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## Weekly Lobbying Articles

August 3, 2017

Los Angeles Times

July 31, 2017

### Anaheim City Council passes county's toughest restrictions on lobbying

<http://www.latimes.com/socal/daily-pilot/news/tn-dpt-wknd-et-anaheim-lobbying-20170731-story.html>

Anaheim elected officials and workers will be barred from lobbying the city for two years after they leave their jobs under a new “sunshine ordinance,” the strictest restriction on government lobbying in Orange County.

The new ordinance, proposed by Councilman Jose Moreno, also prohibits the city from hiring people from lobbying firms and requires paid lobbyists to register with the city and file quarterly reports.

It also would require City Council members and executive level staff to retain all email communications for 90 days, rather than the current 37 days, and calls for signs to be posted at the site of any large-scale development explaining the project.

At their July 25 meeting, council members exchanged barbs over provisions of the law, with some council members accusing the measure’s author of targeting them and their staff.

Over-the-horizon meets state-of-the-art. Learn how Raytheon’s Standard Missile-6 supports three critical missions with a single missile design.

Councilman Steve Faessel, who supported the ordinance, said he asked to see drafts of the ordinance but was denied.

“This document is about openness and clarity, and yet I asked for some involvement, more than two months ago ... and since it was considered a work in progress, I was denied,” Faessel said.

“I find that it was written in such a way that would cost three of our council members their aides and not the other council members their aides,” Faessel added.

One of Faessel’s part-time aides is an employee with the public relations firm FSB Core Strategies and could be affected by a provision in the ordinance that prohibits the employees of lobbying firms from working with the city. Jeff Flint, the company’s CEO, is a registered lobbyist with the county of Orange and has represented the Anaheim Chamber of Commerce.

Moreno said he did not intend to target any council member with the ordinance, although he realized some would be affected by it.

“While any ordinance will have unequal impacts on people ... that doesn’t mean that it’s inequitable,” Moreno said.

The council voted 5-2, with council members Lucille Kring and Kris Murray voting no, to approve the ordinance.

Kring said the ordinance would “increase the load and expense to developers.” She said the city already is transparent, and she doesn’t believe there is a problem with lobbyists.

“You are looking for a solution to a problem I believe does not exist,” Kring said.

Murray, who called the ordinance “half-baked and not ready-to-go,” also introduced a number of amendments she said would strengthen the ordinance, although the council voted to exclude her amendments. Murray will introduce those changes to the ordinance as a separate item at the Aug. 15 council meeting.

Anaheim Mayor Tom Tait, meanwhile, praised Moreno for proposing the ordinance.

“I applaud you taking on the establishment and the lobbying establishment ... this represents change at City Hall,” Tait said.

### **City Council Aides**

While definitions of the term “lobbyist” differ, it generally refers to anyone paid to influence government decisions.

The Anaheim ordinance defines a lobbyist as anyone who receives \$500 or more a month to communicate with city officials for the purpose of influencing legislative or administrative actions.

Council members each have a budget for hiring part-time policy aides, although the mayor has a fulltime aide. Some members use that budget to contract with public affairs firms.

Councilwoman Denise Barnes’ part-time aide, Matthew Holder, is a registered lobbyist who has previously worked with Barnes’ campaign consultant, John Lewis, and is a public affairs consultant. Holder said the county database is outdated, and he has not been a registered lobbyist for the past year and a half.

Moreno argued at the meeting that aides who work for lobbying firms have access to sensitive city information that may give an advantage to the firm they work for.

City spokesman Mike Lyster said Faessel does not believe his aide should be barred from working in Anaheim under the ordinance and that he will seek a legal opinion from either the city attorney or an outside body.

“I think everybody else will likely have to go through the same process,” Lyster said of the other council aides.

Kring’s aide, former council candidate Steve Chavez Lodge, used to work for Hill International, a city contractor.

Murray, who works for the public consulting firm Willdan, has a contract with the company Communications LAB to provide both her city policy aides and to do work for her campaign.

Shirley Grindle, a citizen watchdog who has independently monitored campaign contributions to politicians countywide for years, said she would like to see the quarterly reports filed by lobbyists include disclosure of what campaign contributions they have made to the council during that period.

“I recently found out that some of you hire lobbyists as your staff to help you do your jobs ... and I can’t tell you how bad I think that is,” Grindle said. “They do not have a good name anywhere ... because they’re paid to get your vote, to get a project approved.”

