

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

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Statement from Megan Tooker regarding Secretary of State Paul Pate's Personal Financial Disclosure Statement

Secretary of State Paul Pate filed a personal financial disclosure statement on April 11, 2018 for the 2017 calendar year as required by Iowa Code section 68B.35.

Reporter Ryan Foley contacted me on April 16th and informed me that Secretary Pate is a member of two limited liability companies and asked me whether Secretary Pate should have disclosed his ownership in these companies. I told Mr. Foley I would need to talk to Secretary Pate before reaching any conclusions.

I spoke with Secretary Pate on April 17th and he told me he owns self-storage facilities and a strip mall, which are held in the names of the LLCs. He disclosed on his personal financial disclosure statement that he received rent from commercial and residential real estate although he did not disclose the names of the LLCs or the addresses of the properties. I told Secretary Pate that ultimately it is up to the Ethics Board to determine whether someone's disclosure is sufficiently detailed.ⁱ However, his personal financial disclosure statement is comparable in the level of detail to many other statements that are filed with the Ethics Board and with the legislature. In my opinion, Secretary Pate's statement is not false or fraudulent.

I also talked to the Ethics Board's chair, Professor James Albert, on the 17th. He agreed with me that Secretary Pate's disclosure was not out of the norm in its level of specificity. We further discussed that it would be wise for the Ethics Board to develop for next year a list of frequently asked questions and answers that would help filers understand how much detail they should provide on their personal financial disclosure statements.

I told Secretary Pate he was welcome to amend his personal financial disclosure statement if he so desired but I would not require him to do so at this time. As the Ethics Board's executive director, I strive every day to treat every person within the Ethics Board's jurisdiction the same, regardless of political party or whether there is a pending complaint or a media inquiry. Since I am not requiring other filers to provide more detail for their real estate or other sources of income, I do not think it

would be appropriate to single out Secretary Pate and hold him to a different standard simply because I received a media inquiry.

ⁱ See Iowa Admin. Code r 351—7.5(3), which states:

Failure to file true statement. It shall be considered a violation of Iowa Code section 68B.35 for an individual holding a designated position in the executive branch to file a disclosure statement containing false or fraudulent information. Complaints concerning the filing of a false or fraudulent disclosure statement shall be handled by the procedures in Iowa Code section 68B.32B. If it is determined after a contested case proceeding that a false or fraudulent disclosure statement was filed, the board may impose any of the actions under Iowa Code section 68B.32D. This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.35.