

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

In re the Matter of: Peggy Sieleman, Complainant And Concerning: ReNae Arnold, in the Capacity as Candidate for ReNae Arnold for Recorder, Respondent	FC 2022-03  Order Dismissing Complaint for Lack of Legal Sufficiency
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THIS MATTER comes before the Iowa Ethics and Campaign Disclosure Board this 26<sup>th</sup> day of May, 2022, to consider the dismissal of a formal complaint.

On March 24, 2022, Peggy Sieleman filed FC 2022-03, alleging that ReNae Arnold violated Iowa Code chapter 68A from February 2020 to present.<sup>1</sup> Complainant alleges that Respondent solicited public resources from the Dallas County Recorder’s Office for a political purpose in violation of Iowa Code section 68A.505 by meeting with Chad Airhart, the Dallas County Recorder.<sup>2</sup>

Complainant also alleged that the meeting “became campaign property” in violation of Iowa Code section 68A.304. Complainant further alleged that the meeting constituted as an in-kind contribution to Respondent’s campaign which was not reported in violation of Iowa Code section 68A.402A, and that the in-kind contribution came from an unknown/illegal source in violation of Iowa Code sections 68A.501 and 68A.502.

Respondent informed Board staff that the meeting at issue was “very short” and was limited in scope to a discussion regarding the duties of the Recorder.

Iowa Code section 68A.505 prohibits the expenditure of public moneys for political purposes. Complainant does not allege the expenditure of public moneys, but merely the use of public resources. Even if the Respondent’s meeting with the Recorder constituted a political purpose, aside from *de minimis* expenditures on items such as office lights and heating/cooling, no public funds were expended.<sup>3</sup>

Iowa Code section 68A.304 sets forth the requirements for the management, sale, and disposal of campaign property, which is defined as “equipment, supplies, or other materials purchased with campaign funds or received in-kind. A meeting with an elected official to discuss the duties is not equipment, supplies, or a material.

<sup>1</sup> Complainant and Respondent are both candidates for the Republican nomination for Dallas County Recorder in the June 7, 2022, primary election.

<sup>2</sup> Complainant has filed a separate complaint, FC 2022-04, against Chad Airhart.

<sup>3</sup> The Iowa District Court has clarified that such *de minimis* expenses do not constitute an expenditure, even if for a political purpose. In *Slockett v. Iowa Ethics and Campaign Disclosure Board*, the Iowa District Court for Polk County held that an elected county official did not violate Iowa Code chapter 68A by making and receiving phone calls related to his campaign on a private phone while in his publicly provided office.

Iowa Code section 68A.402A requires the reporting of in-kind contributions to the Board. However, a meeting with an elected official to discuss the duties of their office does not constitute an in-kind contribution. The Federal Election Commission (FEC) defines in-kind contributions as:

*“... a non-monetary contribution. Goods or services offered free or at less than the usual charge result in an in-kind contribution. Similarly, when a person or entity pays for services on the committee’s behalf, the payment is an in-kind contribution. An expenditure made by any person or entity in cooperation, consultation or concert with, or at the request or suggestion of, a candidate’s campaign is also considered an in-kind contribution to the candidate.”<sup>4</sup>*

Complainant also alleged Respondent of violations of the Dallas County Employee Handbook. Respondent is not an employee of Dallas County and enforcement of a county’s employee policies is outside the jurisdiction of the Board.

The Board determines the allegations in FC 2022-03 do not meet the necessary requirements for legal sufficiency.

IT IS SO ORDERED: FC 2022-03 is dismissed as legally insufficient pursuant to Iowa Code section 68B.32B and Iowa Administrative Code rule 351-9.1(2).

BY DIRECTION AND VOTE OF THE BOARD:



James Albert, Chair  
Elaine Olson, Vice Chair  
Jonathan Roos  
Mary Rueter  
Daniel Jessop  
Leah Rodenberg

SUBMITTED BY:

Zachary S. Goodrich, Executive Director and Legal Counsel

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<sup>4</sup> See <https://www.fec.gov/help-candidates-and-committees/filing-reports/in-kind-contributions/#:~:text=An%20in%2Dkind%20contribution%20is,is%20an%20in%2Dkind%20contribution>

CERTIFICATE OF MAILING

This document was sent by electronic mail on this 27<sup>th</sup> day of May, 2022, to:

Peggy Sieleman, Complainant  
ReNae Arnold, Respondent