

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

IN THE MATTER OF:

Case No. 2012 IECDB 18

Mike Estep, a candidate for
Lyon County Supervisor

ORDER

On this 16th day of November, 2012, a complaint filed against Mike Estep for Sheriff came before the Iowa Ethics and Campaign Disclosure Board. The Ethics Board elects to handle this matter by administrative resolution. See Iowa Admin. Code r. 9.4(2). For the reasons that follow, the Ethics Board hereby dismisses the complaint.

BACKGROUND

Mike Estep was a candidate for Lyon County Supervisor. On October 25, 2012, Warren Tiedeman filed a complaint with the Ethics Board alleging Mr. Estep painted a campaign sign on a building without an attribution statement in violation of Iowa Code sections 68A.405 and 68A.406. Attached to the complaint were pictures of a garage with the words "Estep" and "District 3 Supervisor" painted on the garage doors. No attribution statement is visible in the pictures.

After receiving a copy of the complaint, Mr. Estep told the Ethics Board Director the sign on the garage did contain an attribution statement. When asked why the statement was not visible in the pictures, Mr. Estep explained the attribution statement was painted in cream color on the white garage doors. Mr. Estep also provided a written statement from the Lyon County Auditor Sara Sprock. The letter stated that Ms. Sprock, at Mr. Estep's request, viewed the sign on the garage on November 5th and verified that it did include an attribution statement. The Director of the Ethics Board contacted Ms. Sprock for more information. Ms. Sprock described the attribution statement as ½ inch cream lettering on white background. She said she was not able to read the attribution statement unless she was 1-2 feet from the sign.

ANALYSIS

The Ethics Board must first determine whether the complaint is legally sufficient. A legally sufficient complaint must allege all of the following:

- a. Facts that would establish a violation of a provision of chapter 68A, chapter 68B, section 8.7, or rules adopted by the Ethics Board.
- b. Facts that would establish that the conduct providing the basis for the complaint occurred within three years of the complaint.
- c. Facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the board.

Iowa Code § 68B.32B(4). If the Ethics Board determines the complaint is legally sufficient, it shall order an investigation. *Id.* § 68B.32B(6). If the Ethics Board determines none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. *Id.*

The complaint alleges conduct that occurred this year. Mr. Estep is subject to the Ethics Board's jurisdiction as a candidate. *Id.* § 68B.32(1). The only remaining question is whether the complaint alleges facts that would establish a violation of chapter 68A.

Iowa Code section 68A.406 states campaign "signs that are affixed to buildings or vehicles regardless of size except for bumper stickers, are required to include the attribution statement required by section 68A.405." The complaint alleges Mr. Estep had a campaign sign attached to a building without an attribution statement. Therefore the complaint is legally sufficient.

The Ethics Board finds it is unnecessary to order an investigation in this case. Typically, when the Ethics Board's staff receives a complaint alleging an attribution statement violation on a sign, it asks the candidate to promptly place an attribution statement on the sign. While the Ethics Board recommends affixing an attribution statement in a contrasting color so that it is easily readable, the Ethics Board acknowledges neither Iowa Code chapter 68A nor the Ethics Board's administrative rules specify minimum requirements for an attribution statement such as size and color. The Ethics Board will amend its rules to include such specifications if it determines attribution statement specifications are necessary. The complaint is hereby dismissed.

By direction of the Ethics Board



James Albert, Chair
John Walsh, Vice Chair

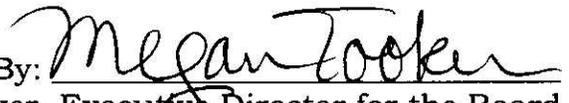
Saima Zafar
Carole Tillotson
Jonathan Roos
Mary Rueter

CERTIFICATE OF SERVICE

The undersigned hereby certifies this order was sent by first class mail, address service requested, on November 28, 2012, to:

Mr. Mike Estep
4107 220th St.
George, IA 51237

Warren Tiedeman
100 N. Birch Street
George, IA 51237

By: 
Megan Tooker, Executive Director for the Board