

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Wednesday, August 21, 2013 9:17 AM  
**To:** Boeyink, Jeffrey [IGOV]; Bousselot, Michael [IGOV]; Roederer, David [IDOM]  
**Subject:** Retirement of Julie McMahon

Jeff, Mike and Dave,

Attached is the letter I would send to staff and local public health agencies. As you can see, this is a staged approach or one that would occur in 2-3 waves. I would not immediately integrate EMS/CDOR or other bureau alignment, but I do need to move ASAP on replacing Julie McMahon so that we can facilitate a smooth transition.

I would plan to let division directors discuss with their bureau chiefs first, then send the e-mail to all staff. I had hoped to be able to answer questions at my all staff meeting tomorrow, but it will now have to be delayed.

I would like to begin the communication process as soon as possible.

Thank you for your consideration,  
Mariannette

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~~Kozel, Deb [LEGIS]~~

**From:** Roederer, David [IDOM]  
**Sent:** Thursday, August 22, 2013 2:39 PM  
**To:** Lingren, Dave [ICN]; Winters, Tammy [IDOM]  
**Cc:** Boeyink, Jeffrey [IGOV]  
**Subject:** RE: Progress Review Meeting- BEST MANAGED STATE - August 23

Don't reschedule. We'll catch you next month

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**From:** Lingren, Dave [ICN]  
**Sent:** Thursday, August 22, 2013 12:40 PM  
**To:** Winters, Tammy [IDOM]  
**Cc:** Roederer, David [IDOM]; Boeyink, Jeffrey [IGOV]  
**Subject:** FW: Progress Review Meeting- BEST MANAGED STATE - August 23

Tammy,

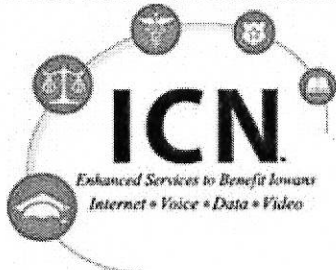
I am still not sure if I will be able to make tomorrow's meeting. I have plans to travel with my wife set up to start this evening but I am trying to see if I can make other arrangements. I have been working on a change for a couple of weeks now but so far I am not able to have someone look after our mentally challenged adult son other than this weekend. I hope to know one way or another by the end of today.

The FY Performance Plan that is attached is what we have for now, but we are making major changes to the plan. This one simply represents a plan that was put together a couple of years ago and with the RFP and BTOP work we have had it was not revisited. If I am able to be there tomorrow I will explain the direction we are heading toward.

Thank you,

*Dave*

Dave Lingren, CPM  
Executive Director  
Iowa Communications Network



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**From:** Winters, Tammy [IDOM] **On Behalf Of** Roederer, David [IDOM]  
**Sent:** Thursday, August 22, 2013 12:18 PM  
**To:** Carroll, Mike [DAS]; Lingren, Dave [ICN]; Mueller, Donna [IPERS]

[IDOM]; Hackbarth, Heather [IDOM]; Jacobs, Libby [IUB]; Jamison, Dave [IFA]; Johnson, JoAnn [IDCU]; Rich, Terry [ILOT]; Schipper, James [IDOB]; Trombino III, Paul [DOT]; Wahlert, Teresa [IWD]; Donley, Bob [Regents]; Magee, DT [BOEE]; Misjak, Karen [ICSAC]; Sorey, Richard [BLIND]; Wong, San [DHR]; Baldwin, John [DOC]; Carlstrom, Jason [IBOP]; Ciechanowski, Arlen [ILEA]; Hart, Dennis [IDOM]; Langholz, Samuel [SPD]; London, Brian [DPS]; Lukan, Steven [ODCP]; Orr, Timothy [IANG]; Schouten, Mark [HSEMD]; Townsend, Beth [ICRC]; Harvey, Donna [IDA]; Hurtado-Peters, Sandra [IDOM]; King, Robert [IDVA]; Miller-Meeks, Mariannette [IDPH]; Palmer, Charles [DHS]; Roberts, Rod [DIA]; Worley, David [IVH]

**Cc:** Leto, Linda [IDOM]; Maslikowski, Steve [IDOM]

**Subject:** Progress Review Meetings

Following are dates and times for the next round of Progress Review meetings to be held in the Governor's Office Robert Ray Conference Room.

- Monday, August 19, 4:00- 5:00 p.m. Education Excellence Team
- Friday, August 23, 1:00-2:00 p.m. Best Managed State Team
- Monday, August 26, 1:00-2:00 p.m. Public Protection Team
- Tuesday, September 3, 4:00-5:00 p.m. Strong and Healthy Families Team
- Thursday, September 5, 10:30-11:30 a.m. Economic Growth Team

Please come to the meeting prepared to present 2-3 of your department's FY 14 Performance Plan measures and targets, discussing the reason why the measure is important as well as what challenges your department will face in trying to achieve the targets.

DOM will provide copies of the complete set of Performance Plans for each of the team meetings. Please e mail Tammy Winters ([tammy.winters@iowa.gov](mailto:tammy.winters@iowa.gov)).one week prior to your team meeting to identify the measures/ targets that you plan to present as well as any other topic(s) you would like to discuss. If you plan to have additional handouts beyond the Performance Plans, those handouts should also be e mailed to Tammy in advance of the meeting, with each department responsible for bringing 15 copies to the meeting.

If you will not be available to attend your team's meeting, please contact Tammy (281-3322 or [tammy.winters@iowa.gov](mailto:tammy.winters@iowa.gov)).

A final agenda and the crosscutting measures report will be forwarded prior to each meeting.

Thank you

Navarro, Nicole [LEGIS]

**From:** Hinch, Matt [IGOV]  
**Sent:** Friday, January 10, 2014 2:49 PM  
**To:** Johnson, Larry [IGOV]; Findley, Brenna [IGOV]; Vande Hoef, Julie [IGOV]; Overton, Cord [IGOV]  
**Subject:** FW: Supply Emergency turning into a Disaster  
**Attachments:** image003.jpg; image001.jpg; image002.jpg

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**From:** Brad C. Epperly [mailto:[BCEpperly@nyemaster.com](mailto:BCEpperly@nyemaster.com)]  
**Sent:** Friday, January 10, 2014 2:36 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Fwd: Supply Emergency turning into a Disaster

Explanation of the problem causes and pictures of lines.

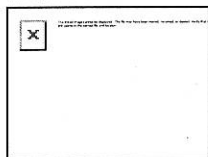
Sent from my iPad

Begin forwarded message:

**From:** Deb Grooms <[dgrooms@iapropane.org](mailto:dgrooms@iapropane.org)>  
**Date:** January 10, 2014 at 2:28:51 PM CST  
**To:** "Brad Epperly ([bcepperly@nyemaster.com](mailto:bcepperly@nyemaster.com))" <[bcepperly@nyemaster.com](mailto:bcepperly@nyemaster.com)>  
**Subject:** FW: Supply Emergency turning into a Disaster

*Debra A. Grooms*

Executive Director



Iowa Propane Gas Association  
P.O. Box 57188  
Des Moines, IA 50317

Phone: 515-564-1260  
Cell: 515-681-7338  
Fax: 515-564-1262

E-mail: [dgrooms@iapropane.org](mailto:dgrooms@iapropane.org)

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**From:** [george@plainsmidwest.com](mailto:george@plainsmidwest.com) [mailto:[george@plainsmidwest.com](mailto:george@plainsmidwest.com)]  
**Sent:** Thursday, January 09, 2014 3:44 PM  
**To:** [Julie.vandehoef@iowa.gov](mailto:Julie.vandehoef@iowa.gov)

**Cc:** Hommes, Harold; Deb Grooms; [Cathy@plainsmidwest.com](mailto:Cathy@plainsmidwest.com)

**Subject:** Supply Emergency turning into a Disaster

*Julie,*

*My name is George Jaques. I am on the board of the Iowa Propane Gas Association. I have worked in the propane industry for 45 years. I worked as Operations Manager of the East Leg of the Mid America Pipeline System for 30 years and am now a wholesale propane sales rep for a large supplier in the Midwest.*

*The propane industry realizes there is work to be done on our part to find solutions to avoid the situation we are facing now; those solutions involve long term planning and a lot of work. That is a given.*

*Today, right now, we are heading quickly to disaster status with our supply of propane we have here in Iowa. We are not alone; Minnesota, Illinois, Wisconsin...and the rest of the states in the upper Midwest are at emergency status and swiftly moving to disaster. The Pipelines have been and are pumping at maximum rates and have been almost non-stop since corn drying.*

*Propane marketers are "short filling" heating customers, agricultural and industrial customers so they do not run out. Now the secondary storage (marketer large storage tanks) is starting to run out and transporters are out of Hours of Service.*

*Julie, we have not asked for the Governor's help unless all other options were exhausted. I'm telling you now that maybe we waited too long to ask... the emergency is real and we are in trouble. When I say we, I mean the heating, Ag and Industrial customers that depend on propane as a fuel.*

*We need the Hours of Service Waiver for transports to go and get the propane needed to avoid this disaster. We may have to go to Conway to get it; or for that matter to the Gulf Coast storage areas.*

*Below are pictures of two of the Enterprise terminals.... A lot of the trucks are from the states surrounding Iowa; they have HOS waivers and Iowa honors them. Thank you for your attention to this matter.*

*Sincerely,*

*George Jaques*

*Iowa Propane Gas Association*

*1-319-258-2108*



Sanborn 2014-01-09 14:21:46



~~Nayara Nicole [LEGIS]~~

**From:** Hinch, Matt [IGOV]  
**Sent:** Friday, January 10, 2014 2:48 PM  
**To:** Johnson, Larry [IGOV]; Findley, Brenna [IGOV]; Vande Hoef, Julie [IGOV]; Overton, Cord [IGOV]  
**Subject:** FW: Propane Hours of Service Exemption  
**Attachments:** image001.jpg

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**From:** Brad C. Epperly [mailto:BCEpperly@nyemaster.com]  
**Sent:** Friday, January 10, 2014 2:35 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Fwd: Propane Hours of Service Exemption

From a supplier

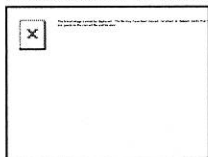
Sent from my iPad

Begin forwarded message:

**From:** Deb Grooms <dgrooms@iapropane.org>  
**Date:** January 10, 2014 at 2:30:49 PM CST  
**To:** "Brad Epperly (bcepperly@nyemaster.com)" <bcepperly@nyemaster.com>  
**Subject:** FW: Propane Hours of Service Exemption

*Debra A. Grooms*

Executive Director



Iowa Propane Gas Association  
P.O. Box 57188  
Des Moines, IA 50317

Phone: 515-564-1260  
Cell: 515-681-7338  
Fax: 515-564-1262

E-mail: [dgrooms@iapropane.org](mailto:dgrooms@iapropane.org)

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**From:** Nathan Miller (AGRILAND FS) [mailto:nmiller@agrilandfs.com]  
**Sent:** Thursday, January 09, 2014 5:53 PM  
**To:** Deb Grooms

**Cc:** 'Hobart, Liz'; 'John Knobloch (AGRILAND FS)'

**Subject:** Propane Hours of Service Exemption

Good afternoon Deb,

This email is regarding the Iowa Emergency Declaration for hours of service exemption for Propane.

AGRILAND FS, Inc. has real concerns about propane supply and the ability to supply propane to residential, commercial, and agricultural livestock customers given the current constraints. AGRILAND FS has made every attempt to supply propane users by running longer hours and by using more labor to complete the task, at this point the difficulty is resupply from propane terminals. Transport trucks that feed AGRILAND's bulk plants that in turn feed the end user are sitting in six to ten hours lines and burning up hours of service. By this weekend there is concern of out of gas situations for residential, commercial, and agricultural customers. AGRILAND's bulk plants are running with just in time inventory and we are unable to get adequate resupply in the current environment. Surrounding states have exemptions in place, which has led to long lines at propane terminals in Iowa. Our only relief is the ability to drive out of state and bring propane back into Iowa or sit in lines without the hindrance of hours of service requirements, an emergency declaration would help this undertaking. We realize this has been a challenging season and several exemptions have already been declared, this is a serious situation and we do know the ramifications of on both sides of this issue. The industry has already fallen behind and it will be a long process to catch up with the excessive demand of this season.

Thank you for your consideration,

Nathan Miller  
AGRILAND FS, Inc.  
Energy and Fertilizer Procurement Manager  
[nmiller@agrilandfs.com](mailto:nmiller@agrilandfs.com)  
Office, 515-462-5356  
Mobile, 515-468-1707



~~NAVY/NAVY/NAVY~~

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, September 09, 2013 11:54 AM  
**To:** Findley, Brenna [IGOV]  
**Subject:** RE: Thank you

Brenna,  
Congratulations on being named interim, and I look forward to working with you also! Sorry, I didn't get to tell you this in person at Jeff's reception.  
Mariannette

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**From:** Findley, Brenna [IGOV]  
**Sent:** Wednesday, September 04, 2013 12:28 PM  
**To:** IA Dept Directors - Executive Branch  
**Cc:** Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]  
**Subject:** Thank you

I am looking forward to serving the administration as interim chief of staff. Please feel free to call me at any time. I would like to make sure each of you have my phone numbers:  
515-725-3505 direct  
515-802-0985 work cell

I appreciate the opportunity to work with each of you in my new role. Thank you in advance for helping me get up to speed with respect to your areas. I appreciate your understanding during this busy time and am looking forward to working with you.

