

Received

MAY 15 2020

West Virginia Ethics Commission

WV Ethics Commission

# Lobbyist Activity Report Form

2020-01

West Virginia Ethics Commission  
Attn: Lobbyist Registrar  
210 Brooks St., Ste. 300  
Charleston, WV 25301  
304-558-0664 No faxed copies

For office use only:

Postmark \_\_\_\_\_ Rec'd \_\_\_\_\_  
Days late \_\_\_\_\_ Fine \_\_\_\_\_

Late reporting fine - \$10 per business day past the due date (\$250 maximum)

### 1. Name and contact information

Name Don Smith Phone 304-550-0454  
Business Address 3422 Pennsylvania Avenue Business Email donsmith@wvpress.org  
City, State Zip Charleston, WV 25302

### 2. Reporting period for which this activity report is being filed

Check	Report	Period	Due Date				
x	2020-1	1/1/20 - 4/30/20	5/15/2020				

### 3. List all employers/organizations that you represent as a lobbyist

Use additional reporting forms if necessary.

- West Virginia Press Association
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_


### 4. Lobbying activity summary - If there was no activity or expenditures, indicate "none."

We hosted three events and helped with another. All schedules are attached.

### 5. Expenditures

If no expenditures, including campaign contributions, mark here:

If you spent money on any public official, employee or member of his or her immediate family, list the amounts spent in each of the following categories per each employer you represent. Complete and attach Schedule A to this report.

Expenditure Categories	Employer 1	Employer 2	Employer 3	Employer 4	Employer 5	Employer 6	Total Expended
A. Meals and Beverages	\$	\$	\$	\$	\$	\$	\$
B. Lodging	\$	\$	\$	\$	\$	\$	\$
C. Advertising	\$	\$	\$	\$	\$	\$	\$
D. Travel	\$	\$	\$	\$	\$	\$	\$
E. Gifts	\$	\$	\$	\$	\$	\$	\$
F. Other Expenses	\$	\$	\$	\$	\$	\$	\$
G. Group Expenditures	\$ 4,580.72	\$	\$	\$	\$	\$	\$
H. Campaign Contributions	LIST AMOUNT IN "TOTAL EXPENDED" COLUMN. 						\$
I. TOTAL of all expenditures	\$4,580.72	\$	\$	\$	\$	\$	\$4,580.72

If you sponsored or contributed to any group event or shared expenses, list the total expended in category 5G immediately above. Complete and attach a Schedule B for each event.

**Schedule B: Group Entertainment & Shared Expenses**

(Attach to the Lobbyist Activity Report)

**Instructions:** *Group Entertainment* functions include only the functions that fall within the following groups. Report expenditures for a dinner party, reception or other similar function if you invited ALL members of any of these four specific groups. Individual names of attendees do not need to be listed for these four specific groups.

- |                                                   |                                     |
|---------------------------------------------------|-------------------------------------|
| 1. the Legislature                                | 3. either house of the Legislature  |
| 2. a standing or select committee of either house | 4. a joint committee of both houses |

Use the worksheet below to figure the amount spent on legislators and other governmental officials and employees for each "event." Enter this amount on the Lobbyist Activity Report.

List each group event separately. **Make additional copies of this page if necessary.** Record total expenditures for each group event in **Section B**. You must then calculate and post on the Lobbyist Activity Report only the amount actually spent on public officials. If you share expenses with another reporting lobbyist, report only your portion of the expenses and list the names of other co-sponsors in **Section C** below.

**Section A: Event Information**

Lobbying expenses for entertainment of "OTHER" group events are reported in the "Meals & Beverages" category on the Lobbyist Activity Report Form. List the names of attendees on this form or attach additional information pages. If using this form, list the names in item 5 below, as well as other event information requested in items 1 through 4 and complete the Section B calculations.

