

# State of Wisconsin\Government Accountability Board

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## Settlement Offer Schedule for Lobbying Law Violations

This document sets out authorized settlement offers for lobbying law violations, in lieu of pursuing court action. It includes recommended settlement amounts for specific situations. The Board's authority to make settlement offers is set out in Wis. Stat. §5.05(1)(c). The Board may specify penalties for certain offenses and may compromise and settle those matters without formal investigation per Wis. Stat. § 5.05(2m)(c) 12. If a lobbying principal or lobbyist chooses not to accept a settlement offer, the Board may bring a civil action and seek the maximum forfeitures provided by law, including costs and attorneys' fees. If there appears to be an intentional violation of law, the matter may be brought to the Board for further action.

The Board's primary interest is providing timely and accurate lobbying information to the public, and collection of civil penalties is secondary. When addressing violations, Board staff will consider mitigating or exacerbating circumstances, and may adjust penalties accordingly.

### 1. Late filing of semi-annual lobbying report (§13.68) – maximum penalty \$5,000

Days Late	First Offense	Second or Greater Offense
2 business days	No penalty	Warning
3-5 days	Warning	\$50
6-15 days	Warning	\$100
16-29 days	\$50	\$250
30+ days	\$100	\$500

Adopted by unanimous vote of the Government Accountability Board, March 4, 2015.

2. Lobbying principals are required by *Wis. Stat. §13.67(1)* to report each legislative proposal, budget bill subject, or lobbying topic through the Eye On Lobbying website within 15 days of the first communication on that matter. The penalties for late reporting of lobbying activity is outlined in *Wis. Stat. §13.69 (2m)*. A principal who fails to comply may be required to forfeit up to \$25 for the first offense within a three-year period and up to \$100 for a second and subsequent offense within three years from the first violation.

Late Reports	Percent of Total Effort	Forfeiture
1st Occurrence of Late Reported Interest	< 10 percent	Warning
	>= 10 percent	\$25 Per Interest
2 <sup>nd</sup> Occurrence of Late Reported Interest	< 10 percent	\$50 Per Interest
	>= 10 percent	\$100 Per Interest
3 <sup>rd</sup> or Greater Occurrence of Late Reported Interest	Any	\$100 Per Interest

Adopted by unanimous vote of the Government Accountability Board, April 29, 2015.

The following several examples illustrate how the Government Accountability Board administers forfeitures for violations of the 15-day reporting requirement.

**EXAMPLE 1:** A lobbying principal is late in reporting one matter (bill, budget bill subject, administrative rule, or topic) within 15 days of the first communication during a six-month reporting period (e.g., January 1 through June 30). This is the first reporting period within the last three years in which it has reported late, and the late matter represents 10 percent or more of its total effort during the period. The principal would be subject to a forfeiture of \$25.

**EXAMPLE 2:** A lobbying principal is late reporting two matters that represent more than 10 percent of their total effort. This is the second reporting period within the last three years in which the principal has reported matters late. The principal would be subject to a forfeiture of \$100 per matter for a total of \$200.

**EXAMPLE 3:** A lobbying principal is late reporting one matter that represents less than 10 percent of its total effort, and late reporting on another matter that represents more than 10 percent of its total effort. This is the second reporting period in the past three years where the principal has reported matters late. The principal would be subject to a forfeiture of \$150 (\$50 for the matter that was less than 10 percent of total effort, plus \$100 for the matter representing more than 10 percent of the total effort of the principal during that period).

**EXAMPLE 4:** A lobbying principal is late reporting two matters during a reporting period and this is the third or more reporting period in which the principal reported late on a lobbying matter. The principal would be subject to a forfeiture of \$200 (\$100 for each matter, regardless of the percentage of total lobbying effort each matter represents).