



Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

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**Fwd: SRI/GTS Iowa Treasurer Scholarship Application**

1 message

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**Kristi Harshbarger** <kharshbarger@iowacounties.org>  
To: "Tooker, Megan [IECD]" <Megan.Tooker@iowa.gov>

Fri, Jan 15, 2016 at 2:58 PM

Hi Megan:

I just received the below and am confused because my understanding was Amy Picray, the president of the treasurer's association at the time, had discussed this with you and you were comfortable with the process. Can you please update me?

Thanks,  
Kristi

Sent from my iPhone

Begin forwarded message:

**From:** Jarret P Heil <jheil@marshallcountyia.gov>  
**Date:** January 15, 2016 at 2:46:54 PM CST  
**To:** "kharshbarger@iowacounties.org" <kharshbarger@iowacounties.org>  
**Subject:** FW: SRI/GTS Iowa Treasurer Scholarship Application

Kristi,

We are still having an issue with this. Do you have an opinion for us moving forward based on the attached opinion?

Thanks!

Jarret

**From:** Frank Rottinghaus [mailto:frottinghaus@floydcoia.org]  
**Sent:** Wednesday, January 13, 2016 11:39 AM  
**To:** Jonelle Orr  
**Cc:** Jarret Heil (tax@co.marshall.ia.us)  
**Subject:** RE: SRI/GTS Iowa Treasurer Scholarship Application

Hello,

I am extremely surprised to have received this message. You must have not been informed of an Advisory opinion approved by the Iowa Ethics and Campaign Disclosure Board on August 20, 2015. The opinion states in part "CONCLUSION: We find the Iowa State County Treasurers' Association's scholarship program violates Iowa's gift law because it is funded by restricted donors, the

eligible recipients include immediate family members of treasurers and their employees, and the scholarship program is not available to the general public."

I have attached the entire opinion to this message. It is my expectation that you will be withdrawing this offer immediately. Although it was not my responsibility to notify you or anyone else about this action I can't help but feel bad about the fact that you were apparently not notified by someone.

Best regards,

Frank H. Rottinghaus

Treasurer, Floyd County Iowa

**From:** Jonelle Orr [mailto:jorr@sriservices.com]  
**Sent:** Wednesday, January 13, 2016 10:52 AM  
**To:** Frank Rottinghaus  
**Subject:** SRI/GTS Iowa Treasurer Scholarship Application

Dear Iowa Treasurer,

SRI and GTS are pleased to offer, again this year, four \$500.00 scholarships to children or grandchildren of treasurers or your staff. [Click here](#) for the link to the scholarship application for you and your staff. Please share the application. Note that the deadline for the completed application is **March 31, 2016**. We are very excited to receive many applications from your best and brightest high school seniors and will announce the two winners in Riverside in May. Again, SRI and GTS are happy to be able to sponsor this scholarship and other association activities.

Joseph G. Edwards

Vice President .

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8082 Bash Street

Indianapolis, Indiana 46250

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Cell: (317) 696-6494


Fax: (317) 842-5948


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**2 attachments**

 **IECDB Opinion on Scholarships.pdf**  
63K

 **ATT00001.htm**  
1K

ADVISORY OPINION

IECDB AO 2015-08

August 20, 2015

The Honorable Todd Prichard  
State Representative  
P.O. Box 773  
Charles City, IA 50616

Dear Representative Prichard:

This opinion is in response to your request for an opinion from the Iowa Ethics and Campaign Disclosure Board. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTUAL STATEMENT:

We understand you request this opinion on behalf of a constituent from your district. You advise the Board that the Iowa State County Treasurers' Association provides four annual scholarships for children and grandchildren of county treasurers and their employees. You further advise the Board that these scholarships are funded by two vendors that do business with or are seeking to do business with county treasurers across Iowa. The donations by the vendors are placed in the Iowa State Association of Counties' Scholarship Foundation account. The recipients of these scholarships are selected by a committee of county treasurers based on criteria including academic achievement, demonstrated leadership and writing skills. The vendors are not involved with the selection process. You ask us to opine whether these scholarships comply with Iowa's gift law.

QUESTION:

Is it permissible for a student who is the child or grandchild of a county treasurer or treasurer employee to accept a scholarship from vendors who do business or seek to do business with county treasurers?

OPINION:

Iowa Code section 68B.22 is commonly known as Iowa's gift law. It prohibits government officials, government employees and their immediate family

members from “directly or indirectly, accept[ing] or receiv[ing] any gift or series of gifts from a restricted donor” unless one of nineteen exceptions to the gift law applies.<sup>1</sup> A gift is “a rendering of anything of value in return for which legal consideration of equal or greater value is not given or received.”<sup>2</sup> A “restricted donor” for county employees and officials is defined as a person or entity that either:

“a. Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed. [or]

b. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.”<sup>3</sup>

The gift law does not place any limitations on a gift from a non-restricted donor. However, it directs government employees and officials to be “extremely cautious and circumspect about accepting a gratuity or favor, especially from persons having a substantial interest in the legislative, administrative, or political actions of the official or employee.”<sup>4</sup> The gift law is intended to prohibit gifts that “create unacceptable conflicts of interest or the appearances of impropriety.”<sup>5</sup>

It is undisputed that a scholarship is a gift because the recipient does not provide anything of value in return for the grant-in-aid. The more difficult issue in this case is determining the donor of the gift. We believe the vendors that fund the scholarships are the donors. While the money provided by the vendors is first deposited in a third party's bank account (the Iowa State Association of Counties' scholarship foundation), and the recipients are selected by a committee instead of the vendors, we do not believe these factors change the ultimate source of that money. We are mindful that the gift law restricts gifts that come “directly or *indirectly*” from a restricted donor.<sup>6</sup> We find these scholarships to be indirect gifts from the vendors that fund them. These vendors are restricted donors because they are either doing business or seeking to do business with county treasurers across Iowa and are financially impacted by whether a treasurer chooses to contract for their services.<sup>7</sup> Thus, county treasurers, treasurer employees and their “immediate family members”<sup>8</sup>

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<sup>1</sup> Iowa Code §68B.22(1) (2015).

<sup>2</sup> *Id.* § 68B.2(9).

<sup>3</sup> *Id.* § 68B.2(24)(a)-(b).

<sup>4</sup> *Id.* § 68B.21.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* § 68B.22(1) (emphasis added).

<sup>7</sup> *See id.* §68B.2(24)(a)-(b).

<sup>8</sup> *Id.* § 68B.2(11).

may not accept these scholarships unless an exception to the gift law applies. "Immediate family members are defined as "the spouse and dependent children" of a government official or employee.<sup>9</sup> None of the exceptions in the gift law allows government employees or officials or their immediate family members to accept a scholarship from a restricted donor when the scholarship is not available to the general public. We note the effect of our decision would not be different if we had found the Iowa State Treasurers' Association or the Iowa State Association of Counties is the donor of the scholarships because both of these entities are restricted donors due to the fact the counties pay dues to those organizations.

The Board suggests several options for continuing the Iowa State County Treasurers' Association's scholarship program which are consistent the gift law and its exceptions. One option would be to limit the eligible recipients to family members that do not meet the definition of immediate family members, such grandchildren and nieces and nephews. Another option would be to open the scholarships to any Iowa student because the gift law allows a gift from a restricted donor as long as it is "available or distributed free of charge to members of the general public without regard to the official status of the recipient."<sup>10</sup> Finally, it would be permissible to continue to limit the eligible recipients of the Association's scholarship program to the children and grandchildren of county treasurers and their employees if the program was solely funded by one or more non-restricted donors.

#### CONCLUSION:

We find the Iowa State County Treasurers' Association's scholarship program violates Iowa's gift law because it is funded by restricted donors, the eligible recipients include immediate family members of treasurers and their employees, and the scholarship program is not available to the general public.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Johnathan Roos, Vice Chair

Saima Zafar

Carole Tillotson

John Walsh

Mary Rueter

Submitted by Megan Tooker, Board Legal Counsel

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.* § 68B.22(4)(e).



Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

**RE: SRI/GTS Iowa Treasurer Scholarship Application**

1 message

**Tooker, Megan [IECD]** <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Thu, Jan 21, 2016 at 5:07 PM

Hi Kristi,

I thought I had sent that AO to you. I'm sorry. Here it is: [http://www.iowa.gov/ethics/legal/adv\\_opn/2015/15fao08.htm](http://www.iowa.gov/ethics/legal/adv_opn/2015/15fao08.htm). It's my understanding that Frank brought it to Representative Prichard's attention and he asked us for an advisory opinion.

We just got through our big reporting deadline (Tuesday). Sorry for the delay. I'll try to reach you in the morning. Megan

Megan Tooker

Director and Legal Counsel

Iowa Ethics and Campaign Disclosure Board

510 E. 12th Street, Suite 1A

Des Moines, IA 50319

tel. (515) 281-3489

fax (515) 281-4073

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**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Wednesday, January 20, 2016 3:05 PM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: SRI/GTS Iowa Treasurer Scholarship Application

Megan -- just following up on this. I haven't heard from you and I'd like to get back to Jarret. Thanks! Kristi

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Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

**RE: SRI/GTS Iowa Treasurer Scholarship Application**

1 message

Kristi Harshbarger <kharshbarger@iowacounties.org>  
To: "Tooker, Megan [IECD]" <Megan.Tooker@iowa.gov>

Fri, Jan 22, 2016 at 9:06 AM

Hi Megan:

I just tried calling you again, but was unable to reach you, so I will try to move this forward via e-mail.

