

EXECUTIVE COUNCIL OF IOWA AGENDA

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

JANUARY 13, 2014

1. Introduction of Attendees
2. Approval of minutes of meeting held January 6, 2014
3. Personal Appearance –
 - A. Eric Tabor, Chief Deputy Attorney General, Attorney General's Office will be present to request distribution from the Civil Reparations Fund.
TAB # 1
4. Outside Counsel – Page 1
TAB #s 2, 3 and 4
5. Leases – Page 2
6. Payment of Cost Items – Page 2

4. **Outside Counsel**

A. *****Deferred from 1/6/2014

The Department of Justice, Attorney General's Office requests retention of special counsel to provide advice and assistance in a multi-state investigation into the practices of certain for-profit colleges and universities.

Firm: Legal Policy Solutions, LLC

Attorney: Mr. Jeff Blattner
5330 Wapakoneta Road
Bethesda, MD 20816

Rate: \$5,000.00 per month

TAB # 2

B. The Department of Justice, Attorney General's Office requests retention of special counsel to represent Iowa Public Television in matters before the Federal Communications Commission.

Firm: Gray Miller Persh, LLP
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036

Rate: \$337.00 per hour

TAB # 3

C. The Department of Justice, Attorney General's Office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Morgan, Brett v. Clarinda Correctional Facility, State of Iowa and the Second Injury Fund, 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 # 4

5. **Leases**

A. Lease between DNR and RGL, LLC

Date of Lease: Five years, ending December 31, 2018

Legal Description: A parcel 100 feet of frontage by 100 feet of depth located at Mississippi River mile 451.1 in Muscatine County, Iowa.

Annual Fee: \$600.00

David Dorff, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

6. **Payment of Cost Items**

- A. Dow Lohnes LLP.....\$2,332.10
1200 New Hampshire Ave NW Suite 800
Washington, DC 20036
Iowa Public Television

Eric Tabor, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of Iowa Public Television.

- B. Nyemaster, Goode, West, Hansell & O'Brien, P.C.....\$1,440.00
700 Walnut Street
Suite 1600
Des Moines, IA 50309
Legal Advice to Iowa Economic Development Authority on Bond Issues

Eric Tabor, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.

- C. Davis Brown Law Firm.....\$1,409.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

Eric Tabor, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

THOMAS J. MILLER
ATTORNEY GENERAL



ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

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

Telephone: 515/281-5191
Fax: 515/281-4209
Eric.Tabor@iowa.gov

January 6, 2013

GeorgAnna Madsen
Executive Secretary
Executive Council of Iowa
Capitol Building
Des Moines, IA 50319

Dear Ms. Madsen:

It is our understanding that there is approximately \$492,204 in the Civil Reparations Trust Fund ("Fund") and that distribution of monies in the Fund will be on the agenda for the Executive Council's meeting scheduled for January 13, 2014.

In recent years, the Attorney General's Office ("Office") has made recommendations to the Executive Council concerning the distribution of monies in the Fund. The Office has done this because we have statutory and contractual relationships with the two largest organizations that normally request and receive money from the Fund - Iowa Legal Aid and the Iowa Mediation Service. See Iowa Code §§13.13 and 13.34.

The Executive Council's rules set out factors for distributing monies in the Fund. These factors include the following: (1) the purpose for which the money will be utilized, (2) the availability to applicants of alternative sources of money, and (3) the number of indigent people who will be served by the money. 361 Iowa Admin. Code 12.4. Both Iowa Legal Aid and the Iowa Mediation Services have applied to use the money for a proper purpose under the statute which established the Fund, i.e. an indigent civil litigation program. Iowa Code §668A.1(2)(b). Both organizations have suffered cuts in their alternative funding sources. Iowa Legal Aid serves substantially more indigent people than the Iowa Mediation Service. Based on these considerations, the Office recommends the following allocation of the monies in the Fund: Iowa Legal Aid - 75% and the Iowa Mediation Service - 25%.

Representatives of both organizations have indicated that they would not object to this proposed distribution plan.

GeorgAnna Madsen
Page 2

Therefore, the Office recommends that the Executive Council maintain approximately \$5,000 in the Fund as a reserve and distribute \$487,204.00 as follows:

Iowa Legal Aid	75%	\$365,403.00
Iowa Mediation Service	25%	\$121,801.00

Thank you for your assistance in this matter.

