

The Ethics Reporter

DECEMBER
2023

KENTUCKY LEGISLATIVE ETHICS COMMISSION
22 MILL CREEK PARK
FRANKFORT KY 40601 (502) 573-2863
KLEC.KY.GOV

Did you know?



The next filing date for employers' and legislative agents' spending disclosures is **Tuesday, January 16, 2024**.

The easiest and quickest way to file is to visit the Commission's website klec.ky.gov and click "file forms online."

All current legislative agents and employers must re-register if they intend to lobby after December 31!

All employers' and legislative agents' registrations with the Legislative Ethics Commission will **expire**, by operation of law, on **December 31, 2023**. Employers and agents wishing to continue legislative lobbying in Kentucky **must** re-register. Check the Commission's website <http://klec.ky.gov> for the Initial Registration Statement for the two-year period beginning January 1, 2024 and ending on December 31, 2025.

All currently registered employers and legislative agents were emailed instructions and forms regarding re-registration in mid-November. If you are an employer contact or legislative agent and did not receive it, please verify with us that we have your correct email!

KLEC began re-registration starting December 1st. These initial registration forms CANNOT be filed online. A registration fee of \$250 must be paid by the employer of one or more legislative agents. A registration form sent without the fee is **not complete**. *Please note that the \$250 fee covers all legislative agents that the employer wishes to register.* This fee may be paid via cash, check, Visa, MasterCard, American Express, or Discover. If the registration is mailed or hand delivered with a check, the check should be made payable to the **Kentucky State Treasurer**. If paid by credit card, the registration may be hand delivered, faxed, or scanned and emailed, along with a completed credit card form which may be found on the Commission's website.

Please remember that the employer must sign a registration form for each legislative agent. If you need assistance, please contact us at (502) 573-2863, or email Donnita.Crittenden@lrc.ky.gov or Lori.Smith@lrc.ky.gov.

General Assembly Members' annual required training to feature expert on civility and ethical decision-making

The Commission will present Current Issues training on **Wednesday, January 3, 2024**, to all members of the General Assembly. The training will be held in Room 154 of the Capitol Annex, from 9 a.m. to 11 a.m. Information was sent to General Assembly members via email. The Legislative Ethics Code requires all General Assembly members to attend this 2 hour ethics session.

This year, we are pleased to welcome Dr. Thomas Little, Director for Curriculum Development and Research for the State Legislative Leaders Foundation. He works with the National Institute for Civil Discourse/Next Generation on civility and ethics training for state legislative leaders.

We look forward to seeing all members at the training!

Important reminder for owners, heads of organizations & employees

Even if contract lobbyists are hired by an organization to lobby, if owners, heads of organizations, or other representatives of a lobbying employer, such as employees who are directed or required to contact legislators about legislative matters, are compensated and directly communicate with members of the General Assembly on legislation, as defined in the Ethics Code, in their position with that employer, then they should register as a legislative agent, if only for the day that they communicate with legislator(s). Persons who are not compensated do not have to register.

"Lobbying" means directly communicating with legislators, the Governor's Office, a cabinet secretary, or their staff members, regarding proposed or pending legislation, per KRS 6.611(27)(a). If you have a question as to whether something constitutes "lobbying" such that registration is required, **check with us first** before that person communicates so that we may advise you whether you need to register. Failure to register as a lobbyist or employer may incur fines or a bar to lobby, and, if intentional, is a Class D felony.

Also remember that legislative agents cannot contribute to legislative candidates or legislators, nor may they hold fundraisers or otherwise solicit or control contributions for legislative candidates or legislators.

In a statehouse short on space, Speaker converted an office into a liquor ‘pantry’

MISSOURI—*Missouri Independent*—by Jason Hancock— December 20, 2023

For four years, state Rep. Mike Stephens occupied prime real estate on the third floor of the Missouri Capitol. His office in room 306B certainly wasn’t the biggest in the space-starved statehouse, where staff often work out of musty, windowless rooms, and many lawmakers are stacked on top of each other in non-ADA compliant mezzanines.

But Stephens’ office was steps away from the House chamber. And it was the only one besides the speaker’s with direct access to the House Lounge — a room adorned with a Thomas Hart Benton mural where conference committees, leadership meetings and press conferences are often held.

For decades, it was reserved for the chairman of the House budget committee, but in more recent years was occupied by senior members. Entering into his final term in the House, it was a relatively safe bet that Stephens would finish his legislative career in the coveted office space. But in late 2022, he got word he’d be moving down the hall.

