



M U L T I S T A T E

### [Is it time to replace JCOPE?](#)

There was [much celebration](#) among good-government advocates and elected officials when state leaders reached a deal on ethics reform eight years ago. Among other [changes](#), the Public Integrity Reform Act of 2011 created the state Joint Commission on Public Ethics to hold members of the legislative and executive branches accountable for wrongdoing in a state capital frequently tainted by corruption. “This bill is the tough and aggressive approach we need,” Cuomo said in a [statement](#) at the time. “Government does not work without the trust of the people and this ethics overhaul is an important step in restoring that trust.” But JCOPE never really lived up to that promise. From [the beginning](#), it was criticized as a “[toothless](#)” body “[chock full of cronyism](#)” – a reputation it would not shake in subsequent years.

JCOPE has faced renewed scrutiny in recent weeks. It was criticized for pursuing a case against an alleged [rape survivor](#) because it said she spent too much in support of the Child Victims Act and didn’t register as a lobbyist – a case the ethics commission ultimately dropped. Then came [reports](#) that a member of the commission had illegally leaked information on a confidential vote. The fact that the commission waited [two years](#) to hold a hearing about an allegation that former state Sen. Jeff Klein forcibly kissed a staffer has hardly inspired confidence that JCOPE has lived up to its mission of weeding out corruption.

“Something has to be done because JCOPE does not work and has repeatedly been shown not to work and (was) designed not to work,” said John Kaehny, executive director of the good-government group Reinvent Albany. Now, state lawmakers are looking to take action in the upcoming months.

A proposed state [constitutional amendment](#) would create a nine-member Government Integrity Commission – modeled on the existing [state Commission on Judicial Conduct](#) – to address many of the perceived shortcomings of JCOPE. But even if it garners support, change would not happen overnight because it is a multiyear process to adopt constitutional amendments. Two successive state Legislatures have to pass an amendment, which would then go before voters – with the amendment taking effect in 2022 at the earliest.

If that happens, it would mark a big break from the current system for enforcing state ethics laws. The governor and legislative leaders would have much less control over the process. Employees of the legislative and executive branches would be easier to fire. There would even be a constitutionally mandated level of funding equivalent to about five times the approximately \$5 million the state currently spends on JCOPE. However, [many constitutional amendments](#) get proposed, but few become law – especially when one of the hurdles is the difficulty inherent to convincing lawmakers to weaken their own power.

The sponsors, state Sen. Liz Krueger of Manhattan and Assemblyman Robert Carroll of Brooklyn, will not be alone in pursuing the changes, which were developed with the help of attorney Evan Davis, a counsel to then-Gov. Mario Cuomo. Good-government groups say they support the effort and aim to mobilize public support with rallies at the state Capitol as well as lobby lawmakers in the upcoming session. “We’re in the beginning stages of trying to push this,” said Blair Horner, executive director of the New York Public Interest Research Group, a good-government group. He added that while the amendment had to take a back seat to other issues this past session, this has unexpectedly resulted in a renewed effort now that state ethics laws are back in the headlines. “The most recent controversy around the inspector general report of JCOPE heightens concerns that something has to be done,” Horner said.

The [Times Union](#) reported in November that Cuomo had called Heastie in January to complain that the speaker’s JCOPE appointees had voted against the governor in a closed-door meeting apparently involving former gubernatorial aide Joseph Percoco. Heastie has acknowledged talking to Commissioner James Yates that day since he is “a friend and a mentor,” but he did not say what they discussed. A secret investigation by the state inspector general’s office was not able to substantiate any wrongdoing by the commissioners, Cuomo or Heastie, though the governor and speaker were not interviewed by investigators. Even if more facts come to light, they might reflect more on the shortcomings of the current ethics laws rather than legal violations by state leaders or their staffs. “Remember, legally, the only legal obligation is on the commissioners not to disclose,” Cuomo said in late November, according to the [Daily News](#). “That’s why they talked to the commissioners because the commissioners are the only ones who have a legal obligation.”

The proposed amendment would prohibit elected officials from having private “ex parte” conversations with the commissioners they appoint, a provision which aims to prevent the appearance of wrongdoing. The proposal would also dramatically alter how commissioners are appointed in the first place. The state legislative leaders and the governor currently choose all of the members of JCOPE. The new proposal would have five seats appointed by judges and the remaining four appointed by elected officials. Two of these would be appointed by the leaders of the legislative conferences and the rest by a joint agreement among the governor, state comptroller and state attorney general. Elected officials would have their influence further diluted because the commission would be able to act with a majority vote, unlike the current system whereby as few as two commissioners out of the 14 can block investigations. To add

some legal teeth to its enforcement, the commission would also be empowered to compel testimony through subpoenas and could refer investigations to state or federal prosecutors.

An executive director and staff would be authorized by the amendment to conduct the day-to-day work of the commission, which would assume many of the noninvestigative roles of JCOPE, like public education and compliance with the state's lobbying laws. The amendment also includes provisions that make the new commission responsible for the administration and enforcement of the state's campaign finance laws. Though the state public financing commission has already issued binding recommendations to change the state's campaign finance law, the amendment would grant authority to the Government Integrity Commission to recommend to the Legislature new limits on campaign contributions to candidates and political organizations.

