

**Minutes**  
**Indiana Lobby Registration Commission**  
**Public Meeting**  
**October 23, 2017, 11:00 a.m.**  
**Market Tower Conference Room**  
**10 West Market Street, Suite 2940**  
**Indianapolis, Indiana 46204**

**Members Present:** Commissioners Sue Scholer, Beverly Gard, Joe Micon, and Terry White

**Members Unable to Attend:** None

**Staff Present:** Edward Ferguson, Executive Director and General Counsel; Amy Nicholson, Director of Operations; and Kaytie Barrett, Senior Customer Service Representative

**Signed-in Attendees:** Robin Beck, Patrick Sanders, Brenda Kirch, Christi Heiney, Charma Budney, Andrew Miller, Jenny Knox

**Call to Order**

On October 23, 2017, 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, Sue Scholer. Before proceeding to the first item on the agenda, Chairperson Scholer made the following statement:

“The Indiana Lobby Registration Commission met in executive session on October 23, 2017, to receive information about and interview prospective employees as permitted under IC 5-14-1.5-6.1(b) (5). The Commission did not interview any prospective employees during the executive session. The Commission also 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 May 26, 2017. His motion was seconded by Commissioner White and was unanimously approved by a voice vote of the Commissioners. Commissioner White moved for approval of the minutes of the Commission’s public meeting also held on May

26, 2017. His motion was seconded by Commissioner Gard and was unanimously approved by voice vote of the Commissioners.

### **Late Fee Appeals**

Mr. Ferguson said that between May 26, 2017, and October 23, 2017, the Commission received 21 late fee appeals. He indicated that staff had been able to administratively resolve all 21 of those appeals and had collected \$7,900 in late fees from the lobbyists who filed the appeals. Staff waived the late fees on one appeal, per Commission policy (death in family).

### **Report on Budget for Fiscal Year 2017-2018**

Mr. Ferguson reported on the status of the Commission's budget for Fiscal Year 2017-2018. He said that as of September 29, 2017, the Commission had expended or obligated \$104,462 of its \$337,153 appropriation for Fiscal Year 2017-2018, leaving a balance of \$232,691. There were no unanticipated or unusual expenses during the first quarter. No Commission action was required for this agenda item. Mr. Ferguson also noted the format change for the Commission's budget report. This format will be used going forward, as it corresponds to the financial accounting and reporting system used by the Commission's Director of Operations.

### **Report Concerning Building Lease Modification and Office Relocation**

Mr. Ferguson reported that on July 21, 2017, the ILRC received written notice from Market Tower Property, LLC, that it was exercising its right under the Commission's office lease to relocate Tenant ILRC to the 20<sup>th</sup> floor of the Market Tower Building. Since receiving the notice, staff has met with building management to select the space proposed for our relocation; has reviewed and approved plans, drawings and furnishings; has executed a Lease addendum; and has negotiated the date for the relocation (the first week of December, 2017). All expenses related to the move are the Landlord's responsibility. Ms. Nicholson reported that she would be meeting with the moving company later in the day. No Commission action was required for this agenda item.

### **Discussion and Approval of Informal Advice IC 7.1 Alcohol Code Revision Commission**

Prior to discussion on this agenda item, Commissioner Gard stated that, as Chairperson of the IC 7.1 Alcohol Code Revision Commission, she would recuse herself if a vote was taken to adopt the informal advice. She also stated that unless other Commissioners objected, that she would like to participate in the discussion of the informal advice. Chairperson Scholer stated that she would welcome Commissioner Gard's comments, and neither Commissioner White nor Commissioner Micon objected.

Mr. Ferguson reported that the issue came to his attention in the summer, as lobbyists and Indiana General Assembly staff asked questions about the resolution that created

the IC 7.1 Alcohol Code Revision Commission, and specifically, how lobbyists should handle invitations to IC 7.1 Alcohol Code Revision Commission members to all-member events and receptions hosted by “alcohol permittee” lobbyists. After researching the issue and meeting on two occasions with staff persons at the Indiana General Assembly, Ferguson drafted the informal before the ILRC. He also referred Commissioners to two friendly amendments to the draft that have been proposed by Indiana General Assembly staff. The first amendment specifies a method by which attendees can ascertain the costs associated with a reception or event; the second clarifies that the resolution that created the IC 7.1 Alcohol Code Revision Commission was adopted by the Legislative Council of the Indiana General Assembly.