No, you did not send me the opinion. The first time I saw it was last Friday. Until that time, we were relying on the attached e-mail from you that stated you thought our process was compliant with the gift law. If your Board was reconsidering this issue I would think the proper procedure would have been to notify the involved parties (ISAC, the Treasurer's Association, and SRI/GTS) and allow us to be at the table for a discussion and opportunity to present our rationale under the law and the facts regarding the arrangement. And certainly if your Board reached a conclusion that was contrary your previous advice, I would expect you to communicate with the parties relying on your previous advice.

We would like your Board reconsider this matter. I think their conclusion that restricted donor money retains its "restricted donor status" even after being given to an entity that is not a restricted donor is an erroneous conclusion under the law. I am unsure exactly what the proper procedure is to request this reconsideration, given that it's more than 5 months after you Board approved this advisory opinion and we are just now being notified of its existence. But I think it is only right that we have an opportunity to present our case to the Board and if the Board decides to affirm their previous advisory opinion, then we have an opportunity to appeal that decision under your Board's administrative rules and Iowa Code Chapter 17A.

So please advise me as to what format you would like me to petition for a reconsideration of the advisory opinion. As I mentioned, I want to make sure we have a clear path for an appeal, so perhaps I should request a declaratory order on the topic? I appreciate that this is a busy time of year for your office, but I'm sure you can appreciate that we have many people that are in limbo, including students, because of the poor manner in which this issue was handled. As such, I would like to hear from you as soon as possible so that we can move forward on getting this resolved quickly.

Thank you,

Kristi

*Kristi Harshbarger, General Counsel*

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, Iowa 50266

Email: kharshbarger@iowacounties.org

Phone: (515) 369-7014

Disclaimer: Please read this notice before using any materials or relying on any information in this e-mail. The Iowa State Association of Counties (ISAC) provides education and information primarily as a general service to ISAC members. This communication, or any other communication with ISAC, does not create an attorney-client relationship. The information provided should not be interpreted or used as a substitute for a legal opinion from your county attorney or otherwise retained and qualified legal counsel.

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Treasurer, Floyd County Iowa

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----- Forwarded message -----

From: "Jones County [County Treasurer]" <Treasurer@co.jones.ia.us>

To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Cc:

Bcc:

Date: Wed, 26 Nov 2014 08:26:10 -0600

Subject: FW: Scholarships

Here you go Kristi! Please let me know if you need any additional information.

Amy L. Picray

Jones County Treasurer

P.O. Box 79

Anamosa, IA 52205

Phone: (319) 462-3550

Fax: (319) 462-4508

[www.iowatreasurers.org](http://www.iowatreasurers.org)



**From:** Tooker, Megan [IECD] [<mailto:Megan.Tooker@iowa.gov>]

**Sent:** Tuesday, February 11, 2014 2:17 PM

**To:** Amy Picray, Jones County Treasurer

**Subject:** RE: Scholarships

Hi Amy,

I think this would work as long as the vendor doesn't select the recipient. In other words, the vendor cannot reward someone for making purchases on behalf of the county.

Megan

**From:** Amy Picray, Jones County Treasurer [mailto:Treasurer@co.jones.ia.us]  
**Sent:** Monday, February 03, 2014 11:01 AM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: Scholarships

Thank you for your response. I originally emailed Kristi Harshbarger regarding this topic. She later suggested the following, do you think this would work?

*I was just talking to Brad Holtan about this because he is the primary staff person in charge of our scholarship program. He suggested having the vendors give our scholarship foundation the money for the scholarship (and it's tax deductible because the foundation is a 501(c)(3)) and then those funds can specifically be designated for a scholarship for the child of a treasurer. The treasurers affiliate could select the recipients. He said the ICIT affiliate actually does something similar, although I think that's ICIT funds as opposed to vendor funds.*

**From:** Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]  
**Sent:** Monday, February 03, 2014 10:50 AM  
**To:** Amy Picray, Jones County Treasurer  
**Subject:** RE: Scholarships

Hi Amy,

Sorry for the delay. I have been busy and I've been mulling over your question. The gift law prohibits a government official/employee or that official/employee's "immediate family" from accepting a gift from a restricted donor unless one of the 19 exceptions in the gift law applies. The most well-known exception is the \$3.00 exception. A restricted donor includes someone doing business with the government entity or seeking to do business with the government entity. You indicated that a vendor was interested in offering the scholarships and a vendor would be considered a restricted donor. Immediate family is defined as spouse and dependent children. The scholarship would be considered a gift which is defined as the rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

The only exception that would possibly apply is 68B.22(4)(e) which allows a government official/employee or his immediate family to accept "anything available or distributed free of charge to members of the general public without regard to the official status of the recipient." Therefore, if your vendor offered a scholarship and any high school senior could apply and the decision was not based on the child's status as the child of a government official or employee, then the child could accept the scholarship. If, on the other hand, a child's parent had to work for the government for the child to be eligible for the scholarship, then the child could not accept the scholarship.

ISAC can give scholarships to county employees' children because ISAC is not a restricted donor.