House Speaker Dean Plocher took over that space and converted it into what has been jokingly referred to as his “butler’s pantry,” a makeshift storage room stocked with liquor, beer, wine and soda to complement the supply in his office. The move was part of a \$60,000 renovation of Plocher’s office in late 2022 and early 2023, paid for with public funds by the House. Half the costs stemmed from expenses resulting from repairs to walls, baseboards and ceilings in the speaker’s office. The other half went towards new furnishings to the tune of about \$29,000, including \$8,600 for a black leather sofa and armchairs, \$2,500 for a new walnut table, \$2,500 for a refrigerator with an ice maker, \$5,000 for a custom cabinet to hold the refrigerator and \$385 for two walnut trash can bins.

Plocher did not answer specific questions about the office conversion. Instead, he released an emailed statement defending the overall cost of the renovation. He noted that the last major overhaul of the office was completed in 2009. His office was pursuing the vision of the Missouri State Capitol Commission’s 2019 master plan, Plocher wrote, to “restore the speaker’s office and House chamber to its original historical significance.” “These new investments were done alongside other interior renovation projects throughout the Capitol as suggested by the Missouri State Capitol Commission,” and consisted of “updated technology, furniture and energy-efficient infrastructure. House chamber and speaker’s office have been, as close as possible, restored to their

original historical significance.”

State Rep. Tony Lovasco noted that there are legislative offices that are inaccessible to constituents with disabilities. Other offices, he said, are so small they could be considered a closet. One lawmaker is working out of a former vault on the second floor. “We had a member that had an office on the fourth floor that was so small, the assistant can’t get behind her desk without closing the door of the closet,” Lavender said. “So with serious lack of space in the Capitol, I’m not sure we should be spending the public’s money to build a bar across the House Lounge from the speaker’s office.”

‘Substantial price difference’

For nearly two months, the Missouri House Ethics Committee has been investigating Plocher over allegations of misconduct. The inquiry was launched after *The Independent* revealed that Plocher on numerous occasions over the last five years illegally sought reimbursement from the legislature for airfare, hotels and other travel costs already paid for by his campaign. Those illegal payments were documented in expense reports Plocher regularly filed with the House. The reports also detailed any taxpayer funds Plocher used to upgrade his office over the years, going back to when he first entered the legislature in 2016. For example, he had hoped to renovate of his previous office while he was serving as majority floor leader. But costs proved too high, with expense records showing he settled for spending around \$3,500 of public funds on new countertops, paint, bench covers and upholstery.

He spent a similar amount the year prior on a new desk and a veneer walnut desktop. But those records didn’t include renovation expenses to the speaker’s office since Plocher began moving into the job late last year. That’s because the money for the speaker’s office renovation didn’t come from his legislative expense fund. It came from House operating funds.

The last time a major remodel of the office had been completed was under then-Speaker Ron Richard in 2009, when new desks were purchased, furniture was reupholstered and hardwood floors were refinished, among other expenses. In the years since, speakers have taken an approach that builds upon that work, such as recovering, refinishing and reupholstering chairs and desks as opposed to purchasing entirely new ones. For example, for-

mer Speaker Elijah Haahr had desks and credenzas refinished in 2018, though he did buy a new conference table for the office that year.

The cost of refurbishing the office topped \$29,000. But there were some requests Plocher had hoped to include that weren’t feasible. A dishwasher couldn’t be installed in the office because it would have required the installation of a new drain line. And an inlay of the state seal on the coffee tables in his office was also deemed too costly.

Repurposing room 306B came with minimal cost, and it appears Plocher may have paid for the alcohol using his own campaign funds.

Twice during the legislative session, Plocher’s political action committee paid for “campaign meals” at a Jefferson City liquor store called Macadoodles — spending \$194 in February and \$350 in April. And he was seen on several occasions during session pushing a cart stacked with alcohol into room 306B.

Plocher did not respond to a question about the alcohol purchases. Alcohol consumption is prohibited everywhere in the Missouri Capitol unless it is part of a state government function and approved by the Board of Public Buildings. That prohibition does not include legislative offices.

Ethics investigation

In addition to Plocher’s false expense reports, the House ethics committee is also investigating allegations that he threatened the jobs of nonpartisan staff as part of his push to convince his colleagues to spend \$800,000 to hire a private company to manage constituent information. Three closed-door hearings have been held by the ethics committee so far, with the investigation likely to stretch into the new legislative session that starts Jan. 4.

