

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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BOARD MEMBERS:

James Albert, Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD MINUTES NOVEMBER 3, 2006 OPEN SESSION

HELD AT: Jessie Parker Building, 510 East 12th, Des Moines, Iowa

BOARD MEMBERS PRESENT: Jim Albert, Janet Carl (by phone), Gerald Sullivan, Pat Harper

STAFF PRESENT: W. Charles Smithson, Sandy Reier

1. CALL TO ORDER - The meeting was called to order by Chair Albert at 12:00 p.m.
2. APPROVAL OF MINUTES FROM JULY 12, 2006, AUGUST 15, 2006, AND SEPTEMBER 20, 2006 MEETINGS - It was moved by Harper and seconded by Sullivan that the minutes of the July 12, 2006, August 15, 2006, and September 20, 2006 meetings be approved as written. Motion carried.
3. ADJOURNMENT TO EXECUTIVE SESSION – At 12:01 p.m. it was moved by Sullivan and seconded by Harper that in accordance with the provisions of Iowa Code section 21.5, the Board go into executive session to discuss complaints, investigations, and personnel matters. Albert, Carl, Sullivan, and Harper voted yes in roll call vote.

The meeting returned to Open Session at 1:14 p.m.

4. ACTION FROM EXECUTIVE SESSION – It was moved by Sullivan and seconded by Harper that the written record of executive session action be made a part of the open record. Motion carried unanimously.

The following executive session action was taken.

Steve Lukan – A review of internal campaign records reflects no one gave more than \$25 to his campaign without being disclosed. It was moved by Sullivan and seconded by Harper to close the investigation with a finding of no probable cause to believe that a violation of a statute or rule under the Board's jurisdiction occurred. Motion carried.

Michael Medved – Investigation determined the Michael Medved giving campaign contributions is not the Michael Medved talk show host and the correct address is shown on reports. It was moved by Sullivan and seconded by Harper to close the investigation with a finding of no probable cause to believe that a violation of a statute or rule under the Board's jurisdiction occurred. Motion carried.

CLC Granger – Investigation determined that minimal corporate resources were used for a political purpose. It was moved by Carl and seconded by Sullivan that the individuals be directed to repay the corporation for any costs and that a letter of admonishment be issued to exercise care in the future. Motion carried.

Greg Orr – It was moved by Carl and seconded by Harper to admonish the candidate and lobbyist for a contribution during the session and to close with no action the issue of use of corporate space for a political purpose since the facilities are open to everyone. Motion carried.

Pat Cline for State Representative – It was moved by Sullivan and seconded by Harper to issue a Letter of Reprimand for failing to file a reconciled bank statement, admonish the candidate that full compliance with the campaign laws will be expected in the future and that the committee be administratively dissolved by the Board's staff. Motion carried.

Gene Phillips – It was moved by Sullivan and seconded by Harper to investigate whether cash transactions occurred in his campaign. Motion carried.

Shane Shook Email – It was moved by Harper and seconded by Carl to investigate whether a campaign message was sent using a state owned computer. Motion carried.

John Mauro – It was moved by Sullivan and seconded by Harper to investigate whether accurate reports were filed. Motion carried.

Barbara Tarwater – It was moved by Sullivan and seconded by Harper that a Letter of Reprimand be issued to the school librarian for use of school equipment for an email promoting a candidacy. Motion carried.

Lynda Rose – It was moved by Sullivan and seconded by Harper to investigate whether there was the misuse of public property for a personal benefit to the detriment of the state and whether confidential information was used. Motion carried.

Don Shultz – It was moved by Carl and seconded by Sullivan to decline to investigate since the candidate has provided documentation that all contributions were accurately reported. Motion carried.

Headen Complaint Against Wilber – It was moved by Harper and seconded by Carl to refer to another county attorney and the State Ombudsman the allegation that the Pottawattamie County Attorney has a conflict of interest. Motion carried.

Marcus-Meriden-Cleghorn CSD Mailing – It was moved by Harper and seconded by Carl to investigate whether public resources were used for a political purpose. Motion carried.