Krueger said that the amendment would ensure additional transparency to address a common criticism of JCOPE as a secretive body, though the legislative language itself is fairly vague on this point. "Right now, you can bring a complaint and you might never ever learn whether JCOPE even had a discussion or (a) vote to follow up on an investigation," Krueger said. An example of this is a complaint brought by former legislative staffer Erica Vladimer, who has alleged that Klein forcibly kissed her outside an Albany bar in 2015. An investigation was launched three years after the alleged incident came to light, but Vladimer told Politico that she was left in the dark about the progress of the investigation, which will be the subject of an upcoming [hearing](#). The amendment states that the proposed commission would be subject to all "transparency and public access laws," though "reasonable exceptions for pending confidential investigations" would be made.

Majority votes of the 63-seat state Senate and 150-member Assembly are needed to pass the amendment. The number of co-sponsors in both chambers – a rough measure of support – is currently well short of the numbers needed for passage. Two key lawmakers – state Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie – have yet to sign on to the legislation or speak publicly in support of it. Members of both Democratic conferences met in early December to discuss their priorities for the upcoming session, but other issues like the controversial new public campaign financing laws took precedence over ethics reforms. Given Krueger's stature as a longtime senator and chairwoman of the Finance Committee, it appears more likely that she would be able to get the proposed amendment through her chamber. More than two dozen Democratic and GOP senators have already signed on, so just a few more votes are presumably needed to ensure passage. In the Assembly, only about half of the 76 members needed for passage are co-sponsors. For now, neither Krueger nor Carroll are making promises that the amendment will pass in the upcoming months. "It's up to Sen. Krueger and I to do the hard work to convince our colleagues," Carroll said. "That's a tough task, but it's not outside the realm of possibility."

A representative of JCOPE said that the commission is agnostic about the proposed amendment, though the agency does have reform proposals of its own. “It’s up to the executive and the Legislature to make decisions about the laws that govern what we do and how we do it,” said Walter McClure, a JCOPE spokesman. The commission’s website includes [numerous proposals](#) of its own on how to increase oversight and tweak the state ethics laws. McClure rejected criticisms that the commission is not proactive enough in pursuing investigations, noting the confidentiality laws preclude the commission from disclosing much of its work. State and federal law enforcement also occasionally request that the commission avoid pursuing a case while a criminal investigation is being conducted, added McClure, who noted that ethics investigations are just one part of what the commission does. “The core mission of our agency is essentially a compliance agency,” he said. “We’re here to provide training and information to help state employees and state officials to follow the law.”

While lawmakers do not need to change the state constitution in order to reform the state’s ethics laws, the amendment process would not require gubernatorial approval. Amending the constitution also would make the changes more permanent. “They’re very hard to pass (but) they’re also very hard to undo,” Krueger said.

### **[WMC wants to tie the hands of lobbyists for the public](#)**

[Wisconsin Manufacturers & Commerce](#) (WMC), the giant business lobby, came out with a report on Tuesday to pressure the legislature to limit the ability of local governments to do lobbying. The report also slams local non-binding referenda.

The report, entitled “Local (Out of) Control,” wants the legislature to pass a law that “prohibits local governments from using taxpayer funds to hire private entities that lobby state government.”

Essentially, in a duel with local governments, WMC wants to disarm its opponents.

Not that it’s being outgunned.

In 2017-2018 legislative session, WMC was the biggest lobbyist in the state, spending \$1.4 million. The Wisconsin Counties Association, which it singles out for criticism, spent \$800,000. In the first six months of 2019, WMC spent \$414,000 on lobbying, and the Wisconsin Counties Association spent \$249,000.

Nevertheless, WMC alleges that associations and private lobbyists hired by local governments often “advocate against the best interest of taxpayers.” It doesn’t say that they also advocate

against the special interests of big corporations, but WMC does note that “Wisconsin CEOs ranked this as the top issue to pursue in a recent WMC survey.”

A glance at the Wisconsin Counties Association’s 2019-2020 Legislative Agenda offers clues about the animosity of WMC. Items on that agenda include: “protect groundwater from contamination and overuse,” “close the dark store property assessment loophole,” and “increase funding for mass transit” — all of which WMC opposes.

Another agenda item deals with redistricting and, unlike the rigging of the maps by the GOP leadership in 2011, would “require the Wisconsin State Legislature to wait until local governments produce and provide their numbers, wards and district information when redistricting and to use local boundaries to create state districts.”

The redistricting issue seems to be in WMC’s craw, as 50 counties have passed non-binding referenda urging the legislature to pass a law banning gerrymandering. WMC’s report swerves out of its way to do a hit and run on the referenda process: “In addition to direct lobbying, local governments also attempt to influence state lawmakers via non-binding referenda and issue-based ad campaigns – all financed with local taxpayer dollars,” the report states. “This type of activity raises many questions about how taxpayer funds are used, the openness of local government, and if the local citizenry are actually being appropriately represented.”

Of course, the local citizenry can decide whether they’re being appropriately represented – in lobbying and in the referendum process – simply by voting the local officials out of office at the next available opportunity.

But that remedy isn’t good enough for WMC.

By the way, WMC does a lot more than just lobbying to get its way in the legislature.

WMC has spent an estimated \$25.1 million since January 2010 on outside electioneering activities using independent expenditures and undisclosed phony issue ads to elect people to office who do its bidding.

### **[ND Ethics Commission rules, staff still taking shape](#)**

The recently formed North Dakota Ethics Commission met Wednesday, Dec. 11, in Bismarck to interview candidates for its executive director position and discuss the timeline for drafting administrative rules.

