

Minutes
Indiana Lobby Registration Commission
Public Meeting
June 4, 2018, 11:00 a.m.
Market Tower Conference Room
10 West Market Street, Suite 2070
Indianapolis, Indiana 46204

Members Present in person: Chairperson Beverly Gard; Commissioners Sue Scholer, Joe Micon and Terry White

Staff Present: Edward Ferguson, Executive Director and General Counsel; Amy Nicholson, Director of Operations

Signed-in Attendees: Mindy Westrick, Lindsey Erdody, Christi Heiney, Jenny Knox and Patrick Bennett

Call to Order

On June 4, 2018, the Public Meeting of the Indiana Lobby Registration Commission was called to order at approximately 11:05 a.m. by the Chairperson of the Commission, Beverly Gard. Before proceeding to the first item on the agenda, Chairperson Gard made the following statement:

“The Indiana Lobby Registration Commission met in executive session immediately before this public meeting to discuss job performance evaluations of employees as permitted under IC 5-14-1.5-6.1(b) (9). No other subject matter was discussed during the executive session, and the Commission took no action during the executive session.”

Approval of Minutes

Commissioner Micon moved for approval of the minutes of the Commission’s executive session held on March 28, 2018. His motion was seconded by Commissioner White and was unanimously approved by a voice vote of the Commissioners. Commissioner Micon moved for approval of the minutes of the Commission’s public meeting, also held on March 28, 2018. His motion was seconded by Commissioner Scholer and was unanimously approved by voice vote of the Commissioners.

Late Fee Appeals

Mr. Ferguson said that between March 28, 2018 and June 3, 2018, the Commission received 34 late fee appeals. He indicated that staff had been able to administratively resolve 30 of those appeals and had collected \$13,400 in late fees from the lobbyists who filed the appeals. The settlement amounts due with regard to the remaining four appeals

is \$1,200, and the latest due date for remittance of those late fees is June 14, 2018. Staff does not anticipate that there will be a need to bring any of those pending appeals to the Commission for its consideration.

Report on Audits

Mr. Ferguson reported that all audits for the lobby year 2015-2016 have been completed, and that closure letters and original supporting materials have been sent to all entities and individuals under audit. He also distributed a document (“ILRC Audit Procedure” – copy attached to these minutes) that outlines the steps followed in the conduct of Commission audits. He advised the Commission that entities have been randomly chosen for audit for the 2016-2017 lobby year. Letters will be sent to those entities in late June.

Report on Budget for Fiscal Year 2017-2018

Ms. Nicholson reported on the status of the Commission’s budget for Fiscal Year 2017-2018. She said that revenues and expenditures were well within budgeted targets, and that no unanticipated expenditures were expected between the present date and the end of the fiscal year on June 30, 2018. Commissioners asked Mr. Ferguson to provide them with a budget summary, which he agreed to do. No Commission action was required for this agenda item.

Proposed Budget for Fiscal Year 2018-2019

Ms. Nicholson then discussed the budget for FY 2018-2019, which is very similar to the budget for FY 2017-2018. Differences include a slight increase for staff salaries, a reduction in the amount allocated for the consulting contract with Mr. Charles Harris, and a reduction in the amount allocated for rent. Following the presentation, Commissioner Scholer moved the adoption of the budget. Commissioner White seconded the motion, which passed unanimously.

Personnel Matters

Mr. Ferguson reported that the Commission’s Senior Customer Service Representative, Kaytie Barrett, had resigned to take a new position in state government. He updated the Commission on steps that had been and will be taken to hire a replacement for her. He suggested that the position be reclassified to Customer Service Representative, and that the starting salary for the position be \$31,000.

Mr. Ferguson then recommended that the consulting agreement with Mr. Charles Harris, the Commission’s former Executive Director and General Counsel, be renewed for the upcoming fiscal year, at a potential cost of \$6,000 (from \$12,000). He said that he had discussed the matter with Mr. Harris, who expressed agreement. The contract is substantially similar to the 2017-2018 agreement, except for the addition of language which will pay for any travel to and from Mr. Harris’s home and the ILRC office.

Mr. Ferguson reported that he had conducted an annual evaluation review of the ILRC Director of Operations, Amy Nicholson. He said that she was an exemplary employee who continues to perform at a very high level, and recommended a salary increase for her.

Finally, Chairperson Gard urged the commission to send a letter of thanks and commendation to Kaytie Barrett.

Commissioner White moved that the contract with Mr. Harris be approved as presented, that the salary increase for Ms. Nicholson be approved as proposed, and that the draft letter to Ms. Barrett be approved, signed and sent to her. Commissioner Scholer seconded the motion, which passed unanimously.

Discussion of Proposed ILRC Electronic Meetings Policy

Chairperson Gard asked Mr. Ferguson to discuss the proposed Electronic Meetings Policy that he had drafted and circulated with the Commissioners. He said that in drafting the policy he had adhered to Indiana law and the suggestions made by Commissioners at the last Commission meeting, and had also referred to electronic meetings policies that have been adopted by other state agencies, boards and commissions. The Commission discussed the policy; the consensus is that the policy, while useful, should be only rarely implemented, as their preference is to conduct their meetings in person whenever possible. Commissioner White moved the approval of the policy, which was seconded by Commissioner Scholer. The motion passed unanimously. (A copy of the policy is attached to these minutes; the policy will be posted on the ILRC website, per state law.)

Comments from Commissioners and Public Comments

Chairperson Gard asked if there were any comments or questions from the Commissioners. There were none.

Chairperson Gard then thanked the members of the public for their attendance, and asked if they had any comments or questions. Mr. Patrick Bennett raised an issue regarding the registration and reporting requirements of a lobbyist who formed an LLC and who was both the owner of the LLC and a compensated lobbyist for the LLC. He feels that the requirements are time-consuming, redundant, costly and somewhat burdensome, and do not add useful public information. He suggested that the online reporting mechanism be revised to address his concerns. Commissioner White commented that the law requires the registrations and activity reports, and that the law would need to be changed to accommodate his suggestions. He also said that if implemented, the changes suggested might constitute a “piercing of the corporate veil,” something that Mr. Bennett might not intend to do. After further Commission discussion, Commissioner Micon suggested that Mr. Ferguson and Mr. Bennett meet to discuss the issue later in the year, and report back to the Commission later this year or early next year. No action was taken by the Commission on Mr. Bennett’s suggestions.

Mr. Ferguson suggested that the Commission agree on a meeting schedule for the year, so that everyone would know well in advance of Commission meeting times and dates. Commissioners were in general agreement, and asked Mr. Ferguson to suggest future meeting dates and circulate those suggestions with them.

Adjourn

There being no further business of the Commission, Commissioner White then moved that the meeting be adjourned. The motion was seconded by Commissioner Micon, and passed unanimously at approximately 12:00 Noon.

Respectfully submitted,

Edward E. Ferguson
Executive Director and General Counsel