1. Date of event: Jan. 3, 2020 Location: Cultural Center, Charleston, W.Va.
2. Type of event (reception, dinner, etc.): Education programs all day
3. Event sponsor: West Virginia Press Association (If you shared the sponsorship and expenses with others, you must also complete Section C below.)
4. Which of the following governmental groups were invited? All members of:
- |                                                             |                                                                            |
|-------------------------------------------------------------|----------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> a. the Legislature      | <input type="checkbox"/> c. a standing or select committee of either house |
| <input type="checkbox"/> b. either house of the Legislature | <input type="checkbox"/> d. a joint committee of both houses               |

OR

5.  OTHER: If the event was not in one of the four specific groups listed above, you must list the names of all public employees or public officials in attendance here or on an attachment to this form. List attendees here:  
Cabinet Secretary Ed Gaunch, Cabinet Secretary Bill Crouch

**Section B: Calculate Reportable Expenses***Some calculations must be performed manually.*

$$1. \frac{3,964}{(\text{total cost of event})} \div \frac{93}{(\text{total attendance})} = \$42.62 \quad (\text{per capita cost})$$

2. Number of governmental officials or employees in attendance:

$$\frac{17}{(\text{governmental attendees})} \times \frac{42.62}{(\text{per capita cost})} = \boxed{724.54}$$

If this was a true Group Entertainment event and you were the sponsor, report the amount above as Group Entertainment on the Lobbyist Activity Report in Section 5G. If you shared expenses with others, complete section C below, and report only your portion of the cost. Note: If you classified the expenditure described in section A as "OTHER," it is reported on the Lobbyist Activity Report Form as a Meals & Beverages expense (5A), not as a "Group Expenditure" (5G).

**Section C: Shared Sponsorship Expenses**

1. Were any other lobbyists co-sponsors of this event? \_\_\_\_\_ (yes or no)
2. If yes, with how many others are sharing the cost? \_\_\_\_\_ List the names of all sponsors below:  
\_\_\_\_\_

3. What is your share of Box 1 above? \$ 724.54

Record that amount in Box 2 and on the Lobbyist Activity Report in Section 5G.

**724.54**

**Schedule B: Group Entertainment & Shared Expenses**

(Attach to the Lobbyist Activity Report)

**Instructions:** *Group Entertainment* functions include only the functions that fall within the following groups. Report expenditures for a dinner party, reception or other similar function if you invited ALL members of any of these four specific groups. Individual names of attendees do not need to be listed for these four specific groups.

- |                                                   |                                     |
|---------------------------------------------------|-------------------------------------|
| 1. the Legislature                                | 3. either house of the Legislature  |
| 2. a standing or select committee of either house | 4. a joint committee of both houses |

Use the worksheet below to figure the amount spent on legislators and other governmental officials and employees for each "event." Enter this amount on the Lobbyist Activity Report.

List each group event separately. **Make additional copies of this page if necessary.** Record total expenditures for each group event in **Section B**. You must then calculate and post on the Lobbyist Activity Report only the amount actually spent on public officials. If you share expenses with another reporting lobbyist, report only your portion of the expenses and list the names of other co-sponsors in **Section C** below.

**Section A: Event Information**

Lobbying expenses for entertainment of "OTHER" group events are reported in the "Meals & Beverages" category on the Lobbyist Activity Report Form. List the names of attendees on this form or attach additional information pages. If using this form, list the names in item 5 below, as well as other event information requested in items 1 through 4 and complete the Section B calculations.

1. Date of event: Feb. 5, 2020 Location: Embassy Suites Charleston, W.Va.
2. Type of event (reception, dinner, etc.): Media Social - Reception
3. Event sponsor: West Virginia Press Association (If you shared the sponsorship and expenses with others, you must also complete Section C below.)
4. Which of the following governmental groups were invited? All members of:
- |                                     |                                    |                          |                                                   |
|-------------------------------------|------------------------------------|--------------------------|---------------------------------------------------|
| <input checked="" type="checkbox"/> | a. the Legislature                 | <input type="checkbox"/> | c. a standing or select committee of either house |
| <input type="checkbox"/>            | b. either house of the Legislature | <input type="checkbox"/> | d. a joint committee of both houses               |
- OR**
5.  OTHER: If the event was not in one of the four specific groups listed above, you must list the names of all public employees or public officials in attendance here or on an attachment to this form. List attendees here:

**Section B: Calculate Reportable Expenses***Some calculations must be performed manually.*

$$1. \frac{4,391.99}{(\text{total cost of event})} \div \frac{75}{(\text{total attendance})} = \$58.56 \text{ (per capita cost)}$$

2. Number of governmental officials or employees in attendance:

$$\frac{27}{(\text{governmental attendees})} \times \frac{58.56}{(\text{per capita cost})} = \boxed{\$1,581.12}$$

If this was a true Group Entertainment event and you were the sponsor, report the amount above as Group Entertainment on the Lobbyist Activity Report in Section 5G. If you shared expenses with others, complete section C below, and report only your portion of the cost. Note: If you classified the expenditure described in section A as "OTHER," it is reported on the Lobbyist Activity Report Form as a Meals & Beverages expense (5A), not as a "Group Expenditure" (5G).

**Section C: Shared Sponsorship Expenses**

1. Were any other lobbyists co-sponsors of this event? \_\_\_\_\_ (yes or no)
2. If yes, with how many others are sharing the cost? \_\_\_\_\_ List the names of all sponsors below:

3. What is your share of Box 1 above? \$ 1,581.12

Record that amount in Box 2 and on the Lobbyist Activity Report in Section 5G.

1,581.12
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**Schedule B: Group Entertainment & Shared Expenses**

(Attach to the Lobbyist Activity Report)

**Instructions:** *Group Entertainment* functions include only the functions that fall within the following groups. Report expenditures for a dinner party, reception or other similar function if you invited ALL members of any of these four specific groups. Individual names of attendees do not need to be listed for these four specific groups.

- |                                                   |                                     |
|---------------------------------------------------|-------------------------------------|
| 1. the Legislature                                | 3. either house of the Legislature  |
| 2. a standing or select committee of either house | 4. a joint committee of both houses |

Use the worksheet below to figure the amount spent on legislators and other governmental officials and employees for each "event." Enter this amount on the Lobbyist Activity Report.

List each group event separately. **Make additional copies of this page if necessary.** Record total expenditures for each group event in **Section B**. You must then calculate and post on the Lobbyist Activity Report only the amount actually spent on public officials. If you share expenses with another reporting lobbyist, report only your portion of the expenses and list the names of other co-sponsors in **Section C** below.

**Section A: Event Information**

Lobbying expenses for entertainment of "OTHER" group events are reported in the "Meals & Beverages" category on the Lobbyist Activity Report Form. List the names of attendees on this form or attach additional information pages. If using this form, list the names in item 5 below, as well as other event information requested in items 1 through 4 and complete the Section B calculations.

1. Date of event: Feb. 6, 2020 Location: Culture Center, Charleston, W.Va.
2. Type of event (reception, dinner, etc.): Legislative Breakfast
3. Event sponsor: West Virginia Press Association (If you shared the sponsorship and expenses with others, you must also complete Section C below.)
4. Which of the following governmental groups were invited? All members of:
- |                                     |                                    |                          |                                                   |
|-------------------------------------|------------------------------------|--------------------------|---------------------------------------------------|
| <input checked="" type="checkbox"/> | a. the Legislature                 | <input type="checkbox"/> | c. a standing or select committee of either house |
| <input type="checkbox"/>            | b. either house of the Legislature | <input type="checkbox"/> | d. a joint committee of both houses               |

OR

5.  OTHER: If the event was not in one of the four specific groups listed above, you must list the names of all public employees or public officials in attendance here or on an attachment to this form. List attendees here:

**Section B: Calculate Reportable Expenses***Some calculations must be performed manually.*

$$1. \frac{5,819.38}{(\text{total cost of event})} \div \frac{128}{(\text{total attendance})} = \$45.11 \text{ (per capita cost)}$$

2. Number of governmental officials or employees in attendance:

$$\frac{46}{(\text{governmental attendees})} \times \frac{45.11}{(\text{per capita cost})} = \boxed{\$2,075.06}$$

If this was a true Group Entertainment event and you were the sponsor, report the amount above as Group Entertainment on the Lobbyist Activity Report in Section 5G. If you shared expenses with others, complete section C below, and report only your portion of the cost. Note: If you classified the expenditure described in section A as "OTHER," it is reported on the Lobbyist Activity Report Form as a Meals & Beverages expense (5A), not as a "Group Expenditure" (5G).

**Section C: Shared Sponsorship Expenses**

1. Were any other lobbyists co-sponsors of this event? \_\_\_\_\_ (yes or no)
2. If yes, with how many others are sharing the cost? \_\_\_\_\_ List the names of all sponsors below:

3. What is your share of Box 1 above? \$ \$2,075.06

Record that amount in Box 2 and on the Lobbyist Activity Report in Section 5G.