Commissioners interviewed Joseph Camisa and David Thiele for the full-time director position, which when filled, will facilitate the difficult task of establishing an administrative base on which the commission can build, chairman Ron Goodman said.

Camisa is a former park ranger at Theodore Roosevelt National Park who now works as a supervisor of commercial services at North Guaranty and Title Co. in Mandan. Thiele has practiced law in the state and spent a long career serving with the North Dakota National Guard.

The commission will likely hold a special public meeting next week via conference call to discuss the candidates and choose one to fill the position. Goodman said hiring a director was a crucial next step for the commission. The executive director would earn between about \$77,000 and \$117,000 annually depending on experience and qualifications.

The four present members of the board also dipped a toe Wednesday into the vast pool that is administrative rules. State law gives the board about six more months to form the rules, which can be hundreds of pages long, but Goodman noted that the board can apply for an extension if needed.

The rules would dictate how the commission goes about its business by establishing procedure for handling public complaints and punishing ethical violations. The rules could also establish if certain topics, like campaign finance disclosures, fall under the commission's jurisdiction.

Goodman, who used to serve as a district court judge, shared an 18-page draft of potential rules with fellow commissioners, but he noted it was a "very rough" draft. The chairman said he hopes to have a guiding code of ethics drafted by the next regular meeting in January.

The commission also discussed its website, which commissioners said they would like to be live by the January meeting. Goodman and others expressed desire for setting up an online submission tool for complaints in addition to the hotline that is required by state law. The commission does not currently have any online presence.

Despite pushback from a Republican-led legislature, voters approved the establishment of the commission last year. Gov. Doug Burgum and Senate majority and minority leaders selected the five-member commission to oversee the conduct of lobbyists, state officials, lawmakers and candidates.

[\*\*Lawmakers From Texas To Wisconsin Consider An End To Taxpayer-Funded Lobbying\*\*](#)

Millions of taxpayer dollars are used every year to hire lobbyists who advocate for policies that often are not in taxpayers' interest. Taxpayer-funded lobbyists frequently push for higher taxes and larger government. Recognizing this problem, state lawmakers and employers in multiple states are now working to advance reforms that would put an end to taxpayer-funded lobbying.

Taxpayer-funded lobbying for policies that harm taxpayers is even a problem in red, relatively low-tax, Republican-run states, as Texas demonstrates.

“Ethics filings from the 2017 Texas legislative session indicated that about \$41 million of taxpayer money was spent by local government to hire lobbyists,” Chuck DeVore, vice president at the Texas Public Policy Foundation, [wrote](#) earlier this year. “These lobbyists, virtually without exception, were hired with tax money to advocate against the interests of average taxpayers.”

Texas Representative Mayes Middleton (R-Wallisville) set out to fix this problem during the biennial session of the Texas Legislature that took place earlier this year. [Representative Middleton](#) introduced [House Bill 281](#), legislation that would prohibit taxpayers dollars from being used to hire lobbyists. Predictably, local government officials who use taxpayer dollars to hire lobbying teams fought Middleton's reform, which polling shows enjoys broad public support.

A [poll](#) commissioned by the Texas Public Policy Foundation last December found that 91% oppose the practice of taxpayer lobbying, including 80% who strongly oppose it. The Senate version of the bill to end taxpayer-funded lobbying, [SB 29](#), sponsored by Senator Bob Hall, was approved by the Texas Senate in April. Despite the popularity of this reform it did not pass the Texas House.

In the same 2019 legislative session that Texas lawmakers were considering Middleton's reform to end taxpayer-funded lobbying, local governments were busy demonstrating how taxpayer-funded lobbyists frequently work against the interests of taxpayers by working in opposition to a property tax relief bill that was ultimately approved.

During a Senate committee hearing early this year on Senate Bill 2, the Texas Senate's property tax relief bill, it was [reported](#) how “[taxpayer-funded lobbyists showed up in droves](#) to oppose the legislation while everyday citizen taxpayers unanimously supported the proposal.”

While Middleton's reform to ban taxpayer-funded lobbying died in committee, the Texas Legislature did approve a bill ([Senate Bill 65](#)) requiring local governments to disclose contracts with taxpayer-funded lobbyists. Representative Middleton's office took action this week to make sure this new requirement is enforced.

This week Representative Middleton [sent a letter](#) to every city, county, and school district in Texas, asking them to post taxpayer-funded lobbying disclosures on their website that are now required in accordance with the passage of SB 65, and to also send these disclosures to his office. The newly-required disclosures include [the following](#):

- Contract details such as the execution date, effective date, and length of the contract;
- Cost of the contracts associated with lobby services;
- List of all legislation advocated on, for, or against by all parties or subcontractors the firm hired for lobbying services—including the positions taken on each piece of legislation;
- A copy of the contract used to hire a firm or individual for lobbying services; and
- Disclosure of interested parties for any contracts for services which would require a person to register as a lobbyist.

Local government officials have already responded to Middleton’s request with alarm, with the Texas Municipal League instructing members to treat Middleton’s letter as an open records request. Representative Middleton [told Texas Scorecard](#) that the backlash just highlights the “immoral nature of taxpayer-funded lobbying.”

“Our tax money is being spent on Austin lobbyists to advocate against the taxpayer and basic good governance,” said Middleton. “For example, in the last legislative session, taxpayer-funded lobbyists opposed property tax relief, disclosures of what bonds truly cost taxpayers, the constitutional ban on a state income tax, election integrity, and they even opposed the bill to fund and protect our teacher’s retirement pensions.”

