lasted twice as long and included the enactment of the two-year state budget. In 2018, \$23.1 million was spent on lobbying the General Assembly. Stated another way, for each legislative day of the short session, \$740,148.30 was spent in lobbying costs. In 2019, 581 lobbyists worked for 720 employers, and were paid \$20.3 million in compensation.

The two top spending lobbying organizations in 2019 are the same as 2018, but switched places. Top spender **Kentucky Chamber of Commerce** spent \$317,149, down from \$352,425 in 2018. Second place finisher, **Altria (Philip Morris and U.S. Smokeless Tobacco Co.)** spent \$295,921, down from \$552,103 in the prior year.

The other top 10 spenders were: **Ky. Hospital Association** (\$187,365); **Anthem Inc.** (\$153,589); **Ky. Bankers Association** (\$146,988); **U.S. Justice Action Network** (\$135,180); **Humana** (\$134,163); **Ky. Justice Association** (\$133,513); **Ky. Retail Federation** (\$133,428); and **HCA Healthcare** (\$126,400).

The rest of the top 25 spenders include: **National Council of State Boards of Nursing** (\$123,924); **Juul Labs** (\$123,089); **United Healthcare Services** (\$120,913); **CSX** (\$117,639); **Home Builders Association of Ky.** (\$117,004); **Accenture** (\$110,000); **Ky. Medical Association** (\$109,525); **Greater Louisville, Inc.** (\$109,342); **Ky. Credit Union League** (\$107,277); **Ky. League of Cities** (\$106,099); **Ky. Association of Manufacturers** (\$102,262); **Charter Communications** (\$99,028); **AT&T** (\$98,614); **LifePoint Health** (\$98,493); and **Diversified Gas & Oil** (\$96,475).

For a complete list of lobbying spending by all businesses and organizations, and compensation paid to each of the lobbyists, see the Legislative Ethics Commission’s website: <http://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx>

Newly-registered lobbying employers

Businesses and organizations which have recently registered to lobby include: **Community Assn. Institute**; **U.S. World Meds**; **H & R Agri-Power**; **Commonwealth Agri-Energy**; **Terresana Management, LLC**; **Copart**; **Center for Employment Opportunities, Inc.**; **Election Systems & Software**; **Cordish Companies**; **American Fidelity Corporation**; **Bluegrass Community Foundation**; **CT Pharmaceuticals**; **DC Elevator Company**; **GE Appliances**; **The Healing Place**; **Fayette Alliance**; **KY Association of Medical Oncology**; **KY Corn Growers Association**; **KY Smart on Crime**; **New Venture Fund**; **Owl’s Head Alloys**; **Town Branch FOP Lodge #83**; and **Vera Institute of Justice, Inc.**

Terminated employers & Re-registration

As noted in emails to all employers and the December, 2019 Legislative Ethics Reporter, the Code of Legislative Ethics requires **ALL** employers to re-register every two years. Employers who fail to re-register as of December 31st of an odd-numbered year are automatically terminated.

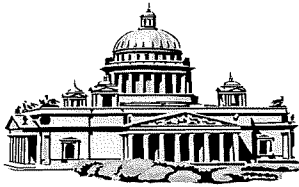
January 1, 2020 was the beginning of a new two-year registration cycle, so every person, business, and organization interested in lobbying was required to register with the Commission for the period covering January 1, 2020 to December 31, 2021, **by December 31, 2019**. Lobbying spending reports are due by the 15th of each month from January to May, then again in September.

Employers who have not re-registered are: **Agentis Management Inc.; The Alliance for Solar Choice; American Federation for Children; American Rental Association; Americans United for Separation of Church and State; Appalachian Wildlife Foundation; Autism Speaks; Baxter Healthcare Corporation; Benevis; Bluegrass Institute for Public Policy Solutions; Braeburn, Inc.; Bristol-Meyers Squibb Co.; Brotherhood of Maintenance Way Employees; CenturyLink; Chesapeake Appalachia, LLC; Coalition of Ignition Interlock Manufacturers; Coca-Cola Bottling Co. Consolidated; Coca-Cola North America; Comp TIA; Fern Creek Fire Department; Healthcare Distribution Alliance; HID Global; HMB, Inc.; Home School Legal Defense Assn.; Hopebridge; Independent Electrical Contractors of KY/S.IN; Humane Society of the U.S.; Indivior, Inc.; ITG Brands, LLC; Koch Co. Public Sector, LLC; KY Alternative Livestock Assn.; KY Blue Grass Cannabis, LLC; KY Equipment Distributors; KY Hemp Works; Lyft, Inc.; Magna Pharmaceuticals; March of Dimes; MCG Health, LLC; McLane Company, Inc.; Monarch Private Capital; National Community Pharmacists Assn.; Oldcastle Materials, Inc.; Our Lady of Bellefonte Hospital; RL Polk & Company; Recurrent Energy, LLC; Safety Edge, LLC; Sage Therapeutics; Synergy Rehabilitation; Track Group; United Rentals, Inc.**

