

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

Michael E. Marshall
Executive Director
& Legal Counsel

510 East 12th, Suite 1A
Des Moines, Iowa 50319
Telephone 515-281-4028/Fax 515-281-4073
www.iowa.gov/ethics

BOARD MEMBERS:

James Albert, Chair
John Walsh, Vice Chair
Carole Tillotson
Jonathan Roos
Mary Rueter
Elaine Olson

REGULAR MEETING

September 17, 2020
JESSIE PARKER BUILDING
510 EAST 12TH, Ste 1A
DES MOINES, IA

I. CALL TO ORDER

Chairman Albert called the meeting to order at 12:02 pm. Meeting was held by teleconference to comply with social distancing regulations due to the Covid 19 virus. Board members present, James Albert from Urbandale, Jon Roos from Polk City, John Walsh from Dubuque, Elaine Olson from Bettendorf, Carole Tillotson from Windsor Heights, and Mary Reuter from DeWitt. Mike Marshall, Executive Director, Nancy Wood, Administrative Secretary, and Andrew Greenberg, Staff Attorney were present from the IECDB office staff. Nancy Wood, Mike Marshall and Andrew Greenberg is attending from IECDB Members of the public were Brian Guillaume from the House Democratic research staff, Matt Mckinney of the Brown Winnick law firm.

II. APPROVAL OF MINUTES

Motion by Mary Reuter to approve the May 14th meeting minutes, second by Elaine Olson. No discussion, all ayes, motion carried.

III. Director's update

Mike stated we don't have Zoom yet, which has been a source of considerable frustration. We hope to have Zoom by November.

We did receive the first \$500,000 installment to upgrade our web reporting system. We are working with OCIO to develop an RFP. In the next 3 to 4 weeks we hope to have it out and hopefully a contract by January or February. I will be submitting a second budget request based on what our contract will be. Upgrades will involve a rewrite of our entire system. Functionally the new system should be much the same, but with improvements in new modern code. Our current system code is very old at 12 to 14 years or so, and is not even taught in current computer programming classes. We have user problems when volume is high during reporting periods.

IV. Administrative Rules – Notice of Intended Action

Changes were made by Andrew Greenberg, IECDB Attorney, to clean-up the Board's rules. Rules were changed to conform to Iowa Code changes and to eliminate inaccurate addresses, website references, and email addresses. No major substantive changes.

Motion by Jonathan Roos to revise Board rules to conform to Iowa Code changes and to correct inaccuracies. Second by John Walsh, all ayes, motion carries.

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

1. STATE COMMITTEES (Rule 351 IAC 4.59(3))
 1. Karen Koenig for HR 54 (recommend waiver)
 2. Bearinger for House (recommend waiver)
 3. High for House (recommend waiver)
 4. Wills for Iowa (recommend denial)
 5. Communication Workers of America 7102 POL (recommend reduction to \$25)
 6. Federation of Iowa Insurers PAC (recommend denial)
 7. Iowa Funeral Directors Association PAC (recommend reduction to \$25)
 8. United Food & Commercial Workers Iowa Active Ballot Club (recommend waiver)
2. COUNTY AND LOCAL COMMITTEES (Rule 351 IAC 4.59(2))
 1. Hoffman for Sheriff (recommend reduction to \$25)
 2. Iowans for Rock (recommend reduction to \$100)
 3. Adams County Democratic Central Committee (recommend reduction to \$20)
 4. Monroe County Democratic Central Committee (recommend waiver)
3. SUPPLEMENT REPORT (Rule 351 IAC 4.59(4))
 1. Sara Huddleston for Iowa (recommend denial)
4. VERIFIED STATEMENT OF REGISTRATION (Rule 351 IAC 4.59(6))

Taylor for Congress (recommend denial)

Motion by Carole to approve all waivers with the exception of #5 & #7 in the state committees and #3 in the county committees for further discussion. Second by Mary Reuter to approve all other requests for waivers. No discussion, all ayes, motion carries.

