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Let sun shine in on lobbying case results

It is absurd to treat violations as official state secrets.

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In an era when N.C. executive branch officials as well as state legislators are calling almost daily for more transparency in government, state government is curiously deficient in one key area of openness: If you file a formal complaint about a potential lobbying violation, you can't find out whether the N.C. Secretary of State's office has taken action on it. And if by chance you find out a lobbyist has been sanctioned by that office, you can't even find out why.

More polite critics will describe this as troubling or discouraging.

We think it's just downright stupid.

Here's some background. The N.C. Institute for Constitutional Law (NCICL) asked the Secretary of State's office a couple of years ago whether Spirit AeroSystems had a registered lobbyist after it pursued state financial incentives. The GoldenLeaf Foundation, financed with state funds from a tobacco settlement, committed \$100 million for a new manufacturing facility at the Global TransPark near Kinston.

The Secretary of State's Office said it had no information about a Spirit Aero lobbyist having registered. So NCICL filed a complaint that, among other things, Spirit Aero had not registered a lobbyist before it sought the incentives that led to its decision to locate here. But since then, the Secretary of State's office has declined to release to NCICL or anyone else what action, if any, it has taken in response to the complaint.

That's eerily similar to what happened when the same office had a complaint against former lobbyist Don Beason. Not a word - indeed, nary a whiff of any action - was made public about that case until Beason appealed, in an administrative court, a hefty fine for lobbying violations. Secretary of State Elaine Marshall said her office could not release any information because of the wording of the state lobbying laws and because of an opinion from the Attorney General's Office that such release is forbidden by the statute. Marshall also said she thought it was wrong that her office could not release that information.

Meanwhile, state legislative leaders expressed puzzlement over the refusal to release that information. Some disagree with the interpretation that information about violations must remain secret, and they argue that the legislature never intended that the resolution of cases be withheld from the public.

We had hoped the General Assembly would address this puzzling impasse quickly after convening in May. It could yet fix the problem in the Senate ethics proposal released earlier this week. But NCICL, understandably enough, is not waiting for lawmakers to make the obvious and much-needed fix. The group sued earlier this week, challenging the status quo and asking the state's courts to require the information to be made public.

NCICL executive director Robert Orr, a former justice of the N.C. Supreme Court, noted correctly, "This is a lawsuit that simply should not be necessary.... The purpose of stronger lobbying laws and government transparency is being completely thwarted by the state's position. The press and the public have a right to know when lobbying law violations take place and what action government officials take or don't take to enforce these laws."

In the short term, Attorney General Roy Cooper and Marshall ought to get together and agree to release information that is not only in the public interest to disclose, but that the court system is likely going to find is subject to the state's open records act.

It's a matter of common sense. Keeping lobbyist violation records secret is just plain dumb.



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