

***Legislative Ethics Commission adds two new members; two members’ service is greatly appreciated as they leave the Commission***

**ETHICS REPORTER**

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Kentucky Legislative Ethics Commission

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#### Two new members have joined the Legislative Ethics Commission, as two long-time public servants exit their time on the Commission. The Commission is comprised of community members, no current legislators, and is an independent agency of the legislative branch.

#### Former Senator Ernie Harris was appointed to the Commission by Senate President Robert Stivers in May. He served in the Kentucky Senate for 25 years, and is a farmer. He served at the rank of Lieutenant Colonel in the United States Air Force as a pilot, and also flew for UPS.

#### Katherine Gail Russell, an attorney from Louisville, was appointed to the Commission by House Speaker David Osborne in May. A former Secretary of the Public Protection Cabinet, she also served as Counsel to the House Speaker, serves on the Uniform Law Commission, and has a private law practice.

#### Former Representative Pat Friebert, who was one of the original legislators helping to craft the Code of Legislative Ethics, and spent 19 years on the Commission, ended her service in April. Phil Huddleston, who served over 20 years in various governmental positions, also left the Commission in April. The Commission thanked them both for their dedication and public service at its April meeting and deeply appreciates their efforts at educating on and enforcing the Code of Legislative Ethics.

#### In addition to Harris and Russell, other current members of the Legislative Ethics Commission are: Chair Dave Nicholas of Frankfort; Vice-Chair Michael Noftsger of Somerset; former Representative Sheldon Baugh of Russellville; Anthony Goetz of Nicholasville; former Representative and Judge Tanya Pullin of South Shore; former Judge Paula Sherlock of Prospect; and former Judge Anthony Wilhoit of Versailles

***Lobbying spending for the 2021 short session eclipsed only by 2019 record pace***

The total lobbying spending for the 2021 Regular Session, $9 million, nearly matched that of the previous record set for the last 30-day legislative session in 2019, at $9.43 million, despite the continuing effects of the pandemic. This was the second-highest amount spent during an odd-year session.

605 legislative agents and 745 employers are currently registered to lobby the General Assembly.

The top five lobbying spenders for the 2021 session are: **Kentucky Chamber of Commerce** ($251,738); **American Civil Liberties Union of Kentucky** ($125,155); **Kentucky Education Association** ($106,622); **Kentucky Equine Education Alliance** ($101,214); and **Keeneland Association** ($100,291).

The second half of the top ten spenders includes: **Altria Client Services** ($96,589); **Secure Democracy** ($95,240); **National Council of State Boards of Nursing** ($79,455); **Kentucky League of Cities** ($79,425); and **Anthem Inc. and its Affiliates** ($65,000).

The rest of the top 20 spenders are: **Kentucky Hospital Association** ($62,529); **Americans for Prosperity** ($56,494); **Kentucky Justice Association** ($56,494); **Greater Louisville, Inc.** ($52,070); **CSX Corporation** ($51,000); **LG&E and KU Energy** ($50,965); **Kentucky Retail Federation** ($50,266); **Kentucky Association of School Administrators** ($48,800); **Kentucky Medical Association** ($48,602); and **Heaven Hill Distilleries**($48,000).

Starting in early March, 2021 the Kentucky Legislative Ethics Commission (KLEC) has made information on which bills legislative lobbying employers are promoting or opposing available to the public, via the LEC’s website. The list is on LEC’s web site <https://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx> under “Bills Lobbied”, by Current Year or Prior Year.

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

The following businesses and organizations recently registered to lobby in Kentucky**: AppHarvest Operations, Inc.**; **Gibson Electric Membership Corp.; Human Coalition**; **IBM Corporation**; **PSI Kentucky LLC**; and **Wild Health**.

Several businesses and organizations terminated their registration, and are no longer registered to lobby the Kentucky General Assembly: **Boone County Education Association**; **City of Corbin**; **Kentucky Commonwealths Attorney Association**; **Kentucky Jailers Association**; **Mackinac Center**; **National Auto & Travel Organization**; **Riverside Generating Company**; **Southern Kentucky Film Commission**; and **Steve Wilson**.