Thank you.

S. Brenna Findley  
Legal Counsel  
Office of Governor Terry E. Branstad  
Direct Dial: 515.725.3505  
Main Line: 515.281.5211  
[Brenna.Findley@iowa.gov](mailto:Brenna.Findley@iowa.gov)

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**From:** Hinch, Matt [IGOV]  
**Sent:** Wednesday, January 08, 2014 2:51 PM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Subject:** RE: Proposed letter to IDPH staff

Yes. I still need to discuss the interim with the Governor. I will be in touch. Thanks for being patient. mh

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Wednesday, January 08, 2014 2:48 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** RE: Proposed letter to IDPH staff

Matt,  
Are we still on hold? I am not in the office tomorrow due to a medical appointment follow-up on my skin cancer treatment, so I wanted to be able to instruct Natalie accordingly. I will not proceed until I hear from you.

Dr. Miller-Meeks

---

**From:** Hinch, Matt [IGOV]  
**Sent:** Tuesday, January 07, 2014 9:10 AM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Subject:** RE: Proposed letter to IDPH staff

I will connect with you before we release anything. Depending on the Governor's schedule, it may have to wait until Thursday. Please hold on your email until we connect. Thanks! mh

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Tuesday, January 07, 2014 8:13 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** RE: Proposed letter to IDPH staff

Matt,

Thank you for the call. I will wait until tomorrow after lunch. It would be preferable if Jimmy and you could wait until noon or so to release because the State Board of Health meeting is at 10-12, there is usually press there, and I don't want my status to deter from the meeting agenda.

Dr. Miller-Meeks

---

**From:** Hinch, Matt [IGOV]  
**Sent:** Monday, January 06, 2014 11:47 AM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Cc:** Centers, Jimmy [IGOV]  
**Subject:** RE: Proposed letter to IDPH staff

Please wait until tomorrow. I will have Jimmy work on a release.

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, January 06, 2014 11:35 AM

**To:** Hinch, Matt [IGOV]  
**Subject:** Proposed letter to IDPH staff

Matt,

This is the proposed language I would like to send in an e-mail to all IDPH staff (includes boards, state medical examiner's office and regional staff). I have already spoken with all the division directors and my direct reports.

If you have no reservations, I will send this out this afternoon:

January 6, 2014

Colleagues,

I wanted to share this information with you firsthand rather than fueling speculation. I have voluntarily resigned as Director of the Iowa Department of Public Health in good standing. Governor Branstad has reluctantly but graciously accepted my resignation.

As a director, one should be completely focused on their job, but I have recently been presented several interesting opportunities. I did not want my exploration of these options to distract from my duties as a director, so I thought it best to resign and more fully engage in determining the most viable option for my family and me.

It has been a tremendous honor and privilege to serve both Governor Branstad and the people of Iowa. I have worked with dedicated and talented people within the Department of Public Health and within other agencies and which makes it extraordinarily difficult to leave.

I continue to appreciate all of the work you have done, and are doing to protect and promote the health of all Iowans. It has been a pleasure to serve alongside of you.

Respectfully,

Mariannette Miller-Meeks BSN, MEd, MD  
Director, Iowa Department of Public Health

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~~Natalie Nicole [IGOV]~~

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I continue to appreciate all of the work you have done, and are doing to protect and promote the health of all Iowans. It has been a pleasure to serve alongside of you.

Respectfully,

Mariannette Miller-Meeks BSN, MEd, MD  
Director, Iowa Department of Public Health

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**Sent:** Tuesday, January 07, 2014 11:38 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Re: Proposed letter to IDPH staff

Alright I will wait to hear from you.

Mariannette Miller-Meeks MD

On Jan 7, 2014, at 9:10 AM, "Hinch, Matt [IGOV]" <[Matt.Hinch@iowa.gov](mailto:Matt.Hinch@iowa.gov)> wrote:

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Mariannette Miller-Meeks BSN, MEd, MD  
Director, Iowa Department of Public Health

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**From:** Hinch, Matt [IGOV]

**From:** Hinch, Matt [IGOV]  
**Sent:** Tuesday, January 07, 2014 9:10 AM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Subject:** RE: Proposed letter to IDPH staff

I will connect with you before we release anything. Depending on the Governor's schedule, it may have to wait until Thursday. Please hold on your email until we connect. Thanks! mh

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**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Tuesday, January 07, 2014 8:13 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** RE: Proposed letter to IDPH staff

Matt,

Thank you for the call. I will wait until tomorrow after lunch. It would be preferable if Jimmy and you could wait until noon or so to release because the State Board of Health meeting is at 10-12, there is usually press there, and I don't want my status to deter from the meeting agenda.

Dr. Miller-Meeks

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**From:** Hinch, Matt [IGOV]  
**Sent:** Monday, January 06, 2014 11:47 AM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Cc:** Centers, Jimmy [IGOV]  
**Subject:** RE: Proposed letter to IDPH staff

Please wait until tomorrow. I will have Jimmy work on a release.

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, January 06, 2014 11:35 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Proposed letter to IDPH staff

Matt,

This is the proposed language I would like to send in an e-mail to all IDPH staff (includes boards, state medical examiner's office and regional staff). I have already spoken with all the division directors and my direct reports.

If you have no reservations, I will send this out this afternoon:

January 6, 2014

Colleagues,

I wanted to share this information with you firsthand rather than fueling speculation. I have voluntarily resigned as Director of the Iowa Department of Public Health in good standing. Governor Branstad has reluctantly but graciously accepted my resignation.



As a director, one should be completely focused on their job, but I have recently been presented several interesting opportunities. I did not want my exploration of these options to distract from my duties as a director, so I thought it best to resign and more fully engage in determining the most viable option for my family and me.

It has been a tremendous honor and privilege to serve both Governor Branstad and the people of Iowa. I have worked with dedicated and talented people within the Department of Public Health and within other agencies and which makes it extraordinarily difficult to leave.

I continue to appreciate all of the work you have done, and are doing to protect and promote the health of all Iowans. It has been a pleasure to serve alongside of you.

Respectfully,

Mariannette Miller-Meeks BSN, MEd, MD  
Director, Iowa Department of Public Health

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Director, Iowa Department of Public Health

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**From:** Hinch, Matt [IGOV]  
**Sent:** Monday, January 06, 2014 6:17 PM  
**To:** Fandel, Linda [IGOV]; Vande Hoef, Julie [IGOV]; Overton, Cord [IGOV]; Boussetot, Michael [IGOV]; Gregg, Adam [IGOV]; Findley, Brenna [IGOV]; Johnson, Larry [IGOV]; Centers, Jimmy [IGOV]  
**Subject:** DRAFT  
**Attachments:** FY15 BiB (2).docx

Team,

Please take a look at your sections for facts and return a hard copy to me with any edits tomorrow by COB.

Thanks,

Matt

Matt Hinch  
Chief of Staff  
Office of Governor Terry E. Branstad  
State of Iowa  
Direct Dial: 515.725.3535  
Main Line: 515.281.5211  
[matt.hinch@iowa.gov](mailto:matt.hinch@iowa.gov)

## Moving Iowa's Economy Forward

While national and state economies continue to struggle, Iowa's economy is performing well and moving in the right direction. In February 2011, the Branstad Administration inherited an unemployment rate of 6 percent. Today, the unemployment rate stands at 4.4 percent, and Iowa family incomes are growing. The Iowa economy is strengthening as the initiatives set forth under Governor Branstad continue to yield results.

### Property Tax Reform Accomplished

Last year, Governor Branstad signed the largest tax cut in Iowa history. For too long, Iowa had some of the highest property taxes in the nation - an impediment to job creation and economic growth. Pledging to fight on behalf of taxpayers since day one in office, Governor Branstad and Lt. Governor Reynolds were successful in putting together a large bipartisan majority to deliver an estimated \$4.4 billion in property tax relief. Under Governor Branstad's leadership, every class of property will experience permanent property tax relief, with agricultural and residential property tax payers saving an estimated \$500 million annually by year ten.

### A Fresh Perspective to Economic Development

When Governor Branstad and Lt. Governor Reynolds took office, they immediately launched new strategies to reinvigorate Iowa's struggling state economy. One of their first initiatives called for an overhaul to how the state approached economic development, beginning with the creation of the Iowa Partnership for Economic Progress (IPEP) and the Iowa

Economic Development Authority (IEDA) in 2011. IPEP, a public-private partnership, allowed IEDA to aggressively pursue new economic opportunities. Under Governor Branstad's leadership, more than \$7.3 billion has been invested in Iowa, creating approximately 26,000 new jobs.

Many projects throughout Iowa have been incentivized by IEDA, including Facebook's data center in Altoona, a fertilizer plant in Woodbury County, and a joint Cargill/CJ BioAmerica site in Fort Dodge. Governor Branstad's efforts have received international recognition as well. The Iowa Fertilizer Company project in Lee County was named the second-best foreign direct investment deal by Site Selection Magazine and the Foreign Direct Investment Association. Additionally, Governor Branstad was recognized as the top elected official in the world for his efforts which encouraged foreign direct investment.



### **Making it Easier to be an Entrepreneur and Small Business Owner in Iowa**

In November 2013, the Governor and Lt. Governor celebrated the first anniversary of the launch of IASourceLink.com. This web-based platform empowers entrepreneurs and small businesses with both technical assistance and financial resources. The site is operated by IEDA in partnership with the University of Northern Iowa's MyEntre.Net and is comprised of more than 320 resource organizations. These resources, located throughout Iowa, provide assistance to aspiring entrepreneurs and small business owners as they work to achieve their business goals.

The Branstad Administration also championed Employee Stock Ownership Programs, or ESOPs. ESOPs help keep Iowa businesses operating in the state, by providing incentives to business owners who are considering selling their companies, to sell to their employees. In 2012, Governor Branstad signed legislation providing business owners a 50 percent tax deduction on capital gains resulting from the sale to an ESOP. In 2013, the legislature appropriated \$500,000 to support an ESOP formation assistance program. Informational sessions are now being held throughout the state, to connect business owners with the resources they need to explore ESOP formation. Iowa's economy benefits when Iowans have ownership in the businesses that contribute to the state's economy.

### **Revitalizing Iowa's Existing Assets**

Iowa schools are considered a cornerstone in communities throughout the state. In addition to serving as a site for learning, schools are frequently used for public gatherings and community events

and are often seen as a source of community pride. However, as new schools are built, old buildings often remain empty and unused. This session, the Branstad Administration will propose legislation to incentivize private sector development of these buildings. Making Grayfield Tax Credits available will encourage private sector investment to renovate and repurpose these abandoned schools and other public buildings so they can remain an integral part of community-life.

### **Ensuring Every Iowan has Access to 21<sup>st</sup> Century Internet Service**

In September 2013, Governor Branstad and Lt. Governor Reynolds announced their initiative to *Connect Every Iowan* by increasing access, adoption, and use of broadband technology. They set the goal of becoming the Most Connected State in the Midwest under the TechNet State Broadband Index. The Science, Technology, Education and Math (STEM) Advisory Council's Broadband Committee was tasked with developing legislative recommendations for consideration during the 2014 session. They were also charged with developing a long-term strategic plan for broadband deployment throughout Iowa. Three Iowa communities - Indianola, Webster City, and West Des Moines - have already been named Connected Communities, with dozens more in the process of seeking the designation.

The Connect Every Iowan Act includes tax incentives to encourage broadband expansion throughout our state, with a focus on unserved and underserved areas. The Act also includes "ICN 2.0," which will move the Iowa Communications Network toward a wholesale model that allows the private sector to access unused bandwidth and

significantly decrease the cost of broadband deployment. The Act also includes support for programs encouraging the adoption and use of broadband technology, including digital literacy and workforce training.

#### **Training Iowa's Workforce**

Apprenticeship programs provide targeted, specialized training to prepare students for today's jobs. Apprenticeship programs ensure that students receive relevant training and experience for specific jobs; as well as provide employers with a ready source of talent to fill current or future job openings. In addition, apprenticeships allow participants to earn while they learn. Governor Branstad recommends legislation to strengthen support for apprenticeship programs in Iowa.

#### **Reducing the Burdens on Iowa Businesses – Reducing the Unemployment Trust Fund Tax**

Businesses across Iowa pay into the Iowa Unemployment Trust Fund. As a result of diligent management of the fund and Iowa's improving economy, Iowa businesses will see nearly \$100 million in tax savings from reduced unemployment tax rates in 2013. States across the country have struggled with the stability of their Unemployment Trust Funds, yet Iowa has been able to reduce rates for the past two years. Governor Branstad is committed to helping businesses create jobs. Continuing the diligent management of the Trust Fund ensures a lower tax burden for businesses, making Iowa more attractive for job creation.

## Regulatory Reform

(Integrate Regulatory Re3form into prior section since focus is on creating environment for job creation ?)

