

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

MINUTES

OPEN SESSION

REGULAR MEETING

JULY 19, 2011

JESSIE PARKER BUILDING

510 EAST 12TH, Ste 1A

DES MOINES, IA

I. CALL TO ORDER

- Meeting called to order by Chair Albert at 12:08 p.m. Members present: James Albert, John Walsh, Jonathan Roos, Carole Tillotson, Mary Rueter, Saima Zafar. Staff present: Megan Tooker, Brian Woline, Melody Feldt, Patti Newton, Sharon Wright. Also present: Board interns Erin Cassidy and Sam Thorsheim

II. APPROVAL OF MINUTES

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- OPEN SESSION OF FEBRUARY 24, 2011
- Motion by Carole Tillotson to approve minutes as written, second by Saima Zafar. Motion carries

III. ELECTION OF OFFICERS

- Pursuant to Iowa Code 68B.32(3), The board shall annually elect one member to serve as the chairperson of the board and one member to serve as vice chairperson. The vice chairperson shall act as the chairperson in the absence or disability of the chairperson or in the event of a vacancy in that office.
- Motion by John Walsh that Chair Albert retain that position. Second by Saima Zafar. Motion carries. Albert accepts.
- Motion by Saima Zafar to ask John Walsh to accept Vice Chair position. Second by Carole Tillotson. Motion carries. John Walsh accepts.

IV. INTRODUCTIONS AND RECAP OF LEGISLATIVE SESSION

- Chair Albert introduced the new board members, and introduced existing board members and staff .
- Chair Albert requested Director Tooker update Board regarding legislative session. Director Tooker reported that the Board was slated to lose one full time equivalent position (FTE). However, after contacting legislators, the Board retained 5 FTE positions and was appropriated \$475,000 for fiscal year 2012.
- Chair Albert reported on his legislative lobbying regarding public information & records. He stated he heard from several legislators that the Board has a reputation for being even handed and impartial. Chair Albert spoke to legislators who would like to see the Board oversee public information and records disputes.

V. ADJOURNMENT TO CLOSED SESSION

- At 12:27 p.m. it was moved by Jonathan Roos, second by Saima Zafar that in accordance with the provisions of Iowa Code section 21.5,(1) “c” & “g” the Board will move into closed session to discuss possible investigative matters. Any action taken in closed session will be disclosed upon return to open session. Motion carried unanimously in roll call vote.

VI. RETURN TO OPEN SESSION

- The meeting returned to open session 1:29 p.m.
- It was moved by Walsh and seconded by Tillotson that the written record of the closed session action be made a part of the open record.

VII. ACTIONS TAKEN IN CLOSED SESSION

- Jonathan Roos moved to approve minutes from Closed Session 5-19-2011, seconded by Saima Zafar. Motion carries.
- John Walsh moved to settle with Peninsula Gaming with a maximum penalty of \$4,000: \$2,000 for the contribution in the name of another and \$2,000 for failing to file a disclosure report with the Board and to instruct the Board’s Director to issue a press release explaining \$4,000 is the maximum penalty available to the Board. Saima Zafar second. Motion carried unanimously.
- Saima Zafar moved to dismiss Iowa Democratic Party’s complaint regarding Matt Schultz as legally insufficient as to any statute or rule under the Board’s jurisdiction., seconded by Carole Tillotson. Motion carried unanimously.
- Jonathan Roos moved to issue a Letter of Reprimand to the Alcoholic Beverage Division. Mary Rueter second. Motion carries.
- Carole Tillotons moved to set contested case hearings for the following committees:
 1. Mills County Democratic Central Committee
 2. Matt Pfaltzgraff and Matt Pfaltzgraff for State Representative
 3. Mark J. Riley and Committee to Elect Mark J. Riley
 4. Jim Carlin and Citizens for Carlin
 5. Isaiah McGee and Waukee for McGee
 6. Robert L. Parks and Parks for Council Committee
 7. Mark J. Rocha and Mark J. Rocha for City Council Committee
 8. Raj Pate, Chair and YESS PAC

Second by John Walsh. Motion carried.

- Director Tooker withdrew her request to have her cost of living adjustment (COLA) be considered in closed session. Motion to amend agenda to move COLA from closed session to open session by John Walsh, Jonathan Roos second. Motion carried.

VIII COST OF LIVING ADJUSTMENT FOR DIRECTOR MOVED FROM CLOSED SESSION
(MOVED FROM CLOSED SESSION)

- Chair Albert commended Director Tooker for her work on behalf of the Board.
- Motion to approve COLA by 2% for Director Tooker made by John Walsh, Saima Zafar second, motion carries

IX. ADVISORY OPINIONS

- Reporting agency gifts received via donation boxes - Motion by John Walsh to accept, Jonathan Roos second. Motion carries
- Application of gift exception to Governor's staff – Motion to accept by Mary Rueter, Saima Zafar second. Discussion followed with Carole Tillotson suggesting amendment to exclude alcoholic beverages, but withdrew after comments. Motion carries.
- Application of 68B.7(2) to State Public Defender - Motion to approve by Saima Zafar, John Walsh second. Motion carries.

X. REQUESTS FOR WAIVER OF CIVIL PENALTIES (Rule 351 IAC 4.60)

A. STATE COMMITTEES (Rule 351 IAC 4.59(3))

1. Disney For Iowa House – Motion by Carole Tillotson to waive penalty and issue admonishment, John Walsh second, motion carries
2. Kennedy For Iowa House – Motion by John Walsh to approve proposal of reducing penalty to balance of \$156.59 left in account. Jonathan Roos second. Motion carries
3. Putney for Senate – Motion to waive penalty by John Walsh, Jonathan Roos second. Motion carries
4. May for Iowa House – Motion to reduce penalty by half by John Walsh, Jonathan Roos second. Motion carries.
5. Narcisse for Iowa – Motion to uphold penalty and deny waiver by Saima Zafar, John Walsh second. Motion carries.
6. Libertarian Party of Johnson County – Motion to accept payment of \$32.84 as satisfaction of filing penalty due to limited activity and closure of committee by Carole Tillotson, Saima Zafar second. Motion carries.

B. COUNTY LOCAL COMMITTEES (Rule 351 4.59(2))

1. Committee to Elect Joe Beames - Motion to waive penalty and issue Admonishment by John Walsh, Carole Tillotson second. Motion carries
2. Lavery for School Board – Motion to waive penalty by John Walsh, Carole Tillotson second. Motion carries
3. LaVonne Bjergum-Motion to deny waiver and issue Letter of Reprimand for failing to open a separate bank account by Carole Tillotson, Mary Rueter second. Motion carries
4. Citizens for Tucker-Motion to deny waiver and uphold penalty by John Walsh, Carole Tillotson second. Motion carries
5. Committee to Elect Pflug – Motion to waive penalty and issue Admonishment by Carole Tillotson, Saima Zafar second. Motion carries
6. Phelps for Sheriff – Motion to deny waiver and uphold penalty by John Walsh, Mary Rueter second. Motion carries
7. Adams for Polk County Treasurer-Motion to deny waiver and uphold penalty by John Walsh, Jonathan Roos second. Motion carries
8. Steve Wilson for Supervisor –Motion to waive penalty by Carole Tillotson, John Walsh second. Motion carries
9. Building a Better Woodbury County – Motion to deny waiver and uphold penalty by Saima Zafar, Jonathan Roos second. Motion carries
10. Responsible Planning for Our Schools Committee – Motion to waive penalty by Mary Rueter, Carole Tillotson second. Motion carries
11. West Monona Citizens for Educational Excellence – Motion to waive penalty by Carole Tillotson, John Walsh second. Motion carries.
12. HMA PAC (2 penalties) – Motion to deny waiver and uphold penalties by Carole Tillotson, John Walsh second

