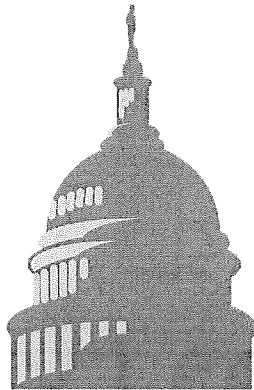
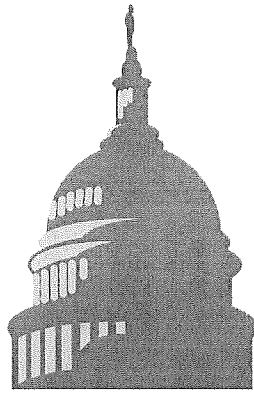


# Kentucky Legislative Ethics Commission

## ANNUAL REPORT



FY 2021-2022



**Kentucky Legislative Ethics**  
**Commission Members in FY 2021-2022**

David L. Nicholas, Chair

Tanya Pullin, Vice-Chair

Anthony Wilhoit

Arnold Simpson

Katherine Gail Russell

Michael Noftsger (resigned 6/2022)

Sheldon Baugh

Paula Sherlock (resigned 9/2021)

Ernie Harris

**Commission Staff**

Laura Hendrix, Executive Director

Emily Dennis, Counsel

Donnita Crittenden, Executive Assistant

Lori Smither, Staff Assistant

Mark Brengelman, Enforcement Counsel

**22 Mill Creek Park**  
**Frankfort, Kentucky 40601-9230**  
**Telephone: (502) 573-2863**  
**Fax: (502) 573-2929**  
**Web Address: <https://klec.ky.gov>**

## FOREWORD

I am pleased to submit the 29th Annual Report of the Kentucky Legislative Ethics Commission to the members of the Legislative Research Commission.

The past year has been a busy one for the Commission and its staff. As evidenced by the large number of requests for informal opinions from individuals, businesses, and organizations covered by the Legislative Ethics Code, there is widespread interest in complying with it.

The continued support the Commission has received from the members of the General Assembly and its leadership has been gratifying.

We respectfully submit this report of activities of the Legislative Ethics Commission as required by KRS 6.666(16).

*David L. Nicholas*

David L. Nicholas, Chairman

## Legislative Ethics Commission Member Profiles

**Anthony Wilhoit** – Judge Wilhoit was appointed to the Commission by the Speaker of the House in 2016. He was Executive Director of the Legislative Ethics Commission from 1997 until he retired in 2015. In 1976, he joined the Kentucky Court of Appeals, and retired as Chief Judge in 1997. Judge Wilhoit also served as a police judge, Versailles City Attorney, Woodford County Attorney, state public defender, and deputy secretary of the Justice Cabinet. He earned an A.B. from Thomas More College, a J.D. from the University of Kentucky, and an L.L.M. from the University of Virginia. In 2012, Judge Wilhoit received the COGEL Award, the highest international award given to a person working in the fields of ethics, campaign finance, and election law. He lives in Versailles.

**Sheldon Baugh** – Mr. Baugh was appointed to the Commission in 2017 by the President of the Senate. Mr. Baugh has an insurance agency in Russellville, and he served in the House of Representatives from 1995 to 2008. He attended Western Kentucky University, and served in the U.S. Air Force from 1962 to 1966. Mr. Baugh was a Magistrate on the Logan County Fiscal Court from 1977 to 1981, and he served as Midwest Director and two-term President of the Federation of Historical Bottle Collectors. He is a member and former President of the Russellville Rotary Club, and he and his wife Brenda have two children and live in Russellville.

**Arnold Simpson** - Former State Representative Arnold R. Simpson was appointed to the Commission by the LRC in September, 2021. He was born in Somerset, Kentucky, and was raised in Covington. He received his BA in Political Science in 1974 from Kentucky State University, and his Juris Doctor in 1977 from the University of Kentucky College of Law. He practiced law from 1978 until his retirement in 2018. He served in the Kentucky House of Representatives from 1994 to 2018. He also served as the Covington City Manager from 1986 to 1989, and the Assistant City Manager from 1984 to 1986. He has served on numerous community boards and organizations. He and his wife Jo Ann reside in Covington.

**Michael Noftsger** (*resigned 6/2022*) – Mr. Noftsger is the former vice-chairman of the Commission. He was appointed to the Commission by the Speaker of the House in November, 2019. He serves as the Executive Vice-President, Bank Administration, for Forcht Bank. He grew up outside of Xenia, OH and later attended Georgetown College, receiving a BS in Marketing & Finance. Since the summer of 1992, he has worked in the banking industry. Mr. Noftsger has served on many community boards, including the Somerset-Pulaski (morning) Rotary Club, Somerset Christian School Board, Pulaski County Alzheimer's Respite Center Board, Cornelia Dozier Cooper Foundation and the Somerset-Pulaski County Development Foundation. He is a former member of the Kentucky Judicial Conduct Commission. He married Hope King in 1995. Hope is a graduate of the University of Kentucky and works as a Physical Therapist. They have one son, Riley, who attends Lipscomb University in Nashville. As a family, they are members of Oak Hill Baptist Church in Somerset, KY.

**Tanya Pullin** – Judge Pullin was appointed to the Commission by the Senate President in May 2020, and she serves as the Vice-Chair. She graduated from Greenup County High School and received a B.S. from the University of Kentucky. She received an M.A. from Duke University and a J.D. from the University of Kentucky College of Law. Judge Pullin served in the Kentucky House of Representatives from 2001 to 2016. From 2016 to 2019, she served as an Administrative Law Judge in the Department of Workers' Claims. Judge Pullin currently resides in South Shore in Greenup County.

**David L. Nicholas** – Mr. Nicholas is the Chairman of the Commission. He was appointed to the Commission by the Senate President in October, 2018. He worked for 15 years for the General Assembly as Staff Administrator of the Administrative Regulation Review Subcommittee. Prior to that, he was Director of the Division of Occupations and Professions in the Finance Cabinet for 18 years. Mr. Nicholas has a Master's in Public Administration and a Bachelor's in Business Administration from Eastern Kentucky University. He is a member of Buck Run Baptist Church and member of the Board of Directors of the Kentucky Golf Association. He and his wife Pat live in Frankfort and have four children and five grandchildren.

**Paula Sherlock** (*resigned 9/2021*) – Judge Sherlock was appointed to the Commission by the Speaker Pro Tem in 2018. She served as a Family Court Judge in Jefferson County from 2005 until her retirement as Chief Judge of Family Court in 2017. She was selected as Judge of the Year by the Louisville Bar Association in 2015, the Women Lawyers Association in 2016, and the American Academy of Matrimonial Attorneys of Kentucky in 2014. In 2013, Kosair Children's Hospital selected her as Child Advocate of the Year. In 2017, Judge Sherlock was appointed by the Kentucky Supreme Court to serve on the Child Fatality and Near Fatality External Review Panel, which reviews all child deaths and near deaths due to caregiver abuse and neglect. She was on the Board of Directors of the LBA, the Domestic Violence Fatality Review Committee, the Domestic Violence Coordinating Council, and the Family Court Rules Committee. Judge Sherlock has been active in Volunteers of America, Operation Open Arms, and Dress for Success. Judge Sherlock is admitted to practice in all state and federal courts in Kentucky since 1992 and was admitted to practice before the U.S. Supreme Court in 2002. She earned her undergraduate degree at the University of Northern Colorado, a Master's at Campbell University, and her J.D. from Washington & Lee University.

**Ernie Harris** – Former Senator Harris was appointed to the Commission by the President of the Senate in May 2021. Mr. Harris is a native of Oldham County and graduated from the University of Kentucky with a bachelor's degree in business administration. He also has a master's in management from Webster University. Mr. Harris served his country for 20 years in the U.S. Air Force and retired as a Lt. Colonel. After his Air Force career, he flew for UPS as a Boeing 757/767 captain. He served in the Kentucky Senate from 1995 until his retirement in 2020. He lives on the family farm in Oldham County.

**Katherine Gail Russell** – Ms. Russell was appointed to the Commission by the Speaker of the House in May, 2021. She has a private law practice with the law firm of Tilford Dobbins & Schmidt PLLC in the area of bankruptcy, banking and collections, and serves on the Uniform Law Commission and on the Visiting Committee of the University of Kentucky, J. David Rosenberg College of Law. A former Secretary of the Public Protection Cabinet, she also served as Counsel to the House Speaker, as a member of the Kentucky Racing Commission, the Kentucky Economic Development Partnership Board, the Kentucky 911 Services Board, and as the Small Business Ombudsman for the Public Protection Cabinet. She also has served as a Special Justice on the Kentucky Supreme Court. A native of Murray, Kentucky, she received her B.A. with highest distinction from the University of Mississippi and received her J.D. from the University of Kentucky.

## Legislative Ethics Commission Staff Profile

**Laura Hendrix – Executive Director** - Ms. Hendrix joined the Commission staff in May 2018 and became the Executive Director in September 2019. Before joining the Commission staff, she was the General Counsel for the Speaker of the Kentucky House of Representatives, General Counsel for the Legislative Research Commission, Committee Staff Administrator for the Elections, Constitutional Amendments and Intergovernmental Affairs Committee, and a Legislative Analyst for the Health and Welfare Committee of the LRC. Prior to her legislative service, she was the General Counsel for the Executive Branch Ethics Commission, Assistant General Counsel for the Kentucky Higher Education Assistance Authority, and clerked for Judge William L. Graham of the Franklin Circuit Court. She received a bachelor's degree in history from Washington University in St. Louis and a J.D. from the University of Kentucky College of Law. She is a 2018 Henry Toll Fellow.

**Emily Dennis – Counsel** - Ms. Dennis joined the Commission Staff in October 2019 and serves as the Counsel to the Commission. Previously, she served as General Counsel of the Kentucky Registry of Election Finance from May 2008 – September 2019. She was employed by the Kentucky Justice & Public Safety Cabinet in its Office of Legal Services from 2002-2008 and also served as a Staff Attorney with the Cabinet for Economic Development from 1999-2002. Prior to joining state government, she was associated with the Danville law firm of Sheehan, Barnett, Hays, Dean & Pennington, P.S.C. Dennis received her J.D. from the University of Louisville and B.A. from Transylvania University, where she was a William T. Young scholar. When not practicing law, Emily manages Big Red Stables on her family's third generation farm in Mercer County.

**Donnita B. Crittenden - Executive Assistant** - Mrs. Crittenden is a graduate of Franklin County High School, and has a B.A. in Public Administration from Kentucky State University. Mrs. Crittenden joined the Commission in August 1993. Her previous experience includes a three-year internship with the Kentucky Department of Education, specifically assigned to the State Board of Education.

**Lori M. Smither – Staff Assistant** - Mrs. Smither is a graduate of Franklin County High School and has a degree in four areas of Interdisciplinary Early Childhood Education. In addition, Mrs. Smither has obtained certificates for the Kentucky Director's Credential, Kentucky Child Care Provider, School Age Child Care, Interdisciplinary Early Childhood Education Technical Studies, and Early Childhood Administrator. Her previous experience includes working as a Member Service Representative at a banking institution for seven years, as a Director/Teacher for 11 years, and part-time at the Ethics Commission for eight years.