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Reducing red tape and streamlining regulations that impede job creation in Iowa continues to be a priority for the Branstad Administration. Government agencies should fulfill statutory requirements as effectively and efficiently as possible without imposing unnecessary burdens that impair job creation or hamper economic growth. All rules are now vetted and approved by the Governor's office, to ensure that Iowa's employers and economy are not adversely affected.

### **Jobs Impact Statement for New Administrative Rules**

Beginning in March 2011, Governor Branstad established a policy to require every proposed administrative rule to include a Jobs Impact Statement. The Jobs Impact Statement requires regulators to create policies that protect the health and safety of individuals and families without hindering job growth in Iowa.

### **Stakeholder Groups Involve Iowans in the Rulemaking Process**

The Governor signed Executive Order Eighty in August 2012 to establish stakeholder rulemaking groups, giving individuals the opportunity to provide input into the rulemaking process. Stakeholder groups give Iowans an extra voice in the

rulemaking process by allowing impacted citizens a chance to advise government and hold the bureaucracy accountable. Public participation in the formulation of administrative rules helps our state to reform burdensome rules and prevent overregulation or red tape, encouraging efficiency, economic growth and job creation. Several Stakeholder groups were established in 2013, resulting in streamlined application processes for licenses and permits.

### **Rolling Sunset of Existing Rules**

Governor Branstad continues to require all state agencies to review existing administrative rules to identify those regulations that adversely and unnecessarily impact job creation in Iowa.

### **Launch a user-friendly website for the public to search for administrative rules**

Governor Branstad's Administration is creating a cutting-edge website which will make it easier for Iowans to search for current administrative rules. Iowa will be one of the only states in the country with technology that enables its citizens to know what rules impact them as well as how to get involved in the process to make their voice heard.



## **Strengthening Education and Job Training**

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### **Implementing Landmark Education Reform**

Ensuring Iowa students receive a world-class education is one of Governor Branstad's highest priorities. Governor Branstad worked tirelessly to secure passage of Iowa's landmark 2013 education reform package with bipartisan support. These innovative reforms put the state in a strong position to reclaim its reputation for having top-performing schools over the next decade.

The centerpiece of the package is better utilizing teacher and principal leadership to improve instruction and raise student achievement. Over the next three years, every school district in the state can choose to adopt a teacher leadership structure to meet local needs. Outstanding educators will fill roles such as lead and mentor teachers and instructional coaches, and will receive stipends in exchange for taking on greater responsibilities. Other pieces of the package promise to improve education in other innovative ways such as adopting stronger student assessments and establishing a performance rating system for schools.

A key next step is sustaining these reforms long-term to ensure students have developed a strong foundation in basic skills. A solid foundation allows students to move forward to master more complex skill sets in areas such as critical thinking and innovation. Efforts designed to improve basic skill levels include building upon the work of the new Iowa Reading Research Center, to provide universal screening tools and best practices in literacy instruction to schools across the state. Nearly 25 percent

of Iowa third-graders do not read proficiently according to state tests. Efforts also include establishing an academy to prepare school administrators to implement the new teacher leadership structures as they are phased in through 2016-17.

These new reforms must be implemented thoughtfully and with fidelity. There are no shortcuts to developing world-class schools, but many of the best-performing school systems have demonstrated that significant reforms can be achieved over time. A great deal of work lies ahead, but Iowans should be proud that we are moving in the right direction. (Are test scores improving?)

### **Keeping College Affordable**

College or career training after high school is essential in today's globally competitive economy, and average student loan debt in Iowa stood at \$29,500 for 2013 graduates, slightly above the national average. Governor Branstad supports keeping the cost of education at the University of Northern Iowa, Iowa State University and the University of Iowa affordable for students and their families. Freezing resident undergraduate tuition again in 2014-15 – just as we did in 2013-14 – will significantly reduce student loan debt.

Freezing tuition for a second consecutive year also demonstrates Iowans' commitment to providing first-rate higher education opportunities while we work to restore our elementary and secondary schools to the best in the nation. Together, these efforts stand to retain and attract

more business and industry by better preparing young people for the workplace.

This builds on a proud tradition of education dating back to the founding of our first state university in Iowa City in 1847 and the era of thousands of one-room schoolhouses dotting the prairie.

**STEM Advisory Council/Skilled Iowa IS THIS LINKED TO APPRENTICESHIPS DISCUSSED EARLIER IN THE DRAFT? Do We want it in both places?**

The Governor's STEM Advisory Council and the Skilled Iowa initiative aims to ensure that Iowans have great career opportunities; and that Iowa business and industry have a robust workforce pipeline.

Launched in July 2011, the Science, Technology, Engineering and Math Advisory Council's overarching goal is boosting student interest and achievement in STEM subjects and promoting STEM economic development. The council's focus in its first two years has been delivering more high-quality STEM education programs to Iowa students, especially in underserved areas. This public-private partnership anticipates that its pool of high-quality STEM programs will reach approximately 100,000 youngsters this school year, an increase of nearly 38,000 students over the number reached in 2012-13. Better supporting the work of STEM teachers is also a priority.

As the 45-member STEM Council looks toward the future, it is exploring how to strengthen ties between education and

business and industry to offer students more real-world professional learning experiences.

As Governor Branstad and Lt. Governor Reynolds visit all 99 counties, employers continually express concern about the challenges they face in matching their workforce needs with employees who have the appropriate training and skills. For the second year in a row, a study by Iowa Workforce Development specifically identifies the problem. Under the Branstad Administration progress has been made in adding mid-level skilled jobs to the workforce. See the report at <http://www.iowaworkforce.org/skillediowa/MiddleSkills2013.pdf>.

Skilled Iowa is a public-private partnership which allows workers to demonstrate and certify their skill levels and also enhances an employer's ability to more reliably evaluate an applicant's proficiencies. Since the launch of this initiative, over 8,100 Iowa companies have become Skilled Iowa employers, and over 34,000 individuals have certified their skills.

Under Governor Branstad's leadership, Iowa is also more efficiently meeting workforce needs. Access to workforce services has been expanded through the creation of nearly 1,000 Virtual Access Points and customers can now receive services during extended hours. Nearly 30,000 job opportunities exist in Iowa Workforce Development's job bank at [www.iowajobs.org](http://www.iowajobs.org).

## Supporting Strong and Healthy Families

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### The Iowa Health & Wellness Plan

Iowa is implementing the bi-partisan Iowa Health and Wellness Plan, which is based on five key principles: Investment, Accountability, Outcomes, Quality and Private Insurance. The Iowa Health and Wellness Plan waivers will incorporate these principles in a modern health care plan designed to improve the health of Iowans.

- Investment: Premium Contributions from 50-138 percent Federal Poverty Level (FPL) tied to Healthy Behaviors Program.
- Accountability: Collectible debts owed to State for non-payment of premiums; Iowans above poverty level who do not pay premiums will be dis-enrolled.
- Outcomes: Healthy Behaviors Program creating incentives for completion of physical and health risk assessment.
- Quality: Payments to health care providers based on quality health care outcomes.
- Private Insurance: Marketplace choice plan with Iowans above poverty level receiving premium assistance and private insurance.

Eventually, more than 150,000 Iowans will be served by this innovative plan that includes incentives for members who participate in Healthy Behaviors, such as completing a physical or health risk assessment. The Iowa Health and Wellness Plan will focus on quality in health care, with health care professionals receiving incentive payments for addressing the quality of

outcomes and overall health of the plan population.

### Healthiest State Initiative

In August 2011, Governor Branstad set the ambitious goal of making Iowa the healthiest state in the nation by 2016. Since the initiative began, Iowa has moved its ranking from 19<sup>th</sup> to 9<sup>th</sup> in well-being according to the Gallup Healthways Well-Being Index. Poor health behaviors, which often result in obesity and ultimately chronic conditions like diabetes, heart disease, cancer or depression, are significant drivers of health care costs and productivity loss. These conditions result in higher health care costs, lower quality of life and lost productivity for our economy. According to the Center for Disease Control (CDC), 29.1 percent of Iowans are obese and the prevalence of obesity in Iowa has increased 66 percent since 1995. As Iowans continue to focus on wellness in our state and as we continue to empower Iowans to take ownership for their health decisions, lives will be improved and billions of dollars will be saved.

The publicly-endorsed, privately-led Healthiest State Initiative (<http://www.IowaHealthiestState.com>) has engaged Iowans person by person and community by community to embrace our goal. Over the past three years, hundreds of thousands of Iowans have come together to walk, embrace the initiative and learn about the differences that can be made in their own communities. One key strategy of the initiative is the Blue Zones Project. The Blue Zones Project is helping people transform their communities to live longer, healthier lives. (<http://www.BlueZonesProject.com>)

Governor Branstad looks to build on the successful start we have already experienced. Iowa has set records for statewide Healthiest State walks and the first Blue Zones communities have begun their transformations. The Healthiest State Initiative will continue working to empower Iowans, make our state more economically viable and lead Iowans to live healthier lives.

### **Mental Health and Disability Services Redesign**

Governor Branstad is committed to a sustainable mental health system that benefits all Iowans. Since mental health redesign began more than two years ago, Iowa taxpayers have invested more than \$115 million in new state funding for mental health services in counties. With this in mind, Governor Branstad is committed to reviewing the effectiveness of additional investment, the progress of the mental health redesign effort and the impact of increased access to mental health services under the bi-partisan Iowa Health and Wellness Plan.

Mental health and disability services (MHDS) redesign created a regional-based system for delivering MHDS care. This redesigned system replaced the outdated "durational legal settlement" county-by-county approach to determining financial responsibility. The newly-designed system will be managed at the state level and administered by regions, while still delivering care locally. Regions will enter into performance-based contracts to administer and deliver services, including a set of core services that will be consistent across the state.

Iowa's newly-redesigned system is based on a successful existing regional system that is thriving around Waterloo. The new system will be financially sustainable and will improve the predictability of costs to the state. Governor Branstad believes, most importantly, the redesigned system must advance care and improve accountability for families while ensuring more consistent and high quality care across the state.

### **Helping Keep Doctors in Iowa**

Iowa is home to two medical schools and more than 1,500 medical students. Health care professionals play an important role in helping Iowa communities stay vibrant. Yet, in the past decade, Iowa has fallen further and further behind in the number of active physicians per 100,000 residents. Iowa ranks 46<sup>th</sup> in the nation in internal medicine doctors, 47<sup>th</sup> in the nation in pediatric doctors, 48<sup>th</sup> in psychiatrists and last in both emergency medicine doctors and obstetrics and gynecology doctors.

In 2013, Governor Branstad proposed three initiatives intended to help keep Iowans healthy by retaining doctors in Iowa. First, the budget proposed by Governor Branstad included two million dollars to support medical residency programs in Iowa. The budget proposed by Governor Branstad today continues that support and ends the sunset for the program. Second, Governor Branstad supports continued funding for the Rural Physician Loan Repayment Program created in 2012 to help rural doctors repay their costly student loans. Finally, Governor Branstad supports efforts to reform medical malpractice litigation, including a Certificate of Merit and a cap on non-economic damages in medical malpractice lawsuits. While president of Des Moines University, Governor Branstad

learned that keeping doctors in Iowa meant committing to provide help designed to incent them to stay. Other states have enacted similar reforms and had success in both reducing the cost of care and retaining doctors in their states.

### **Health Care Reform & Iowa's Health Benefits Exchange**

Iowans deserve health care reform that improves care, lowers cost and, most of all results in healthier people. These principles guide Governor Branstad on all health care issues.

Governor Branstad believes that a federal government exchange would increase health care costs for individuals and businesses, making it harder for them to create jobs and increase family incomes in Iowa. Instead, Governor Branstad intends to minimize the federal government's intrusion into the regulation of insurance in Iowa. The state's Department of Commerce, Insurance Division, will continue to regulate insurance plans in Iowa and will also retain control over eligibility for our Medicaid and Children's Health Insurance Plan. Maintaining control over these areas is critical to providing quality health care to Iowans, ensuring stability for job creators and maintaining the fiscal bottom line for our

state. Retaining operational control will also facilitate our efforts to modernize health care and revise payment methods to those that reward quality and improve Iowans' health instead of procedure volume. Iowa will partner with the federal government in the areas of insurance regulation and Medicaid eligibility for the operation of the health benefits exchange in Iowa.

### **Iowa's Medicaid Program**

Medicaid has become one of the largest spending areas and the fastest growing General Fund budget driver. Since 2000, Iowa has expanded Medicaid coverage for adults by more than 65 percent. The number of individuals covered under Medicaid in Iowa has grown from less than 250,000 to more than 400,000. From Fiscal Year 2003 to Fiscal Year 2013, the total cost of Medicaid has risen 158%, to more than \$3.5 billion in Fiscal Year 2013.

This program, with its federal funding component, is a large and complex funding source of health care services for vulnerable and needy Iowans. More than 35,000 providers participate in Medicaid. Effective management is critical to ensure stability and predictability in a program which impacts the lives of so many Iowans.

