

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, 2020

[IECDB Board Meeting via Zoom link](#)

I. CALL TO ORDER

Chair Albert calls meeting to order at 12:07 pm. Roll call, present are Carole Tillotson, John Walsh, Mary Rueter, James Albert, Elaine Olson. Jon Roos being absent. Section 21.8 explanation of need for holding the meeting via Zoom due to public health emergency, request to public to mute their computers to limit background noise.

II. APPROVAL OF MINUTES

Motion by Carole Tillotson to approve the September 17, 2020 minutes
Second by Elaine Olson. All ayes. Motion carries.

III. DIRECTOR'S UPDATE

Mike provided an update - We got the trial version of zoom and actual contract is yet to come.

We have been fielding 100's of calls during the elections. Personal thanks to Andrew with his help with many of the legal questions.

The web reporting site RFP will be going out and expect a contract by end of February. This should provide enough time before the election period by end of 2021, which is a good transition point. Nancy and Jason have spearheaded the RFP. Jason has delved into the details.

IV. LEGISLATIVE PROPOSALS AND AUTHORIZED LOBBYISTS

Mike: The Board had 7 pre-filed bills last year and no legislative interest in 4 of the bills, but there were some interest in the three listed below:

Amend section 68A.103 and 68A.106 so the campaign sign statute applies to federal candidates. Many calls on signs this year.

Amend section 68B.4 to include the sale or lease of real estate.

Amend section 68B.32 to allow the Board to award additional pay to an executive director who simultaneously serves as legal counsel. (I recused myself and Cohl Bultje lobbied on this bill.) I would not recommend pursuing this bill again.

Any questions of Mike on these proposals? Being none, a motion by Carole Tillotson was made to approve the first two bill proposals. Second by Elaine Olson. All ayes, motion carries.

Mike stated we would like lobbyist consensus for four authorized lobbyists by adding Andrew Greenberg as the fourth. James Albert, Chair, Mike Marshall, Executive Director, Cohl Bultje, Auditor and Andrew Greenberg, Attorney. Any discussions or questions? Mary Rueter wondered if there was a limit on lobbyists. Mike stated there was not that he was aware of. Mary Rueter moved that Andrew Greenberg be added to list. Second by Elaine Olson. All ayes, so moved.

V. Administration Rules – approve adoption and filing

The Administration rules were published on October 21st, and public hearing on Nov 13 by teleconference. No one attended and no comments were received.

Motion by Elaine Olson to approve the adoption and filing of these rules. Second by Mary Reuter, All ayes, motion carries.

VI. Notification of Administrative Adjustment

TechPAC (Technology Association of Iowa) (adjustment of \$231.43)

This PAC has been in existence for 9 to 20 years and has gone through a variety of leadership. They approached Auditor Jason Hacker about this adjustment request. The money in the bank account is this amount less then what their ethics account shows. They went through 7 years of records with Jason and couldn't find the error. They may have been charged some service charges that were not taken into account. They asked for the adjustment so the account would match. This is done routinely by the auditors, but when they get over \$100's or so, we like to bring to the attention to the board.

Albert – thinks it good policy to bring this to the attention of the board when it is at this amount.

Are there any objections from the Board? There were none.

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

- STATE COMMITTEES (Rule 351 IAC 4.59(3))
 1. Eddie Andrews for Iowa (recommend denial)
 2. Asian and Latino Coalition of Iowa PAC (recommend waiver)
 3. NAIFA-Iowa (IFAPAC) (recommend denial)
- COUNTY AND LOCAL COMMITTEES (Rule 351 IAC 4.59(2))
 1. Sac County Republican Central Committee (recommend denial)
 2. O'Rourke for Supervisor (recommend reduction to \$20)
- SUPPLEMENTARY REPORT (Rule 351 IAC 4.59(4))
 1. Gustafson for Iowa House (recommend denial)

Mary moves that we approve 2 and 3 from the State Committees and 1 and 2 under County and local with additional discussion on 1 under State Committees and 1 under Supplementary Report. Carole second. No discussion, All ayes, so moved.

Eddie Andrews is present and the request is being discussed by the Board. Mike explains Eddie Andrews's waiver request. The system was new to him. What occurred is roughly 38 minutes before the deadline, Andrews sent an email to our staff for assistance. Attempts were made to assist him. He sent his spreadsheet to an email that was incorrect but the spreadsheet would not be considered a filing. Filings are required to be done electronically and not via a spreadsheet. Filings can be done between the 14th through 4:30 pm Oct 19th. Mike's recommendation was to deny because it wasn't timely and a spreadsheet does not constitute a filing. In fact, the report didn't get filed until the 23rd and this was with assistance. This was the second violation and why it was \$100 because the first report was late as well.

Edwards was not aware there was a penalty. Edwards disputed to his contact 38 minutes prior to. Said he left several messages to the office. The first time he submitted was one by one entries.