Discussion of #5 and #7 state committees and #3 county. Mike's reasoning for reduction was they cited Covid-related difficulties as the reason for filing late. When the Governor first issued the public health emergency proclamation, we put on the board website we would be addressing Covid related issues on case by case basis, rather than a blanket waiver. The post on the website stated to contact staff with reporting issues related to Covid. Hundreds of committees have not had an issue but there were two having technical or staff problems. At the May meeting the Board approved an extension for the Personal Financial Disclosures (PFDs) due to Covid-related problems. In keeping with that, I viewed these two waiver requests in that light. In neither instance did they contact board staff but they both discussed difficulties with their own tech staff, which Mike thought justified cutting the penalty in half. Albert asks the board if the waiver is justified in cutting in half. The Adams county Democratic Central Committee had two penalties and the reduction was for the second report that was due to health issues. This method is consistent with waivers issued in our May meeting. Motion to approve the remaining waivers by Mary Reuter, Second by Jonathon Roos. All ayes, motion carries.

VI. ADJOURN TO CLOSED SESSION

Motion by Elaine Olson and Second by Mary Reuther to adjourn to closed session at 1:15 PM, pursuant to the provisions of Iowa Code 21.5(1) "c" & "g"
All ayes by roll call vote. Motion carries.

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.

VII. RETURN TO OPEN SESSION

Chairman Albert takes roll call at 1:55 PM. John Walsh, Carole Tillotson, Jon Roos, Mary Reuter, Elaine Olson, James Albert are present.

Albert says at this time, we will discuss in open session what we discussed in closed session and entertain motions.

Complaint against Representative Abdul-Samad regarding alleged violation of Iowa Code section 68A.302. In this case, a Netflix account was opened by the candidate for one month to view a legitimate program pertaining to his campaign. The account mistakenly was not closed and monthly payments continued to be paid out of his campaign account. When brought to his attention, he immediately reimbursed the campaign for that expenditure. The other allegation was that personal donations were made to the candidate by individuals who were candidates for office themselves. Iowa law doesn't prohibit candidates from making personal contributions, but prohibits their campaign committees from contributing.

Motion by Mary Reuter, to dismiss this complaint against Rep. Abdul-Samad since the reimbursement was completed promptly and the issue of the donation by a competitor for office is not illegal. Second by Elaine Olson. No further discussion. All ayes, motion carries.

Complaint against Bart Richmond for Sheriff. Motion by Jon Roos as follows:
There are two parts to this motion. The first part is to authorize the Board staff to investigate the first two allegations of the complaint against Bart Richmond for Sheriff regarding alleged uses of resources for political purposes. The second part is to dismiss the remaining allegations in the Complaint. Second by Carole Tillotson. No further discussion. All ayes, motion carries.

Chairman Albert explained discussions had by the Board in closed session regarding Rebel Snodgrass and Dan Kelley. A mailer was sent that was highly critical of Rebel Snodgrass's opponent. Board staff's investigation revealed that while the mailer stated that it was paid for by the Dan Kelly for State Representative committee, in fact that was false, that the Dan Kelly for State Representative had no money. The postage for the mailer was paid with cash provided by Rebel Snodgrass to a campaign staffer of his who then took the mailers to the post office. The Board discussed at great length how seriously we took these violations. It's because of violations like this why this agency exists. Conduct like this that deliberately misleads the public is illegal. 68A.405 68A.402 were violated. First violation is the false paid for by attribution statement. Second violation is failure to report the in-kind contribution of this mailer.

Motion by John Walsh to impose the maximum fine of \$500 and written reprimand for each of the two violations on the part of Rebel Snodgrass. One for the false attribution and the other for failure to report the in-kind contribution, second by Jon Roos. All ayes, motion carries.

Motion by Carole Tillotson to reprimand and impose the maximum \$500 fine to Dan Kelly the maximum fine of \$500 for violation of the attribution statement as being false and a violation of section 68.405. Second by Elaine Olson. All ayes, motion carries.

VIII. ADJOURNMENT

Motion by Elaine Olson, Second by Carole Tillotson. Meeting adjourns at 2:21 PM

Respectfully Submitted,

Nancy Wood

Nancy Wood
Executive Secretary

Approved 11/19/2020