# Feeding the World While Promoting Conservation

## Foster Iowa's Leadership in Agriculture and Agri-business

Governor Branstad and Lt. Governor Reynolds are proud to lead a state that feeds families around the world. Iowa farmers and agri-business companies work hard to supply food, fuel and fiber to a world population that now exceeds seven billion people. With an ever increasing world population, Iowa farmers will be expected to continue efforts to grow more food on the same amount of farmland, 30.7 million acres. In 1970, an Iowa farmer produced enough food to feed 73 people, and now an Iowa farmer produces enough food to feed approximately 155 people worldwide. Through continued research, advanced innovation and by fostering strategic partnerships, the Governor and Lt. Governor will continue their strong support for agriculture and agri-business.

*Option: Based on Budget Decisions, add information on Iowa AgState Request.*



## Promoting a Culture of Conservation

During the 2013 legislative session, Governor Branstad and the legislature supported over \$20 million in new funding for the Nutrient Reduction Strategy and other water quality programs coordinated through the Iowa Department of Agriculture and Land Stewardship. This proactive and science-based initiative provides an opportunity for landowners to partner with the state and other stakeholders to implement conservation practices designed to limit nutrient losses. Working with landowners located in targeted watershed areas across the state, there are significant opportunities to improve Iowa water quality through the adoption of science-based practices. Some of these conservation practices include cover crops, buffer strips, wetlands, and bioreactors. The Governor strongly supports the protection and preservation of our natural resources for future generations and will continue to work with all Iowans on this important effort.



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# Transportation in the 21<sup>st</sup> Century

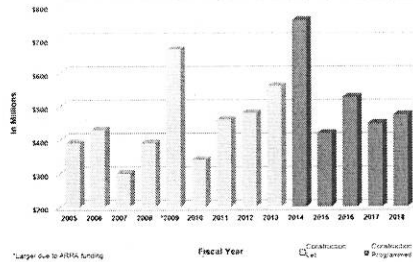
## Enhancing the Future through Transportation

In 2013, a near record-setting investment of \$560 million in construction was made to improve Iowa's road infrastructure and transportation network. Governor Branstad believes strongly in investing in Iowa's infrastructure - not only to maintain current roads and bridges, but also to develop miles of newly-paved roads designed to meet Iowa's transportation needs. This investment is possible, in part because of efficiency measures deployed by the Department of Transportation (DOT). To date, the department has identified approximately \$56 million in efficiencies, from its ongoing efforts to eliminate redundancies, streamline current practices and expand opportunities, to partner with other agencies.



Governor Branstad is proud that 2014 will hold an even brighter future for Iowa drivers. A projected record investment of \$758 million in construction infrastructure will go a long way to maintaining and improving Iowa's roadways. This money will fund projects that further strengthen the transportation system across the state.

Iowa Department of Transportation  
Construction Lettings and Programmed Work



Governor Branstad knows that an improved transportation system for the citizens of Iowa comes involves other innovative approaches in addition to better roadways. In 2013, these additional improvements included the creation of an on-line driver's license renewal system, as well as convenient driver's license kiosks located across the state. Also, efficiencies were achieved by the DOT through the consolidation of facilities in Cedar Rapids and Mason City.

This year, Governor Branstad and the DOT will do even more to ensure efficient and convenient methods to meet Iowa's transportation needs. Planned projects include a "TEXT L&R" mobile application that will automatically send a response message from a driver's phone stating that the individual is currently driving and will respond later. Also under development are a DOT driver's license & vehicle registration station that can be accessed from mobile phones, as well as a revolutionary "Customer Winter Interaction Portal" that will allow real-time roadway views from cameras mounted on DOT snowplows.

## A Safe and Secure Iowa

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Governor Branstad's strong resolve toward making Iowa safe and secure is reflected in a series of proposals for this legislative session. Synthetic drug use and human trafficking threaten our state and our state's most treasured resource, our children. Governor Branstad's goal is to strengthen our laws to protect Iowans from these growing threats.

### **Iowa's youth must be protected from increasing threat of synthetic drugs**

The increased presence of synthetic drugs in Iowa poses a significant threat, particularly among young people where usage is increasing. These substances, which are often packaged like candy in order to target children, can be three to five times more potent than the THC found in marijuana. Side effects can include loss of consciousness, paranoia, hallucinations, and psychotic episodes.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), in 2010 an estimated 11,406 emergency room visits nationwide were related to use of a synthetic cannabinoid product. Approximately 8,555 of these visits involved patients between the ages of 12 and 29, with 3,780 of these visits involving patients under the age of 18.

Governor Branstad, in collaboration with his Office of Drug Control Policy and the Department of Public Safety, is working to strengthen Iowa's laws to better protect our children from the dangers of synthetic drugs.

### **Strengthening laws against human trafficking**

In April 2012, Governor Branstad signed House File 2390, strengthening laws against child pornography and human trafficking. House File 2390 provides prosecutors with the tools they need to prosecute these egregious crimes.

Governor Branstad's administration will continue to collaborate with state agencies and other organizations to prevent human trafficking, protect those most vulnerable to human trafficking and treat the victims of these horrendous crimes.

### **Protecting Iowans utilizing DNA**

In 2013, Governor Branstad signed into law House File 527, legislation expanding Iowa's DNA database to include sampling for persons convicted of certain aggravated misdemeanors. Previously, the law only applied to convicted felons and those convicted of certain sex offenses. DNA is an incredibly powerful and accurate investigative tool used to solve crimes. Signing this bill into law helps make Iowa safer by enhancing the State's ability to prosecute violent and repeat offenders.

In order to ensure that a backlog is not created as more DNA samples are processed, Governor Branstad recommends providing additional funding to the Division of Criminal Investigation's laboratory to handle the growing caseload. This funding will be used to purchase more DNA sample kits and hire criminalists to process the samples.

Comment [LL1]: Do we have more recent stats?

Comment [LL2]: How are we strengthening ?



### **Better protecting Students from Bullying**

Governor Branstad and Lt. Governor Reynolds are committed to ensuring that Iowa children also feel safe and secure in the classroom. Governor Branstad and Lt. Governor Reynolds hosted the second Governor's Bullying Prevention Summit on Nov. 4, 2013. The importance of shifting the culture to one that no longer tolerates these behaviors is key to reducing the incidence of bullying.



The 2012 Iowa Youth Survey reported that 57 percent of students said that in the last 30 days they had been bullied at school. This rate is up from the 50 percent who reported having been bullied in 2010.

Governor Branstad and Lt Governor Reynolds also believe that state law should be strengthened to give schools the tools they need to eliminate bullying behavior. This protection should also extend to victims of cyber-bullying, which may occur away from the school setting, but still interferes with student performance.

Strengthening education and training efforts to prevent bullying, and possible subsequent suicide, is crucial. Many bullying prevention efforts have already been launched in Iowa schools, demonstrating Iowans' commitment to addressing this pervasive problem.

### **Mass Notification Systems**

Mass notifications systems, communications systems used to disseminate information simultaneously during emergency situations and disaster recovery, are vital to public safety. In recent years, technology has progressed so that these systems are capable of reaching the public through the many communications devices that the public uses on a daily basis.

Local emergency management agencies in Iowa use a variety of mass notification systems as part of their public alerting efforts. Those agencies not currently utilizing state of the art technologies for mass notification have been actively researching possible options for employing these tools in their operations.

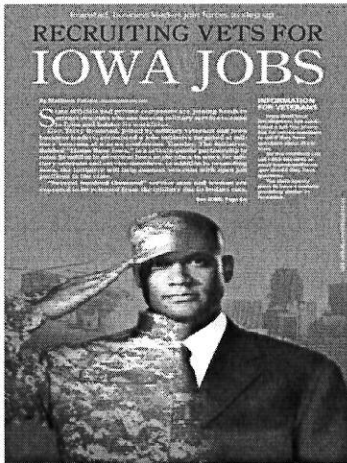
To support implementation of a statewide system that could be used by all 99 counties, Governor Branstad recommends an appropriation of \$400,000 to the Homeland Security Emergency Management Department.

## Supporting our Veterans

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### Home Base Iowa

The Governor and Lt. Governor recently announced Home Base Iowa, a bipartisan public-private partnership focused on recruiting veterans to Iowa and matching them with available jobs. The U.S. military is in the process of executing the largest drawdown of troops since the end of the Cold War, with several hundred thousand veterans leaving service in the near future. Although veterans are well-trained and highly-skilled, they tend to have a higher unemployment rate nationally. Good jobs are available in Iowa; however, employers often have difficulty finding workers with the right skill sets. Home Base Iowa is designed to help match employee skills with available jobs.



Iowa companies can receive a "Home Base Iowa Business" designation by committing to hire a specific number of veterans, posting their job openings on the

Home Base Iowa website, and becoming members of the existing Skilled Iowa Initiative. Additionally, the "Home Base Iowa Community" designation can be achieved if ten percent of a community's businesses are "Home Base Iowa" businesses. A Home Base Iowa Community must also provide a unique welcome and incentive package for veterans, adopt a resolution of support from the local government body, and prominently display this designation in their community.

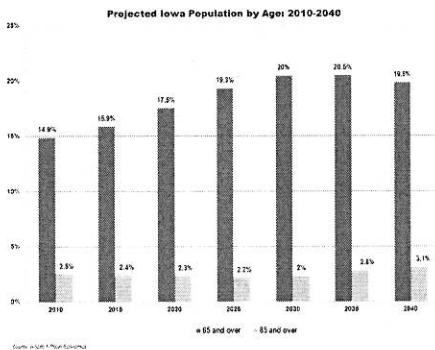
The Home Base Iowa Act contains additional incentives to help recruit veterans to Iowa, including ending state taxation of military pension income. Also, more support is provided to the Iowa Finance Authority's Military Homeownership Assistance Program, which provides up to \$5,000 in down payment or closing cost assistance for eligible home purchases. (May insert graph) Occupational licensing boards will also be directed to provide credit to veterans for military training and experience in the licensing process.

Iowa's community colleges and Regents institutions will provide automatic in-state tuition for veterans, their spouses, and their dependents. Additionally, processes will be put in place to consistently provide academic credit for military training and experience. The Home Base Iowa Act will make our state a more attractive destination for our nation's veterans, while helping Iowa employers find qualified individuals with the needed skill sets to fill jobs.

## Supporting our Older Iowans

### Empowering Older Iowans

Iowa, like many states, has an aging population. More than half of Iowa children five years old and under live in only 13 counties. In fact, currently there is one county in Iowa with more people over 65 years old than under 18. However, by 2040, Iowa is expected to have 60 counties with more residents age 65 and over than 18 and under. Governor Branstad recognizes these demographic changes and wants our state to help empower aging Iowans.



### Aging System Redesign

In 2011, Governor Branstad signed into law a redesign of the Aging Network in Iowa. After tremendous input from consumers and stakeholders, including town hall meetings held across the state, the Iowa Department on Aging proposed the creation of a redesigned Aging Network. The redesign is the most comprehensive modernization of the network since the

1970s. Governor Branstad is committed to a successful implementation of this network. Iowa will continue to develop a statewide system of protections and services supporting aging Iowans.

### Care in Your Community

The need for community-based care as our population ages is critically important. Iowa has qualified for a program designed to balance state spending on long-term care between community-based settings and institutional settings. Governor Branstad is committed to providing Iowans with greater access to home and community-based services and reducing the reliance on institutional settings for Medicaid enrollees. Iowa will continue to work through our Aging Network to streamline and simplify access to aging services through a coordinated network, providing case management services to ensure community-based care, as well as providing consistent quality of care across the state.



## Open and Transparent Government

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Governor Branstad remains committed to honest, open government. Governor Branstad's desire for transparency supported the enactment of several initiatives that have helped to ensure that Iowa government is truly open.

Governor Branstad has made himself one of the most open and accessible governors in the nation. He and Lt. Governor Reynolds reinstated a weekly news conference that provides members of the media unprecedented access and a regular opportunity to ask questions on any topic. They also reinstated budget hearings, which are open to the public and the media in order to ensure Iowans know how taxpayer dollars are spent and how their government operates. In 2011, 2012, and 2013, the Governor and Lt. Governor each visited all 99 Iowa counties – and pledge to do so again in 2014.

Additionally, the Office of the Governor initiated a transparency website. The transparency website posts all open records requests received by the Governor's Office and includes the information requested, the number of days it took to complete the request, and the cost to the requestor, if any. Also, Governor Branstad named Bill Monroe, former head of the Iowa Newspaper Association, as his special advisor for government transparency. They meet monthly to discuss ongoing issues to ensure his Administration remains on the cutting edge of open government initiatives.

In 2012, Governor Branstad signed one of his priorities into law, Senate File 430, which created the Iowa Public Information Board. Due to the early appointments made by Governor Branstad, the Public Information Board achieved its goals of being a functioning board on July 1, 2013. This agency is given the authority to enforce Iowa's open records and open meetings laws. The agency will continue to work to identify areas in Iowa's open meetings and open records laws that need to be addressed. The board serves as a one stop shop where Iowans, local government officials, and media can go to get quick, reliable answers.

### **Transparency Training for Keepers of Public Records**

Many open meetings and open records violations occur due to a lack of knowledge or inadequate training of elected officials and government employees. To build upon his efforts to encourage greater transparency at all levels of government, Governor Branstad proposes that the Iowa Public Information Board partner with the Iowa Newspaper Association and the Iowa Freedom of Information Council to provide training to public officials and public employees in all levels of government. This training would be designed to help reduce the number of open meetings and records violations that occur due to lack of knowledge or understanding of legal obligations that govern these matters.

