

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

IN THE MATTER OF: KRISTI KEAST, SUZETTE KRAGENBRINK, AND LISA GREIF	CASE NO. <u>2012 IECDB 07</u> REPRIMAND & CIVIL PENALTY 
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On April 27, 2012, the Iowa Ethics and Campaign Disclosure Board ("Board") resolved a complaint filed by Bob Penn against Mount Vernon Community School District employees Kristi Keast, Suzette Kragenbrink and Lisa Greif. For the reasons that follow, the Board hereby reprimands Ms. Kragenbrink and orders her to pay a civil penalty in the amount of \$100.

BACKGROUND

Ms. Keast, Ms. Kragenbrink and Ms. Greif are Mount Vernon Community School District teachers and are members of the Mount Vernon Education Association. The complaint alleged Ms. Keast, Ms. Kragenbrink and Ms. Greif used public resources for political purposes in contravention of Iowa Code section 68A.505. The complaint included several emails sent to and from these individuals concerning a committee created by the Association to endorse candidates for the upcoming school board election. After the committee met and voted, Ms. Kragenbrink sent an email from her district email address to Association members detailing who the committee was recommending for school board.

The Board initially reviewed Mr. Penn's complaint on November 10, 2011. It found the complaint legally sufficient¹ and ordered its staff to investigate.

¹ 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 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.

Ms. Keast, Ms. Kragenbrink and Ms. Greif, through their attorney Jim Smith of the Iowa State Education Association, acknowledged sending the emails in question.

ANALYSIS

Iowa Code section 68A.505 prohibits the use of public resources for political purposes. "Public resources" is broadly defined to mean "the moneys, time, property, facilities, equipment, and supplies of the executive branch of state government, a county, city, public school, or other political subdivision." Iowa Admin. Code r. 351—5.3. "Political purposes" means "the express advocacy of a candidate or ballot issue." Iowa Code § 68A.102(19). "Express advocacy" means a campaign contribution or a communication that contains "explicit words that unambiguously indicate the communication is recommending or supporting a particular outcome in the election with regard to any clearly identified candidate or ballot issue." *Id* § 68A.102(14).

The Board finds Ms. Kragenbrink violated Iowa Code section 68A.505 by using her district email address to send an email to Association members that expressly advocated in favor of two school board candidates. Ms. Kragenbrink's email stated the committee "unanimously supported" candidates Darin Gage and Virginia Roudabush. Ms. Kragenbrink thereafter stated, "We would encourage you to do everything to support the two candidate's [sic] and their election for a position on the Mount Vernon School Board. This could include contacting the candidates and volunteering your time to help them win the election." While Ms. Keast and Ms. Grief sent emails from their district email addresses discussing the committee and the candidates, the Board finds their emails did not contain express advocacy of any candidate and therefore did not violate section 68A.505.

The Board elects to handle this matter by administrative resolution rather than through a contested case proceeding process. See Iowa Admin. Code r.351—9.4(2). The Board finds Ms. Kragenbrink violated section 68A.505 when she used her district email address to send an email endorsing two school board candidates and encouraging recipients to support the candidates. The Board finds that a reprimand and civil penalty in the amount of \$100 is the appropriate remedy.

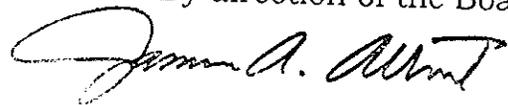
SUMMARY

Ms. Kragenbrink is reprimanded for using government resources for political purposes in violation of Iowa Code section 68A.505. Ms. Kragenbrink

is further order to pay a civil penalty in the amount of \$100. Pursuant to Iowa Code Administrative Rule 351—9.4(3), she may appeal the issuance of the reprimand and civil penalty by submitting within 30 days a written request for a contested case hearing.

The complaint against Ms. Keast and Ms. Greif is dismissed.

By direction of the 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 July 30, 2012, to:

James A. Smith, Esq.
Iowa State Education Association
777 Third Street
Des Moines, IA 50309

By: S. Wright

Sharon Wright, Administrative Assistant for the Board