Employers who terminated lobbying are: **Amplify Education; Amrock; Brain Injury Alliance of KY; Caesars Enterprise; Child Care Council; Consumer Technology; CTIA -Wireless; Down Syndrome Assn. of Central KY; EQT Corporation; Equestrian Events; Foundation for Individual Rights; Getronics; Harley-Davidson Motor Company; Home Builders Assn. of Lexington; Interlock Industries; JACK Ohio; Jeffersontown Fire Dept.; KY Advocates for Representation Excellence; KY Beverage Association; KY Concrete Pavement Association; KY Kingdom; KY Library Association; KY Medical Equipment Suppliers Assn., Inc.; MAGO Construction; Smart Transportation Division/KY; Software Information Systems; Tahirih Justice Center; Treatment Advocacy Center; Walmart, Inc.**

Reminder-Candidates, legislators and major management personnel

Candidates for the General Assembly of the legislative branch must file their financial disclosures by January 31, and sitting members of the General Assembly and major management personnel must file by February 17. Copies of the required form are available at the Legislative Ethics Commission website at: <https://klec.ky.gov/Forms/Pages/default.aspx>



Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230
Phone: (502) 573-2863
<http://klec.ky.gov>

Lobbying spending hits high for January



A new decade brought a new record: lobbying spending hit \$2,621,078 and broke the spending record for the first month of an even year, 60-day legislative session, by \$5,267 over the previous all-time January record reached in January, 2018.

January's record spending comes on the heels of the all-time high \$22.2 million spent last year for an odd-year session, and the record \$23.1 million spent in 2018, the last even year session, by businesses, organizations, and lobbyists pursuing their interests with the General Assembly.

There are 704 businesses and organizations lobbying the General Assembly, with 612 lobbyists working for those employers.

This past month's lobbying spending is led by the **Kentucky Chamber of Commerce**, which spent \$55,465 last month, including \$6,730.66 on a Lexington Chamber Day dinner and a reception at Buffalo Trace held for all legislators, the second-highest amount of reception, meal, and event spending for January. As lobbying priorities, the **Chamber** listed 30 bills on its disclosure on which it is lobbying, including the sports betting bill (HB 137), bills relating to worker's comp, wages and collective bargaining, charter schools, vaping, requiring FAFSA completion, sanctuary cities, foster care, expungement, damages, school councils, and other issues.

KY Raceway LLC, the owner of Kentucky Speedway, was the second-leading spender at \$50,560. Most of that amount, \$50,000, was paid by **KY Raceway** for advertising on HB 137 through the entity "Ky Sports Betting Now". This was the highest amount for advertising reported for January.

The other top 10 spenders were: **Marsy's Law for All** (\$39,728); **Altria Client Services LLC** (Philip Morris)(\$31,631); **Kentucky Justice Association** (\$25,627); **Legalize KY Now, Inc.** (\$23,500); **FanDuel, Inc.** (\$21,581) which also reported advertising of \$15,580 of that amount on HB 137; **Kentucky Hospital Association** (\$21,430); **Google LLC & Its Affiliates** (\$20,000); and **Kentucky Downs LLC** (\$19,790) which reported advertising of \$7,790.32 on HB 137.

The rest of the spending top 20 are: **Kentucky League of Cities** (\$19,195); **Kentucky Association of Electric Cooperatives** (\$18,823); **Kentucky Association of School Administrators** (\$18,550); **EdChoice Kentucky** (\$18,030); **Kentucky Education Association** (\$17,934); **Home Builders Association of Kentucky** (\$17,344); **Kentucky Medical Association** (\$16,936); **Keeneland Association** (\$16,500); **Humana** (\$15,883); and **Wine & Spirits Wholesalers of KY** (\$15,523).

