

**ETHICS REPORTER**

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Kentucky Legislative Ethics Commission

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***29 years ago BOPTROT scandal came to light; prompted sweeping legislative ethics law and ushered in reforms***

#### In May, 1992, a years-long FBI sting of the Kentucky General Assembly’s legislators and associated lobbyists, in the words of Henderson journalist Frank Boyett for **The Gleaner**, “sparked a political firestorm … that burned the reputation of the General Assembly to the ground.” As Boyett noted, “the scandal continued for four years, and prompted Kentucky to enact some of the nation’s stiffest laws on campaign finance and legislative ethics.”

#### A national scandal, BOPTROT was the source of derision throughout the country. As the **New Yorker** put it in 1994:

#### The FBI is here, investigating corruption in state government, and several of our politicians have been convicted of taking bribes to influence racing legislation. Operation BOPTROT began in 1990, as an undercover investigation of the Kentucky legislature. For 1 1/2 years, the FBI was creeping around Frankfort, the state capital, secretly doctoring $20 bills with fluorescent powder and taping lawmakers and lobbyists, and even having surveillance airplanes fly over. Similar sting operations have gone on in California, Arizona, and South Carolina. Here the FBI targeted lawmakers who were willing to be bribed for their influence in helping a troubled harness track compete against a rival Thoroughbred track for more gambling opportunities. The BOP in BOPTROT came from the Business Organizations and Professions Committees in both the House and the Senate of the Kentucky General Assembly; the BOP committees handle horse-racing bills. TROT referred to the trots, as harness racing is known. The investigation spread to other areas of public business and is still going on. BOPTROT has stood the state on its ear, and we're having to take a hard look at the way things get done here.

#### In the ensuing years, the General Assembly acted to pass and toughen one of the strongest ethics laws in the nation, enforced by an independent Ethics Commission. Since the passage of the law, no sitting legislator has been convicted of a felony related to his or her legislative office. The strict Ethics Code, education, informal and formal opinions, as well as attention paid by legislators, legislative agents, and the public alike to the law’s requirements has provided Kentucky’s legislative branch with a strong foundation after BOPTROT. Constant attention and education is required to ensure that the law continues to prevent and address possible ethical pitfalls.

***Newly-registered lobbying employers & terminations***

The following businesses and organizations recently registered to lobby in Kentucky**: American Kidney Fund, Inc.**; **Child Care Council of Kentucky, Inc.**; **Greyhound**; **Prominent Technologies**; **Virginia Everywhere, LLC**; and **W.L. Gore & Associates, LLC**.

The **Marijuana Policy Project** recently terminated its registration, and is no longer registered to lobby the Kentucky General Assembly.

#### ***Commission Office Procedures and COVID-19***

#### Following guidance from federal, state, and local officials regarding the COVID-19 pandemic, the Commission halted in-person services at its Frankfort office as of Tuesday, March 17, 2020.

#### As of **July 1, 2021**, we are happy to announce that the Commission office will re-open its office to the public. We request that if you are not completely vaccinated 14 days prior to coming to the office, or if you are immune-compromised, that you continue to wear a mask when visiting our office. Even if you do not meet this criteria, you may wear a mask if it makes you more comfortable.

We encourage you to continue to contact us via the means listed below, and by filing electronically or by scanning paperwork and emailing it to us. If you need to send the Commission copies of paperwork, it is most efficient to scan and email it to the email addresses as listed on the staff page, or fax to the number above.

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 . You may still reach Laura Hendrix, Executive Director, at (502) 573-2910, Emily Dennis, Counsel, at (502) 573-2911, and Lori Smither, Staff Assistant, at (502) 564-9084 You may still reach Donnita Crittenden, Executive Assistant, at the main Commission number (502) 573-2863.

#### 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.

#### 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 here <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.

***Ethics Code applies at upcoming out of state legislative conferences***

As the nation continues to reopen, travel resumes, and conferences switch back from zoom to in person, it’s a good time for a reminder that Kentucky’s Code of Legislative Ethics applies to legislators, lobbyists, and employers of lobbyists who attend summer, fall, and winter legislative conferences, or who sponsor events in conjunction with those conferences.

