

# IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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

MINUTES  
**TELEPHONIC MEETING**  
**OPEN SESSION**  
December 16, 2014 Noon  
**JESSE PARKER BUILDING**  
FIRST FLOOR  
DES MOINES, IA

**I. CALL TO ORDER**

Chair Albert calls the meeting to order at 12:02 pm  
Members present: James Albert, in person; Jonathan Roos, Carole Tillotson, Mary Rueter, Saima Zafar by telephone  
Staff present: Megan Tooker, Sharon Wright, Cohl Bultje  
Others: Catherine Lucey

In accordance with the provisions of Iowa Code 21.5(1) "g", the Board will move into closed session:

Rueter moves, Zafar second, to move to closed session to discuss matters.

- John Walsh joins meeting by telephone.

Motion is passed unanimously by roll call vote.

**II. ADJOURN TO CLOSED SESSION**

The Board adjourns to closed session at 12:04pm

**III. RETURN TO OPEN SESSION-**

The Board returns to open session at 12:29 pm to move on matters discussed in closed session.

1. Formal Complaint against Brad Anderson alleging attribution statement violation. Albert states that the consensus of the Board during closed session was that an internet video was considered a "video" and therefore required an attribution statement as required by Iowa Code section 68A.405. Albert states that internet videos are more popular all the time and are not exempted from the law. Albert asks if an advisory opinion regarding this should be written.

Zafar moves, Roos second, to issue an advisory opinion on internet videos and their requirements. Motion passes unanimously

Albert asks Tooker if Anderson took action after being notified of the complaint. Tooker states that Anderson took down the videos and uploaded corrected ones with an attribution statement added. Tooker adds that Board practice is to dismiss complaint if correction is done as supported by Board rule.

Zafar moves, Rueter second, to dismiss the complaint as correction has been completed. Motion passes unanimously.

2. Formal Complaint against Alex Watters alleging attribution statement violation.

Motion to dismiss made by Tillotson stating substantial compliance, Roos second. Tillotson states that the correction was put in the comment on Facebook. General discussion was that corrective action was better than placed in a newspaper because the attribution statement was more likely to be seen in the comments of the video than in the newspaper. All ayes, motion carries unanimously

3. Formal Complaint against Sam Clovis alleging failure to file a true and accurate report. Tooker states that an accurate report has not yet been filed.

Roos moves to investigate, Walsh second.  
All ayes, motion carries unanimously.

4. Formal Complaint against Iowans for Fitzgerald alleging use of governmental resources for political purposes.

Motion to dismiss for lack of legal sufficiency by Zafar, Tillotson second.  
All ayes, motion carries unanimously.

Albert states the next 5 complaints will be addressed together.

5. Formal Complaints against: Brian Best, Zach Nunn, Darrel Branhagen, Quentin Stanerson, Ross Paustian, and Ken Rizer for failure to file true and accurate reports.

Motion by Rueter, Roos second, to dismiss complaints as the candidates relied on advice from staff and that the amended reports were filed as soon as figures by the Party were given to the candidates.

Albert states that the discussion was to draft an advisory opinion to clarify attribution statements for coordinated expenditures.

Motion by Tillotson, second by Roos.  
All ayes, motion carries unanimously

6. Determination of penalty for Republican Party of Iowa's October 20<sup>th</sup> incomplete report

Tooker states that RPI filed its October 20<sup>th</sup> report that showed only expenditures and no contributions. Staff from RPI called at 4:00 on October 20<sup>th</sup> to inform the Board that RPI was having trouble uploading its data into the Board's electronic

filing system. RPI worked with the Board's IT company and finally was able to file its contributions four days later. The question is whether to penalize them for a late filed report which is an automatic penalty or an incomplete report which the Board has the discretion to set.

Albert asks if anyone wants to treat this differently than a late filed report. Walsh says it should be the automatic penalty. Roos states that the entities need to be put on notice that if there is a repetition of this, then there would be less tolerance for this. Tooker states that she talked to the new director at RPI and party is reviewing its procedures for filing reports. Albert states that we should make sure that the message that late and inaccurate reports will not be ok. Albert asks what the penalty will be and Tooker states that since RPI had an earlier late report, this penalty will be \$100 for this late filed report.

Motion by Rueter to penalize RPI \$100 for a late filed report, Walsh second. All ayes, motion passes unanimously.

#### **IV. REQUESTS FOR WAIVER OF CIVIL PENALTIES (RULE 351 IAC 4.60)**

- STATE COMMITTEES (Rule 351 IAC 4.59(3))
  1. Bruntz for Senate - 10/20/2014-\$50-recommend waiver
  2. Tom Rubel for Iowa Senate – 3 reports, 1/21/2014, 7/21/22014, 10/20/2014 @\$200 each for total request of \$600-recommend partial waiver to \$300 total
  3. Winckler for State House-10/20/2014-\$50-recommend waiver
  4. Committee to Elect Joe Seng-10/20/2014-\$50-recommend waiver
  5. CJ Bio America PAC -10/20/2014-\$50-recommend reducing to \$25
  6. Home Builders Association of Greater Cedar Rapids PAC-10/20/2014-\$50-recommend denial
  7. Golden Grain Energy PAC-10/20/2014-\$50-recommend denial

Tillotson moves to accept Director's recommendations, Walsh second  
All ayes, motion passes unanimously

- COUNTY LOCAL COMMITTEES (Rule 351 IAC 4.59(2))
  1. Citizens for Laird, Scott County -10/20/2014-\$50-recommend waiver

Tillotson moves to approve, Roos second  
All ayes, unanimously approved

- COUNTY CENTRAL COMMITTEES (Rule 351 IAC 4.59 (2))
  1. Sioux County Democratic Central Committee-10/20/2014-\$20-recommend denial
  2. Scott County Democratic Central Committee-10/20/2014-\$50-recommend waiver

Motion to approve Director's recommendations by Roos, Walsh second  
All ayes, motion passes unanimously

Motion to adjourn by  
Board adjourns at 12:59 pm

**V. ADJOURNMENT**

Respectfully submitted,

A handwritten signature in black ink that reads "S. Wright". The signature is written in a cursive, flowing style.

Sharon Wright, Administrative Assistant