

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

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

MINUTES (OPEN SESSION)
TELEPHONIC MEETING
October 31, 2013 4pm
JESSIE PARKER BUILDING
510 EAST 12TH, Ste 1A
DES MOINES, IA

I. CALL TO ORDER

The meeting is called to order by Albert at 4:03 pm

Members present; James Albert

By Telephone: Mary Rueter, John Walsh, Carole Tillotson, Jonathan Roos, Saima Zafar

Staff present: Megan Tooker, Director & Counsel, Sharon Wright, Administrative Assistant.

Others present: Brittany Telk, Legislative Employee, Mary Braun, Legislative Employee, Joyce Russell, Iowa Public Television, Colin Smith, Counsel Nyemaster & Goode

Others by telephone: Paula Dierenfeld, Counsel Nyemaster & Goode

II. ADVISORY OPINION to Jeffrey R. Boeyink re: post-state employment

Albert summarizes the proposed advisory opinion and asks if any member of the Board had questions regarding the opinion or activities outlined therein.

Roos asks if there have been any interpretations or legal cases since the law was enacted. Tooker replies that the Board and the Attorney General have issued advisory opinions concerning 68B.5A but she is not aware of any published judicial opinions concerning the statute.

Roos asks whether this opinion addresses new questions not previously asked or whether it is redundant. Tooker states the proposed advisory opinion is consistent with previous Board-issued advisory opinions but provides detailed examples of permissible activity whereby the previous opinions simply stated 68B.5A does not apply to non-lobbyist activities. Dierenfeld adds Boeyink requested the advisory opinion in order to get further guidance on particular activities in order to ensure his conduct was ethical and consistent with the law.

Roos asks if the law prohibits government officials and employees from receiving lobbyist communications from an individual who is prohibited from lobbying them

under 68B.5A. Tooker says no, section 68B.5A only speaks to the person leaving government and restricts that person's activities and no one else's.

Roos states he will support the advisory opinion as written but he has a general concern that it might be creating more, rather than less, confusion.

Albert says he thinks the proposed advisory opinion provides clarification with its many examples and will be very helpful to many people who leave government in the future

Tillotson moves to adopt the proposed opinion as written, Rueter second.

Albert calls for Roll call vote on the approval of the opinion. Walsh, Roos, Rueter, Tillotson, Zafar, Albert all ayes, motion carried.

III. **ADJOURN TO CLOSED SESSION**

Motion by Zafar to adjourn to closed session in order to discuss potential investigations, second by Walsh. The Board adjourns into closed session at 4:22 pm

IV. **RETURN TO OPEN SESSION**

Board returns to open session at 4:37 pm. Albert states the Board will review its discussion in closed session and entertain motions on matters discussed in closed session.

1. Formal complaint against Ursaline Frith – alleged use of government resources for political purposes

Walsh moves to find the complaint legally sufficient but to stay the board's investigation until the union grievance process is completed. Zafar second. All ayes, motion carries unanimously.

2. Formal complaint against Diane Crookham-Johnson – alleged conflict of interest

Rueter moves to dismiss the complaint as not legally sufficient because the allegations in the complaint, if proved true, do not violate chapter 68B or the Board's administrative rules. Tillotson second. All ayes, motion carries unanimously.

3. Formal complaint against Robert L. Parks – alleged failure to file campaign disclosure reports

Roos moves to find the complaint legally sufficient and order a contested case hearing. Walsh second. All ayes, motion carries unanimously.

4. Formal complaint against Leo Parks – alleged receipt of in-kind corporate contribution

Tillotson moved to admonish Parks to not sell or post any more campaign T-shirts in his corporation. Roos second. All ayes, motion carries unanimously.

5. Formal complaint against Rex Stancil – alleged attribution statement violation

Zafar moves to order remedial action in the form of a correction notice. Walsh second, All ayes, motion carries unanimously.

6. Formal complaint against Rex Stancil and Bob Russell – alleged attribution statement violation on Vote No flyer for local ballot issue

Zafar moves to dismiss this complaint on the grounds that the preliminary investigation determined that a single person spending less than \$60 is responsible for the flyer advocating against passage of a ballot issue and falls under the exception to the attribution statement requirement for individuals acting alone regarding a ballot issue who spend less than \$100. Roos second. All ayes, motion carries unanimously.

V. ADJOURNMENT

Motion by Zafar to adjourn, Tillotson second. All ayes, motion carries unanimously. The Board adjourns at 4:43 pm

Respectfully submitted,

Sharon Wright, Administrative Assistant