



[Ohio AG investigates new allegations in fight over energy bill referendum](#)

Ohio Attorney General Dave Yost is investigating new allegations that people circulating petitions for a statewide referendum on a controversial energy bill are being offered cash to quit the campaign and to sell signed petitions to the opposing side.

It's the latest chapter in a costly, contentious fight over House Bill 6, which was signed into law in July. It mandates Ohio's 4.8 million utility customers pay monthly fees to bailout aging nuclear power plants owned by Akron-based FirstEnergy Solutions and two coal-fired plants owned by the Ohio Valley Electricity Corp. The bailouts add up to more than \$1 billion.

Ohioans Against Corporate Bailouts, which faces an Oct. 21 deadline to collect 265,744 valid voter signatures, alleges that opponents of their campaign have offered their circulators as much as \$10,000 to quit and one of their petition circulating vendors was offered \$100,000 to pull out.

On Saturday, opponents of the referendum went door to door at a Columbus hotel where petition circulators were staying and offered to buy petitions that had already been signed, according to Ohioans Against Corporate Bailouts.

Buying or selling a petition is a fifth degree felony, under state law.

Opponents of the referendum said their employees aren't engaged in such activity.

Generation Now, a dark money group backing House Bill 6, hired FieldWorks to discourage voters from signing the pro-referendum petition.

Another dark money group, Ohioans for Energy Security, is running more than \$3-million in TV ads alleging the Chinese are behind the referendum effort and paying people to circulate an alternative petition that opposes 'foreign ownership of our electric grid.'

“Generation Now agrees with Attorney General Yost that FieldWorks staffers in the field should not intimidate petition circulators or any citizens they encounter. Field staffers have been instructed repeatedly to act appropriately and generally it appears they are. One staffer was fired after misbehavior was documented and FieldWorks will follow up on any other documented incidents,” Generation Now spokesman Curt Steiner said in a written statement.

Steiner said FieldWorks has not been authorized to make cash offers.

Ohioans for Energy Security spokesman Carlo LoParo said “That’s not the type of activity we engage in.”

House Bill 6 was unveiled in April by House Speaker Larry Householder, R-Glenford, a vociferous advocate for taking steps to help FirstEnergy Solutions keep open the two nuclear power plants along Lake Erie.

Householder said he opposes the referendum, arguing that lawmakers gave the bill a thorough vetting.

The story of how the bill became a law is extraordinary.

An analysis by the Energy and Policy Institute, which opposed HB6, found that utilities benefiting from the new subsidies donated \$1.65 million to Ohio politicians and parties since 2017, including \$322,777 to House members who voted in favor of the bill. Money flowed to the campaigns of the Big Three political leaders: Householder, \$67,416; Senate President Larry Obhof, \$24,300; Gov. Mike DeWine, \$57,708, plus another \$20,000 to his inauguration events.

More than 400 lobbyists reported that they weighed in on the bill, according to state lobbying reports, including 20 hired by FirstEnergy, FirstEnergy Solutions and the FES bondholders group.

Generation Now spent \$9.5 million on ads to sway the public and lawmakers in favor of HB6, according to an ad tracking service. Lined up against HB6 were environmental groups, consumer advocates, natural gas interests and free market think tanks. Opponents of the bill spent nearly \$2 million against it.

When it came time for the final vote on the bill, legislative leaders requested — and later canceled — use of the state-owned plane to fetch lawmakers from Chicago.

Ohioans Against Corporate Bailouts said it is confident it'll collect enough signatures to qualify for the November 2020 ballot.

Ohioans for Energy Security's LoParo doubts that. "They're scrambling. They're hiring people who have questionable reputations and criminal convictions and they're throwing out crazy allegations."

Ex-FEC chair sees 2020 'Wild West' as watchdog lacks quorum

The former chairman of the Federal Elections Commission said that watchdog agency could be powerless to root out campaign finance law-breaking all the way through the 2020 election cycle.

In March 2017, California Democrat and former FEC Chair Ann Ravel made national news when she resigned from the FEC calling the entity "dysfunctional."

She urged President Trump to support more transparency and beefed-up enforcement for regulators to go after the growing threat of dark money in federal politics.

During an interview Thursday, Ravel said the FEC has gone from "bad to worse" as earlier this week a commissioner resigned leaving the agency without a quorum to meet and do business.

By federal law, on the six-member FEC one party can have no more than three members of the same party.

Currently it's evenly split but down to three members, one registered Republican, one Democrat and one independent.

"While it used to split 3-3 and you could not do regulations and the like, now they can't even meet," Ravel told the Union Leader. "Because they can't meet, they can't even ask the audit group to ask to do an audit to get an investigation started."

Candidates still have to file reports, complaints can be brought, and fec.gov, its popular web site with a massive archive of campaign spending and expense data, will keep running.

Ravel said election law complaints can be taken up within five years of the incident occurring but right now there's no deterrent to "Wild West" style campaign spending tactics in the run up to the White House campaign, she said.

“People are going to hopefully start filing their campaign reports but knowing there is not going to be at least immediate enforcement of it sends a message to people that they don’t have to be careful about it, they don’t have to do it on time,” Ravel said.

“You want to have the ability to find out who is funding elections and whether it’s in any way improper before you have the election. Finding out five years later and a slap on the wrist isn’t going to be sufficient to make people want to cooperate.”

President Trump has nominated Republican Trey Trainor of Texas to a seat on the FEC, but the Senate hasn’t taken it up.