**Mark Brengelman – Enforcement Counsel** - Mr. Brengelman graduated with both Bachelor's and Master's degrees in Philosophy from Emory University in Atlanta, and earned a J.D. from the University of Kentucky College of Law. He became an Assistant Attorney General working in the area of administrative and professional law as the assigned counsel and prosecuting attorney to numerous health profession licensure boards. He retired from state government in 2012, became certified as a hearing officer, and opened his own law practice. Mr. Brengelman is a frequent participant in continuing education having presented for multiple state and national organizations and private companies. He also represents children as Guardian ad Litem and parents as Court Appointed Counsel in confidential child abuse and neglect proceedings in family court.

## **Education and Training FY 2021-2022**

September, 2021	Michael Noftsger, Presentation at Rotary Club in Covington, KY.
December, 2021	Tanya Pullin, Mark Brengelman, Emily Dennis, and Laura Hendrix attended the Council on Governmental Ethics Laws (COGEL) Annual Conference virtually. Emily Dennis participated in a Lobbyist Conflict of Interest panel during the COGEL conference.
December, 2021	Laura Hendrix and Emily Dennis, New Legislator Training Session.
January, 2022	Current Issues Seminar for Members of the General Assembly conducted by LEC Staff virtually and in-person. Speaker: John Schaaf.
January, 2022	Laura Hendrix and Emily Dennis, virtual presentation at KY Youth Advocates.
April, 2022	Laura Hendrix and Emily Dennis, virtual presentation at Assn. of Governmental Accountants.

During the fiscal year, the Commission staff:

- Provided various in-house training sessions, as requested;
- Posted (on website) Legislative Ethics Code Overview Training which is accessible to the regulated community and public at any time;
- Reviewed, approved, and posted (on website) 309 Financial Disclosure forms for legislators, candidates and LRC major management staff;
- Issued an estimated 500 verbal and written informal advisory opinions;
- Answered numerous filing and procedural questions;
- E-mailed monthly Ethics Reporters to all General Assembly members, LRC staff, news media, legislative agents, and employers;
- E-mailed filing notifications monthly to all employers and legislative agents;
- Created an online list of bills lobbied;
- E-mailed and mailed updated employers and lobbyists lists monthly to all General Assembly members and LRC staff (weekly during legislative session);

# Legislative Ethics Commission Registration of Lobbyists and Employers

**FY 2021-2022**

Number of Employers: 821

Number of Legislative Agents: 652

Updated Registration Statements were filed on:

- September 15, 2021
- January 15, 2022
- February 15, 2022
- March 15, 2022
- April 15, 2022
- May 15, 2022

The Kentucky Legislative Ethics Commission (KLEC) continues to enhance its database and website, making more information available to the public regarding legislative agents (lobbyists) and their employers.

By accessing KLEC's web site, citizens can review a variety of reports, including legislator and candidate financial disclosure forms, a list of legislative agents and their employers, legislative agent compensation, employer expenses sorted by the employer's name, and employer expenses sorted by industries, such as "gaming" or "health care", and bills lobbied.



## Complaints and Administrative Actions

FY July 1, 2021 - June 30, 2022

### Complaints:

There were two formal complaints filed against legislators during this fiscal year. Both complaints are still pending.

### Administrative Fines Levied by the Commission:

Legislative Agents	\$5,750.00
Employers	\$5,400.00
Legislators	\$0.00
Candidates	\$0.00
<b>Total Fines Collected</b>	<b>\$11,150.00</b>

These fines were assessed due to failure to file statements by the designated filing deadlines, and if complaints were filed with the Commission.

Employers and legislative agents are cautioned that chronic late filing of forms may result in additional penalties and possible action by the Commission.

## LOBBYING EXPENSES AS REPORTED 1993 - 2022

YEAR	EMP FB	EMP AE	EMP RME	EMP EXP	LA FB	LA RME	LA EXP	LA COMP	TOTAL
2022**	\$0	310,261	249,062	484,827	\$0	17,859	429,953	16,381,739	\$17,873,701
2021	\$0	\$525,072	\$131,211	\$811,869	\$0	\$24,897	\$131,211	\$19,334,022	\$20,958,282
2020	\$0	\$367,201	\$178,087	\$640,095	\$0	\$5,607	\$613,013	\$19,116,673	\$20,920,676
2019	\$0	\$317,860	\$222,083	\$568,785	\$0	\$24,235	\$726,440	\$20,432,842	\$22,292,245
2018	\$0	\$478,350	\$249,972	\$992,151	\$0	\$14,909	\$1,007,980	\$20,428,445	\$23,171,807
2017	\$0	\$227,917	\$192,375	\$690,639	\$0	\$17,542	\$846,917	\$18,856,830	\$20,832,220
2016	\$0	\$299,479	\$236,495	\$660,162	\$0	\$6,027	\$888,039	\$18,692,836	\$20,783,038
2015	\$0	\$1,017,588	\$190,100	\$600,903	\$0	\$13,484	\$781,811	\$16,692,957	\$19,296,843
2014	\$149	N/A	\$185,402	\$563,386	\$0	\$8,685	\$831,507	\$16,822,398	\$18,411,527
2013	\$429	N/A	\$154,182	\$453,074	\$30	\$11,648	\$852,342	\$14,970,623	\$16,442,328
2012	\$539	N/A	\$143,154	\$858,368	\$0	\$16,407	\$945,621	\$15,813,368	\$17,777,457
2011	\$228	N/A	\$160,435	\$393,916	\$16	\$17,491	\$905,572	\$13,613,009	\$15,090,667
2010	\$530	N/A	\$189,059	\$904,378	\$0	\$28,206	\$1,188,642	\$14,382,024	\$16,692,839
2009	\$236	N/A	\$135,943	\$462,256	\$0	\$19,126	\$985,833	\$13,659,283	\$15,262,677
2008	\$434	N/A	\$248,463	\$691,801	\$82	\$35,100	\$1,196,922	\$14,729,726	\$16,902,528
2007	\$160	N/A	\$160,087	\$530,195	\$0	\$18,175	\$1,025,796	\$11,951,309	\$13,685,722
2006	\$423	N/A	\$227,190	\$803,103	\$157	\$19,631	\$1,061,624	\$13,362,476	\$15,474,604
2005	\$420	N/A	\$214,397	\$615,303	\$268	\$24,663	\$902,410	\$10,808,709	\$12,566,170
2004	\$561	N/A	\$204,701	\$819,692	\$150	\$10,003	\$213,134	\$10,836,866	\$12,085,107
2003	\$542	N/A	\$193,663	\$848,670	\$0	\$4,639	\$0*	\$8,141,073	\$9,188,587
2002	\$262	N/A	\$188,446	\$1,008,768	\$20	\$8,248	\$0*	\$9,088,595	\$10,294,339
2001	\$160	N/A	\$136,819	\$608,853	\$73	\$4,201	\$0*	\$6,132,887	\$6,882,993
2000	\$95	N/A	\$136,032	\$857,075	\$0	\$13,424	\$0*	\$8,295,998	\$9,302,624
1999	\$248	N/A	\$30,082	\$411,981	\$0	\$1,562	\$0*	\$3,989,617	\$4,433,490
1998	\$20	N/A	\$82,741	\$939,643	\$10	\$4,500	\$0*	\$7,086,054	\$8,112,968
1997	\$14	N/A	\$22,072	\$420,529	\$0	\$4,019	\$0*	\$3,137,175	\$3,583,809
1996	\$589	N/A	\$40,822	\$880,518	\$301	\$3,939	\$341,893	\$6,037,002	\$7,305,064
1995	\$177	N/A	\$15,692	\$318,105	\$107	\$534	\$144,098	\$2,254,114	\$2,732,827
1994	\$852	N/A	\$34,117	\$1,356,719	\$350	\$2,305	\$514,701	\$4,557,014	\$6,466,058
1993	\$81	N/A	\$1,426	\$552,648	\$3	\$108	\$0	\$986,811	\$1,541,077
<b>Totals</b>	<b>\$7,149</b>	<b>\$3,543,728</b>	<b>\$4,554,310</b>	<b>\$20,748,412</b>	<b>\$1,567</b>	<b>\$381,174</b>	<b>\$16,535,459</b>	<b>\$360,592,475</b>	<b>\$406,364,274</b>

**Guide to Abbreviations:**

EMP.FB (Emp. Food and Beverage)

EMP.RME (Emp. Reception, Meals & Events)

EMP.EXP (Emp. Expenses)

EMP.AE (Emp. Advertising Expense)

LA. FB (Legislative Agent Food and Beverage)

LA. RME (Legislative Agent Reception, Meals & Events)

LA. EXP (Legislative Agent Expenses)

LA. COMP (Legislative Agent Compensation)

\* Employer forms were amended to delete section dealing with reimbursed expenses to legislative agents.

Staff discovered that employers were listing amounts reimbursed to legislative agents for expenses and legislative agents were reporting these figures during the same period.

\*\*2022 figures include totals through August 31, 2022.

2015 was first year for reporting EMP AE

NOTE: Numbers have been rounded to the closest dollar for convenience.

**MONEY SPENT ON LEGISLATIVE ACTIVITY SINCE THE ENACTMENT OF  
THE LEGISLATIVE ETHICS CODE - September 1993**

Legislative Year	Money for food and beverages for legislators and their families.	Money for food and beverages at recognized events.	Total expenses/expenditures for lobbying. (Includes legislative agent salary.)
2022**	\$0	\$249,062	\$17,873,701
2021	\$0	\$131,211	\$20,958,282
2020	\$0	\$178,087	\$20,920,676
2019	\$0	\$222,083	\$22,292,245
2018	\$0	\$249,972	\$23,171,807
2017	\$0	\$209,917	\$20,832,220
2016	\$0	\$242,522	\$20,783,038
2015	\$0	\$190,100	\$19,296,843
2014	\$149	\$185,402	\$18,411,527
2013	\$429	\$154,182	\$11,983,736
2012	\$539	\$159,685	\$17,777,457
2011	\$244	\$177,926	\$15,090,667
2010	\$530	\$189,059	\$16,692,839
2009	\$236	\$135,943	\$15,262,677
2008	\$434	\$248,463	\$16,902,528
2007	\$160	\$160,087	\$12,658,586
2006	\$580	\$245,725	\$14,411,884
2005	\$688	\$239,060	\$11,663,760
2004	\$711	\$214,704	\$11,871,973
2003	\$542	\$198,302	\$9,188,587
2002	\$282	\$196,694	\$10,294,339
2001*	\$233	\$141,020	\$6,882,993
2000	\$95	\$149,456	\$9,302,624
1999	\$248	\$31,644	\$4,433,490
1998	\$30	\$87,241	\$8,112,968
1997	\$14	\$26,091	\$3,583,809
1996	\$890	\$44,761	\$7,305,064
1995	\$284	\$16,226	\$2,732,827
1994	\$1,202	\$36,422	\$6,466,058
1993	\$84	\$1,534	\$1,541,077

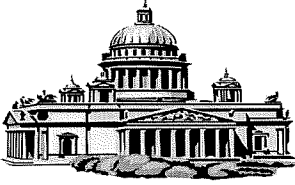
\*2001 Reflects totals from the first annual session in an odd-numbered year. \*\*2022 figures include totals through August 31, 2022.

From 1993 to August 31, 2022, \$406,364,274 was reported.

Of that figure, \$360,592,475 was attributed to salaries of legislative agents and \$45,771,799 was for other lobbying expenses.

# ETHICS REPORTER

## July 2021



Kentucky Legislative Ethics Commission  
22 Mill Creek Park, Frankfort, Kentucky 40601-9230  
Phone: (502) 573-2863  
<http://klec.ky.gov>

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### **Reminders about legislative travel and lobbying**

A reminder about any out-of-state trips connected with legislative duties. Please remember that legislators must get approval from their presiding officer for **ANY** out-of-state travel connected with their legislative duties (even if it is self-paid).

Kentucky's Code of Legislative Ethics applies to legislators, lobbyists, and employers of lobbyists who may attend out of state conferences or events, or who sponsor events in conjunction with those conferences.

Kentucky lobbyists and their employers shall 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 any 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. Travel expenses and conference registration cannot be furnished or paid by a lobbyist or employer of lobbyists to legislators or spouses.

Additionally, if a group or individual is not registered as an employer or lobbyist, but intends to directly communicate with a Kentucky legislator on a legislative issue, and are paid to do so, they must register with the Commission.

However, lobbyists and employers may furnish food, beverages, and local transportation for an out-of-state event held in conjunction with a multistate or national organization (such as NCSL or CSG) and to which permitted groups of legislators are invited (all members of a chamber, joint committees or task forces, approved caucuses) or sponsored by state or local entities, and those expenses must be reported. See KRS 6.747 and 6.611.

The Code states that: "A legislator may accept prepaid transportation, food, and lodging or be reimbursed for actual expenses for out-of-state travel associated with the performance of his or her duties as a legislator if he or she obtains prior approval of the travel from a majority of the Legislative Research Commission", assuming these are not furnished or paid by a lobbyist or employer of lobbyists. KRS 6.747. Any reimbursement of expenses shall be reported to the Legislative Research Commission.

Any question about the application of the Code to a particular invitation, travel, or other issue should be directed to the Ethics Commission. The Commission staff can provide an informal opinion on the application of the law.

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

The following businesses and organizations recently registered to lobby in Kentucky: **Boone County Education Association; Fayette County PVA; Fern Creek Fire Department; Graduation Alliance; KY Apartment Association; and Velocity BioGroup.**

The following organizations recently terminated their registration, and are no longer registered to lobby the Kentucky General Assembly: **Emergent BioSolutions; Status Solutions; and Verisys Corporation.**

## **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 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.

## **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=ojKI-WUNV8po&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.**

### **Editorial: Enough of Springfield's Potemkin approach to ethics reform. Beef up the legislative watchdog post.**

**ILLINOIS —Chicago Tribune—** Editorial Board - July 19, 2021

Illinoisans have only to look to the disturbingly long queue of former lawmakers charged with crimes or facing federal probes to know that ethics is not the Illinois General Assembly's strong suit.

There's former state Rep. Luis Arroyo, who has pleaded not guilty to federal bribery charges, and was allegedly caught on tape trying to bribe another lawmaker while boasting, "This is, this is the jackpot." Former state Sen. Martin Sandoval pleaded guilty to corruption charges before dying of COVID-19 complications last December. Or how about the cadre of allies of former House Speaker Michael Madigan — including his former chief of staff, Tim Mapes — whose alleged misconduct led to federal charges filed against them amid the ongoing ComEd corruption scandal? Mapes has also pleaded not guilty.

# ETHICS REPORTER

August 2021



Kentucky Legislative Ethics Commission  
22 Mill Creek Park, Frankfort, Kentucky 40601-9230  
Phone: (502) 573-2863  
<http://klec.ky.gov>

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

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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 lobbying employers**

The following businesses and organizations recently registered to lobby in Kentucky: **City of Corbin, KY; Jeffersontown Fire Dept.; and Save the Children Action Network.**

### **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.

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

#### **FBI raids Detroit's city hall, council members' homes as it focuses on towing operations**

**MICHIGAN —*Detroit News*—** by Robert Snell, Sarah Rahal, and George Hunter – August 28, 2021

A widening public corruption investigation focused on Detroit towing operations and bribery allegations emerged Wednesday as FBI agents raided Detroit City Hall and the homes of City Council members Janeé Ayers and Scott Benson, the latest development in a scandal that has led to charges against Councilman André Spivey.

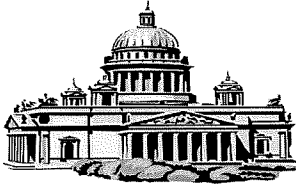
The full scope of the investigation was unclear, but FBI agents were focused on municipal towing operations and accusations city officials received bribes, according to two sources. Federal agents on Wednesday also searched the homes of several City Council employees, including Ricardo Silva and Carol Banks, chiefs of staff for Ayers and Benson, respectively, though search warrant documents listing probable cause to search the locations remained sealed in court and no criminal charges were filed Wednesday.

The raids represent the broadest federal investigation into City Hall corruption in the eight years since former Detroit Mayor Kwame Kilpatrick was convicted of racketeering conspiracy and sentenced to 28 years in federal prison. President Donald Trump commuted the sentence in January.



# ETHICS REPORTER

## September, 2021



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### **Kentucky lobbying continues to rival records for odd-year spending**

According to the most recent lobbyist and employer reports, legislative lobbying spending for the first 8 months of 2021 was just shy of \$15 million, at \$14.9 million.

Businesses and organizations kept up the trend of increased lobbying spending by nearly reaching the record \$15.7 million spent in the same period in 2019.

The General Assembly is in session for only 30 legislative days in odd years, as opposed to a 60-day session in even numbered years. While a special session was also held in September, these expenditures will not be reported until January, 2022.

During the first two-thirds of 2021, 748 lobbying employers paid about 612 lobbyists \$13.5 million, and an additional \$531,872 was spent on lobbying-related administrative costs, such as travel and other expenses.

The leading spender for January through August, 2021, is the **Kentucky Chamber of Commerce**, which spent \$355,812 on lobbying. The second place finisher, at \$184,933, is **Altria (Philip Morris)**.

The rest of the top 10 spenders and amounts for this period of reporting are: **American Civil Liberties Union of Kentucky** (\$162,863); **Kentucky Hospital Association** (\$124,127); **Kentucky Equine Education Alliance (KEEP)** (\$122,156); **Keeneland Association** (\$122,118); **Kentucky Education Association** (\$108,081); **CSX Corporation** (\$103,467); **Secure Democracy** (\$103,240); and **Anthem, Inc. and its Affiliates** (\$96,500).

The remainder of the top 20 spenders and amounts are: **Heaven Hill Distilleries** (\$96,000); **Kentucky League of Cities** (\$893,438); **HCA Healthcare** (\$89,665); **Charter Communications** (\$88,967); **National Council of State Boards of Nursing** (\$86,330); **LG&E and KU Energy** (\$84,413); **Kentucky Retail Federation** (\$77,282); **Westlake Chemical Corporation** (\$77,000); **RAI Services Company** (\$76,625); and **DraftKings, Inc.** (\$76,500).

### **Advertising relating to lobbying in the 2021 legislative session nearly doubles from last short session**

In 2014, bipartisan legislation enacted by the Kentucky General Assembly required employers of lobbyists to report the cost of advertising appearing during a legislative session that supports or opposes legislation, which is paid for by that employer of lobbyists or a person or organization affiliated with an employer. This includes statements disseminated to the public in print, via radio or television,

on billboards, or any electronic means, including internet or telephonically, and includes direct or bulk mailings.

During the last short regular legislative session, in 2019, **\$317,859** was spent on advertising relating to legislation, by employers of lobbyists.

In 2021, this amount increased substantially, as employers spent **\$500,928** on advertising to support or oppose legislation during the regular session.

The top 5 employers and amounts spent on advertising, and legislation reported, were:

- **Kentucky Chamber of Commerce** (\$114,160)- SB 5 (liability protection during emergencies); HB 7 (recovery ready communities); HB 25 (KEES scholarships); HB 126 (crimes and punishments); HB 561 (gas tax) and transportation investment. Included digital ads, radio and social media ads, legislator direct communication, and patch through calls and texts.
- **Kentucky Education Association** (\$79,656) - SB 25 (education opportunity accounts); HB 149 (education opportunity accounts); and HB 192 (executive branch budget). These included billboards, radio ads, phone calls, digital ads, and posters.
- **National Council of State Boards of Nursing** (\$69,330) – SB 78 (prescriptive authority of advanced practice registered nurses). Included ads, emails, and search engine marketing.
- **Kentucky Equine Education Alliance (KEEP)** (\$54,524) – SB 120 (pari-mutuel wagering). Included patch through calls, social media and digital advertising.
- **Americans for Prosperity** (\$47,841) – Gas tax. Included television, radio, and digital ads, and telephone calls.

### **Recent lobbying registrations and terminations**

Seven businesses and organizations recently registered to lobby the General Assembly: **American Kidney Fund; Bar K Ranch; Carvana; EdChoice, Inc.; Mako Medical Laboratories LLC; New Towne Consultants (NTC); and Vera Action, Inc.**

Recently terminated businesses and organizations include: **Airbnb, Inc.; Barr Media, LLC; BusPatrol; Confluent Health; Enhanced Capital; Guardian Healthcare Providers; Janus Capital Management LLC; Kentucky Beverage Association; Light River Technologies, Inc.; Morehead State University; Philips North America LLC; Securus Technologies; and Self Storage Association.**

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

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

### *Dentist guilty of conspiring to bribe former Arkansas lawmaker Hutchinson*

**ARKANSAS- Democrat-Gazette**—By Ron Wood– September 14, 2021

FAYETTEVILLE — Benjamin Burris, an orthodontist who operated clinics across Arkansas, pleaded guilty in federal court Monday morning to one count of bribing former state Sen. Jeremy Hutchinson to pass laws to benefit Burris' businesses.

Burris paid Hutchinson \$157,500 between February 2014 and November 2016, according to a 20-page, 15-count federal indictment.

Hutchinson, then a practicing lawyer, was paid monthly retainers that nominally were for legal services. But he was also expected to introduce and lobby for laws or regulatory changes Burris wanted, the indictment said.

Hutchinson pleaded guilty June 25 to one count of conspiring between 2014 and 2017 to commit federal program bribery in connection with Burris' orthodontist clinics.

Burris pleaded guilty to count one of the indictment, conspiracy to commit honest-services fraud. Burris will be sentenced in about four months.

Burris entered into a plea agreement with federal prosecutors, which includes a speculative sentence of a year and a day in federal prison and a fine to be determined by U.S. District Judge Timothy L. Brooks. The proposed sentence isn't binding on the court.

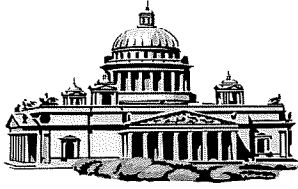
Burris faces a maximum of 20 years in prison and fines of up to \$250,000 on the conspiracy to defraud charge.