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, January 06, 2014 1:33 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Re: Proposed letter to IDPH staff

Will do. Is the content acceptable to you?

Mariannette Miller-Meeks MD

On Jan 6, 2014, at 11:47 AM, "Hinch, Matt [IGOV]" <[Matt.Hinch@iowa.gov](mailto:Matt.Hinch@iowa.gov)> wrote:

Please wait until tomorrow. I will have Jimmy work on a release.

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, January 06, 2014 11:35 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Proposed letter to IDPH staff

Matt,

This is the proposed language I would like to send in an e-mail to all IDPH staff (includes boards, state medical examiner's office and regional staff). I have already spoken with all the division directors and my direct reports.

If you have no reservations, I will send this out this afternoon:

January 6, 2014

Colleagues,

I wanted to share this information with you firsthand rather than fueling speculation. I have voluntarily resigned as Director of the Iowa Department of Public Health in good standing. Governor Branstad has reluctantly but graciously accepted my resignation.

As a director, one should be completely focused on their job, but I have recently been presented several interesting opportunities. I did not want my exploration of these options to distract from my duties as a director, so I thought it best to resign and more fully engage in determining the most viable option for my family and me.

It has been a tremendous honor and privilege to serve both Governor Branstad and the people of Iowa. I have worked with dedicated and talented people within the Department of Public Health and within other agencies and which makes it extraordinarily difficult to leave.

I continue to appreciate all of the work you have done, and are doing to protect and promote the health of all Iowans. It has been a pleasure to serve alongside of you.

Respectfully,

Mariannette Miller-Meeks BSN, MEd, MD  
Director, Iowa Department of Public Health

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**From:** Hinch, Matt [IGOV]  
**Sent:** Monday, January 06, 2014 11:47 AM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Cc:** Centers, Jimmy [IGOV]  
**Subject:** RE: Proposed letter to IDPH staff

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**From:** Roederer, David [IDOM]  
**Sent:** Thursday, January 02, 2014 3:54 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** FW: BiB Program Initiatives  
**Attachments:** FY15 BiB.docx

We are still gathering pictures. Fact check has been completed by DOM however IGov liaisons need to double check.  
Thanks!

---

**From:** Winters, Tammy [IDOM]  
**Sent:** Thursday, January 02, 2014 3:47 PM  
**To:** Roederer, David [IDOM]  
**Subject:** BiB Program Initiatives

*Tammy Winters*  
*Iowa Department of Management*  
*515.281.3322*

## Moving Iowa's Economy Forward

While national and state economies continue to struggle, Iowa's economy is performing well and moving in the right direction. In February 2011, the Branstad Administration inherited an unemployment rate of 6 percent. Today, the unemployment rate stands at 4.4 percent, and Iowa family incomes are growing at the second fastest rate in the nation, just behind North Dakota. The Iowa economy is strengthening as the initiatives set forth under Governor Branstad continue to yield results.

### Property Tax Reform Accomplished

Last year, Governor Branstad signed the largest tax cut in Iowa history. For too long, Iowa had some of the highest property taxes in the nation - an impediment to job creation and economic growth. Pledging to fight on behalf of taxpayers since day one in office, Governor Branstad and Lt. Governor Reynolds were successful in putting together a large bipartisan majority to deliver an estimated \$4.4 billion in property tax relief. Under Governor Branstad's leadership, every class of property will experience permanent property tax relief, with agricultural and residential property tax payers saving an estimated \$500 million annually by year ten.

### A Fresh Perspective to Economic Development

When Governor Branstad and Lt. Governor Reynolds took office, they immediately launched new strategies to reinvigorate Iowa's struggling state economy. One of their first initiatives called for an overhaul to how the state approached economic development, beginning with the

creation of the Iowa Partnership for Economic Progress (IPEP) and the Iowa Economic Development Authority (IEDA) in 2011. IPEP, a public-private partnership, allowed IEDA to aggressively pursue new economic opportunities. Under Governor Branstad's leadership, more than \$7.3 billion has been invested in Iowa, creating approximately 26,000 new jobs.

Many projects throughout Iowa have been incentivized by IEDA, including Facebook's data center in Altoona, a fertilizer plant in Woodbury County, and a joint Cargill/CJ BioAmerica site in Fort Dodge. Governor Branstad's efforts have received international recognition as well. The Iowa Fertilizer Company project in Lee County was named the second-best foreign direct investment deal by Site Selection Magazine and the Foreign Direct Investment Association. Additionally, Governor Branstad was recognized as the top elected official in the world for his efforts which encouraged foreign direct investment.



### **Making it Easier to be an Entrepreneur and Small Business Owner in Iowa**

In November 2013, the Governor and Lt. Governor celebrated the first anniversary of the launch of IASourceLink.com. This web-based platform empowers entrepreneurs and small businesses with both technical assistance and financial resources. The site is operated by IEDA in partnership with the University of Northern Iowa's MyEntre.Net and is comprised of more than 320 resource organizations. These resources, located throughout Iowa, provide assistance to aspiring entrepreneurs and small business owners as they work to achieve their business goals.

The Branstad Administration also championed Employee Stock Ownership Programs, or ESOPs. ESOPs help keep Iowa businesses operating in the state, by providing incentives to business owners who are considering selling their companies, to sell to their employees. In 2012, Governor Branstad signed legislation providing business owners a 50 percent tax deduction on capital gains resulting from the sale to an ESOP. In 2013, the legislature appropriated \$500,000 to support an ESOP formation assistance program. Informational sessions are now being held throughout the state, to connect business owners with the resources they need to explore ESOP formation. Iowa's economy benefits when Iowans have ownership in the businesses that contribute to the state's economy.

### **Revitalizing Iowa's Existing Assets**

Iowa schools are considered a cornerstone in communities throughout the state. In addition to serving as a site for learning, schools are frequently used for public gatherings and community events

and are often seen as a source of community pride. However, as new schools are built, old buildings often remain empty and unused. This session, the Branstad Administration will propose legislation to incentivize private sector development of these buildings. Making Grayfield Tax Credits available will encourage private sector investment to renovate and repurpose these abandoned schools and other public buildings so they can remain an integral part of community-life.

### **Ensuring Every Iowan has Access to 21<sup>st</sup> Century Internet Service**

In September 2013, Governor Branstad and Lt. Governor Reynolds announced their initiative to *Connect Every Iowan* by increasing access, adoption, and use of broadband technology. They set the goal of becoming the Most Connected State in the Midwest under the TechNet State Broadband Index. The Science, Technology, Education and Math (STEM) Advisory Council's Broadband Committee was tasked with developing legislative recommendations for consideration during the 2014 session. They were also charged with developing a long-term strategic plan for broadband deployment throughout Iowa. Three Iowa communities - Indianola, Webster City, and West Des Moines - have already been named Connected Communities, with dozens more in the process of seeking the designation.

The Connect Every Iowan Act includes tax incentives to encourage broadband expansion throughout our state, with a focus on unserved and underserved areas. The Act also includes "ICN 2.0," which will move the Iowa Communications Network toward a wholesale model that allows the private sector to access unused bandwidth and

significantly decrease the cost of broadband deployment. The Act also includes support for programs encouraging the adoption and use of broadband technology, including digital literacy and workforce training.

**Training Iowa's Workforce**

Apprenticeship programs provide targeted, specialized training to prepare students for today's jobs. Apprenticeship programs ensure that students receive relevant training and experience for specific jobs; as well as provide employers with a ready source of talent to fill current or future job openings. In addition, apprenticeships allow participants to earn while they learn. Governor Branstad recommends legislation to strengthen support for apprenticeship programs in Iowa.

**Reducing the Burdens on Iowa Businesses – Reducing the Unemployment Trust Fund Tax**

Businesses across Iowa pay into the Iowa Unemployment Trust Fund. As a result of diligent management of the fund and Iowa's improving economy, Iowa businesses will see nearly \$100 million in tax savings from reduced unemployment tax rates in 2013. States across the country have struggled with the stability of their Unemployment Trust Funds, yet Iowa has been able to reduce rates for the past two years. Governor Branstad is committed to helping businesses create jobs. Continuing the diligent management of the Trust Fund ensures a lower tax burden for businesses, making Iowa more attractive for job creation.

## Regulatory Reform

(integrate Regulatory Re3form into prior section since focus is on creating environment for job creation ?)

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Reducing red tape and streamlining regulations that impede job creation in Iowa continues to be a priority for the Branstad Administration. Government agencies should fulfill statutory requirements as effectively and efficiently as possible without imposing unnecessary burdens that impair job creation or hamper economic growth. All rules are now vetted and approved by the Governor's office, to ensure that Iowa's employers and economy are not adversely affected.

### **Jobs Impact Statement for New Administrative Rules**

Beginning in March 2011, Governor Branstad established a policy to require every proposed administrative rule to include a Jobs Impact Statement. The Jobs Impact Statement requires regulators to create policies that protect the health and safety of individuals and families without hindering job growth in Iowa.

### **Stakeholder Groups Involve Iowans in the Rulemaking Process**

The Governor signed Executive Order Eighty in August 2012 to establish stakeholder rulemaking groups, giving individuals the opportunity to provide input into the rulemaking process. Stakeholder groups give Iowans an extra voice in the

rulemaking process by allowing impacted citizens a chance to advise government and hold the bureaucracy accountable. Public participation in the formulation of administrative rules helps our state to reform burdensome rules and prevent overregulation or red tape, encouraging efficiency, economic growth and job creation. Several Stakeholder groups were established in 2013, resulting in streamlined application processes for licenses and permits.

### **Rolling Sunset of Existing Rules**

Governor Branstad continues to require all state agencies to review existing administrative rules to identify those regulations that adversely and unnecessarily impact job creation in Iowa.

### **Launch a user-friendly website for the public to search for administrative rules**

Governor Branstad's Administration is creating a cutting-edge website which will make it easier for Iowans to search for current administrative rules. Iowa will be one of the only states in the country with technology that enables its citizens to know what rules impact them as well as how to get involved in the process to make their voice heard.

## **Strengthening Education and Job Training**

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### **Implementing Landmark Education Reform**

Ensuring Iowa students receive a world-class education is one of Governor Branstad's highest priorities. Governor Branstad worked tirelessly to secure passage of Iowa's landmark 2013 education reform package with bipartisan support. These innovative reforms put the state in a strong position to reclaim its reputation for having top-performing schools over the next decade.

The centerpiece of the package is better utilizing teacher and principal leadership to improve instruction and raise student achievement. Over the next three years, every school district in the state can choose to adopt a teacher leadership structure to meet local needs. Outstanding educators will fill roles such as lead and mentor teachers and instructional coaches, and will receive stipends in exchange for taking on greater responsibilities. Other pieces of the package promise to improve education in other innovative ways such as adopting stronger student assessments and establishing a performance rating system for schools.

A key next step is sustaining these reforms long-term to ensure students have developed a strong foundation in basic skills. A solid foundation allows students to move forward to master more complex skill sets in areas such as critical thinking and innovation. Efforts designed to improve basic skill levels include building upon the work of the new Iowa Reading Research Center, to provide universal screening tools and best practices in literacy instruction to schools across the state. Nearly 25 percent

of Iowa third-graders do not read proficiently according to state tests. Efforts also include establishing an academy to prepare school administrators to implement the new teacher leadership structures as they are phased in through 2016-17.

These new reforms must be implemented thoughtfully and with fidelity. There are no shortcuts to developing world-class schools, but many of the best-performing school systems have demonstrated that significant reforms can be achieved over time. A great deal of work lies ahead, but Iowans should be proud that we are moving in the right direction. (Are test scores improving?)

### **Keeping College Affordable**

College or career training after high school is essential in today's globally competitive economy, and average student loan debt in Iowa stood at \$29,500 for 2013 graduates, slightly above the national average. Governor Branstad supports keeping the cost of education at the University of Northern Iowa, Iowa State University and the University of Iowa affordable for students and their families. Freezing resident undergraduate tuition again in 2014-15 – just as we did in 2013-14 – will significantly reduce student loan debt.

Freezing tuition for a second consecutive year also demonstrates Iowans' commitment to providing first-rate higher education opportunities while we work to restore our elementary and secondary schools to the best in the nation. Together, these efforts stand to retain and attract

more business and industry by better preparing young people for the workplace.

This builds on a proud tradition of education dating back to the founding of our first state university in Iowa City in 1847 and the era of thousands of one-room schoolhouses dotting the prairie.

**STEM Advisory Council/Skilled Iowa IS THIS LINKED TO APPRENTICESHIPS DISCUSSED EARLIER IN THE DRAFT? Do We want it in both places?**

The Governor's STEM Advisory Council and the Skilled Iowa initiative aims to ensure that Iowans have great career opportunities; and that Iowa business and industry have a robust workforce pipeline.

Launched in July 2011, the Science, Technology, Engineering and Math Advisory Council's overarching goal is boosting student interest and achievement in STEM subjects and promoting STEM economic development. The council's focus in its first two years has been delivering more high-quality STEM education programs to Iowa students, especially in underserved areas. This public-private partnership anticipates that its pool of high-quality STEM programs will reach approximately 100,000 youngsters this school year, an increase of nearly 38,000 students over the number reached in 2012-13. Better supporting the work of STEM teachers is also a priority.

