

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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

TENTATIVE AGENDA
REGULAR MEETING
November 17, 2016
JESSIE PARKER BUILDING
510 EAST 12TH, Ste 1A
DES MOINES, IA

I. CALL TO ORDER

Chair Albert calls the meeting to order at 12:03 pm
Roos, Tillotson, Albert, Rueter present. Walsh enters by telephone at 12:48 pm
Staff present: Megan Tooker, Sharon Wright

II. APPROVAL OF MINUTES

Documents

Albert asks for motion to approve. Rueter states that her name does not appear on the list of members present and asks for correction.
Motion made by Rueter to approve with correction, Roos second
All ayes, motion carries unanimously

III. ADJOURN TO CLOSED SESSION

Rueter moves to adjourn to closed session in accordance with the provisions of Iowa Code 21.5(1) "c" & "g", Roos second.
All ayes by roll call vote.
The Board moves into closed session at 12:05 pm

IV. RETURN TO OPEN SESSION-

Board returns to open at 12:26 pm

1. Formal complaint against Tim Gull alleging he should have filed a July disclosure report

Rueter moves to dismiss based on fact that it does not appear that he crossed the threshold during the reporting period and the July report was not owed, Roos seconds

All ayes, motion carries unanimously

2. Formal complaint against Sioux County Conservative alleging it violated PAC rules

Roos moves to dismiss complaint on grounds it is not legally sufficient, Tillotson seconds.

Albert notes that the Board's determination the threshold was not crossed and therefore the entity was not a PAC.

All ayes, motion carries unanimously

3. Formal complaint against Shaun Broyhill alleging he failed to disclose in-kind contributions
Tillotson moves to find the complaint legally sufficient and issue a Reprimand for late filed in-kind contributions, Roos seconds.

Albert notes that discussion surrounded the fact that he received significant in-kind contributions but did not include them on his report. A similar complaint was reviewed a few weeks ago and the penalty is the same as the earlier case.

All ayes, motion carries unanimously

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

- STATE COMMITTEES (Rule 351 IAC 4.59(3))
 1. Boulton for Senate, 10/19/2016 late report, \$50
(Director recommends reduction to \$25 due to user error)
- STATE PACS (Rule 351 IAC 4.59(3))
 1. Laborers Political League Local #43 Late 7/19/15, 1/19/16, 5/19/16, 7/19/16 reports, \$900 total
(Director recommends reducing penalties to \$390.17, balance of PAC account, since they are not active and will be closing)
- COUNTY CENTRAL COMMITTEES (Rule 351 IAC 4.59(2))
 1. Pocahontas County Democratic Central Committee, 10/19/16 late report, \$20
(Director recommends denial)
 2. Monona County Republican Central Committee, 10/19/16 late report, \$20
(Director recommends waiving due to treasurer's illness)
- COUNTY LOCAL COMMITTEES (Rule 351 IAC 4.59(2))
 1. Marvin McCann, 5/19/2016, 7/19/2016 late reports, \$100 & \$200 penalties
(Director recommends reducing to \$50)

Tooker notes that Nick Bolton is known to her and wants to make the Board aware prior to voting.

Rueter moves to accept Director's recommendations, Tillotson seconds.
All ayes, motion carries unanimously

VI. LEGISLATIVE PROPOSALS

1. Amend section 68B.3

Iowa Code section 68B.3 prohibits government officials and employees from selling goods or services in excess of \$2,000 to any state agency unless it is pursuant to a public bid. This bill would exempt contracts that are not otherwise required to be publicly bid (e.g. expert witness, medical, legal, engineering and architect). The conflict of interest statute would still apply.

2. Amend section 68A.505

Iowa Code section 68A.505 prohibits the expenditure of public moneys for political purposes. The bill would clarify that the statute also prohibits the use of government resources generally by government officials and employees.

Rueter, Roos agree that this is worth another try.

3. Amend sections 68A.401 and 68A.402

Tooker says proposed changes to 68A.401 & .402 would eliminate language about previous methods of filing reports (fax, email and hand delivery).

John enters at 12:48 pm

Albert notes that our chances of getting appropriations for electronic filing is slim to none, but suggest that perhaps a grant is possible and staff could have an intern research the issue.

Tooker notes that the State's IT department has funds for technology upgrades but normally they need matched with funds from the agency.

The time involved in building a new system is lengthy because the system interacts depending on what type of committee is entering and also provides the information in PDFs and searchable data information.

4. Amend section 68B.35

Iowa Code section 68B.35 is the statute requiring personal financial disclosure statements by hundreds of government officials and employees. The bill would require the statement to include a series of questions on conflicts. The bill would also require the filer to the name of his or her spouse and occupation.

Roos asks if this would have affected Schmitz. Tooker says some statutes in chapter 68B address spouse, such as the gift law, but others do not. The Board found Schmitz violated 68B.3 because she was a co-owner of a business not because her spouse owned the business.

Albert says the provision identifying a spouse is going to draw fire and may make it impossible to get through.

Tookers says the spouse component is important because spouses can create conflicts, but it wouldn't hurt to wait to introduce it. Rueter agrees that it's important but if it's going to cause a problem, then remove it for now.

Tooker says another option would be to remove the requirement of listing all sources of income and instead require only those sources that could cause a conflict of interest.

Roos says he prefers we leave the income sections intact, and the legislature could change if they deemed that necessary.

Tillotson moves approval for all 4 proposals with the exception of the identifying a spouse in the 68B.35 bill, Roos seconds.

All ayes, motion carries unanimously

VII. REVIEW BOARD'S CODE OF ETHICS

Tooker says the Board's code of ethics was on a previous agenda but the Board didn't have much time to discuss.

Tooker notes that the prohibition on political activity is limited to members and staff only and doesn't prohibit spouses.

Albert notes there are only 4 members present, and believes all six members should be present before deciding on any changes to the Board's code of ethics. It would be a full 180 degree turn from past history of the Board, and he hesitates on making any decisions today.

Tillotson says she is interested in allowing members and staff to be able to participate in nonpartisan local matters, like school board elections and ballot issue initiatives.

Albert says that allowing any type of activity, contributions or running for any officer, would be opposite of the Board's previous position. The Board has always been proud that no member of the Board would hold any office or make any contribution to any committee under its purview. Albert says that he doesn't believe that a Board member should hold any office, partisan or not.

Walsh agrees the Board should not be involved in any office that causes a potential for any conflict.

Roos says that the distinction is that there is a bright red line that separates the Board from any political activity and enhances the Board's credibility.

Albert thinks any lessening of rules would also lessen its credibility.

Tillotson asks if you go to a fundraiser and only pay for the meals is that prohibited.

Albert says that it is.

Tooker asks if there are two members—Rueter & Tillotson— that are open to changing to allowing members and staff to participate in non-partisan elections.

Albert agrees and notes that there are three who do not want to allow changes, Albert, Roos, and Walsh.

ADJOURNMENT

Rueter moves to adjourn, Tillotson seconds.

All ayes, motion carries unanimously.

The Board adjourns at 1:33 pm.

Respectfully submitted,

Board Secretary