Lykam/Cohoon Transactions – It was moved by Sullivan and seconded by Harper to decline to investigate how shared fundraiser expenses were reported since they were reported as directed by the Board's staff. Motion carried.

Biechler for Supervisor – It was moved by Sullivan and seconded by Carl to decline to investigate since there is no violation of the campaign laws in materials provided anonymously. Motion carried.

Linda Voss Ad – It was moved by Sullivan and seconded by Harper to investigate the alleged use of government property/time for an ad and direct staff to get placement of a correction notice to resolve an incomplete attribution. Motion carried.

Fallon's Use of Campaign Funds – It was moved by Sullivan and seconded by Harper to decline to investigate the candidate committee's use of campaign funds. Motion carried.

Jeff Nicholl Letter to the Editor – It was moved by Harper and seconded by Carl to investigate whether a letter to the editor advocating for a ballot issue was drafted using school resources. Motion carried.

Complaint about Pens – It was moved by Sullivan and seconded by Harper to decline to investigate a complaint about pens being handed out on government property. Motion carried.

Publication of Contributors – A candidate believed publishing the names of contributors was harassment or otherwise illegal. It was moved by Carl and seconded by Sullivan to decline to investigate since contributors on campaign reports are a public record. Motion carried.

Defaced Campaign Sign – It was moved by Harper and seconded by Sullivan to refer the complaint about a defaced campaign sign to the county attorney's office. Motion carried.

Use of Western Dubuque School Resources – It was moved by Sullivan and seconded by Carl to investigate allegations concerning the misuse of the Western Dubuque School resources by Bob McCabe. Motion carried.

Polk City School Board Brochure – It was moved by Carl and seconded by Harper to investigate a brochure distributed against two candidates that did not state who paid for it. Motion carried.

State Treasurer's College Savings Iowa Plan – It was moved by Carl and seconded by Harper to decline to investigate since the College Savings Iowa Plan does not expressly advocate for the campaign of the state treasurer. Motion carried.

Secretary of State Mailing – It was moved by Carl and seconded by Harper to decline to investigate the distribution of a voter guide since it is a part of the duties of the Secretary of State's Office and does not expressly advocate for a campaign. Motion carried.

MVP/Camp High Hopes Contract – It was moved by Sullivan and seconded by Harper to investigate the allegation that \$50,000 was paid to VanderPlaats as a campaign contribution or to cover his living expenses as opposed to being for his work on behalf of Camp High Hopes. Motion carried.

Whitver Transactions – It was moved by Sullivan and seconded by Carl to investigate whether campaign advertising and in-kind contributions were fully disclosed. Motion carried.

Ako Transactions – It was moved by Sullivan and seconded by Harper to investigate whether all campaign contributions were fully disclosed. Motion carried.

Complaint About IRWA PAC – It was moved by Sullivan and seconded by Harper to investigate whether a PAC fundraiser may have violated the corporate contribution ban but decline to investigate the gift law issue since an exception to the gift law in 68B.22(4) is for campaign contributions. Motion carried.

2nd Complaint Concerned Citizens for Dallas County – It was moved by Carl to decline to investigate two documents that did not contain express advocacy. This motion was withdrawn. It was moved by Sullivan and seconded by Harper to table this item. Motion carried.

Koehler/Taste of Home Cooking – It was moved by Sullivan and seconded by Harper to investigate whether corporate resources have been used in the Koehler campaign. Motion carried.

Jesse Marzen – It was moved by Sullivan and seconded by Harper to investigate whether campaign transactions involving newspaper ads were properly disclosed. Motion carried.

Sandy Ehrig – It was moved by Harper and seconded by Sullivan to investigate whether the Department of Economic Development is permitting the private use of state equipment. Motion carried.

Iowans for Agriculture Ad – It was moved by Sullivan and seconded by Harper to table this item. Motion carried.