As the 45-member STEM Council looks toward the future, it is exploring how to strengthen ties between education and

business and industry to offer students more real-world professional learning experiences.

As Governor Branstad and Lt. Governor Reynolds visit all 99 counties, employers continually express concern about the challenges they face in matching their workforce needs with employees who have the appropriate training and skills. For the second year in a row, a study by Iowa Workforce Development specifically identifies the problem. Under the Branstad Administration progress has been made in adding mid-level skilled jobs to the workforce. See the report at <http://www.iowaworkforce.org/skillediowa/MiddleSkills2013.pdf>.

Skilled Iowa is a public-private partnership which allows workers to demonstrate and certify their skill levels and also enhances an employer's ability to more reliably evaluate an applicant's proficiencies. Since the launch of this initiative, over 8,100 Iowa companies have become Skilled Iowa employers, and over 34,000 individuals have certified their skills.

Under Governor Branstad's leadership, Iowa is also more efficiently meeting workforce needs. Access to workforce services has been expanded through the creation of nearly 1,000 Virtual Access Points and customers can now receive services during extended hours. Nearly 30,000 job opportunities exist in Iowa Workforce Development's job bank at [www.iowajobs.org](http://www.iowajobs.org).

## Supporting Strong and Healthy Families

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### The Iowa Health & Wellness Plan

Iowa is implementing the bi-partisan Iowa Health and Wellness Plan, which is based on five key principles: Investment, Accountability, Outcomes, Quality and Private Insurance. The Iowa Health and Wellness Plan waivers will incorporate these principles in a modern health care plan designed to improve the health of Iowans.

- Investment: Premium Contributions from 50-138 percent Federal Poverty Level (FPL) tied to Healthy Behaviors Program.
- Accountability: Collectible debts owed to State for non-payment of premiums; Iowans above poverty level who do not pay premiums will be dis-enrolled.
- Outcomes: Healthy Behaviors Program creating incentives for completion of physical and health risk assessment.
- Quality: Payments to health care providers based on quality health care outcomes.
- Private Insurance: Marketplace choice plan with Iowans above poverty level receiving premium assistance and private insurance.

Eventually, more than 150,000 Iowans will be served by this innovative plan that includes incentives for members who participate in Healthy Behaviors, such as completing a physical or health risk assessment. The Iowa Health and Wellness Plan will focus on quality in health care, with health care professionals receiving incentive payments for addressing the quality of

outcomes and overall health of the plan population.

### Healthiest State Initiative

In August 2011, Governor Branstad set the ambitious goal of making Iowa the healthiest state in the nation by 2016. Since the initiative began, Iowa has moved its ranking from 19<sup>th</sup> to 9<sup>th</sup> in well-being according to the Gallup Healthways Well-Being Index. Poor health behaviors, which often result in obesity and ultimately chronic conditions like diabetes, heart disease, cancer or depression, are significant drivers of health care costs and productivity loss. These conditions result in higher health care costs, lower quality of life and lost productivity for our economy. According to the Center for Disease Control (CDC), 29.1 percent of Iowans are obese and the prevalence of obesity in Iowa has increased 66 percent since 1995. As Iowans continue to focus on wellness in our state and as we continue to empower Iowans to take ownership for their health decisions, lives will be improved and billions of dollars will be saved.

The publicly-endorsed, privately-led Healthiest State Initiative (<http://www.IowaHealthiestState.com>) has engaged Iowans person by person and community by community to embrace our goal. Over the past three years, hundreds of thousands of Iowans have come together to walk, embrace the initiative and learn about the differences that can be made in their own communities. One key strategy of the initiative is the Blue Zones Project. The Blue Zones Project is helping people transform their communities to live longer, healthier lives. (<http://www.BlueZonesProject.com>)



Governor Branstad looks to build on the successful start we have already experienced. Iowa has set records for statewide Healthiest State walks and the first Blue Zones communities have begun their transformations. The Healthiest State Initiative will continue working to empower Iowans, make our state more economically viable and lead Iowans to live healthier lives.

### **Mental Health and Disability Services Redesign**

Governor Branstad is committed to a sustainable mental health system that benefits all Iowans. Since mental health redesign began more than two years ago, Iowa taxpayers have invested more than \$115 million in new state funding for mental health services in counties. With this in mind, Governor Branstad is committed to reviewing the effectiveness of additional investment, the progress of the mental health redesign effort and the impact of increased access to mental health services under the bi-partisan Iowa Health and Wellness Plan.

Mental health and disability services (MHDS) redesign created a regional-based system for delivering MHDS care. This redesigned system replaced the outdated "durational legal settlement" county-by-county approach to determining financial responsibility. The newly-designed system will be managed at the state level and administered by regions, while still delivering care locally. Regions will enter into performance-based contracts to administer and deliver services, including a set of core services that will be consistent across the state.

Iowa's newly-redesigned system is based on a successful existing regional system that is thriving around Waterloo. The new system will be financially sustainable and will improve the predictability of costs to the state. Governor Branstad believes, most importantly, the redesigned system must advance care and improve accountability for families while ensuring more consistent and high quality care across the state.

### **Helping Keep Doctors in Iowa**

Iowa is home to two medical schools and more than 1,500 medical students. Health care professionals play an important role in helping Iowa communities stay vibrant. Yet, in the past decade, Iowa has fallen further and further behind in the number of active physicians per 100,000 residents. Iowa ranks 46<sup>th</sup> in the nation in internal medicine doctors, 47<sup>th</sup> in the nation in pediatric doctors, 48<sup>th</sup> in psychiatrists and last in both emergency medicine doctors and obstetrics and gynecology doctors.

In 2013, Governor Branstad proposed three initiatives intended to help keep Iowans healthy by retaining doctors in Iowa. First, the budget proposed by Governor Branstad included two million dollars to support medical residency programs in Iowa. The budget proposed by Governor Branstad today continues that support and ends the sunset for the program. Second, Governor Branstad supports continued funding for the Rural Physician Loan Repayment Program created in 2012 to help rural doctors repay their costly student loans. Finally, Governor Branstad supports efforts to reform medical malpractice litigation, including a Certificate of Merit and a cap on non-economic damages in medical malpractice lawsuits. While president of Des Moines University, Governor Branstad

learned that keeping doctors in Iowa meant committing to provide help designed to incent them to stay. Other states have enacted similar reforms and had success in both reducing the cost of care and retaining doctors in their states.

### **Health Care Reform & Iowa's Health Benefits Exchange**

Iowans deserve health care reform that improves care, lowers cost and, most of all results in healthier people. These principles guide Governor Branstad on all health care issues.

Governor Branstad believes that a federal government exchange would increase health care costs for individuals and businesses, making it harder for them to create jobs and increase family incomes in Iowa. Instead, Governor Branstad intends to minimize the federal government's intrusion into the regulation of insurance in Iowa. The state's Department of Commerce, Insurance Division, will continue to regulate insurance plans in Iowa and will also retain control over eligibility for our Medicaid and Children's Health Insurance Plan. Maintaining control over these areas is critical to providing quality health care to Iowans, ensuring stability for job creators and maintaining the fiscal bottom line for our

state. Retaining operational control will also facilitate our efforts to modernize health care and revise payment methods to those that reward quality and improve Iowans' health instead of procedure volume. Iowa will partner with the federal government in the areas of insurance regulation and Medicaid eligibility for the operation of the health benefits exchange in Iowa.

### **Iowa's Medicaid Program**

Medicaid has become one of the largest spending areas and the fastest growing General Fund budget driver. Since 2000, Iowa has expanded Medicaid coverage for adults by more than 65 percent. The number of individuals covered under Medicaid in Iowa has grown from less than 250,000 to more than 400,000. From Fiscal Year 2003 to Fiscal Year 2013, the total cost of Medicaid has risen 158%, to more than \$3.5 billion in Fiscal Year 2013.

This program, with its federal funding component, is a large and complex funding source of health care services for vulnerable and needy Iowans. More than 35,000 providers participate in Medicaid. Effective management is critical to ensure stability and predictability in a program which impacts the lives of so many Iowans.

## Feeding the World While Promoting Conservation

### Foster Iowa's Leadership in Agriculture and Agri-business

Governor Branstad and Lt. Governor Reynolds are proud to lead a state that feeds families around the world. Iowa farmers and agri-business companies work hard to supply food, fuel and fiber to a world population that now exceeds seven billion people. With an ever increasing world population, Iowa farmers will be expected to continue efforts to grow more food on the same amount of farmland, 30.7 million acres. In 1970, an Iowa farmer produced enough food to feed 73 people, and now an Iowa farmer produces enough food to feed approximately 155 people worldwide. Through continued research, advanced innovation and by fostering strategic partnerships, the Governor and Lt. Governor will continue their strong support for agriculture and agri-business.

*Option: Based on Budget Decisions, add information on Iowa AgState Request.*



### Promoting a Culture of Conservation

During the 2013 legislative session, Governor Branstad and the legislature supported over \$20 million in new funding for the Nutrient Reduction Strategy and other water quality programs coordinated through the Iowa Department of Agriculture and Land Stewardship. This proactive and science-based initiative provides an opportunity for landowners to partner with the state and other stakeholders to implement conservation practices designed to limit nutrient losses. Working with landowners located in targeted watershed areas across the state, there are significant opportunities to improve Iowa water quality through the adoption of science-based practices. Some of these conservation practices include cover crops, buffer strips, wetlands, and bioreactors. The Governor strongly supports the protection and preservation of our natural resources for future generations and will continue to work with all Iowans on this important effort.



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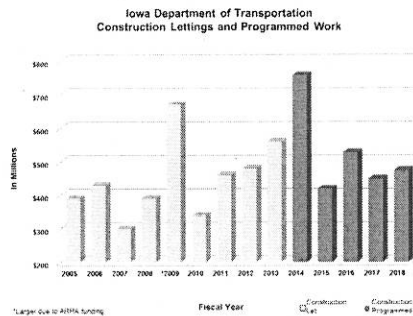
# Transportation in the 21<sup>st</sup> Century

## Enhancing the Future through Transportation

In 2013, a near record-setting investment of \$560 million in construction was made to improve Iowa's road infrastructure and transportation network. Governor Branstad believes strongly in investing in Iowa's infrastructure - not only to maintain current roads and bridges, but also to develop miles of newly-paved roads designed to meet Iowa's transportation needs. This investment is possible, in part because of efficiency measures deployed by the Department of Transportation (DOT). To date, the department has identified approximately \$56 million in efficiencies, from its ongoing efforts to eliminate redundancies, streamline current practices and expand opportunities, to partner with other agencies.



Governor Branstad is proud that 2014 will hold an even brighter future for Iowa drivers. A projected record investment of \$758 million in construction infrastructure will go a long way to maintaining and improving Iowa's roadways. This money will fund projects that further strengthen the transportation system across the state.



Governor Branstad knows that an improved transportation system for the citizens of Iowa comes involves other innovative approaches in addition to better roadways. In 2013, these additional improvements included the creation of an on-line driver's license renewal system, as well as convenient driver's license kiosks located across the state. Also, efficiencies were achieved by the DOT through the consolidation of facilities in Cedar Rapids and Mason City.

This year, Governor Branstad and the DOT will do even more to ensure efficient and convenient methods to meet Iowa's transportation needs. Planned projects include a "TEXT L8R" mobile application that will automatically send a response message from a driver's phone stating that the individual is currently driving and will respond later. Also under development are a DOT driver's license & vehicle registration station that can be accessed from mobile phones, as well as a revolutionary "Customer Winter Interaction Portal" that will allow real-time roadway views from cameras mounted on DOT snowplows.

## A Safe and Secure Iowa

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Governor Branstad's strong resolve toward making Iowa safe and secure is reflected in a series of proposals for this legislative session. Synthetic drug use and human trafficking threaten our state and our state's most treasured resource, our children. Governor Branstad's goal is to strengthen our laws to protect Iowans from these growing threats.

### **Iowa's youth must be protected from increasing threat of synthetic drugs**

The increased presence of synthetic drugs in Iowa poses a significant threat, particularly among young people where usage is increasing. These substances, which are often packaged like candy in order to target children, can be three to five times more potent than the THC found in marijuana. Side effects can include loss of consciousness, paranoia, hallucinations, and psychotic episodes.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), in 2010 an estimated 11,406 emergency room visits nationwide were related to use of a synthetic cannabinoid product. Approximately 8,555 of these visits involved patients between the ages of 12 and 29, with 3,780 of these visits involving patients under the age of 18.

Governor Branstad, in collaboration with his Office of Drug Control Policy and the Department of Public Safety, is working to strengthen Iowa's laws to better protect our children from the dangers of synthetic drugs.

### **Strengthening laws against human trafficking**

In April 2012, Governor Branstad signed House File 2390, strengthening laws against child pornography and human trafficking. House File 2390 provides prosecutors with the tools they need to prosecute these egregious crimes.

Governor Branstad's administration will continue to collaborate with state agencies and other organizations to prevent human trafficking, protect those most vulnerable to human trafficking and treat the victims of these horrendous crimes.