                Legislators interested in attending an out-of-state meeting are required to obtain 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 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.  These include expenses for promotional or informational items, and conference registration and travel expenses.

                The Code of Legislative Ethics prohibits lobbyists and employers from buying food and beverages for individual legislators, and prohibits lobbyists and employers from providing legislators with out-of-state lodging or transportation from Kentucky to an out-of-state location.

Legislative conferences for the upcoming year include:

* **Southern Legislative Conference** Annual Meeting:  July 10-14 in Nashville, Tennessee at theGrand Hyatt Nashville**.**
* **National Conference of State Legislatures** Legislative Summit:  November 3-5, 2021 in Tampa, Florida at the Tampa Convention Center.
* **Council on State Governments** National Conference: December 1-4 in Santa Fe, New Mexico.

***Lobbying report deadlines and important reminder about reporting bill numbers***

**Wednesday, September 15, 2021** is the next reporting deadline, and all lobbyists and employers are required to file Updated Registration Statements then, for the period of **May 1** through **August 31, 2021.**

The easiest and quickest way for lobbyists and employers to file is to visit the Commission’s website: <https://apps.klec.ky.gov/lec/onlinefiling.aspx> .

Additionally, reporting entities are reminded that they are required to report the specific bill numbers that they are lobbying on, as required by the Legislative Ethics Code. If your reports have not adequately reflected bill numbers in the past, please make every effort to reflect bill numbers in updated registration statements going forward.

#### ***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 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!

#### ***Overview of Legislative Ethics Code online***

#### The Legislative Ethics Commission has a PowerPoint overview of the Legislative Ethics Code available for reference. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=I4FJvhrSoao>. Feel free to watch!

***Ethics & Lobbying News from around the U.S.***

***Larry Householder out: Ohio House votes to remove former speaker***

**OHIO** —***Cincinnati Enquirer***—by Jessie Balmert, Laura A. Bischoff, and Anna Staver  *–* June 16, 2021

Lawmakers unanimously removed Householder as their leader shortly after his arrest, but the legislator has refused to resign from his seat, which represents Perry, Coshocton and Licking counties.

Householder and his allies, most vocally Green Township Rep. Bill Seitz, argued that Householder should remain in office while the case against him is prosecuted.

"There is no evidence against Larry Householder, only allegations," Seitz said. "Serious allegations to be sure."

Householder was reelected last fall with 71% of the vote, a fact that Householder says demonstrates a vote of confidence in his representation.

"We do not get to choose who represents someone else's district," said Rep. Nino Vitale, before comparing Ohio to communist countries. "We're going to kick someone out of a duly elected office because they are accused, suspected of doing something."

However, Householder's name was the only one listed on the ballot because his arrest came after the filing deadline. Several write-in candidates had little support and little chance of winning.

After months of waiting, Ohio lawmakers ultimately decided to expel one of their own.

"Make no mistake, there is no joy in seeing a former Ohio speaker removed from office in disgrace, but this is our opportunity to stand against corruption and to turn a page on this dark chapter in Ohio history and begin to rebuild the People’s trust in a government that’s supposed to work for them," said House Minority Leader Emilia Sykes. She encouraged lawmakers to start over on House Bill 6 at the heart of the federal investigation.

***Former Rhode Island state rep-elect pleads guilty to embezzling from nonprofit***

**RHODE ISLAND** – ***Providence Journal*** —June 16, 2021

A man who won a seat in the Rhode Island House of Representatives but resigned before being sworn pleaded guilty to felony embezzlement and campaign finance charges, Attorney General Peter Neronha announced Wednesday.

Laufton Ascencao, 27, pleaded nolo contendere to one count of felony embezzlement, three counts of failure to report campaign expenditures, and one count of failure to have a duly appointed treasurer certify the accuracy of his campaign finance reports, Neronha said.

At a hearing Wednesday before Superior Court Justice Luis M. Matos, the court gave Ascencao a five-year suspended sentence with probation and ordered restitution of $13,387.70 to the Rhode Island Chapter of the Sierra Club. The court also imposed a $1,000 fine.

