



John McCormally <jmccormally@gmail.com>

follow up

3 messages

John McCormally <jmccormally@gmail.com>
To: Laura Belin <desmoinesdem@bleedingheartland.com>

Fri, Jun 4, 2021 at 9:34 AM

Laura-

In your article last night, you wrote:

"But Ostergren noted that "Section 29C.6(10) says she can spend state resources to deal with the emergency," which is what happened here."

Its not what happened here. The full text 29C.6(10) says:

10. Utilize all available resources of the state government as reasonably necessary to cope with the disaster emergency.

That doesn't mean the Governor can do whatever she wants. 29C must be narrowly construed. The statute does not give her absolute power. She can redirect money, she can suspend laws, but she still has to follow certain procedures when she does so. She has to say what she is doing and why she is doing it in a disaster proclamation. She didn't do that.

Reading 29C.6(10) the way you suggest would nullify the rest of the 29C-- if she can do whatever she chooses with any state "resource" when she declares an emergency, the rest of the statute is superfluous. It might as well say "When she declares an emergency, the Governor is the only law." That would amount to unconstitutional delegation of legislative power to the executive. Even in an emergency, she is still subject to the law.

You may think a paid ad featuring her face was a reasonable thing for her to spend money on, or that this is too technical. Those are reasonable positions. However, there are rules for spending taxpayer money. And she didn't follow them. Making sure Is are dotted and Ts are crossed when it comes to the spending of taxpayer money is the entire job of the state Auditor.

Happy to discuss further if you'd like.

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John McCormally
515-491-5420

Laura Belin <laurarbelin@bleedingheartland.com>
To: John McCormally <jmccormally@gmail.com>

Fri, Jun 4, 2021 at 11:08 AM

Thanks, John. Is this on the record? Because if so I would like to add it to my post.

Did anyone check to see if IECDB told the governor's office this was ok? My understanding is that if IECDB says you can do something, that creates a presumption that you are in compliance with the law.

The whole "self-promotion" statute is badly drafted in my opinion.

[Quoted text hidden]

John McCormally <jmccormally@gmail.com>
To: Laura Belin <laurarbelin@bleedingheartland.com>

Fri, Jun 4, 2021 at 11:19 AM

Thank you for asking. Yes, my previous email is on the record. But if you are going to use it, I would prefer you use all of it.

As to your questions on IECDB, I would be willing to discuss those on the phone on background.

Glve me a call if you'd like: 515 491 5420

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Appendix in Support of Motion for Summary Judgment

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1/3/22, 8:32 AM

Gmail - follow up

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