Hope that helps. Let me know if you have any further questions.

Megan Tooker

Director and Legal Counsel

Iowa Ethics and Campaign Disclosure Board



10/8/2018

State of Iowa Mail - RE: SRI/GTS Iowa Treasurer Scholarship Application

510 E. 12th Street, Suite 1A

Des Moines, IA 50319

tel. (515) 281-3489

fax (515) 281-4073

**From:** Amy Picray, Jones County Treasurer [mailto:Treasurer@co.jones.ia.us]  
**Sent:** Monday, January 27, 2014 4:06 PM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: Scholarships

Hello Megan.

I wanted to make sure you had received the email below. Please let me know if you need additional information.

Amy L. Picray

Jones County Treasurer

P.O. Box 79

Anamosa, IA 52205

Phone: (319) 462-3550

Fax: (319) 462-4508

[www.iowatreasurers.org](http://www.iowatreasurers.org)



**From:** Amy Picray, Jones County Treasurer  
**Sent:** Monday, January 20, 2014 12:23 PM  
**To:** [megan.tooker@iowa.gov](mailto:megan.tooker@iowa.gov)  
**Subject:** Scholarships

Good morning Megan.

We have two vendors that would like to offer scholarships to graduating high school seniors who have a parent that work in a County Treasurer's office. Is this allowed? I wasn't sure if the gift rule played into this at all. I know the Iowa State Association of Counties awards scholarships to children of county employees.

Please let me know if you need any additional information.

Amy L. Picray

Jones County Treasurer

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Tooker, Megan [IECD] <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Fri, Jan 22, 2016 at 10:45 AM

Hi Kristi,

I'm so sorry for the screw up. I understand your frustration. I just left you a voicemail and I don't have much of a voice (I've been sick and my voice is pretty much non-existent). I should be around all day and I'm happy to talk with you about this.

By way of background, the Ethics Board does not investigate or enforce violations or alleged violations by local officials and employees of Iowa Code chapter 68B. We merely have authority to advise local officials and employees on our interpretation of that chapter. See Iowa Code s 68B.32A(12). A complaint against a local official or employee would have to be filed with the county attorney pursuant to Iowa Code section 68B.34A. Our rules allow anyone to request an advisory opinion or declaratory order from the Board.

I think you have two options: ask the Board to reconsider the AO (i.e. ask them to issue rescind the AO and issue a new one) or you may ask the Board for a declaratory order. As for an appeal, I've never thought about seeking judicial review on an AO or declaratory order. My experience is limited to appeals of contested case decisions. And in the five years that I have been here, we have never been asked to issue a declaratory order. Having said all that, under section 17A.9 (the section on petitioning for a declaratory order), it appears that a declaratory order is final agency action for purposes of judicial review. I don't believe chapter 17A specifically addresses advisory opinions and how to appeal them. Thus, I think a petition for a declaratory order is your best avenue.

Megan Tooker

Director and Legal Counsel

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I just tried calling you again, but was unable to reach you, so I will try to move this forward via e-mail.

No, you did not send me the opinion. The first time I saw it was last Friday. Until that time, we were relying on the attached e-mail from you that stated you thought our process was compliant with the gift law. If your Board was reconsidering this issue I would think the proper procedure would have been to notify the involved parties (ISAC, the Treasurer's Association, and SRI/GTS) and allow us to be at the table for a discussion and opportunity to present our rationale under the law and the facts regarding the arrangement. And certainly if your Board reached a conclusion that was contrary your previous advice, I would expect you to communicate with the parties relying on your previous advice.

We would like your Board reconsider this matter. I think their conclusion that restricted donor money retains its "restricted donor status" even after being given to an entity that is not a restricted donor is an erroneous conclusion under the law. I am unsure exactly what the proper procedure is to request this reconsideration, given that it's more than 5 months after you Board approved this advisory opinion and we are just now being notified of its existence. But I think it is only right that we have an opportunity to present our case to the Board and if the Board decides to affirm their previous advisory opinion, then we have an opportunity to appeal that decision under your Board's administrative rules and Iowa Code Chapter 17A.

So please advise me as to what format you would like me to petition for a reconsideration of the advisory opinion. As I mentioned, I want to make sure we have a clear path for an appeal, so perhaps I should request a declaratory order on the topic? I appreciate that this is a busy time of year for your office, but I'm sure you can appreciate that we have many people that are in limbo, including students, because of the poor manner in which this issue was handled. As such, I would like to hear from you as soon as possible so that we can move forward on getting this resolved quickly.

