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Even after FBI probe of Ohio speaker, tracking lawmakers' travel remains challenging

A gaming conference in Sao Paulo, Brazil. A trip to Israel to talk about cybersecurity and mental health. A New Orleans conference for consumer credit advocates.

Each year, several Southwest Ohio lawmakers spend hundreds or even thousands of dollars on out-of-state travel. They meet legislators from other states, learn about how foreign countries tackle problems and make connections that could help them professionally and politically.

But figuring out how much each lawmaker travels and who pays for those trips is far from easy. Legislators must report some travel for official business on annual ethics forms but not all. Some lawmakers use campaign contributions to pay for travel and document trips there. But lawmakers can also receive free trips from national groups or pay for the trips themselves – it's impossible to tell.

Some lawmakers keep diligent records. Since 2013, Butler County Sen. Bill Coley has spent at least \$80,000 on out-of-state travel to conferences in places like London, Brazil and Miami using his campaign contributions.

Coley reported spending more on out-of-state travel than other Southwest Ohio lawmakers, according to an Enquirer review of 23 legislators' financial disclosure forms and campaign expenditures. Former Rep. Alicia Reece, D-Roselawn, came in second, spending at least \$21,000 in campaign money on out-of-state travel since 2013.

If other Cincinnati-area lawmakers traveled more than Coley, there's no way to tell. A loophole in Ohio's ethics forms allows legislators to travel to certain conferences without disclosing the cost of their trip.

Coley sees the travel as vital to his role as a lawmaker. At one conference, he discovered Ohio was one of nine states that don't tax promotional gaming. At another, he learned about transmitting patient data wirelessly.

"My staff hates it when I travel. The whole time I'm texting them ideas. I'm constantly bothering them," Coley told The Enquirer.

And he pays for the trips with campaign donations.

"My supporters are aware I utilize campaign funds to do that. I don't want to use taxpayer funds," Coley said.

Travel trips up ex-speaker

Lawmakers' travel has been scrutinized since former Speaker Cliff Rosenberger resigned last April. Rosenberger, R-Clarksville, [took trips to destinations such as England, Israel and France](#) – paid for by outside groups or campaign accounts, both his and House Republicans'.

The [FBI is still looking into that spending](#), but Rosenberger's attorney says the former lawmaker did nothing wrong.

The full scope of Rosenberger's travel wasn't detailed on any single form. The Enquirer and other Ohio reporters requested the former speaker's emails, calendars and flight details to detail the scope of it. [The FBI subpoenaed hundreds](#) of pages of documents.

[Those records revealed Rosenberger](#) took about 50 trips – some personal, but most professional – to locales, such as Normandy, France and Italy; Iceland before his London trip; Los Angeles; Bonita Springs, Florida for an annual GOP fundraiser and China over three years.

Rosenberger disclosed spending nearly \$60,000 on travel (in addition to mileage to the Ohio Statehouse) between 2013 and 2017, according to ethics forms. In comparison, Ryan Smith, who became speaker after Rosenberger resigned, disclosed \$5,400 in travel during that time. Ohio Senate President Larry Obhof reported nearly \$2,400 and current House Speaker Larry Householder reported \$0. In January 2017, Householder and his sons took a FirstEnergy corporate airplane to the presidential inauguration in Washington D.C., [according to a Dayton Daily News report](#).

Rosenberger's travel went far beyond that of most other lawmakers – even those in leadership positions. Still, local legislators have booked expensive trips as well. Sen. Cecil Thomas, D-North Avondale, traveled to Israel to learn about cybersecurity in 2016. Rep. Bill Seitz, R-Green Township, reported a \$1,200 trip from the conservative Heartland Institute in 2015. Hyde Park Rep. Brigid Kelly joined a bipartisan group to [Israel's University of Haifa in 2017](#).

Despite outrage over Rosenberger's expensive and extensive travel, no changes have been made to curtail legislators' out-of-state travel or force them to disclose more details about who paid for it.

Ohio's travel disclosure loophole

Ohio lawmakers report some of their travel to the Joint Legislative Ethics Committee, a bipartisan group that oversees legislators and lobbyists.

But there's a big loophole: [lawmakers are not required to list travel to conferences](#) of national or state organizations that receive dues from the Legislature. That list includes the conservative American Legislative Exchange Council (ALEC), which recently held meetings in Grand Rapids, New Orleans and Nashville, and the National Conference of State Legislatures, which held its annual conference in Los Angeles last summer.

