

**ETHICS REPORTER
November, 2021**Kentucky Legislative Ethics Commission
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<https://klec.ky.gov>

All employers’ and legislative agents’ registration with the Legislative Ethics Commission will ***expire*** on December 31, 2021.  Check the Ethics Commission’s website <http://klec.ky.gov/> for the Initial Registration Statement for the two-year period beginning January 1, 2022 and ending on December 31, 2023.   An email was sent out in mid-November with instructions and forms attached.

***Two-year registration for lobbyists and employers opens on December 1, 2021***

 **Beginning December 1, 2021**, the Commission will start accepting completed registrations.  Initial registration forms CANNOT be filed online.

 A registration fee of $250 must be paid by the employer of one or more legislative agents.  This fee may be paid by cash, check, Visa, MasterCard, American Express, or Discover.  If the registration is mailed with a check, the check should be payable to **Kentucky State Treasurer**.

 If paid by credit card, the registration may be faxed, or scanned and e-mailed, along with the completed credit card form.  The Initial Registration Statement may be copied.

 **Please remember the employer must sign the registration form of each legislative agent.**  If more information is needed, please contact the Commission at (502) 573-2863, or e-mail Donnita.Crittenden@lrc.ky.gov

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

**Tuesday, January 18, 2022** is the next reporting deadline for lobbying entities, and all lobbyists and employers are required to file Updated Registration Statements then, for the period of **September 1** through **December 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> 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.

***New lobbying employers***

 Twelve businesses/organizations recently registered to lobby the Kentucky General Assembly. They are: **Alliance for Responsible Consumer Legal Funding**; **Clearview AI**; **Federal Home Loan Bank of Cincinnati**; **Gopuff**; **Madeira, Dr. Jody Lynee**; **National Grid Renewables Development, LLC**; **New Venture Fund**; **Opiant Pharmaceuticals**; **Paceomatic of Kentucky**; **Philanthropy Roundtable**; **Thinking Media/Learning Blade**; and **Woodcock, Thomas C**.

***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**, the Commission office re-opened its office to the public. We request that you wear a mask when visiting our office, due to the increased prevalence and transmissibility of the COVID Delta strain at this time. Also, we would be happy to speak to you over the phone or via Zoom.

 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 below.

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 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 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.

***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!

***Financial disclosures for candidates and legislators on KLEC site***

 The Commission has the statutorily required financial disclosures for legislative candidates and legislators available on the Commission’s website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>. The Commission appreciates the legislators’ and candidates’ diligence in promptly filing these disclosures.

***Ethics and lobbying news from around the U.S.A.***

***Businessman pleads guilty to bribing ex-state Sen. Martin Sandoval for help with IDOT land sale***

**ILLINOIS**– ***Chicago Tribune*** -- November 17, 2021 – by Jason Meisner

A suburban businessman pleaded guilty Wednesday to federal charges alleging he paid at least $15,000 in bribes to then-state Sen. Martin Sandoval to secure the purchase of state-owned property near his company in McCook.

Vahooman Mirkhaef, 60, who goes by the nickname “Shadow,” pleaded guilty to bribery conspiracy during a video conference before U.S. District Judge Mary Rowland.

In his plea agreement with prosecutors, Mirkhaef admitted he also provided cash and other benefits over a three-year period to another elected official, identified only as Public Official A, in return for the official “using his position to attempt to benefit and not interfere with the operation” of Mirkhaef’s business.

Sources have told the Tribune that public official is ex-McCook Mayor Jeffrey Tobolski.

Preliminary sentencing guidelines call for up to 27 months in prison for Mirkhaef. He’s cooperating with authorities in hopes for leniency, according to his plea. Rowland set a status hearing for Jan. 26.

Mirkhaef became the latest to be convicted in a wide-ranging corruption probe that went public when federal agents raided Sandoval’s Springfield offices in September 2019.

An hour before Mirkhaef’s hearing, longtime Crestwood Mayor Louis Presta pleaded guilty to bribery for accepting a cash payment from a red-light camera company executive in exchange for helping the company boost revenue. The executive, Omar Maani, was cooperating with the FBI and also paid bribes to Sandoval.

Mirkhaef, meanwhile, was charged earlier this month in a criminal information which alleged that Mirkhaef enlisted Sandoval’s help in 2018 to secure property owned by the Illinois Department of Transportation that was adjacent to his trucking logistics company, Cub Terminal, at 5300 Joliet Rd. in McCook.