Thank you,

Kristi

*Kristi Harshbarger, General Counsel*

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, Iowa 50266

Email: kharshbarger@iowacounties.org

Phone: (515) 369-7014

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**From:** Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]  
**Sent:** Thursday, January 21, 2016 5:08 PM  
**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>  
**Subject:** RE: SRI/GTS Iowa Treasurer Scholarship Application

Hi Kristi,

I thought I had sent that AO to you. I'm sorry. Here it is: [http://www.iowa.gov/ethics/legal/adv\\_opn/2015/15fao08.htm](http://www.iowa.gov/ethics/legal/adv_opn/2015/15fao08.htm). It's my understanding that Frank brought it to Representative Prichard's attention and he asked us for an advisory opinion.

We just got through our big reporting deadline (Tuesday). Sorry for the delay. I'll try to reach you in the morning. Megan

Megan Tooker

Director and Legal Counsel

Iowa Ethics and Campaign Disclosure Board

510 E. 12th Street, Suite 1A

Des Moines, IA 50319

tel. (515) 281-3489

fax (515) 281-4073

Like us on Facebook! [www.facebook.com/IowaEthicsBoard](http://www.facebook.com/IowaEthicsBoard)

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Wednesday, January 20, 2016 3:05 PM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: SRI/GTS Iowa Treasurer Scholarship Application

Megan – just following up on this. I haven't heard from you and I'd like to get back to Jarret. Thanks! Kristi

**From:** Kristi Harshbarger  
**Sent:** Friday, January 15, 2016 2:58 PM  
**To:** Megan Tooker [IECD] <Megan.Tooker@iowa.gov>  
**Subject:** Fwd: SRI/GTS Iowa Treasurer Scholarship Application

Hi Megan:

I just received the below and am confused because my understanding was Amy Picray, the president of the treasurer's association at the time, had discussed this with you and you were comfortable with the process. Can you please update me?

Thanks,

Kristi

Sent from my iPhone

Begin forwarded message:

**From:** Jarret P Heil <jheil@marshallcountya.gov>  
**Date:** January 15, 2016 at 2:46:54 PM CST  
**To:** "kharshbarger@iowacounties.org" <kharshbarger@iowacounties.org>  
**Subject:** FW: SRI/GTS Iowa Treasurer Scholarship Application

Kristi,

We are still having an issue with this. Do you have an opinion for us moving forward based on the attached opinion?

Thanks!

Jarret

**From:** Frank Rottinghaus [mailto:frottinghaus@floydcoia.org]  
**Sent:** Wednesday, January 13, 2016 11:39 AM  
**To:** Jonelle Orr  
**Cc:** Jarret Heil (tax@co.marshall.ia.us)  
**Subject:** RE: SRI/GTS Iowa Treasurer Scholarship Application

Hello,

I am extremely surprised to have received this message. You must have not been informed of an Advisory opinion approved by the Iowa Ethics and Campaign Disclosure Board on August 20, 2015. The opinion states in part "CONCLUSION; We find the Iowa State County Treasurers' Association's scholarship program violates Iowa's gift law because it is funded by restricted donors, the

eligible recipients include immediate family members of treasurers and their employees, and the scholarship program is not available to the general public."

I have attached the entire opinion to this message. It is my expectation that you will be withdrawing this offer immediately. Although it was not my responsibility to notify you or anyone else about this action I can't help but feel bad about the fact that you were apparently not notified by someone.

Best regards,

Frank H. Rottinghaus

Treasurer, Floyd County Iowa

**From:** Jonelle Orr [mailto:jorr@sriservices.com]  
**Sent:** Wednesday, January 13, 2016 10:52 AM  
**To:** Frank Rottinghaus  
**Subject:** SRI/GTS Iowa Treasurer Scholarship Application

Dear Iowa Treasurer,

SRI and GTS are pleased to offer, again this year, four \$500.00 scholarships to children or grandchildren of treasurers or your staff. **Click here** for the link to the scholarship application for you and your staff. Please share the application. Note that the deadline for the completed application is **March 31, 2016**. We are very excited to receive many applications from your best and brightest high school seniors and will announce the two winners in Riverside in May. Again, SRI and GTS are happy to be able to sponsor this scholarship and other association activities.

Joseph G. Edwards

Vice President

SRI, Incorporated

8082 Bash Street

Indianapolis, Indiana 46250

Office: (317) 842-5818

Toll Free: (800) 800-9588

Cell: (317) 696-6494

Fax: (317) 842-5948

<http://www.sri-taxsale.com>

*Integrity. Customer Service. Excellence.*





Tooker, Megan <megan.tooker@iowa.gov>

---

**Re: SRI/GTS Iowa Treasurer Scholarship Application**

1 message

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**Kristi Harshbarger** <kharshbarger@iowacounties.org>

Tue, Jan 26, 2016 at 2:16 PM

To: "Tooker, Megan [IECD]" <Megan.Tooker@iowa.gov>

Hi Megan

Now it's my turn to be out sick. I'm going to meet with my Executive Director later this week to discuss how best to proceed and then I will circle back with you.

