

ETHICS REPORTER

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Kentucky Legislative Ethics Commission
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Ethics Commission Hires Emily Dennis as Executive Director

The Ethics Commission has appointed Emily Dennis as the new Executive Director, effective October 1, 2024. Ms. Dennis was the General Counsel for the Ethics Commission from 2019-2024 and previously worked for the Kentucky Registry of Election Finance, where she served as General Counsel for 11 years. Prior to working for the Registry, she was a staff attorney in the Justice and Public Safety Cabinet and the Cabinet for Economic Development. She is a graduate of the University of Louisville School of Law and received her bachelor's degree from Transylvania University. Please join us in congratulating Emily on her promotion!

Kentucky lobbying sets new record for even-year spending on Receptions, Meals and Events

During the first 8 months of the year, employers and lobbyists spent an all-time high of \$469,150 on receptions, meals and events to which legislators and legislative staff may be invited. Of that amount, lobbyists spent \$59,686 and employers spent \$409,464 on events. The number one spender, the **Sazerac Company (formerly Buffalo Trace Distillery)** spent the most on these events over the past 8 months, at \$10,155.

Some of the notable receptions and events held by lobbying groups included those held in conjunction with out-of-state conferences of national organizations of legislators/legislatures or governmental organizations. For example, at the National Conference of State Legislatures (NCSL) Annual Meeting in Louisville, Kentucky in August, 186 employers and 111 lobbyists chipped in \$36,053 to fund a "Kentucky Night" event to which legislators were invited. Also, at NCSL, employers and lobbyists held a reception for House members, costing \$5,485, and employers and lobbyists held a dinner for Senate members, spending \$14,336.

At the Southern Legislative Conference's (SLC) July Annual Meeting, held in White Sulphur Springs, West Virginia, 68 employers and 61 lobbyists spent \$28,865 on the "Kentucky Night" event. Another big event at SLC had 15 employers and 17 lobbyists spending \$23,905 for a private reception for the Kentucky Senate and House members.

Other out-of-state Kentucky Night events sponsored by lobbying groups spent \$9,520 at the summer meetings of the American Legislative Exchange Council and \$9,057 at the National Council of Insurance Legislators.

To see all events or expenses reported for the events listed above, please visit our website or contact our office for a detailed list.

Newly-Registered and Terminated Lobbying Employers

The following businesses and organizations recently registered to lobby in Kentucky: **Anneal Pharmaceuticals, Casey Co. Hospital, Groups Recover Together, Holistic Alternative Recovery Trust, Inc., Jane Todd Crawford Hospital, JLC Services, Inc., KWR Acuity Strategies, LLC, Ronald McDonald House Charities of the Bluegrass, Silicon Ranch Corporation Swimply, Inc., and RKMC, LLC.**

Recently terminated employers in Kentucky: **Holocaust Learning Experience, KY Senior Living Association, Inc., OVP Health, and RapidDeploy.**

Training for legislators! Mark your calendars

Every new legislator must have 2 hours of ethics orientation, and all 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.

Ethics & Lobbying News from around the U.S.

House representative plans to refile bill overhauling Alabama's ethics code

BY: ALANDER ROCHA - ALABAMA REFLECTOR - AUGUST 14, 2024

A south Alabama representative plans to revive a proposal to overhaul the state's ethics laws. Rep. Matt Simpson, R-Daphne, said Tuesday he will reintroduce the legislation in the 2025 session, after a bill he filed last year failed to pass.

"We passed a resolution allowing the Legislative Services Agency to hire an attorney to evaluate our ethics laws," Simpson said in an interview. "I'm anticipating that report by the end of the year, and once we have it, we'll see how we can make our ethics laws the best they can be." The bill, which aimed to overhaul the state's ethics code, faced significant opposition, particularly from the Alabama Ethics Commission and the Attorney General's Office. Despite the bill's defeat, Simpson said he already started preparing for the next legislative session by working with Sen. Sam Givhan, R-Huntsville.

Givhan — who said he handled the bill in the Senate committee and would have handled it on the floor — declined to comment about any future legislation, saying that he wants to "keep an open mind." "I want to keep my powder dry till I hear from, hear from the consultant," he said.

Simpson's 2024 bill aimed to distinguish between civil and criminal ethics violations, an approach he believes could improve enforcement.

Under the current law, an intentional ethics violation is classified as a felony, while unintentional violations are treated as misdemeanors. Simpson argues that this creates an environment where minor infractions are either ignored or inappropriately escalated to criminal charges.

"There's a concern that if certain aspects of the law aren't being enforced, then let's make that part civil," Simpson said, referring to less severe violations like minor financial disclosures.

His bill proposed that only serious offenses, such as bribery or the misuse of office for personal gain, should be prosecuted criminally, while other violations should be handled by the Ethics Commission through civil penalties.

The former bill would also have weakened the Ethics Commission's powers and provided for five-year terms for the director, who may be reappointed subject to Senate confirmation. Simpson said they have not been involved in discussions. Thomas Albritton, the commission's director, was unavailable for comment.

Albritton said at the time the proposal would weaken ethics laws, saying that the "independence of the Ethics Commission is a fundamental principle, it is a national principle, and it is to be guarded for the goodwill of public servants primarily."

In a February letter, the Alabama Ethics Commission said the bill shifts responsibility for interpreting use of office for personal gain and corruption from the Ethics Commission's law enforcement division to district attorneys and the Attorney General.

