

# ETHICS REPORTER

## November 2024



Kentucky Legislative Ethics Commission  
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### **[Steven Pulliam to join the Commission as General Counsel](#)**

Steven Pulliam will join the Commission as General Counsel, effective December 16, 2024. Mr. Pulliam was formerly the General Counsel at the Executive Branch Ethics Commission and Deputy Bar Counsel of the Kentucky Bar Association. He currently serves as an Investigator in the Legislative Research Commission's Office of Education Accountability. Please join us in welcoming Steven to the Ethics Commission!

### **[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 homepage, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=nrqWW7sJDK4>. The video walks through the online filing process in step-by-step detail. Please call us with any questions!

### **[Lobbying report deadlines and important reminder about reporting bill numbers](#)**

**Wednesday, January 15, 2025** is the next reporting deadline for lobbying entities, and all lobbyists and employers are required to file Updated Registration Statements by that date, for the period of **September 1** through **December 31, 2024**. This reporting period will be open for filing these reports on January 1<sup>st</sup>.

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> and file online.

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 those numbers are available. 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.

## [Newly-Registered and Terminated Lobbying Employers](#)

The following businesses and organizations recently registered to lobby in Kentucky: **Coinbase Inc., Dyno Nobel, Holly Hill, KY Medical Cannabis Assn., Nally and Hamilton, Recovery Now, REPKON USA, and Speed Art Museum.**

Recently terminated employers in Kentucky: **Biotechnology Innovation Organization (BIO) and Critical Nurse Staffing LLC dba CNS Cares.**

## [“Save The Date” - Training For Legislators!](#)

The Ethics Code requires every new legislator to have 2 hours of ethics orientation, and all sitting legislators must have 2 hours of ethics current issues training per year.

The new legislator ethics orientation will be held on **December 3, 2024**, from 2:30-4:30 p.m. in conjunction with the LRC’s new legislator training.

The annual current issues training will be held on **January 8, 2025** from 9-11 a.m. for all legislators.

Legislators should be sure to put these important trainings on their schedules, and bring any questions that they have about the Ethics Code.

## [Ethics & Lobbying News from around the U.S.](#)

### **[Ex-state Sen. Artiles Sentenced to 60 Days for Campaign Violations, But Appeal to Delay Start](#)**

By Charles Rabin - **MIAMI HERALD** – November 18, 2024

Frank Artiles, a former Marine and Republican state senator convicted last month of orchestrating a ghost candidate scheme that likely stole an election from a Democrat, was sentenced Monday to 60 days in jail, five years of probation and 500 hours of community service.

But it will be a while — if ever — before Artiles, 51, spends time behind bars or begins mentoring military veterans as part of his community work. That’s because after Miami-Dade Circuit Court Judge Miguel de la O read the sentence, he also agreed to stay the order until after the defense appeals the verdict with the higher court.

The judge’s order also forbids the former legislator from future work in the political realm. In a prepared statement read at the conclusion of the sentencing, de la O said he agreed with the jury verdict, but refused to let politics play into his sentencing decision.

“I think our tribal, poisoned politics got the better of Mr. Artiles and he lost sight of right and wrong. Although the money was nice, I suspect the rush of beating the other side was also motivation,” said de la O, who also told Artiles he can no longer participate in politics other than voting. “No consulting, no fundraising, nothing.”

Artiles and family members left quickly without speaking to the media. Outside the courtroom, defense attorney Jose Quinon said it’s been a tough four years for the former legislator’s family, who have had to endure a “barrage” of publicity.

“He’s been punished quite a lot,” Quinon said.

Lead state prosecutor Tim VanderGiesen and co-counsel William Gonzalez, who secured conviction at the end of a two-week trial in October, left quickly and quietly after the sentencing. Defense attorneys promised an appeal.