Thanks,  
Kristi



Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

**RE: Meeting**

1 message

**Tooker, Megan [IECD]** <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Fri, Feb 12, 2016 at 10:13 AM

No. Jim and I have exchanged a couple of voicemails. He has a case in New Hampshire that's been taking up a lot of his time and I think he flew there yesterday. I'll keep bugging him and get some dates out of him.

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Friday, February 12, 2016 8:49 AM  
**To:** Tooker, Megan [IECD]  
**Subject:** Meeting

Hi Megan:

Have you had a chance to get that meeting set up? Just want to make sure I block it off on my schedule.

Thanks,

Kristi

*Kristi Harshbarger, General Counsel*

Iowa State Association of Counties

5500 Westown Parkway, Suite 190

West Des Moines, Iowa 50266

Email: kharshbarger@iowacounties.org

Phone: (515) 369-7014

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Tooker, Megan <megan.tooker@iowa.gov>

---

**RE: Meeting**

1 message

---

**Tooker, Megan [IECD]** <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Fri, Feb 26, 2016 at 2:02 PM

Let me lean on Jim again. He was supposed to come in yesterday but didn't. I'll try to track him down today.

---

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Friday, February 26, 2016 9:53 AM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: Meeting

Hi Megan:

Just checking in on this again. We really need to get this meeting scheduled.

Thanks,

Kristi

---

**From:** Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]  
**Sent:** Friday, February 12, 2016 10:14 AM  
**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>  
**Subject:** RE: Meeting

No. Jim and I have exchanged a couple of voicemails. He has a case in New Hampshire that's been taking up a lot of his time and I think he flew there yesterday. I'll keep bugging him and get some dates out of him.

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**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Friday, February 12, 2016 8:49 AM  
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**Subject:** Meeting

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Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

---

**RE: Meeting**

1 message

---

**Kristi Harshbarger** <kharshbarger@iowacounties.org>  
To: "Tooker, Megan [IECD]" <Megan.Tooker@iowa.gov>

Tue, Mar 1, 2016 at 3:37 PM

Thanks, Megan. Were you able to get a hold of him?

**From:** Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]  
**Sent:** Friday, February 26, 2016 2:02 PM  
**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>  
**Subject:** RE: Meeting

Let me lean on Jim again. He was supposed to come in yesterday but didn't. I'll try to track him down today.

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Friday, February 26, 2016 9:53 AM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: Meeting

Hi Megan:

Just checking in on this again. We really need to get this meeting scheduled.

Thanks,

Kristi

**From:** Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]  
**Sent:** Friday, February 12, 2016 10:14 AM  
**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>  
**Subject:** RE: Meeting

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**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Friday, February 12, 2016 8:49 AM  
**To:** Tooker, Megan [IECD]  
**Subject:** Meeting

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Have you had a chance to get that meeting set up? Just want to make sure I block it off on my schedule.

Thanks,

Kristi

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Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

**FW: GTS/SRI/ISAC Scholarships**

1 message

**Kristi Harshbarger** <kharshbarger@iowacounties.org>  
To: "Tooker, Megan [IECD]" <Megan.Tooker@iowa.gov>

Wed, Mar 2, 2016 at 4:35 PM

Our spring school is next week and as you can see, people are trying to figure out what to do in relation to the Treasurer's scholarship. I really need to know if this is something we are going to be able to work out with your board or if I need to advise them to stop offering the scholarship.

**From:** Marc Carr [mailto:mcarr@govtechservices.com]  
**Sent:** Wednesday, March 02, 2016 4:34 PM  
**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Kristi,

Any news? I think we usually announce the winners at ISAC, so I would like to let everyone know before that, if we are not awarding anything.

Thanks,  
Marc

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Wednesday, February 10, 2016 11:47 AM  
**To:** Marc Carr  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Marc:

I am meeting with the Executive Director and the Chairman of the Ethics Board to see what we can work out. We are still trying to find a date, but for sure in the next couple of weeks.

Thanks!  
Kristi

*Kristi Harshbarger, General Counsel*

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West Des Moines, Iowa 50266

Email: [kharshbarger@iowacounties.org](mailto:kharshbarger@iowacounties.org)

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**From:** Marc Carr [<mailto:mcarr@govtechservices.com>]  
**Sent:** Monday, February 08, 2016 7:55 AM  
**To:** Kristi Harshbarger <[kharshbarger@iowacounties.org](mailto:kharshbarger@iowacounties.org)>  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Kristi,

Is there any news on this? We would like to let everyone know soon if we need to pull the plug on it.

Thanks,  
Marc

**From:** Kristi Harshbarger [<mailto:kharshbarger@iowacounties.org>]  
**Sent:** Thursday, January 28, 2016 11:04 AM  
**To:** Marc Carr  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Marc:

I'm attaching the e-mail chain I have on this with the Executive Director of the Ethics Board. Unfortunately, we only found out about this opinion recently. I don't think it's the correct legal conclusion, but it may take some time to sort out. I'm meeting with Bill Peterson tomorrow to discuss the going-forward plan and will let you know.

