



M U L T I S T A T E

ComEd enjoyed major success in Springfield by hiring lobbyists who were former lawmakers or Madigan staffers. Now the feds are scrutinizing the utility's practices.

The federal investigation into ComEd's lobbying efforts is putting a spotlight on one of the most exclusive rites of passage in Springfield: Democratic lawmakers and top staffers to House Speaker Michael Madigan leaving state government to push the utility giant's agenda in the halls of the Capitol.

This year alone, the lobbying team for ComEd and parent company Exelon included nine former Democratic lawmakers, including two recent members of Madigan's leadership team and the daughter of a former Cook County Democratic chairman. Also on the list was a former Madigan political director and two of the speaker's former legal counsels.

ComEd and Exelon have enjoyed considerable success at the Capitol during the last decade, persuading the General Assembly to approve a smart-grid overhaul and a bailout of the nuclear power plants in downstate Clinton and the Quad Cities with consumers helping foot the bill.

Those wins took place under Anne Pramaggiore, who led ComEd and was elevated to CEO of Exelon Utilities. The utility employed an army of lobbyists and sprinkled millions of dollars in campaign contributions to legislators, with the companies consistently among the top corporate donors in Illinois.

Pramaggiore [abruptly retired](#) last month amid the federal investigation. A source has told the Tribune she is a focus of the probe, and longtime top ComEd lobbyists John Hooker and Fidel Marquez are under scrutiny. Since news of the probe broke, the company has parted ways with several lobbyists, including some with ties to Madigan.

As part of the investigation, authorities are scrutinizing certain ComEd executives and have zeroed in on payments through the company's vast network of consultants to some individuals who seemed to have done little actual work, the source said. The payments were aimed at

currying favor with certain lawmakers while circumventing lobbying disclosure rules, the source added.

Under Illinois law, lobbyists must register with the state and disclose their clients. The idea is that the public has a right to know when lobbyists are seeking to influence the governor, lawmakers and other state officials on whether to support, oppose, modify or delay action on issues and policy matters.

ComEd spokeswoman Jean Medina defended who the company has hired to lobby, saying that educating officials includes “engaging consultants who are experienced and knowledgeable about policymaking in Illinois.”

“Typically, companies who hire lobbyists find that experience comes from working as a legislator or on the legislative staffs of the four leadership caucuses because the caucuses, not the individual legislators, employ virtually all of the policy staff,” Medina said.

Madigan’s own name has popped up on a subpoena and search warrant delivered to the City Club, along with Pramaggiore and others, [sources have told the Tribune](#).

Madigan has declined to address the City Club subpoena. Pressed last week during the fall session on whether he was a target of the federal investigation, Madigan replied: “I’m not a target of anything.”

Even so, the nation’s longest-tenured speaker doesn’t have to look too far to see his associates under federal scrutiny.

In mid-May, authorities raided the home of Michael McClain, a former ComEd lobbyist who spearheaded the company’s Springfield efforts and a close confidant of Madigan. They also raided the home of former 23rd Ward Ald. Michael Zalewski, looking for what a source said was information about efforts to get him ComEd work.

Around the same time, authorities [raided the home](#) of Kevin Quinn, brother of the 13th Ward alderman and a longtime staffer that Madigan ousted last year in a sexual harassment scandal. Quinn may be off Madigan’s state and political payrolls, but the [Tribune revealed](#) that some of ComEd’s lobbyists sent him \$1,000 checks. Authorities are looking at those payments.

The FBI also executed a search warrant on the Capitol office of Democratic Sen. Martin Sandoval, whose district overlaps with Madigan’s territory. Sandoval hasn’t shown up in Springfield and has not responded to requests for comment. But ComEd and Exelon have

acknowledged getting a subpoena about communications with Sandoval, whose daughter works at ComEd.

In the wake of all that, ComEd has shuffled its lobbying lineup in recent months. They've separated from Jay Doherty, the City Club president whose compensation listed in federal regulatory records from 2011-18 tallied slightly more than \$3.1 million. WBEZ [first reported](#) Doherty's pay.

The company also parted ways with a firm co-owned by 36th Ward Ald. Gilbert Villegas in October. Heather Wier Vaught, a former legal counsel for the speaker, did lobbying work for ComEd in the spring, but that arrangement too has ended.

ComEd also no longer uses two lobbyists tied to checks written to Quinn, the former Madigan staffer. One of those was former Democratic Rep. John Bradley of Marion, who once served in Madigan's leadership team. The other was the firm of Will Cousineau, a former Madigan staffer who was a longtime political point person for the speaker's office.

Medina, the ComEd spokeswoman, said the company regularly reviews its lobbying needs "and make adjustments as necessary, as reflected in our filings."

Lawmaker to lobbyist

The revolving door between the public sector and the special interests is not a new phenomenon in Illinois or elsewhere. But revolving door restrictions in Illinois focus more on making sure executive branch bureaucrats don't negotiate a contract, set regulations or issue licenses and then suddenly go to work for the company that won state business. The idea is to ensure government employees are making decisions based on the public interest, not their private interests.

Lawmakers and legislative staffers generally don't fall under those categories or have as many opportunities to do the kind of things that would require a one-year ban from moving from state job to a private sector position.

Democratic Sen. Heather Steans of Chicago plans to revive her effort for a two-year ban for lawmakers and possibly staff from leaving the state payroll and going directly into a lobbying gig to eliminate the potential for conflicts of interest.

Steans' comments came a day after Gov. J.B. Pritzker said he was "disgusted" by Democrats caught up in federal investigations and proposed broader lobbyist disclosure rules for legislators to be pushed in the final days of the fall session next week.

ComEd and Exelon have tended to collect lobbyists whose names resonate in the corridors of Springfield, including this year's lineup that features nine former Democratic lawmakers and five former Republican lawmakers.

ComEd has in-house lobbyists on staff who are company employees. The utility also hires contract lobbyists, who usually have multiple clients.

McClain, the Madigan confidant, was a contract lobbyist. Until recently, so was former Rep. Bradley, a close friend of McClain's who grabbed some of his clients when he retired. Bradley, a six-term lawmaker, was a member of Madigan's leadership team, but lost in November 2016, a casualty to a wave of Republican support in southern Illinois for Donald Trump's presidential bid.

Another notable ComEd contract lobbyist is former Democratic Rep. Kevin McCarthy of Orland Park, who shepherded the power company's vaunted smart-grid overhaul negotiations in 2011 and left the House soon after.

McCarthy said he reached out to ComEd and some other companies when he quit the House after 15 years, saying he hoped his knowledge of the issues came into play when he landed the contract. He said lobbyists are a "valued part of the process" because they can provide accurate information for lawmakers who need it to make decisions.

McCarthy said he was "shocked" that some ComEd and Exelon figures are under scrutiny.

The list of ex-lawmakers now lobbying for ComEd and Exelon remains extensive.

For ComEd, that includes former Chicago Democratic Reps. Marlow Colvin and Howard Kenner and former Chicago Democratic Sens. Annazette Collins and Donne Trotter. The Republicans are ex-Sens. Thomas Walsh of La Grange Park and David Sullivan of Park Ridge who once sponsored ComEd rate freeze legislation; and former Rep. Ed Sullivan of Mundelein.

"We're not hard-line Republicans or hard-line Democrats," Ed Sullivan said. "We're experts at dealing with both sides of the political spectrum and understand the rules and how to pass legislation within those rules."

Also on Exelon's list of contract lobbyists is former Rep. Maria Antonia "Toni" Berrios, a Chicago Democrat defeated in 2014. She is the daughter of former Cook County Democratic Party chairman Joe Berrios, a Madigan ally defeated in his bid for a third term as Cook County assessor in 2018. Toni Berrios' husband is businessman James Weiss, whose office [recently was raided](#) by the FBI after bribery charges were filed last month against Democratic Rep. Luis Arroyo of Chicago.

Another contract lobbyist for Exelon is former Rep. James Brosnahan of Evergreen Park, a town in Madigan's southwest suburban sphere of influence.

One high-powered firm lobbying for Exelon is Advantage Government Strategies. The firm's key lobbyists are former Democratic Rep. Lou Lang of Skokie and Nancy Kimme, a former top aide to the late Republican Comptroller Judy Baar Topinka. Lang, a former deputy majority leader under Madigan, pointed out that the firm represented Exelon before he joined.

Exelon's former Republican lawmakers lobbying for the power company include ex-Rep. Brent Hassert of New Lenox, who runs his own lobbying firm, and former Sen. Matt Murphy of Palatine, who leads the government relations practice for Mac Strategies Group.