Legislative Career Ends Abruptly:

Artiles, who has shaped political campaigns as a lobbyist and consultant since his legislative career came to an abrupt halt in 2017, was found guilty last month of campaign finance violations in a case built around political operatives and a “ghost candidate” who likely tipped a tight election.

During the two-week trial, VanderGiesen, the Miami-Dade assistant state attorney, told jurors how a shadowy but powerful Republican Party operative reached out to Artiles for help in the 2020 race for the district 37 Senate seat, which at the time covered a large swath of Miami-Dade County from Miami Beach south, down through Palmetto Bay and Cutler Bay.

Jurors were also told how Artiles was the architect of a plan to run and promote a machine parts salesman named Alexis Rodriguez as a third-party candidate in the 2020 race in order to siphon votes from the Democratic front-runner who shared his last name, Jose Javier Rodriguez.

The plan worked and Ileana Garcia, a former Spanish radio host and founder of Latinas for Trump, defeated Jose Javier Rodriguez by 32 votes. Alexis Rodriguez — running as an independent on the same platform as the Democrat — was promised \$50,000 by Artiles and garnered more than 6,000 votes.

Alexis Rodriguez’s payday came in various forms, jurors were told. He received four payments totaling \$22,000 in cash and another \$22,000 through tuition payments for his daughter, money alleged to be going to the purchase of a truck for Artiles’ daughter and reimbursements.

In total, the state said Alexis Rodriguez collected \$44,708.03 in cash and gifts. Artiles was paid \$90,000 to help win Miami-Dade races by Data Targeting founder Patrick Bainter, the man who hired him and a top consultant for Florida’s Senate Republicans. Bainter deposited another \$100,000 in a political action committee associated with Artiles.

Defense attorneys portrayed Alexis Rodriguez as a con man and an opportunist who saw dollar signs after being contacted by Artiles, and who tried to milk the former senator for all he could.

Officially, Artiles was found guilty of excessive campaign contributions, conspiracy to commit excessive contributions and falsely swearing an oath, all felonies that could have carried five-year sentences. He was cleared of a fourth charge, aiding a false registration. He is married and has two daughters.

Artiles served three terms in the Florida House before winning a Senate seat in 2016. But his senate term unraveled quickly a year later when he resigned after being accused of using racial slurs and uttering profanities while talking to a group of Black elected leaders in a Tallahassee bar.

Defeated Democrat Fears Slap on Wrist:

Monday's hearing began with statements from Jose Javier Rodriguez, who now serves as assistant secretary for the Labor Department in Washington. Rodriguez served two terms as a state House member and was elected to his state Senate seat in 2016 before his stunning loss four years later.

The assistant labor secretary said his camp was unaware of the Republican plot to steal his seat until late in the race, not long after Alexis Rodriguez qualified. That's when, Javier Rodriguez said, \$300,000 worth of fliers supporting the independent candidate who shared his platform, began showing up districtwide.

Asked if he believed the plan unraveled his chances at winning, Jose Javier Rodriguez said, "Yes, I do."

"It's not with a great deal of joy that I'm here. But I think it's extremely important because the Tallahassee power-brokers seem to keep getting away with it," he said. "My fear is that a slap on the wrist will not have a deterrent effect."

Speaking on behalf of her husband, Aimee Artiles fought to hold back tears as she explained what a loving wonderful father her husband of 23 years is to their two daughters and how he's been "vilified by the media."

"Our family has been under a dark cloud for the past four years," she said.

Though an appeals court date is a long way off, de la O scheduled a status update on the case in his courtroom for Dec. 18.

## **'Magic list' of Madigan-connected lobbyists shown to jury in ex-speaker's corruption trial**

By Jason Meisner & Megan Crepeau - **CHICAGO TRIBUNE** - November 18, 2024

Out of all the items seized by the FBI in a raid on the downstate Quincy home of Michael McClain in May 2019, one stood out.

