

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

IN THE MATTER OF:)	
)	
JAMES DEEMER,)	Case No. <u>2004 IECDB 11</u>
In His Capacity as the Candidate for the)	
Elect James Deemer committee,)	DEFAULT DECISION and
<u>RESPONDENT.</u>)	<u>ORDER</u>

Pursuant to rule 351—11.21, this DEFAULT DECISION and ORDER is entered:

1. Respondent had proper notice of the date and location of the December 6, 2004 hearing.

2. The hearing was to determine if the Respondent violated Iowa Code section 68A.402 by failing to file campaign disclosure reports as required by law on or before the following statutory due dates:

- A. July 19, 2004; and
- B. October 19, 2004.


3. As the Respondent failed to appear for the hearing or otherwise provide a defense despite being given the opportunity to do so, the factual and legal arguments of the Board's Legal Counsel as set out in the Statement of Charges are uncontroverted and are found to be true and correct. Therefore, it is determined that Respondent violated Iowa Code section 68A.402 on two separate occasions as alleged. It is also determined that letters were sent to Respondent before and after each statutory due date, phone calls were made to the Respondent, and that notice of hearing was provided. The Respondent has ignored all attempts by the Board's staff to resolve this matter.

4. Pursuant to Iowa Code section 68B.32D(1), the Presiding Officer orders the following:

- 1. Respondent shall pay a civil penalty in the amount of \$300 pursuant to the Board's published schedule for penalties as set out in Board rule 351—4.59(2).
- 2. As a remedial action, Respondent shall repay the Iowa Ethics and Campaign Disclosure Board \$75 related to costs involved with this matter, including the drafting and mailing of correspondence, staff time, and hearings costs.
- 3. Respondent shall receive a Letter of Reprimand.
- 4. The Board's staff shall administratively dissolve and terminate the Respondent's campaign committee.

5. Pursuant to rule 351—11.21(3), this Default Decision and Order becomes final agency action for purposes of judicial review unless a motion to vacate is filed and served within 14 days. A motion to vacate automatically stays this order pending review of the motion.

Dated this 31 day of January, 2005.

By 
James A. Albert, Presiding Officer