Typically, the Senate hasn’t acted until the President has sent a “pair” of FEC nominees, one Democrat and one Republican, so the balance of power remains the same.

“There is a confluence of the White House not caring about the issue and the Senate not pushing it,” Ravel said.

“It’s both the President and the Senate majority and minority leaders who have not moved forward that has put us in this place.”

Michael Toner, another ex-FEC chair, said earlier this week there is a “real possibility” the FEC could lack a quorum through the 2020 election.

The campaign finance reform group Open Democracy Action sponsored Ravel’s trip to New Hampshire to take part in a Thursday morning briefing at the State House and later to appear at luncheon and dinner fundraisers for the group in Peterborough and Greenland.

Joining Ravel at the State House was Maine Republican State Sen. Roger Katz who spoke about the success of public financing in his state that adopted the first Clean Elections statewide law in 1996.

“Maine has been judged to be among the most blue-collar Legislature in the country. There are teachers, carpenters, nurses. I am the only practicing lawyer in the state senate and a significant portion of the legislature would not be there without the opportunity to use the clean election fund,” Katz said.

Ravel said while many states have been slow to act she believes public financing is building momentum as campaigns are breaking spending and donation records with every next election.

“What people are seeing is that citizens who never thought about participating in campaigns, volunteering, donating much less running are stepping forward in states and communities with public financing. That’s a positive thing,” Ravel said.

“This is one of the ways to make people feel their role in the process is important.”

For two decades, the New Hampshire Legislature under the control of both parties has rejected public finance legislation.

A State Senate committee is studying a 2019 bill it sent back to committee last spring for more work.

State Rep. Robert “Renny” Cushing, D-Hampton, has proposed a 2020 version that would fill up the fund by making political committees, lobbyists and campaigns pay on top of their registration fees and fines levied for breaking any election laws.

Public financing would come to the race for governor when the fund reached \$6.6 million; it would come to lower races once the fund had a balance of \$2.9 million.

Sean Parnell is senior legislative director of Save Our States that supports the electoral college and says he’s looked at the impact of public financing.

“New York has had one of the oldest public financing systems in the country and I don’t think you can hold them up as some paragon of clean elections. Maine, Arizona, Connecticut have adopted laws and the reality is they have done nothing to convince more working class people to run for office,” Parnell said.

Ironically after a lifetime of public service as a former federal prosecutor and California elections watchdog, Ravel for the first time herself is running for office in her home state.

She’s running for the State Senate and is allowed to spend \$930,000 on her primary campaign for a seat that will represent more people than any U.S. House congressional district.

“It’s obscene and crazy. My finance director says get into that room, shut the door and call people I don’t know and beg them for money,” Ravel said.

“All of this just reinforces in my mind the need for systemic change across the board.”

State Republican Party chair did little work for second job as dental board lobbyist, records show

September was a good month for Michael McDonald.

Buoyed by endorsements from President Donald Trump’s inner circle and elected officials statewide, McDonald beat back two challengers to win re-election to a fifth term leading the state’s Republican Party, promising that the “Nevada Republican Party is united and ready to deliver our state to President Trump and electing Republicans down the ballot in 2020.”

But leading the state party isn’t the only job on McDonald’s plate. For the past year, he’s worked as the lobbyist for the Nevada State Board of Dental Examiners, the seventh-largest occupational licensing board in the state — although public records raise questions about his work for the board.

Over the last two decades, McDonald has a history of representing unusual clients as a lobbyist, including a rural constable’s office and the Culinary Workers Union Local 226. But his working relationship with the state dental board, which oversees licenses and regulates dental health professionals, has been more than just unusual from the get-go.

Since he was hired in May 2018 (beating out two established lobbying firms led by former lawmakers), records indicate McDonald has spoken at just one board meeting in that 16 months. Public records requests reveal that his only written correspondence with the board since he was hired has been monthly invoices — a request for \$3,428.57 every month.

Lobbyists and lawmakers reported not interacting or seeing him during the legislative session, and say he was invisible on often-technical bills that substantially affect operations of the dental board. McDonald did not return a text message seeking comment.

In short, it’s difficult to find any public evidence of work completed by McDonald since he accepted the two-year, \$72,000 contract to provide government relations services for the board.

It has elicited questions from lobbyists who represent other state boards, who say that McDonald’s scope of work and practices are at best highly unusual for a state board lobbyist and could invite additional scrutiny of state licensing boards, which have a recent history of butting heads with other state government agencies.

“If I were heading up a regulatory board, and I found out my lobbyist wasn’t there on a regular basis, I would not renew that contract,” said Susan Fisher, a longtime lobbyist who represents three other state boards. “Why hire a lobbyist if they’re not going to be there?”

In spite of the unusual arrangement, staff of the dental board say they have no issue with McDonald, though the board’s executive director, Debra Shaffer-Kugel, declined to answer multiple emailed questions about McDonald’s attendance at board meetings and work for the board during and outside of the legislative session. She instead referred all questions to the board’s general counsel, Melanie Bernstein Chapman, who did not answer specific questions but said the board had no issues with McDonald or his activities as the board’s lobbyist.

“I have not been advised of, nor am I aware of, any concerns of the Board with respect to Mr. McDonald’s representation,” she wrote in an email.

Board meetings

A review of the minutes and audio records of the nine meetings held by the dental board since it agreed to hire McDonald as its lobbyist in May 2018 shows that he only spoke at one meeting, on March 22.