Several lawmakers attended these conferences, but none were required to detail who paid for their flights, hotels or food. Some used campaign money for the travel and reported the expenses there, but many did not.

Groups like ALEC draft model bills for lawmakers nationwide and have "tremendous influence," said Catherine Turcer, executive director of the good government group Common Cause Ohio. "We should be able to follow the money of lawmakers who travel to those conferences."

The risk: lawmakers are wined and dined by lobbyists without constituents in Ohio ever knowing, Turcer said.

"Anytime we make a decision not to require really good disclosure, wealthy interests or special interests are going to get in there," Turcer said.

But Coley said he sees no problem with the loophole on certain travel. It encourages lawmakers to attend conferences where they can learn from policymakers across the nation and beyond. "You want to make sure you have people that are well informed and coming up with the best ideas to improve things in Ohio," Coley said. "It's hard to do that when you're not availing yourself of every opportunity to learn."

No push for change

There's little pressure to change a rule that benefits both Democratic and Republican lawmakers. The last time legislators took a hard look at ethics rules, New Richmond Republican Tom Niehaus was leading the Ohio Senate, and he left in 2012, Turcer said.

Last year, Rep. Niraj Antani, R-Miamisburg, [proposed banning lawmakers from accepting free international trips](#) and documenting more information about the food and gifts they receive. The bill received no hearings. Antani hasn't yet decided if he will try again.

Ohioans aren't alone in struggling to document lawmakers' travel. While wildfires burned in California, some of its legislators [were in Maui being lobbied by utility officials](#), according to a New York Times report. In response, a progressive advocacy group demanded that lawmakers report travel in real time.

Ohio lawmakers aren't required to file travel expenses in real time either. Ethics forms for the previous year aren't available until the spring, so constituents can't look up their lawmaker's 2018 travel for another several months. If lawmakers use their campaign contributions to pay for travel, those receipts are filed more regularly – but are still months behind.

"It's never too late for somebody to step forward," Turcer said. "This is really the time to think about good rules."

[Ethics commission bill passes its first hurdle](#)

A bill that would set up a voter-approved New Mexico ethics commission and outline the body's powers and procedures passed its first legislative hurdle Saturday without opposition.

But the bill's sponsor said he would make additional changes to it after questions surfaced about how transparent the commission would be.

Specifically, Rep. Daymon Ely, D-Corralles, said his intent is for valid ethics complaints – and responses to the complaints – to be publicly available once an ethics commission official finds probable cause exists to launch an investigation.

"If that's not clear, we're going to make it clear," he told the Journal.

Under the measure, House Bill 4, complaints found to be frivolous would not be investigated. Such a complaint would not be released, though either the person who filed it or the subject of the complaint could voluntarily decide to do so.

New Mexico voters last year overwhelmingly approved a constitutional amendment – proposed by lawmakers in 2017 – to set up an ethics commission to investigate claims of wrongdoing against legislators, lobbyists, elected officials and state employees.

That vote came after years of debate on the issue and a string of high-profile public corruption cases involving elected officials.

The bill approved Saturday, one of two ethics commission measures proposed at the Roundhouse, would give the seven-member commission subpoena power – so that it could

obtain evidence and compel witnesses to testify – and the ability to hand off complaints to other state agencies.

The commission would have the authority to investigate compliance with state laws covering campaign fundraising, financial disclosures, lobbyist regulations and the conduct of government officials.

But some groups have called for greater transparency in its handling of complaints.

“A key reason for voters’ overwhelming support of an ethics commission was to build trust in state government,” Melanie Majors, the executive director of the New Mexico Foundation for Open Government, said in a Saturday statement. “That trust can only exist if the commission operates in an open and transparent manner.”

The bill passed the House Judiciary Committee on Saturday via a 8-0 vote. It now advances to the House Appropriations and Finance Committee.

[NH lobbyists paid record fees in 2018 but info hard to track](#)

A healthy economy and a feisty election year combined to make 2018 a record-setting one for fees paid to lobbyists hired to influence the state Legislature, Gov. Chris Sununu and state agencies.

Unofficially, the nearly 500 private or public interests that hired lobbyists last year paid out nearly \$10.7 million in fees.

This amount dwarfed the previous record of an estimated \$8.4 million in fees paid out in 2017, the first year Sununu was governor.

Four well-connected firms each with dozens of clients received at least \$1 million in fees last year.