Carole made a motion to reduce the waiver from \$100 to \$50 seconded by Elaine. No further discussion, all ayes, so moved. Motion carries.

Gustafson for Iowa discussed between the Board. Carole Tillotson made a motion to approve Director Marshall's recommendation to deny the waiver request. Second by Mary Rueter. All ayes, so moved.

VIII. CONSIDER APPLYING STATE EMPLOYEES' COLA TO EXECUTIVE DIRECTOR

Mary Rueter made a motion to approve applying for COLA, seconded by Elaine Olson. All in favor. All ayes, so moved, unanimous.

IX. CONSIDER STATEMENT OF CHARGES AND NOTICE OF HEARING RE DAN KELLEY

Suggested changing the phrasing from "mailing mailed to every mailbox, to mailed to most in District 6.

Recommend moving hearing to Wednesday 26th. Motion by Mary Reuter to approve the statement of charges.

X. MOVE TO CLOSED SESSION

In accordance with the provisions of Iowa code 21.5(1) "c" & "g", The Board will move into closed session to discuss matters that are under investigation and could lead to litigation. Motion to move to closed session by Elaine Olson and second by John Walsh. Roll call. John Walsh, Carole Tillotson, Mary Reuter, Elaine Olson, James Albert. All ayes, motion carries. Moved to close session at 1:21 pm

XI. MOVE TO OPEN SESSION

Complaint against Jill Johnson regarding alleged failure to report campaign contributions that she accepted illegal contributions – Legal counsel reviewed and confirmed the committee did not receive illegal contributions and there were no violations. Motion by Carole Tillotson to dismiss this complaint. Second by Elaine Olson. All ayes, motion carries.

Complaint against Grant Veeder regarding alleged violations of Code section 68B.2A (conflicts of interest). Complaint in multiple parts against Black Hawk county auditor alleging violation over which the Board has no jurisdiction, but the board staff decided to consider the allegation and complaint as if it had been made under 68A.505, in which case the Board would have jurisdiction. Staff investigated if public resources were used on his FB page or website or in the

video and the discussion was that there was no such violations. Motion by Mary Reuter to dismiss this complaint, second by Carole Tillotson. All ayes, motion carries.

Complaint against Steven O'Rourke regarding alleged attribution statement violations with respect to website, Facebook page and vehicle. Director stated Steven O'Rourke corrected the violations when told very quickly. Motion by Elaine Olson to dismiss because he corrected as requested. Mary Reuter seconds. All ayes, motion carries.

Complaint against Goodwin4Iowa regarding alleged campaign sign violation. Allegation was a billboard was on public property. The investigation revealed it was not on public property and was on private property. Carole Tillotson moved to dismiss. Second by Elaine Olson. All ayes, motion carries.

Complaint against PTR Farms, Inc. regarding alleged campaign sign violation. We have no jurisdiction over federal campaign signs. Mary Rueter made a motion that due to lack of jurisdiction moved to dismiss. Second by Carole Tillotson. All ayes, motion carries.

Complaint against George Rinker regarding alleged campaign sign violations. Staff contacted and Mr. Rinker moved the sign immediately. Motion by Elaine Olson to dismiss and second by Carole Tillotson. All ayes, motion carries.

Complaint against John Henry regarding alleged failure to timely file a campaign finance report. John Henry wasn't required to file at all as he hadn't met the \$1000 threshold. There was no violation. Motion by John Walsh to dismiss, Second by Elaine Olson. All ayes, motion carries.

Complaint against Eddie Andrews regarding alleged failure to timely file a campaign finance report. The resolve was to reduce the penalty from \$100 to \$50. Motion by Carole Tillotson that this complaint was resolved by charging a penalty of \$50. Second by John Walsh. All ayes, motion carries.

Complaint against Conservative Publishing, Co. regarding an alleged attribution statement violation. Mary Reuter abstained as she personally knows the newspaper Editor. The newspaper carried an ad that didn't contain an attribution statement. But since the ad did not expressly advocate, an attribution statement was not required. Motion by John Walsh to dismiss this complaint and second by Elaine Olson. All ayes, motion carries.

Complaint against Jake Chapman regarding alleged campaign sign violation. After notifying Sen. Chapman, the sign was moved and situation corrected. Motion by Carole Tillotson to dismiss, second by Mary Rueter, All ayes, motion carries.

Complaint against Lemuell Sheard regarding alleged violation of section 68B.2A (conflicts of interest). The Board has no jurisdiction, as such complaints against local officials are under the county attorney's jurisdiction. Motion by Mary Rueter to dismiss, since we have no jurisdiction. Second by Elaine Olson. All ayes, motion carries.

XII. ADJOURNMENT

Motion by Elaine Olson to adjourn. Second by Carole Tillotson. All ayes, motion carries. The Board adjourns at 1:52 pm.

Respectfully Submitted,

Nancy Wood

Nancy Wood
Board Secretary

Approved 2/25/21