## **Similar laws statewide**

Many sunshine ordinances in California — such as ones adopted by Santa Ana, Oakland and Contra Costa County — largely focus on clarifying policies on public access to records and public meetings.

The state Political Reform Act generally restricts state officials and certain local officials, such as city managers and elected officials, from being paid to attempt to influence their agencies on matters they worked on while employed by the government.

The state “revolving door” restrictions on lobbying, which aims to limit the influence of officials who move between public service and the private sector, only applies for one year after a person permanently leaves their public sector job.

Anaheim’s sunshine ordinance is a hybrid that resembles regulations passed by some cities with their own ethics commissions, such as Los Angeles, San Jose and San Francisco.

Anaheim is the second city in Orange County to have a lobbyist registry; both the county of Orange and Irvine require lobbyists to register.

**Sun Prairie Star**  
**August 2, 2017**

### **WisPolitics Capitol Report: Ex-legislators holding onto accounts**

[http://www.hngnews.com/sun\\_prairie\\_star/opinion/columns/article\\_4ced2832-7792-11e7-9409-27ccacf17b35.html](http://www.hngnews.com/sun_prairie_star/opinion/columns/article_4ced2832-7792-11e7-9409-27ccacf17b35.html)

More than two years after he left the state Legislature, former GOP state Sen. Mike Ellis still has his campaign finance account, in part, because he knows what closing it down means: The end.

It’s been 47 years since Ellis, R-Neenah, won his first election to the state Assembly and three since he suddenly dropped his re-election bid following the release of an embarrassing secretly recorded video.

But the former Senate leader is just now preparing to start closing out his account by creating a foundation where he will send the money and then dole it out to charities in the Fox Valley.

He compared the delay to former Green Bay quarterback Brett Favre’s repeated flirtations with retirement before he finally went to play for the New York Jets and then the Minnesota Vikings.

“It’s difficult when you close that baby down,” Ellis told WisPolitics.com recently. “You know that it’s time to accept the fact that you’re not 29, you’re 76.”

Ellis is by no means alone among former state lawmakers and candidates who still have accounts open years after they leave office. Under state law, past candidates have four options for their leftover contributions. They can keep the accounts open and continue spending the money on political activities so long as they comply with reporting requirements. They also can return it to donors, give it to the common school fund or donate it to charity.

Ellis is creating the Michael G. Ellis Charitable Foundation, filing paperwork with the IRS. He had \$115,248 left in his campaign account at the end of June after spending \$6,418 during the first six months of 2017.

That includes donations of \$2,000 each to GOP Sens. Rob Cowles, a long-time colleague from Green Bay, and Roger Roth, who replaced him in the Appleton-area Senate seat and is now the Senate president. He also gave \$1,000 each to GOP Sens. Devin LeMahieu, of Oostburg, and Jerry Petrowski, of Marathon.

Ellis said he spent about six months working on the foundation, though he admitted to sometimes still having the desire to run again.

“But after watching what’s been going on over the last year and half, I’m not interested in running for anything,” Ellis said.

The leftover campaign accounts also create a possible conflict for the former candidates who keep them open while lobbying the state Legislature.

State law only allows lobbyists to personally contribute to a candidate from the day nomination papers are circulated through Election Day.

However, they are allowed to deliver a contribution at any time from a PAC or a conduit.

Administrator Brian Bell said the Ethics Commission has not addressed whether a lobbyist with an active campaign account is making a personal donation if they use the fund to donate to a candidate or it should be considered delivering a contribution from a committee.

Former GOP state Sen. Neal Kedzie of Elkhorn resigned from the Legislature in 2014 to become president of the Wisconsin Motor Carriers Association and is a registered lobbyist.

He also continues to have a campaign account, which he used to donate \$1,000 to Roth June 28, which is in the window during which lobbyists cannot directly contribute to a candidate.

It was the first donation he’s made to a candidate through the fund since resigning from the Legislature. Kedzie, who had \$41,607 left in the account at the end of June, said he was operating under the belief the donation counted as a committee to committee transfer and did not run afoul of the lobbyist contribution ban.

He also said he’d continued to hang onto the account initially because of the possibility he may want to return to public office.

But he said in a WisPolitics.com interview about the fund was a reminder he “should probably just make a decision what I should do.”