Mr. Ferguson then discussed potential methods for publicizing the availability of the advice, should it be adopted by the Commission. Suggestions included posting on the ILRC website, providing copies of the advice to the four political caucus staffs, and providing a copy to the Governmental Affairs Society of Indiana so that the advice can be distributed to its members. Commissioner Gard also offered to mention the advice to members of the IC 7.1 Alcohol Code Revision Commission at its next meeting on October 24, 2017.

Commissioners discussed the draft informal advice, and commented that the informal advice was advisable, although not required. They agreed to the suggestions for publicizing the informal advice. Following discussion, Commissioner White moved the adoption of the two proposed amendments. Commissioner Micon seconded the motion, which passed unanimously, with Commissioner Gard abstaining. Commissioner White moved to add a sunset provision of December 31, 2018. Commissioner Micon seconded the motion, which passed unanimously, with Commissioner Gard abstaining. Commissioner Micon then moved the adoption of the informal advice, as amended. Commissioner White seconded the motion, which passed unanimously, with Commissioner Gard abstaining.

#### **Amendment to the Answer to Informal Advice Question 2.50**

Mr. Ferguson referred the Commissioners to the explanatory information regarding the proposed amendment to the answer to Informal Advice Question 2.50. The answer is incorrect, and inappropriately answers a question not asked. There was brief discussion and agreement. Commissioner White moved the adoption of the amendment to the answer to Informal Advice Question 2.50. Commissioner Micon seconded the motion, which passed unanimously.

#### **Approval of Removal of Public Computer from ILRC Offices**

Staff gave a brief history of the existence of a public computer in the ILRC offices, explained that it had not been used by the public for several years, and suggested that the expense and time necessary to keep it upgraded and operational seemed to be unnecessary. Commissioner Micon stated that since the Commission had not mandated the computer’s installation and operation, staff could remove the computer on its own volition. No Commission action was taken on this agenda item.

## **Personnel Matter – Creation of a Temporary Position**

Commissioner Gard moved to authorize the creation of a temporary staff position as circumstances warrant. The motion was seconded by Commissioner White, and passed unanimously.

### **Staff Reports**

The ILRC Director of Operations, Amy Nicholson, gave an oral report on several matters. She stated that because of action taken by the Commissioners at its May 26, 2017, meeting, updated forms for use by the state colleges and universities in faxing or emailing their required reports had been created and have been posted online.

She then discussed the public audit of the ILRC's financial records for FY 2016-2017 that had recently been completed. The State Board of Accounts commended the ILRC, and found no exceptions or issues during the audit. In fact, the final conference was cancelled because it was unnecessary.

The ILRC database is a continuing work-in-progress. Ms. Nicholson has been meeting with the staff of IN.gov regarding internal reporting additions and some minor changes to the website and reporting protocols. She said that the IN.gov staff was very accommodating to our requests, and was usually able to handle them promptly.

Ms. Nicholson then reported on the ILRC phone system. The state is eliminating its voicemail system. The ILRC may be able to keep its Centrex lines. A new voicemail system was ordered in October and should be installed in mid-November. She estimates that the ILRC will be able to save money with the new system.

She then gave an update on lobbyist expenditures (both employer and compensated lobbyists), and distributed information to the Commissioners regarding those expenditures. There was brief discussion among the Commissioners about data trends.

No Commission action was required for this agenda item.

### **Comments from Commissioners and Public Comments**

Chairperson Scholer asked if there were any comments or questions from the Commissioners. There were none. She then thanked the members of the public for attending the meeting, and asked if they had any comments or questions. There were none.

## **Adjourn**

There being no further business of the Commission, Commissioner Micon moved that the meeting be adjourned. Commissioner Gard seconded the motion, which passed unanimously at 11:58 a.m.

Respectfully submitted,

Edward E. Ferguson  
Executive Director and General Counsel