***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 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!

#### ***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!

#### ***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, 2020. 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 .

#### Additionally, new lines for direct access to Commission staff have been added. You may reach Laura Hendrix, Executive Director, at (502) 573-2910, and 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.

#### 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.

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

***Multiple charities supported by ComEd lobbied for bills favorable to the utility giant***

**ILLINOIS** —***WBEZ Chicago***—by Dave McKinney *–* May 26, 2021

State law says utility companies like Commonwealth Edison cannot make their customers pay for the cost of their lobbying expenses.

Yet, ComEd’s nearly 4 million ratepayers in Chicago and northern Illinois are on the hook for nearly $9 million in grants the company awarded this past year to an array of nonprofit organizations.

What some of those investments also have yielded for ComEd is a de facto, ratepayer-underwritten lobbying force in Springfield that has aimed to help nudge some of the company’s most prized legislative initiatives during the past decade.

A WBEZ analysis of legislative records shows a distinct pattern in which the same grant recipients getting ComEd charity that ratepayers subsidize are wearing dueling hats as utility company advocates before the General Assembly. The same is true for a long list of ComEd contractors who have advocated on behalf of the company.

WBEZ documented nearly $350,000 in ComEd grants since 2017 to a dozen nonprofit groups that formally — and, in some cases, repeatedly — lobbied for company-backed legislation in Springfield. Some charitable groups are overseen by board members who also happened to be ComEd executives.

The findings demonstrate how ComEd’s philanthropic generosity arguably overlaps with its political influencing machine, which is now under a microscope over past bribery-tainted lobbying efforts that secured legislative victories worth at least $150 million to the company. WBEZ reporting found the company benefited far more than that.

Last summer, ComEd agreed to pay a $200 million fine to the federal government to end a criminal probe by U.S. Attorney John Lausch’s office into past Springfield lobbying practices that prosecutors have alleged illegally targeted then-House Speaker Michael J. Madigan.

Madigan, identified dozens of times in various federal court filings as “Public Official A,” has not been charged.

“I don’t think it’s any one thing that’s ever the silver bullet that gives ComEd its power. It’s all of these practices combined,” said Abe Scarr, director of Illinois PIRG, a leading utility watchdog in Illinois that has opposed much of ComEd’s legislative priorities.

“And this one,” he continued, referring to the activities of ComEd-funded nonprofits, “is particularly egregious because it’s ComEd appearing to be charitable but using our money to do it and then getting political advantages out of it, as well.”

The ratepayer-backed money spigot directed at charities could dry up soon, however, as Gov. JB Pritzker is pushing to disallow public utilities like ComEd from billing customers for their charitable endeavors. That question could be decided by month’s end in Springfield if lawmakers approve energy legislation being pushed by Pritzker.

“The governor firmly believes that utility companies should not be allowed to bolster their political power at ratepayers’ expense,” Pritzker spokesman Jose I. Sanchez Molina said after WBEZ asked the governor’s office about the propriety of ComEd-funded charities advocating on the company’s behalf.

“Charitable contributions should still be made, but not on the backs of ratepayers,” he said.

For its part, ComEd denies exerting any pressure on the charities it funds or that there was any overarching strategy to layer them into the company’s overall lobbying plan in Springfield.

“We do not direct businesses or charities we support to submit witness slips,” ComEd spokesman Paul Elsberg said in a statement, referring to the paperwork that individuals and organizations file with the legislature to signify their opposition or support for a particular bill.

“However, we naturally reach out to businesses and community leaders about energy legislation that could affect our customers and our business,” he said. “In fact, we have an obligation to do so because it affects them, too, and we fully support their, and anyone’s, right to voice their support or opposition to legislation based on what’s important to them.”

**ComEd-funded charities pushed for ComEd legislation**

Of late, the single largest nonprofit recipient of ComEd charity that has advocated on the company’s behalf is El Valor Corporation, a Lower West Side human services provider with more than $3.8 million in state contracts since 2019.

