

EXECUTIVE COUNCIL OF IOWA AGENDA

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

MAY 16, 2016

1. Approval of minutes of meeting held May 2, 2016
2. Outside Counsel – Page 1
TAB #'s 1 and 2
3. Special Counsel – Page 1
TAB # 3
4. Outside CPA – Page 1
TAB # 4
5. Litigation Expense Fund – Page 2
TAB # 5
6. 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 Kirby Bragg v. Iowa Department of Natural Resources, 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

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Jumeka L. Hemphill v. University of Iowa Student Health, 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 # 2

3. **Special Counsel**

- A. Request from the Attorney General's Office for authorization to employ outside attorney on a temporary basis to assist the Office in handling a backlog of criminal appeal cases.

TAB # 3

4. **Outside CPA Firm**

- A. Request from Mary Mosiman, Auditor of State to employ the services of outside CPA firms to perform the periodic examinations for the cities listed below for the period ending March 31, 2016

Firm:	Cities:	Amount
Hogan-Hansen	Jewell, New Providence, Randall, St. Anthony, Zearing	\$15,000
Faller, Kincheloe & Co	Bode, Bradgate, Dakota City, Goldfield, Livermore	\$18,500
Community CPA	Brandon, Prairieburg, Quasqueton, Rowley, Ryan	\$17,540
Faller, Kincheloe & Co	Decatur City, Ellston, Garden Grove, Kellerton, Woodburn	\$14,000
Faller, Kincheloe & Co	Allerton, Clio, Exline, Lineville, Promise City	\$14,500

TAB # 4

5. Litigation Expense Fund

- A. Request from the Attorney General’s office on behalf of the Department of Revenue to expend \$200,000.00 from the Litigation Expense Fund during the fourth quarter of the 2016 fiscal year.

TAB # 5

6. Payment of Cost Items

- A. Simmons Perrine Moyer Bergman PLC.....\$15,193.71
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.

- B. McDowell, Rice, Smith & Buchanan.....\$4,117.50
605 West 47th Street, Suite 350
Kansas City, MO 64112
Tobacco Settlement Authority

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

- C. Kristin Guddall \$2,760.00
Attorney at Law
2609 NW 14th Street
Ankeny, IA 50322
Iowa Court of Appeals/Iowa Supreme Court Cases

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

- D. Richard J. Bennett, Sr. \$2,820.00
Attorney at Law
5610 Waterbury Circle
Des Moines, IA 50312
Iowa Court of Appeals/Iowa Supreme Court Cases

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

- E. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$322.50
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.

- F. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$799.50
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 this invoice and recommends payment. Payment will be made from the funds of the OCIO

EXECUTIVE COUNCIL

THOMAS J. LINN
ATTORNEY GENERAL

2016 MAY 11 PM 12:08



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

May 3, 2016

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 *Kirby Bragg v. Iowa Department of Natural Resources, 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 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", written over a horizontal line.

JEFFREY S. THOMPSON
Solicitor General

EXECUTIVE COUNCIL

THOMAS J. MILLER
ATTORNEY GENERAL

2016 MAY 11 PM 12:08



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

May 10, 2016

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 *Jumeka L. Hemphill v. University of Iowa Student Health, 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 line extending to the right.

JEFFREY S. THOMPSON
Solicitor General

THOMAS J. MILLER
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
P: 515-281-5191 • F: 515-281-4209
Eric.Tabor@iowa.gov
www.iowaattorneygeneral.gov

ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

May 4, 2016

GeorgAnna Madsen
Administrative Secretary
State Capitol
L-O-C-A-L

Re: Retention of Special Counsel – Criminal Appeals

Dear Ms. Madsen:

On January 19, 2016, the Executive Council approved the Attorney General's request to authorize employment of Special Counsel to represent the State of Iowa in criminal appeals cases pursuant to Iowa Code section 13.7(1). The request was made to provide the Attorney General's Office ("Office") with the resources to handle a large backlog of criminal appeals cases.