### *Wisconsin Could Be First To Ban Taxpayer-Funded Lobbying*

While Texas lawmakers will have to wait until their 2021 biennial session for another chance to pass Representative Middleton’s taxpayer-funded lobbying prohibition, their counterparts in Wisconsin may look to enact this popular reform in 2020.

Wisconsin Manufacturers & Commerce (WMC), the Badger State’s largest business association, [released a new report](#) on Tuesday that makes the case for reforming the way in which taxpayer money is used to pay for third-party advocacy groups and for-profit contract lobbyists.

“While businesses and homeowners are faced with some of the highest property taxes in the nation, local governments are funding private groups to lobby state government for even more taxing and regulatory power,” notes the WMC [release](#) on the [report](#).

The new WMC report documents how taxpayer-funded lobbying by local governments has become a large and lucrative business. During the 2017-18 legislative session, notes the WMC report, taxpayer-funded local government groups spent more than \$5 million lobbying state government – often for proposals to hike taxes.

“Even though Wisconsin has the fifth-highest property taxes in the country, Wisconsin businesses and homeowners are still facing an ever-increasing tax burden from local governments,” said Corydon Fish, WMC general counsel and director of tax, transportation and legal affairs. “It is especially unsettling that local governments fund private advocacy organizations and contract lobbyists that are not accountable to voters to push unpopular policies – like more taxing authority – at the state level.”

The new WMC report also explains how municipal governments circumvent the democratic process by bankrolling third-party associations, which are not subject to public records and open meetings laws, in order to lobby for politically unpopular proposals. WMC notes that some of these private third-party lobbyists are actually allowed to collect benefits from the Wisconsin Retirement System.

“Reforms to this process are desperately needed to protect local taxpayers,” added Fish. “Taxpayers should know their local governments are working on their behalf, not working against them to implement higher taxes or increased regulations. A more open and transparent system is needed.”

The WMC report recommends Wisconsin lawmakers enact legislation to prohibit taxpayer-funded lobbying when they return to the state capitol in Madison next year. According to available polling, by taking up WMC’s advice on this issue, Wisconsin lawmakers would enact a reform that both protects taxpayers and is very popular with the public.

### **[Orlando Airport Contractors Helped Fund Board Member’s Campaign](#)**

Dozens of businesses and lobbyists who compete for contracts at Orlando International contributed nearly \$100,000 to help fund the political aspirations of Dean Asher, a member of the board that oversees the airport, Orlando Sentinel research shows.

Just weeks before Election Day, Asher, then a candidate for state Senate, accepted a \$1,000 campaign check from a company called HMS Host, which was seeking a major contract extension for the restaurants it runs at the airport.

Then, the month after the Nov. 8 election when Asher lost to Linda Stewart, he voted to approve a five-year extension for Host valued at more than \$70 million.

Asher, who was first appointed to the Greater Orlando Aviation Authority by Gov. in 2012, said airport business wasn't a factor in the political contributions he received and that many of the people who gave are personal friends he's known as a lifelong resident of Orlando.

"Nobody said to me, 'I'm giving this check to you because I want business at the airport,'" said Asher, a Realtor. "If you look at Mayor [ or Mayor [ ' contributions, you're going to see the same people."

Accepting political donations from airport contractors is perfectly legal. State statutes do not prohibit board members from accepting contributions from people who do business with the board.

Neither does airport policy. Board members rejected a proposal from Jacobs a few years ago to curb political activity.

But the appearance of aviation board members collecting donations from contractors raises questions, said Ben Wilcox, research director for Integrity Florida, a nonpartisan government watchdog group.

"For someone to use their public position and accept campaign contributions from people who would like to influence the decisions that board is making, that doesn't look good to the public," he said. "If people are looking to secure an advantage on getting a contract, they can make an investment in campaign contributions."

Asher collected about \$96,000 from people or companies with ties to the airport or their lobbyists, according to a Sentinel analysis of more than 960 contributions totaling \$732,000 to his campaign fund and his political action committee between 2014 and 2016. That represents about 13 percent of the amount he collected.

A review of the most recent campaigns of Orlando Mayor Buddy Dyer and Orange County Mayor Teresa Jacobs, who also serve on the aviation authority board, showed that they also collected money from people and companies connected to Orlando International or Orlando Executive airports.

Jacobs took in at least \$38,000 from companies and lobbyists linked to the airport when she ran unopposed for county mayor in 2014 and raised about \$650,000.

Dyer raised at least \$45,000 from such people and companies when he collected \$614,000 during his race in 2015.

Dean Asher Jordan Krumbine / Orlando Sentinel Dean Asher Dean Asher (Jordan Krumbine / Orlando Sentinel)

Jacobs suggested there is a need for greater transparency, perhaps by requiring vendors to disclose campaign contributions to the aviation authority much the way the airport requires lobbyists to disclose when they meet with authority members.

“It’s something I would like to see at every one of the advisory boards,” she said.

The donations came as vendors jockeyed for a slice of the airport’s planned \$3 billion expansion.

Host, for example, gave only one other statewide political contribution in Florida during 2016: \$10,000 to Gov. Rick Scott’s “Let’s Get to Work” political action committee Nov. 30.