In an April filing with state electricity regulators that outlined all of its charitable contributions, ComEd disclosed paying El Valor $110,000 since 2017.

Its board of directors includes two ComEd executives, and its longtime president and CEO, Rey B. Gonzalez, is former vice president for legislative and community affairs at ComEd.

The nonprofit went on record in 2019 as favoring a permanent extension of a lucrative ratemaking formula that has infused ComEd with hundreds of millions of additional dollars from ratepayers since its 2011 enactment, which El Valor also formally supported, legislative records show.

Gonzalez said his organization that provides services to more than 4,000 developmentally disabled children and adults, largely in the Latino community, in no way was “strong armed” by ComEd to support the company’s legislative priorities.

“El Valor can unequivocally state there has been no expectation of legislative support by ComEd in our 40-year relationship. The members of our board have not directed El Valor to conduct any legislative action on behalf of ComEd,” he said.

“The only expectation ComEd has ever had of El Valor has been to continue our mission in providing critical services to the Latino community,” Gonzalez said.

Charities with financial ties to ComEd have not been alone in advocating for the utility.

WBEZ found more than two dozen ComEd contractors submitted documents to House and Senate committees showing their support for utility legislation.

One firm, HBK Engineering, which ComEd disclosed paying nearly $2.5 million since 2017, had 95 of its employees submit slips in favor of the 2019 ratemaking legislation backed by ComEd, nearly a quarter of all the submitted support the bill received. Sixteen HBK employees tendered statements of support for 2016 legislation backed by ComEd and its corporate parent, Exelon Corp., that contained a multibillion-dollar bailout for two Exelon nuclear plants and was a measure referenced in the company’s deferred prosecution agreement with federal prosecutors.

HBK’s senior vice president and general counsel, John W. (Jack) Jerak, said ComEd never asked his company to lobby for its interests in Springfield.

“HBK’s professional interests and, not surprisingly, the individual interest of many of HBK’s employees, sometimes coincides with infrastructure related legislation and corresponding positions our clients and our legislators take or do not take regarding such legislation,” Jerak said in a statement.

“HBK encourages its employees to be informed, to participate, and to communicate with their legislators,” he said. “HBK does not include directions as to which way to vote.”

ComEd’s Elsburg said the company has not explicitly asked its contractors or charities it funds to avoid advocating for legislation ComEd favors in Springfield since agreeing to settle the federal investigation against it in 2020.

“Nothing in the [agreement] limits the right of our vendors or the charitable groups with which we partner to advocate on legislation or other public issues that are important to them, and we fully support their right to participate in the legislative process — just like everyone else,” Elsberg said.

There’s a distinction to be made between ComEd’s contractors and its philanthropic targets aligning with the company at the statehouse. The difference is that nonprofits have tax-exempt status.

The Internal Revenue Service discourages charitable groups from engaging in “substantial” lobbying efforts to influence legislation because it could jeopardize their tax-exempt status, which is a crucial designation they need to raise money.

There’s no evidence any of the nonprofit organizations have run afoul of IRS rules by lending their names and reputations to ComEd’s lobbying efforts at the same time they’ve received utility grant money.

But one University of Chicago academic who has studied corporate philanthropy’s effects on policymaking said the activities involving ComEd’s grant recipients pose “really important questions” about the “many, many ways corporations can exert influence.”

“I think what’s more disconcerting when it comes to philanthropy and having nonprofits … being involved in these kinds of political processes is they’re not supposed to,” said Marianne Bertrand, an economics professor with the University of Chicago’s Booth School of Business.

In 2019, Bertrand co-authored a study showing how corporations use charitable giving as a form of “tax-exempt influence seeking,” a stealth lobbying effort that can influence policymakers if they know a favored charity has something seemingly riding on a legislative or regulatory outcome.

The research she helped assemble estimated that at least 7% of all corporate charitable giving nationally was associated with some discernible political purpose.

“I think there is value in having your message kind of being reinforced by groups that would appear to the decision-maker as being independent of you even though in practice, there is a financial relationship,” she said.

