

# EXECUTIVE COUNCIL OF IOWA AGENDA

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

**APRIL 4, 2016**

1. Approval of minutes of meeting held March 28, 2016
2. Outside Counsel – Page 1  
TAB #'s 1, 2 and 3
3. Emergency Allocations – Page 2
4. Payment of Cost Items – Pages 2 - 3
5. Information Items – Page 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 Lee Spaur v. Newton Correctional Facility, State of Iowa, and Second Injury Fund a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, Iowa 50309

Rate: \$120.00 per hour

TAB # 1

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

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, Iowa 50309

Rate: \$120.00 per hour

TAB # 2

- C. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Joey Allan McGraw v. Iowa State Penitentiary, State of Iowa, and Second Injury Fund a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, Iowa 50309

Rate: \$120.00 per hour

TAB # 3

3. Emergency Allocations

- A. Department of Public Safety is requesting an emergency allocation in the amount of \$11,504.29. On March 15, 2016 DPS Vehicle #'s 128, 386, 306, 320, 328 and 363 were damaged by hail. The vehicles were in Muscatine and Cedar County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation in the amount of \$11,353.25, subject to audit of actual invoices, disallowing \$151.04 which was sales tax in one vendor estimate.

- B. Department of Administrative Services is requesting an emergency allocation in the amount of \$204,676.16. On August 14, 2015 heavy rains caused a mudslide on Court Avenue Hillside. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation in the amount of \$179,676.16, subject to audit of actual invoices, disallowing \$25,000.00 which was a project contingency amount.

- C. Department of Administrative Services is requesting reconsideration for an emergency allocation in the amount of \$3,552.02 to cover the costs of the damage caused by a power surge at the State Capitol on July 20, 2015. Original request was not approved at the February 15, 2016 meeting but Council did approve reconsidering at a later date.

The State Auditor's Office has reviewed this request again and **does not recommend** allocation because no new or additional information was submitted with the new request.

4. Payment of Cost Items

- A. Department of Natural Resources ..... \$15,924.95  
Flood damage at Stephens State Forest and Yellow River State Forest over the period of April 17, 2013 thru June 28, 2013. Total costs of repairs that were not covered by FEMA.

The State Auditor's Office has reviewed the above request and recommends payment. This represents full and final payment, and this allocation closed.

- B. Department of Administrative Services..... \$74,411.20  
On June 24, 2015 a water leak caused damage at the State Historical Building request is to cover repair costs.

The State Auditor's Office has reviewed the above request and recommends payment. This represents full and final payment, \$1,105.34 will be reverted and this allocation closed.

- C. Davis Brown Law Firm.....\$234.00  
The Davis Brown Tower  
215 10<sup>th</sup> 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.

**5. Information Items**

Notification from the State Auditor's Office that funds previously allocated for damages will be reverted and allocation closed because of no recent activity. The allocation is as follows:

- A. Iowa Communications Network .....\$16,388.81  
On May 16, 2014 ICN cable was damaged along US Highway 34 in Wapello County due to erosion. Request was to cover repair



THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL

Iowa Department of Justice

ADDRESS REPLY TO:  
1305 E. Walnut Street  
Des Moines, IA 50319  
www.IowaAttorneyGeneral.org

Telephone: 515/281-4419  
Fax: 515/281-4209  
Jeffrey.Thompson@iowa.gov

March 29, 2016

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

EXECUTIVE COUNCIL  
2016 MAR 31 AM 10:57

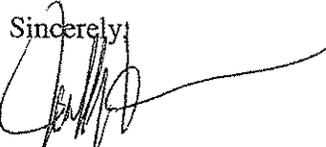
Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Lee Spaur v. Newton Correctional Facility, State of Iowa and Second Injury Fund*, 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 5<sup>th</sup> 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,  
  
JEFFREY S. THOMPSON  
Solicitor General

cc: Julie Burger



THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL

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Iowa Department of Justice

March 29, 2016

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

EXECUTIVE COUNCIL  
2016 MAR 31 AM 10:56

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Joyce Myers v. Iowa State University, 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.

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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 line extending to the right.

JEFFREY S. THOMPSON  
Solicitor General

cc: Julie Burger



THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL

Iowa Department of Justice

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Jeffrey.S.Thompson@iowa.gov

March 29, 2016

GeorgAnna Madsen  
Executive Secretary  
Executive Council  
State Capitol  
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Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Joey Alan McGraw vs. Iowa State Penitentiary, 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.

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Solicitor General

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