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

IN THE MATTER OF:	)	
	)	
	)	Case No. 2004 IECDB 04
MARCY MERSCH,	)	
In Her Capacity as the Candidate for the	)	PROPOSED DECISION and ORDER
Committee to Elect March Mersch,	)	of the PRESIDING OFFICER
RESPONDENT.	)	

A telephonic hearing was held on November 23, 2004. The Board's Chairman James Albert presided. The Board's legal counsel, Charles Smithson, and Marcy Mersch were both present by telephone.

There is no factual dispute in this matter. Ms. Mersch did not file the July 19, 2002 campaign report until October 18, 2002. However, she did consult with the Webster County Auditor at the time she filed her nomination papers and was informed that she would not have any reports to file until October. At the time of the filing of the report in question, county auditors had a statutory role in the campaign finance process.

In this case Ms. Mersch relied on advice from a governmental body that at the time had a role in the process. In addition, her campaign disclosure report was filed prior to the election so the public had access to her campaign transactions prior to voting.

IT IS SO ORDERED, pending approval by the Iowa Ethics and Campaign Disclosure Board, that the $50 civil penalty be waived.

Dated this 31 day of January, 2005.

By: James A. Albert
James A. Albert, Presiding Officer

Pursuant to rule 351-11.26(1), within 14 days after the issuance of this proposed decision any party may serve a statement of exceptions to the proposed decision together with a brief and arguments. An exception shall be served by delivery of the original and five copies of each document to the Board's office. A copy of all filings shall also be served on the opposing party. At the time of filing an exception, either party may request oral arguments. If oral arguments are not requested, the Board will rule on the arguments raised in the briefs. If exceptions are not filed concerning this matter the Board will automatically review this proposed decision. The Board's decision on review of a proposed decision is a final agency action. Pursuant to the provisions of rule 351-11.27, any party may apply for a rehearing from a final order of the Board.