Concerned Citizens for Dallas County – The complaint was found to be legally sufficient by Counsel. It was moved by Sullivan and seconded by Harper that the complaint contains a legally sufficient allegation and that it be investigated. Motion carried. The complaint alleged that Concerned Citizens for Dallas County is advocating for and against candidates but has not filed reports.

Complaints Against Geri Huser – Counsel reported he found the complaints to not be legally sufficient. It was moved by Harper and seconded by Carl that the complaints do not contain a legally sufficient allegation under the Board's jurisdiction and that the complaints not be investigated. Motion carried. The complaints should have been filed with the House Ethics Committee and the Polk County Attorney's Office.

Complaint Against Connie Toresdahl – Counsel reported he found the complaint legally sufficient. It was moved by Sullivan and seconded by Carl that the complaint contains a legally sufficient allegation and that it be investigated. Motion carried. The complaint alleges not all campaign transactions have been reported.

Brooke Chesney – It was moved by Sullivan and seconded by Carl to investigate the alleged use of public funds for a political purpose. Motion carried.

Steve Cirinna – The Board reviewed a previous decision to close an investigation with no action. No additional action was taken.

America's Foundation PAC – It was moved by Harper and seconded by Carl to rescind the letter of reprimand and to allow the committee to pay the civil penalty. Motion carried.

5. ADMINISTRATIVE ACTION

A. Delinquent Filers/Other Potential Violations – It was moved by Sullivan and seconded by Harper that Statements of Charges be filed and hearings set for the following for failure to file disclosure reports. Motion carried. Chair will assign presiding officers at a later date.

1. Janice Creasman
2. Gary Randa
3. Golden Grain Energy State PAC

6. VIOLATIONS

A. Attribution Statement Violations (Iowa Code section 68A.405) – Correction advertisement information was received from the following:

1. Stanley Olsen
2. Cheryl A. Johnel
3. Aric Sharp and Diane Lackore
4. Elect Cathy Haustein
5. Jeff Kaufmann for State Representative
6. Eric & Stephanie Zierke, Ed & Joy Drake, Roger & Jan Severson, Richard & Phyllis Drake, David & Cathy Beck, Bryan & Maggie Drake, Curt & Gretchen Ferris
7. Gary Adam for Supervisor Committee (Van Buren)
8. Eric Halverson
9. David Gardner

B. Late-Filed Statement of Organization (Iowa Code section 68A.201) – It was moved by Harper and seconded by Carl that letters of admonishment be sent to the following for late-filed Statements of Organization. Motion carried.

1. Karl A. Helgevold Campaign Account (Wright)
2. Committee to Elect Dencklau (Webster)
3. HR Care (Hardin)
4. Jackson County Republican Central Committee
5. Fayette County Republican Central Committee
6. Horton for Treasurer (Webster)
7. Yoder for Supervisor (Iowa)
8. Montgomery County Republican Central Committee
9. Baer for Supervisor Committee (Pottawattamie)
10. Committee to Elect Vicki R. Danley (Fremont)
11. Lamoyne Gaard for Supervisor (Poweshiek)
12. Mills County Republican Central Committee
13. Committee to Elect Paul Merten (Buena Vista)
14. Kossuth County Republican Central Committee
15. George Tracy for Ankeny School Board (Polk)
16. Campaign to Elect JJ Harvey for School Board (Pottawattamie)
17. Tim Krumm for School Board (Johnson)
18. Grasty for Supervisor (Guthrie)
19. People for Enos (Polk)

20. Joe Lyon for STC School Board Committee (Tama)
 21. Benton County Democratic Central Committee
 22. Re-elect King for Supervisor (Harrison)
 23. Lucas County Agriculture Extension Referendum (Lucas)
 24. Iowans for Buschkamp
7. ITEMS OF BOARD INTEREST NOT NEEDING ACTION
- A. Income Tax Checkoff Report – Received for information; no action taken.

The next meeting will be sometime during the week of December 18, 2006.

At 1:20 p.m., it was moved by Sullivan and seconded by Harper that the meeting be adjourned. Motion carried.

Respectfully submitted,



Sandra Reier
Secretary