Thanks,  
Kristi



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**From:** Marc Carr [<mailto:mcarr@govtechservices.com>]  
**Sent:** Wednesday, January 27, 2016 5:39 PM  
**To:** Kristi Harshbarger <[kharshbarger@iowacounties.org](mailto:kharshbarger@iowacounties.org)>  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Kristi,

We received an email from Frank Rottinghouse that the Ethics Board deemed our scholarship in violation of the gift law.

Have you heard anything on this? And if so, what should we do?

We have already asked for applications for next year. Should we email them to tell them that we are not offering one now?

Any advice you could give would be great!

Thanks,  
Marc

**From:** Kristi Harshbarger [<mailto:kharshbarger@iowacounties.org>]  
**Sent:** Tuesday, March 31, 2015 2:34 PM  
**To:** 'Marc Carr'  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Marc:

I have not heard any more about AG involvement, although I would doubt that it would go anywhere. I feel confident that my analysis of the situation as compliant with the gift law (that has been corroborated by Megan Tooker, executive director of the Iowa Ethics and Campaign Disclosure Board) is correct. So you should be fine to submit your check.

Please let me know if you have questions or need anything else.

Thanks,

Kristi

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**From:** Marc Carr [<mailto:mcarr@govtechservices.com>]

**Sent:** Tuesday, March 31, 2015 10:31 AM

**To:** Kristi Harshbarger

**Subject:** GTS/SRI/ISAC Scholarships

Hi Kristi,

I received the invoice for the GTS share of the Treasurer's scholarship.

I have been holding off paying it as I understand that there has been a treasurer challenge that it is in violation of the gift law.

I have not heard anything for quite some time. Do you know if the inquiry to the Attorney General's office went anywhere? And would it be safe for us to submit our check to ISAC?

Any information you could provide me would be greatly appreciated.

Thanks,  
Marc



Marc Carr

Owner/President

GovTech Services, Inc.

POB 71234

Clive, IA 50325

515-771-2025

mcarr@govtechservices.com



Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

---

**RE: GTS/SRI/ISAC Scholarships**

1 message

---

**Tooker, Megan [IECD]** <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Thu, Mar 3, 2016 at 2:31 PM

Hi Kristi,

I've talked to Jim about getting together and he keeps telling me he'll get back to me on his availability. So I just called him again and told him you really need some feedback from us. He's just swamped with his New Hampshire case and his foundation's marquee fundraiser which is next month plus of course teaching and selling his recently deceased mother's home. I'm not sure when we'll be able to pin him down but not before next week. In any event, this is what I think we should do: you and I get together and brainstorm possible options/alternatives to the scholarship and I'll talk to Jim on the phone about it. The best time to reach him is about 10:30 or 11 at night. I'll run what we discuss past him and then circle back to you. How does that sound? I'm heading to Drake soon to go to Marty Begleiter's retirement reception. I'll be in the office tomorrow if you have time to get together. You can come here or we could grab a coffee or something. Let me know!

---

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Wednesday, March 02, 2016 4:36 PM  
**To:** Tooker, Megan [IECD]  
**Subject:** FW: GTS/SRI/ISAC Scholarships

Our spring school is next week and as you can see, people are trying to figure out what to do in relation to the Treasurer's scholarship. I really need to know if this is something we are going to be able to work out with your board or if I need to advise them to stop offering the scholarship.

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**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Kristi,

Any news? I think we usually announce the winners at ISAC, so I would like to let everyone know before that, if we are not awarding anything.

Thanks,  
Marc

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**To:** Marc Carr  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Marc:

I am meeting with the Executive Director and the Chairman of the Ethics Board to see what we can work out. We are still trying to find a date, but for sure in the next couple of weeks.

Thanks!  
Kristi

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Marc

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Any information you could provide me would be greatly appreciated.

Thanks,  
Marc



Marc Carr  
Owner/President  
GovTech Services, Inc.  
POB 71234  
Clive, IA 50325  
515-771-2025  
mcarr@govtechservices.com





Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

---

**RE: GTS/SRI/ISAC Scholarships**

1 message

---

**Kristi Harshbarger** <kharshbarger@iowacounties.org>

Thu, Mar 3, 2016 at 3:49 PM

To: "Tooker, Megan [IECD]" &lt;Megan.Tooker@iowa.gov&gt;

Okay. Let's grab coffee tomorrow. 9? 10? Just let me know. How about Scenic Route Bakery?