"This conviction for a bribe payor is an important milestone for the people of the State of Arkansas in our lengthy public corruption investigation," said David Clay Fowlkes, acting U.S. attorney. "While the bribery conduct of several members of the Arkansas Legislature is disgraceful, the only lasting disgrace would be in meeting these schemes with silence and toleration."

Burris, formerly of Fayetteville and Fort Smith, lives in Windermere, Fla. He was allowed to remain free until sentencing on the existing bond and conditions, with travel restrictions. He must also report his conviction to any state licensing boards.

# ETHICS REPORTER

## October, 2021



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

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**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**.

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## **Legislative Ethics Commission adds a new member; two members' service is greatly appreciated as they leave the Commission**

A new member has joined the Legislative Ethics Commission, as two valued members end their time on the Commission. The Commission is comprised of community members, not sitting legislators, and is an independent agency of the legislative branch.

Former Representative Arnold Simpson was appointed to the Commission by the Legislative Research Commission in September. He was born in Somerset, Kentucky, and was raised in Covington. He received his BA in Political Science in 1974 from Kentucky State University, and his Juris Doctor in 1977 from the University of Kentucky, College of Law. He practiced law from 1978 until his retirement in 2018. He served in the Kentucky House of Representatives from 1994 to 2018. He also served as the Covington City Manager from 1986 to 1989, and the Assistant City Manager from 1984 to 1986. He has served on numerous community boards and organizations. He and his wife Jo Ann reside in Covington.

Former Judge Paula Sherlock ended her service on the Commission in September, and Tony Goetz left the Commission in August. The Commission deeply appreciates both for their dedication and public service, and their efforts at educating on and enforcing the Code of Legislative Ethics.

In addition to Simpson, other current members of the Legislative Ethics Commission are: Chair Dave Nicholas; Vice-Chair Michael Noftsger; former Representative Sheldon Baugh of Russellville; former Senator Ernie Harris of Prospect; former Representative and Judge Tanya Pullin of South Shore; Katherine Gail Russell of Louisville; and former Judge Anthony Wilhoit of Versailles.

## **New and terminated employers**

Five businesses/organizations recently registered to lobby the Kentucky General Assembly. They are: **Francis Energy; Heuser Hearing Institute; Nascend LLC; Pew Charitable Trusts; and Stelco, Inc.**

Two employers, **Glaxo SmithKline** and **Kentucky Alternative Livestock Association**, recently terminated their lobbying registrations and are no longer lobbying in Kentucky.

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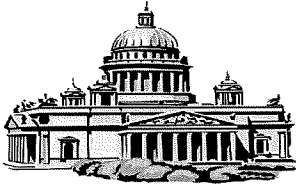
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# ETHICS REPORTER

November, 2021



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## **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.**

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## **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.

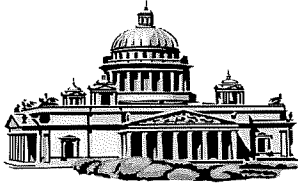
Preliminary sentencing guidelines call for up to 27 months in prison for Mirkhaef. He's cooperating with authorities in hopes for leniency, according to his plea. Rowland set a status hearing for Jan. 26.

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.

# ETHICS REPORTER

December, 2021



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## **Mandatory Ethics Training on January 5th for all General Assembly members**

The 2022 Current Issues ethics training session for members of the General Assembly will be held on Wednesday, January 5, 2022. The 2 hour session will start at 9 a.m. and will last until 11 a.m., and legislators may attend in person in Annex Rooms 169 or 149, or virtually on Zoom. The members have been provided with the Zoom login and further important details via email. The Ethics Code requires all legislators attend this 2-hour Current Issues Seminar each year.

## **Two-year registration for lobbyists and employers opened on December 1, 2021-all must re-register by December 31, 2021**

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.

**Beginning December 1, 2021**, the Commission began 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](mailto:Donnita.Crittenden@lrc.ky.gov)

## **Year-end spending reports due by January 18**

**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.

### **Reminder to legislative agents, employers, legislators and legislative candidates regarding campaign contributions**

Legislative agents, employers, legislators, and legislative candidates need to pay particular attention to the Ethics Code requirements regarding campaign contribution, as the election season for the Kentucky Legislature begins.

Members of the General Assembly, and candidates for the General Assembly, are prohibited from accepting a campaign contribution from a registered legislative agent (lobbyist), at any time. Legislative agents may not make a campaign contribution to a sitting member of the General Assembly, nor a candidate for General Assembly, or their campaign committee, and may not serve as a campaign treasurer, nor directly solicit, control, or deliver a campaign contribution, for a candidate or legislator.

Legislators and legislative candidates are prohibited from accepting a campaign contribution from an employer of a legislative agent or from a PAC during a regular session of the General Assembly. During a regular session, an employer of a legislative agent shall not make a campaign contribution to a legislator, candidate, campaign committee for a legislator or candidate, or caucus campaign committee. The in-session prohibition on employer campaign contributions applies to the individual who is listed as the employer contact person. The in-session prohibitions do not apply to candidates for a special election during the regular session.

Please call us if you have any questions regarding these provisions.

### **Reminder-Candidates, legislators and major management personnel**

Sitting members of the General Assembly and major management personnel with the legislative branch must file their financial disclosures by **February 15, 2022**. Candidates (non-sitting members of the General Assembly) must file their financial disclosures no later than 21 days after the filing deadline for office. Copies of the required form are available at the Legislative Ethics Commission website at: <https://klec.ky.gov/Forms/Pages/default.aspx> Sitting legislators' disclosures are currently online on the Commission's website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>, and candidate forms will be posted there as well once they are available.

### **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**

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. 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.

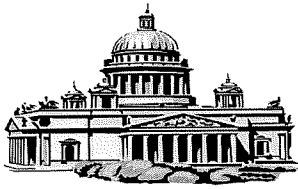
Continued thanks to the many lobbying entities who have honored our request to begin filing online, and those who have utilized this service for many years. If a lobbyist or employer is currently filing disclosures by paper and would like to file online, please email us and we can contact you with an 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.

# ETHICS REPORTER

January, 2022



Kentucky Legislative Ethics Commission  
22 Mill Creek Park, Frankfort, Kentucky 40601-9230  
Phone: (502) 573-2863  
<http://klec.ky.gov>

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## ***Lobbying spending high for short session year as pandemic drags on***

Kentucky lobbying interests spent \$21.3 million on influencing the General Assembly in 2021, a nearly million-dollar drop from the last pre-pandemic odd-year of 2019, but easily outpacing 2017's \$20.8 million in expenditures. In 2020, spending hit \$20.2 million.

In 2021, the General Assembly held a short 30-day regular session during the ongoing pandemic, as well as a 3 day special session focused primarily on COVID issues. In 2021, 615 lobbyists worked for 753 employers, and were paid \$19.3 million in compensation.

In 2021, employers reported \$525,000 in advertising expenses, the second highest amount since the Ethics Code change in 2014 requiring reporting of the cost of advertising supporting or opposing legislation during a legislative session.

Spending on receptions, meals and events for legislators by employers and lobbyists continued to dip, likely due to the social distancing caused by the pandemic, totaling \$156,108 in 2021. This is the lowest spending in this category since 2009.

The two top spending lobbying organizations in 2021 are the same as 2019. Top spender **Kentucky Chamber of Commerce** spent \$496,787, up substantially from \$329,185 in 2020. Second place finisher, **Altria Client Services LLC** spent \$274,223, down from \$314,627 in the prior year.

The other top 10 spenders were: **KY Hospital Association** (\$191,382); **American Civil Liberties Union** (\$183,770); **KY Equine Education Alliance** (\$147,346); **Keeneland Association** (\$146,192); **Heaven Hill Distilleries** (\$144,000); **Charter Communications** (\$140,482); **HCA Healthcare** (\$134,498); and **CSX Corporation** (\$133,943).

The rest of the top 25 spenders include: **LG&E & KU Energy LLC** (\$126,271); **Anthem, Inc & Its Affiliates** (\$126,220); **KY Retail Federation** (\$119,042); **DraftKings, Inc.** (\$116,500); **Westlake Chemical Corporation** (\$113,000); **Secure Democracy** (\$112,650); **LifePoint Health** (\$111,005); **KY Education Association** (\$110,968); **Humana, Inc.** (\$110,288); **CVS Health** (\$110,247); **RAI Services Company** (\$107,728); **KY League of Cities** (\$107,105); **KY Distillers' Association** (\$105,158); **KY Medical Association** (\$103,136); and **KY Downs LLC** (\$101,100).

For a complete list of lobbying spending by all businesses and organizations, and compensation paid to each of the lobbyists, see the Legislative Ethics Commission's website: <http://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx>

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

The following businesses and organizations recently registered to lobby in Kentucky: **23andMe; ADP, Inc; ALC Schools; Appalachian Wildlife Foundation; Appriss Insights; Avail; Big Brother Big Sisters; Bristol Myers Squibb; Buckhorn Children & Family Services; Bus Patrol; Caesars Enterprise Services; City of Frankfort; Class Wallet; Clearview Healthcare Management KY LLC; Compassion and Choices; CorneaGen Inc; Data Records Management Services LLC; DC Elevator; Dealtracks Registration & Titling Solutions, Inc; EC Learn; Fletcher Group Inc; Foundation for Appalachian KY; Garter, Inc.; Greater Cincinnati & NKY Apartment Assn; Goodwill Industries of Kentucky; Kramer Davis, LLC; KY Alternative Livestock Association; KY Committee to End Executions; KY Commonwealth Attorney Assn.; KY Jailers Assn; Kyndryl; Lamar Advertising Co; Lancaster Colony Corporation ; Land Betterment Corp.; Liberty Utilities; Louisville Project Management LLC; Louisville Zoo Foundation; Mid-American Rare Coin Galleries, Inc; National Alliance on Mental Illness KY; National Mining Assn; Navient; Okta, Inc.; Outfront Media; Paristown Preservation Trust LLC; Plasma Games; River City FOP Lodge 614; SD USA; Secure Elections Project; Shaker Village of Pleasant Hill; Shyne Labs; Solar Energy Industries Assn; Sports Betting Alliance; TCB of KY, LLC; Tata America International Corp.; Thoroughbred Engineering; and Tusk Holdings.**

As noted in emails to all employers and the December, 2021 Legislative Ethics Reporter, the Code of Legislative Ethics requires **ALL** employers to re-register every two years. Employers who fail to re-register as of December 31<sup>st</sup> of an odd-numbered year are automatically terminated.

January 1, 2022 was the beginning of a new two-year registration cycle, so every person, business, and organization interested in lobbying was required to register with the Commission for the period covering January 1, 2022 to December 31, 2023. Lobbying spending reports are due by the 15<sup>th</sup> of each month from January to May, then again in September.

