

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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BOARD MEMBERS:
James Albert, Chair
Gerald Sullivan
John Walsh
Patricia Harper
Saima Zafar
Carole Tillotson

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD MINUTES APRIL 29, 2010 OPEN SESSION

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

BOARD MEMBERS PRESENT: James Albert, Janet Carl, Patricia Harper, Betsy Roe, John Walsh, and Saima Zafar

STAFF PRESENT: W. Charles Smithson, Meghan Van Wyk

1. **CALL TO ORDER** by Jim Albert at 12:15pm
Betsy Roe received a resolution for service on the Board.
2. **APPROVAL OF MINUTES** Document
APRIL 30; MAY 28; JULY 8; OCTOBER 21; DECMEBER 22, 2009 – It was moved by Roe to approve and seconded by Walsh. Motion carried.
3. **ADJOURNMENT TO EXECUTIVE SESSION-** At 12:15 p.m. it was moved by Harper and seconded by Albert that in accordance with the provisions of Iowa Code section 21.5, the Board will move into executive session to discuss complaints, investigations, and personnel matters. Any action taken in executive session will be disclosed upon return to open session. Motion carried unanimously in roll call vote.
The meeting returned to Open Session at 12:44 p.m. Break for 5 minutes back at 12:50 p.m.
4. **ACTION FROM EXECUTIVE SESSION**
 - A. Beth Bilyue- Motion to accept the Director's recommendation by Roe it was seconded by Walsh. Motion carried.
 - B. Susan Temere- Motion to accept the Director's recommendation by Harper it was seconded by Walsh. Motion carried.
 - C. Klein for Statehouse- Motion to set hearing by Walsh it was seconded Harper. Motion carried.
 - D. Cal Busch for City Council-Motion by Roe to do a letter of reprimand, fine \$75 and administratively dissolve the committee it was seconded by Zafar. Motion carried.
 - E. Failure to Close Committees- Motion to issue letters of reprimand and administratively dissolve committees by Walsh it was second Harper. Motion carried.
 - F. Lawrence Werner School Board- Motion to issue letter of reprimand by Roe it was seconded by Harper. Motion carried.

ADMINISTRATIVE RESOLUTION

Motion to accept the Director's recommendations on all other by Harper it was seconded by Roe. Motion carried.

- A. Adam Vandall/ Vandall for Iowa House-
- B. Jonathan Van Roekel/ Citizens to Elect Van Roekel
- C. Darren White/White for State Rep

- D. Bessey for School Board
- E. Scott Porter for City Council
- F. Edmond for Alderman Committee
- G. Friends to Elect Robby Ortiz
- H. WINNPAC- Winneshiek Progress Action Coalition
- I. Committee to Elect James P. Gengler to City Council
- J. Committee to Elect Bremster for Sheriff
- K. Elect Randy Jensen for Sheriff

EXPRESS ADVOCACY DETERMINATION

A. Bob Fleming/Iowa Hospital Association Award-Motion that the Board found no express advocacy and declined to investigate by Walsh it was seconded by Zafar. Motion carried.

REQUEST FOR HEARINGS

Motion to schedule hearing for each one by Walsh it was seconded by Roe seconded. Motion carried.

- A. Matt Pfaltzgraf
- B. Eric Cooper
- C. John Frueh
- D. Martha Martinson
- E. Earl Shepard
- F. Marla Stevens (QED)
- G. Kerry Keller

COMPLETED INVESTIGATION

A. Attribution Correction Notice Failures- Motion by Roe for letter of admonishment verses letter of reprimand it was seconded by Harper. Motion carried.

B. Windsor Heights City Council Flier- Motion to accept the Director's recommendation by Walsh it was seconded by Harper. Motion carried.

C. Susan Voss/ Jim Poolman- Motion to close with a finding of no probable cause by Roe it was seconded by Harper. Motion carried.

D. Richard Leopold/Ducks Unlimited- Motion to accept as a no conflict of interest by Harper it was seconded by Zafar. Motion carried.

E. National Organization for Marriage- Motion to find no probable cause by Roe it was seconded by Walsh. Motion carried.

5. ADVISORY OPINIONS

Document

Roe would like to pull out National Organization for Marriage to deal with separately. Board would like a footnote to better explain or define express advocacy. Roe had a question on F. Opinions In Rules: Not in Rules for 2009- should be Zero not Ten. Change will be made.

Roe made a motion to issue the Advisory Opinions with the two changes as discussed above it was seconded by Walsh. Motion carried.

- A. Purchasing for Campaign Materials/Independent Expenditure Coordination Issues
- B. Dates/Time for Filing Campaign Reports/Opinions 2008-13 & 2009-02 Updated
- C. National Organization for Marriage, Inc./Independent Expenditures
- D. Registering a Committee Required/ Opinions 2005-08 & 2009-05 Updated
- E. Iowa Progress Project/Independent Expenditures
- F. Opinions In Rules

6. POLICY DECISIONS

Document

Director explained the Supreme Court Case Citizens United.

A. Hearing Process to Determine if Report Not Filed- Yes this is an extra check to have the full Board weight in but Albert feels it to be very important to keep this step in the process. A motion that the hearings be set by the full Board and it was seconded by Harper. Motion carried. If the Board was to be notified by E-mail not just a face to face they would be okay with that. Albert and the Director will talk about how this is to be handled.

B. Political Corporation Decisions- Roe motion to deny the applications as they are moot and rule will be rescinded seconded by Harper. Motion carried.

7. RULES FOR ADOPTION

Document

Roe had a question about letter C Cleanup of Campaign Rules wording about electronic filing. Statement of Organization required to be filed electronically with the Board shall be filed electronically through the Board's Web Site. Just a wording change in A, B and C. Roe had questions about letter E; the timing of the filing, also the Foreign National and Independent Expenditure.

Motion to move approval by Walsh it was seconded by Harper. Motion carried for A to D.

Motion to move approval by Roe it was seconded by Harper. Motion carried for E.

A. Implement HF2109

B. Implement SF2067

C. Cleanup of Campaign Rules

D. Implement 68B.2B (Dual Executive Branch Compensation)

E. Implement HF 2354

8. HEARING REQUEST TO APPEAL LETTER OF REPRIMAND

Document

A. Eric Rosenthal- Harper made a motion to set a hearing it was seconded by Walsh. Motion carried.

9. REQUESTS FOR WAIVER OF CIVIL PENALTIES

Document

Libertarian Party of Johnson County was pulled out. It was motioned by Walsh to approve by Director's recommendation, it was seconded by Roe. Then the motion was amended by Roe to waive the Libertarian Party of Johnson County. Motion carried.

A. State Committees (Rule 351 IAC 4.60)

1. Lalk for State House

2. Linebarger Goggen Blair & Sampson, LLP

3. Libertarian Party of Johnson County-- WAIVED

4. Stop Voters Fraud PAC

5. Iowa Psychiatric Society PAC

6. Democratic Women of Buchanan County

B. County/Local Committees

Roe pulled out number 1,2,6,7,14 and 15. Roe motion to waive number 6 it was seconded by Harper. Motion carried. Roe motion to reduce by 50% number 1, 2, 7, 14 and 15 it

was seconded by Harper. Motion carried. Motion by Harper to accept Director's recommendation it was seconded by Roe. Motion carried.

1. Miner For Sheriff- 50% REDUCED
2. Sampson for Sheriff
3. Committee to Elect Mike Prior
4. Citizens for Stecker
5. Rixner for Council
6. Marlin Voss for Clay County Supervisor- VOTE TO WAIVE
7. Frink for Davenport City Council- 50% REDUCED
8. Swore for Council
9. Leon Mosely for Supervisor
10. Elect Nelson
11. Tilton for County Attorney
12. Frank Brimmer for Mayor
13. Citizens for Responsible Annexation
14. Taxpayers United- 50% REDUCED
15. Concerned Citizens of Ankeny
16. Buckman for Supervisor (Louisa)

C. County Central Committees

1. Clarke County Republican Central Committee- Motion to waive by Roe it was seconded by Walsh. Motion carried.
2. Pocahontas County Republican Central Committee- Motion to accept the recommendation of the Director it was seconded by Roe. Motion carried.
3. Des Moines County Democratic Central Committee- Motion to waive by Roe it was seconded by Walsh. Motion carried.
4. Pottawattamie County Democratic Central Committee- Motion to deny by Walsh it was seconded by Harper. Motion carried.
5. Wright County Democratic Central Committee- Motion to accept recommendation of the Director by Roe it was seconded by Harper. Motion carried.
6. Keokuk County Republican Central Committee- Motion to accept recommendation of the Director by Walsh it was seconded by Harper. Motion carried.
7. Butler County Democratic Central Committee- Motion to accept recommendation of 50% reduction by Walsh it was seconded by Walsh. Motion carried.
8. Decatur County Democratic Central Committee- Motion to accept recommendation of the Director by Walsh it was seconded by Walsh. Motion carried.
9. Madison County Republican Central Committee- Motion to accept recommendation of the Director by Harper it was seconded by Walsh. Motion carried.

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| 3. Citizens for Troy Sahr (Cerro Gordo Co) | City Candidate |
| 4. Buck Clark for Mayor (Black Hawk Co) | City Candidate |
| 5. Cunningham for Council (Allamakee Co) | City Candidate |
| 6. People for Positive Leadership (Hamilton Co) | Ballot Issue |
| 7. Citizens for (Ted) Weaver (Polk Co) | City Candidate |
| 8. (Dennis) O'Farrell for Council-at-Large (Webster) | City Candidate |
| 9. (Dan) Rice for Council (Story Co) | City Candidate |
| 10. (Harry) Simonsen 4 You (Linn Co) | City Candidate |
| 11. Friends of NCC (Multiple Co) | Local Ballot |

C. Late-Filed Notice of Dissolution (Iowa Code section 68A.402B)

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| 1. Paul R DeGeest for Sheriff (Mahaska Co) | County Candidate |
| 2. Swick for School Board (Woodbury Co) | County Candidate |
| 3. Hunter for Supervisor (Winneschek Co) | County Candidate |

11. ADJOURNMENT - The meeting was adjourned at 2:11 p.m.

Respectfully submitted


Meghan Van Wyk
Secretary