Similarly, Orlando-based Johnson-Laux Construction, which boasts of its work for the airport in a testimonial on the company’s web site, gave Asher and his political committee \$5,500 — its only contributions to a state candidate in 2015 and 2016. The firm’s vice president contributed \$1,000 in 2015, his sole contribution for a state office that year.

And Sheltair, a company expanding its operations at Orlando Executive Airport, gave Asher \$14,000 through its affiliated companies.

He campaigned for two years while on the aviation authority board but since he lost the state Senate seat, he would like to serve another term on the volunteer airport board. Three governor-appointed seats on the board are open this year.

Contractors who talked to the Sentinel said they gave to Asher because he is a friend or because they thought he would make a good senator.

Leila Nodarse, an executive with the engineering firm Terracon, which has worked on a number of airport projects and is on the list of pre-approved contractors for the new south terminal transportation complex, said her \$250 contribution came about after a friend invited her to a fundraiser for Asher.

“He’s a personal friend of a personal friend,” she said. “It has nothing to do with work.”

Genean McKinnon, a lobbyist who represents HMS Host, the restaurant contractor that just had its agreement extended at the end of last year, said she gave because she is a Republican and so is Asher.

McKinnon, who represents a number of companies at the airport, and her husband gave Asher \$1,500 between 2015 and 2016, including \$500 on the same day Host gave Asher \$1,000.

“I was drawn to Dean because I know his business philosophy and I know his work in the community,” she said.

Derryl Benton, an employee of Host, gave Asher’s campaign \$500 Nov. 2, six days before Election Day. Reached by the Sentinel, Benton referred questions to a Host spokeswoman. The spokeswoman did not comment.

The aviation authority approved the extended contract for Host on Dec. 14, a year after Chairman Frank Kruppenbacher said he would insist that the restaurant service agreement be opened up for competitive bidding. The vote for the extension was unanimous among the four of seven board members present, including Asher, Kruppenbacher and Dyer.

Orange County mayor Teresa Jacobs Charles King / Orlando Sentinel  
Orange County mayor Teresa Jacobs (Charles King / Orlando Sentinel)

Kruppenbacher said he changed his mind because airport staff is busy with the major expansion underway and more money from extended contracts would help the aviation authority stretch every dollar during the period of intense construction. He said Host wasn’t singled out for an extended deal. Similar options were made available to a number of airport vendors.

But he also acknowledged the optics of campaign donations timed near the deal are bad.

“I think it’s fair to say people have the right to donate however they want,” he said. “Can it create the appearance that something is inappropriate? Certainly, it can create that appearance. To say that it doesn’t is to be intellectually dishonest.”

Asher said he hired a fundraiser to solicit money for his campaign and was unaware of the timing of the Host contribution and the contract extension.

“When you hire a fundraiser, they’ll go out and raise money and it’s the same people you see on a lot of [candidates’] reports,” he said. “I’m only one vote out of seven people [on the aviation authority] ... I have no power.”

Asher said the \$14,000 he received from companies affiliated with Sheltair was separate from his role at the airport.

He and a Sheltair executive serve on an aviation authority subcommittee together that oversees the smaller airport that caters to private planes. The company, which hired Johnson-Laux to build two new hangars under construction now, hosted Asher’s Election Night party inside one of its hangars.

“The owner of Sheltair is a very progressive fundraiser for the Republican Party,” Asher said. “There was no vote I was ever involved in where we voted on what they can or can’t build.”

Todd Anderson, a senior vice president for Sheltair, said he knows Asher through his real estate connections and wanted to help his campaign because Asher has been “very supportive of economic development in real estate.”

Asher said he did not approach contractors for donations and that some local companies likely gave to his campaign because he was endorsed by the Associated Builders and Contractors, a group of trade and construction firms.

Mark Wylie, who leads the local builders and contractors chapter, helped host a Sept. 28 fundraiser for Asher along with others, including an executive at Bags Inc., an airport vendor.

Asher received checks on or around that date from other companies that do work at the airport such as 3E Consultants, Cemex and the company that operates rental car brands Alamo, Enterprise and National.

“I’m a pretty ethical guy,” he said. “Everything I do is by the book.”

One person with an airport vendor who did not want to be identified because that person wasn’t authorized to talk said the vendor was approached for contributions.

“The system is sort of tailor-made for that kind of activity to be not just acceptable, but common place,” the person said. “There’s a lot of power in those seats and how those votes go.”

Two years ago, when the Sentinel first reported that Asher was raising contributions from airport contractors, Jacobs asked airport board attorney Marcos Marchena to review the airport's fund-raising guidelines.

He said he brought up Jacobs' suggestion to discuss the airport's policy on political contributions, but there wasn't support for such a change on the board at that time.

Marchena, who earns between \$200 and \$315 per hour for work his firm does for the airport, and his law partner have donated more than \$2,500 to Asher's campaign. He also gave at least \$1,000 to Dyer in 2015 and \$1,500 to Jacobs in 2013.

"As a Cuban refugee who left Cuba to escape a totalitarian regime, I proudly exercise my right to participate in our representative democracy," Marchena said in an e-mail.

Kruppenbacher said he still doesn't want to impose stricter campaign fundraising rules at the airport than what is enforced at other government boards.

"I'm not going to put us in a position where there are standards that don't exist anywhere else and then all of a sudden you've got a lot of good people inadvertently messing up," Kruppenbacher said.

