

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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& Legal Counsel

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

**OPEN SESSION MINUTES
REGULAR MEETING
NOVEMBER 16, 2012 NOON
JESSIE PARKER BUILDING
510 EAST 12TH, Ste 1A
DES MOINES, IA**

I. CALL TO ORDER

Meeting called to order by Albert at 12:10 pm

Members present: James Albert, Jonathan Roos, Carole Tillotson, John Walsh, Saima Zafar

Not Present: Mary Rueter

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

Others present: Mary Braun, Legislative Employee

There is a quorum.

II. APPROVAL OF MINUTES Documents

- August 23, 2012
- September 26, 2012

Move Tillotson, Zafar second, to approve minutes for both open and closed sessions. All ayes, passes unanimously.

III. ADJOURN TO CLOSED SESSION

In accordance with the provisions of Iowa Code 21.5(1)(g), the Board moves into closed session by roll call vote at 12:12 pm.

IV. BOARD RETURNS TO OPEN SESSION

Meeting returns to open session by roll call vote at 12:35 pm to entertain motions concerning matters discussed in closed session.

- Formal complaint against James Larew - alleged prohibited use of influence of former executive branch employee.

Move Tillotson, second Zafar, to dismiss as court has determined no violation. All ayes, motion passes unanimously.

- Formal complaint against Dan Charleston-alleged acceptance of corporate contributions.

Move Roos, second Tillotson, to issue Letter of Reprimand. All ayes, motion carries unanimously.

- Formal complaint against Ryan Johnson-alleged use of government resources for political purposes.

Move Zafar, second Tillotson, to investigate and if the alleged email is in fact true & correct, that a \$100 penalty be assessed and Letter of Reprimand issued as in past practice for this type of violation. All ayes, motion carries unanimously.

- Formal complaint against Mitchell County Board of Supervisors – alleged use of government resources for political purposes.

Move Walsh, second Roos, to dismiss with finding that complaint is not legally sufficient. All ayes, motion carries unanimously.

- Formal complaint against Danielson for Senate – alleged acceptance of corporate contributions.

Move Tillotson, second Walsh, to dismiss with Letter of Admonishment. All ayes, motion carries unanimously.

- Formal complaint against Mike Estep – alleged attribution statement violation.

Move Walsh, second Zafar, to dismiss complaint because attribution statement was present upon inspection by county auditor. All ayes, motion carries unanimously.

- Formal complaint against Mark Behrens – alleged signs in right-of-way

Move Roos, second Tillotson, to dismiss as all signs were checked and any signs arguably in violation were moved. All ayes, motion carries unanimously.

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

1. STATE COMMITTEES (Rule 351 IAC 4.59(3))

- Committee to Elect Mascher (recommend denial)

2. COUNTY LOCAL COMMITTEES (Rule 351 IAC 4.59(2))

- Beckie Appleget (recommend reduction to \$20)
- Amber Garman for Kossuth County Auditor (recommend reduction to \$20)
- Todd W. Miller for Sheriff (recommend reduction to \$50)
- Veeder for Auditor (recommend denial)
- Committee to Elect Scott Sauer (recommend denial)
- Laurie Greenman for Auditor (recommend waiver)
- Fife-Lafrenz for Supervisor Committee – uphold (recommend denial)
- Ensuring Marion’s Future (recommend denial)
- Vote Yes to Extend the Vision for the Kids (recommend denial)
- Committee to Re-Elect Jack Plathe (recommend reduction to \$10)

3. COUNTY CENTRAL COMMITTEES (Rule 351 IAC 4.59(2))

- Buena Vista County Republican Central Committee (recommend waiver)

(pulled and discussed separately)

- Committee to Elect Warren M. Wethington for Sheriff – no activity reports, (2 penalties, May 19 & July 19 reports) – reduce to \$50
- Brettmann for Supervisor Committee – waive due to health letters and send education letter

Move Tillotson, second Zafar, to accept Tooker’s recommendations on the above, except the two waivers separately discussed. All ayes, motion carries unanimously.

VI. ATTRIBUTION NOTICES Document

For informational purposes only, no action needed. Remedial notice published regarding lack of/incorrect attribution statement on political material.

- Heidi Guggisberg-Coners
- Murphy for State Representative
- Dallas County Republican Central Committee
- Audubon County Democratic Central Committee
- Friends for Rachel Bly

General discussion follows with consensus stating that attribution notices no longer needed to be included in board members’ meeting packets. The only situations that need to be brought to the board’s attention are those situations where the individual or committee failed to take remedial action.

VII. DISCUSSION OF LEGISLATIVE PRIORITIES FOR UPCOMING SESSION

Tooker presents possible statutory changes: 1) amending complaint process to allow chair to make determination of whether complaint is legally sufficient; 2) adding requirement for executive branch employees to report to the board the acceptance of permissible gifts from restricted donors; 3) amending independent expenditure statute to clarify requirements and add transparency; 4) defining “campaign sign”; 5) requiring attribution statement on live and automated phone calls; and 6) addressing use of statute and political division resources to expressly advocate in favor or against federal candidates.