---

**From:** Tooker, Megan [IECD] [mailto:Megan.Tooker@iowa.gov]**Sent:** Thursday, March 03, 2016 2:31 PM**To:** Kristi Harshbarger <kharshbarger@iowacounties.org>**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Kristi,

I've talked to Jim about getting together and he keeps telling me he'll get back to me on his availability. So I just called him again and told him you really need some feedback from us. He's just swamped with his New Hampshire case and his foundation's marquee fundraiser which is next month plus of course teaching and selling his recently deceased mother's home. I'm not sure when we'll be able to pin him down but not before next week. In any event, this is what I think we should do: you and I get together and brainstorm possible options/alternatives to the scholarship and I'll talk to Jim on the phone about it. The best time to reach him is about 10:30 or 11 at night. I'll run what we discuss past him and then circle back to you. How does that sound? I'm heading to Drake soon to go to Marty Begleiter's retirement reception. I'll be in the office tomorrow if you have time to get together. You can come here or we could grab a coffee or something. Let me know!

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**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]**Sent:** Wednesday, March 02, 2016 4:36 PM**To:** Tooker, Megan [IECD]**Subject:** FW: GTS/SRI/ISAC Scholarships

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Marc

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Hi Marc:

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Thanks!  
Kristi

*Kristi Harshbarger, General Counsel*

Iowa State Association of Counties

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Email: kharsbarger@iowacounties.org

Phone: (515) 369-7014

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Is there any news on this? We would like to let everyone know soon if we need to pull the plug on it.

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**Sent:** Thursday, January 28, 2016 11:04 AM  
**To:** Marc Carr  
**Subject:** RE: GTS/SRI/ISAC Scholarships

Hi Marc:

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**To:** Kristi Harshbarger <kharsbarger@iowacounties.org>  
**Subject:** RE: GTS/SRI/ISAC Scholarships

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Iowa State Association of Counties  
5500 Westown Parkway, Suite 190

10/8/2018

State of Iowa Mail - RE: GTS/SRI/ISAC Scholarships

West Des Moines, Iowa 50266

Email: kharshbarger@iowacounties.org

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Marc Carr

Owner/President

GovTech Services, Inc.

POB 71234

Clive, IA 50325

515-771-2025

10/8/2018

State of Iowa Mail - RE: GTS/SRI/ISAC Scholarships

mcarr@govtechservices.com



Tooker, Megan <megan.tooker@iowa.gov>

## RE: GTS/SRI/ISAC Scholarships

1 message

Tooker, Megan [IECD] <Megan.Tooker@iowa.gov>  
 To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Fri, Mar 4, 2016 at 7:11 AM

Let's do 10 at scenic. See you then!

From: Kristi Harshbarger [kharshbarger@iowacounties.org]  
 Sent: Thursday, March 03, 2016 3:49 PM  
 To: Tooker, Megan [IECD]  
 Subject: RE: GTS/SRI/ISAC Scholarships

Okay. Let's grab coffee tomorrow. 9? 10? Just let me know. How about Scenic Route Bakery?

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10/8/2018

State of Iowa Mail - RE: GTS/SRI/ISAC Scholarships

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Marc

[cid:image001.jpg@01D1755B.C3F48230]

Marc Carr

Owner/President

GovTech Services, Inc.

POB 71234

Clive, IA 50325

515-771-2025

mcarr@govtechservices.com<mailto:mcarr@govtechservices.com>



Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

---

**RE: treasurer scholarship**

1 message

---

**Tooker, Megan [IECD]** <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Tue, Mar 8, 2016 at 4:41 PM

Hi Kristi,

I talked to Jim and he is very comfortable with how ISAC funds its scholarships. He likes that the scholarships are funded from many sources and that the vendors are getting something in return for their donation (ie. marketing exposure for sponsoring the golf outing). Thus, he thinks ISAC's scholarship complies with section 68B.22 and I agree with you that probably the best thing for the treasurers' association is to mimic as closely as possible how ISAC funds its scholarships.

Megan Tooker

Director and Legal Counsel

Iowa Ethics and Campaign Disclosure Board

510 E. 12th Street, Suite 1A

Des Moines, IA 50319

tel. (515) 281-3489

fax (515) 281-4073

Like us on Facebook! [www.facebook.com/iowaEthicsBoard](http://www.facebook.com/iowaEthicsBoard)

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Monday, March 07, 2016 3:14 PM  
**To:** Tooker, Megan [IECD]  
**Subject:** treasurer scholarship

Hi Megan:

Just checking in to see if you had a chance to talk Jim about the ideas we had for the treasurer scholarship?

Thanks!  
Kristi

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Tooker, Megan &lt;megan.tooker@iowa.gov&gt;

**RE: treasurer scholarship**

1 message

Tooker, Megan [IECD] <Megan.Tooker@iowa.gov>  
To: Kristi Harshbarger <kharshbarger@iowacounties.org>

Wed, Mar 9, 2016 at 10:27 AM

Perfect!

**From:** Kristi Harshbarger [mailto:kharshbarger@iowacounties.org]  
**Sent:** Wednesday, March 09, 2016 9:13 AM  
**To:** Tooker, Megan [IECD]  
**Subject:** RE: treasurer scholarship

Hi Megan:

Thanks for the update. I will pass this info on the treasurers' association and will work with them to make the necessary changes.

Thanks again,

Kristi

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10/8/2018

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