2,075.06
----------

Don Smith

Name: Carol S. Fulks

Date: 3/7/20

### Schedule B: Group Entertainment & Shared Expenses

(Attach to the Lobbyist Activity Report)

**Instructions:** Group Entertainment functions include only the functions that fall within the following groups. Report expenditures for a dinner party, reception or other similar function if you invited ALL members of any of these four specific groups. Individual names of attendees do not need to be listed for these four specific groups.

- 1. the Legislature
- 2. a standing or select committee of either house
- 3. either house of the Legislature
- 4. a joint committee of both houses

Use the worksheet below to figure the amount spent on legislators and other governmental officials and employees for each "event." Enter this amount on the Lobbyist Activity Report.

List each group event separately. **Make additional copies of this page if necessary.** Record total expenditures for each group event in **Section B.** You must then calculate and post on the Lobbyist Activity Report only the amount actually spent on public officials. If you share expenses with another reporting lobbyist, report only your portion of the expenses and list the names of other co-sponsors in **Section C** below.

#### Section A: Event Information

Lobbying expenses for entertainment of "OTHER" group events are reported in the "Meals & Beverages" category on the Lobbyist Activity Report Form. List the names of attendees on this form or attach additional information pages. If using this form, list the names in item 5 below, as well as other event information requested in items 1 through 4 and complete the Section B calculations.

- 1. Date of event: 3/7/20 Location: Adelphia's Sports Bar & Grille
- 2. Type of event (reception, dinner, etc.): Last Night Celebration
- 3. Event sponsor: See Below (If you shared the sponsorship and expenses with others, you must also complete Section C below.)
- 4. Which of the following governmental groups were invited? All members of:
  - a. the Legislature
  - b. either house of the Legislature
  - c. a standing or select committee of either house
  - d. a joint committee of both houses

OR

- 5.  OTHER: If the event was not in one of the four specific groups listed above, you must list the names of all public employees or public officials in attendance here or on an attachment to this form. List attendees here:

#### Section B: Calculate Reportable Expenses

*Some calculations must be performed manually.*

1.  $\frac{2,000.00}{85} = \$23.50$   
 (total cost of event) ÷ (total attendance) = (per capita cost)

2. Number of governmental officials or employees in attendance:  
 $60 \times 23.50 = \$1,410.00$   
 (governmental attendees) x (per capita cost)

If this was a true Group Entertainment event and you were the sponsor, report the amount above as Group Entertainment on the Lobbyist Activity Report in Section 5G. If you shared expenses with others, complete section C below, and report only your portion of the cost. Note: If you classified the expenditure described in section A as "OTHER," it is reported on the Lobbyist Activity Report Form as a Meals & Beverages expense (5A), not as a "Group Expenditure" (5G).

#### Section C: Shared Sponsorship Expenses

- 1. Were any other lobbyists co-sponsors of this event? Yes (yes or no)
- 2. If yes, with how many others are sharing the cost? 10 List the names of all sponsors below:  
Don Smith - Jason Webb - Danial Hall - Jared Wyrick - Jonathan Adler - Mike Clowser - Bridget Lambert - Fred Albert - Jason Wazelle - Gil White

3. What is your share of Box 1 above? \$ \$200.00

Record that amount in Box 2 and on the Lobbyist Activity Report in Section 5G.

**\$200.00**

2020 WV Legislative Session  
Last Night Celebration - 3/7/20  
List of People/Businesses Sharing Cost

<u>Contact Name</u>	<u>Business Name</u>	<u>Paid Amount</u>
Don Smith	WV Press Association	\$200.00
Jason Webb	Capitol Advocates, LLC	\$200.00
Daniel Hall	OMEGA	\$200.00
Jared Warick	WV Automobile Dealers Association	\$200.00
Jonathan Adler	Association of Counties/WV	\$200.00
Mike Clowser	WV Contractors Association	\$200.00
Bridget Lambert	WV Retailers Association	\$200.00
Fred Albert	AFT	\$0.00
Jason Wazelle	Norfolk Southern Corp.	\$0.00
Gil White	Step toe & Johnson, PLLC	\$0.00