Sincerely yours,



Eric Tabor
Chief Deputy Attorney General

Executive Council of Iowa
Capitol Building
Des Moines, Iowa 50319
Phone: 515 281-5368
FAX: 515 281-7562

REQUEST FOR CIVIL REPARATIONS FUNDS

Date 12-20-13 Amount Requested \$ 110,000
Organization Iowa Mediation Service
Contact Micheal Thompson
Address 1441 29th St., Suite 120
City, State, Zip West Des Moines, IA 50266
Phone 515-331-8081 Fax 515-331-8085
Email Mike@iowamediationservice.com

Briefly describe how the funds will be used: Funds will be used to provide matching funds for IMS' grant with the USDA (70% Federal, 30% state or other), in order that we may continue to serve farmers and creditors as mandated under the Iowa Code 654. These funds will allow IMS to prepare farmers and creditors to use mediation, ensure that no farmer is unaware of their rights under the Code, and reach out through our Web site to rural clients who are seeking dispute resolution for not only financial cases but for nuisance, contract feeding, and other agriculture-related issues.

How many people will be served with this money? 1,000 to 1,500 clients annually

What other sources of funds are available to your organization?

USDA grant of \$220,000, other fund raising of \$25,000

Have you received funds previously? Yes No

If yes, what is the amount remaining at this time? \$ 0

Were the funds used in the manner described in the previous application? Yes No

If no, how were they used? _____

Requested by: MP L Date: 12-20-2013

Executive Council of Iowa
Capitol Building
Des Moines, Iowa 50319
Phone: 515-281-5368
FAX: 515-281-7562

REQUEST FOR CIVIL REPARATIONS FUNDS

Date December 18, 2013
Organization Iowa Legal Aid
Contact Dennis Groenenboom
Address 1111 9th Street Suite 230
City, State, Zip Des Moines, IA 50314
Phone 515.243.2980 x 1620
E-mail dgroenenboom@iowalaw.org

Amount Requested: \$492,204

Briefly describe how the funds will be used: The requested funds will allow Iowa Legal Aid to provide critical legal assistance to low-income Iowans who have nowhere else to turn for legal help. Iowa Legal Aid will help low-income families obtain domestic abuse protection orders and critical child support; prevent illegal evictions, home foreclosures, and consumer fraud; and secure healthcare, unemployment insurance, veterans benefits, SSI and other safety net benefits. Iowa Legal Aid will also prevent Social Security benefits and other limited resources from being illegally taken, and protect the rights of people with disabilities or who are vulnerable to abuse.

In 2012, Iowa Legal Aid closed 19,357 cases that helped an estimated 46,625 Iowans, 20,175 of whom were children. The number of cases closed in 2012 was more than 27% less than the number of cases closed in 2010 because of Iowa Legal Aid's decreased financial resources. Iowa Legal Aid turned away or underserved more than 13,500 families in 2012.

Funding for Legal Aid is down significantly since 2010. Funding from the IOLTA Commission to Iowa Legal Aid and its subgrantee, HELP Legal Assistance, has been reduced by 79% during the last five years, while federal funding in 2013 is over \$500,000 less than it was in 2010. Although State funding for legal aid was increased for FY2014 to \$2,180,562, the current combined IOLTA, federal and state funding for Iowa Legal Aid and HELP Legal Assistance is \$1,119,253 lower than it was in 2010. The requested grant will help fill this funding hole and allow Iowa Legal Aid to help Iowans who would not otherwise receive the legal help they need.

How many people will be served with this money? The grant will fund services in 1,800 cases that will help approximately 4,300 Iowans between January 1, 2014 and June 30, 2015.

What other sources of funds are available to your organization? Iowa Legal Aid receives federal and state funds, private donations and a variety of other grants from United Ways and other public and private entities.

Have you received funds previously? Yes No

If yes, what is the amount remaining at this time? \$0.00

Were the funds used in the manner described in the previous application? Yes No

If no, how were they used?

Requested by:

Dennis Groenenboom

Date:

12-19-13

THOMAS J. MILLER
ATTORNEY GENERAL



Deferred
1/6/14

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

ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

Telephone: 515/281-5191
Fax: 515/281-4209
Eric.Tabor@iowa.gov

January 2, 2014

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

Re: Retention of Special Counsel

Dear GeorgAnna:

The Attorney General requests Executive Council approval to retain special counsel to provide advice and assistance in a multi-state investigation into the practices of certain for-profit colleges and universities. The Attorney General is leading a group of state attorneys general investigating marketing and other representations made by certain for-profit colleges and universities. The investigation will coordinate with federal agencies including the Department of Justice, the Consumer Financial Protection Bureau, and the Department of Education. Our office does not have sufficient legal staff with expertise with higher education issues at the federal level.