Staffer to lobbyist

ComEd and Exelon have signed up former House Democratic staffers who accumulated a reservoir of goodwill for their behind-the-scenes abilities to make Madigan and other lawmakers look good. Some of those onetime staffers are among the biggest of the hired guns, with long lists of clients and the perception of close relationships with the speaker.

When Republican James R. Thompson served as governor during the 1980s, one of ComEd's most powerful contract lobbyists was former top aide James Fletcher. These days, one of the most highly connected among the ComEd crew of contract lobbyists is Michael Kasper, who joined and worked with Fletcher's old lobbying firm.

Kasper is Speaker Madigan's former chief legal counsel who continues to represent Madigan and his political organization in state and federal courts. He is Madigan's go-to guy on election issues, and he's served for years as the lawyer for the Illinois Democratic Party that Madigan chairs.

Kasper's lobbying firm, which has dozens of clients, recently severed its arrangement to work on ComEd issues with Hooker, who long served as a top in-house lobbyist for the utility.

Until recently, ComEd also had as a contract lobbyist Cousineau, who bills himself as the longest-serving political director to Madigan and his Democratic caucus. Cousineau serves as a senior vice president at Cornerstone Government Affairs, which has told the Tribune it received a federal subpoena and is fully cooperating with the investigation.

Wier Vaught, another former legal counsel for Madigan, registered in January as a contract lobbyist for ComEd. She held a contract that covered the spring session but deactivated as a lobbyist for the firm in August.

Wier Vaught helped Madigan during the #MeToo scandal that rocked the speaker's operation last year. She sorted through the sexual harassment case raised by campaign worker Alaina Hampton that ended in Madigan booting Quinn.

That scandal that also saw Madigan remove lobbyist Shaw Decremer, a former House staffer, from his political operation when a female lawmaker complained about an abuse of power during a campaign. Decremer was off ComEd's lobbyist list shortly after.

Another casualty arising from the Hampton allegations was Travis Shea, a former Madigan staffer [accused in court documents](#) of sexual misconduct with two other female staffers. Shea was no longer listed as a lobbyist for Michael Best Strategies, whose clients included ComEd, within days of the documents being filed in a Hampton lawsuit against Madigan and his political committees.

Among other ComEd lobbyists who served as Madigan staffers are Margaret Houlihan Smith, Kristen Bauer, and Liz Brown-Reeves, who also is listed as a contract lobbyist for Exelon. Former Madigan staffer D'Javan Conway also made the well-traveled move from state staffer to contract lobbyist for Exelon. He heads the Conway Consulting Group.

[Pritzker would consider ban on lawmaker-lobbyists, calling Arroyo's roles 'challenging and problematic'](#)

With an ongoing federal probe of lawmakers fueling a drive for new ethics reforms in Springfield, Gov. J.B. Pritzker on Thursday said he's "absolutely committed" to looking into a ban on legislators also working as lobbyists.

But the Democratic governor warned there's not enough time to tackle all ethical problems plaguing the state during the veto session next week.

And just as Pritzker joined Google to announce a second Chicago office, Illinois House Republican Leader Jim Durkin held a news conference to reveal an ethics reform package, with one measure outright banning all state lawmakers from lobbying for any city or county.

State lawmakers are currently banned from working as paid state lobbyists — but the arrest of state Rep. Luis Arroyo, D-Chicago, two weeks ago put a gaping loophole on full display. Although barred by law from lobbying state government, Arroyo — who resigned after being arrested — has been registered with the city of Chicago as a lobbyist since 2017.

The case against Arroyo, who resigned from the General Assembly after his arrest, revolves around his lobbying work in Chicago as manager of Spartacus 3 LLC. Arroyo signed a deal between Spartacus 3 and V.S.S. Inc. in August 2018 that promised \$2,500 in monthly payments from V.S.S. to Spartacus. V.S.S. had hired Arroyo's company to lobby the Chicago City Council for a sweepstakes ordinance, according to the feds.

Pritzker on Thursday said lawmakers must begin to tackle a comprehensive ethics package when they return for the second half of the veto session on Tuesday.

“We need to look at comprehensive ethics reform in our state, and that’s why what I’ve suggested is with only three legislative days next week we’re not going to be able to get done everything that needs to get done. But we ought to begin,” Pritzker said.