Plocher, who’s running for lieutenant governor, has flatly denied any wrongdoing and rejected all calls from his fellow party members to step down as speaker. He chalked up the false expense reports to a “checkbook error” and paid back the illegal reimbursements. Last month, Plocher said that “his conscience is clear.”

“I sleep well at night,” he said. “I’m not gonna let this sideshow distract me or the legislature from getting good work done for the state of Missouri.”

Lawmaker Sun goes before ethics committee for intimidation, alleged death threat

ARIZONA—*Arizona Mirror*-by Gloria Rebecca Gomez— December 19, 2023

A public school superintendent, a trio of Tolleson city officials and a social worker are accusing a freshman state lawmaker of using her position to intimidate and harass them, in one case, even going so far as making a death threat, but she maintains that the allegations are false and overblown. Now, it's up to a legislative ethics committee to decide her future in the Arizona House of Representatives.

The House Ethics Committee considered a bevy of allegations made against Rep. Leezah Sun — a political newcomer elected last year who represents Phoenix — and whether her behavior meets the legislature's threshold for disorderly conduct of one of its members. The complaint against Sun was launched by House leaders of her own party following news of a restraining order that three Tolleson city employees filed against Sun. Coupled with a report interfering with a child custody arrangement, leadership said her behavior constituted "a pattern of behavior that not only reflects poorly on Rep. Sun but also on the House as an institution."

The investigation will ultimately result in a recommended course of action for the House to vote on as a whole, in January. The committee may recommend a censure, an expulsion or no action. While censure only requires a simple majority, expelling a member requires 2/3 of the chamber's 60 lawmakers to agree.

Profanity and death threats

Three Tolleson city employees testified that Sun's behavior made them feel unsafe. In May, Sun met with City Manager Reyes Medrano, lobbyist Pilar Sinawi and Government Affairs Support Specialist Alicia Guzman. The group's discussion about a recent funding repeal for a Tolleson off-ramp grew heated. During the meeting, Sun repeatedly used profanity despite being asked not to and became visibly agitated. When she got particularly heated, Sun rummaged through her purse, which made Medrano worry she was searching for a weapon. "When she was leering at me, she kept both hands in her purse, which prompted me to think: 'What's next?' I felt like she was going to attack me," Medrano said. Guzman said she feared Sun would hurt Medrano. "The aggressive posturing, the profanity, the intense staring...I felt like we were dealing with someone who was unstable, someone

who was capable of acting out aggressively in unexpected ways." Sun was escorted out of the building, while she continued to lob profanities at Medrano.

Her hostility toward Tolleson city employees didn't end there. In August, she attended a conference in Tucson, where she reportedly said that if Sinawi, who wasn't in attendance, was there she would "b--slap" her and throw her off a balcony to "kill her." Liz Goodman, an attendee who heard the comment, notified Sinawi of it. The lobbyist told lawmakers on Tuesday that hearing about that threat left her with a persistent debilitating fear for her life.

After Sun sent a follow request to Sinawi's husband and Medrano's 18-year-old daughter on Instagram, the three Tolleson employees filed a restraining order against her, prohibiting the representative from initiating further contact. "I can testify that Rep. Sun's behavior has been threatening and abusive," Medrano said. "In her interactions with me and the employees, she is acting far more like a street thug than a state representative." Sun's attorney, Garrick McFadden, pushed back on the claim that Sun made the trio fear for their safety.

Job security threats

After reading about the ethics complaint against Sun, Littleton Elementary School Superintendent Roger Freeman wrote to the committee with a complaint of his own.

In December, Freeman met with Sun, at her request, to discuss potential legislative issues. Instead, the meeting was quickly derailed by Sun's angry criticism of the district's president, who had made disparaging remarks about a new board member who previously worked on Sun's campaign. When Freeman's repeated suggestions to mediate the disagreement failed, Sun brought up SB1487 investigations, which empower lawmakers to request an investigation from the Arizona Attorney General. "She told me it's the law that lets her have anybody investigated and she could, in her words, 'Have you investigated'." Freeman said. The law doesn't apply to schools. Despite being a superintendent for 18 years, and interacting with lawmakers, including dealing with contentious debates, he said his meeting with Sun was incredibly unusual and left him feeling intimidated.