The Legislative Ethics Commission's searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp>.

Legislative Campaign Fundraising Reminder



The Code of Legislative Ethics impacts legislative campaign fundraising, and includes several provisions that apply specifically during a **regular session of the General Assembly**. Here's a summary of key ethics law provisions as they apply to legislators, legislative candidates, lobbyists, employers of lobbyists, and PACs.

Legislators and Legislative Candidates

Relevant provisions from the ethics code and opinions of the Commission:

- KRS 6.767(2) and OLEC 05-01 prohibit a member of the General Assembly, his or her campaign committee, a caucus campaign committee (which is a group of legislators), and legislative candidates from accepting a campaign contribution **during a regular session** from a state-registered PAC, or from a business or organization that employs a lobbyist. (This does not apply to candidates in special elections held during a regular session.)
- KRS 6.767(1) prohibits legislators and legislative candidates from accepting a campaign contribution from a lobbyist, but the Code does not prohibit a political party from accepting contributions from lobbyists.
- KRS 6.731(3) prohibits a legislator from using or attempting to use "his official position to secure or create privileges, exemptions, or treatment for himself or others in direct contravention of the public interest at large." Based on that provision and on KRS 6.767, the Commission has consistently ruled that a legislator may not solicit the help of a lobbyist in raising campaign funds for the legislator or for other campaigns.

The restrictions on legislators' solicitations and acceptance of contributions apply to a small group of potential contributors: lobbyists all the time, and acceptance of contributions during a session from employers of lobbyists, and state-registered PACs. Legislators and legislative candidates may solicit and accept contributions at any time from all other individuals, organizations, family, and friends, consistent with campaign finance and other applicable law.

A legislator may accept, at any time, an individual campaign contribution from a person who works for a business or organization that employs a lobbyist, as long as that person is not a registered lobbyist or identified contact person responsible for directing legislative activity of the employer, the contribution is voluntary, the employer of a lobbyist is not using corporate resources to actively fundraise for the General Assembly candidate, and the employee is not compensated or otherwise reimbursed for contributions made to the candidate.

There is often a danger of an appearance of impropriety if a legislator solicits contributions from an organization or person who has an interest in a matter before the General Assembly. Legislators are well-advised to take steps to avoid any appearance of impropriety.

Lobbyists

A lobbyist is not allowed to make a campaign contribution to a legislator, legislative candidate, caucus campaign committee, or legislative campaign committee. KRS 6.811(6). Similarly, a lobbyist shall not serve as a campaign treasurer or directly solicit, control, or deliver a campaign contribution for a legislator or legislative candidate. KRS 6.811(5).

Although barred from making a campaign contribution to a legislator or legislative candidate, a lobbyist is permitted to express political views in many other ways, including speaking in favor of a legislator or candidate, displaying yard signs, or volunteering for a campaign in a capacity that does not involve providing services for which the lobbyist would ordinarily be paid, or fundraising for a candidate other than legislative candidates.

Finally, although legislators are prohibited from soliciting contributions from a lobbyist for a political party, a lobbyist is free to make a contribution to a political party so long as the contribution is to the party generally and is not earmarked for any particular legislative campaign or legislator. A lobbyist may attend campaign and party fundraisers, as long as the lobbyist does not contribute to a legislator or legislative candidate, and does not purchase a ticket that is actually a campaign contribution to a legislator or legislative candidate.

These campaign finance provisions of the Code are intended to address a specific aspect of the relationship between legislators and lobbyists that, in the past, has given rise to illegal activity in Washington, D.C., and in many states, including Kentucky.

This is an informal advisory opinion of the staff of the Legislative Ethics Commission, has not been approved by a majority vote of the Commission, and is not binding on the Commission in any subsequent proceeding.

Financial disclosures of Legislators & Candidates available on Ethics Commission website



As provided in the Legislative Ethics Code, all legislators and candidates for the legislature have filed their financial disclosure statements. These financial disclosure statements are posted on the Legislative Ethics Commission's website and are available for public viewing at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>.