“We ought to begin with some bills around transparency, making sure that we know what lobbyists are getting paid, making sure we know who lobbyists are representing, that there’s a common database perhaps so that people could look up all the contributions that are related to a specific company and lobbyists and legislators.”

Asked if an outright ban on state lawmakers being lobbyists in any capacity should be part of that package, Pritzker said he’s “absolutely committed to the idea that we have to look into [it].”

“You see that Rep. Arroyo was a lobbyist for other levels of government. I think that is challenging and problematic,” Pritzker said. “Once again I’m not sure we’ll be able to do the proper amount of investigation and hearings in the three legislative days that are left here this year. But that doesn’t mean that we shouldn’t aim at getting the best and most comprehensive ethics reform package through that we can.”

Also at the Google event, Illinois Senate Assistant Majority Leader Don Harmon, D-Oak Park, said lawmakers should be looking at “more clear demarcation lines as to who could do what.” And he spoke of “angst” over elected officials lobbying lawmakers.

“I was shocked that a member of the General Assembly was essentially being paid to lobby the General Assembly,” Harmon said of Arroyo. “I’m confident that this is illegal today, but I’m also confident that we need more clear demarcation lines as to who could do what. It’s long been a source of angst when other elected officials are lobbying the General Assembly, and I would presume that members of other bodies would feel the same way. A more clear standard of what is and isn’t lobbying is probably a good place to start that conversation.”

Meanwhile, Durkin on Thursday morning unveiled an ethics package that includes five pieces. It includes the revision of economic interest statements to include more details, in hopes of disclosing conflicts of interest; a push for a special election to fill General Assembly vacancies; and an outright ban of legislators, their spouses and immediate live-in family members from performing paid lobbying work with local government units.

Pritzker on Tuesday told Cook County Democrats that he planned to return to Springfield next week to help craft legislation that would shed more light on lobbyists as the first in “a series of ethics reforms that are frankly long overdue.”

He also once again expressed his anger over corruption becoming a recurring theme as a sprawling federal investigation ensnares state legislators, aldermen and county officials.

Pritzker has [increasingly ramped up his rhetorical outrage](#) as the federal investigations dominate the headlines.

[Lobbyist says he wasn't lobbying when he tried to oust Ukrainian ambassador. Experts disagree.](#)

An allegation that Bob Livingston, a congressman-turned-lobbyist, sought to oust the U.S. ambassador to Ukraine raises questions about whether he violated a federal law that requires lobbyists to disclose their work for foreign clients.

[Livingston](#), a former high-ranking House member who heads an influential Washington lobbying firm, repeatedly called Foreign Service Officer [Catherine Croft](#) and pressed for the ouster of the ambassador, [Marie Yovanovitch](#), Croft told impeachment investigators last week.

In Croft's written statement, she said Livingston told her that Yovanovitch – now a key figure in impeachment proceedings against President Donald Trump – was an “Obama holdover” associated with [George Soros](#), the billionaire investor, philanthropist, Democratic donor, and Trump critic.

"It was not clear to me at the time – or now – at whose direction or at whose expense Mr. Livingston was seeking the removal of Ambassador Yovanovitch," said Croft, who said she documented the calls and told her superiors about them.

Livingston probably should have disclosed whether he was paid by two Ukraine-linked clients or any other foreigner to seek Yovanovitch's removal, two legal experts on the [Foreign Agents Registration Act](#) told USA TODAY.

But Livingston said he made the calls as a "concerned American citizen," not as a lobbyist.

His clients included a coalition of Ukrainian steel companies and an obscure company created to support [Yulia Tymoshenko](#), a former prime minister of Ukraine.

If Livingston was working for Ukrainian clients he disclosed, "he should have reported those contacts ... no question about that," said [Joseph Sandler](#), an expert on the law that governs U.S. lobbying for foreign clients. Sandler is a partner at the [Sandler Reiff Lamb Rosenstein & Birkenstock](#) law firm in Washington, D.C., and a former general counsel for the Democratic National Committee.

"If it was for another foreign entity, then he needed to register for them" and disclose the lobbying, Sandler said.

[Matthew Sanderson](#), another expert on lobbying for foreign clients and a member of the [Caplin & Drysdale](#) law firm in Washington, D.C., said Livingston's calls about Yovanovitch "should be disclosed in some fashion."

