

## Advisory Opinion

IECDB AO 2002-16

July 31, 2002

Mary Ann Spicer  
PO Box 505  
Des Moines, Iowa 50306

Dear Ms. Spicer:

This opinion is in response to your letters of May 24, 2002, and June 18, 2002, in which you request an opinion from the Iowa Ethics and Campaign Disclosure Board. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351.

### FACTUAL STATEMENT:

We understand you request this opinion in your capacity as a member of the Iowa Employment Appeal Board. You question whether or not a member of the Appeal Board may remain on the Board and seek elective office to a local school board. In addition to being subject to the executive branch ethics laws, members of the Appeal Board are governed by the judicial code of conduct due to the quasi-judicial nature of the work done by the Board.

### QUESTION:

Is it permissible for a member of the Employment Appeal Board to run for a local school board elective office?

### OPINION:

We have reviewed the campaign finance laws in Iowa Code chapter 56 and nothing prohibits the situation that you raise. However, Iowa Code section 56.12A does prohibit the expenditure of public moneys for a political purpose. Therefore, governmental resources could not be used for campaign purposes.

Turning to the ethics laws in Iowa Code chapter 68B, the situation you describe would not be prohibited so long as certain procedural safeguards were met. If the school district was to appear before the Employment Appeal Board, pursuant to Iowa Code section 68B.2A(2)"b" the Appeal Board member would be required to publicly disclose the conflict and "refrain from taking any official action or performing any official duty" as applied to the school district.

In closing, we remind you that our jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and we cannot speak to whether some other statutory provision, including the judicial code of conduct, impacts the situation you raise.

**BY DIRECTION AND VOTE OF THE BOARD**

James Albert, Board Chair  
1st Vice-Chair Geraldine Leinen  
2nd Vice-Chair Gwen Boeke  
Mark McCormick  
Bernie McKinley  
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel