

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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BOARD MEMBERS:
James Albert, Chair
Jonathan Roos, Vice Chair
Carole Tillotson
John Walsh
Mary Rueter

MINUTES

REGULAR MEETING

September 1, 2016 - NOON

Jessie Parker Building, DOC Boardroom

DES MOINES, IA

I. CALL TO ORDER

Chair Albert calls the meeting to order at 12:05

Walsh, Tillotson, Rueter, Albert present, Roos present by telephone

Staff present: Megan Tooker, Sharon Wright

II. APPROVAL OF MINUTES

Motion made by Tillotson, second Walsh to approve the minutes as written

All ayes, motion carries unanimously

III. ADJOURN TO CLOSED SESSION

Rueter moves to adjourn to closed session in accordance with the provisions of Iowa Code 21.5(1) "c" & "g", Walsh second.

All ayes by roll call vote

The Board moves into closed session at 12:07 pm

IV. RETURN TO OPEN SESSION-

Board returns to open at 12:44pm

1. Formal complaint against Eddie Mauro / Mauro Campaign Team re: alleged failure to file complete campaign disclosure reports

Tillotson moves to find the complaint legally sufficient and that a Reprimand for failure to file a complete report should be issued, Roos seconds.

Albert notes Mauro was a first time candidate and amended his report as soon as he was notified that his report was incomplete. Rueter says civil penalty was not necessary.

All ayes, motion carries unanimously

2. Formal complaint against Randy Ray in Cedar Rapids re: illegal corporate loan with improper reporting, illegal use of opponent's campaign reports by mailing contributors with letter asking for support, and lack of attribution on the letter.

Walsh moves to dismiss all of the counts in the complaint except for the count regarding the missing attribution on the campaign letter. Ray is required to fix attribution statement violation by running a correction ad in the newspaper. Rueter seconds. The consensus among board members is that the rules are unclear whether a candidate may take a loan from a corporation and whether a candidate must report a familial relationship to the owner of an entity that makes a contribution. State law prohibits using data from campaign finance reports for “commercial purposes.” The Board does not equate political purpose with commercial purposes. Therefore, it is not illegal to use data from another committee’s campaign finance reports to send a campaign letter.

All ayes, motion carries unanimously

3. Informal complaint regarding Amy Skinner re: alleged failure to file a personal financial disclosure statement
Rueter moves dismissal as Skinner opted to resign her position rather than comply with the statute requiring board members to file a personal financial disclosure statement. Tillotson seconds.

Albert notes the Board had a robust discussion and asks Roos to voice his position. Roos says that he doesn’t want to set a precedent for others who may also refuse to file and then resign.

Tillotson suggests that legislation regarding the personal financial disclosure statement be given to the persons appointed to boards and commissions before signing the oath of office. Apparently that is not done at the present time.

Roos asks if the Governor was aware of that. Tooker says she talked to the Governor’s counsel who said appointees are not notified about the requirement to file personal financial disclosure statements at the time of appointment.

Rueter says Skinner resigned as soon as she knew about the requirement to file because she was personally opposed to disclosing personal financial disclosure information. She had no other options available to her.

Roos and Albert do not agree that resignation cures the violation. It’s a reason not to file but doesn’t cure it.

Albert says that you do not have an option. If you do not meet the standard, you are in violation. You cure the failure to file by filing.

Roos says that a Board or Commission could be hampered by this because a conflict would not necessarily be revealed.

With no further discussion, Albert calls for the vote.

Walsh, Tillotson, Rueter ayes,
Albert, Roos, no
Motion carries

V. ADVISORY OPINIONS:

1. To all interested persons re: campaign signs on vehicles parked on public property

Tooker said she recently got a call inquiring about whether the sign statute allows campaign signs on vehicles parked on public property. Tooker looked at the statute and believes the statute only prohibits signs on vehicles parked on public property if the vehicle is within 300 feet of a polling place and the sign is larger than 90 square inches. She also discussed the issue with a bill drafter who agreed with her analysis.

Rueter agrees with the proposed opinion but would like the opinion to be clear that it only applies to election day or days when absentee voting is available at a polling site.

Rueter moves to accept opinion with line added for Election Day or days of absentee voting, Walsh second
All ayes, motion carries unanimously

2. To all interested parties re: how campaigns shall report payments to credit card companies

Tooker says that the board previously issued an advisory opinion permitting purchases made on credit cards. Since then, the Board's auditors have fielded calls regarding whether committees can pay an individual's credit card company directly and whether they can pay interest on a credit card. The proposed opinion would allow committees to make the reimbursement

payment directly to an individual's credit card company but would not allow the committee to reimburse for interest on the credit card.