Bertrand said Illinois lawmakers should consider imposing requirements “as a minimum kind of reform” that would require charities to publicly disclose financial relationships to any corporation for which they advocate before the legislature.

And Scarr, with Illinois PIRG, said the advocacy by some of ComEd’s nonprofit grantees on its behalf, including chambers of commerce and business associations, may warrant further scrutiny by Illinois utility regulators.

“I don’t know what a local chamber of commerce really has to say about complicated utility regulatory policy. Not that they shouldn’t be allowed to weigh in. Everybody is welcome to have their say in our democracy. But clearly, it’s intended to show a breadth of support for ComEd,” Scarr said.

“But when it’s coming from groups who have directly benefited from contributions that ultimately come from ComEd ratepayers, not ComEd itself, it certainly creates an appearance problem from my perspective,” he said.

***Idaho legislative intern reports rape, is ID’d by lawmaker***

**IDAHO** – Associated Press— by Rebecca Boone  *–* May 6, 2021

The harassment began soon after a report by a 19-year-old intern, who alleged an Idaho lawmaker raped her, became public.

One state representative sought a copy of the police report and made inquiries into how the young woman herself could be referred for criminal charges for reporting the alleged rape.

Another shared links to a far-right blog post that included the intern's name, photo and personal details about her life with thousands of people in a newsletter and on social media.

And members of a far-right, anti-government activist group tried to follow and harass the young woman after she was called to testify in a legislative public ethics hearing.

``I can take criticism. I can take people laying out their opinion on me,'' the intern told The Associated Press in a phone interview Sunday evening. ``But this, it's just overwhelming.’'

The AP doesn't name people who report sexual assault unless they agree to be publicly named. The intern asked to use the name ``Jane Doe,'' which is the name she testified under during a legislative ethics committee hearing last week.

The investigation into then-Rep. Aaron von Ehlinger, from Lewiston, underscores why many alleged sex crimes go unreported.

While the (hash)MeToo movement made it clear that sexual harassment and assault remains a widespread problem, survivors can face stigma and disbelief when they come forward.

About three out of every four sexual assaults go unreported, according to the Rape and Incest National Network. And data from the U.S. Bureau of Justice Statistics shows that as many as one-fifth of sexual violence survivors who chose not to report their crimes to police cited the fear of retaliation as a primary reason.

The Idaho probe began in March after the intern reported that the lawmaker raped her in his apartment after they went to a Boise restaurant. Von Ehlinger has denied all wrongdoing and maintains they had consensual sex. The Boise Police Department is investigating.

A legislative ethics committee voted unanimously last week that Von Ehlinger engaged in ``conduct unbecoming'' a lawmaker. He resigned before the full House could vote on whether to remove him from office.

But the harassment faced by Doe did not stop. Members of the far-right are still attacking, some calling her disparaging names and posting her photo.

``You know that photo everyone is posting? I'm 12 years old in that photo. I'm not even a teenager in that photo, and they're sharing it calling me nasty,'' Doe said. ``But the truth cannot be altered.’'

Doe first began working in the Idaho Statehouse a year ago, helping with legislative committees under the Legislature's high school ``page'' program.

She came back this year as an intern, hoping to prepare for a future career in government. She said she agreed to von Ehlinger's dinner invitation because she was hoping to network and was excited to go to a restaurant that cost far more than what she could afford on her near-minimum wage salary.

After dinner, von Ehlinger brought her back to his apartment rather than her car because he said he'd forgotten something. Once there, Doe said, he pinned her down and forced her to perform oral sex, despite the fact that she said ``no'' in several ways and froze. Doe is petite, and von Ehlinger is bigger, she said.

``He has a collection of guns. Fight or flight was never an option,'' she said.

During the alleged sexual assault, Doe said she tried to focus on something else.

``I got fixated on his curtains because they were bright red \_ I named them 'American red' in my head, because it was bright like the stripes in the flag,'' she said. ``I just stared at it ... I will never forget how disgusting I felt.’'