Custody arrangement interference

Also testifying against Sun was social worker Kristyn Alcott, who works as a forensic

supervisor. Her work includes overseeing custody arrangement transfers. In June, during a custody transfer, Sun arrived despite not being related to either party involved, and repeatedly name-dropped Attorney General Kris Mayes in an attempt to influence the outcome. Alcott said Sun emphasized her position as a state representative, donning a sticker with her title on it and correcting Alcott when she called her by her first name.

While an audio file was provided to the panel, Alcott told the lawmakers it had been edited, and it was during a pause in the audio that Sun mentioned the attorney general. "It was during that lapse in time, that the Attorney General's name was invoked, that I was told I'm being investigated," Alcott said. "We know all about you, I am well aware of your track record'...I was being stared at in an intimidating manner to attempt to influence how I was to move the process forward."

Alcott testified that while the children were initially hesitant to leave their mother's vehicle to spend time with their father, Sun's presence and repeated questioning of the process made them uncooperative. When Alcott had decided to let the families go instead of stressing the children further, Sun tapped on her car window and told her she would report to Mayes that due process had been served. "Her behavior was inappropriate. It's concerning that she was there at all, no matter the length of time...it was not an appropriate position for an elected member of our legislature to be there and undermining the duties of our superior court."

Sun's response: denials and downplays

In a rebuttal, McFadden argued that Sun's behavior and statements don't rise to the level of disorderly conduct and don't warrant punishment, said she never made comments about pushing Sinawi off a balcony, but if she did it was meant as a lighthearted joke, and Sun's right to express herself as she wishes is protected by the First Amendment of the United States Constitution. Sun reiterated those points denying she ever mentioned the attorney general or that she threatened to kill Tolleson lobbyist Pilar Sinawi. While Sun acknowledged that she could not prove they were lying, she continued to doubt their version of events. "'Lying' I cannot prove with evidence, but what has been submitted is inaccurate and that is what I adamantly, vehemently oppose," she said.

**MEMBERS OF THE
LEGISLATIVE ETHICS
COMMISSION**

David Nicholas, Chair
Tanya Pullin, Vice Chair
Ernie Harris
Marie Rader
Katherine Gail Russell
Sal Santoro
Mike Shull
Arnold Simpson
Anthony M. Wilhoit

**NEXT MEETING OF THE
COMMISSION**

The Kentucky Legislative Ethics Commission's next regular meeting is scheduled for Wednesday, January 3, 2024 at 11:30 a.m. Capitol Annex Room 154, Frankfort, Kentucky.

To watch the meeting online, click on:
[KY LRC Meetings - YouTube](#)

Training/Overview of the Code

Our lobbyist training video, which gives an overview of the Code and walks through the registration and online filing process step by step, is available on klec.ky.gov, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=nrqWW7sJDK4>

We also are happy to set up a training on request.

Our PowerPoint overview of the Legislative Ethics Code is available for reference on klec.ky.gov and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=I4FJvhrSoao>

Financial Disclosures and Lobbying Spending

Kentucky legislators' required financial disclosures are available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx> Legislators must file their financial disclosures by February 15th, for the previous calendar year. We are pleased to report that all legislators filed timely.

Candidates for the General Assembly are also required to file a financial disclosure, and these are also at the same link.

Lobbying spending disclosures may be found on KLEC's website at klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx along with a list of bills lobbied by each employer. A searchable database of all lobbyists and employers, and their spending, is available at apps.klec.ky.gov/searchregister.asp

To register as a lobbyist or employer, please email the scanned paperwork to Donnita Crittenden or Lori Smither or fax to (502) 573-2929. Blank forms may be found here:
<https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>

Please contact us with any questions or concerns!

Laura Hendrix
Executive Director
Laura.Hendrix@lrc.ky.gov
(502) 573-2910

Emily Dennis
Counsel
Emily.Dennis@lrc.ky.gov
(502) 573-2911

Donnita Crittenden
Executive Assistant
Donnita.Crittenden@lrc.ky.gov
(502) 573-2863

Lori Smither
Staff Assistant
Lori.Smither@lrc.ky.gov
(502) 564-9076

**KENTUCKY LEGISLATIVE
ETHICS COMMISSION**

22 Mill Creek Park
Frankfort, Kentucky 40601

Phone: 502-573-2863
Fax: 502-573-2929
Website: klec.ky.gov