Tillotson moves approval, Roos second
All ayes, motion carries unanimously

3. To all interested parties re: attribution statements on emails

Tooker states that there is an old 2006 advisory opinion regarding email attribution that isn't very clear. This opinion gives a list of factors the board will weigh in determining whether an attribution statement is required on an email. She proposes an opinion that would simply require an attribution statement if a candidate, committee, or independent expenditure group send an express advocacy email contained express advocacy to more than 100 people.

Walsh moves to approve the opinion as written, Rueter second
All ayes, motion carries unanimously

4. To the Iowa Department of Transportation re: definition of "dependent child" for gift law purposes

A DOT employee has a 19 year old son going to college who was offered a scholarship from the employee's "restricted donor." The DOT wants to know if a nineteen year old child in college is a "dependent child" for purposes of the gift law. The proposed opinion states that a "dependent child" is defined as someone who is claimed as a dependent on the government employee's tax return.

Motion to approve by Rueter, Roos second
All ayes, motion carries unanimously.

5. To the Department of Human Services re: application of gift law

Tooker states that DHS has a company that wants to be a second dental manager. In order to approve the company, an onsite visit is required by the federal government. The question in the opinion is whether DHS can require the company to pay the costs for DHS to do the onsite visit?

The proposed opinion states the payment of the on-site visit is not a “gift” for purposes of the gift law so DHS could require the company to pay for the on-site visit.

Tillotson moves to approve, Walsh seconds
All ayes, motion carries unanimously

VI. REQUESTS FOR WAIVER OF CIVIL PENALTIES (RULE 351 IAC 4.60)

- STATEWIDE LEGISLATIVE COMMITTEES (Rule 351 IAC 4.59(3))
 1. Teresa Meyer for State Representative District 63, July 19, 2016 report, \$50
Tooker recommends waiver due to illness
- COUNTY CENTRAL COMMITTEES (Rule 351 IAC 4.59(2))
 1. Calhoun County Democratic Central Committee, May 19, 2016 report, \$20
Tooker recommends waiver due to illness
 2. Buena Vista County Democratic Central Committee, May 19, 2016 report, \$20
Tooker recommends waiver due to Treasurer’s father’s illness
 3. Plymouth County Republican Central Committee, July 19, 2016 report, \$20
Tooker recommends waiver due to illness
- COUNTY LOCAL COMMITTEES (Rule 351 IAC 4.59(2))
 1. Dawley for Supervisor, May 19, 2016 report, \$20
Tooker recommends reducing by half due to user error
 2. Stauffer Election Campaign, July 19, 2016, \$50
Tooker recommends waiver due to death of candidate
 3. Walter for Supervisor, July 19, 2016 report, \$20
Tooker recommends reducing by half due to user’s technical problems
 4. Youngblut for Scott County Supervisor, July 19, 2016 report, \$20
Tooker recommends waiver due to illness
 5. Clewell for Supervisor, May 19, 2016 report, \$100

Tooker recommends denial as threshold was still crossed due to in-kind contributions

6. Thode for Supervisor, May 19, 2016 report, \$100, July 19, 2016 report, \$50

Tooker recommends waiving the May report due to illness and the fact his contribution of personal funds which were not spent until much later caused the threshold to be crossed, but deny the July report waiver since candidate's doctor released him for work by the end of June.

7. Pete Buschmann for Supervisor, May 19, 2016 report, \$100, July 19, 2016 report, \$100

Tooker recommends denial, the candidate spent over \$3,000 and should have been aware of reporting obligations.

Motion to approve Tooker's recommendations by Rueter, Tillotson second.
All ayes, motion carries unanimously

VII. Proclamation for Dr. Zafar recognizing her service on the Board

Albert states he will make the wording a bit stronger and then will send to Dr. Zafar.

Tillotson moves to have Chair Albert create a proclamation for Dr. Zafar, Walsh second.

All ayes, motion carries unanimously

VIII. Other information

Tooker says she is working with DAS to create online ethics training. Once finished, she may work with DAS to create online campaign finance training too.

Albert says that the Board position is open; the need is for a female Democrat.

Roos asks about the Gift law task force and Tooker says she has talked to people who are interested in participating but hasn't scheduled a meeting yet. Roos says he doesn't know if he will be on his feet soon, but participation by phone will work. Tooker says that she will work on scheduling a meeting with participants soon.

Roos asks about looking at the Board Code of Ethics. Albert says that this will be good work study session. Albert says that we could have a telephonic between

now & November possibly regarding issues. Tillotson says she's interested in what other states have for a code of ethics for similar boards.

IX. ADJOURNMENT

With no further business, Chair Albert calls for motion to dismiss. Tillotson moves to dismiss, Walsh second.

All ayes, motion carries unanimously, Board adjourns at 1:39 pm

Respectfully submitted,

Sharon Wright, Board Secretary

Approved 11/17/16