Those leading firms are:

Demers, Blaisdell & Prosol Inc., run by former Democratic state Rep. and longtime presidential campaign insider Jim Demers. The company includes Robert Blaisdell, son of the late Senate President Clesson “Junie” Blaisdell, a Keene Democrat.

The Dupont Group, named for its now-retired founder, ex-Senate President Ed Dupont, a Rochester Republican.

Sheehan Phinney Capitol Group, the lobbying arm attached to a large Manchester law firm led by ex-GOP legislative staffer and campaign strategist Bruce Berke.

RYP Granite Strategies, another lobbying unit inside a Concord law firm, which is headed by Republican presidential strategist Tom Rath, a former attorney general.

The Union Leader constructed a database of the fees paid to these lobbyists from information available on the Secretary of State’s website.

But the state’s website is not searchable.

All lobbyists have to report quarterly the fees and expenses they incurred over the previous three months.

Little oversight of reports

State officials scan all the forms and post them online. This means anyone trying to aggregate all the fees paid to any firm has to total up all of the individual forms.

In 2018, more than 1,000 lobbying firms filed these reports because several firms have more than one associate working for them.

For example, the Sheehan Phinney Capitol Group has five registered lobbyists who represent 40 clients (*see the chart above*).

To find out what the firm got paid in total requires looking at more than 120 forms.

Former Senate Majority Leader Bob Clegg heads his own lobbying firm called Legislative Solutions LLC.

In 2018, the firm received \$243,500 in fees from nine registered clients ranging from the American Civil Liberties Union of New Hampshire to Wheelabrator Technologies.

Clegg said the lobbying laws are too open-ended and not closely reviewed.

“I just feel like the laws as they are now written really allow a lot of off-the-books activity, and, besides, there isn’t anybody enforcing them,” Clegg said.

“There is nobody that is holding people accountable,” he said.

Under existing state law, Secretary of State Bill Gardner’s office collects and manages lobbyist disclosure information and the Attorney General’s office carries out any enforcement action.

Current Senate Majority Leader Dan Feltes, D-Concord, wants to beef things up and proposed legislation (SB 230) to give Attorney General Gordon J. MacDonald a three-fold increase in staffing in the state’s election law unit.

The bill would compel the agency to review lobbyist activity.

“I think the AG is doing the best he can with very limited resources,” Feltes said. “But if we are serious about our lobbying laws and transparency and disclosure, we have to dedicate the resources so it functions properly and the public has confidence there is integrity in the system.”

After becoming attorney general, MacDonald created an election law unit, and the present state budget gave him two staffers — an assistant attorney general and an investigator.

The bill Feltes is advancing would create a six-person team, adding two full-time lawyers, another investigator and a paralegal. As written, the increased staff would cost \$400,000 a year.

More resources

During a recent public hearing, MacDonald spoke more about the need to improve the slow response on campaign finance and election complaints that this staff would address.

But MacDonald said his office’s review of lobbying should be enhanced.

“We need to do better with respect to the lobbyist disclosure,” MacDonald said. “There needs to be a standardized review of those disclosures.”

A Senate panel last Thursday endorsed the measure, 5-0.

In the state budget Sununu presented earlier this month, the governor proposed giving the attorney general one of the four positions that Feltes calls for in his bill.

“I’m pleased this bill in committee got bipartisan support because it’s a goal we all should strive for,” Feltes said.

The Union Leader’s review found many lobbyists fail to disclose on any report how much their firm got paid in total fees.

An exception to that was the Demers Group, whose 34 clients range from law enforcement agencies, health insurers, power companies and Walmart to the state's golf course superintendents.

Demers said Gardner's staff told him to do it.

"Under our laws, we were advised by the secretary of state's office that we should be doing this at the end of the year, so we do it," Demers said.

"The form doesn't so specifically state that, but in the interest of transparency, we decided we should be totaling up what our fees are at the end of the year."

Demers defended the level of disclosure lobbyists in this state provide. He noted lobbyists in most states don't reveal their expenses, which is intended to show what each firm spends to do its work.

"We have to essentially show folks the overhead of the business. In most states, they are interested in only the income side of the ledger," Demers said.

"I think compared to a lot of others, we are more open."

Lobbyists here also report how much in campaign contributions they make to candidates or political committees.

Demers said the work of lobbyists here is more out in the open thanks to how transparent the legislative process is.

