

**BEFORE THE IOWA
ETHICS AND CAMPAIGN DISCLOSURE BOARD
Pursuant to Chapter 17A and Chapter 68B**

IN THE MATTER OF:)	
)	Case No. <u>2008 IECDB 14</u>
TERRY STEWART,)	
In the Capacity as the Chair for Dubuque)	STATEMENT of CHARGES and
County Democratic Central Committee,)	NOTICE of HEARING to APPEAL
RESPONDENT.)	CIVIL PENALTY WAIVER DENIAL

HEREIN, pursuant to Iowa Code section 68B.32C a contested case will be held before Presiding Officer Gerald Sullivan. The hearing is scheduled for 10:00 a.m. on November 19, 2008, and held telephonically. At least 5 days before the hearing Respondent shall provide the Board's Legal Counsel with a telephone number where he will be present for the hearing.

ALLEGATION

Pursuant to Iowa Code section 68A.402 and Iowa Code section 68B.32A(7), as a chair of a county central committee, Respondent was required to file a May 19, 2008 campaign report and did so after the statutory deadline.

A civil penalty was assessed and the Respondent filed a waiver. The waiver was denied and the Respondent now seeks this hearing to appeal the assessment.

DESCRIPTION OF PROCEDURE

Both parties may present evidence, call witnesses, and enter motions. The Board's Legal Counsel is responsible for proving the underlying violation.

The Board's jurisdiction and authority are provided in Iowa Code chapter 68B. The hearing will be conducted in accordance with the procedural rules in 351—Chapter 11. Pursuant to 351—11.8(3), within 10 days of service of this notice either party may request that the presiding officer be an administrative law judge assigned by the Department of Inspections and Appeals. The procedure for settlement of this matter is governed by rule 351—9.5.

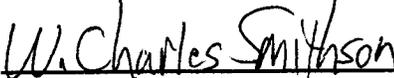
Copies of all filings should be addressed to the Board's Legal Counsel:

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Iowa Ethics & Campaign Disclosure Board
510 E. 12th Street, Suite 1A
Des Moines, Iowa 50319
(515) 281-3489
(515) 281-3701 (fax)
charlie.smithson@iowa.gov (email)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Statement of Charges and Notice of Hearing to Appeal Civil Penalty Waiver Denial was sent by first class mail, address service requested, on October 23, 2008, to:

Terry Stewart
Dubuque County Democratic Party
PO Box 686
Dubuque, Iowa 52004-0686



W. Charles Smithson, IECDB Legal Counsel