Several businesses and organizations terminated their registration, either by not re-registering or by filing a notice of termination, and are no longer registered to lobby the Kentucky General Assembly:

**Accenture LLP; Aetna, Inc; American Assn. for Marriage & Family; American Council of Life Insurers; American Pharmacy Cooperative, Inc; Americans United for Sep. of Church; Aperture Credentialing, LLC; Appian; Association of Equipment Manufacturers; AVF Bluegrass Solutions; Ban Conversion Therapy Kentucky, Inc.; Beechwood Board of Education; Best Friends Animal Society; Beyond Type 1; Big Ass Fans; Bluegrass Ingredients, Inc; Brightview; Centurion, LLC; Cerner; Child Care Advocates of Kentucky; Child Care Council of KY, Inc; City of Corbin, KY; Clean Water Prof. of KY & TN; Consumer Healthcare Products Assn.; CTIA – The Wireless Assn.; Delaware North Companies; Dell Technologies, Inc; DraftKings, Inc; Expedia, Inc; Fern Creek Fire Dept.; First Southern Funding, LLC; Gannett/USA Today; Gateway Children’s Services; Greater Louisville Medical Society; Healthcare Distribution Alliance; Independent Electrical Contractors of KY/S. IN; Jackson BioEnergy; Jefferson County Farm Bureau; Jefferson Health Plan; Jeffersontown Fire Dept.; Junior Achievement Coalition (The); Kentuckians for Economic Growth, LLC; Kroger Company (The); KY Ambulance Providers Assn.; KY Assn. of Career Colleges & Schools; KY Baptist Convention; KY Blood Center; KY Cable Telecommunications Assn.; KY Cemetery Association; KY Dataseam Initiative, Inc; KY Laborers District Council; KY Medical Freedom Coalition; KY Society**

of Addiction Medicine; KY Wired Operations Co., LLC; Legalize KY Now, Inc; Lexington Legends; LHC Group, Inc; Logan Economic Alliance-Development; Mako Medical Laboratories, LLC; MasterCard International Inc; MCG Health, LLC; National Community Pharmacists Assn; National Multiple Sclerosis Society; New Venture Fund; Preservation Kentucky, Inc; Prison Fellowship Ministries; Real Alloy Recycling, LLC; Region 8, UAW; Rogers Group, Inc; Save the Children Action Network; Secure Democracy; SmileDirectClub; Terresana Management, LLC; Town Branch FOP Lodge #83, Inc; U.S. Travel Insurance Assn.; Universal Guaranty Life Insurance Co.; and Vera Action, Inc.

### **Legislator, legislative candidate, major management personnel, and lobbying report deadlines**

Members of the General Assembly, legislative candidates, and major management personnel within the legislative branch are required to file their annual financial disclosure statements by **Tuesday, February 15, 2022**. The statements are for the 2021 calendar year.

Also, by **Tuesday, February 15, 2022** all lobbyists and employers are required to file Updated Registration Statements for the period of January 1 through January 31, 2022.

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>

### **Reminders about campaign contributions and solicitations**

Lobbyists and employers, as well as legislators and legislative candidates, need to pay particular attention to the Ethics Code requirements regarding campaign contributions, as the election season for the Kentucky Legislature begins.

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***Additionally, legislative lobbyists or employers who state or imply that campaign contributions given to legislators are in return for legislative action, that contributions are in direct consideration of legislation, or who speak with legislators about offering campaign or political support***



***during meetings about legislation, particularly in the legislative offices, not only run afoul of the Legislative Ethics Laws, but may also violate campaign finance and federal corruption laws. This may lead to the impression that a quid pro quo type arrangement is being sought. Lobbyists, again, are prohibited from controlling campaign contributions as stated above, and should make sure that they are not making any such linkage between legislative action and political contributions. If you have any question about whether a particular activity may violate the Ethics Code, please contact us prior to taking such action.***

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

### **U.S. Supreme Court rejects Shooter's claim**

**ARIZONA- Arizona Capitol Times--** by Howard Fischer (Capitol Media Services)— January 27, 2022

The U.S. Supreme Court has doused the last hope of former state Rep. Don Shooter to claim that his rights were violated when he was expelled in 2018 from the House of Representatives.

Without comment, the justices refused to set aside a ruling by the 9th Circuit Court of Appeals throwing out the lawsuit that the Yuma legislator had filed against former House Speaker J.D. Mesnard and Kirk Adams, a former top adviser for Gov. Doug Ducey.

But in doing so, the justices did not address the claims by Shooter that having him ousted for violating a policy against sexual harassment – one that did not exist at the time of the alleged incidents – was illegal. Instead, the action January 24 simply upholds the conclusion by the appellate court that Mesnard and Adams have qualified immunity for their actions.

“What can I say?” Shooter said when asked for comment.

But he did note that he has one last chance of getting his day in court on a related issue. That’s because the Arizona Supreme Court last year did agree to allow Shooter to pursue a separate defamation claim against Mesnard about his decision to prepare and issue a press release about the report that resulted in Shooter’s ouster.

The Arizona justices concluded that, unlike everything else concerned with the investigation and vote to remove Shooter, that was more of a “political act,” meaning no immunity for Mesnard. A trial is expected later this year.

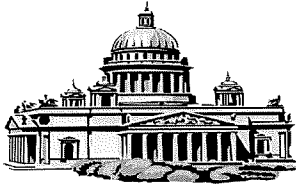
At the heart of the case are claims by Shooter that Mesnard and Adams, who at the time working for Ducey, were seeking to thwart his efforts to investigate the use of “no-bid” contracts. That’s where the state chooses a vendor who, according to Shooter, then can dictate contract price and service.

After he threatened to issue subpoenas, Shooter said then-Rep. Michelle Ugenti-Rita, accused him of sexual harassment.

Shooter claimed there was a link, saying that she was engaged at the time to a lobbyist who had previously worked for Adams. And Shooter leveled his own charges of inappropriate conduct against Ugenti-Rita.

# ETHICS REPORTER

February, 2022



Kentucky Legislative Ethics Commission  
22 Mill Creek Park, Frankfort, Kentucky 40601-9230  
Phone: (502) 573-2863

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## ***Lobbying spending takes bronze medal for January***

January 2022's lobbying spending was the third highest ever for the month of January, at just over \$2.4 million, despite the continuing effects of the pandemic.

The last even-year session in 2020 saw a new record for the first month: lobbying spending hit \$2,621,078, breaking the previous spending record for the first month of an even year, 60-day legislative session, by \$5,267 over the previous all-time January record reached in January, 2018.

There are 784 businesses and organizations lobbying the General Assembly, with 646 lobbyists working for those employers.

This past month's lobbying spending is led by the **Kentucky Chamber of Commerce**, which spent \$41,157 last month. The **Chamber** listed 42 bills on its disclosure on which it is lobbying, including bills relating to unemployment insurance, workers compensation, occupational safety and health, sick leave, parental leave, wages, public procurement, COVID vaccines, expungement, teachers, scholarships, early literacy, graduation requirements, school councils, smoking discrimination, long term care, taxation, limiting liability, and lung cancer screening.

**American Civil Liberties Union of KY (ACLU)**, was the second-leading spender at \$39,478, listing 28 bills on its disclosure, which encompass issues related to justice reform, reproductive rights, free speech, abortion, LGBTQ issues, anti-trans legislation, maternal mortality, substance use and pregnancy, civil liberties, expungement, voting, juvenile justice, and marijuana.

The other top 10 spenders were: **Kentucky Hospital Association** (\$37,602); **Kentucky League of Cities** (\$26,114); **Altria Client Services LLC** (Philip Morris)(\$24,648); **Pace-O-Matic of Kentucky** (\$20,500); **Anthem, Inc. and Its Affiliates** (\$17,500); **Kentucky Automobile Dealers Assn.(KADA)**(\$17,500); **Kentucky Justice Association** (\$16,872); and **Wine & Spirits Wholesalers of KY** (\$16,065).

The rest of the spending top 20 are: **Kentucky Association of Electric Cooperatives** (\$15,456); **Kentucky Retail Federation** (\$14,890); **Kentucky Farm Bureau Federation** (\$14,437); **Pharmaceutical Care Management Assn.** (\$14,167); **Greater Louisville, Inc.** (\$14,006); **Kentucky Bankers Association** (\$13,945); **Kentucky Education Association** (\$13,529); **Kentucky State Building & Construction Trades Council** (\$13,050); **American Wagering, Inc. Caesar's Digital** (\$13,000); and **Academic Partnerships, LLC** (\$12,500).

The Legislative Ethics Commission's searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp> Additionally, employers are required, during the legislative sessions, to list specific bill numbers on which they lobby, and a list of those is available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Employers-and-Legislative->

[Agents.aspx](#) (under “Bills Lobbied”). Amounts spent on lobbying, required to be disclosed to KLEC 6 times per year, may be found under the same link.

## **Legislative Fundraising Reminders**

The Code of Legislative Ethics impacts legislative campaign fundraising, and includes several provisions that apply specifically during a **regular session of the General Assembly**. Here’s a summary of key ethics law provisions as they apply to legislators, legislative candidates, lobbyists, and employers of lobbyists.

Lobbyists and employers, as well as legislators and legislative candidates, need to pay particular attention to the Ethics Code requirements regarding campaign contributions, as the election season for the Kentucky Legislature begins.

Members of the General Assembly, and candidates for the General Assembly, are prohibited from accepting a campaign contribution from a registered lobbyist **at any time**. Lobbyists may not make a campaign contribution to a sitting member of the General Assembly, nor a candidate for General Assembly, or their campaign committee, and may not serve as a campaign treasurer, nor directly solicit, control, or deliver a campaign contribution, for a candidate or legislator.

Legislators and legislative candidates are prohibited from accepting a campaign contribution from an employer of a lobbyist or from a PAC during a regular session of the General Assembly. During a regular session, an employer of a lobbyist shall not make a campaign contribution to a legislator, candidate, campaign committee for a legislator or candidate, or caucus campaign committee. The in-session prohibition on employer campaign contributions applies to the individual who is listed as the employer contact person. The in-session prohibitions do not apply to candidates for a special election during the regular session.

These prohibitions also apply to other state races, such as a judicial or other state or local office for which the legislator is running. However, they would not apply to a candidate for federal office.

Although barred from making a campaign contribution to a legislator or legislative candidate, a lobbyist is permitted to express political views in many other ways, including speaking in favor of a legislator or candidate, displaying yard signs, or volunteering for a campaign in a capacity **that does not involve providing services for which the lobbyist would ordinarily be paid**, or fundraising for state or local candidates who are not sitting legislators or legislative candidates.

While legislators are prohibited from soliciting contributions from a lobbyist, a lobbyist is free to make a contribution to a political party so long as the contribution is to the party generally and is not earmarked for any particular legislative campaign or legislator. A lobbyist may attend campaign and party fundraisers, as long as the lobbyist does not contribute to a legislator or legislative candidate, and does not purchase a ticket that is actually a campaign contribution to a legislator or legislative candidate.

***Additionally, legislative lobbyists or employers who state or imply that campaign contributions given to legislators are in return for legislative action, that contributions are in direct consideration of legislation, or who speak with legislators about offering campaign or political support during meetings about legislation, particularly in the legislative offices, not only run afoul of the Legislative Ethics Laws, but may also violate campaign finance and federal***

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### **Financial disclosures of Legislators & Candidates available on Ethics Commission website**

As provided in the Legislative Ethics Code, all legislators and candidates for the legislature must file financial disclosure statements. These financial disclosure statements will be posted on the Legislative Ethics Commission's website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>.