There, McDonald gave a roughly 10-minute review of a handful of bills related to dentistry, largely sticking almost word-for-word to the descriptions written by Legislative Counsel Bureau staff. He skimmed over a bill, [SB366](#), which aimed to open up the practice of dental hygienists to operate in the state, and stayed out of a roughly 10-minute discussion on the bill and how it would affect dental practices statewide.

At one point during the March meeting, McDonald advised the board on [SB156](#), a bill related to the practice of equine dentistry — a topic area overseen by the state’s veterinary board, not the board of dental examiners.

Outside of that meeting, traces of McDonald’s presence on behalf of the dental board are difficult to pin down. Outside of a pre-session meeting between several health-related occupational boards and an appearance at a court hearing involving the dental board (referenced in meeting minutes), McDonald is not listed as speaking or appearing at any additional board meetings or during [any 2019 legislative hearings](#). According to a records request, McDonald sent just 12 emails over the course of his employment to staff and members of the Board of Dental Examiners; one including a signed copy of the lobbying contract, and 11 invoices sent on a monthly basis.

The Nevada Independent contacted several other lobbyists employed by state boards to ascertain whether or not McDonald's apparent lack of public-facing activity was out of the ordinary.

Fisher, who represents the Oriental Medicine, Osteopathic Medicine and Professional Engineers and Land Surveyors, said that it would be "highly unusual" for her not to check in at least weekly with each of the boards during the legislative session, on the status of bills that directly and indirectly affect her boards.

Fisher said she alternated between emails and phone calls depending on the issue, but found it strange for a board to employ a lobbyist who wasn't physically present at the Legislature during the 120-day session.

"What's the point of having a lobbyist if they're not going to be in Carson City during session?" she said. "That's a silo, and you've got to be in the silo."

Michael Hillerby, a lobbyist for Kaempfer Crowell who represents several boards (Accountancy, Nursing and Pharmacy) said that it was "unusual" in his nearly three-decade career to see an occupational board lobbyist not be physically present during the legislative session. Hillerby, who lobbied on behalf of the dental board several years ago, said that the lobbying role for an occupational board was a little different from other clients, in that they were expected to largely stay out of policy fights and contribute as the "subject matter experts" as to how various proposals would affect the licensure and operation of certain professions.

"It would be odd not to be there to at least be ready to answer questions as to how it impacts you and why it impacts you," he said.

[SB366](#), the bill creating a new mid-level dental provider type (dental therapists), is a prime example. Although it was backed by the state dental association, the task of implementing the regulations required under the bill falls to the dental board, which also submitted a [fiscal note](#) estimating that the first version of the bill would result in close to \$300,000 in lost annual fee revenue (The Governor's Office of Finance wrote that the board did not provide a spreadsheet with their calculations and ultimately concluded that the board's estimated financial impact was not "reasonable.")

The initial version of the bill would have created a separate dental hygienists board, removing that profession from the purview (and fees) of the state dental board — a change that would have major implications for the board.

McDonald was not present — at least, he did not sign his name on sign-in sheets reflected in board meetings — at any committee meeting where SB366 was discussed. Dental board Executive Director Debra Shaffer-Kugel attended and testified in the neutral position during the first hearing of the bill on March 29, but no representative from the dental board or McDonald attending any of the subsequent six committee meetings where the bill was heard or voted on — even after [three substantial amendments](#) overhauled major portions of the bill.

Democratic Sen. Julia Ratti, the bill’s sponsor, told a reporter during the legislative session that she had no interaction with McDonald on the bill or on any subject. Nevada Dental Association lobbyist Chris Ferrari said he spoke with Chapman, the board’s general counsel, at the state of the session but otherwise did not interact with McDonald or anyone else from the dental board on the bill.

“It’s unusual to have such a big bill and not have a lobbyist there,” said Neena Laxalt, a lobbyist for the Nevada Dental Hygienist Association and several other boards.

Members of the dental board discussed the bill in depth during meetings in May and July of 2019, neither of which McDonald attended. Minutes from the board’s July 19 meeting show McDonald was absent; the board’s executive director said he was “ill.” A [week later he was in Charlotte, North Carolina](#) for a Republican National Committee event.

In an email, dental board general counsel Chapman said that the board was not directly asked for its position on the bill, did not introduce any legislation during the session and was committed to implementing regulations for any bills in its purview that were approved by state lawmakers.

“SB 366 was not the Board’s bill and, to my knowledge, the Board was never asked for, nor did it take a position for or against the bill but Mr. McDonald or a member of his staff did appear at the various hearings regarding the bill,” Chapman wrote in an email.

Boards and Commissions

As with contractors, nurses, private investigators and social workers, dentists in Nevada are overseen by one of Nevada’s occupational licensing boards. Dentistry is one of [50 occupations, professions or businesses overseen by 31 state boards](#).

Boards operate as a kind of quasi-governmental agency — board members come from the profession itself, but are appointed by the governor to serve three or four year terms. The boards

don't receive funds directly from the state, but are instead fully funded through licensure fees (registration, license renewal, etc.).

Boards serve a variety of roles, including investigating complaints, disciplining licensees and helping write regulations that affect their industry. Although the governor appoints — and can, in limited circumstances, remove — board members, most oversight of boards comes from the legislative branch, which both creates the scope and abilities of the boards through legislation and oversees them [through an interim subcommittee](#).

Boards also vary in size and activity; the state Contractors Board reported more than \$7 million in expenditures in 2018, while many smaller boards such as Athletic Trainers, Oriental Medicine and Landscape Architecture made it through the 2018 fiscal year with a budget under \$100,000.