Livingston, in telephone interviews with USA TODAY, acknowledged making two calls to Croft in which he urged that Yovanovitch be fired. He said he conveyed similar messages to the White House and the National Security Council.

However, Livingston said he didn't make those calls as a paid lobbyist. "I made direct calls as a concerned American citizen ... to tell them they had a problem," he said. That means he didn't have to file any disclosures, he said.

Livingston said he spoke up after he heard complaints about Yovanovitch from "Ukrainian citizens and ex-pats." He declined to identify those people or disclose whether they were present or former Ukrainian government officials. He also declined to discuss the substance of their complaints.

Sanderson said it doesn't seem plausible that Livingston had acted on his own and not on behalf of a client.

"I think it strains credulity to say he did it on his own behalf as an American citizen," said Sanderson.

He advises corporations, political committees and other clients about complex laws that regulate political activity. He has also served as a counsel for several well-known Republicans, including Sens. Rand Paul of Kentucky and Mitt Romney of Utah, outgoing Energy Secretary and former Texas Gov. Rick Perry, and the late Arizona Sen. John McCain.

"Lobbyists and whoever interacts with the government only have so many 'asks' that you can particularly make and so many issues you can press for at one time," said Sanderson.

Livingston's explanation would not be credible if he had any business relationships with those he said had complained to him about Yovanovitch, Sanderson added.

While insisting he complied with the law, Livingston said his company, The Livingston Group, is known as one of the best in Washington for complying with regulations on lobbying for foreign clients.

Lobbyists must disclose when they're working for foreign clients

The Foreign Agents Registration Act, [enacted in 1938](#), was designed to shine a light on U.S. lobbyists pressing federal officials and agencies for causes on behalf of foreign clients or governments.

The law requires lobbyists who represent foreign clients and their causes in the U.S. to file disclosures describing the issues and any emails, phone calls and meetings with U.S. officials. The filings are often specific, describing who attended a meeting and the topics that were discussed.

That law played a key role in the [criminal conviction of Paul Manafort](#), Trump's 2016 campaign manager. Among other things, he was convicted of failing to register as an agent of the Ukrainian government and its former president.

Livingston, Giuliani pushed to fire Ukrainian ambassador

Livingston's efforts to oust Yovanovitch occurred amid similar efforts by Rudy Giuliani, the former New York City mayor and ex-federal prosecutor who's now Trump's personal lawyer.

The U.S. Department of State recalled Yovanovitch from her post in May after pressure from Trump. Her removal, though legally within the authority of any U.S. president, has become a central thread in the presidential impeachment inquiry.

The proceedings focus on whether Trump withheld military aid to Ukraine unless officials there investigated business dealings of the family of former Vice President Joe Biden, a potential presidential challenger to Trump in 2020. Trump also sought an investigation into a theory that Ukraine, not Russia, had meddled in the 2016 presidential election. No definitive evidence has emerged to support either allegation.

Both Giuliani and Livingston have done business in Ukraine or with firms and people tied to the country. Some of their clients and business relationships came from similar circles.

However, there are key differences.

Giuliani has said he performed some of his work related to Ukraine as an attorney representing Trump. He said the foreign-agent law doesn't apply to his legal activity for the President.

"The investigation I conducted concerning 2016 Ukrainian collusion and corruption, was done solely as a defense attorney to defend my client against false charges," Giuliani [tweeted](#) on Wednesday, announcing that he has hired three attorneys to represent him in a federal investigation.

[The Wall Street Journal reported](#) in October that federal prosecutors in the Southern District of New York are examining Giuliani's business in Ukraine and pursuing information about his dealings with two Soviet-born associates who helped him seek damaging information in Ukraine on Biden's family.

The associates, Lev Parnas and Igor Fruman, [have been indicted](#) in a U.S. campaign finance conspiracy case, charged with funneling foreign money to U.S. politicians and campaign committees. They and two co-defendants have pleaded not guilty.

USA TODAY reported in October that U.S. counterintelligence agents have been [investigating Giuliani's dealings with Parnas and Fruman](#) since at least early 2019.

Giuliani said in an interview with [The Wall Street Journal](#) last month that he viewed Yovanovitch as an obstacle to U.S. efforts to press Ukraine for an investigation into Biden and his son Hunter, [a former board member of a Ukrainian gas company](#) called Burisma Holdings.