Dyer said he's not in favor of stricter rules because candidates are already required to report who gives to campaigns, which means the information is available to anyone who takes the time to look. And, he said, airport staff serves as a check on the competitive contract process because it's staff, not board members, who evaluate individual bids for jobs.

Asher said he would be open to discussing the policy and whether any changes are needed.

### **[Tulsa World editorial: Governor's state agency lobbying ban shouldn't be applied to tag agents](#)**

Gov. Kevin Stitt's targeting of state agencies using lobbyists at the state Capitol has always puzzled us a bit, but it was based on some logic.

Whether or not state agency lobbyists serve a good purpose — and in our experience they have worked for good much more often than they haven't — we understand the governor's point that you don't want state money being used to pay people to come lobby for more state money.

But when the state tried to apply the idea to independent tag agents, it went too far.

Tag agencies aren't state agencies. They're private businesses appointed by the Oklahoma Tax Commission. As a business model, the tag agent system may be a bit dated and it certainly does the state business, but saying agents can't employ lobbyists is no different from telling any other private business they can't.

A world without lobbyists might be some people's idea of ideal, but there's at least one big problem with enforcing it on private businesses: the U.S. Constitution.

At its base level, lobbying is political speech and it's petitioning government for a redress of grievances. If that language sounds familiar, it's borrowed from the First Amendment, which says, "Congress shall make no law ... abridging the freedom of speech, or ... to petition the Government for a redress of grievances." The Fourteenth Amendment makes it clear that if Congress can't do it, neither can the Legislature. The Oklahoma Constitution adopts the U.S. Constitution in whole as the supreme law of the land.

Long story short: The state can decide what state agencies do with public money, but the state shouldn't tell independent private businesses they can't use lobbyists to petition the Legislature.

After initially saying in a series of letters to tag agents that the lobbying ban applied to them and threatening them with "immediate termination" of their state contracts if they engaged in lobbying, the state has backed off the issue, which is good.

If the governor wants to do something to make the tag agent system work better, we wish him Godspeed, but he'll have to do it with the tag agents' lobbyists in the building.

### **[Meet the Volunteer Lobbyist Healing Political Divides in the Deep South](#)**

When Lynn Teague was the repatriation coordinator at the Arizona State Museum, she had to navigate the competing interests of 21 Native American tribes and their sacred duty to the dead, and private landowners, which included developers and mining companies. It was Teague's job as an archaeologist to thread a needle when it came to [ownership of artifacts](#) and access to burial grounds.

"I was often dealing with multiple claimants with varying degrees of willingness to work together," says Teague, who held the post from 1987 to 2002.

If that doesn't sound like her current mission in politics, what does?

Teague, 71, is the legislative lobbyist for the South Carolina League of Women Voters. In an era of fiercely opposed political tribes, the League's soul is nonpartisan — and its good-government advocacy gets results.

In 2010, the League started exposing widespread irregularities in vote counting, which led the state to start hosting voter data online, a victory for transparency. Following the 2018 midterms, the League had the wherewithal and political standing to issue a [blistering and fact-based report](#) on the state's antiquated voting machines, which, among other problems, counted votes incorrectly. The nine-year dive into voting data helped convince the state to shell out \$51 million for new machines this year — at a time when dozens of states are not making critical voting machine updates ahead of the 2020 elections, [according to a study](#) by New York University's Brennan Center for Justice.

“We brought this issue into the public eye like nobody has done before,” says Christe McCoy-Lawrence, the co-president of the League of Women Voters in South Carolina.

South Carolina has avoided some of the pitched [battles over voting rights](#) seen in its neighbor, Georgia. Teague credits the lack of voter roll purges to a nonpartisan state elections commission, but the League gets credit for joining the legal effort to block South Carolina's restrictive voter ID law in 2012.

Still, the League can get hit by the mud. Some Republicans see the League as “closet Democrats.” Some Democrats see the League as shunning principles to get legislation with weak protections passed [in a fiercely red state](#).

And they don't always succeed. The League hounded the state elections commission earlier this year for “pure paper voting” but lost that fight, meaning a computer will still be used to read the paper ballots. If the new machines continue to malfunction and cause long lines — a form of voter suppression — Teague has vowed a fight.

Legislators “know we never stop paying attention,” Teague says. There used to be a saying about the League — celebrating its 100th year, as it was born just before women's suffrage — says co-president Holley Ulbrich, “that it just gave the man in the house one more vote.” She smiled wide as if to say that notion was shattered long ago.

There are a few Republican legislators in South Carolina who would like to suppress the vote, Teague says, but the extremists are being held off by the good judgment of Republican moderates. Teague has created a bond with moderates around the principle of counting every vote accurately. “South Carolina is probably the most transparent state in the country when it comes to election data,” says Duncan Buell, a nationally recognized expert on voter technology

and a computer scientist at the University of South Carolina, pointing to the comprehensive vote audits he's helped the League undertake since 2010.

Buell, in fact, was so taken by the mission that he even joined the group. (Yes, they take men). Buell says combative noisemakers could not have succeeded in building a coalition of Republicans and Democrats around the sanctity of the vote.

It goes beyond the ballot: The League has found common ground with Republicans and Democrats on the environment, utilities and ethics — from curbing “dark money” to a new law under which an independent commission investigates lawmakers of wrongdoing rather than their colleagues. “We try to keep our tone moderate, and Lynn is wonderful at this,” says McCoy-Lawrence. “It’s not that we don’t stand up for our principles, but we don’t rub it in people’s faces in a really obnoxious way.”