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

Lobbying employers which have recently registered to lobby include: **Academic Partnerships LLC; American Industrial Hygiene Association; Americans United for Separation of Church & State; Ancestry; Benevis Dental Practice Management Services; Cannon Cochran Management Services, Inc.; Child Care Council of KY, Inc.; Community Choice Financial; Companions & Animals for Reform & Equity (CARE); Cumberland Capital Partners; Dialysis Patient Citizens; Diligent Ventures LLC; Financial Industry Regulatory Authority; Harp Enterprises; Healthcare Distribution Alliance; Herschend Entertainment Company, LLC; Iron Mountain; Jockey Club (The); KY Academy of Science; KY Group Self-Insurance Guaranty Fund; KY River Resources; McLane Company, Inc.; MedImpact Healthcare Systems, Inc.; Mountain Comprehensive Care Center; Open Road Foundation; Pearson Education Limited; Preservation Kentucky, Inc; Simmons College of Kentucky; State Privacy & Security Coalition, Inc.; Stelco Inc.; Teladoc Health, Inc.; Trevor Project, Inc.; Urban Academy; US Chamber of Commerce; and Wireless Infrastructure Association.**

Kentucky Cannabis Company recently terminated its lobbying registration.

### **Reminder about lobbying report deadlines**

By **Tuesday, March 15, 2022** all lobbyists and employers are required to file Updated Registration Statements for the period of February 1 through February 28, 2022.

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# ETHICS REPORTER

March, 2022



Kentucky Legislative Ethics Commission  
22 Mill Creek Park, Frankfort, Kentucky 40601-9230  
Phone: (502) 573-2863  
<http://klec.ky.gov>

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## **Highest-ever number of registered employers report near record spending**

Lobbying spending in the first two months of 2022 reached \$5.34 million, coming close to the 2018 General Assembly's record high of \$5.6 million spent for the same period. A record 837 lobbying employers are registered to lobby the Kentucky General Assembly, and 687 legislative agents are registered.

The **Kentucky Chamber of Commerce** headed up the list of all registered lobbying employers, after spending \$84,019 for the first two months of the session. The **Kentucky Hospital Association** came in second, with \$83,860. Other top 10 spenders include: **American Civil Liberties Union of Kentucky (ACLU)** (\$75,162); **Altria Client Services LLC** (\$55,620); **Kentucky League of Cities** (\$52,682); **Pace-o-matic of Kentucky** (\$47,000); **SD USA** (\$42,902); **Greater Louisville, Inc.** (\$39,615); **Pharmaceutical Care Management Association (PCMA)** (\$38,369); and **Kentucky Retail Federation** (\$36,732).

Other top 25 spenders during the session's first two months include: **Anthem, Inc. and its Affiliates** (\$35,597); **Kentucky Association of Electric Cooperatives, Inc.** (\$32,589); **Wine & Spirits Wholesalers of Kentucky, Inc.** (\$32,255); **Kentucky Farm Bureau Federation** (\$32,223); **Kentucky Automobile Dealers Association (KADA)** (\$30,597); **Kentucky Justice Association** (\$30,288); **Mountain Comprehensive Care Center** (\$28,500); **Kentucky Bankers Association** (\$27,890); **Kentucky State Building & Construction Trades Council** (\$26,140); **Kentucky Education Association** (\$25,905); **Academic Partnerships, LLC** (\$25,000); **HCA Healthcare, Inc.** (\$24,416); **Kentucky Equine Education Alliance (KEEP)** (\$24,217); **Humana, Inc.** (\$24,011); and **Humane Society of the United States** (\$23,504).

The Legislative Ethics Commission's searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp>. Additionally, employers are required, during the legislative sessions, to list specific bill numbers on which they lobby, and a list of those is available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx> (under "Bills Lobbied"). Amounts spent on lobbying, required to be disclosed to KLEC 6 times per year, may be found under the same link.

## **Newly-registered lobbying employers**

Businesses and organizations which have recently registered to lobby include: **AFLAC**; **American Council of Life Insurers**; **American Staffing Association**; **Ameriprise Financial**; **Bail Project (The)**; **Biogen**; **Broadus Capital**; **Cerner**; **Connected Nation Development Corporation**; **ES Barr & Co.**; **Financial Planning Association**; **Finseca**; **Frankfort Independent Schools**; **Genesis Health Technologies, LLC**; **Jefferson County Farm Bureau**; **Kentucky Aviation**

Association; Kentucky LECET; Kentucky Pork Producers Association; Kentucky RV Coalition; Lexia Learning Systems LLC; Life Sciences Lab Coalition; Louisville Orchestra; Marian Group (The); Mastercard International, Inc.; Math Nation; MC Global Holdings LLC; Mid South Capital Partners, LP; National Center for Missing & Exploited Children; Nokia Enterprise; 141 Well Co, LLC; Port of Louisville; Real Alloy Recycling, LLC; Revolutionary Racing; Safari Club International Kentuckiana Chapter; Securities Industry & Financial Markets Association; Service Contract Industry Council; 7-Eleven; Sunrise Treatment Center; United Auto Workers, Region 8; and Zillow.

Organizations terminating their registration and no longer lobbying are: Kindred Healthcare, Inc.; IBM; and Stelco, Inc.

### **Financial disclosures of Legislators & Candidates available on Ethics Commission website**

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### **Training for Lobbyists and Employers on video**

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

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### **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. Also, we would be happy to speak to you over the phone or via Zoom.

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### **Reminder about lobbying report deadlines**

By **Friday, April 15, 2022** all lobbyists and employers are required to file Updated Registration Statements for the period of March 1 through March 31, 2022.

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>

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

#### **Tennessee House Speaker, other lawmakers testify before federal grand jury**

**TENNESSEE – *The Tennessee Lookout***– by Sam Stockard — March 29, 2022

House Speaker Cameron Sexton said Monday he gave “factual information” to a grand jury investigating political corruption and confirmed he is not a “target” in the federal probe.

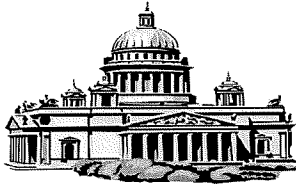
Sexton was among at least five lawmakers subpoenaed to testify before the grand jury, including Reps. Jason Zachary of Knoxville, Bud Hulseley of Kingsport, Patsy Hazlewood of Signal Mountain and Esther Helton of East Ridge.

Legislative Administration Executive Director Connie Ridley also went before the grand jury Monday.

# ETHICS REPORTER

April, 2022

Kentucky Legislative Ethics Commission  
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## **Lobby spending hits an all-time high for the first three months of 2022's legislative session**

The impact of the COVID pandemic appears to have waned, and lobbying interests were in full force for the first three quarters of the regular "long" legislative session. Intense interest in issues such as the biennial budgets for the various branches of government, abortion, gaming, tax policy, medical policies, alcohol, unemployment benefits, charter schools, early literacy, school governance, elections, and a myriad of other concerns undoubtedly fueled the legislative activity.

Kentucky lobbying spending for the 2022 Regular Session's first three months broke the previous spending record, as legislative lobbyists and employers reported spending **\$8,548,576** to influence policy decisions by the Kentucky General Assembly.

The previous record for spending in the first 3 months of a year came in 2018, when \$8.4 million was spent during the even-year, 60-day session. The 2020 session, which was interrupted by the advent of the pandemic, garnered \$7.9 million for the same time period.

During the session, 841 businesses and organizations employed 669 lobbyists. The current number of employers registered is also a record for Kentucky.

Lobbying employers paid their lobbyists \$7,674,454 in salary for that period, spent \$208,866 in advertising for or against legislation, reported spending \$156,860 on receptions, meals, and events for legislators and legislative staff, and had \$287,681 of lobbying expenses such as direct citizen contact, educational and promotional items, and office expenses.

The top spending lobbying organization so far this year was the **Kentucky Chamber of Commerce**, which spent \$139,508 lobbying on the executive branch biennial budget, school issues, unemployment, early literacy, child care assistance, alcohol, and tax policy.

The second-biggest spender in the 2022 regular session was the **Kentucky Hospital Association** which spent \$130,949. The association lobbied on bills relating to emergency medical services, pharmaceutical databases, abortion, heart attack services, and rural hospitals.

The other top five spenders include: **American Civil Liberties Union of KY (ACLU)** (\$115,152); **Altria Client Services LLC** (\$108,655); and **Kentucky League of Cities, Inc.** (\$87,788).

The rest of the top ten includes: **Pace-O-Matic** (\$78,650); **Kentucky Retail Federation** (\$72,120); **Greater Louisville, Inc.** (\$64,711); **Pharmaceutical Care Management Association (PCMA)** (\$60,403); and **Kentucky Farm Bureau Federation** (\$55,544).

The remainder of the top twenty lobbying employers includes: **Anthem, Inc. and Its Affiliates** (\$53,596); **Kentucky Association of Electrical Cooperatives Inc.** (\$49,742); **Kentucky Justice Association** (\$48,568); **Secure Democracy USA** (\$46,814); **Wine & Spirits Wholesalers of Kentucky, Inc.** (\$44,465); **Kentucky Equine Education Alliance (KEEP)** (\$44,087); **Kentucky Education Association** (\$43,892); **Kentucky Medical Association** (\$43,354); **Kentucky Bankers Association** (\$41,835); and **Kentucky Automobile Dealers Association (KADA)** (\$40,597).

Rounding out the top 25 spenders are: **Kentucky State Building & Construction Trades Council** (\$39,180); **East Kentucky Power Cooperative, Inc.** (\$38,175); **Academic Partnerships, LLC** (\$37,500); **HCA Healthcare, Inc.** (\$36,624); and **Kentucky Retired Teachers Association** (\$35,838).

### **Bills report and searchable register**

The Legislative Ethics Commission's searchable register of lobbyists and employers is online at <http://apps.klec.ky.gov/searchregister.asp>.

Additionally, employers are required, during the legislative sessions, to list specific bill numbers on which they lobby, and a list of those is available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx> (under "Bills Lobbied"). Amounts spent on lobbying, required to be disclosed to KLEC 6 times per year, may be found under the same link.

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

The following businesses and organizations recently registered to lobby in Kentucky: **DJGN Lexington LLC dba Tony's Steaks & Seafood**; **Lyft, Inc.**; and **Outfront Media LLC**.

Three businesses and organizations terminated their registration, and are no longer lobbying the Kentucky General Assembly: **Ameriprise Financial**; **Companions & Animals for Reform & Equity**; and **U.S. Hemp Roundtable**.

### **Lobbying report deadline and important reminder about reporting bill numbers**

By **Monday, May 16, 2022**, all lobbyists and employers are required to file Updated Registration Statements for the period of April 1 through April 30, 2022.

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, employers 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 reports have not adequately reflected bill numbers in the past, employers should please make every effort to reflect bill numbers in updated registration statements going forward. As noted above, these are available on the KLEC website for viewing at any time by the public.