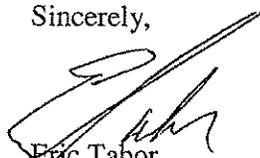
The Executive Council approved the retention of three attorneys. One of these attorneys, Kristin Guddall, has been hired by the Office on a permanent basis to fill a vacancy in the Criminal Appeals Division. Another attorney, Richard Bennett, has sent the Office notice that he is terminating his Special Counsel contract.

To continue to reduce the backlog of cases, the Office seeks approval to retain Becky Goettsch, 500 South 28th Street, West Des Moines, IA 50265, on a temporary contract basis. Ms. Goettsch was a criminal prosecutor in the Office's Area Prosecution Division for six years and is well qualified for this work.

The hourly rate would be \$60 per hour, which is commensurate with the salary paid to experienced criminal appeals attorneys in the Office. The contract would extend through the end of FY16, with an option of renewal. Amounts paid under the contract would be paid from the Office's Forfeiture Fund.

We appreciate your consideration of this request

Sincerely,



Eric Tabor
Chief Deputy

EXECUTIVE COUNCIL
2016 MAY -9 AM 8:29



OFFICE OF AUDITOR OF STATE
STATE OF IOWA

State Capitol Building
Des Moines, Iowa 50319-0004
Telephone (515) 281-5834 Facsimile (515) 242-6134

TAB # 4

Mary Mosiman, CPA
Auditor of State

May 4, 2016

2016 MAY -9 AM 8:00
EXECUTIVE COUNCIL

GeorgAnna Madsen, Secretary
Executive Council of Iowa
State Capitol Building
L O C A L

Dear GeorgAnna:

I respectfully request permission of the Executive Council to employ the services of the following CPA firms to perform the periodic examinations for the cities listed below for the period ending March 31, 2016 as required in Chapter 11 of the Code of Iowa.

<u>Firm Name</u>	<u>Cities Included in Agreement</u>	<u>Cost</u>
Hogan-Hansen	Jewell, New Providence, Randall, St. Anthony, Zearing	\$ 15,000
Faller, Kincheloe & Co., PLC	Bode, Bradgate, Dakota City, Goldfield, Livermore	18,500
Community CPA	Brandon, Prairieburg, Quasqueton, Rowley, Ryan	17,540
Faller, Kincheloe & Co., PLC	Decatur City, Ellston, Garden Grove, Kellerton, Woodburn	14,000
Faller, Kincheloe & Co., PLC	Allerton, Clio, Exline, Lineville, Promise City	14,500
	Total	<u>\$ 79,540</u>

The total reimbursement for the periodic examinations shall not be for more than \$77,485. A copy of each of the proposed Agreements is attached.

Your assistance in this matter is greatly appreciated.

Sincerely,

Mary Mosiman

MM/gp
Attachment

EXECUTIVE COUNCIL

THOMAS J. ...
ATTORNEY GENERAL

2016 MAY 11 PM 12:08



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1305 E. Walnut Street
Des Moines, IA 50319
www.iowaAttorneyGeneral.org

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

JEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

May 3, 2016

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

Re: Litigation Expense Fund

Dear GeorgAnna:

On behalf of the Department of Revenue, Assistant Attorney General Jim Miller requests authorization to expend monies from the Litigation Expense Fund pursuant to Iowa Code section 441.73 in the fourth quarter of the 2016 fiscal year. The Department started the 2016 fiscal year with a balance of \$696,854.70 which included a carryover of \$551,854.70 and a transfer of \$145,000 into the Fund as authorized by the Executive Council in June 2015. From July 1 through March 31, 2016, the Department expended \$167,998.29.

A contested case hearing has been requested for the week of November 14, 2016, regarding the appeals of Buckeye Transportation, so litigation expenses in the fourth quarter of fiscal year 2016 will involve substantial expenses for expert witnesses, outside counsel, additional discovery and travel. Litigation fees and expenses are estimated not to exceed \$200,000.

The Department, therefore, requests authorization to expend \$200,000 from the Litigation Expense Fund in order to cover estimated litigation fees and expenses for the fourth quarter of the 2016 fiscal year.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Thompson".

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Roisen