Newly-registered lobbying employers & terminations

Lobbying employers which have recently registered to lobby include: **Beechwood Board of Education; Braidy Industries; BusPatrol; Centene; Crown Castle; KY Aviation Assn.; KY Entrepreneurship Education Network, Inc.; Jefferson Health Plan; Lexington Legends; MCG Health; National Assn. of Tobacco Outlets; Northkey Community Care; NTS Development Co.; Orexo US; OVP Health; Partnership for New American Econ. Action Fund; Payment Alliance Intl.; Preservation KY; Prison Fellowship Ministries; Tim Ranzetta; Sprint Corporation; United Auto Workers, Local 862; US Travel Insurance Assn; and Vapor Technology Assn.**

Employers which have recently terminated their lobbying registrations include: **Premier Integrity Solutions; Prescient Medicine; and The Washington Center.**

ETHICS REPORTER

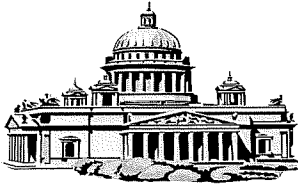
March, 2020

Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230

Phone: (502) 573-2863

Fax: (502) 573-2929

<http://klec.ky.gov>



Commission Office Procedures and COVID-19

Due to the current COVID-19 pandemic and following guidance from federal, state, and local officials, the Commission halted in-person services at its Frankfort office as of Tuesday, March 17. Email notifications were made to legislators and staff, as well as lobbyists, and employers, and a notice was placed on the Commission's website and office door.

Legislators, staff, lobbyists, employers, and the public may continue to contact the office by phone at (502) 573-2863, by fax at (502) 573-2929, and via the email addresses listed on the staff page: <https://klec.ky.gov/About-KLEC/Pages/Commission-Staff.aspx>.

If you need to send the Commission copies of paperwork, please scan and email it to the emails as listed on the staff page, or fax to the number above.

Thanks to the many lobbying entities who have honored our request to begin filing online, and those who have utilized this service for many years. If a lobbyist or employer is currently filing disclosures by paper and would like to file online, please email us and we can contact you with an ID and password. Please see the important notice below as well.

If an entity needs to register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither at the staff emails in the link above or fax them to (502) 573-2929. Blank forms may be found at <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>.

All provisions of the Code of Legislative Ethics are in force during this time. If there is a need for an opinion about the application of the Code to any particular ethical issue that may arise, please continue to contact us and we will answer your questions.

Lobbying Reporting Deadline and Extensions

The Code of Legislative Ethics requires all lobbyists and employers to file their updated registration statements on the 15th day of January, February, March, April, May, and September of each year. ***The updated registration statement is due on April 15, 2020, per KRS 6.807(3).*** All employers and lobbyists should go ahead and begin filing their statements **ASAP**. The Commission has sent every employer and lobbyist information on how to file online, or via email or fax.

Due to the COVID-19 crisis, statements received **after** April 15 up to and including April 30, 2020 shall be considered timely filed if the filer emails a written explanation of the reason for delay to the Commission's Executive Director, Laura Hendrix, at Laura.Hendrix@lrc.ky.gov **by April 30, 2020**.

Lobbying spending for the first two months of the session

In January and February 2020, organizations and lobbyists registered with the Commission spent \$5.28 million to lobby the Kentucky General Assembly. There are 731 businesses and organizations lobbying the General Assembly, with 627 lobbyists working for those employers.

Lobbying spending for the past two months was led by the **Kentucky Chamber of Commerce**, which spent \$97,790. Coming in second was **Altria Client Services LLC** (Philip Morris) with \$65,768.

The other top 10 spenders were: **Marsy's Law for All** (\$55,977); **Kentucky Education Association** (\$55,569); **Kentucky Hospital Association** (\$49,554); **Kentucky League of Cities** (\$49,393); **Kentucky Justice Association** (\$46,328); **Kentucky Farm Bureau** (\$39,600); **ACLU** (\$38,948); and **Kentucky Association of Electric Cooperatives** (\$38,103).

The rest of the spending top 20 are: **Kentucky Medical Association** (\$37,754); **Kentucky Downs** (\$34,108); **Anthem** (\$34,067); **Kentucky Bankers Association** (\$32,762); **Wine & Spirits Wholesalers of KY** (\$32,368); **Keeneland Association** (\$30,250); **Kentucky Association of School Administrators** (\$28,849); **LG & E and KU Energy** (\$28,165); **Home Builders Association of Kentucky** (\$27,836); and **FanDuel** (\$27,580).

The Legislative Ethics Commission's searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp>.

