

EXECUTIVE COUNCIL OF IOWA AGENDA

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

OCTOBER 7, 2013

1. Introduction of Attendees
2. Approval of minutes of meeting held September 30, 2013
3. Outside Counsel – Page 1
TAB # 1
4. Payment of Cost Items – Pages 1-2

3. **Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of special counsel to provide legal advice to the Iowa Finance Authority in regard to tax credit appeals filed.

Firm: The Davis Brown Law Firm
Attorney: Mr. Dave VanSickel, Thomas Stanberry and Scott Brennan
215 10th Street, Suite 1300
Des Moines, IA 50309

Rate: \$320.00, \$305.00 and \$275.00 per hour respectively

TAB # 1

4. **Payment of Cost Items**

- A. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$228.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Represent Iowa in copyright, trademark, and patent legal advice for various agencies

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

- B. Frandzel Robins Bloom & Csato, L.C.....\$8,016.45
6500 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90048-4920
Wong v. Neutraltus Pharmaceuticals Inc. UOI Pharmaceuticals et, al

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the University of Iowa.

- C. Dow Lohnes PLLC.....\$2,739.85
1200 New Hampshire Ave NW Suite 800
Washington, DC 20036
Iowa Public Television

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

D. Davis Brown Law Firm.....\$610.50
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

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

E. LaMarca & Landry, P.C.....\$5,473.52
1820 N.W. 118th Street, Suite 200
Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

EXECUTIVE COUNCIL

2013 OCT -3 AM 8:05

THOMAS J. MILLER
ATTORNEY GENERALJULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

Address Reply To:
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Des Moines, Iowa 50319
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Julie.Pottorff@iowa.gov

October 2, 2013

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

Re: Retention of Special Counsel

Dear GeorgAnna:

Our office requests Executive Council approval to retain special counsel to provide legal advice to the Iowa Finance Authority in tax credit appeals from two proposed decisions issued by an administrative law judge. In these administrative proceedings federal tax credits for the construction of low income housing were initially denied by the Authority. The applicants, Cedar Rapids Rose Homes, LP, and Hilltop II, LP, appealed the denial of the tax credits and separate hearings were held before an administrative law judge. Our office represented the agency in the hearings and urged that the denials of the tax credits be upheld.

The administrative law judge ruled in favor of both applicants. Our office has filed an appeal to the Authority from the proposed decision in Cedar Rapids Rose Homes, LP, and an appeal to the Authority from the proposed decision in Hilltop II, LP, may be filed shortly. Because the attorneys in our office who have expertise in federal low income housing tax credits have been prosecuting the administrative hearings, they cannot advise the Authority as decision maker in the appeals and we have no additional legal staff in the office with sufficient expertise to provide independent counsel to the Authority.

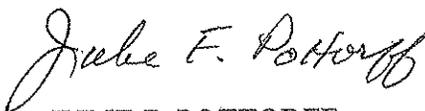
The Authority has contacted The Davis Brown law firm, 215 10th Street, Ste. 1300, Des Moines, Iowa, 50309. Davis Brown has proposed Dave VanSickel, Thomas Stanberry, and Scott Brennan to advise the Authority at hourly rates of \$320, \$305 and \$275 respectively. These attorneys have considerable experience working with the

GeorgAnna Madsen
Executive Secretary
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Authority and are familiar with the federal low income housing tax credit program as well as administrative law under Iowa Code chapter 17A. Thomas Stanberry will be the primary attorney working with the Authority, but may involve Dave VanSickel and Scott Brennan as necessary.

Accordingly, our office recommends that The Davis Brown law firm be approved as special counsel to the Authority on intra-agency appeals from the proposed decisions of the administrative law judge on the award of federal low income housing tax credits. The attorney fees and costs will be paid from the funds of the Authority and not from the General Fund.

Sincerely,

A handwritten signature in cursive script that reads "Julie F. Pottorff".

JULIE F. POTTORFF
Deputy Attorney General

cc: Mark Thompson