A WisPolitics.com check of campaign finance reports and lobbying records turned several other former lawmakers who continue to have campaign accounts after becoming lobbyists. They include two former Assembly speakers.

Jeff Fitzgerald, R-Horicon, and John Gard, R-Peshtigo, notified the Ethics Commission this month they didn’t raise or spend anything during the most recent six-month period.

Fitzgerald, who left the Assembly after 2012, last reported activity in the last half of 2016 and still had \$3,271 in the account at the end of the year.

Gard, who left the Assembly after 2006, when he made a bid for Congress, hasn’t reported any activity in at least eight years.

And former U.S. Rep. Mark Green, the president's pick to lead the U.S. Agency for International Development, has started emptying out his state campaign account more than a decade after losing his bid for governor.

The Green Bay Republican made \$70,000 in charitable contributions this spring, including \$50,000 to the World Orphan Fund, a group headed by longtime GOP operative R.J. Johnson. Green is a member of the group's advisory board.

He also gave \$10,000 to the International Conservation Caucus Foundation and \$5,000 each to the Joseph P. Mettner Foundation and World Teach.

**San Antonio Current**  
**August 1, 2017**

**Religious Rights Lobbyists Are the Lone Supporters of Texas' Bathroom Bill**

<https://www.sacurrent.com/the-daily/archives/2017/08/01/religious-right-lobbyist-are-the-lone-supporters-of-texas-bathroom-bill>

Law enforcement. The National Football League. Tech companies. Small businesses. And now, the largest oil and gas companies in the nation.

None of the communities Texas Republicans have historically rallied behind want the GOP-led state legislature to pass its so-called "bathroom bill." In fact, each and every one of these groups have come out in vehement opposition to bills meant to keep transgender Texans (specifically public school-aged kids) from using the bathroom that aligns with their gender identity.

"We support diversity and inclusion, and we believe that any such bill risks harming Texas' reputation and impacting the state's economic growth and ability to create new jobs," write top oil and gas officials from Shell, BP, Chevron, ExxonMobil, ConocoPhillips and Halliburton in a Monday letter sent to Governor Greg Abbott.

The latest opposition from Texas' favorite industry (which had given Abbott more than \$10 million in campaign contributions over the course of his political career) has only underscored the fact that when it comes to bathroom laws, Republican lawmakers have only one powerful group of lobbyists in mind: the religious far-right.

In each legislative committee hearing on the bathroom bills, the sliver of support comes from a conservative religious organization like Texas Values, the Texas Eagle Forum, the Southern Baptists of Texas Convention, or the Texas Catholic Conference of Bishops.

"Laws and policies that allow men open access to private intimate facilities designed for women and children puts them at risk of attack," wrote Gary Ledbetter, spokesman for the Southern Baptists of Texas Convention, in a June statement supporting Abbott's special session agenda. "We affirm that gender identity is determined by God through biological sex and not by self-perception."

In the eyes of the religious right, it appears, discrimination doesn't count if they don't acknowledge the group of people they are discriminating against.

Their support of these bills has been consistently drowned out in hearings and protests by families of transgender kids, LGBT advocacy groups, business leaders, law enforcement officials, and school

superintendents. Even moderate religious leaders and members have spoken out in opposition to the bill, arguing that trans discrimination doesn't align with the values found in modern religion.

So why do GOP lawmakers keep pushing?

According to the Economist, the Conservative Republicans of Texas (one of the state's largest GOP power brokers with religious roots) has said it will throw money at any primary challenger of a sitting Republican who votes against the bathroom bill. Here's a peek at CRT's rallying cry in a recent blog post:

"You can be part of the army that defeats the godless, Communist Alt-Left that promotes the Islamization of America, the acceptance, affirmation and celebration of the perverted homosexual and so-called 'transgender' lifestyle."

CRT donated nearly \$2 million between the 2010 and 2016 election cycles to more than 100 Texas farright legislative candidates and political causes. Knowing how deep CRT's pockets go, a lawmaker's vote against the bathroom bill could be a career-ruiner. It's still unknown if Abbott, Patrick and their fellow conservative lawmakers pushing the bill through the special session really care if trans people use public bathrooms. What they do care about, however, is their fast-approaching reelection campaigns.

Some lawmakers, like House Speaker Joe Straus, have already forfeited this crucial support. The special session's iteration of the bathroom bill, Senate Bill 3, has already cleared the Senate floor, but there's no saying when (or if) Straus, a San Antonio Republican opposed to the anti-trans bill, will consider it the lower chamber. Jared Woodfill, the president of CRT, has already told the New York Times: "His days are numbered as speaker."

This threat explains a lot — especially when it comes to the confusing arguments being made in support of the bill.

From the start, both Gov. Greg Abbott and Lieutenant Gov. Dan Patrick have touted the bathroom bill as a necessary tool to protect women from being attacked in bathrooms, presumably by cisgendered men masquerading as women. But neither official, nor anyone in the state legislature, can point to an example of this ever happening in Texas. Either way, it's already a crime for a man (or a woman for that matter) to attack anyone in a public restroom. The lack of evidence has left sheriffs and police chiefs from Texas' largest cities regularly dismissing the bill as a 'public safety' solution.

"I believe that if you propose a bill to address a criminal justice concern, it's important to determine if you actually have a problem. This bill is a solution looking for a problem," said San Antonio Police Chief William McManus, addressing a crowd in front of the state Capitol building last week. "The bathroom bill doesn't pass the test, the most basic test, of any public safety bill. It does nothing to make us safer."

Monday morning, Gov. Abbott changed his tune on the bill, telling reporters at a sheriff's convention that protecting women's privacy in public bathrooms is "a civil action, not a criminal issue" — and that law enforcement had no right to comment in its validity. He's also scoffed at the NFL's threat to move Superbowl games to other states because of the pending bill, and at major tech businesses like IBM, Facebook and Apple that say they'll shutter their Texas offices if the bill goes into effect.

Abbott has yet to respond to Big Oil's letter of opposition, but Lt. Gov. Patrick has fired back in what sounds like a playground taunt: "The people of Texas are right about this issue and they are wrong."

ctpost  
July 30, 2017

### **Both side lobbied hard for casino deal**

<http://www.ctpost.com/local/article/Both-sides-lobbied-hard-for-casino-deal-11656238.php>

They were stationed around the state Capitol complex like a couple dozen undercover agents.

The legion of lobbyists representing MGM Resorts International watched every step taken by Rodney Butler and Kevin Brown, chairmen of the Mashantucket Pequot and Mohegan nations, on that early spring day during their rounds pushing for a third tribal casino in East Windsor.

One lobbyist thought it was like a scene from a 1970s vintage crime movie.

There was a lot at stake.

It was part of MGM's full-court press — lobbyists, national political figures, TV, digital media — aimed at opening up the bidding statewide, at best, or delaying a third tribal casino for as long as possible, so the company's billion-dollar gambling resort under construction in Springfield could open up in the fall of 2018 with as little competition as possible.

Tom Swan, executive director of the Connecticut Citizens Action Group, a public advocacy organization founded in 1970, likened MGM's big play to a high-stakes game of blackjack.

"MGM gambled that hiring more and more lobbyists would work to their advantage — but they went over 21," Swan, a longtime Capitol observer, said last week.

More than \$3.2 million has been spent this year lobbying for and against the third tribal casino, which won approval during the legislative session and again last week, when the House of Representatives quickly voted in favor of a revised memorandum of understanding with the Mohegans and Pequots.

The issue will come to the state Senate on Monday for expected approval, then finally to the federal Interior Department's Bureau of Indian Affairs in Washington for final action later this summer.

Consultants predict the tribes' joint venture could siphon away between \$18 million and \$20 million a month from the MGM site.

### **Once bitter rivals**

Connecticut's two tribes — historic bitter enemies and business rivals — won, for the time being.

MGM Resorts spent at least \$2.1 million in this year's losing effort to prevent the tribes' planned East Windsor casino, according to filings in the Office of State Ethics. Twenty-five lobbyists registered with the OSE for MGM, with the task of persuading 151 members of the House and 36 senators.

An estimated \$900,000 was spent on video ads and a TV campaign featuring an assured woman stressing the need for an "open, competitive" process. Connecticut can't afford bad deals, another video warned, while lawmakers remained on a two-year track to approve the tribes' East Windsor location.

Eric H. Holder Jr., the U.S. attorney general under President Barack Obama, wrote a letter against the third tribal casino.

The MGM effort was led by the Global Strategy Group, which was paid \$1,477,688, according to the OSE. Global's managing director in Hartford is Roy Occhiogrosso, longtime political adviser to Gov. Dannel P. Malloy. Occhiogrosso supervised both of Malloy's successful gubernatorial campaigns.

