



IA ETHICS AND

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THOMAS J. MILLER  
ATTORNEY GENERAL

## Department of Justice

ADDRESS REPLY TO:  
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1305 E. WALNUT  
DES MOINES, IOWA 50319  
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July 22, 2010

Charlie Smithson  
Executive Director & Legal Counsel  
Iowa Ethics and Campaign Disclosure Board  
510 E. 12<sup>th</sup> Street, Suite 1A  
Des Moines, IA 50319

Dear Mr. Smithson:

In accordance with Iowa Code section 68B.4, the Iowa State Board of Health (Board) recently granted consent for members of the Board to sell or lease goods and services as follows:

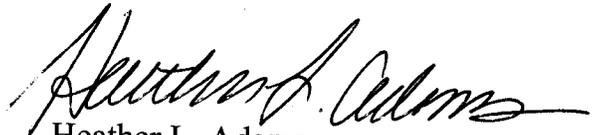
1. Members of the Board may sell or lease goods or services to any individual, association, or corporation regulated by any division within the Department of Public Health, other than the Board on which that official serves. This consent is granted because such sale or lease of goods or services does not affect the Board member's duties or functions on the Board.
2. Members of the Board may sell or lease goods or services to any individual, association, or corporation regulated by the Board if those goods or services are routinely provided to the public as part of that person's regular professional practice. This consent is granted because the sale or lease of such goods or services does not affect the Board member's duties or functions on the Board. In the event a complaint is filed with the Board concerning the services or goods provided by the Board member to any member of the public, the Board member is prohibited from participating in a decision by the Board in that case. See, for example, Code of Administrative Judicial Conduct, 11 IAC 10.29(3)(b).

3. Individual application and approval are not required for the sales or leases authorized by the Consent unless there are unique facts surrounding a particular sale or lease which would cause the sale or lease to affect the seller's or lessor's duties or functions on the Board, would give the buyer or lessee an advantage in dealing with the Board, or would otherwise present a conflict of interest as defined in Iowa Code section 68B.2A or the common law.
4. Individual application and approval, when required, shall conform to the procedures and guidelines outlined in 351 IAC 6.11, and shall only be granted by a majority of a quorum of the Board.

I have attached the "Consent to Sales and Leases of Goods and Services" signed by the Board Chairperson.

If you should have any questions regarding the Board's action please contact me at the number below. Best regards.

Sincerely,



Heather L. Adams  
Assistant Attorney General  
(515) 281-3441

Cc: Thomas Newton, MPP, REHS, Director

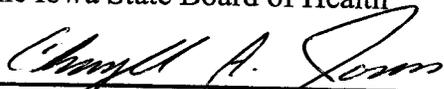
## CONSENT TO SALES AND LEASES OF GOODS AND SERVICES

The Iowa State Board of Health (Board) is established in Iowa Code chapter 136 and is the policy-making body for the Iowa Department of Public Health (Department). The Board is comprised of eleven members appointed by the Governor. Pursuant to Iowa Code section 68B.4, Board members shall not sell or lease, either directly or indirectly, any goods or services to individuals, associations, or corporations that are subject to the regulatory authority of the Department except as authorized by Iowa Code section 68B.4 and the administrative rules adopted by the Iowa Ethics and Campaign Disclosure Board at 351 Iowa Administrative Code (IAC) 6.11.

On the 14<sup>th</sup> day of July, 2010, the Board granted consent for members of the Board to sell or lease goods and services as follows:

1. Members of the Board may sell or lease goods or services to any individual, association, or corporation regulated by any division within the Department, other than the Board on which that official serves. This consent is granted because such sale or lease of goods or services does not affect the Board member's duties or functions on the Board.
2. Members of the Board may sell or lease goods or services to any individual, association, or corporation regulated by the Board if those goods or services are routinely provided to the public as part of that person's regular professional practice. This consent is granted because the sale or lease of such goods or services does not affect the Board member's duties or functions on the Board. In the event a complaint is filed with the Board concerning the services or goods provided by the Board member to any member of the public, the Board member is prohibited from participating in a decision by the Board in that case. See, for example, Code of Administrative Judicial Conduct, 11 IAC 10.29(3)(b).
3. Individual application and approval are not required for the sales or leases authorized by this Consent unless there are unique facts surrounding a particular sale or lease which would cause the sale or lease to affect the seller's or lessor's duties or functions on the Board, would give the buyer or lessee an advantage in dealing with the Board, or would otherwise present a conflict of interest as defined in Iowa Code section 68B.2A or the common law.
4. Individual application and approval, when required, shall conform to the procedures and guidelines outlined in 351 IAC 6.11, and shall only be granted by a majority of a quorum of the Board.

The Iowa State Board of Health



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By: Cheryl Jones, Chairperson, State Board of Health