But unlike other state agencies, occupational boards (such as school districts and municipalities) have the budgetary freedom to hire lobbyists to represent them in front of the state Legislature and during the interim period between legislative sessions.

A [previous Nevada Independent](#) analysis of lobbying efforts by state boards and commissions found that at least 21 boards had hired a lobbyist in 2018, spending in total more than \$577,000 for outside lobbying and public relations. Contracts varied widely in length and scope; the median amount spent by the boards was \$21,000, though some were for less than \$2,000, while on the other end of the spectrum, other more prominent boards inked six-figure lobbying and public relations contracts.

Lobbyists for state boards say they perform a necessary function for the agencies without requiring full-time staff or appointed board members spending time and resources at the Legislature. Some conservative leaning groups have criticized the arrangement, stating that hiring lobbyists allows boards to consolidate power and limit competition. At least [10 states](#) have placed some limits on the ability of state agencies to hire lobbyists.

McDonald

Though he has no apparent experience in health care or dental work, McDonald beat out two other lobbying firms (one run by former Democratic Assembly Speaker Richard Perkins and the other by former Democratic Assemblyman William Horne) to win the lobbying contract for the dental board in May 2018. In a previous email, Chapman said his position as head of the state Republican Party “was not discussed or considered as part of this process and was not a factor in the discussion or deliberation resulting in the decision to contract with him.”

According to registration records, his past lobbying experience includes representing the Nevada Republican Party in 2017, and several clients in 2015 including trial lawyer Glen Lerner, the Laughlin Constable's office, the Armenian American Cultural Society of Las Vegas and the Southern Nevada Rural Constable's Alliance. He also appeared as a lobbyist for the [Culinary Workers Union Local 226](#) in 2012.

In 2015, McDonald was also [briefly employed](#) in another state government-related job; working for the Nevada State Treasurer's Office as a senior deputy treasurer, but resigned within three months of taking the position amid criticism that he was hired given his close relationship with then-state Treasurer Dan Schwartz, previously a finance director for the state Republican Party.

A former Las Vegas Metropolitan police officer, McDonald got his start in Nevada's political world by winning election to the Las Vegas City Council in 1995. His momentum stalled amid ethics and tax investigations (McDonald was never charged with a crime and later said he had been "[wrongfully accused](#)") and contributed to his defeat in a 2003 municipal election.

His path back to relevancy began in 2012 when he was elected chair of the state Republican Party, and he later won contentious re-election campaigns in [2013](#) and [2015](#) against party establishment-backed candidates. He's cultivated a close relationship with President Donald Trump, including getting the then-candidate to appear at a [2016 fundraiser](#) for the party in Lake Tahoe.

His company that received the lobbying contract, Alpha-Omega Strategies, has played a role in several non-lobbying related business interests. The company was incorporated in 1998, initially operating as a "[consulting](#)" firm for private investigations, and later [received approval](#) from the Las Vegas City Council to operate a senior housing and retail center in Northwest Las Vegas.

Reaction and opposition

The hiring of McDonald has done little to quell the often tempestuous relationship between the board, vocal critics in the dental community and state government.

McDonald was notably not present at a June meeting of the Executive Branch Audit Committee — composed of Gov. Steve Sisolak and other statewide elected "constitutional" officers (lieutenant governor, secretary of state, attorney general, treasurer and controller) — where an at-times [scathing audit](#) into the dental board was publicly presented for the first time.

The audit found that at least three board members, including board President Yvonne Bethea, may have violated state ethics law between 2015 and 2018 by failing to disclose familial or

professional relationship prior to casting votes, and raised questions about the board's use of Disciplinary Screening Officers to broadly screen complaints made to the board.

Sisolak, who found the audit to be "very concerning," at one point in the meeting asked if the board's lobbyist — McDonald — was present.

He wasn't.

Only Chapman, the board's general counsel, appeared that day and took questions from the audit committee.

The 2019 audit was itself preceded by a 2016 audit, this one from [legislative branch auditors](#) who found the board had overcharged almost half of licensees under investigation, and allowed some offenders to make charitable donations in lieu of fine in contrast to state law.

Not unlike McDonald himself, the board has been a lightning rod for controversy. Former Gov. Brian Sandoval [even asked the board](#) to tackle the patient complaint process, saying "I've never seen that happen before with people as upset as they are with ... the board of dental examiners."

[Wichita council members can take unlimited gifts. It's not like that everywhere](#)

Tulsa's elected officials aren't allowed to take gifts that could be used to influence them.

Colorado Springs sets its dollar limit at \$59. Oklahoma City requires disclosure of gifts over \$300.

But Wichita's mayor and city council members are free to take unlimited gifts.

A Wichita Eagle review of cities across the region found ethics codes that prohibit specific behavior by elected officials that would leave them open to improper influence. Some states even require local officials to receive ethics training.

In Wichita, city employees can be fired for accepting gifts, travel or meals from anyone doing business with the city, according to the city's code of ethics.

Those rules don't apply to the mayor and city council. Instead, city council members are supposed to follow an ethics ordinance that forbids them from doing business with friends and clients, with enforcement left up to the council itself.

It's unclear how council members keep each other in check.

Wichita has no policy or ordinance relating to gift limits or disclosure requirements for City Council members, according to City Attorney Jennifer Magana. That means the public and the other elected officials may have no idea what goes on behind the scenes before votes are cast.

