

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

ZOOM MEETING

(per Iowa Code section 21.8)

Wednesday, May 26, 2021, at 12:00 p.m.

I. **CALL TO ORDER**

Roll call, introductions, section 21.8 explanation of need for holding the meeting via Zoom due to public health emergency, request for public to mute their computers to limit background noise.

Roll call, present are John Walsh, Carole Tillotson, Jonathan Roos, Mary Rueter, Elaine Olson, Jim Albert. Also in attendance: Mike Marshall, Cohl Bultje, Jason hacker, Nancy Wood and Laura Belin – reporter,

II. **ELECTION OF CHAIR AND VICE-CHAIR**

Nomination by Carole moved Jim albert for chair and John Walsh as Vice Chair
Second by Jonathan Roos

Motion by Mary Rueter, to cease and we cast a unanimous ballot.

Walsh moved to nominate Albert as chair and Elaine Olson as Vice Chair

second, by Jonathan Roos. John Walsh explains it is important to have a Republican and a Democrat serve as Chair and Vice Chair Mary Rueter thinks additional nominations are in order. Mary Rueter nomiates Albert for chair and Tillotson for vice chair. Second by Carole Tillotson. Are there any other nominations. Elaine asks what about Roos serving as Vice Chair of the board as an independent. Any other discussion. Walsh thinks Roos would be an excellent Vice Chair but getting away from a republican and democrat, might come back to haunt.

We have two motions on the floor. There is consensus on the Chair position. Motion by Elaine Olson for James Albert as Chair, second by Carole. All in favor, motion carries.

Nominations for Elaine and Carole for Vice Chair. Roll call vote for Elaine as Vice Chair – John Walsh, Jonathan Roos, Elaine Olson and Jim Albert. Votes for Carole Tillotson - Mary Rueter and Carole Tillotson. The Board votes Jim Albert as Chair and Elaine Olson as Vice Chair.

Approved unanimous

III. **APPROVAL OF MINUTES**

Open and Closed session minutes of meeting held on February 25, 2021.

Motion by Mary Rueter and second by Elaine Olson. Approved unanimous

IV. **DIRECTOR'S UPDATE (Legislative, admin. rules, WRS upgrade)**

We were successful in getting the addition of sale and release or real estate added to the conflict of interest statutes. The Governor has already signed that bill We also got federal Campaign sign bill through the house unanimously, but still in senate committee. I've had

conversations with Senator Smith. He wasn't convinced he wanted to move on, he wanted to think through on any ramifications. So that bill will still be alive next session and we will see if we can get it Out of state Government and through senate.

Administrative Rules - Thanks to Andrew for cleaning those up and finally done. Web Reporting System (WRS) upgrade is continuing. Jason Hacker and Cohl Bultje have been doing a lot of good work with QCI, identifying all of our priorities and making sure the new system will truly be an improvement upon the old one, both in terms of platform flexibility as well as being a little more user friendly or intuitive in terms of in trying to use it. Wanted to let you know that we have received through the general assembly to complete the WRS. Mike acknowledged the staff the board should be proud of the staff you have working for them.

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

STATE COMMITTEES (Rule 351 IAC 4.59(3))

1. Youngblut for Iowa

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

1. Ida County Democratic Central Committee
2. Kathleen Johnson for County Supervisor

SUPPLEMENTARY REPORT (Rule 351 IAC 4.59(4))

None

VERIFIED STATEMENT OF REGISTRATION (VSR) ASSESSMENTS

None

Motion by Carole Tillotson to approve the waiver penalties

Second by John Walsh, Approved unanimous

VII. NOTIFICATION OF ADMINISTRATIVE ADJUSTMENT

We've had a few of these and one of the things that the auditors have uncovered is that occasionally we haven't routinely receive bank statements and their actual filings can look fine but don't reconcile with their bank accounts. That's when they have too much money, they will escheat the money to the state of Iowa's general fund. Walt Rogers and the treasure have gone back the past three years and haven't found any issues. Whatever issue there might have been they just double counted something at some point and didn't catch it at the time, but regardless its more than three years beyond the statute of limitations. The Rogers committee wants to dissolve the committee but can't unless they have a \$0 balance. This adjustment would give them a \$0 balance. Cohl isn't finding any wrong doing, just a bad entry that predates our statute of limitations. We are notifying you of this adjustment. The board has wanted to be notified of these adjustments. If the board felt there were additional problems to look into, you can let us know that. The intention to provide the level of detail Cohl has provided you is to assure you that we have looked everywhere and not finding anything that would be indicative of wrong doing and therefore in order to let this Walt Rogers committee close we need to make this adjustment of \$1000. No objections from the Board. Motion not needed.

VIII. **CLOSED SESSION**

In accordance with the provisions of Iowa Code 21.5(1) "c" and "g", the Board may move into closed session to discuss:

Heritage Action lobbying inquiry

Motion to move to closed session by Elaine Olson

Second by Carole Tillotson

Roll Call – John Walsh, Carole Tillotson, Jonathan Roos, Mary Rueter, Elaine Olson and Jim Albert. Moved to closed session at 1:06 pm

IX. **RETURN TO OPEN SESSION-** Review of Discussion in Closed Session and entertain motions
Returned to open at 1:30 pm

To summarize our discussion on closed session. The board staff lead by Mike Marshall and associate counsel Andrew Greenberg, have been informally investigating the question of whether Heritage Action engaged in any executive branch lobbying. They've been investigating whether Heritage Action encouraged Governor Reynolds to sign the election bill that was eventually signed. The staff informal investigation, was prompted by press reports that included statements by a representative of Heritage Action that suggested they engaged in legislative branch lobbying which is not within this Board's jurisdiction. But the staff was determined to find out if there was any evidence of any lobbying with the Governor or the Governor's staff or anyone within the executive branch. What was reported to us by our legal counsel was that they have seen no evidence of any lobbying within the Governor's office, no evidence that Heritage encourage the Governor to sign the bill. What we have seen is that Heritage asked to be notified of the announcement of the bill and the marketing of the bill. Our legal counsel has told us that the Governor has been very cooperative in the investigation. Our legal counsel also ask that the Board authorize a formal official investigation with full investigative authority, including the subpoena power, to track down any email or evidence of wrong doing that would fall within our jurisdiction. Note that so far this has been an informal investigation without Board authority. If the Board authorizes, our staff will have the subpoena power and full investigative authority if it is needed. Our legal counsel didn't think it would be needed, but that in case we need it we should have a board authorized formal investigation.

Motion to authorize an official legal counsel conduct an official investigation by Elaine Olson. Second by Roos. Ayes were John Walsh, Jonathan Roos, James Albert and Elaine Olson. Nays were Carole Tillotson, and Mary Rueter. There being no discussion, motion passes.

X. **ADJOURNMENT**

Motion to adjourn by John Walsh. Second by Jonathan Roos
Approved unanimous. The Board adjourned at 1:37 pm

Respectfully Submitted,

Nancy Wood

Nancy Wood

Board Secretary

Approved 8/12/2021