Teague, whose family is from the rural South Carolina towns Vance and Ellery, may be a retired archaeologist (she and her husband, George, moved back from Arizona a few years ago), but she is hardly retired. She is in the lobby every day during the state’s legislative session and works from home daily the rest of the year on legislative issues — the post she’s held since 2013 is entirely as a volunteer. Legislators “respect the fact that I’m there because I care about this stuff, and I care about South Carolina,” Teague says. “I don’t know how somebody could do what I do if I didn’t respect the state. It matters a lot to be from here.”

Teague is a lay Episcopal eucharistic minister, so she is comfortable among the state’s religious right. Her style is evenness. She leans forward to hear questions or points of view, and her responses are measured, not meant to provoke.

She does not talk about corporate interests buying votes, but rather “regulatory capture” of legislators who talk only to one side — and thus only trust one side. When she addresses gerrymandering, Teague says, “It’s not that we’re fighting the forces of evil out there. We’re fighting the forces of human nature” because politicians on both sides, alone in a room, draw their own boundaries to keep their seats.

Teague said the League’s biggest priority for the next two years will be fighting gerrymandering. Once again, she insists, the League is part of a broad push — not a power broker, but a facilitator.

In her scant spare time, Teague is a weaver, with a loom just off the living room in her home. It’s a fitting hobby, given her unusual ability to weave red and blue together each day.

## [Group looks for substantive plans from Illinois ethics reforms commission](#)

Attempts to change ethics rules in Springfield have been slow to develop at the Illinois statehouse, but not for a lack of trying, according to an analyst who said lawmakers have filed dozens of ethics bills, but few have advanced.

Lawmakers in the House and Senate filed more than 6,300 bills since January. The Center for Illinois Politics reviewed all the bills filed this year and found 89 addressed ethics reforms of some kind.

Of the 89 ethics bills, 24 had to do with term limits, redistricting reform, elections or campaigns; 16 bills involved proposed lobbyist registration changes; 12 bills involved ethics and ethics investigations; 11 involved so-called revolving-door prohibitions that would prevent lawmakers from immediately becoming lobbyists after leaving elected office. Twenty-nine other bills addressed gambling, public contracting, House and Senate rules, economic interests and sexual harassment, according to The Center for Illinois Politics.

Center for Illinois Politics Chairwoman Susan Garrett, a former state lawmaker, said nine out of ten bills on ethics go nowhere.

“They don’t make it out of the Rules Committee, or if they do they go to a committee and put in a subcommittee,” she said.

That’s not just the fate of the vast majority of ethics bills, there are more than 3,000 bills on other issues that stalled in the House Rules Committee alone.

“I’m really not faulting the lawmakers themselves, but it’s an ingrained culture that basically says ‘OK, if a lawmaker is going to file a bill to require more transparency, ultimately it’s up to two or three people who have the Rules Committee to decide whether or not that bill will ever see the light of day,’ ” Garrett said.

Several weeks ago, statehouse Republicans demanded a special session to address ethics reforms. Gov. J.B. Pritzker said he’d rather a task force hammer out reforms.

Garrett said something needs to be done amid a number of federal corruption investigations involving state lawmakers and lobbyists.

“Springfield has been turned upside down,” Garrett said. “There is definitely a need for some very serious, critical reform.”

But she said the lack of substantive reforms wasn't from a lack of trying. She said rank-and-file legislators were working together to build support for various issues.

“They really are on both sides of the aisle,” Garrett said. “But it’s not that they have a partner in leadership allowing them to move these measures forward.”

The Center for Illinois Politics found minority Republicans filed more than half of the 89 ethics reforms measures proposed at the statehouse. The four ethics bills that passed were filed by majority Democrats. Democrats hold veto-proof majorities in both legislative chambers.

Those four measures require sexual harassment training, require local government executives to file economic statements of interest, create a central database for lobbyists disclosures and contributions to politicians, and the creation of a Joint Commission on Ethics and Lobbying Reforms.

Garrett said she hopes the commission can produce substantive proposals for change.

“The last thing we want is something that is whitewashed and check a box, we did this, we did that,” Garrett said. “We are hoping that the measures that have been introduced over the years which we find very legitimate by lawmakers on both sides of the aisles are finally going to be addressed.”

Lawmakers return to Springfield in late January.

### [Purdue, maker of OxyContin, quietly splits ways with PhRMA as it pulls back from lobbying](#)

Purdue Pharma, the embattled opioid maker, has quietly split ways with PhRMA, the powerful lobbying organization charged with representing the drug industry in Washington.

The break is the latest demonstration that the drug maker, which has filed for bankruptcy and is inundated by lawsuits across the country for its role in marketing OxyContin, is retreating from attempts to influence federal drug policy or restore its reputation.

Purdue voluntarily resigned from PhRMA in October, an official of the lobbying group told STAT. PhRMA referred all questions about the company’s reasons for resigning to Purdue.

A Purdue spokeswoman said the decision “does not reflect any substantive disagreement with PhRMA” and has nothing to do with Purdue’s alleged role in helping fuel the opioid crisis.

The move is the latest in a series of high-profile breakups between Purdue and institutions ranging from the consulting firm [McKinsey & Company](#) to [JPMorgan Chase](#). In those cases, though, the impetus of the split came from the institutions themselves, not from Purdue.

In this case, Purdue’s decision may have reflected the fact that it did not have money to retain its membership.

