

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

IN THE MATTER OF:)	
)	Case No. <u>2010 IECDB 01</u>
KERRY KELLER,)	
In the Capacity as Candidate for)	DEFAULT DECISION
Committee To Elect Kerry Keller,)	and ORDER
RESPONDENT.)	

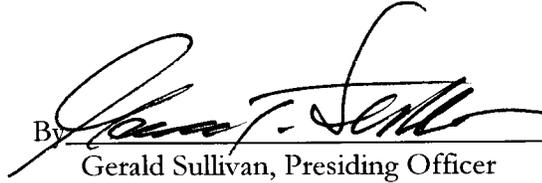
Pursuant to rule 351—11.21, this DEFAULT DECISION and ORDER is entered:

1. Respondent had proper notice of the date and time of the May 28, 2010 hearing.
2. The hearing was to determine if the Respondent violated 68A.401(3), 68A.402, and 68B.32A(8), as candidate for a candidate's committee by failing to file a January 19, 2010 campaign report.
3. As the Respondent failed to advise the Board's Legal Counsel with a telephone number where Respondent will be available for the hearing and failed to appear in person or by telephone for the scheduled May 28, 2010 hearing, or otherwise provide a defense, despite being given the opportunity to do so, and based on the Presiding Officer's review of the evidence presented at the hearing by the Board's Legal Counsel, the allegations set out in the Statement of Charges are found to be true and correct. Therefore, it is determined that the Respondent violated Iowa Code section 68A.401(3), 68A.402, and 68B.32A(8), as alleged. It is also determined that the last information the Board had regarding the financial position of this committee, it had \$351.22 in funds.
4. Pursuant to Iowa Code section 68B.32D, the Presiding Officer orders the following:
 - A. Respondent shall pay a civil penalty in the amount of **\$100** as calculated by the prescribed and scheduled penalties for failing to timely file a campaign disclosure report as set out in Board rule 351-4.59(2).
 - B. Respondent shall pay an additional civil penalty pursuant to Iowa Code Section 68B.32D(1)"h" in the amount of **\$100**.
 - C. 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.
 - D. Respondent shall be issued a Letter of Reprimand pursuant to Iowa Code Section 68B.32D(1)"d".

E. The committee shall file the campaign report which was due on January 19, 2010.

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.

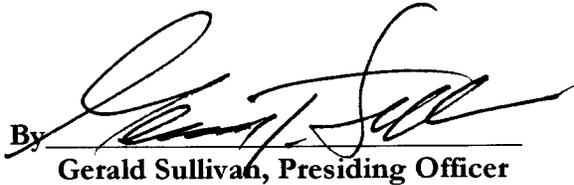
Dated this 7th day of June 2010.

By 
Gerald Sullivan, Presiding Officer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Default Decision and Order was sent by first class mail, address service requested, on June 7th, 2010, to:

Kerry Keller
2569 Canterbury Road
Muscatine, Iowa 52761

By 
Gerald Sullivan, Presiding Officer