Livingston has disclosed two Ukrainian clients

Livingston said he acted alone in passing on complaints about Yovanovitch, not in coordination with Giuliani — whom he said he has not seen in about three years.

According to FARA disclosures, Livingston's company lobbied in Washington on behalf of two Ukrainian clients in 2017 and 2018.

One was the [Association of Enterprises Ukrmetallurgprom](#), a coalition of Ukrainian companies that sought exemptions from Trump administration tariffs on imported steel. The firms included [Metinvest Group](#), controlled by oligarch Rinat Akhmetov; [Interpipe](#), the firm of the billionaire Victor Pinchuk; and [Ferrexpo](#), controlled by Kostyantyn Zhevag, according to a report by the Kyiv Post. The English-language newspaper [that first reported some details of Livingston's lobbying](#).

Croft, the Foreign Service officer, was among the Washington officials Livingston's firm contacted on behalf of the Ukrainian group. According to a FARA filing, the firm [contacted her in May 2018](#) by phone and in a followup email regarding Trump's proposed tariffs on steel imports.

Livingston's company also sought meetings with Washington officials for Tymoshenko, the former prime minister of Ukraine, under a contract with a recently-formed Maryland firm with opaque funding sources, the filings also show.

Tymoshenko campaigned for Ukraine's presidency earlier this year but lost.

On July 6, 2018, Livingston wrote to Washington officials and others and described Tymoshenko as "best suited to lead Ukraine in its ongoing battle with Russian military and economic aggression."

That same day, Livingston's company reported a yearlong, \$50,000-per-month agreement to represent Innovative Technology & Business Consulting LLC. However, the disclosure contained no references to Tymoshenko.

Public records show the company, also known as ITBC, was founded in Maryland in May 2018. Its registered agent was a man named Sergei Krasnitski, who came from the same part of Ukraine as Tymoshenko, according to the Kyiv Post.

When the paper contacted Krasnitski, he said in Russian, "I don't know what I can tell you," and hung up, the news organization reported.

Livingston told the newspaper ITBC was "an American company comprised of a number of people concerned about the future of Ukraine, especially in these days of accelerating Russian aggression."

The lobbyist said his firm would facilitate visits to the U.S. "by various current and/or potential Ukrainian officials."

That happened in December 2018, when Livingston's company arranged meetings in Washington between Tymoshenko and U.S. officials. The sessions included a meeting between Tymoshenko and Giuliani, FARA disclosures show.

That meeting was coordinated by Bob McEwen, a former Republican House member from Ohio who worked as a paid consultant for Livingston's firm, a FARA filing shows.

A statement at the time by Tymoshenko's Fatherland political party said the meeting was focused on Ukraine's war with Russia and the sale of U.S. weapons "to counter Russian aggression," [BuzzFeed News reported earlier this week](#).

However, former Ukrainian prosecutor general Yuriy Lutsenko asserted in that report that the meeting concluded with Giuliani inviting Tymoshenko to discuss Hunter Biden's work for Burisma Holdings.

BuzzFeed reported that former Ukrainian prosecutor general Yuriy Lutsenko asserted that it concluded with Giuliani inviting Tymoshenko to discuss Hunter Biden's work for Burisma Holdings.

The Livingston Group and McEwen have continued to boost Tymoshenko this year as she campaigned for another term as Ukraine's prime minister. A few days before the parliamentary election in July, the Western Journal, a conservative media outlet, published an op-ed with McEwen's byline arguing she would be [the best person to become Ukraine's prime minister](#).

"Put simply," McEwen wrote, "[there is no one in Ukraine who can match Yulia Tymoshenko](#) in both experience and global connections."

McEwen did not respond to a phone message seeking comment.

Lobbyist questions raised about Giuliani's work in Ukraine

Giuliani's business ties to Ukraine stretch back to at least 2008, when he announced one of his companies would advise a former boxing champion who was running to be mayor of the capital city of Kyiv.

In 2017, about a year before Trump tapped Giuliani as his personal attorney, Giuliani Safety & Security began working for the city of Kharkiv in northeast Ukraine. Press releases at the time described the firm as a consultant for Kharkiv's emergency response and security issues.