The company filed for bankruptcy in September and is expected to restructure into a [public benefit trust](#), whereby the company’s profits would go directly to paying legal claims of those harmed by the opioid crisis. That novel structure would likely make it difficult for the company’s new management to fork over the millions of dollars in dues required each year to stay in PhRMA’s inner circle. PhRMA also requires its members to spend at least \$200 million per year on research and development, and it’s unclear whether Purdue could afford that level of research under the new structure.

Even so, the split caught drug industry lobbyists by surprise. Multiple outside lobbyists for PhRMA and PhRMA member companies told STAT they didn’t know Purdue had left the organization months ago.

One lobbyist said, however, that representatives for Purdue had participated less and less at internal PhRMA meetings over the past months.

“I think they’ve been a nonissue at PhRMA for quite a while,” the lobbyist said.

Purdue, the company run by the infamously secretive Sackler family, has relied on a small cadre of insiders to do its bidding in Washington over the past two decades.

At the center of Purdue’s Washington strategy has been Burt Rosen, Purdue’s current vice president of government affairs.

Rosen was Purdue’s sole full-time in-house lobbyist from his hiring in December 2001 until January 2018, when the company brought on William Nordwind, a former long-time staffer for Rep. Fred Upton (R-Mich.). Nordwind had been expected to replace Rosen, who is nearing retirement. It’s no longer clear that will happen, though both lobbyists still appear to be employed by Purdue.

While Purdue has hired a smattering of outside lobbyists over the last two decades, the company has consistently worked with one outside lobbying firm, Capitol Hill Consulting. The firm also counts the Association for Accessible Medicines, the American Heart Association, and the insurance company Aetna as its clients, and employs former staffers of the Trump administration, as well as former House Majority Leader Tom Delay and Senate Majority Leader Robert Byrd.

The company has also relied throughout the last two decades on a smattering of lawyers at the corporate law firm Sidley Austin.

Purdue's official lobbying budget has generally been much smaller than many of its drug industry brethren. The company has typically spent less than \$1 million on lobbying each year over the last two decades, according to a review by STAT of federal lobbying disclosures. That's just one sixth of what drug makers like Eli Lilly and Merck typically spend each year on lobbying.

Purdue also developed a habit of being strikingly vague in disclosing what issues it lobbies on. While federal lobbying disclosures typically include lists of specific bills companies are attempting to influence, Purdue's three most recent ones include just a single item: monitoring issues related to substance abuse and prevention.

Purdue's earlier disclosures are more detailed. In the first half of the decade, the company sought to influence a number of bills directly affecting its business. From 2010 to 2015, for example, Purdue sought to influence the [Stop Oxy Abuse Act](#). This bill, which never made it to the president's desk, would have restricted prescribing of Purdue's OxyContin only to patients with severe pain.

The company has also sought to influence the nation's opioid policy in other ways.

Purdue played a leading role in coordinating the advocacy of the Pain Care Forum, a shadowy coalition that consistently promoted the "crisis" of pain in America and advocated for [looser opioid laws](#). Most notably it waged a high-profile fight over Washington state's efforts in 2007 to limit opioid prescriptions in the state.

Little is known about the group: it does not have a website, nor is it registered to lobby Congress. But Rosen, the long-term Purdue lobbyist, took a leading role in coordinating the advocacy of the group, which also included the opioid makers Endo, Johnson & Johnson ([JNJ](#)), and Teva, he revealed [in a January 2019 deposition](#).

Rosen has attempted to downplay the role of the Pain Care Forum, claiming in that deposition that it “was simply an organization that convened meetings to share ideas,” and “never really took a position on anything, for or against.”

Purdue also funneled more than \$4 million to advocacy groups working on chronic pain issues from 2012 to 2017, according to [a recent report](#) by Democrats on the Senate Homeland Security & Government Affairs Committee. The committee concluded that these advocacy organizations “echoed and amplified messages favorable to increased opioid use ... through criticism of government prescribing guidelines, minimization of opioid addiction risk, and other efforts.”

There’s scant public evidence of Purdue and PhRMA publicly collaborating on opioid policy. PhRMA has declined to comment on the record about the spate of lawsuits against Purdue.

PhRMA has fought policies, however, that would single out drug makers like Purdue for roles in the opioid crisis. PhRMA has, for example, [opposed efforts](#) to tax opioid makers to pay for addiction treatment and efforts to [require the licensing of drug sales reps](#), which proponents claim would prevent opioid overprescribing.

In Washington, PhRMA has typically focused on addiction treatment funding and infrastructure. The group did, however, lobby on the Stop Oxy Abuse Act, according to a lobbying disclosure form from 2013.

PhRMA has also managed to dodge much, if any, blame for the ongoing opioid crisis. The group, for example, has not been involved in the slew of lawsuits from states, counties, and cities that have roiled opioid makers like Mallinckrodt (MNK) and Teva, as well as drug distributors.

PhRMA has [courted controversy](#), however, for its involvement with outside groups working on issues of opioid addiction and chronic pain, namely over a multi-million dollar partnership with the [Addiction Policy Forum](#), an advocacy group headed by Jessica Hulsey Nickel, a former lobbyist for the drug maker Alkermes, which makes opioid addiction treatments.

The group, which has launched a slew of public awareness campaigns around opioids and opioid-use disorder, and connects people with addiction resources in their state, has been criticized for its cozy relationship with drug makers.

PhRMA will [end all funding](#) of that group in 2020.