"In most states there isn't even a requirement that a bill get voted on by the body. They don't even have to go to a committee for a hearing in some states," Demers said.

"Here everything gets heard, voted on by committee and dealt with by the whole legislative body up or down. I believe it's the most transparent system in the country. As lobbyists we have to be up front about how we are advocating for our clients, where elsewhere, a lot more can happen in the shadows."

New Hampshire's laws, however, do not require any lobbyist to identify any legislation they've been hired to try to influence.

Massachusetts and Maine both require their lobbyists to spell out how their fees correspond to legislation they've been hired to follow.

In this state such a mandate wouldn't be practical, Demers said.

"Let's take this year, 1,100 pieces of legislation, and in our case, we are monitoring probably more than half of them," Demers said.

"This would be a reporting nightmare for all of us to have to do that and it wouldn't reveal anything more than a laundry list."

Clegg said the state should require lobbyists to report what they are being paid in real time — not months after the fact.

"A lot needs to be fixed, but I think the most important change would be that all lobbyists should have open books about what's coming in and what's going out. Why shouldn't the public know right away that an employer is paying a lobbyist \$50,000?" Clegg said.

Guinta, a clinic lobbyist

Here were some other notable fees within these reports.

Former U.S. Rep. Frank Guinta was paid \$60,000 to represent Granite Recovery Centers of New Hampshire, which has 12 drug rehab locations in the state.

After losing his congressional seat in 2016, Guinta joined ML Strategies, a lobbying unit housed within the Boston law firm Mintz Levin.

Burgess Biopower LLC paid more than \$136,000 to the Concord lobbying firm headed by James Bianco, which appeared to be money well-spent.

Last spring, Sununu vetoed a bill extending subsidies to six wood and trash-burning power plants across the state.

The Republican-led Legislature ultimately overrode Sununu's veto to continue those subsidies.

Sununu signed a separate bill for Burgess alone that extended its North County subsidies for another three years.

This was the first-full year for an enhanced lobbying team working for the Maine-based Preti Flaherty law firm that included former Senate President Peter Bragdon, a Milford Republican and ex-Sen. Andrew Hosmer, a Laconia Democrat.

The firm received nearly \$310,000 in fees last year from nine clients including the NH Medical Society and Theater Owners of New England.

[Benson joins call to end lawmaker-lobbyist 'revolving door'](#)

Michigan Secretary of State Jocelyn Benson has joined calls for a new "cooling off" period to prevent lawmakers from immediately going to work as lobbyists.

"I do have concerns about the revolving door, and that's going to be something that we look into and try to change," Benson said Friday on WKAR-TV's Off the Record.

As The Detroit News reported last month, Michigan is [among a minority of states](#) without an ethics law prohibiting lawmakers or state officials from immediately taking paid jobs as lobbyists to the Legislature when their term expires.

At least four former lawmakers have registered as lobbyists since leaving office Jan 1, and a fifth is seeking a declaratory ruling on if he must register in his new role with a union group. Four officials from Republican former Gov. Rick Snyder's administration have also registered as lobbyists in the past two months.

Cooling off periods are "best practice," and without one, there is "a potential for corruption," said Benson, a Detroit Democrat whose office oversees the Michigan Lobby Registration Act. She noted the possibility that lawmakers could be promised future jobs in exchange for preferential treatment.

Legislators near the end of their term could be "influenced by — as they look for a new job — someone who may want to take advantage of the job that these individuals were elected to do and influence their final decisions and therefore pay them appropriately right after the fact when they leave office," she said.

A proposal recently reintroduced in the state Senate would create [a two-year "cooling off" period](#) for most lawmakers and a three-year lobbying ban for lawmakers who chair powerful policy or appropriations committees.

Sponsoring Sen. Jim Runestad, R-White Lake, last month told The News he thinks the proposed law would "give the voting public the sense that this system is not rigged."

Benson said she believes a two-year period would be appropriate in Michigan, which has one of the strictest term limit laws in the country limiting lawmakers to a total of six years in the state House and eight years in the state Senate.

Recently registered lobbyists include Sen. Dave Hildenbrand, a Lowell Republican who chaired the powerful appropriations committee and is now working for the Kelly Cawthorne multi-client firm.

Shelly Edgerton, who ran the Michigan Department of Licensing and Regulatory Affairs under Snyder, registered as a lobbyist on Feb. 5 in her new role as senior counsel at the Dykema law and lobbying firm in Lansing.