### **Protecting Iowans utilizing DNA**

In 2013, Governor Branstad signed into law House File 527, legislation expanding Iowa's DNA database to include sampling for persons convicted of certain aggravated misdemeanors. Previously, the law only applied to convicted felons and those convicted of certain sex offenses. DNA is an incredibly powerful and accurate investigative tool used to solve crimes. Signing this bill into law helps make Iowa safer by enhancing the State's ability to prosecute violent and repeat offenders.

In order to ensure that a backlog is not created as more DNA samples are processed, Governor Branstad recommends providing additional funding to the Division of Criminal Investigation's laboratory to handle the growing caseload. This funding will be used to purchase more DNA sample kits and hire criminalists to process the samples.

**Comment [LL1]:** Do we have more recent stats?

**Comment [LL2]:** How are we strengthening ?

### **Better protecting Students from Bullying**

Governor Branstad and Lt. Governor Reynolds are committed to ensuring that Iowa children also feel safe and secure in the classroom. Governor Branstad and Lt. Governor Reynolds hosted the second Governor's Bullying Prevention Summit on Nov. 4, 2013. The importance of shifting the culture to one that no longer tolerates these behaviors is key to reducing the incidence of bullying.



The 2012 Iowa Youth Survey reported that 57 percent of students said that in the last 30 days they had been bullied at school. This rate is up from the 50 percent who reported having been bullied in 2010.

Governor Branstad and Lt Governor Reynolds also believe that state law should be strengthened to give schools the tools they need to eliminate bullying behavior. This protection should also extend to victims of cyber-bullying, which may occur away from the school setting, but still interferes with student performance.

Strengthening education and training efforts to prevent bullying, and possible subsequent suicide, is crucial. Many bullying prevention efforts have already been launched in Iowa schools, demonstrating Iowans' commitment to addressing this pervasive problem.

### **Mass Notification Systems**

Mass notifications systems, communications systems used to disseminate information simultaneously during emergency situations and disaster recovery, are vital to public safety. In recent years, technology has progressed so that these systems are capable of reaching the public through the many communications devices that the public uses on a daily basis.

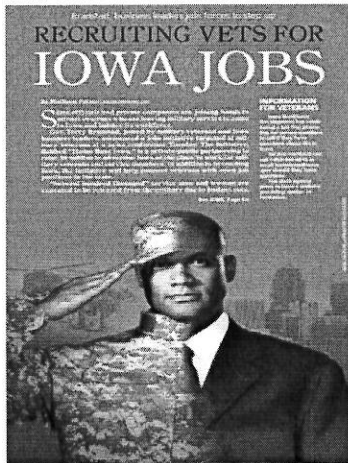
Local emergency management agencies in Iowa use a variety of mass notification systems as part of their public alerting efforts. Those agencies not currently utilizing state of the art technologies for mass notification have been actively researching possible options for employing these tools in their operations.

To support implementation of a statewide system that could be used by all 99 counties, Governor Branstad recommends an appropriation of \$400,000 to the Homeland Security Emergency Management Department.

## Supporting our Veterans

### Home Base Iowa

The Governor and Lt. Governor recently announced Home Base Iowa, a bipartisan public-private partnership focused on recruiting veterans to Iowa and matching them with available jobs. The U.S. military is in the process of executing the largest drawdown of troops since the end of the Cold War, with several hundred thousand veterans leaving service in the near future. Although veterans are well-trained and highly-skilled, they tend to have a higher unemployment rate nationally. Good jobs are available in Iowa; however, employers often have difficulty finding workers with the right skill sets. Home Base Iowa is designed to help match employee skills with available jobs.



Iowa companies can receive a "Home Base Iowa Business" designation by committing to hire a specific number of veterans, posting their job openings on the

Home Base Iowa website, and becoming members of the existing Skilled Iowa Initiative. Additionally, the "Home Base Iowa Community" designation can be achieved if ten percent of a community's businesses are "Home Base Iowa" businesses. A Home Base Iowa Community must also provide a unique welcome and incentive package for veterans, adopt a resolution of support from the local government body, and prominently display this designation in their community.

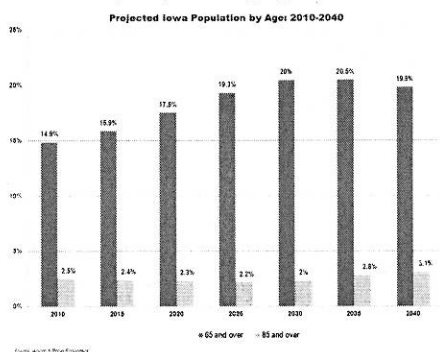
The Home Base Iowa Act contains additional incentives to help recruit veterans to Iowa, including ending state taxation of military pension income. Also, more support is provided to the Iowa Finance Authority's Military Homeownership Assistance Program, which provides up to \$5,000 in down payment or closing cost assistance for eligible home purchases. (May insert graph) Occupational licensing boards will also be directed to provide credit to veterans for military training and experience in the licensing process.

Iowa's community colleges and Regents institutions will provide automatic in-state tuition for veterans, their spouses, and their dependents. Additionally, processes will be put in place to consistently provide academic credit for military training and experience. The Home Base Iowa Act will make our state a more attractive destination for our nation's veterans, while helping Iowa employers find qualified individuals with the needed skill sets to fill jobs.

## Supporting our Older Iowans

### Empowering Older Iowans

Iowa, like many states, has an aging population. More than half of Iowa children five years old and under live in only 13 counties. In fact, currently there is one county in Iowa with more people over 65 years old than under 18. However, by 2040, Iowa is expected to have 60 counties with more residents age 65 and over than 18 and under. Governor Branstad recognizes these demographic changes and wants our state to help empower aging Iowans.



### Aging System Redesign

In 2011, Governor Branstad signed into law a redesign of the Aging Network in Iowa. After tremendous input from consumers and stakeholders, including town hall meetings held across the state, the Iowa Department on Aging proposed the creation of a redesigned Aging Network. The redesign is the most comprehensive modernization of the network since the

1970s. Governor Branstad is committed to a successful implementation of this network. Iowa will continue to develop a statewide system of protections and services supporting aging Iowans.

### Care in Your Community

The need for community-based care as our population ages is critically important. Iowa has qualified for a program designed to balance state spending on long-term care between community-based settings and institutional settings. Governor Branstad is committed to providing Iowans with greater access to home and community-based services and reducing the reliance on institutional settings for Medicaid enrollees. Iowa will continue to work through our Aging Network to streamline and simplify access to aging services through a coordinated network, providing case management services to ensure community-based care, as well as providing consistent quality of care across the state.





## Open and Transparent Government

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Governor Branstad remains committed to honest, open government. Governor Branstad's desire for transparency supported the enactment of several initiatives that have helped to ensure that Iowa government is truly open.

Governor Branstad has made himself one of the most open and accessible governors in the nation. He and Lt. Governor Reynolds reinstated a weekly news conference that provides members of the media unprecedented access and a regular opportunity to ask questions on any topic. They also reinstated budget hearings, which are open to the public and the media in order to ensure Iowans know how taxpayer dollars are spent and how their government operates. In 2011, 2012, and 2013, the Governor and Lt. Governor each visited all 99 Iowa counties – and pledge to do so again in 2014.

Additionally, the Office of the Governor initiated a transparency website. The transparency website posts all open records requests received by the Governor's Office and includes the information requested, the number of days it took to complete the request, and the cost to the requestor, if any. Also, Governor Branstad named Bill Monroe, former head of the Iowa Newspaper Association, as his special advisor for government transparency. They meet monthly to discuss ongoing issues to ensure his Administration remains on the cutting edge of open government initiatives.

In 2012, Governor Branstad signed one of his priorities into law, Senate File 430, which created the Iowa Public Information Board. Due to the early appointments made by Governor Branstad, the Public Information Board achieved its goals of being a functioning board on July 1, 2013. This agency is given the authority to enforce Iowa's open records and open meetings laws. The agency will continue to work to identify areas in Iowa's open meetings and open records laws that need to be addressed. The board serves as a one stop shop where Iowans, local government officials, and media can go to get quick, reliable answers.

### **Transparency Training for Keepers of Public Records**

Many open meetings and open records violations occur due to a lack of knowledge or inadequate training of elected officials and government employees. To build upon his efforts to encourage greater transparency at all levels of government, Governor Branstad proposes that the Iowa Public Information Board partner with the Iowa Newspaper Association and the Iowa Freedom of Information Council to provide training to public officials and public employees in all levels of government. This training would be designed to help reduce the number of open meetings and records violations that occur due to lack of knowledge or understanding of legal obligations that govern these matters.

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, December 30, 2013 10:06 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** meet with you and Gov Branstad

**Importance:** High

Matt,  
I am following up on an e-mail I sent last Friday about meeting with you and Gov Branstad this week either tomorrow or Friday. Do you know if you have any time?

Currently, I am scheduled out of the office on Thursday and Friday, so I am trying to arrange my schedule accordingly. If we are meeting Friday, January 3, it is best for me to be as early as possible (7:30 or 8 am)?

Mariannette Miller-Meeks

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This email message and its attachments may contain confidential information that is exempt from disclosure under Iowa Code chapters 22, 139A, and other applicable law. Confidential information is for the sole use of the intended recipient. If you believe that you have received this transmission in error, please reply to the sender, and then delete all copies of this message and any attachments. If you are not the intended recipient, you are hereby notified that any review, use, retention, dissemination, distribution, or copying of this message is strictly prohibited by law.

NAME: Nicole [LEGIS]

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**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Friday, December 27, 2013 12:10 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Meet with you and Governor Branstad

Matt,

I hope you and your family had a wonderful Christmas. The days after are almost anti-climactic. ☺

Do you and governor Branstad have 20-30 minutes available to meet with me on Dec. 31 anytime or Jan 3 in the early morning or early evening?

Thank you very much,  
Mariannette

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[REDACTED]

**From:** Hinch, Matt [IGOV]  
**Sent:** Friday, December 27, 2013 10:58 AM  
**To:** Roederer, David [IDOM]  
**Subject:** additions to program drafts

**Reducing the Burdens on Iowa Businesses – Reducing the Unemployment Trust Fund Tax**

Businesses across Iowa pay into the Iowa Unemployment Trust Fund. Due to diligent management of the fund and our improving economy, Iowa’s businesses will see nearly \$100 million dollars in tax savings for reduced unemployment tax rates in 2013. States across the country have struggled with the stability of their Unemployment Trust Funds, yet Iowa has been able to reduce rates for the past two years. Governor Branstad is committed to helping business create job. Continuing the diligent management of the Trust Fund ensures a lower tax burden for businesses making Iowa more attractive for job creation.

**Supporting Our Older Iowans**

**Empowering Older Iowans**

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**Care in Your Community**

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**Supporting Strong and Healthy Families OR Making Iowa the Healthiest State in the Nation**

**The Iowa Health & Wellness Plan**

Iowa is implementing the bi-partisan Iowa Health and Wellness Plan. The Iowa Health and Wellness Plan is based on five key principles: Investment, Accountability, Outcomes, Quality and Private Insurance. The Iowa Health and Wellness Plan waivers will implement those principles for a modern health care plan that is designed to improve the health of Iowans:

Investment: Premium Contributions from 50-138% FPL tied to Healthy Behaviors Program.

Accountability: Collectible debts owed to State for non-payment of premiums; lowans above poverty level who do not pay premiums will be disenrolled.

Outcomes: Healthy Behaviors Program creating incentives for completion of physical and health risk assessment.

Quality: Payments to health care providers based on quality health care outcomes.

Private Insurance: Marketplace choice plan with lowans above poverty level receiving premium assistance and private insurance.

Eventually, more than 150,000 lowans will be served by this innovative plan that includes incentives for members who complete Healthy Behaviors, such as a physical or health risk assessment. The Iowa Health and Wellness Plan will focus on quality in health care with health care professionals receiving incentive payments for addressing the quality of outcomes and overall health of the plan population.

### **Healthiest State Initiative**

In August 2011, Governor Branstad set the ambitious goal of making Iowa the healthiest state in the nation by 2016. Since the initiative began, Iowa has moved from 19<sup>th</sup> to 9<sup>th</sup> in well-being according to the Gallup Healthways Well-Being Index. Poor health behaviors, which often result in obesity and ultimately chronic conditions like diabetes, heart disease, cancer or depression, are significant drivers of health care costs and productivity loss. These conditions result in higher health care costs, lower quality of life and lost productivity for our economy. According to the Center for Disease Control (CDC), 29.1 percent of lowans are obese and the prevalence of obesity in Iowa has increased 66 percent since 1995. The simple truth is, if Iowa can begin to address well-being in our state and empower lowans to take ownership over their health decisions, lives will be improved and billions of dollars will be saved.

The publicly endorsed, privately led Healthiest State Initiative has come together to engage lowans person by person and community by community to embrace our goal. (<http://www.IowaHealthiestState.com>) Over the past two years, hundreds of thousands of lowans have come together to walk, embrace the initiative and learn about the differences that can be made in their own communities. Part of the initiative is the Blue Zones Project. The Blue Zones Project is helping people transform their communities to live longer, healthier lives. (<http://www.BlueZonesProject.com>)

Governor Branstad looks to build on the successful start we have already experienced. Iowa has set world-records for statewide Healthiest State walks and the first Blue Zones communities have begun their transformations. The Healthiest State Initiative will continue working to empower lowans, make our state more economically viable and lead lowans to live healthier lives.