Inside a monogrammed tote bag in McClain's silver Toyota Avalon were handwritten notes scrawled on stationery from a Chicago boutique hotel, listing the names of allies of then-House Speaker Michael Madigan who'd gone on to lucrative lobbying careers.

Among the five pages was a printed email from McClain, one of Madigan's closest confidants, describing the pages as a "Magic Lobbyist List" and using his favorite euphemism of "Friend" to refer to the speaker. The recipients of the email had been blind-copied, hiding their names.

"So since I don't roam the halls like I use to do I do not have the same 'on site' engagement that I use to have," read the email, which was shown to jurors Monday in the corruption trial of Madigan and McClain. "A Friend of ours and myself have gone through the 'magic list' and frankly culled quite a few names ...There are now a little less than two dozen on the list."

McClain went on to ask the recipient of the email for help fishing for potential clients.

"If you have a potential client come up to you and seek you as a lobbyist but you cannot for whatever reason please engage him/her and try to get him or her to consider a recommendation from you," McClain wrote. "Please call me then and I will have a conversation with someone and get back to you asap."

Federal prosecutors say McClain's list of lobbyists is powerful evidence that McClain was secretly helping a select group of former Madigan staffers, associates and allies get business — and that the speaker was aware of the effort.

The "magic list" included one page with a shorter bunch of names broken into sections headed by a different number of "plus" symbols in an apparent rating system. Among them were former top Madigan political gurus Michael Thomson, Shaw Decremer, Bill Filan and Tom Cullen, along with Will Cousineau, who testified for prosecutors earlier in the trial.

Other pages of the list named other longtime Madigan associates who have surfaced in the trial, such as top Madigan legal counsel Mike Kasper, lawyer and political consultant Victor Reyes, former legislators John Bradley, Annazette Collins and Toni Berrios, whose father, Joe Berrios, was the Cook County assessor and Democratic chair.

One page of the list also had a circle around the name of Nancy Kimme, the former chief of staff for Comptroller Judy Baar Topinka who became a key Republican lobbyist with the ability to reach out to both sides of the political aisle.

Kimme is expected to testify later in the trial about an effort to pass legislation transferring a parcel of land in Chinatown to developers who allegedly were being pressured to hire Madigan's law firm. She testified in the trial of longtime Madigan aide Tim Mapes that she "understood that Madigan supported the transfer, and she talked often with McClain about it."

Another document found in one of McClain's tote bags was a handwritten note that appeared to lay out McClain's recent duties in assisting Madigan, since McClain had ostensibly retired in 2016 but continued to accept special political "assignments" from the speaker.

"Speaker: available 24/7 (calls)," read the note, which was also shown in court. The second page of the note had the header "Special Assignments" followed by names and phrases including: "Members / lobbyists wishing to visit with MJM/Mapes," a reference to the speaker and Mapes, his then-chief of staff.

Another header read "Diversion/Saving Speaker and Mapes," an apparent reference to the sexual harassment scandal that had engulfed the speaker's operation in 2018.

Madigan, 82, of Chicago, who served for decades as speaker of the Illinois House and the head of the state Democratic Party, faces racketeering charges alleging he ran his state and political operations like a criminal enterprise.

Both Madigan and McClain, 77, a former ComEd contract lobbyist from downstate Quincy, have pleaded not guilty and denied wrongdoing.

The trial, which began Oct. 8, had originally been slated to end before the Christmas holiday. On Monday, however, U.S. District Judge John Robert Blakey let the jury know for the first time that the case was behind schedule and now is expected to last until mid-January.

"I do apologize for being a little bit off in my estimate," the judge told the panel.

In other testimony Monday, a former forensic accountant for the FBI testified that she combed over a slew of documents and found that ComEd made more than \$1.3 million in indirect payments to clout-heavy subcontractors from 2011 to 2019.

Prosecutors allege the utility used "pass-through" contractors to hide the fact that they were paying Madigan's allies to do little or no work. Executives would add money to existing contracts, like that of consultant Jay Doherty, who would then pass the money down to the subcontractors, prosecutors have said.