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

### **Keeping it civil in a partisan world**

**COLORADO– National Conference of State Legislatures' NCSL Blog–** by Mari Henderson— April 27, 2022

It is no secret that we live in an incredibly partisan time—you don't need to look beyond your Twitter feed for proof.

Two former legislators want to combat its negative impact with a bipartisan commitment to civility. Former U.S. House members Jim Gerlach (R-Pa.), who also served in both chambers of the Pennsylvania General Assembly, and Brian Baird (D-Wash.), members of the Association of Former Members of Congress, came together to create the #CivilityNotViolence pledge.

The pledge acknowledges the importance of vigorous debate and disagreement in the political process but calls for an end to threats or acts of violence in politics to maintain the integrity of the legislative institution.

NCSL has centered civility and bipartisanship across issue areas since the organization's founding in 1975. In presentations, articles and briefs, NCSL has pondered the role disagreement plays in the legislative process and how civility protects the legislative institution.

And NCSL is no stranger to civility pledges. In 2011, the organization's Executive Committee passed a Civility Accord where legislators and legislative staff pledged their commitment to civility and bipartisanship. NCSL also encourages its members to participate in building relationships across the aisle knowing that understanding a fellow member as a person fosters greater civility.

**EDITORIAL NOTE:** THE NCSL Civility Accord reads:

#### ***NCSL Civility Accord***

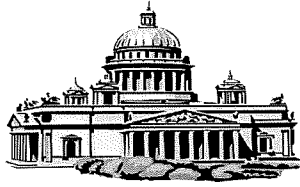
*As a member of the National Conference of State Legislatures, we, as state legislators and legislative staff, in order to embrace civility and bipartisanship in our states and through them our nation, pledge our commitment to the following principles for civility:*

- *Respect the right of all Americans to hold different opinions.*

# ETHICS REPORTER

May, 2022

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## ***Hey big spender... it's a new record***

Rebounding from a lower spending total for the previous even-year session in 2020, employers and lobbyists registered with the Commission spent a record-setting **\$11,130,780** to lobby the Kentucky General Assembly. The previous record for spending during a legislative session was set in 2018, during which \$10.67 million was spent to influence legislators regarding legislative issues.

Expressed another way, if that \$11.1 million was divided equally among the 138 legislators, just over \$80,000 would have been spent per capita in lobbying efforts.

There are 826 businesses and organizations lobbying the General Assembly, with 647 lobbyists working for those employers.

Lobbying spending for the past four months was led by the **Kentucky Chamber of Commerce**, which spent \$183,949. Coming in second was **Kentucky Hospital Association** with \$149,046.

The other top 10 spenders were: **American Civil Liberties Union of Kentucky** (\$128,258); **Altria Client Services LLC (Philip Morris)** (\$126,793); **Pace-O-Matic of Kentucky** (\$106,150); **Kentucky League of Cities, Inc.** (\$102,195); **Pharmaceutical Care Management Association** (\$86,168); **Greater Louisville, Inc.** (\$82,290); **Kentucky Retail Federation, Inc.** (\$82,118); and **Anthem Inc. and its Affiliates** (\$70,597).

The rest of the top 25 spenders were: **Kentucky Farm Bureau Federation, Inc.** (\$60,199); **Kentucky Petroleum Marketers Association** (\$57,938); **Kentucky Association of Electric Cooperatives, Inc.** (\$57,492); **Kentucky Bankers Association** (\$55,780); **Kentucky Equine Education Alliance** (\$55,632); **Kentucky Medical Association** (\$54,044); **Kentucky Justice Association** (\$52,305); **Kentucky State Building & Construction Trades Council** (\$52,170); **Wine & Spirits Wholesalers of Kentucky, Inc.** (\$51,235); **Kentucky Automobile Dealers Association** (\$50,597); **East Kentucky Power Cooperative, Inc.** (\$49,275); **HCA Healthcare, Inc.** (\$48,832); **Secure Democracy USA** (\$48,814); **Kentucky Education Association** (\$47,508); and **Academic Partnerships, LLC** (\$47,500).

The Legislative Ethics Commission's searchable register of lobbyists and employers, as well as lobbying expenditures is online at <http://apps.klec.ky.gov/searchregister.asp>. Additionally, employers are required, during legislative sessions, to list specific bill numbers on which they lobby, and a list of those is available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx> (under "Bills Lobbied"). Amounts spent on lobbying, required to be disclosed to KLEC 6 times per year, may be found under the same link.

## **Lobbyist compensation, and spending on meals, receptions and events**

During the 2022 regular session, lobbyists were paid just over \$10 million in compensation for their lobbying work on behalf of employers who sought to influence the public policy of the Commonwealth.

The following 10 legislative agents were paid the most to lobby the General Assembly during that four month period:

**John McCarthy**-\$350,028  
**Robert Babbage**-\$279,500  
**Steven Huffman**-\$252,000  
**Sean Cutter**- \$239,234  
**Patrick Jennings**-\$223,921  
**Trey Grayson**-\$217,130  
**Chris Nolan**-\$213,714  
**Steve Robertson**-\$213,259  
**Ronald Pryor**-\$211,999  
**Kelley Abell**-\$201,934

Legislative employers spent a total of \$168,675 on meals, receptions, and events for legislators and legislative staff members during the 2022 legislative session and through the end of April. The top fifteen spenders in this category were:

1. **Kentucky Chamber of Commerce**-\$9,262 (Capitol Annex luncheon and Annual Kentucky Chamber Day Dinner, Lexington, legislators);
2. **Kentucky Equine Education Alliance (KEEP)**-\$7,896 (Capitol Annex breakfast, and reception at Castle & Key Distillery, Frankfort, legislators);
3. **Kentucky State Police Professional Association**-\$5,994 (10 breakfasts for legislators in the Capitol Annex cafeteria);
4. **Kentucky Aviation Association**-\$5,661 (Reception for members of the Aerospace Aviation Caucus at Berry Hill Mansion, Frankfort);
5. **Kentucky Association of Counties**-\$5,530 (2 Capitol Annex luncheons and a reception, for legislators and LRC staff);
6. **Kentucky Association of School Administrators**-\$5,024 (Luncheon at Frankfort VFW for legislators and LRC staff);
7. **Kentucky League of Cities**-\$5,003 (Capitol Annex luncheon, and City Night at Kentucky History Center, Frankfort, for legislators and LRC staff);
8. **The College Board**-\$4,985 (Capitol Annex luncheon for legislators);
9. **Kentucky Coal Association**-\$4,790 (Reception at Foundry on Broadway, Frankfort, for legislators);
10. **Kentucky Oil and Gas Association**-\$4,790 (Reception at Foundry on Broadway, Frankfort, for legislators);
11. **Kentucky Association of Nurse Anesthetists**-\$4,682 (Capitol Annex luncheon, and reception at Goodwood Brewing, Frankfort, legislators and LRC staff);
12. **AT&T**-\$4,100 (2 Capitol Annex luncheons, Annual Kentucky Chamber Day Dinner, Lexington, West Kentucky Thank You Night, KSU, Frankfort Area Chamber Day at the Capitol-legislators; and Breakfast, CVG Airport Marriot, Northern Kentucky Caucus);
13. **Cincinnati/Northern Kentucky International Airport**-\$3,650 (Capitol Annex luncheon, Annual Kentucky Chamber Day Dinner, Lexington, legislators, and Breakfast, CVG Airport Marriot, Northern Kentucky Caucus);

14. **Keeneland Association**-\$3,371 (Luncheon and races at Keeneland, Lexington, Members of Licensing and Occupations Committee); and
15. **Kentucky Health Departments Association**-\$3,325 (Capitol Annex luncheon, legislators and LRC staff).

### **Advertising on Legislation for the 2022 Session**

The 2022 Regular Session brought with it spending on advertising supporting and opposing legislation, which is required to be reported by registered lobbying employers if it appears during a legislative session, of \$270,291. Several businesses and organizations registered with the Commission had significant advertising spending.

The top 10 employers' spending on advertising during the session were:

1. **Pharmaceutical Care Management Association (PCMA)**: \$52,634 on statewide internet, television and newspaper advertising on HB 457;
2. **Secure Democracy USA**: \$40,814 on polling Kentucky voters on voter eligibility for persons with prior felony convictions, and statewide polling in support of SB 223;
3. **Kentucky Retired Teachers Association**: \$38,950 on website, email, social media, and text alerts regarding teacher pension and health insurance legislation;
4. **Kentucky Petroleum Marketers Association**: \$32,342 on statewide internet ads and costs for infrastructure funding and road fund revenues/HB 8;
5. **Kentucky Hospital Association**: \$23,000 on public relations advertising on HB 505 and 777;
6. **Kentucky Marina Association**: \$20,800 on calls and digital advertising on HB 8;
7. **Kentucky Association of Regional MH-MR Programs**: \$15,000 on internet, social media, newspaper and phone advertising on HB 349;
8. **Kentucky Center for Economic Policy**: \$13,143 on patch through calls on HB 7, and advertising on Facebook on tax cut issues, HB 4, HB 7, HB 8, HB 313, and SB 313;
9. **American Civil Liberties Union of Kentucky (ACLU)**: \$9,262 on Facebook training, social media marketing, advertising and videos regarding abortion, reform, LGBTQ issues and SB 83 and HB 23; and
10. **Convention of States Action**: \$5,735 on social media, texting, digital banners, online, radio, television, email, and newsletter advertising on SJR 56 and HJR 4.

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### **Next Lobbying Reporting Deadline**

The next registration statements from lobbyists and employers for the period of May 1-August 31, 2022 will be due on **September 15, 2022**, per KRS 6.807(3).

### **New and Terminated Employers**

The end of the 2022 legislative session also brought several terminations of lobbying activity reported to the Commission. Terminated employers include: **23andMe; AdventFS; American Kidney Fund, Inc.; Ancestry; Bamboo Health FKA Appriss Health; Broadus Capital; Consumer Energy Alliance; Finseca; Frankfort Independent Schools; Hewlett-Packard Enterprise Company; KY Animal Action; National Association of Social Workers KY Chapter; Ovid Ventures; Owl's Head Alloys, Inc.; Purdue Pharma LP; RB Seelbach LLC; Recording Industry Association of America, Inc.; and Shaker Village of Pleasant Hill.**

New Employers registering after April 22, 2022 were **Coalition for Genetic Data Protection, Kentucky Hemp Works and Students for Life Action.**

### **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!

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

The Commission has the statutorily required financial disclosures for legislative candidates and current legislators available on the Commission's website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx>.

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

### **After years in committee limbo, a statewide ethics code is finally adopted in Vermont**

**VERMONT-VTDigger.org**— by Sarah Mearhoff— May 4, 2022

Gov. Phil Scott signed into law Vermont's first-ever statewide code of ethics for public officials on Tuesday, putting to rest a yearslong debate in the Statehouse and bringing Vermont in line with a majority of other states.

S. 171 establishes a baseline code of ethics for public officials in the legislative, executive and judiciary branches of state government. It sets boundaries around conflicts of interest, preferential treatment, gifts, outside employment, the use of state employment for personal gain and more. It also protects whistleblowers from retaliation.