MGM joined forces with the Schaghticoke Tribal Nation of Kent, represented by the high-powered Hartford lobbying firm of Sullivan & LeShane as well as by James A. Amann, of Milford, the former speaker of the state House of Representatives. The Schaghticoques have been represented in court by Joseph I. Lieberman, the former U.S. senator.

Together and separately, the Pequots and Mohegans spent a total of \$875,400 this year. They enlisted former Malloy spokesman Andrew Doba, whose Stamford firm, Stu Loeser & Co. LLC, was paid \$137,924 to shepherd the tribal leaders through the Capitol maze, and arrange public-relations events featuring employees of Foxwoods Resort Casino and Mohegan Sun.

The Pequots and Mohegans also contracted with two former state lawmakers: David Cappiello, of Newtown, and Peter Smith, of Milford.

"The tribes have a long-standing partnership with the state, and they understood the Springfield casino would have a significant impact on Connecticut," said Smith, a former member of the House of Representatives who is a partner in the Hartford lobbying firm of Rome Smith & Lutz.

"To mitigate that impact, we brought some ideas forward to protect the Connecticut jobs and revenue," Smith said. "Nothing precluded MGM from doing the same thing, picking a site in Bridgeport or Fairfield County and making a proposal. The more money they spent hiring lobbyists, bringing in high-profile names from Washington, TV ads and other things, it reinforced the fact that they were just protecting their investment in Springfield."

Cappiello, who represented Danbury in the state House and Senate and is now president of the Capitol Hill Group, said the simple message was protecting and creating Connecticut jobs.

"Saving jobs is not a partisan issue," Cappiello said. "It's a Connecticut issue and a human issue. Secondly, we wanted to keep revenue in Connecticut. That was our focus, and it took time to educate and to explain how MGM Springfield was going to impact our state and our jobs."

### **Friend against friend**

On one level, the issue pitted two former top aides to Malloy, Occhiogrosso and Doba, whose Capitol offices adjoined each other during Malloy's first term, against each other.

"Andrew is a good friend and he's good at what he does," Occhiogrosso said. "I enjoyed the time we worked together. It's just different when we're on different sides."

"Roy is one of the best operatives in Connecticut or anywhere else, for that matter," Doba said.

"Although we were on opposite sides in this fight, it would be great to work together again in the future."

"It's just like any issue you lobby for a client," Amann said. "You're trying to do the right thing for your client. We tried to make our points."

Amann likened the lobbying effort to the last Super Bowl, when the New England Patriots made a big comeback to overtake the Atlanta Falcons.

"We were winning until the last quarter," he said.

Then a combination of pieces fell in place, enabling the tribes to win overwhelming support in the House and Senate.

There were decades of accumulated good will for the tribes, whose slot machines have contributed \$8 billion in state revenue over the last quarter century. Malloy announced late-breaking support for the

East Windsor project. The General Assembly finally accepted that as many as 9,000 state jobs could be lost if MGM took away business from Foxwoods and the Mohegan Sun.

“Though we were outspent by a large margin, we knew that our message of saving Connecticut jobs was going to be effective because in the end, we were the home team,” Doba said. “All the other side could do was say there was a better deal. But that wasn’t true, when you looked at the long history between the tribes and the state.”

### **The fight is not over**

The tribes are going ahead now with their \$300 million East Windsor project along Interstate 91, about 17 miles south of Springfield. But the tribal leaders and lawmakers understand MGM’s fight will go on in the courts and possibly the Bureau of Indian Affairs.

“I believe going off the reservation makes this whole argument so much different that what has happened in the past,” said Amann who wants the Schaghticoke to get a chance to bid on a southwestern Connecticut casino, possibly in Bridgeport. “It’s unconstitutional.”

Uri Clinton, MGM’s vice president and deputy general counsel, declined to say whether the company is lobbying the Bureau of Indian Affairs to reject the tribes’ expansion effort and the new memorandum.

“We’ve had a very strong position that legally there are constitutional issues we’re going to be pursuing,” Clinton said. “Litigation is part of the strategy. We really made a significant investment in trying to get a seat at the table, and we really value access to the New York market if that opportunity presents itself. Some people thought we were just trying to block, but last year we made a significant commitment to the state and we’re planning to engage next (legislative) session.”