

# The Ethics Reporter

JUNE 2024

KENTUCKY LEGISLATIVE ETHICS COMMISSION  
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KLEC.KY.GOV

## Legislative Ethics Code applies at conferences

Did you know?



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

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



*May a former legislator be a legislative agent (lobbyist)?  
Answer on page 4*

June heralds warm weather, vacations, and conferences of many organizations. Kentucky's Code of Legislative Ethics applies to legislators who attend summer, fall, and winter legislative conferences, in conjunction with their legislative service, and those employers of lobbyists and lobbyists who sponsor events in conjunction with those conferences.

Legislators interested in traveling to an out-of-state meeting or conference must obtain prior approval for that travel from the presiding officer of the chamber in which they serve.

Kentucky lobbyists and their employers are required to report the value of food, beverages, and other expenses contributed to events to which approved groups of Kentucky legislators are invited.

Lobbyists and employers are also required to report other expenses incurred in conjunction with the meetings, if the expenses are directly associated with the employer's or lobbyist's lobbying activities.

Lobbyists and employers are prohibited from paying for food and beverages for individual legislators, and lobbyists and employers cannot furnish or pay for out-of-state lodging or transportation, or anything of value,

such as conference registration.

Legislative conferences for the upcoming year include:

- Southern Legislative Conference-July 21-25, The Greenbrier, West Virginia;
- American Legislative Exchange Council-July 24-26, Denver, Colorado;
- National Conference of State Legislatures-August 5-7, Louisville, Kentucky; and
- Council of State Governments-December 4-7, New Orleans, Louisiana.

Legislators, lobbyists, and employers are encouraged to contact the Ethics Commission if they have any questions about the application of the Ethics Code to such events.



## New and terminated lobbying employers

Three organizations recently registered to lobby legislators in Kentucky: **Augmented Intelligence Technologies, Inc.**; **Herschend Entertainment Company, LLC**; and **Independent Electrical Contractors Bluegrass Chapter**

The following organizations terminated lobbying recently: **Allegis, Redwood, Maxim, Public Affairs, LLC**; **FFF Enterprises, Inc.**; and **Free Speech Coalition**.

*"The spirit of liberty is the spirit which is not too sure it is right; the spirit of liberty is the spirit which seeks to understand the mind of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias."*

*-Judge Learned Hand*

## R.I. ethics panel rules Sen. Lawson can vote on pension-related bills

RHODE ISLAND— Rhode Island Current—by Nancy Lavin— June 4, 2024 <https://rhodeislandcurrent.com/2024/06/04/r-i-ethics-panel-rules-sen-lawson-can-vote-on-pension-related-bills/>

One-third of Rhode Island lawmakers collect, or could eventually receive, a state pension. Yet only one, Sen. Majority Whip Valarie Lawson, consulted with the state ethics panel on whether her former teaching career and current job as president of one of the state teachers' unions preclude her from voting on pension-related legislation.

The answer came swiftly and without discussion during a Rhode Island Ethics Commission meeting Tuesday morning: Go ahead.

The five-page advisory opinion, approved unanimously, points to a clause within the state ethics code letting public officials participate in actions that may benefit them personally, including financially, if enough other people also receive the same benefit. In other words, the proposed changes to the state pension system affect Lawson no more or less than the 68,000 retirees and active state workers and teachers, including 400 of her co-workers at the state teachers' union.

Lawson worked as an East Providence teacher for 32 years, leaving in December 2022 to take a job with the National Education Association Rhode Island (NEARI). She is not formally retired, instead in "deferred status" within the Employees' Retirement System of Rhode Island, according to the advisory opinion. She will be eligible to retire and begin collecting a pension without facing an early retirement penalty starting in August 2026.

Pension reform has taken center stage in the final weeks of the 2024 legislative session, with various proposals seeking to reverse or rollback some of the 2011 reforms led by then-Treasurer Gina Raimondo. Among the biggest changes enacted 12 years ago was suspending annual cost-of-living increases for retirees until the financially beleaguered pension system reached more stable funding levels.