Ascencao was elected to the House District 68 seat, representing Warren and Bristol, in 2018 with 64% of the vote.

Allegations of financial impropriety surfaced shortly after his election, including the charge that he used money from the Rhode Island Sierra Club to help finance his campaign.

After conducting an audit of his campaign, the state Board of Elections found Ascencao, who was the Sierra Club chapter treasurer, spent the environmental group’s money on political causes without authorization.

The bulk of that Sierra Club money went to his own campaign, with the remaining amount going to rent and expenses for the Rhode Island Working Families Party, for which he was an organizer and lobbyist.

In 2019, the Rhode Island Board of Elections, following an initial review, referred Ascencao’s case to the Office of the Attorney General and the Rhode Island State Police for criminal investigation.

Neronha said prosecutors were prepared to demonstrate that Ascencao had embezzled more than $16,000 from the Sierra Club.

Prior to sentencing, Ascencao had repaid $2,992 to the organization.

“As I have said previously, obscuring the truth when it comes to campaign finance isn’t about the amount of money involved," Neronha said in a statement. "It’s not even about the low-rent behavior that some political operatives bring to campaigns. It’s about the public confidence in government that we lose when that happens, and the enormous damage that does to our state."

“There is no excuse or room for blatant dishonesty or for the malicious intent of stealing funds from an organization, specifically when it involves a public official that the people of the State of Rhode Island have put their trust in,” added state police Col. James M. Manni. “Regardless of monetary value, the State Police will always investigate these crimes to ensure accountability and honesty from our elected officials.”

***‘There are certain people that drink heavily.’ Connecticut lawmakers talk about alcohol use in session***

**CONNECTICUT** – ***Connecticut Post***— by Ken Dixon -- June 3, 2021

Alcohol is a tried-and-true diversion for members of the General Assembly. And in this year of the pandemic, which forced hundreds of lawmakers to work remotely in staff offices away from the House and Senate chambers, it got a little out of hand, legislative leaders say.

Last month, House Minority Leader Vincent Candelora, fearing extracurricular partying could distract lawmakers from the business of public policy, ordered his 54-member caucus to move back from their offices in the nearby Legislative Office Building to the State Capitol itself, closer to the action, to avoid distractions.

Speaker of the House Matt Ritter read his 97-member caucus the riot act after lawmakers began tailgating on the roof of the Legislative Office Building’s garage. Most recently, one House member admitted that wine at dinner and the accumulated stress of the legislative session contributed to her failure to speak complete sentences during a floor debate on a bill on May 27.

And while the drinking might not be good public relations - or optics - for the legislature, people with institutional memories say it’s no worse than it ever has been, especially toward the end of the session long after committees have finished their work and the only thing for rank-and-file members to do is wait to cast votes in the House or Senate.

After all, the infamous all-male Hawaiian Room, where beer and booze flowed on the fourth floor of the Capitol, closed down in the late-1970s. What remains, on a plaque in a basement display case, are the names of Hawaiian Room officers from the early 1970s, including then-Lt. Gov. T. Clark Hull of Danbury, who was an “honorary director” and William A. O’Neill, a state representative about 10 years away from becoming governor, then on the “Board of Directors.”

Veteran state Rep. David Rutigliano, who as a caucus whip spends many hours of the day on the House floor, said that he rarely sees lawmakers join a debate if they have been imbibing.

“I am sure there are people drinking in the building, but it’s unusual for them to talk,” Rutigliano said. “If they are in a room where they are having an adult beverage, I think they keep to themselves.”

“Honestly it depends on who you are,” said third-term state Rep. Josh Elliott. “I will have a couple drinks in my office, but I’m not raging on the roof.” As Elliott has risen in responsibility - he is the co-chairman of the Higher Education Committee - he needs to focus on legislation.

“I am trying to read these bills,” he said in a phone interview Thursday night. “In the first year, you have zero responsibility.”

The issue came to a head this week when Speaker of the House Matt Ritter chastised his caucus after Rep. Robin Comey of Branford admitted that wine and the pressures of the endgames of the General Assembly caused her to overindulge on the night of May 27. She apologized to her caucus and constituents.