Upon signing the bill, Scott said in a statement Tuesday that it "takes a positive step towards ensuring public trust in their elected officials."

Christina Sivret, executive director of the Vermont Ethics Commission, said Wednesday that she was "both thrilled and relieved" to see the bill signed into law.

"It was a really bumpy ride for a while, so we didn't know what the end result was going to be," Sivret told VTDigger.

Different iterations of ethics codes have been trapped in committee limbo for years. After years of mounting pressure from good government advocates and the ethics commission, the Senate Government Operations Committee finally supported S.171 this year.

Once it cleared that committee, the bill flew through the rest of the legislative process with relative ease. Lawmakers in both the Senate and House passed the bill via voice vote, so there is no record of how individual lawmakers voted.

Though it's a step forward for Vermont, S.171 is unremarkable compared to the rest of the nation. Before it passed, Vermont was one of only five states without statewide codes of ethics for officials.

# The Ethics Reporter

JUNE 2022

KENTUCKY LEGISLATIVE ETHICS COMMISSION  
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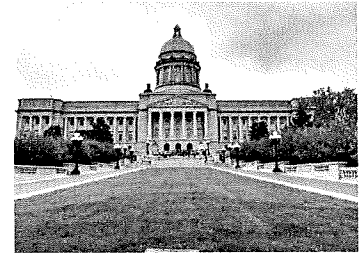
## A new look for the Ethics Reporter

The Kentucky Legislative Ethics Commission has been pleased to offer its Ethics Reporter as a free service to the public since 1999, when Peggy Williams wrote the first edition. Anthony Wilhoit and John Schaaf then continued the publication.

The Reporter seeks to provide helpful information about the Kentucky Code of Legislative Ethics, practical issues that arise in its enforcement, news about the Kentucky Legislative Ethics Commission, and ethics news from across the country and world.

We distribute the Reporter to legislators, legislative staff, news organizations, and anyone who wishes to receive it, via email. Previous issues may be found on our website.

Let us know if you want to be added or taken off the email list, or have other comments or suggestions. As always, we can answer particular questions about the application of the Code.



Thanks to all the loyal readers over the years and your attention to legislative ethics issues!

- *Laura H. Hendrix, Executive Director*

Important upcoming date:

Updated registration statements from lobbyists and employers are due **September 15, 2022** for the time period of May 1 to August 31, 2022.

Legislators' and candidates' financial disclosures are on [klec.ky.gov](http://klec.ky.gov)

## Legislative Ethics Code applies at conferences

June'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 traveling to an out-of-state meeting **must** obtain approval for that travel from the presiding officer of the chamber in which they serve.

Kentucky lobbyists and their employers are re-

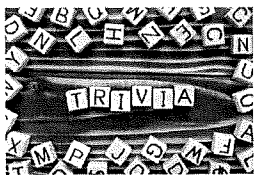
quired to report the value of food, beverages, and other expenses contributed to events to which approved groups of Kentucky legislators are invited.

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.

Lobbyists and employers are prohibited from buying food and beverages for **individual** legislators, and lobbyists and employers

can't furnish or pay for out-of-state lodging or transportation, or anything of value such as conference registration.

Legislative conferences for the upcoming year include: Southern Legislative Conference-July 9-13, Oklahoma City, OK; National Conference of State Legislatures-August 1-3, Denver, CO; and Council of State Governments-December 7-10, Honolulu, HI.



*May current members of the General Assembly serve on the Kentucky Legislative Ethics Commission?*

*Answer on page 4*



## Lobbyists, Legislators, and Campaigns: Oh my!

The Legislative Ethics Code **strictly** limits the involvement of lobbyists in the financing of legislative campaigns.

Lobbyists are prohibited from making a campaign contribution to a legislator or legislative candidate. A lobbyist also may not make a campaign contribution to a caucus campaign committee, which consists of legislators who are members of party caucuses in the Senate or House. The Code states that a lobbyist "shall not directly solicit, control, or deliver a campaign contribution, for a candidate or legislator."

A legislator or legislative candidate is also prohibited from

accepting a campaign contribution from a lobbyist. It is improper for a legislator or legislative candidate to solicit help from a legislative agent in obtaining funds for a campaign.

Lobbyists who provide professional political consulting services to candidates must be particularly careful. A rebate, discount, or free consulting services provided by a lobbyist engaged in political consulting to legislators or legislative candidates falls squarely in the definition of "anything of value" and is prohibited. Consulting, at a fee normally charged, may have to be reported as a "financial transac-

tion" by the lobbyist.

Lobbyists may properly exercise the ability to be involved by volunteering a wide range of campaign activities on behalf of a state legislative campaign. However, providing services or activities for which someone would normally be paid, or involvement in solicitation of contributions should be scrupulously avoided.

As always, call the staff and we can give you guidance, before you take any action.

*"Action indeed is the sole medium of expression for ethics."*

-Jane Addams,

*Democracy and Social Ethics, 1907*

## New and terminated lobbying employers

Several newly registered lobbying employers are: **Community Wellness; DIRECTV LLC; Financial Services Institute, Inc.; HEOPS Inc.; Life Coordinated Inc.; and Praeses.**

Two employers terminated their lobbying activity recently: **Financial Services Institute, Inc.; Mr. Salt-E; and Scientific Games Corporation.**

Anyone may check the up-to-date Searchable Register of Employers and Legislative Agents on the Commission's website at <http://apps.klec.ky.gov/searchregister.asp>



## Contact persons or employees may be lobbyists

Legislative agents are individuals who are employed or retained for compensation for the purpose of lobbying. This includes employees who spend **any portion of their time** lobbying. "Lobby" means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation by **direct communica-**

**tion** with any member of the General Assembly, the Governor, the secretary of any cabinet listed in KRS 12.250, or their staff.

If lobbying activities are within the scope of the contact person or other employee's job duties for any portion of time, for which they are paid, then they meet the definition of legis-

lative agent and are required to register and report as such. *So if a contact person/president/other employee directly communicates with a legislator on legislative matters and is paid, they would have to register, even if it's for one day.* Call us-we'll tell you if you need to register.

**Layers of Lobbying: An examination of 2021 state and federal lobbying from K Street to Main Street.** *Opensecrets.org* By Dan Auble, Brendan Glavin and Pete Quist, June 22, 2022

Lobbying spending continues to grow at both the state and federal levels, highlighting the importance of shining light on these efforts to impact public policy. Federal lobbying spending in 2021 reached nearly \$3.8 billion, its highest level in nominal dollars ever and one of the most expensive years adjusted for inflation. In fact, 2022 first quarter disclosures indicate spending this year may set a new record.

Similar spending increases happened in the 19 states [including Kentucky] where OpenSecrets has collected state lobbying spending data since 2015. Spending in 2021 exceeded \$18 billion a record in nominal dollars and second only to 2019 in inflation-adjusted spending.

The health sector led the federal and state lobbying spending in 2021, continuing a trend from 2019 and 2020.

As with federal lobbying, state lobbying spending demonstrates stability among the top

economic sectors. Just as they had in 2019 and 2020, the top five state lobbying sectors matched the federal list with the exception of communications interests being replaced at the state level with governmental interests. The health sector topped both the federal and state lists once again in 2021.

The list of the biggest federal lobbying firms tends to be relatively static, and the firms paid the most to lobby at the federal level continued to be among the highest-grossing firms in 2021. Eight of the top 10 were among the top-paid firms in the 2019 and 2020 session as well.

While two of the top 10 state firms also paid to lobby heavily at the federal level, most of the top state lobbying firms focus solely on state-level lobbying.

Spending from industries within the health sector at the state level in 2021 kept roughly on the same trajectory as spending in 2019 and 2020 in the 19

states from which OpenSecrets has data. Health care facilities again led the broader sector in lobbying spending, followed by the pharmaceutical industry.

Many pharmaceutical companies lobby heavily at both the state and federal levels. Pharmaceutical Research & Manufacturers of America (PhRMA), led spending from this industry at both the federal and state levels. Four other lobbying clients were among the top 10 pharmaceutical lobbying spenders at both the federal and state levels, as well: Pfizer, Gilead Sciences, Eli Lilly & Co. and the Pharmaceutical Care Management Association.

The top 10 spenders at the federal and state level within the pharmaceutical industry were rounded out by additional large drug makers. Any company reaching the top 10 in federal spending was among the top 20 for state spending in the 19 states with available data, and vice versa.

Within the industry, PhRMA's

lobbying resources can hardly be overstated. Their members are over 30 of the biggest pharmaceutical manufacturing companies in the world, and PhRMA was outspent by only two organizations at the federal level last year. Among the 19 states OpenSecrets tracks, they ranked fifth in 2021.

The top pharmaceutical spenders at the federal and state levels greatly overlapped in 2021 but generally paid different firms for state lobbying than federal lobbying. This is a continuation of the trend found in 2019 and 2020 data, and clearly highlights the strategy by national companies to hire local lobbyists that have strong relationships with government officials and expertise in each state's legislative processes.

**Editorial: State reps, keep your hands to yourselves.** *Pittsburgh Post-Gazette (AP)*, June 20 2022

Keep your hands to yourself, leave other people's things alone and be kind to one another. That's the way Lt. Tim Cotton ends every post on the famous Facebook page of the Bangor Police Department in Maine. It's good, normal advice. It's too bad some of our elected officials apparently don't follow it.

State representative Kate A. Klunk, has proposed an addition to the legislative rules governing the legislators' professional conduct. The current

rule allows the chamber to take action against members who sexually harass other legislators and employees of the House of Representatives, independent of criminal proceedings.

That's obviously too narrow. Legislators hold power over many people they work with who are not employed by the legislature. These people want or need something from the legislators, who can be tempted to use this power in sexually exploitative ways. Ms.

Klunk wants to add a line to the current House rules to include sexual harassment of anyone with whom a legislator does legislative business, and with anyone while they are in the House's facilities.

She's absolutely right: Legislators don't stop acting as legislators when they leave the Capitol. The chamber should be able to enforce professional standards of conduct on its members wherever their business takes them.

The rules already forbid

them from abusing their office financially. But exploiting others sexually is at least as much a crime against the people and the institution as demanding kickbacks. It degrades the House's ability to do the work it is supposed to be doing.

MEMBERS OF THE  
LEGISLATIVE ETHICS  
COMMISSION

David Nicholas, Chair

Sheldon Baugh

Ernie Harris

Tanya Pullin

Katherine Gail Russell

Arnold Simpson

Anthony M. Wilhoit

## Training/Overview of the Code

Our lobbyist training video, which gives an overview of the Code and walks through the registration and online filing process step by step, is available on [klec.ky.gov](http://klec.ky.gov), and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=ojKIWUNV8po&feature=youtu.be>

We also are happy to set up a training on request! Just contact us.

Our PowerPoint overview of the Legislative Ethics Code is available for reference on [klec.ky.gov](http://klec.ky.gov), and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=I4FjvhrSoao>. Feel free to watch!

To register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither or fax to (502) 573-2929. Blank forms may be found here:

<https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>

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Please contact us with any questions or concerns!

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### Trivia Answer

**No. KRS 6.651 states that no sitting member of the General Assembly is eligible for appointment to the Commission.**