An Eagle investigation last week [showed how Mayor Jeff Longwell steered a multi-million dollar water treatment](#) contract to friends and golf partners. Since then, Sedgwick County District Attorney Marc Bennett has announced [he is looking into "concerns expressed"](#) regarding the mayor.

Carol Williams, former executive director of the Kansas Governmental Ethics Commission, said the Wichita story exposes a hole in state law that makes Kansas' local governments vulnerable to influence peddling.

Kansas law says legislators, the governor, state officials and candidates can not accept gifts worth more than \$40 a year from a single source. They can accept meals, but can not take more than \$100 a year in the form of other recreation, such as tickets to sporting events where both the gifter and the recipient are attending together.

Wichita imposes no similar rules on council members.

"We have all of these rules in place for legislators, who don't award contracts, but no blanket state law for local government elected officials, who actively participate in awarding contracts," Williams said.

"Some local commissions have only three members," Williams said. "That means a contractor or lobbyist just has to influence two."

At the state level, lobbyists must report spending on lawmakers. But locally, neither companies nor the city's elected officials are required by Wichita to disclose money spent that could give better context to decisions being made with taxpayer money.

Longwell's calendar shows dozens of meetings with contractors and developers who do business with the city that the companies would likely have to disclose if he were a state legislator.

The meetings included meals, drinks at bars, an out-of-state golf trip and "strategy meetings" at restaurants and golf courses. He said sometimes the contractors paid for meals and golf,

including the entry fee to a \$1,000 per person Pro Am golf tournament while the city was deciding who should get the water contract.

Longwell later cast the deciding vote to contract with his friends' team, Wichita Water Partners, after a selection committee recommended a more experienced group. Longwell has defended his actions, saying he had friends on both teams that paid for his golf.

More rules in other cities

Wichita has rules for city employees regarding gifts, travel and favors. The limit anyone can accept is \$100 from one person or organization in 12 months. But there's no disclosure requirement that makes that information public.

The gift limit doesn't apply to council members because they're explicitly exempt from the ethics code.

Other cities in the region have tighter policies.

In Tulsa, the city's ethics code applies to both employees and elected officials. There is no dollar limit in the code, though the city's personnel policies set a cap of \$35 for employees.

The code says officials and their immediate family shouldn't receive gifts, entertainment or other favors "which may influence or be reasonably perceived as influencing a City official in the performance of their official duties."

"Bottom line: Act in a manner that promotes public confidence in your integrity and fairness," a slide shown to new Tulsa city employees says.

Oklahoma City council members have to disclose substantial gifts they receive from anyone who could seek official favors. The city's mayor and city council passed new ethics rules in 2014, after it was reported that two council members accepted free tickets to the Cotton Bowl worth \$900 from a business with city contracts.

Council members are now required to disclose who gave the gift, the nature of the gift — cash, jewelry, meals, tickets, etc. — and its approximate value. Total gifts from any one company or person worth \$300 or more during any six months must be disclosed. A violation is a misdemeanor punishable by a fine of up to \$500, plus costs and fees.

Colorado Springs' ethics policy also covers elected officials and bans them from accepting gifts, although there are several exceptions, including education scholarships, campaign contributions and items valued at less than \$59.

Topeka takes a position closer to Wichita, however. The city's personnel policies generally prohibit city employees from accepting gifts valued at more than \$100 from companies that have or are pursuing business with the city.

But the city has no ethics code for city council members, said former mayor Larry Wolgast. He said that whenever a potential conflict of interest arose, the city attorney would counsel the affected official in private.

"I think it would be very appropriate to have a code of ethics, at least so there's a process," Wolgast said.

Although not a city, Shawnee County, Kan., [goes as far as having an ethics hotline](#) where anyone can make anonymous complaints about county employees or officials. Calls to the hotline are referred to the county's internal auditor.

"It's been used by people and the public. It's been used by inmates in the jail. It has been used extensively and we take every report on there very seriously," said Bob Archer, who served on the county commission until last month.

In some states, public officials must receive ethics training. In Georgia, newly elected city officials are required to take training that includes instruction on their ethical responsibilities. The Alabama Ethics Commission also provides mandatory training to public officials, employees and lobbyists.

City Ethics, a non-profit organization, has produced a model ethics code for cities that features an "independent ethics commission with teeth" that's tasked with interpreting and enforcing the code.

Wichita doesn't have an ethics commission, and city council members have expressed confusion about what that would look like.

[The model code prohibits](#) city employees and elected officials from accepting any gifts from anyone who has received a financial benefit from the city within three years or intends to seek a financial benefit in the future.

State law mostly silent on local ethics

State law is largely silent on a code of ethics for local officials. It does require mayors and council members to report all forms of income for themselves and spouses on their statements of substantial interest forms filed annually. It also requires them to report gifts of \$500 or more from one individual or business in a calendar year.

Longwell said he allowed the president of a company the city frequently does business with to pay his entry fee to a \$1,000 per person golf tournament. He did not disclose that on his state form.

County and district attorneys are charged with enforcing those rules.

In 2015, a Topeka city council member [entered into a diversion agreement](#) after being charged with a misdemeanor for not properly disclosing a summer business that his wife ran while he was running for the county commission.

Kansas House Minority Leader Tom Sawyer, a Wichita Democrat, said lawmakers discussed whether to bring cities into the state's ethics laws in the early 1990s as part of a larger overhaul of state's ethics system. But ultimately, the idea wasn't pursued because of fear it would add too much to the Kansas Ethics Commission's workload, he said.