Newly-registered lobbying employers & terminations

Lobbying employers which have recently registered to lobby include: **Anchorage Middletown Fire & EMS**; **Braxton Brewing Company**; **Change Healthcare**; **Confluent Health**; **Eip III Credit Company**; **Gannett/USA Today**; **Logan Economic Alliance-Development (LEAD)**; **Mr. Salt-e**; **National Assn. of Social Workers KY Chapter**; **New Directions Housing Corporation**; **Ohio Valley Education Cooperative**; **Preventative Research Inst.**; **Recording Industry Assn. of America**; **Recurrent Energy**; **Secure Democracy**; **University of Louisville Health**; **Waterfront Development Corp**; and **Zalla Family Enterprises**.

An employer which has recently terminated its lobbying registrations includes: **Assurant Solutions**.

Training for Lobbyists and Employers on video

The Legislative Ethics Commission has a training video from one of our in-person lobbyist and employer trainings on the LRC Capitol Connection YouTube page, for viewing at any time. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=ojKIWUNV8po&feature=youtu.be>. The video walks through the online filing process in step-by-step detail. Please call us with any questions!

ETHICS REPORTER

April, 2020

Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230

Phone: (502) 573-2863

Fax: (502) 573-2929

<http://klec.ky.gov>



Commission Office Procedures and COVID-19

Due to the current COVID-19 pandemic and following guidance from federal, state, and local officials, the Commission halted in-person services at its Frankfort office as of Tuesday, March 17. Email notifications were made to legislators and staff, as well as lobbyists, and employers, and a notice was placed on the Commission's website and office door.

Legislators, staff, lobbyists, employers, and the public may continue to contact the office by phone at (502) 573-2863, by fax at (502) 573-2929, and via the email addresses listed on the staff page: <https://klec.ky.gov/About-KLEC/Pages/Commission-Staff.aspx>.

If you need to send the Commission copies of paperwork, please scan and email it to the emails as listed on the staff page, or fax to the number above.

Continued thanks to the many lobbying entities who have honored our request to begin filing online, and those who have utilized this service for many years. If a lobbyist or employer is currently filing disclosures by paper and would like to file online, please email us and we can contact you with an ID and password. Please see the important notice below as well.

If an entity needs to register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither at the staff emails in the link above or fax them to (502) 573-2929. Blank forms may be found at <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>.

All provisions of the Code of Legislative Ethics are in force during this time. If there is a need for an opinion about the application of the Code to any particular ethical issue that may arise, please continue to contact us and we will answer your questions.

Lobbying Reporting Deadline and Extensions

The Code of Legislative Ethics requires all lobbyists and employers to file their updated registration statements on the 15th day of January, February, March, April, May, and September of each year. **The updated registration statement is due on May 15, 2020, per KRS 6.807(3).** All employers and lobbyists should go ahead and begin filing their statements **ASAP**. The Commission has sent every employer and lobbyist information on how to file online, or via email or fax.

Due to the COVID-19 crisis, statements received **after** May 15 up to and including May 31, 2020 shall be considered timely filed if the filer emails a written explanation of the reason for delay to the Commission's Executive Director, Laura Hendrix, at Laura.Hendrix@lrc.ky.gov **by May 31, 2020.**

Lobbying spending for the first three months of the session

From January through March, 2020, organizations and lobbyists registered with the Commission spent \$7.9 million to lobby the Kentucky General Assembly. There are 729 businesses and organizations lobbying the General Assembly, with 620 lobbyists working for those employers.

Lobbying spending for the past three months was led by the **Kentucky Chamber of Commerce**, which spent \$130,273. Coming in second was **Altria Client Services LLC** (Philip Morris) with \$122,947.

The other top 10 spenders were: **Kentucky League of Cities** (\$113,217); **Juul Labs, Inc.** (\$101,304); **Marsy's Law for All** (\$94,076); **Kentucky Retail Federation** (\$72,805); **Kentucky Hospital Association** (\$70,695); **American Civil Liberties Union of KY** (\$64,032); **Kentucky Education Association** (\$62,481); and the **Kentucky Justice Association** (\$59,294).

