

# IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

MEGAN TOOKER  
Executive Director  
& Legal Counsel

510 East 12<sup>th</sup>, Suite 1A  
Des Moines, Iowa 50319  
Telephone 515-281-4028/Fax 515-281-4073  
[www.iowa.gov/ethics](http://www.iowa.gov/ethics)

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October 4, 2018

Mr. Gary Dickey  
Dickey & Campbell Law Firm, P.L.C.  
301 E. Walnut, Suite 1  
Des Moines, IA 50309

Re: 2018 IECDB 27 (complaint against Kim Reynolds for Iowa)

Dear Mr. Dickey,

I am in receipt of your Request for Reconsideration, which asks the Board to reconsider its decision to dismiss your complaint against the Kim Reynolds for Iowa committee.

Iowa Code section 68B.32B sets out the Board's complaint procedures. Subsection 4 sets out the factors required for a complaint to be "legally sufficient." Subsection 6 states:

If the board determines that none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. The complainant shall be sent a notice of dismissal stating the reason or reasons for the dismissal. If a copy of the complaint was sent to the subject of the complaint, a copy of the notice shall be sent to the subject of the complaint. If the board determines that any allegation contained in the complaint is legally sufficient, the complaint shall be referred to the board staff for investigation of any legally sufficient allegations.

Iowa Code § 68B.32B(6). On September 20th, the Board determined your complaint was not legally sufficient and dismissed it. There is nothing in this section or any section in chapter 68B which provides for a complainant to request the Board to reconsider a legal sufficiency determination.

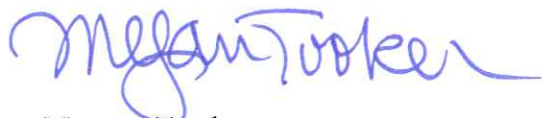
I also reviewed chapter 17A of the Code. Iowa Code section 17A.16 states "any party may file an application for rehearing, stating the specific grounds for the rehearing and the relief sought, within twenty days after the date of the issuance of any final decision by the agency in a contested case." *Id.* § 17A.16(2). Similarly, the Board's rule 351—11.27 states "any party to a contested case proceeding may file an application for rehearing from a final order" "within 20 days after

issuance of the final decision.” Iowa Admin. Code r. 351—11.27(1), (3). However, a complaint filed pursuant to section 68B.32B does not become a contested case unless the Board finds the complaint legally sufficient and either issues of statement of charges and notice of a contested case proceeding or the subject of the complaint appeals an administrative resolution order. See Iowa Code §§ 68B.32B(9), 68B.32C, Iowa Admin. Code r. 351—9.4. The Board’s rule 9.1 expressly states: “(t)he board’s review of a formal complaint for legal sufficiency is not a contested case proceeding and shall be made solely on the facts alleged in the complaint.” Iowa Admin. Code r. 351—9.1(4).

In short, I find nothing in the Code of Iowa or the Board’s rules that provide a procedural framework for you to request the Board to reconsider its decision dismissing your complaint. Therefore, Board will not consider your request.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Megan Tooker". The signature is fluid and cursive, with the first name "Megan" written in a larger, more prominent script than the last name "Tooker".

Megan Tooker  
(515) 281-3489 / [megan.tooker@iowa.gov](mailto:megan.tooker@iowa.gov)