

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

IN THE MATTER OF:)	
)	Case No. <u>2010 IECDB 09</u>
SUSAN TEMERE,)	
In the Capacity as the Candidate for)	PROPOSED DECISION and
Friends of Susan Temere,)	ORDER of the
RESPONDENT.)	PRESIDING OFFICER

A hearing was held on June, 18, 2010. The Board's legal counsel, Charles Smithson, and Respondent, Susan Temere were both present by telephone. The parties agreed to discuss the issues and the evidence informally. The hearing was to determine if Respondent violated Iowa Code Section 68A201(3) requiring the Board to be notified of changes in mailing address. The hearing was also to determine if Respondent failed to file true and accurate reports on October 31, 2008, January 19, 2009 and January 10, 2010.

At the hearing Mr. Smithson stated that the Board had received a returned mail communication addressed to the Respondent at Post Office Box #663 and Respondent then explained that she had two post office boxes, #663 and #748. Respondent indicated the need to have two post office boxes seemed duplicative and so she used P.O. Box #748 instead of #663. Mr. Smithson indicated that this change was pretty insignificant under the requirements of Iowa Code Sections 68A201(3).

The matter of inaccuracies in any of the financial reports was attributed to a total breakdown of communication between the Respondent and her named Treasurer. There apparently was a problem in reconciling the differences between the candidate and the Treasurer to the point the Treasurer would not give information to the Respondent or even answer the door when Respondent attempted to meet with her. The Respondent was forced to recreate the financial condition of the organization on her own and file her reports.

Mr. Smithson indicates that all the reports were timely filed and that the problem centered on accuracy. It was clear that the Respondent did everything she could do to give accurate information in her reports. There was no evidence of any attempt to hide any facts or figures. Mr. Smithson indicated that the committee had been administratively closed and asked that such action be affirmed in this decision. The Respondent was in total agreement to such action. The Respondent was responsive and extremely cooperative.

After listening to the Respondent's detailed enumeration of the efforts made to get the committee's records from the Treasurer, Mr. Smithson acknowledged that perhaps the imposition of \$75.00 wasn't a fair result. The undersigned is in agreement with that assessment and believes the penalty should be significantly reduced.

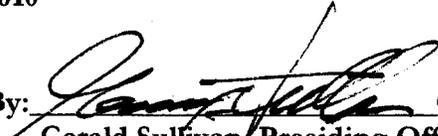
Based on the evidence presented, the Presiding Officer finds the Respondent was in technical violation of Iowa Code Section 68A201(3) and that the inaccuracies in the timely filed report cannot be attributed to the Respondent.

Pending final approval by the Iowa Ethics and Campaign Disclosure Board

IT IS HEREBY ORDERED:

1. The civil penalty assessed in the amount of \$75 is reduced to \$20.
2. The committee know as "Friends of Susan Temere" has been and shall be administratively closed and the Respondent is absolved from any more duties or responsibilities relating to said committee, except as to the payment of the penalty imposed in paragraph 1 above.

Dated this 18th day of June, 2010

By: 
Gerald Sullivan, Presiding Officer

Pursuant to rule 351—11.26(1), within 14 days after the issuance of this proposed decision either party may serve a statement of exceptions with 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 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 351—11.27, either party may apply for a rehearing from a final order of the Board.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Proposed Decision and Order of the Presiding Officer was sent by first class mail, address service requested, on June 18, 2010 to:

Susan Temere
PO Box 743
Waukee, Iowa 50263

W. Charles Smithson
Iowa Ethics & Campaign Disclosure
Board
510 East 12th, Suite 1A,
Des Moines, Iowa 50319