The rest of the spending top 25 are: **Kentucky Association of Electric Cooperatives** (\$56,367); **Humana** (\$51,156); **Kentucky Bankers Association** (\$49,643); **Kentucky Medical Association** (\$49,583); **Kentucky Farm Bureau** (\$48,548); **Wine & Spirits Wholesalers of KY** (\$47,791); **Kentucky Downs** (\$47,346); **Anthem Inc. & its Affiliates** (\$45,567); **LG & E and KU Energy** (\$42,915); **Greater Louisville, Inc.** (\$40,650); **CSX Corporation** (\$38,500); **Home Builders Association of Kentucky** (\$38,349); **Kentucky Association of School Administrators** (\$38,150); **US Justice Action Network** (\$37,803); and **Century Aluminum Company** (\$36,645).

The Legislative Ethics Commission's searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp>.

2020 Regular Session ends-Legislative Ethics bill passed

The 2020 legislative session ended on April 15 amid unprecedented challenges presented by the COVID-19 pandemic and pressures on legislators, staff, lobbyists, and public alike. The General Assembly considered two bills containing the Commission's legislative recommendations, HB 168, sponsored by Representative Kim Moser and SB 157, sponsored by Senator Wil Schroder. The Commission appreciates the diligent efforts of these and other interested legislators in this anything-but-"regular" session.

SB 157, which passed the General Assembly, clarifies that a provision in the Ethics Code designated as a misdemeanor or felony may be adjudicated as ethical misconduct, permits the Commission to dismiss a complaint that does not state a claim via a teleconference meeting, creates a statute of limitation of 1 year for former legislators/legislative agents in cases of ethical misconduct, requires the Commission staff to coordinate ethics training with LRC staff and allows Commission staff to assist the LRC with their sexual harassment training for legislators, and shortens the legislator annual training from 3 hours to 2 hours. The bill also contains provisions relating to the Executive Branch Ethics Commission. These changes become law on July 15, 2020.

Training for Lobbyists and Employers on video

The Legislative Ethics Commission has a training video from one of our in-person lobbyist and employer trainings on the LRC Capitol Connection YouTube page, for viewing at any time. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=ojKIWUNV8po&feature=youtu.be>. The video walks through the online filing process in step-by-step detail. Please call us with any questions!

Financial disclosures for candidates and legislators on KLEC site

The Commission has the statutorily required financial disclosures for legislative candidates and legislators available on the Commission's website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>.

Ethics & Lobbying News from around the U.S.



Coronavirus stimulus spurs near-record first-quarter lobbying spending

Center for Responsive Politics- *Opensecrets.org* - by Karl Evers-Hillstrom— April 24, 2020

Lobbying spending spiked to near-record levels from January through March as powerful companies, trade groups and other clients rushed to influence the government's response to COVID-19, particularly its \$2.2 trillion stimulus bill.

Federal lobbying spending totaled \$903 million in the first quarter of 2020, according to OpenSecrets' initial review of lobbying filings. That's the same figure OpenSecrets found during its initial review of lobbying spending in the first quarter of 2010, which turned out to be the most expensive quarter — and year — for lobbying on record. This year's first-quarter spending total will likely rise by another \$20 million to \$30 million as firms file late reports.

Lobbyists centered their efforts around the CARES Act, the bipartisan stimulus bill that established a \$500 billion fund for distressed companies and distributed \$350 billion in loans to small businesses.

OpenSecrets found that at least 3,200 clients reported lobbying on issues related to coronavirus and the stimulus bill. More than 1,500 lobbying clients specifically reported attempting to influence the House version of the CARES Act. Among all non-appropriations bills introduced since 2005, only the 2009 stimulus package drew more lobbying clients.

Clients that had never lobbied before hired lobbyists to ask Congress for financial aid in the stimulus bill. Industry groups asked Congress for more than \$2.7 billion in direct support, but only a select few industries received carved-out stimulus funds. Some airlines increased their lobbying spending in the first quarter as the industry secured billions in taxpayer-funded grants.

ETHICS REPORTER

May, 2020

Kentucky Legislative Ethics Commission
22 Mill Creek Park, Frankfort, Kentucky 40601-9230

Phone: (502) 573-2863

Fax: (502) 573-2929

<http://klec.ky.gov>



Lobbying spending for the 2020 Legislative Session

It is probably not hyperbole to express that the 2020 Regular Legislative Session was not “regular” in any sense of the word, due to the unprecedented fiscal, health, and employment concerns brought about by COVID-19. However, the work of the General Assembly went on.

From January through April, 2020, employers and lobbyists registered with the Commission spent \$9.88 million to lobby the Kentucky General Assembly. This was lower than the previous even-year session of 2018, in which a record-setting \$10.67 million was spent. There are 715 businesses and organizations lobbying the General Assembly, with 609 lobbyists working for those employers.

