

# 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  
Carole Tillotson  
Jonathan Roos  
Mary Rueter  
Elaine Olson

## MEETING MINUTES

November 19, 2019

Ola Babcock Miller Bldg, Room 300  
Des Moines IA

### I. CALL TO ORDER

Chair Albert calls the meeting to order at 12:05 pm. Tillotson, Rueter, Olson, Walsh and Albert appear in person, Roos by phone.

### II. APPROVAL OF MINUTES

Motion by Rueter to approve the minutes of August 29 and November 13 minutes. Second by Tillotson with one small correction to closed minutes from the August 29 meeting. All ayes. Motion carries.

### III. CONTESTED CASE RE: HOWARD HILL APPEAL

Dr. Hill requested a contested hearing. The entire board hears appeal. Tooker summarizes the Board's previous findings.

Dr. Hill says he did intentionally omit anything from his personal financial disclosure statements. He says the statements are difficult to complete. He says most of the items he omitted on his 2017 statement were part of his farming operation, such as the CRP payments, and he doesn't think he should be penalized for not disclosing. He acknowledges he should have disclosed his consulting work for 2018. He says he started to fill out the statement and when he returned it wasn't saved and he had to start over and it was merely an oversight not to include the consulting work. He notes that he did include the consulting on his 2017 statement.

Dr. Hill also notes that he has always recused himself with respect to Iowa Select Farms and any other conflicts.

Walsh says the Board strongly believes the public has a right to know public officials' financial interests.

Tooker says since 2011 the Governor's office has done annual new board and commission member training. It covers a lot of topics including personal financial disclosures. In addition the EPC invites Tooker in odd years to speak to EPC members about ethics.

Albert asks Tooker whether intent to conceal is required to establish a violation. Tooker says not for a civil penalty.

Tooker adds that the Board's electronic filing system for personal financial disclosure statements requires the filer to check a box that the filer has reviewed that statement and attests to its accuracy before submission.

**IV. ADJOURN TO CLOSED SESSION**

At approximately 12:35 pm, motion by Rueter, second by Olson, to adjourn to closed session pursuant to Iowa Code section 21.5(1)(f) to deliberate decision in Hill contested case. Roll call is taken. All ayes.

**V. RETURN TO OPEN SESSION**

Board returns to open session at 1:01 pm.

Albert states the Board understands there was no intent to violate the law. He says the Board heard Dr. Hill say the failure to disclose the consulting income on the 2018 report was a mistake. The board considers that a material omission.

Motion by Tillotson, second by Walsh, to uphold reprimand and \$250 civil penalty but limited for omitting consulting work on 2018 statement. All ayes. Motion carries.

Roos thanks Dr. Hill for his service and time on the EPC.

Board takes a 5 minute break.

**ADJOURN TO CLOSED SESSION**

At approximately 1:30 pm, motion by Olson, second by Roos to adjourn to closed session pursuant to Iowa Code section 21.5(1)(c) and (i) to discuss executive director applicants and Snodgrass/Kelley investigation. Roll call. Motion carries.

**VI. RETURN TO OPEN SESSION**

Board returns to open session at 2:32 pm after taking a 5 minute break. Tillotson leaves.

1. Executive Director Position

Motion by Rueter, second by Walsh, to schedule another meeting for the purpose of interviewing the two finalists. All ayes. Motion carries.

2. Snodgrass/Kelley Investigation

Motion by Olson, second by Rueter, to draft a statement of charges. All ayes. Motion carries.

Rueter steps out of meeting at 2:53 pm.

**VII. REQUESTS FOR ADJUSTING ENTRIES**

Motion by Roos, second by Olson, to approve adjusting entries for McCarthy for State Representative / McCarthy for Iowa and Dan Kelley for State Representative. All Ayes. Motion carries.

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

1. Steve Duffy for Mayor – recommend waiver
2. Citizens for Susan Judkins – recommend denial
3. Committee to Elect Steve Schmitt – recommend denial

Motion by Walsh, second by Olson, to adopt Tooker's recommendations. All ayes. Motion carries.

Rueter returns at 2:56 pm.

**IX. CONSIDERATION OF POTENTIAL BILLS FOR BOARD TO PROPOSE FOR NEXT LEGISLATIVE SESSION**

1. Amend section 68A.405 to require attribution statement on mass phone calls and texts
2. Create new section to allow campaign funds to be used for dependent care expenses
3. Create new section to prohibit the use of certain government resources for political purposes
4. Amend section 68A.103 and 68A.106 so sign statute applies to federal candidates
5. Amend sections 68A.503 to add LLCs, LLPs and cooperative associations to the list of prohibited contributors
6. Amend section 68B.4 to include the sale or lease of real estate
7. Amend section 68B.32 to allow Board to award additional pay to executive director who simultaneously serves as legal counsel

Motion by Olson, second by Roos, to propose all seven bills to the legislature. All ayes. Motion carries.

**X. UPDATE FROM DNR RE: CONSENTS-TO-SELL**

Tooker says she's spoken to DNR's counsel regarding how to comply with section 68B.3. Plan is to issue a blanket consent for certain types of activities. Tooker says she has seen a draft and offered input. Consent should be filed soon. Tooker says she told DNR counsel it is important that DNR employees and officials to be made aware of section 68B.3 and what sorts of things are covered by the consent and what things would require an individualized consent.

**XI. ADJOURNMENT**

Motion by Rueter, second by Olson to adjourn. All ayes. Motion carries. Board adjourns at 3:27 pm.