Sawyer said that after reading The Eagle's story on Longwell he's open to taking a fresh look at including cities in the state's ethics laws, saying it was the "first thing" he thought about.

Williams, former head of the state's ethics commission, said any meaningful ethics laws at the local level, whether mandated by the state or codified by cities themselves, should require three things: public disclosure, clearly defined limits and a body that can enforce violations.

"Most important is public disclosure," Williams said. "If there's a local rule to disclose, but the disclosures aren't available to the public, they're meaningless."

Most Wichita city council members have said recently that they don't think the city needs to revisit its ethics policy.

Last month, Council members Jeff Blubaugh, Cindy Claycomb and Becky Tuttle issued identically-worded statements saying, "We take our ethical code seriously and are diligent about upholding our high standards."

Brandon Johnson said he is open to the idea of a local ethics commission and supports strengthening Wichita's code of ethics for City Council members.

"What I do support, currently, is revisiting our Council Code of ethics to improve and strengthen it where needed to ensure that we are held accountable to ourselves and the citizens we represent.

"This would ensure that there is an effective process in place in the unfortunate event of any impropriety," Johnson said.

Mayor Jeff Longwell did not return The Eagle's phone calls from last week.

Plans for 'refresher courses'

Wichita City Manager Robert Layton has no say over the conduct of elected officials and declined to make any recommendations about the City Council ethics policy.

He told The Eagle he thinks there is room for improvement for city employees.

"This situation was in existence when I got here 10 years ago, so I can't talk about why the codes of ethics exist the way they do," Layton said.

One of Layton's employees, the city's chief engineer and assistant director of public works Gary Janzen, took a two-day golf trip to Oklahoma with Longwell and two leaders of Professional Engineering Consultants during open bidding for the water project.

Outside of a designated person at the city, contractors aren't supposed to have contact with city employees involved in a project during open bidding. The city's definition of contact includes face-to-face meetings, telephone conversations, email, text and social media messages, according to the project's Request for Proposals. After taking the trip, Janzen was later on the selection committee for the water project.

PEC has a major role on the Wichita Water Partners team, the company that was later awarded the contract to begin designing the \$524 million plant. Janzen ended up voting for the other team. He did not return phone calls from The Eagle.

Layton declined to discuss personnel issues but said any circumstances surrounding staff interaction with vendors regarding gifts and behavior would be investigated.

“There is confidentiality that I can’t talk about specific investigations that are being conducted,” Layton said. “I have to maintain that confidentiality, so I can’t get into details regarding the actions of employees. What I can tell you is we take it really seriously in terms of the provisions that are in the code of ethics regarding gifts and behavior.”

The city does not release the findings of its internal investigations.

The day after The Eagle shared its findings with Layton, Janzen sent out an email to consultants and contractors who have working relationships with the city.

“In order to maintain a proper professional relationship between vendors and staff, please remove myself and the City of Wichita engineers copied above from all future invites, notices and correspondence that are not directly work related,” the email said.

The list includes 17 city engineers.

One area where Layton said he thinks the city can improve is education, so that the city council can trust that his staff is acting impartially when it gives recommendations. When city employees hire on, they view an ethics presentation and have to sign a form acknowledging they’ve read the code of ethics. But that’s as far as the city’s ethics training goes.

“What I think we still need to do is work on refresher courses and then probably visit some issues like a declaration of business interests,” he said.

[Feds Investigating Lobbying Deal Between Northwest Suburb and Former Chicago Alderman](#)

Federal authorities subpoenaed Schiller Park for records about the \$5,000-per-month lobbying contract the northwest suburb had with retired Chicago Ald. Michael Zalewski, the Better Government Association and WBEZ have found.

The village hired Zalewski in December and fired him in August — days after U.S. Atty. John Lausch’s office issued a grand jury subpoena, according to records the BGA and WBEZ received under a public records request.

Two weeks before the Schiller Park subpoena was issued, the [BGA and WBEZ first reported](#) federal agents searched Zalewski's home on Chicago's Southwest Side. Sources familiar with that investigation said in July agents were seeking records regarding the former alderman's longtime political ally, Illinois House Speaker Michael Madigan.

Three sources familiar with that federal investigation told WBEZ and the BGA that authorities were looking into [alleged efforts to get work for Zalewski at ComEd](#) and the interactions between Madigan, Zalewski and Michael McClain, a longtime ComEd lobbyist and Madigan confidant.

It is unclear how the Schiller Park subpoena is connected to the search on Zalewski's home. Zalewski's attorney, longtime Chicago defense lawyer Thomas Breen, declined to discuss the matter on Tuesday.

But the subpoena appears to represent another in a wide-ranging series of federal investigative activities that in recent months have touched Chicago City Hall, the state Capitol and the southwest suburban village halls of [McCook, Lyons and Summit](#).

Amarjeet Bhachu, the assistant U.S. attorney who signed the subpoena, is one of the prosecutors involved in the federal corruption cases filed earlier this year against [Chicago Ald. Edward M. Burke](#), 14th, and state Sen. [Thomas Cullerton](#), D-Villa Park.

The July 30 subpoena to Schiller Park sought documents "concerning the retention of, payments to, and work performed by Michael Zalewski, including items discussing the reasons for the retention of Michael Zalewski and actual work performed by Michael Zalewski."

Since retiring from the Chicago City Council in May 2018, Zalewski has worked as a lobbyist through his home-based company, Z Consulting Group Inc. Zalewski had the side job lobbying state government during most of his time as alderman of the 23rd Ward.

