

EXECUTIVE COUNCIL OF IOWA AGENDA

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

MARCH 3, 2014

1. Approval of minutes of meeting held February 24, 2014
2. Outside Counsel – Page 1
3. Emergency Allocations – Page 2
4. Payment of Cost Items – Pages 2 - 3

3. **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 Deborah Dreyer v. Anamosa State Penitentiary and State of Iowa and the 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 John Martin v. Iowa State Penitentiary and State of Iowa and the 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

- C. The Department of Revenue requests retention of special counsel pursuant to Iowa Code section 13.7 to represent the Department in litigation over tax valuation issues.

Firm: Hiscock & Barclay
Attorney: Peter Crossett
One Park Place
300 South State Street
Syracuse, NY 13202
Rate: \$345.00 per hour
TAB # 3

4. Emergency Allocations

- A. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$4,258.16. On July 28, 2013 ICN cable was damaged north of Winterset along Highway 169 due to a land slide. Request is to cover repair.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included. The total allocation will now be \$12,434.33.

- B. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$7,880.19. On or about March 8, 2013 ICN cable was damaged due to flooding near a box Culvert under US Highway 34 between Ottumwa and Albia. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included. The total allocation will now be \$19,158.65.

- C. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$3,322.06. On or about May 25, 2013 ICN cable was washed out at a river crossing south of Ottumwa on Highway 63. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included. The total allocation will now be \$41,960.68.

5. Payment of Cost Items

- A. Iowa Communications Network \$8,992.25
On or about April 16, 2013 damage to ICN cable due to erosion and flooding along US Highway 34 near MP 159 in Monroe County. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment.

- B. Iowa Communications Network \$2,748.56
On or about May 19, 2013 lightning caused damage to HVAC Control Board in Independence. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment.

- C. Iowa Communications Network \$6,370.92
On or about April 29, 2013 ICN cable was damaged due to rodent chew along Highway 20 near Dyersville. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment.

EXECUTIVE COUNCIL

2014 FEB 27 AM 10:20

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

February 27, 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 *Deborah Dreyer v. Anamosa State Penitentiary and 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".

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger

EXECUTIVE COUNCIL

2014 FEB 27 AM 10:05
THOMAS J. MILLER
ATTORNEY GENERALJEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

ADDRESS REPLY TO:
1305 E. Walnut Street
Des Moines, IA 50319
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Executive Secretary
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Re: Retention of Outside Counsel

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JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger



THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

February 26, 2014

ADDRESS REPLY TO:
1305 E. Walnut Street
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www.IowaAttorneyGeneral.org

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

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

Re: Retention of Special Counsel

Dear GeorgAnna:

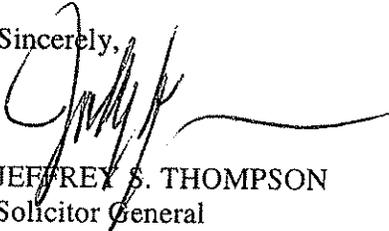
The Department of Revenue requests authorization pursuant to Iowa Code section 13.7 to retain special counsel to represent the Department in litigation over tax valuation issues from the 2013 assessment years. Tax valuation appeals are a specialized area of the law that require the expertise of outside counsel.

The Department has selected Mr. Peter Crossett of Hiscock & Barclay, One Park Place, 300 South State Street, Syracuse, New York 13202, to handle this litigation. Mr. Crossett has been retained by the Department as special counsel in the past and has handled a number of tax cases for the Department over the years. He is very skilled at this type of litigation. Mr. Crossett has agreed to handle these matters at the rate of \$345.00 per hour plus expenses. This is a \$30 per hour increase over the fee paid for similar work by Mr. Crossett under our most recent contract. The attorney fees and costs will be paid from the Litigation Expense Fund.

Attorneys from the Attorney General's office will work with Mr. Crossett in the litigation to handle issues not related to valuation, including any issues of constitutional or administrative law that may arise in the course of the proceedings.

Our office concurs in the selection of special counsel and recommends approval.

Sincerely,


JEFFREY S. THOMPSON
Solicitor General

cc: Jim Miller

EXECUTIVE COUNCIL
2014 FEB 27 AM 9:40