Lobbying spending for the past four months was led by the **Kentucky Chamber of Commerce**, which spent \$162,194. Coming in second was **Altria Client Services LLC** (Philip Morris) with \$148,588.

The other top 10 spenders were: **Kentucky League of Cities** (\$124,070); **Juul Labs** (\$117,403); **Marsy’s Law for All** (\$103,819); **Kentucky Hospital Association** (\$85,694); **Kentucky Retail Federation** (\$82,783.20); **American Civil Liberties Union of KY** (\$70,237); **Kentucky Association of Electric Cooperatives** (\$68,573); and the **Kentucky Justice Association** (\$66,164).

The rest of the top 25 spenders were : **Anthem Inc. & its Affiliates** (\$64,567); **Kentucky Education Association** (\$63,329); **Humana** (\$60,612); **Kentucky Bankers Association** (\$59,024); **Kentucky Medical Association** (\$57,817); **LG & E and KU Energy** (\$57,665); **Kentucky Farm Bureau Federation** (\$52,769); **Wine & Spirits Wholesalers of KY** (\$51,841); **CSX Corporation** (\$51,249); **US Justice Action Network** (\$50,302); **HCA Healthcare** (\$49,245); **Home Builders Association of Kentucky** (\$48,799); **Greater Louisville, Inc.** (\$47,800); **Kentucky Downs** (\$47,345); and **Century Aluminum Company** (\$46,512).

The Legislative Ethics Commission’s searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp>.

Appointments to the Legislative Ethics Commission

Several appointments have recently been made to the Legislative Ethics Commission. The Commission, by law, is an independent, bipartisan body composed of non-legislators, unlike most of the legislative ethics commissions or committees in the country.

House Speaker David Osborne reappointed Chairman **Anthony Wilhoit** of Versailles to a full term, and appointed **Michael Noftsgger** to an unexpired term on the Commission.

Senate President Robert Stivers reappointed **Sheldon Baugh**, Russellville, to a full term, and appointed **Tanya Pullin** to fill an unexpired term.

The Legislative Research Commission also reappointed **Tony Goetz** of Nicholasville to a full term.

Of the newly-appointed members, **Mr. Noftsgger** is the Executive Vice-President for Forcht Bank, having worked in the banking industry for 28 years, and has served on numerous community boards. He resides in Somerset.

Another new member, **Ms. Tanya Pullin**, is an attorney and former State Representative and Judge, from South Shore. She served in the General Assembly from 2001-2016, and as an Administrative Law Judge for the Department of Workers Claims from 2016 to 2019.

Other members of the Commission are: Vice-Chair **David Nicholas**, Frankfort; **Pat Freibert**, Lexington; **Phil Huddleston**, Frankfort; and Judge **Paula Sherlock**, Prospect.

The Commission appreciates the hard work of the citizens who dedicate their time, experience, and considerable talents to serving the public on the Legislative Ethics Commission. We also appreciate the LRC, Senate President Stivers, and House Speaker Osborne making thoughtful appointments to the Commission so that it can continue to carry out its duties.

Commission Office Procedures and COVID-19

Due to the current COVID-19 pandemic and following guidance from federal, state, and local officials, the Commission halted in-person services at its Frankfort office as of Tuesday, March 17. Email notifications were made to legislators and staff, as well as lobbyists, and employers, and a notice was placed on the Commission's website and office door.

Legislators, staff, lobbyists, employers, and the public may continue to contact the office by phone at (502) 573-2863, by fax at (502) 573-2929, and via the email addresses listed on the staff page: <https://klec.ky.gov/About-KLEC/Pages/Commission-Staff.aspx>.

If you need to send the Commission copies of paperwork, please scan and email it to the email addresses as listed on the staff page, or fax to the number above.

Continued thanks to the many lobbying entities who have honored our request to begin filing online, and those who have utilized this service for many years. If a lobbyist or employer is currently filing disclosures by paper and would like to file online, please email us and we can contact you with an ID and password. Please see the important notice below as well.

If an entity needs to register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither at the staff emails in the link above or fax them to (502) 573-2929. Blank forms may be found at <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>.

All provisions of the Code of Legislative Ethics are in force during this time. If there is a need for an opinion about the application of the Code to any particular ethical issue that may arise, please continue to contact us and we will answer your questions.