The ethics opinion for Lawson relates specifically to five pieces of legislation described as "imminent" for votes in the Rhode Island Senate, including a proposal to provide an annual \$2,000 benefit adjustment for retirees starting in 2025, and an-

other to change how annual benefit allowances are calculated.

The ethics opinion does not apply to certain provisions of the updated fiscal 2024 budget proposal unveiled May 31 by House lawmakers, such as reducing the target funding ratio at which time cost-of-living adjustments would be reinstated for all retirees, from 80% funding to 75% funding. Nor does the opinion cover the latest budget's inclusion of cost-of-living adjustments for retirees who stopped working before 2012, though this addition would not expressly benefit Lawson.

However, the ethics panel's decision specifies if any of the bills considered in its review are modified during legislative debate, Lawson must recuse herself or else seek additional input.

Lawson is hardly the only state lawmaker who stands to benefit from reinstating COLAs or decreasing pension funding ratios. Fourteen members of the Rhode Island General Assembly already collect a state pension; they are former state or municipal workers, teachers or beneficiaries of a deceased spouse or family member. Another 24 have credit toward a future pension payment, according to information obtained by the Rhode Island Current from the Office of the General Treasurer, which manages the state pension fund.

Of the 75 state representatives, 24, or 32%, are pensioners or have credit toward a future state pension. Fourteen state senators out of 38 have or could eventually collect a state pension.

Several of the pension reform measures under consideration are sponsored by lawmakers with direct connections to the state pension system. Sen. Frank Ciccone, retired head of the state Judicial Records Center, has introduced five pension-related reforms, two of which would directly affect him.

Rep. Pat Serpa, a retired teacher, is also a vocal advocate for retirees at the State House, with four pension-related bills in play.

Yet no one besides Lawson has asked for the ethics commission to weigh in on a potential conflict of interest on pending legisla-

tion this year, according to information listed on the Rhode Island Ethics Commission website.

That's not ideal, both for lawmakers' own protection as well as the public's interest, said John Marion, executive director for Common Cause Rhode Island.

"We think out of an abundance of caution, the best course of action is to seek an advisory opinion," Marion said in an interview on Tuesday. "It provides a safe harbor. It also provides the public some solace that the legislator did their due diligence."

Yet, Marion also acknowledged that Lawson is in a unique position. She's not only a prospective pension collector but an advocate for the 12,000 members of NEARI. And she's in a leadership position, having been tapped as the Senate's majority whip following the Nov. 7 election.

"Some lawmakers are very comfortable relying on their own understanding of what is and isn't a conflict," Marion said. "Folks in leadership tend to be more risk-averse because they are more likely to get attacked."

The "class exception" of the state ethics code used to approve Lawson's participation on pension bill votes doesn't set a number for how many people in an affected group diminish the conflict of interest for a public official who also belongs to that group.

Yet generally speaking, it's a necessary provision particularly for lawmakers whose duties include votes on wide-reaching tax and policy proposals that inherently affect them, along with many of their constituents, Marion said.

"You can't really disqualify a third of the legislature from voting on something," he said. "If it's going to disproportionately affect one legislator, that's different. Where that line is is the whole debate."

## Capitol's alcohol culture under scrutiny in Sen. Faith Winter's ethics investigation

COLORADO— *Colorado Politics*— by Marissa Ventrelli—June 28, 2024

Friends and colleagues of Sen. Faith Winter argued that a culture that normalizes alcoholism at the state Capitol is a contributing factor to the legislator's behavior at a Northglenn City Council meeting in April, which is now the subject of an ethics complaint.

In their letter to the ethics panel, which they wrote in support of Winter, they described this drinking culture as pervasive. One supporter suggested that the ethics probe against Winter is "selective enforcement."

It's not immediately clear what intervention, if any, was made by Winter's supporters and friends to get her help.