At the time, Sandoval was the powerful head of the Senate Transportation Committee and held considerable sway over IDOT.

Mirkhaef’s plea agreement stated he was urged to contact Sandoval by Public Official A and another uncharged co-conspirator, identified in the document as Individual A.

In June 2018, Sandoval met with officials at IDOT and “sought to influence and advise them” regarding the sale of McCook property to Mirkhaef, according to the charges. After Sandoval intervened, IDOT put the land up for sale at public auction, where it was purchased by Mirkhaef that August.

The charges stated Mirkhaef, through Individual A, agreed on two separate occasions to pay Sandoval $25,000 cash for his efforts. That December, Sandoval went to Mirkhaef’s office to confirm that the money was still coming, the charge alleged.

On Jan. 21, 2019, Mirkhaef and Sandoval met at restaurant in McCook, where Mirkhaef “arranged to pay in excess of $15,000 in cash” to the senator, according to the plea agreement. The plea does not state whether the rest of the promised money was ever paid.

State election records show Cub Terminal donated $23,500 directly to Sandoval’s campaign coffers between 2014 and 2019, including a $5,000 contribution just two months before the FBI raid on Sandoval’s office.

He also donated $4,000 to the failed campaign of Sandoval’s daughter, Angie, for a seat on the Cook County Board in 2017, records show.

Sandoval, who pleaded guilty to a bribery scheme involving the same executive, died of complications from COVID-19 in December 2020.

Tobolski, who was also a Cook County commissioner, has pleaded guilty to accepting at least a quarter of a million dollars in bribes through a variety of schemes, including the extortion of a restaurant owner looking to serve liquor at an event at a village-owned facility. Tobolski is cooperating while awaiting sentencing.

***Alabama Attorney General’s Office: Mike Hubbard emails, phone calls show lack of remorse***

**ALABAMA** – ***Montgomery Advertiser***-- November 17, 2021 – by Bryan Lyman

 State prosecutors Monday accused former Alabama House Speaker Mike Hubbard of faking an apology to win early release from prison, citing emails and recordings of more than 600 phone calls Hubbard made from prison.

In a filing with the Lee County Circuit Court on Monday, the Alabama Attorney General’s Office quoted excerpts from Hubbard’s prison communications in which the former House Speaker said he “held my nose and signed” a letter expressing remorse for actions, and denied that he had done anything wrong.

“This evidence shows — in Hubbard’s own words — that despite his letter, Hubbard holds precisely the same view he has always held,” the 17-page filing states. “He ‘did nothing wrong.’ ‘Evil’ people prosecuted him. A ‘spineless’ Supreme Court upheld his convictions. And it has all been ‘so unfair, unjust and wrong.’ ”

Messages seeking comment were left Tuesday with Jonathan Corley and Andrew Stanley, attorneys for Hubbard.  The filing says the state took the recordings from phone conversations where an automated message advised Hubbard that his call was not private and that he could hang up and make a private call if he desired.

**Lee County conviction, Alabama Supreme Court weighed in**

A Lee County jury convicted the Auburn legislator, once one of the most powerful figures in Alabama government, in 2016 on felony ethics charges that Hubbard used his office to secure jobs and contracts for himself and his businesses. After a lengthy series of appeals, the Alabama Supreme Court in August 2020 threw out some of Hubbard’s convictions -- which eventually reduced his sentence from 48 months to 28 months — but upheld six of them.

Hubbard reported to prison in September 2020 and is currently incarcerated at Limestone Correctional Center. His earliest release date is Jan. 8, 2023, according to the Alabama Department of Corrections.

The former speaker maintained his innocence throughout the trial and the appeals process and accused prosecutors of targeting him for political reasons. But in a motion filed in September to win early release from prison, Hubbard wrote in a letter to Lee County Circuit Judge Jacob Walker that his conviction under an ethics law he helped pass was “embarrassing,” and said he was “resolved to emerge from this experience a better man.”

“I recognize and admit my errors, and I apologize for the many hardships and tears it has caused my family to endure,” the letter said. "Furthermore, I also apologize to the citizens of Alabama, particularly those living in Lee County.”

**Plan for early release, denying guilt**

State prosecutors allege that Hubbard, using code words like “Hospital CEO” for Walker, “head doctors and physicians” for his attorneys and “treatment plan” for the expression of remorse, worked with his wife, Susan, and Bill Canary, a friend and former president and CEO of the Business Council of Alabama, to win early release. In an Aug. 7 letter, prosecutors allege, Canary wrote that the “doctors” had come up with a “treatment plan.”