C. COUNTY CENTRAL COMMITTEES (Rule 351 4.59(2))

- 1.Linn County Democratic Central Committee – Motion to waive penalty by Mary Rueter, John Walsh second. Motion carries
- 2.Calhoun County Democratic Central Committee – Motion to waive penalty by Carole Tillotson, John Walsh second. Motion carries

3.Osceola County Democratic Central Committee - Motion to waive penalty by John Walsh, Mary Rueter second. Motion carries

4.Union County Republican Central Committee - Motion to waive penalty by John Walsh, Carole Tillotson second. Motion carries

5.Shelby County Republican Central Committee - Motion to waive penalty by Saima Zafar, Carole Tillotson second. Motion carries

XI. DISCUSSION REGARDING NONCOMPLIANCE WITH ELECTRONIC FILING

- Director Tooker reported that approximately 20% of central committees failed to file their January 19, 2011 reports electronically as required by section 68A.401(1)(b). Director Tooker asked the Board whether it was interested in promulgating a rule to establish a specific penalty for failing to file electronically when mandated by statute. A discussion by the Board followed.
- The Board requested a legal opinion by counsel on whether or not statutory mandate precludes them from accepting other formats.
- The Board requested Director Tooker contact the state parties and request their help with Central Committees that are not filing electronically.
- The Board directed staff to return any report that violates the electronic filing requirement to the committee. The Board further directed staff to issue penalty if a returned report is not filed within 10 days for the first time offenders and immediately for those who previously violated electronic filing mandate.

XII. REVIEW OF BOARD POLICY REGARDING ADJUSTMENTS

- The Board reviewed its adjustment policy for auditing campaign disclosure reports.
- Motion to approve prior adjustment amounts by John Walsh, Saima Zafar second. See attached document.

XIII. PETITION FOR EMERGENCY RULE-MAKING

- Director Tooker advised the Board of HF126, which requires executive branch lobbyists and their clients to file their statements and reports with the general assembly instead of the Board. The Board reviewed proposed changes to the Board's administrative rules to reflect HF126 as well as a Petition for Emergency Rule-Making filed with the Board by the Chief Clerk of the Iowa House of Representatives.
- Motion made to file proposed Notice of Intended Action made by John Walsh, Mary Rueter second. Motion carries. See attached document.
- Discussion regarding whether rules should be promulgated on an "emergency" basis as suggested by petition. Director Tooker stated she did not believe the rules needed to be promulgated on an

emergency basis since the staff had taken steps to alleviate any potential confusion while rules were pending. Specifically, the Board's staff disabled the ability to electronically file executive branch lobbyist statements and client reports and posted on its website a directive to file reports and statements with the general assembly and included a link to the general assembly's website.

- Jonathan Roos moved to granting in part and deny in part the Petition for Emergency Rule-making. John Walsh second. Motion carries. See attached document.

XIV PAST BOARD MEMBERS RESOLUTIONS

- Chair Albert recommended the Board adopt resolution for service to Gerald Sullivan and Patricia Harper for past service to the Board. Chair Albert offered to draft resolutions similar to those given to other past Board Members. Motion was made by Carole Tillotson to authorize Chair Albert to prepare resolutions on behalf of the Board. Saima Zafar second. Motion carries.

XV. MEDIA INQUIRIES

- Mary Rueter asked for Board Policy on individual board members and issuing statements to the press.
- Chair Albert stated that in the past the press contact has always been the Executive Director. At times the Chair issues a statement when there is a high level of public interest. Chair Albert stated it is certainly permissible for individual board members to speak to the media as they see fit.

Motion to adjourn made by Carole Tillotson, Jonathan Roos second. Motion carries.

The Board adjourned at 2:50 p.m.

Respectfully submitted,

Sharon Wright
Secretary