Pavel Fuks, the wealthy Russian-Ukrainian developer who hired Giuliani's firm, described him as a "lobbyist" for the city and for Ukraine.

That year Giuliani gave a speech in Kyiv for the foundation of Victor Pinchuk, the billionaire behind the Ukrainian metal company Interpipe – one of the companies that is part of the business coalition Livingston represented.

Pinchuk was a major contributor to Trump's charitable foundation.

Capital Hill Democrats have pushed for investigations into why Giuliani did not file FARA disclosures of his efforts for Trump and his business in Ukraine. One expert in foreign lobbying laws told USA TODAY in October [that a government review would make sense](#).

"This would seem to be a case that would be ripe for the DOJ to at least ask questions," said Josh Rosenstein, a Washington, D.C., lawyer who advises clients on FARA.

Saying he has nothing to hide, Livingston said he had not been contacted by federal prosecutors in the Southern District of New York about the Giuliani investigation.

"What Giuliani has done is his business," Livingston said. "All of this is about nothing. I'm not going to be indicted. There is nothing there. I don't have anything to be worried about. OK?"

"If the Southern District of New York has any questions," he said, "I'm happy to talk to them."

[Campaign finance and lobbyist registration rules get first nod in Newport Beach](#)

Newport Beach City Council candidates who knowingly accept donations over the campaign contribution limit may be subject to removal from office under local election reforms that advanced this week.

The council gave initial approval Tuesday to two ordinances — one adding a grace period for fixing violations of municipal campaign contribution limits, plus penalties for scofflaws, and another to establish local lobbyist registration.

The key modification to contribution limits would adopt procedures for donors and recipients to clean up inadvertent or unintentional violations without penalty, if they catch the errors within two weeks.

Otherwise, candidates could be subject to misdemeanor prosecution by the Orange County district attorney's office, with conviction leading to removal from office.

The lobbyist registration rule would require an advocate who receives at least \$500 a month or works under a contingency contract to sign up with the [Orange County Campaign Finance and Ethics Commission](#), assuming approval of the county Board of Supervisors. If the supervisors don't allow Newport to join the county system, lobbyists would register with the city clerk. They also would need to disclose their occupations and clients.

"Lobbying" is defined as advocating for or against legislation, regulations, policies or litigation and the granting of permits, entitlements, contracts or grants.

An intentional violation could lead to a fine up to \$5,000. Negligent or unintentional violations could be fined \$50 to \$200.

The council agreed 6-0 on a first reading of the ordinances, with Councilman Kevin Muldoon absent.

The rules stemmed from a committee that three council members formed this year to study potential reforms of local election regulations.

The committee scrapped potential rule changes for slate mailers, which already are regulated by the state and subject to city spending limits if not funded by an independent expenditure committee. Further regulation could impinge on free speech.

The committee also decided not to restrict fundraising to election years only, saying doing so would favor incumbents, independent expenditure committees and self-funded candidates with deep pockets.

“There are a few of those in our city” said Mayor Pro Tem Will O’Neill, who was on the committee with council members Joy Brenner and Brad Avery.

Resident Jennifer McDonald said the lack of restrictions on the timing of fundraising actually favors incumbents, plus special interests that can ingratiate themselves ahead of reelection campaigns. Also, the consequences for breaking rules are minor, she said.

“Why are we setting the bar so low?” McDonald asked.

Resident Tom Baker said more public meetings about the reforms are needed.

“The proposed reforms on the agenda do not contain enough meaningful changes and do not reflect significantly the current input of the residents to assure community buy-in,” he said. “The proposed reforms are an incomplete first increment and need to be updated to be more meaningful.”

O’Neill said calling on the district attorney to decide on campaign finance charges that could lead to removal from office is plenty tough.

Previous rules kept enforcement in-house, and if the city attorney was unable to prosecute, the DA or a special prosecutor could step in.

“It’s an absurd idea to send it through our city attorney and then to a special prosecutor. This is not the Mueller Report,” he said. “We’re trying to get compliance, but we’re not trying to play gotcha.”

He also said the public had months to reach out to committee members after the panel was formed in April, but only two people did. About 10 people attended a public meeting in October. More meetings would bog down the process, O’Neill said.

City Attorney Aaron Harp said his office prosecutes most city code violations, but so can the district attorney. Calling on the DA on campaign matters is appropriate because it avoids the potential for conflict of interest, he said.