“The more I think about the treatment plan the physicians proposed to you and Susan, the more I am less optimistic of its success,” Hubbard wrote to Canary a few weeks later. “The problem, of course, is the chief hospital official. Since he already authorized a less extensive procedure, I fear that he will deny another one. Still, it’s worth a try as we seek a treatment plan that will result in a cure.”

Prosecutors also quoted a letter from Hubbard to Canary on Aug. 25 where Hubbard wrote, “Didn’t agree with everything but the doctors believe it is necessary to have a chance at treatment approval from the hospital. So I held my nose and signed.”

The filing also quotes phone conversations Hubbard had with unnamed friends in which Hubbard denied guilt. In a Sept. 14 conversation with his son, referring to another friend, Hubbard said, “I hope she knows I’m not guilty of anything.” In another conversation with attorney Lance Bell, Hubbard said, “I haven’t figured out how I screwed the state yet.”

“I mean, you could take everybody who has ever been, you know, convicted of anything with the ethics laws and add them all together and it doesn’t add up to mine,” the filing quotes Hubbard saying a Sept. 20 conversation with a person identified as “Friend Six.” “And I didn’t steal any money. I didn’t take a bribe. I didn’t, you know, extort anybody. I didn’t misappropriate any funds or anything like that. No quid pro quo. I’m just hoping for the right thing to happen.”

**Criticism of state Supreme Court**

Hubbard is also quoted as criticizing the Alabama Supreme Court for not throwing out all the charges against him. He claimed in one phone call that “some very powerful companies in Alabama we think were behind it.”

Prosecutors also allege that Hubbard worked with Canary and attorney Lance Bell, who was on Hubbard’s defense team at the 2016 trial, to try to add language to the prison construction bill signed by Gov. Kay Ivey on Oct. 1 that could shorten his sentence. The filing says it was related to community corrections but does not specify what was in the proposal or identify a House member claimed to have been carrying it.

The filing also says Canary and Bell provided feedback to a Notre Dame Journal of Law, Ethics and Public Policy article on Hubbard’s case, and that Canary told Hubbard the article had “a couple good nuggets in there that can be used.”

***Maryland lawmaker-doctor won’t face ethics violation for tuning into legislative meetings from the operating room***

**MARYLAND** – ***Baltimore Sun***-- November 19, 2021 – by Pamela Wood

A Maryland lawmaker who is also a doctor will not face ethics sanctions for joining public video meetings from the operating room.

The General Assembly’s Joint Committee on Legislative Ethics met Monday to discuss a complaint filed against Del. Terri Hill, who acknowledged logging into Zoom for legislative meetings twice earlier this year while at work as a surgeon.

“The Ethics Committee was not presented with evidence that Delegate Hill engaged in conduct that violates the standards of legislative ethics,” committee co-chairs Sen. George Edwards and Del. Sandy Bartlett wrote in a letter dated Wednesday that was sent to Dr. Alan Robin, who filed a complaint about Hill.

The letter, which Robin provided to The Baltimore Sun, also noted: “The Ethics Committee advises that the State Board of Physicians is responsible for reviewing allegations that a physician violated State law regarding the practice of medicine.”

Hill declined to comment.

Hill, a board-certified plastic surgeon, previously agreed to a reprimand and a $15,000 fine from the Maryland Board of Physicians. She remains a licensed physician.

Robin, a retired ophthalmologist from Towson, complained to both the physicians board and the ethics committee, alleging that Hill was not properly fulfilling her duties as a surgeon or a lawmaker when she attempted to do both jobs at the same time. He filed his complaints after The Baltimore Sun reported on Hill’s actions.

The Joint Committee on Legislative Ethics operates confidentially and members do not confirm or comment on complaints or deliberations. The only time members speak publicly about the committee’s work is when they recommend discipline for a lawmaker. The committee’s meeting on Monday, described publicly as a “work session,” was held mostly in closed session.

Hill had initially defended her decision to join video meetings while at work as a doctor, saying her patients knew about it and she wasn’t putting them in any danger.

A Board of Physicians investigation found that one patient did not know Hill tuned into a legislative meeting, while the other patient was told about 10 minutes before surgery, but no consent paperwork was on file. Both legislative meetings where she appeared on camera from the operating room were streamed on the General Assembly’s website and YouTube channels.