Three days after the subpoena, Schiller Park officials moved to cut their ties to Zalewski and Z Consulting, according to village records.

In an emailed statement, Schiller Park Mayor Nick Caiafa said: "Based on the subpoena, the village does not believe that it is a target of the investigation. The village was not aware of any investigation and terminated the agreement with Z Consulting shortly after it received the subpoena."

Asked if Madigan recommended Zalewski, the mayor replied, "The Village was not asked or directed by any party to hire Z Consulting."

Prosecutors and the FBI declined to comment Tuesday.

Zalewski, 65, was first elected to the Chicago City Council in 1995 and was a loyal ally of former mayors Richard M. Daley and Rahm Emanuel, serving as chairman of the powerful Aviation Committee during Emanuel's tenure.

When Zalewski retired a year before the end of his term, Emanuel appointed another Madigan ally — then-state Rep. Silvana Tabares — to replace him as alderman of the increasingly Latino ward near Midway Airport.

Zalewski's son, Michael J. Zalewski, is a [Democratic state representative](#) who is closely allied with Madigan.

Schiller Park hired Z Consulting Group on Dec. 20 to be their "legislative counsel," records show.

The lobbying contract — which was approved unanimously by the suburb's trustees — came as Zalewski was facing serious financial pressures over unpaid federal income taxes.

Zalewski got the Schiller Park deal less than two months after the Internal Revenue Service slapped him with a lien for \$85,864 for back federal income taxes. In March 2019, Zalewski was hit with a second IRS lien, for another \$99,770.

Schiller Park paid Zalewski a total of \$35,000 before his contract was terminated, village records show.

According to the contract, the town retained Zalewski and his company "to represent its interest in business development, marketing and other governmental matters before legislative bodies, administrative bodies, boards and commissions within the State of Illinois, as well as advise and consult on matters concerning the City of Chicago."

His monthly invoices do not specify what he did for Schiller Park. But in July, Mayor Caiafa asked Zalewski for help with a Cook County grant application. Zalewski replied in an email: "We're on it Mayor."

Zalewski also registered as a lobbyist for Schiller Park with the city of Chicago in June, right after a year had passed since he left the City Council. The city has a one-year "revolving door"

ban on former aldermen lobbying the city. Chicago ethics officials said this week that Zalewski earlier this month amended his lobbyist disclosure to delete Schiller Park as a client.

State lobbyist filings show Zalewski also lobbied state lawmakers under a contract with Government Consulting Services of Illinois, a lobbying firm led by Frank Cortese, who did not return calls seeking comment. The firm's clients included the Pace suburban transit agency and the village of Bridgeview.

Pace and Bridgeview officials said Tuesday they had not received subpoenas or been served with federal search warrants regarding their dealings with Zalewski.

In a statement, a Pace spokeswoman said agency officials spoke with Government Consulting Services of Illinois and Z Consulting about the federal search at Zalewski's house but credited the firms for contributing to "many state legislative successes Pace has had," including increased state funding. Pace officials said they plan to continue to work with the two lobbying firms at least until their contract expires in September 2020.

"Pace has had conversations with [Government Consulting Services of Illinois] and Z Consulting concerning the recent media reports," said the agency's spokeswoman, Maggie Daley Skogsbakken. "If their status were to change or we find this hampers our ability to be effective in Springfield, Pace is prepared to move in a different direction."

Lobbyist hiring comes as surprise to County Council

Some long-building tensions came spilling into public last week, as evidenced by a barking match between Wicomico's County Executive and Council President.

The drop that made the governmental cup runneth over pertained to County Executive Bob Culver's decision to hire a lobbyist to aid the county's business in Annapolis, and his apparent failure to tell anyone in the legislative branch anything about it.

A Culver deputy admitted at last Tuesday night's council session that the county had made a \$30,000 upfront payment to Paul Ellington of State and Local Advisors, a western shore political consulting and lobbying firm formed last year.

Ellington, a veteran of state politics and former Republican member of the Bowie City Council, most recently served as a campaign consultant to state Sen. Mary Beth Carozza.

Council President John Cannon placed the lobbyist matter on the council's agenda after a September meeting the council held with Eastern Shore General Assembly members, during which Ellington introduced himself to participants as the county's lobbyist.

That the county had a lobbyist was news to the council members.

Culver sent Assistant Director of Administration Weston Young to address the council's questions about the hiring. After several minutes of aggressive questioning from several council members, Cannon finally challenged Culver, who was seated in the rear of the council chamber, to come to the table and explain things for himself.

"We didn't know it, the public didn't know it," Cannon declared. "Nobody knew it until the gentleman stood up and explained to a room of County Council members and General Assembly Delegates – all of a sudden – that he was the lobbyist for Wicomico County."

Earlier, Young explained that the Executive's Office believed the county could be getting more from Annapolis, both through legislative efforts and funding distributions, if it had someone closely monitoring proceedings and engaging in networking.

"The point is there's funding at the state level that we're not going after," Young said. "If (the lobbyist) gets even one of the projects funded, he's paying for himself. We can't be in Annapolis every day."