General discussion follows regarding the board’s complaint procedures. Albert in favor of allowing chair to make legal sufficiency determination in order to dispense with frivolous complaints that hang over the heads of the subjects of the complaints for months until the board can meet and discuss them. Albert in favor of mechanism for complainant or subject of complaint to ask for full board review. Walsh states the process to request full board review should be communicated to the complainant and subject of the complaint. Tillotson in favor of change. Roos in favor of status quo, believes the full board should rule, particularly in high profile complaints. Albert also mentions adopting a rule to limit number of pages that can be filed with a complaint. Albert believes statutory change for complaint process and rule change limiting number of pages of a complaint are necessary to address abuse of the process. Walsh and Tillotson comfortable with statutory change idea for complaint process. Tillotson says any member of the board, complainant and subject of complaint should have right to demand full board review of a complaint. The Board always

has the option to reopen a complaint or border an investigation if additional information is presented or becomes known.

Move Tillotson, second Walsh, to direct Tooker to draft proposed legislation to allow chair to make legal sufficiency determination on complaints with ability of any board member, complainant or subject of complaint to demand full board review.

Ayes, Albert, Tillotson, Walsh, Zafar. Nays Roos. Motion carries.

Move Walsh, second Zafar, to amend rule to limit complaints to 20 pages. All ayes, motion carries unanimously.

Albert asks Tooker to explain the need to define "campaign signs". Tooker states that "campaign sign" is not defined in the statute. Tooker believes campaign sign should be defined to mean a sign that expressly advocates. Tooker also states the state parties have questioned whether Iowa's sign statute applies to federal candidates' signs. Tooker says she would like the board to define "campaign sign" by an advisory opinion, rule or statute. Albert would rather do this by rule or advisory opinion. There is general agreement to define by rule or advisory opinion rather than legislative change.

Albert states he wants the board to propose bold legislative changes to address independent expenditures. Albert states the board, which is nonpartisan, should move Iowa law forward.

General agreement to propose attribution statements on phone calls in an election year.

Tooker states she would like to see a statute requiring executive branch employees and officials who receive permissible gifts from restricted donors to report those gifts to the board.

Roos asks if the board is going to propose three bills. Walsh agrees three bills would be cleaner.

Albert suggests that the Board propose:

1. A bill to address complaint process
2. A bill to address independent expenditures
3. A bill to address reporting of gifts from restricted donors

Move Tillotson, second Walsh to adopt Albert's suggestion on the three proposed bills and direct Tooker to draft. All ayes, motion carries unanimously.

Zafar asks if the board can propose a bill addressing false or negative advertising. Tooker says that she will research the possibility for the 2014 legislative session.

VIII. DISCUSSION OF PROPOSAL TO IMPROVE PERSONAL FINANCIAL DISCLOSURE ELECTRONIC FILING SYSTEM

General discussion in favor of staff's proposed changes to the electronic filing system. However, Tillotson and Zafar think cost should only be about half of what was proposed. Rest of board agrees. Tooker states the Board's staff will investigate other options and bring those results back to the Board if needed.

Move Zafar, second Walsh, to direct Board's staff to investigate other possibilities for the improvement of the Personal Financial Disclosure Electronic Filing System with the goal to reduce the cost of the upgrade. All ayes, motion carries unanimously.

IX. DISCUSSION OF FREQUENCY OF BOARD MEETINGS & BOARD PACKETS

General discussion regarding board meetings. Walsh states that he really wants to make an attempt to have in person board meetings. He really wants to do some small things by telephone but if they go beyond that it's very hard to be involved by telephone. Walsh states that prescheduled meetings would really help if they were scheduled about every 3 months. Albert says 3 or 4 times a year depending on cases. Tooker says the Attorney General's office advises that meetings should be in person unless the meeting is expected to be very short in duration. The AG's office said it is permissible for one or two board members to participate by telephone if travel would be onerous. No motion was presented.

Albert raises the issue of a merit raise for Tooker. Albert says that Rueter mentioned this in the last meeting. Tooker said that she talked to DAS and that the Board may give her a raise once a year no matter what type (merit or COLA) and the Board has already given her a COLA this year so another is not possible.

Tillotson states she really wants paperless meetings. Tooker says the board could purchase iPads or board members could upload their meeting packets on their personal devices. Tooker states that she will send email to each member requesting their preference in handling the packets and will act to those preferences as much as possible. No motion was presented.

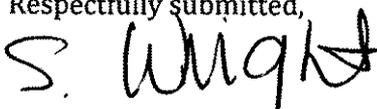
X. ADJOURNMENT

Move Zafar, second Tillotson, to adjourn.

All ayes, motion carries unanimously.

The meeting adjourns at 2:37 pm

Respectfully submitted,



Sharon Wright,
Administrative Assistant