“I work for the City Council,” Harp said. “There will always be allegations if you keep it with me that I’m somehow being influenced one way or the other by the City Council.”

Councilman Jeff Herdman, who was not on the committee, [to his initial disappointment](#), said he supports its findings and asked skeptics to give things a chance.

Election reforms have long been part of Herdman’s platform.

“I am completely satisfied ... with the work that this committee has done,” he said.

The rules can be revisited if necessary, he added.

The council will take a final vote Nov. 19.

[The future of lobbying in Illinois](#)

Bribery is a Class 2 felony in Illinois. It’s also a federal offense, punishable by up to 10 years in prison. Neither of those laws stopped former Rep. Luis Arroyo, D-Chicago, from allegedly attempting to bribe a state senator who turned out to be an FBI mole.

Arroyo’s alleged bribe was made on behalf of his lobbying client. As a registered lobbyist in the city of Chicago, Arroyo was required to disclose the name of his client and how much he was making every quarter and which city agency or agencies he was lobbying. Those disclosures didn’t stop him from allegedly making that bribe.

The reason I bring up these obvious points is I keep hearing Statehouse lobbyists make them while complaining that Gov. J.B. Pritzker and others want to punish lobbyists for Arroyo’s sins. Pritzker and others have publicly floated a plan to force Statehouse lobbyists to disclose how much their clients pay them.

I’m also now hearing talk from the governor’s office about forcing lobbyists to disclose their actual lobbying activity. As mentioned above, Chicago already requires this. If the Illinois proposal winds up mirroring the city’s ordinance, lobbyists would have to report which agencies they lobbied (including the legislature) on specific bills. But they could be required to file much more detailed reports like Cook County does.

Lobbyists are always handy scapegoats during ethics crises. They're probably the only Illinois profession more unpopular than being in the state legislature. Deflection is the order of the day in times such as these.

Defensiveness by any targeted group is also to be expected when change is in the air. Right now, nonprofit organizations which lobby Chicago agencies and the City Council don't have to register with the city. That will change in January and some lobbyists with small groups are furious. But nonprofits have had to register at the state level for a very long time and I don't think I've heard one complaint.

It's also no secret that the governor isn't a big fan of the lobbying culture in Springfield. He didn't rely on their money to get himself elected. His top staff members are proud of this independence to the point of disdain for elements of the lobbying corps. Using the sweeping federal probe as an excuse to crack down on lobbyists is no real surprise in this context.

Lobbyists' take

Some lobbyists I've spoken with point to what they call the hypocrisy of the governor's disclosure argument. Pritzker signed a bill into law this summer which barred employers from asking potential employees about their salary history.

"We are declaring that one's history should not dictate one's future," the governor said at the time. By that logic, wouldn't this new disclosure also harm women and people of color who lobby or are looking for clients, the lobbyists ask. I dunno. I mean, it's not like the state no longer publishes its employees' salaries online.

Another argument I've been hearing a lot is that lobbyists worry the shake-down artists in the General Assembly will use their newly required income disclosures to squeeze more campaign contributions from them. In response, just about every lobbyist I've talked to in recent days wants all Springfield fundraisers banned during session months.

Taking on the culture

Fundraisers are currently banned on session days. Session weeks typically run from Tuesday through Thursday, so legislators get around the ban by routinely hosting fundraisers on Monday nights. House Speaker Michael Madigan holds the biggest such Monday evening fundraiser of the year at Lake Springfield. No less than eight fundraisers for 15 legislators plus the Senate Republicans' campaign committee were scheduled for the Monday before the start of the fall veto session's second week on Tuesday, Nov. 12.

Lobbyists complain that they're often handing legislators campaign checks the night before crucial committee hearings or floor votes. Some legislators do take offense at no-shows to their fundraisers, but contributing to campaigns also makes people queasy even if there is absolutely no quid pro quo arrangement.

Years ago, when the session fundraiser ban was passed with the Monday night loophole, several large organizations announced they would boycott those fundraisers in protest. But visibly standing up to the culture can have consequences for individuals.

An honest debate should take place about the merits of Chicago's lobbying disclosure ordinance. Have any city lobbyists been harmed by disclosing their fees or their activities? If so, they should come forward and be heard.

Whatever the case, this is a beginning, not an end. Plenty of other ideas also need to be addressed.