The Attorney General has spoken with Mr. Jeff Blattner of Legal Policy Solutions LLC, 5330 Wapakoneta Road, Bethesda, MD 20816. Mr. Blattner is a lawyer with significant experience with a variety of legal issues at the federal level. He has agreed to provide advice and assist the Attorney General in leading the investigation at the flat rate of \$5,000.00 per month. The flat rate provides predictability in expense while allowing for flexibility to increase time commitment as the investigation becomes more intensive. All fees and expenses would be paid by the Center for State Enforcement of Antitrust and Consumer Protection Laws ("State Center"). The State Center is a 501(c)(3) tax-exempt not-for-profit corporation. Its mission is to enhance consumer welfare by supporting the fair, effective and vigorous enforcement of antitrust and consumer protection laws at the state level.

Accordingly, our office requests the Executive Council authorize retention of Mr. Jeff Blattner as special counsel to assist the Attorney General in a multi-state investigation into certain for-profit colleges and universities at the flat rate of \$5,000 per month,

Sincerely yours,

Eric Tabor
Chief Deputy Attorney General

THOMAS J. MILLER
ATTORNEY GENERAL

RECEIVED
JAN 03 2014



ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

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1305 E. Wainut Street
Des Moines, IA 50319
www.IowaAttorneyGeneral.org

Telephone: 515/281-5191
Fax: 515/281-4209
Eric.Tabor@iowa.gov

January 3, 2014

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

Re: Special Counsel - Iowa Public Television

Dear GeorgAnna:

The State of Iowa has had an agreement with the law firm of Dow Lohnes of Washington, D.C., to represent Iowa Public Television ("IPTV") in matters before the Federal Communications Commission since 1999. Special counsel is necessary because our office lacks the subject matter expertise to represent IPTV before the FCC.

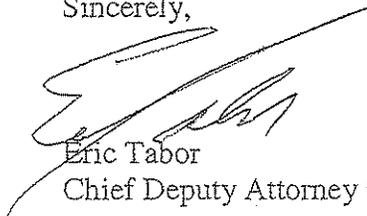
Dow Lohnes merged with another law firm, Cooley LLP, effective January 1, 2014. Due to legal conflicts between Cooley and the public broadcasting practice of Dow Lohnes, it was determined that the Dow Lohnes public broadcasting practice would not be merged into Cooley. Instead Dow Lohnes and Cooley facilitated the creation of a new law firm comprised of the Dow Lohnes attorneys engaged in the public broadcasting practice. The new firm, Gray Miller Persh, LLP, 1200 New Hampshire Ave., N.W., Washington, D.C. 20036, was established as a District of Columbia limited liability partnership and began offering services to clients as of January 1, 2014. Dow Lohnes notified IPTV on December 29, 2013, that it was terminating the agreement with IPTV effective December 31, 2013.

IPTV would like to continue working with the former Dow Lohnes public broadcasting attorneys by entering into an agreement with Gray Miller Persh, LLP. The agreement would keep the same discounted blended hourly rate from the most recent Dow Lohnes agreement of \$337.00 per hour until April 12, 2014, when the rate would increase to \$357.00 per hour. If the agreement is renewed for a second and third year, the discounted blended hourly rates would be \$377.00 and \$397.00, respectively. All fees and expenses would be paid from the budget of IPTV, not from the General Fund.

GeorgAnna Madsen
January 3, 2014
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Accordingly, our office requests the Executive Council approve retaining Gray Miller Persh, LLP, as special counsel to represent IPTV.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Tabor", written over a horizontal line.

Eric Tabor
Chief Deputy Attorney General

THOMAS J. MILLER
ATTORNEY GENERAL



ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

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

Telephone: 515/281-5191
Fax: 515/281-4209
Eric.Tabor@iowa.gov

January 6, 2014

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 *Morgan, Brett v. Clarinda Correctional Facility, State of Iowa and the 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. 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,

ERIC TABOR
Chief Deputy Attorney General

cc: Julie Burger