On that legislative list, Young said, are:

- The Airport Maintenance Tax Bill – This measure, which would offer tax incentives sought for Salisbury-Wicomico Regional Airport, failed in the last two sessions. In the House of Delegates, Young said, the measure is perceived as a tax break for wealthy airplane owners, but the county sees it as a jobs-growing bill.
- The Maryland Department of Transportation Wish List – Each year, the county offers a list of roads construction priorities, but there is little follow-up or discussion, and state officials concentrate on their own plans.
- Wicomico River Maintenance – The county would like the Maryland Port Administration to help pay for river dredging and administrative costs related to the Delmarva Water Transport Committee, which oversees the Salisbury port's river operations.
- State and federal grant support – The county wants help with access to state bond construction bills and influence in being included in the governor's discretionary spending fund. The city of Salisbury has in recent years won huge grants from the governor for the Downtown Amphitheater and Main Street renovations.

- Young said Ellington’s contract was signed in May and runs for 12 months. He said payment came from unspent cash remaining the Executive Office’s fiscal 2019 budget.

Cannon’s agitation peaked when Young said the lobbyist contract was being considered for the budget that took effect July 1, but the council had drastically cut the executive’s own office-funding requests.

Cannon told Young that the lobbyist need had never been part of any budget planning discussions involving the council.

“If it was important, it should have been in the budget,” Cannon said.

Being caught unaware appeared to be the bitter pill the council still hadn’t managed to swallow.

“Why was this not on an agenda and why were we never told? We probably wouldn’t have liked it then, but it would have been a lot less of an impact then it was (hearing about it) at this legislative meeting,” said Councilman Joe Holloway.

The incident did not appear to be a case of Culver deciding to wait and ask for forgiveness, rather than ask for permission.

“This is in the purview of the County Executive,” Culver repeated several times.

The executive, who was just re-elected last November, renewed his complaint that the council often does things without including him in the decision-making.

“You didn’t inform us when you decided to have an Internal Auditor and an Assistant Internal Auditor,” Culver retorted at one point.

Cannon countered that those positions were added as a debated legislative bill that was part of a County Charter amendment approved in a voter referendum.

Council members suggested several times that the lobbyist hiring must reflect some lack of confidence in local General Assembly members as advocates for the county. Both Culver and Young were careful to walk lightly around that issue.

“We hired him because we have several things we have to get through and it’s not working out,” Culver said.

Even with Culver prominently seated at the table, council members kept most of their heat on Young, who at one point decried the historic “lack of communication” between the county’s legislative and executive branches.

“To say there’s a lack of communication and to try to infer it’s the fault of this council – we’re here to discuss anything,” Cannon responded. “The council sits here two times a month every month of the year. Anything is wide open for the executive branch to discuss.”

Culver has previously said he would like to meet with council members and work things out in private.

“We are held to discussions in the public,” Cannon said. “We cannot hold discussions behind closed doors.”

Hospital industry lobbyists line politicians' pockets at the expense of patient safety

Whether you live in New York, California or the heartland in between, you depend on state government to ensure your hospital is safe. After all, when you’re a patient, your life is on the line. But state health departments have become captives of the health care industry because of huge campaign contributions and lobbying. What’s happening in New York state is one outrageous example.

Year after year, New Yorkers endure hospitals with infection rates worse than the national average. Why? Because the Greater New York Hospital Association and other trade groups for the industry write huge checks to Albany politicians.

Overall, hospitals in New York are among the worst in the nation, according to Medicare data. Forty-eight hospitals get a rock-bottom, one-star rating.

State health bureaucrats and their boss, Gov. Andrew Cuomo, sell out to the highest bidder. Patient advocates pushing for cleaner hospitals and better care don’t stand a chance when the hospital industry greases the palms of state officials.

Greater New York has given more than \$5 million to state political parties since 2014 and millions more to political action committees for specific candidates. Call it what it is: bribery. Not to mention the staggering \$48 million a year the health care industry in New York spends on lobbying to get politicians’ attention.

Hospitals make out like bandits, and so does the Greater New York Hospital Association's president, Kenneth Raske, who's paid an obscene \$8 million a year. For what? Not for inventing a cure or treating patients. Just for twisting politicians' arms. Raske's often seated at the governor's table at fundraisers.

No wonder state officials do the hospital industry's bidding. The latest offense is the health department's refusal to disclose which hospitals have been invaded by *Candida auris*, a new killer superbug. All hospitals struggle with infections, but this is the deadliest. A staggering 45% of hospital patients who contract it die within 90 days.

Once *Candida auris* enters a hospital, it spreads invisibly, contaminating floors, curtains, beds, doorknobs and medical equipment. It gets on other patients' skin, making them carriers. New research unveiled last week by the Infectious Disease Society of America documents how one infected patient at a Southern California facility led to 180 other patients becoming carriers of the germ.

You don't want to be in a hospital room where a previous patient had it. Patients choosing a hospital would want to avoid it.

Yet despite requests from patient advocates and media, state officials refuse to reveal which hospitals are affected. The nonprofit Committee to Reduce Infection Deaths filed a Freedom of Information Law request in May and got nowhere.

The same is true in the other states most affected: Illinois, New Jersey, Florida, Massachusetts, Maryland and Texas. States release data annually on which hospitals have staph and other routine infections. But not for *Candida auris*. State health officials seem more worried about *Candida auris* killing hospital business than killing you.

In May, staff from 60 New York and greater New York area hospitals met with state health officials about the alarming spread. Brad Hutton, Department of Health deputy commissioner, warned, "We're at a point where our response strategy needs to change." Then came foot-dragging. The Greater New York Hospital Association's Zeynep Sumer King said hospitals raised concerns at the meeting about changes they're being asked to make. Months later, they're still dithering over the strategy and whether it will be mandated or voluntary.

Meanwhile, patients die, the superbug spreads and the public is kept in the dark. In state capitols all across the nation, money talks.

