

EXECUTIVE COUNCIL OF IOWA AGENDA

State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.

JANUARY 4, 2016

1. Approval of minutes of Executive Council and Board of Canvass meetings held December 21, 2015
2. Outside Counsel – Page 1
TAB # 1
3. Emergency Allocations – Pages 1 - 2
4. Payment of Cost Items – Pages 2 - 3

2. **Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Brandon Logan v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5th Avenue

Suite 729

Des Moines, Iowa 50309

Rate: \$120.00 per hour

TAB # 1

3. **Emergency Allocations**

- A. Department of Administrative Services is requesting an emergency allocation and payment in the amount of \$3,397.96. On August 27, 2015 lightning damaged the breakers at Terrace Hill. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends both allocation and payment. This allocation will be paid in full and closed.

- B. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$2,930.85. On August 28, 2015 lightning damaged the C13 Security System at District 7. Request is to cover damages.

The State Auditor's Office has reviewed request and recommends both allocation and payment in the amount of \$2,919.60, which excluded freight, the actual amount paid to the vendor. This allocation will be paid in full and closed.

- C. Department of Natural Resources is requesting an emergency allocation in the amount of \$2,497.80. On June 7, 2015 the State Forest Nursery was damaged due to tornado and storm damage. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- D. Iowa Veterans Home is requesting an emergency allocation in the amount of \$2,013.96. On July 28, 2015 a lightning strike caused damage to air conditioning units in Cottage 3 and Cottage 5, and a security light at the Iowa Veterans Home. Request is to cover repair costs.

The State Auditor’s Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- E. Department of Corrections is requesting an emergency allocation and payment in the amount of \$2,020.74. On September 2, 2015 lightning damaged a control box for the hot water heater in the laundry building at the Clarinda Correctional Facility. Request is to cover repair costs

The State Auditor’s Office has reviewed request and recommends both allocation and payment. This allocation will be paid in full and closed.

4. Payment of Cost Items

- A. Department of Human Resources \$127,318.43
On September 9, 2014 a storm caused damage to a Section of the Flat Roof on Building 102 at the Glenwood Resource Center. Request was to cover repair costs

The State Auditor’s Office has reviewed these invoices and recommends payment in the amount of \$126,914.47 disallowing Project Management fees in the amount of \$403.96. This will represent full and final payment, \$403.96 will be reverted and this allocation closed.

- B. Nyemaster Goode P.C.....\$777.00
700 Walnut Street
Suite 1600
Des Moines, IA 50309
Collections of Accounts in Court

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Economic Development Authority.

- C. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$161.85
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Jeffrey Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Department of Revenue.

- D. Barnes & Thornburg LLP..... \$95.00
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Peregrine Financial Group (PFG) Bankruptcy

Jeffrey Thompson, Solicitor General, Attorney General's Office has reviewed this invoice and recommends payments. Payment will be made by UNI.

- E. Davis Brown Law Firm.....\$954.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

Jeffrey Thompson, Solicitor General, Attorney General's Office, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- F. McDowell, Rice, Smith & Buchanan.....\$10,241.48
605 West 47th Street, Suite 350
Kansas City, MO 64112
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority

- G. Simmons Perrine Moyer Bergman PLC.....\$35,170.78
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52402
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.

EXECUTIVE COUNCIL

2015 DEC 29 AM 8:37

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



Iowa Department of Justice

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Jeffrey.Thompson@iowa.gov

December 17, 2015

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Brandon Logan v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$120.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Thompson", with a long horizontal flourish extending to the right.

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger