

**Minutes**  
**Indiana Lobby Registration Commission**  
**Public Meeting**  
**August 29, 2011 11:30 a.m.**  
**Statehouse, Room 125**  
**200 W. Washington Street**  
**Indianapolis, Indiana 46204**

**Members present:** Sue Scholer, Jan Abbs, Scott Mellinger and John Whikehart

**Member unable to attend:** None

**Staff Present:** Charles Harris, Executive Director & General Counsel

**Others Present:** Robin Beck and Anne Doren of Ice Miller, Becca Polez of Indiana University, and Allison Taylor of Hall Render.

**Call to Order**

On August 29, 2011, the public meeting of the Indiana Lobby Registration Commission was called to order at approximately 11:06 a.m. by the Chairperson of the Commission, Sue Scholer.

**Approval of Minutes**

Commissioner Abbs moved approval of the minutes of the Commission's Executive Session held on June 13, 2011. Her motion was seconded by Commissioner Whikehart and approved unanimously. Commissioner Abbs then moved approval of the minutes of the Commission's Public Meeting held on June 13, 2011. Her motion was seconded by Commissioner Whikehart and approved unanimously.

**Pending Appeals of Late Fees**

Mr. Harris discussed a spread sheet that set forth information about 19 pending appeals of fees for late filing of lobbyists' registration statements or activity reports. For each appeal, the spreadsheet provided the name of the lobbyist, the type of filing, the number of days the filing was late, the maximum late fee under the statute, the basis for appeal stated by the lobbyist, and staff comments.

During the discussion of this item, Commissioner Abbs pointed out that 2011 has been a unique transition year with implementation of the 2010 changes to the lobbyist laws, including the significant increases in the late fees approved by the General Assembly. Commissioners Whikehart and Mellinger both spoke in favor of basing the appealed fees on a consistent standard. With respect to the 19 pending appeals, Commissioner Whikehart moved to reduce the late fee to \$250 for those lobbyists who filed late for the first time and \$500 for lobbyists who previously have filed a late registration statement or activity report. Commissioner Mellinger seconded the motion, and it was approved unanimously.

The Commissioners emphasized that their decision on the 19 appeals should not be viewed as an indication of how future appeals will be decided.

### **Staff Reports**

Mr. Harris reviewed the year-end budget and expenditures report for fiscal year 2010-11. He noted that the Commission had a remaining balance of \$13,995 from its appropriation of \$271,880. Mr. Harris then provided an overview of staff's budget projections for fiscal year 2011-12. He said that staff's projections indicate that the Commission will be able to live within its available funds even though \$8,168 of its \$271,880 appropriation for fiscal year 2011-12 is being held in reserve. Copies of both the year-end report for 2010-11 and staff's projections for 2011-12 are attached to these minutes.

Mr. Harris then updated the Commissioners on the status of the project to develop guidelines for more uniform reporting by lobbyists. As part of the update, he discussed various documents that staff put together to help facilitate a discussion of reporting issues with those representatives of lobbyists who have volunteered to work on the project. Those documents include a comparison of divergent approaches lobbyists are currently using to prepare activity reports, a summary of relevant direction provided by the Commission in Final Advisory Opinions, a summary of applicable instructions from the Lobbyist Handbook, provisions from IC 2-7 that contain rules for reporting, and a set of eight hypothetical fact situations and staff's opinion on how items should be reported for each scenario. Mr. Harris said that the first meeting of the group working on this project will be held September 7, and the second meeting is scheduled for September 14. If a third meeting is needed, it will be held September 21.

Mr. Harris said that the paperwork is being processed for the Commission to join the Council on Government Ethics Laws (COGEL) with a reduce membership fee of \$225 for the balance of 2011. He indicated that Amy will attend COGEL's annual meeting that is being held on December 4 through 7 in Nashville, Tennessee. He said that COGEL's program for this annual meeting has a heavy emphasis on the use of technology. Mr. Harris encouraged the Commissioners to consider attending COGEL's annual meeting.

### **Call for Comments**

Chairperson Scholer called for any additional comments from the Commissioners. Commissioner Abbs thanked staff for distributing the agenda materials in electronic format in advance of the meeting. Chairperson Scholer and Commissioner Mellinger both expressed their gratitude to those who have volunteered to work with staff on development of new reporting guidelines. Chairperson Scholer then called for any comments from others in attendance. No additional comments were made.

### **Adjournment**

There being no further business to come before the Commission, Chairperson Scholer adjourned the meeting at approximately 11:44 a.m.