Alabama Attorney General Steve Marshall also criticized the bill for lowering penalties. In an editorial, he argued that it raises the threshold for how much money officials can receive without breaking ethics rules and downgrades many criminal offenses to civil ones.

Marshall said that current law already allows minor ethics violations to be resolved without criminal charges and that Simpson's bill imposes civil penalties, like for a range of serious violations of public trust, no matter the amount of money involved.

Despite the Ethics Commission's resistance to Simpson's initial proposal, Simpson said he is open to collaboration.

"If they're willing to talk, I'm more than willing to have these conversations," he said, while also expressing frustration that the Commission focused more on opposing the bill than on working to improve the state's ethics laws.

Simpson plans to have the new bill ready for pre-filing in January, with identical versions introduced in both the House and Senate. He emphasized the importance of transparency and accountability in the process, saying that the attorney's recommendations would be carefully considered before the legislation is finalized.

“I’m not going to give up this easily and just say, ‘Oh, well, it failed this year.’ It’s something that’s always been a multi-year process ... It’s been almost two years we’ve been working on this bill. So, I’m not giving up just yet. I’m ready to go back for the 2025 session.”

Alaska legislative ethics committee to consider reforms after identity of a complainant was exposed online

By Iris Samuels – **ANCHORAGE DAILY NEWS** – August 20, 2024

Alaska’s legislative ethics committee will consider new state laws after an individual who filed a complaint against a lawmaker said his identity was revealed online, leading to derogatory comments from one of the lawmaker’s supporters.

Ivan Hodes, an outspoken critic of Wasilla Republican Rep. David Eastman, said he filed a complaint against Eastman last year alleging Eastman had violated laws prohibiting legislators from accepting campaign contributions during the legislative session.

The complaint was ultimately dismissed by a bipartisan committee made up of legislators and members of the public. Eastman, a controversial lawmaker who has drawn multiple ethics complaints during his time in the Legislature, accused progressives of weaponizing the ethics committee against conservative lawmakers.

Hodes said that one of Eastman’s supporters posted a screenshot of the complaint form, including Hodes’ name, in April. The post has since been deleted, Hodes said. It is not clear who made Hodes’ identity public, and whether Eastman was aware of the release of Hodes’ name. Eastman did not respond to a request for comment.

Hodes said that after his name became public, one of Eastman’s followers sent him a message with derogatory slurs targeting Hodes’ Jewish identity. The Eastman supporter, a Wasilla resident named Pete Peterson, doubled down in attacking Hodes’ identity after Hodes posted about the incident online.

Following the incident, Hodes said he turned to the legislative ethics committee requesting an investigation into whether his right to confidentiality was violated. But members of the legislative ethics committee said that Alaska law currently protects the identity of the subject of the complaint, but if the subject of the complaint — in this case Eastman — waives that right, there is no guaranteed protection for the identity of the person who filed the complaint.

According to state statutes, ethics complaints are “not subject to inspection by the public,” but the confidentiality “may be waived by the subject of the complaint.”

The ethics committee’s rules state that “the subject may not waive confidentiality for others, including those involved or assisting in the committee’s investigation of the complaint.”

“After the waiver the existence of the complaint and the subject’s alleged behavior are clearly no longer confidential. It is more difficult to determine the remaining confidentiality, if any, associated with the identity and identifying information about the complainant,” wrote legislative counsel Noah Klein in a January memo.

In a meeting of the ethics committee Thursday, members said they would form a subcommittee with the intention of considering reforms to Alaska’s legislative ethics laws, including possible clarifications to the laws that provide guaranteed confidentiality when ethics complaints are filed.

The subcommittee is set to be chaired by Wasilla Republican Sen. David Wilson. Wilson said Friday that the goal would be for the ethics committee to present proposed changes during the legislative session that is set to begin in January.

“I think within reason, some confidentiality may need to be maintained unless both parties waive confidentiality,” Wilson said.

Anchorage Democratic Sen. Löki Tobin, who also sits on the legislative ethics committee, said the goal of the changes would be to ensure that both the person filing the complaint and the person named in the complaint have their identities protected.

“There is unfortunately that gap in the ethics statutes that I don’t think anyone foresaw would be an issue,” said Tobin.

“No law is perfect,” Tobin added. “This is one where we didn’t realize there was such an egregious loophole in the statute and now that we’ve seen it play out repeatedly, we’re working with as much haste as we can to close it.”

Eastman has been a lightning rod of controversy during his time in the Legislature. In 2022, he was [sued](#) by a former constituent who claimed Eastman’s membership in the far-right Oath Keepers group disqualified Eastman from serving in the Legislature. A judge ruled in Eastman’s favor.

Earlier this year, Eastman was [stripped](#) of his only committee assignment after angering some members of the Republican House majority. Last year, the House voted to [censure](#) Eastman a second time for asking about the economic benefits of deaths of abused children. (Eastman was [also censured in 2017](#).) In 2022, Republican lawmakers [removed](#) Eastman from the minority caucus after he angered some GOP lawmakers with his uncompromising tactics. Since then, Eastman has been excluded from both minority and majority caucuses in the House.

In this year’s election, Eastman is facing a challenge from Jubilee Underwood, a Mat-Su school board member who has highlighted her conservative policy agenda alongside a willingness to work with other GOP members. A defeat for Eastman could be a win for other GOP lawmakers, who see him as an obstacle to forming an all-Republican majority in the House.