She reported the incident two days later. Next came forensic exams, reports to the Idaho attorney general and interviews with the ethics committee. The committee eventually announced a public hearing would be held, making Doe's complaint public on April 16.

Within hours, von Ehlinger's supporters began publicizing Doe's identity. One of his attorneys released a letter to the media that included Doe's real name. Two far-right websites posted Doe's name and details about her life, and one included her photo.

``I respected them enough not to keep it a secret,'' Doe said of von Ehlinger's fellow lawmakers, ``and they destroyed me.``

Rep. Priscilla Giddings, from the tiny community of White Bird, shared the link with Doe's name and photo in a newsletter to constituents and said the allegations were nothing more than a ``liberal smear job.’'

She also shared the blog post with thousands of followers on social media, making the intern's identity widely known. Giddings has not responded to repeated requests for comment from the AP.

Rep. Heather Scott, from the community of Blanchard, filed a public record request with the city of Boise seeking a copy of the young woman's police report.

Scott approached Rep. Melissa Wintrow, from Boise, to ask about how a person who files a false police report alleging sexual assault could be charged. Wintrow is a board member for the Idaho Coalition Against Sexual & Domestic Violence, which is representing Jane Doe.

Scott refused to answer questions from the AP and sent one comment in a short email.

``I dont (sic) think you have your facts straight,'' Scott wrote on April 27.

Doe didn't know her identity had been made public until her next shift at the Statehouse. Right away she could tell the mood around her was different.

``The secretaries let me know that Giddings had done that and they were showing me the article,'' Doe said, ``and my life is crashing before my eyes.’'

She kept showing up for work - partly because the ethics committee told her she needed to be available, she said. But she felt like she was under a magnifying glass.

Lawyers with the attorney general's office questioned her about her movements around the Statehouse. When she tried to ask the governor for a photo - she’d hoped to collect one for every year she served in the Capitol building - staffers assumed she just wanted to complain, Doe said.

``Nobody had the humanity to even look me in the eye, like I brought shame,'' she said. ``They made it seem as if everything I do is suspicious.''

Being called to testify publicly at the ethics hearing compounded the pain. She'd already testified in private, only to be stopped when she began the difficult process of describing the alleged rape by a committee member who said it might make both Doe and the committee uncomfortable.

``I was so upset by that,'' Doe said.

Doe was shielded from public view during the hearing, and the committee warned everyone her identity should stay private. As Doe left the hearing, some onlookers who were there in support of von Ehlinger rushed out to try to film her.

Boise resident Karen Smith, herself a former Statehouse intern who attended the ethics hearing to support Doe, heard the intern screaming in the hallway after she was accosted.

``I thought, `Oh no, somebody needs to maybe go help,''' Smith said.

When Smith found the group, Doe was curled up in a ball on the floor as her legal team tried to shield her with umbrellas. The onlookers were trying to get close to the young woman to videotape her and take photos.

Smith and another person tried to block the onlookers from getting close to Doe, she said.

``There were like eight policeman there, state police, but they were watching and not doing anything and they said, `We're not allowed to take sides.' So we kept at it,'' Smith said.

Security footage obtained by Idaho Public Television's Idaho Reports on Tuesday showed one state trooper standing in a way that helped shield Doe from onlookers. Another officer appeared to talk to the people in the hall while other officers stood off to the side. Eventually, the officers escorted Doe out of the building.

Though the ethics investigation was not a criminal investigation, criminal trials do provide some guidance for situations like this one where emotions can be expected to run high, said former U.S. Attorney Wendy Olson.

``You have to anticipate what are the risks to this person,'' Olson said in a phone interview last week, and take steps including private entrances and exits for witnesses and warning people against retaliating in any way.

``The court always makes it clear that among the worst things you could ever do is try to harass or intimidate a witness,'' Olson said.

The alleged rape, harassment and the hearing all made one thing clear, Doe said. She won't stop fighting until she's sure the Statehouse has policies in place to prevent anyone else from experiencing the same pain she endured.

``This has all been pushed at me against my will after my repeated attempts at `No,''' she said. ``But I’m taking my voice back. It's mine, it's not theirs.''