The Northglenn City Council had alleged that Winter failed to uphold her official duties as a lawmaker when she attended the April meeting while appearing intoxicated. The Senate Committee on Ethics last week decided to pursue an investigation into whether Winter violated her chamber's ethical rules.

Video of the meeting showed Winter slurring her words, and several attendees said her eyes appeared "glassy." They also said they could smell alcohol on her breath.

Footage obtained by 9News shows Winter parking her car in a fire zone before entering the meeting. Additionally, body camera footage captured from a Northglenn police officer showed the cop advising Winter not to drive home — to which she agreed.

In that interaction, Police Chief James May said he wanted Winter to call somebody to pick her up.

"The last thing I want to do is you drive off and you hurt somebody," the chief said.

"Sure," Winter said.

The chief said he won't ask the legislator to take a breathalyzer test.

"I'm worried about you right now," he said.

In a letter to the Senate Committee on Ethics, Winter said she had "a drink" before walking in to the meeting because she "expected it to be emotionally charged."

Members of the Senate's ethics panel, which is looking into the complaint from the city council, expressed skepticism she only consumed one drink.

Winter's substance use disorder was known to many of her colleagues in the Colorado legislature even before she sought treatment following the council meeting.

The ethics committee is grappling with whether this prior knowledge should influence the decision on whether Winter committed an ethical violation, given the complaint pertained to a single incident.

In their letters to the ethics panel in support of Winter, several of her colleagues referenced a certain kind of "culture" within the Capitol halls.

"The prevailing culture at the Capitol, where alcohol consumption is normalized, underscores the need for a more extensive dialogue and a holistic strategy to tackle the root causes," wrote Heidi Henkel, a Broomfield councilmember.

"It's crucial that we cultivate an atmosphere where the welfare of our legislators takes precedence, and robust support mechanisms are established to tackle substance use and mental health issues head-on."

Kira Mazzola, a former staff member for the House Majority Caucus and constituent of Winter's, said she had personally witnessed the widespread consumption of alcohol during her time at the Capitol.

"This committee must weigh the culture of consumption and the implications of this kind of selective enforcement among your elected peers when evaluating the worthiness of this complaint," she wrote.

Public discussions around alcohol's negative effects have been relatively rare at the state Capitol.

Several former and current lawmakers' struggles with alcohol have perennially

emerged in public view, including former House Minority Leader Mike Lynch's DUI arrest in 2022, which came to light early in the 2024 legislative session.

Also in 2022, former Rep. Matt Gray, who is Winter's fiancé, was arrested on suspicion of a DUI while at his children's elementary school. Gray maintained that he was not intoxicated, but that his symptoms of anxiety and depression "are such that too many people are worried when they're around me."

"Tomorrow my fiancée will experience a protracted hearing about one of the worst days of her life after apologizing many times," Gray tweeted the day before the ethics panel's second committee hearing on June 20. "You'd be terrified if it was you. But you'll watch with glee as it happens to someone else. Congrats to Northglenn and Colorado taxpayers."

Winter has until June 27 to decide if she wants an evidentiary hearing to be held by the Ethics Committee. If she chooses to make that request, the panel has tentatively scheduled the hearing for July 8. If Winter does not request an evidentiary hearing, the panel opted to allow her to make a formal statement should she chose to do so.

MEMBERS OF THE  
LEGISLATIVE ETHICS  
COMMISSION

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Katherine Gail Russell

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NEXT MEETING OF THE  
COMMISSION

The Kentucky Legislative Ethics Commission's next regular meeting is scheduled for Tuesday, August 13, 2024 at 10 a.m. Capitol Annex, Room 171 in 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](https://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](https://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' and legislative candidates' required financial disclosures are available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>. Legislators and legislative candidates must file their financial disclosures on the previous calendar year.

Lobbying spending disclosures may be found on KLEC's website at [klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx](https://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](https://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!

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### Trivia Answer

**Yes, but a former legislator must wait 2 years after leaving office to become a legislative agent.**