“The incidents are on both sides,” Ritter said Thursday. “I want to be very clear. There have been incidents on both the Democratic and Republican side that needed to be addressed and cleaned up, and we have done that. It’s a chamber-wide thing that had to be addressed.”

“Rep. Comey has made her statement,” said House Majority Leader Jason Rojas. “She’s apologized to her constituents and to everyone. And I think we’re all ready to move on and make sure we engage in the right behavior that everyone expects us to do here.”

Elliott said he was unaware of any over-indulgence until Ritter spoke to the caucus during a virtual zoom meeting, which is still the main method of communication, as COVID rules on masks and social distancing in the House chamber will continue through the end of the session at midnight on June 9. The public, including lobbyists have been banned from the Capitol complex since March 12, 2020.

Last month, Candelora, told his caucus to start working in the Capitol itself on days the House was meeting.

“When we began to open up capacity in the House chamber, we had asked everyone to come over to this building to avoid those kinds of temptations,” Candelora said on Thursday. “By and large we have not had an issue in our caucus and what I told them is that I’m happy we haven’t had an issue and don’t make a liar out of me. So hopefully until June 9 it will stay that way.”

Candelora, who was first elected to the House in 2006, said that lawmakers are typical of the population. “I think generally speaking, we are a snapshot of society and so there are certain people that drink heavily and may even have a drinking problem, and then there are some that like to socialize and have a glass of wine with dinner. Given that we here at times 16 to 18 hours a day, there could be individuals that might partake at any given level.”

Candelora said lawmakers watch out for each other. “Whether it be revolving around a substance abuse issue or just down to social drinking, it has always been a part of this building,” he said. “I personally don’t think it’s a good thing. People should really refrain from that activity because we’re elected to make laws because you want all your faculties about you when you’re voting on legislation that impacts residents of your district.”

Michael J. Riley, a veteran lobbyist, who remembered the Hawaiian Room’s legends and myths, said hot dogs from New Britain and Russian black bread from Colchester were always on hand along with the booze and beer. Some lawmakers would stay up there all afternoon into the evening, taking time out only to vote, he recalled.

“There was always one guy who was sloppy early in the afternoon,” said Riley, a Capitol fixture since 1971. And speaking of fixtures, it is said that upon at least one occasion, the silver-plated “Columbus Urn” a 20-gallon water vessel outside the House, was once filled with Champagne to celebrate an event that is now forgotten in the mists of the history of the 1878 building.

Riley was the originator of a long-held St. Patrick’s Day tradition of an Irish coffee hour on a March morning with Irish whiskey flavoring the breakfast drink. It evolved from a small affair, to one attended by hundreds, including music and singing. “New staff people would be in awe because they could actually talk to the governor and hang out with the big guys,” Riley recalled of the jam-packed third-floor Capitol meeting room.

That was then. “Every year it loses a little more fun,” Riley said.

“People rarely get out of line and it hasn’t been a problem in the past,” said Riley, recalling that since the 14-acre Capitol campus has been closed to the public for 14 months, lobbyists and taxpayers have been denied access and lawmakers have been left to themselves, their staffs and whatever may be in their desk drawers or office refrigerators.

Senate President Pro Tempore Martin Looney, who was first elected to the legislature in 1980, said Thursday that the current culture has drastically changed from 40 years ago. “There was a lot more casual acceptance of alcohol as a social beverage then, than now,” Looney said.

Drinkers have a long history in the legislature, he said, but mostly among the rank-and-file. “It could be a problem sometimes, especially when the night ran long,” Looney recalled of the 1980s. “There were times when the speaker would have to admonish people to calm down, pay attention and not get the debate too raucous.”

During dinner recesses, there would be four groups.

“There would be a number of people who would stay in the building and actually do work and maybe send out for food and during that time they would either do legislative work or work for their private businesses,” Looney said. “The second group would go out to dinner. The third group would be the group that would go out to a bar. And the fourth group would be a group of one, consisting of (now U.S. Sen.) Dick Blumenthal, who would go swim laps at the Hartford Y.”