Doherty was convicted last year in the "ComEd Four" bribery trial along with McClain, former ComEd CEO Anne Pramaggiore and ComEd executive and lobbyist John Hooker.

Among the biggest beneficiaries of the arrangement was Ed Moody, a legendary 13th Ward precinct captain and Madigan loyalist who is expected to testify for prosecutors later in the trial. Over the years he was paid nearly \$355,000 through various subcontracts, according to FBI Special Agent Katharine Heide.

Another precinct captain, Ray Nice, got even more, collecting a total of \$415,000 from 2012 to 2019, Heide said.

Frank Olivo, former 13th Ward alderman, received \$368,000, and former state Rep. Eddie Acevedo was paid \$120,000, according to Heide's testimony.

As Doherty's administrative assistant, Janet Gallegos had a close-up view of the way ComEd's payments to Doherty ballooned. She testified Monday that over the years, Olivo, Nice, Moody and former 23rd Ward Ald. Michael Zalewski were added one by one to the list of people to whom Gallegos sent checks. ComEd's monthly payments to Doherty increased as subcontractors were added and decreased as they were removed.

None of the subcontractors submitted detailed invoices to Doherty's firm that itemized any work they had done, Gallegos said, and Doherty never explained the arrangement.

In 2018, a ComEd employee for the first time asked Gallegos to provide an explanation for an additional \$5,000 per month added to Doherty's contract, Gallegos testified. The bump was to cover Zalewski's subcontract, Gallegos said, but the explanation Doherty gave to the ComEd employee mentioned nothing of the sort, according to emails shown to the jury.

Zalewski never even sent invoices to Doherty's firm, said Gallegos, who testified she knew Zalewski was a retired alderman but nothing else about him.

"I met him a couple times," Gallegos testified. "Once he picked up a check, a payment at our office, the other time I think as a Christmas gift he gave me a ham."

In April 2019, after the payments from ComEd to Doherty had been delayed for months due to bureaucratic hurdles, Zalewski sent an email to Gallegos noting that he and Doherty would be meeting soon with their "mutual friend" — an apparent reference to Madigan.

"I'm very grateful for what everyone has done to help me. Should I bring up the delay to him?" Zalewski wrote. "The last check I received was November of last year. Please know I AM NOT complaining but I know he's going to ask me."

On cross-examination by Madigan attorney Lari Dierks, Gallegos acknowledged Doherty never asked her to keep the subcontractor arrangement under wraps, and nothing about it seemed secretive.

Dierks also showed jurors lobbying registration paperwork for Nice and Olivo and noted that it was all publicly available documentation.

Before the trial broke for the day, FBI Special Agent Kyle Scherrer testified about what was seized from Doherty during the raid on his Streeterville condo, which occurred on the same day as the McClain search.

Agents extracted text messages from Doherty's cellphone in which he mentioned the subcontractors to Pramaggiore using quotation marks. "Anne, for some reason we did not get paid in

June,” one 2014 text explained. “Please check on this as I want to pay ‘our subcontractors’ today, if possible.”

Also recovered from Doherty’s phone was a voicemail left by McClain on Oct. 9, 2016, the day after Moody had been appointed to the Cook County Board of Commissioners.

“I talked to the speaker, uh, speaker talked to Ed Moody and so speaker suggested Ed and you get together and talk ‘cause ya know, he’s got some disclosure things he’s gonna have to do at the county board level,” McClain said on the recording.

An hour and a half later, Moody called and left a voicemail of his own, which was also played for the jury. “Hey, Jay, this is, uh, Ed Moody calling. Uh, the Speaker wanted me to reach out to you, uh, if you wouldn’t mind returning my call.”

Prosecutors allege that to avoid raising eyebrows, Moody’s payments were moved three weeks later from Doherty’s account to Decremer, who did not lobby the city or county.