Lobbying Reporting Deadline and Extensions

The Code of Legislative Ethics requires all lobbyists and employers to file their updated registration statements on the 15th day of January, February, March, April, May, and September of each year. We appreciate the timeliness and diligence shown by the filers, even in the face of the extenuating circumstances wrought by this pandemic. These disclosure statements enable the public, legislators, and media to ascertain the extent of legislative lobbying in the Commonwealth, an important goal at all times, but particularly in the midst of this crisis.

The next registration statements from lobbyists and employers for the period of May 1-August 31, 2020 will be due on September 15, 2020, per KRS 6.807(3). The Commission has sent every employer and lobbyist information on how to file online, or via email or fax.

New and Terminated Employers

The end of the 2020 legislative session also brought several terminations of lobbying activity reported to the Commission. Terminated employers include: **American Kennel Club; Anchorage Middletown Fire & EMS; ArrowFund; Braidy Industries; Brightstar Care; CrisisGo; DraftKings; FanDuel; GenCanna Global; Girls Who Code; Lime; Lyft; National Assn. of Tobacco Outlets; Owl's Head Alloys; Partnership for New American Econ. Action Fund; Point Pleasant Fire Protection District; Prevention Research Inst.; TracFone Wireless; Vapor Technology Assn.; Zalla Family Enterprises.**

New Employers registering after April 1, 2020 were **Centurion** and **Healthplan Data Solutions**.

Advertising on Legislation for the 2020 Session

The 2020 Regular Session brought with it spending on advertising supporting and opposing legislation, which is required to be reported by employers if it appears during a legislative session, of \$334,094. Several groups registered with the Commission had significant advertising spending.

The highest reported spending was from 5 entities that reported advertising spending on issues related to HB 137, the sports betting bill, totaling \$63,505 (collectively). These groups were **DraftKings, FanDuel, IGT and its Affiliates, Kentucky Downs, and Kentucky Raceway. Kentucky Raceway** disclosed that the group "Sports Betting Now" was utilized for their advertising.

The second highest reported advertising spending was from **Juul Labs**, at \$58,679. Third was \$57,939 in spending by **Marsy's Law for All**, and fourth was **Kentucky League of Cities**, which spent \$44,540.

Training for Lobbyists and Employers on video

The Legislative Ethics Commission has a training video from one of our in-person lobbyist and employer trainings on the LRC Capitol Connection YouTube page, for viewing at any time. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=ojKIWUNV8po&feature=youtu.be>. The video walks through the online filing process in step-by-step detail. Please call us with any questions!

Financial disclosures for candidates and legislators on KLEC site

The Commission has the statutorily required financial disclosures for legislative candidates and legislators available on the Commission's website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>.

Ethics & Lobbying News from around the U.S.



307 Politics: Reviving the Ethics Discussion

WYOMING - Casper Star-Tribune— by Nick Reynolds— May 28, 2020

Looking back to the 2020 Legislative Session, Chris Merrill – executive director for the non-partisan Equality State Policy Center – recalled a hallway conversation with a longtime observer of Wyoming politics on a vote that had just wrapped up.

Watching the proceedings, Merrill saw a certain lawmaker (he didn't say who) vote on a bill that could potentially have benefited them and their business, which he thought amounted to a clear conflict of interest.

The observer, however, quickly corrected him. "It's not possible to have a conflict of interest in the Wyoming Legislature," they told him.

While a clear exaggeration – state lawmakers are required to file ethics disclosure reports with the Secretary of State's Office each year, and the Legislature is bound by rules explicitly banning the crafting of laws to benefit a single community or company – the optic of some degree of impropriety was certainly there.

From Sen. Eli Bebout, attracting media attention for his oil company's state contracts to a pair of hoteliers – Sens. Cale Case and Liisa Anselmi-Dalton — working and voting on lodging tax legislation earlier this year, Wyoming's citizen legislators sometimes make decisions with very real implications on their daytime jobs.

"It's hyperbole," Merrill told lawmakers at a meeting of the Joint Judiciary Committee last week. "But it speaks to a perception that exists, and I think it's worthy of a discussion to make some improvements to the law and more accurately get to a proposal about what is a conflict of interest."

The state's lackadaisical ethics regulations have been both a feature and a flaw of business in the Legislature for years now. While the intent of reform is a noble one – to limit corrupting in-