Hill, representing parts of Howard and Baltimore counties, issued a statement last month about her agreement with the Board of Physicians: “As a physician and a professional, I always look for ways to improve my practice. Sometimes this includes accepting constructive criticism from others. I accept the Board’s decision that I could have done better.”

Maryland’s state delegates and lawmakers are paid $50,330 per year for what is officially a part-time job. While some lawmakers focus their full attention on politics, most have other jobs.

During the 2021 General Assembly session, much of the work of lawmaking was done online, with bill hearings and committee votes conducted over Zoom and streamed online. Lawmakers joined meetings from various locations, including their homes, their Annapolis offices, Annapolis-area hotel rooms and, sometimes, vehicles.

***Idaho House votes 49-19 to censure Rep. Priscilla Giddings. White Bird representative will also lose her seat on one of three assigned committees***

**IDAHO**– ***Idaho Capital Sun***-- November 15, 2021 – by Kelcie Moseley-Morris

Tensions were high between legislators Monday morning as they debated and ultimately voted to censure Rep. Priscilla Giddings and remove her from one of her three assigned committees over conduct unbecoming of a legislator.

The Idaho House of Representatives voted 49-19 to accept the recommendation of the Ethics on House Policy Committee that was formally issued in September. Republicans and Democrats in the House lodged a complaint against Giddings over the summer that said she engaged in conduct unbecoming of a legislator. On her Facebook page, Giddings posted a link to a blog that named and included the photo of a 19-year-old legislative intern who accused former Rep. Aaron von Ehlinger of rape in April.

Those who voted in favor of accepting the report from the ethics committee included many Republicans and all 12 House Democrats.

House members debated the matter for nearly two hours on Monday morning as one of the first orders of business for the reconvened legislative session. Rep. Heather Scott spoke first and attempted to ask questions of Reps. Sage Dixon and Wendy Horman who are members of the ethics committee. The two declined to yield to her question, which she said was about the costs of the committee hearings.

After that, Scott listed Giddings’ accomplishments during her time with the U.S. Air Force over the objections of several other legislators who said it was not relevant to the matter of the report.

Rep. Ron Nate repeatedly made comments about the fact that Speaker of the House Scott Bedke was presiding over the debate as one of Giddings’ opponents in the 2022 primary in the race for lieutenant governor.

Nate questioned the appropriateness of Bedke’s role, at one point calling him “Mr. Speaker, and candidate” during debate, which elicited gasps and rumbles of disapproval from other legislators.

Presiding over the House is the speaker’s usual role. Neither Bedke nor Giddings announced they were running for the post until after the ethics complaint was filed.

Rep. Gary Marshall spoke in favor of accepting the report. He said he fully supported the ethics committee members and said he believed they acted honorably, honestly and forthrightly.

“I’m grateful for the willingness of the committee members to do what they did,” Marshall said. “It’s a difficult situation. But I do support their conclusions and I support this report, and I support the responsibility of this body to do difficult things so that we might maintain the kind of decorum and behavior that is becoming of the House of Representatives.”

Rep. Barbara Ehardt spoke against accepting the recommendations in the report, but said she didn’t think it was politically motivated. Ehardt said she was concerned further action would amount to censorship, and that the process of the ethics investigation was punishment enough.

Giddings spoke toward the end of the debate, taking issue with the ethics investigation process and refuting the allegations made in the report that she lied to the committee during the hearings. Giddings said she wanted to share a news article that she said was the only one that told “both sides of the story” in the matter of the accusations against von Ehlinger.

“I would not have done anything differently,” Giddings said during debate. “I think my intentions were pure. But I also know this is so much bigger than me. I know that nothing I say here today or anything I’ve said in the past is going to change your mind. So vote your conscience.”

Supporters of Giddings in the House gallery seats loudly cheered when she finished her debate, prompting Bedke to admonish them to maintain decorum or be removed.

Giddings remains on the Joint Finance-Appropriations Committee and the Agricultural Affairs Committee.

Von Ehlinger, who represented the Lewiston area and resigned his legislative seat following the ethics hearings on his behavior, was arrested on felony charges of rape and forcible penetration with a foreign object on Oct. 8. He pleaded not guilty to those charges last week, and the case is scheduled to go to a jury trial on April 26. Von Ehlinger has maintained his innocence and testified before the ethics committee in April that the sexual contact was consensual.