### **MHDS Redesign**

Governor Branstad is committed to a sustainable mental health system that benefits all lowans. Since mental health redesign began more than two years ago, State of Iowa taxpayers have invested more than \$115 million dollars in new state funding for mental health services in counties. With that in mind, Governor Branstad is committed to reviewing the effectiveness of additional investment, the progress of mental health redesign and the impact of increased access to mental health services under the bi-partisan Iowa Health and Wellness Plan.

Mental health and disability services (MHDS) redesign created a regional-based system for delivering MHDS care. This redesigned system replaced the outdated "durational legal settlement" county-by-county means for determining financial responsibility. The newly designed system will be managed at the state level, administered by regions while still delivering care locally. Regions will enter into performance-based contracts to administer and deliver services, including a set of core services that will be consistent across the state.

Iowa's newly redesigned system is based on a successful existing regional system that is thriving around Waterloo. The new system will be financially sustainable and predictable for the state. Governor Branstad believes, most importantly, the redesigned system must advance care and accountability for families and ensure more consistent and high quality care across the state.

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Matt Hinch  
Chief of Staff

Office of Governor Terry E. Branstad  
State of Iowa  
Direct Dial: 515.725.3535  
Main Line: 515.281.5211  
[matt.hinch@iowa.gov](mailto:matt.hinch@iowa.gov)

~~Navara, Nicole [LEGIS]~~

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**From:** Hunter, Caleb [DAS]  
**Sent:** Friday, December 20, 2013 10:24 AM  
**To:** Royce, Joseph [LEGIS]  
**Cc:** Findley, Brenna [IGOV]; Pettengill, Dawn [LEGIS]  
**Subject:** Update  
**Attachments:** Copy of Report of Employees Changed from Merit to Non-Merit Jan-November 2013.pdf

Joe,

Attached is the December confidential employee update.

Thanks,  
Caleb



**Caleb Hunter, Communications Director**  
**Iowa Department of Administrative Services**  
Office: (515) 725-2017  
FAX: (515) 281-6140  
[caleb.hunter@iowa.gov](mailto:caleb.hunter@iowa.gov)



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## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 3
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 3
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 2
212	Commerce-Alcoholic Beverages Division	1/18/2013	Executive Officer 2
219	Commerce-Utilities	2/1/2013	Utility Administrator 2
671	Iowa Veterans Home	2/1/2013	Food Service Director 3
671	Iowa Veterans Home	2/1/2013	Public Service Executive 3
671	Iowa Veterans Home	2/1/2013	Information Technology Administrator 3
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 1
671	Iowa Veterans Home	2/1/2013	Public Service Supervisor 3
671	Iowa Veterans Home	2/1/2013	Public Service Executive 1
671	Iowa Veterans Home	2/1/2013	Public Service Executive 1
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Senior Transportation Engineer
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 6

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 1
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 3
642	Office of Drug Control Policy	3/1/2013	Public Service Executive 3
297	Aging	3/1/2013	Executive Officer 2
297	Aging	3/1/2013	Executive Officer 2
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
595	Public Safety	3/15/2013	Criminal Intelligence Analyst Supervisor
595	Public Safety	3/15/2013	Information Technology Specialist 4
595	Public Safety	3/15/2013	Crime Laboratory Administrator
595	Public Safety	3/15/2013	Information Technology Administrator 3
595	Public Safety	3/15/2013	Information Specialist 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Electrical Inspector Supervisor
595	Public Safety	3/15/2013	Construction Design Engineer Senior
553	IPERS	4/12/2013	Pension System Attorney
553	IPERS	4/12/2013	Executive Officer 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 5

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Administrative Law Judge 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 3
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Fiscal & Policy Analyst Senior
005	Administrative Services	4/26/2013	Executive Officer 4
005	Administrative Services	4/26/2013	Information Technology Administrator 3
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Public Service Executive 1
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Accountant 4
005	Administrative Services	5/10/2013	Public Service Executive 4
005	Administrative Services	5/10/2013	Public Service Executive 4
259	Cultural Affairs	3/1/2013	Public Service Executive 3
259	Cultural Affairs	2/15/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Executive Officer 1
005	Administrative Services	5/24/2013	Public Service Supervisor 3
005	Administrative Services	5/24/2013	Public Service Executive 4
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Program Planner 2
005	Administrative Services	5/24/2013	Public Service Executive 1
005	Administrative Services	5/24/2013	Public Service Executive 1
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 3
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 4

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
216	Commerce-Insurance	6/7/2013	Executive Officer 2
216	Commerce-Insurance	6/7/2013	Executive Officer 3
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
583	Homeland Security	5/24/2013	Executive Officer 3
583	Homeland Security	5/24/2013	Information Specialist 3
583	Homeland Security	5/24/2013	Information Specialist 2
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 3
583	Homeland Security	5/24/2013	Public Service Executive 3
427	Inspections and Appeals-EAB	7/5/2013	Attorney 3
427	Inspections and Appeals-CAB	7/5/2013	Public Service Executive 3
427	Inspections and Appeals	7/5/2013	Public Service Executive 6
427	Inspections and Appeals	7/5/2013	Attorney 3
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Accountant 4
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Public Service Executive 3
429	Iowa Racing and Gaming Commission	7/5/2013	Public Service Executive 4
429	Iowa Racing and Gaming Commission	7/5/2013	Public Service Executive 1
284	Iowa College Student Aid Commission	7/5/2013	Executive Officer 3
284	Iowa College Student Aid Commission	7/5/2013	Information Technology Administrator 1
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Executive Officer 4
542	Natural Resources	7/19/2013	Executive Officer 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Health Dental Director
588	Public Health	11/22/2013	Executive Officer 3
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Executive Officer 2
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Information Technology Administrator 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Executive Officer 4
588	Public Health	11/22/2013	Public Service Executive 3
588	Public Health	11/22/2013	Executive Officer 4
588	Public Health	11/22/2013	Executive Officer 3
588	Public Health	11/22/2013	Physician Assistant
588	Public Health	11/22/2013	Chief Health Profession Investigator
588	Public Health	11/22/2013	Chief Health Profession Investigator

**Employees Changed from Merit to Non-Merit  
Definition of Confidential Employee Rule Change**

January-November 2013

Dept # Department Name

Effective Date Job Classification

Updated since last report



**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Thursday, December 19, 2013 3:58 PM  
**To:** sally-mason@uiowa.edu; rita-frantz@uiowa.edu; douglas-york@uiowa.edu; duffyw@uiu.edu; juves@uiu.edu; rjdenson@dmacc.edu; danderson@dmacc.edu; kmericson@dmacc.edu; james.lindenmayer@indianhills.edu; cindy.hewitt@indianhills.edu; Le.Harvey@indianhills.edu; mick.starcevich@kirkwood.edu; mike.mclaughlin@kirkwood.edu; jimmy.reyes@kirkwood.edu; kendra.williams-perez@allencollege.edu; jewers@muscatineiowa.gov; norrisk@ihaonline.org; steve@iowahealthcare.org; sstrickler@leadingageiowa.org; Roberts, Rod [DIA]; sisson.greer@dol.gov; Buck, Brad [ED]; Beasley, Thomas [ED]; jodi.tymeson@ihv.state.ia.us; peter.kaboli@va.gov; Wahlert, Teresa [IWD]; Durham, Debi [IEDA]; Adams, Lori [IWD]; Orr, Timothy [IANG]; Smithhart, Tony [IWD]; Gregg, Adam [IGOV]; Hoelscher, Doug [IGOV]; Miller-Meeks, Mariannette [IDPH]; Clabaugh, Gerd [IDPH]; Weinberg, Kathy [BON]; Hudson, Laura [BON]; Sharp, Ken [IDPH]; Curtiss, Rebecca [IDPH]; Ferrell, Joe [IDPH]; Schnathorst, Jennifer [IDPH]  
**Subject:** Invitation - Veteran's Licensing Stakeholder Meeting

Colleagues,

The Office of Governor Terry Branstad, Iowa Dept. of Workforce Development, and the Iowa Dept. of Public Health would like to cordially invite you to participate in an important stakeholder meeting to discuss issues relating to the health professional education and licensing of returning veterans based upon their military experience. It is anticipated that legislation will be introduced during the 2014 session to assist with this initiative. We would like to invite you and/or your designee to attend a stakeholder meeting on Tuesday January 7, 2014 from 9:30 a.m. to 1:00 p.m. in Des Moines. A meeting initiation will be issued by Jennifer Schnathorst from our offices soon. Please RSVP your attendance by Monday Dec. 30, 2013 to Jennifer Schnathorst, Iowa Dept. of Public Health: [Jennifer.schnathorst@idph.iowa.gov](mailto:Jennifer.schnathorst@idph.iowa.gov) .

It has been estimated that 200,000+ veterans will be discharged from the active military annually for the foreseeable future, many being disabled or former National Guard members that will require assistance with job placement and skill building. The State of Iowa has received funding through a grant from the National Governor's Association, Veteran's Licensing and Certification Demonstration Policy Academy that will support the Governor's legislative efforts in recognition of military certifications for civilian occupations. Funding will assist with tasks outlined in the grant application through interstate sharing of best practices on data gathering and its use in support of Veterans, enhanced service management to Veterans, and cost-saving ideas that Iowa can implement.

Mariannette Miller-Meeks BSN, MEd, MD  
Director, Iowa Department of Public Health

*Promoting and Protecting the Health of Iowans*

Navara, Nicole [LEGIS]

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**From:** Hunter, Caleb [DAS]  
**Sent:** Friday, November 15, 2013 10:37 AM  
**To:** Royce, Joseph [LEGIS]  
**Cc:** Findley, Brenna [IGOV]; Pettengill, Dawn [LEGIS]  
**Subject:** Update  
**Attachments:** Report of Employees Changed from Merit to Non-Merit Jan-November 2013.pdf

Joe,

Attached is the November confidential employee update. No new additions are added to this report.

Thanks,  
Caleb



## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Senior Transportation Engineer
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 6

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 1
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 3
642	Office of Drug Control Policy	3/1/2013	Public Service Executive 3
297	Aging	3/1/2013	Executive Officer 2
297	Aging	3/1/2013	Executive Officer 2
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
595	Public Safety	3/15/2013	Criminal Intelligence Analyst Supervisor
595	Public Safety	3/15/2013	Information Technology Specialist 4
595	Public Safety	3/15/2013	Crime Laboratory Administrator
595	Public Safety	3/15/2013	Information Technology Administrator 3
595	Public Safety	3/15/2013	Information Specialist 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Electrical Inspector Supervisor
595	Public Safety	3/15/2013	Construction Design Engineer Senior
553	IPERS	4/12/2013	Pension System Attorney
553	IPERS	4/12/2013	Executive Officer 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 5

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Administrative Law Judge 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 3
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Fiscal & Policy Analyst Senior
005	Administrative Services	4/26/2013	Executive Officer 4
005	Administrative Services	4/26/2013	Information Technology Administrator 3
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Public Service Executive 1
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Accountant 4
005	Administrative Services	5/10/2013	Public Service Executive 4
005	Administrative Services	5/10/2013	Public Service Executive 4
259	Cultural Affairs	3/1/2013	Public Service Executive 3
259	Cultural Affairs	2/15/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Executive Officer 1
005	Administrative Services	5/24/2013	Public Service Supervisor 3
005	Administrative Services	5/24/2013	Public Service Executive 4
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Program Planner 2
005	Administrative Services	5/24/2013	Public Service Executive 1
005	Administrative Services	5/24/2013	Public Service Executive 1
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 3
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 4

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-November 2013

Dept #	Department Name	Effective Date	Job Classification
216	Commerce-Insurance	6/7/2013	Executive Officer 2
216	Commerce-Insurance	6/7/2013	Executive Officer 3
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
583	Homeland Security	5/24/2013	Executive Officer 3
583	Homeland Security	5/24/2013	Information Specialist 3
583	Homeland Security	5/24/2013	Information Specialist 2
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 3
583	Homeland Security	5/24/2013	Public Service Executive 3
427	Inspections and Appeals-EAB	7/5/2013	Attorney 3
427	Inspections and Appeals-CAB	7/5/2013	Public Service Executive 3
427	Inspections and Appeals	7/5/2013	Public Service Executive 6
427	Inspections and Appeals	7/5/2013	Attorney 3
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Accountant 4
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2





**From:** Findley, Brenna [IGOV]  
**Sent:** Saturday, November 09, 2013 9:55 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Fwd: Official USDA Travel Notification - Iowa

Sent from my iPhone

Begin forwarded message:

**From:** "Griffis, Janice - OSEC" <[Janice.Griffis@osec.usda.gov](mailto:Janice.Griffis@osec.usda.gov)>  
**Date:** November 8, 2013, 4:47:09 PM EST  
**To:** "Bartel, Christine [IGOV]" <[Christine.Bartel@iowa.gov](mailto:Christine.Bartel@iowa.gov)>, "Albrecht, Tim [IGOV]" <[Tim.Albrecht@iowa.gov](mailto:Tim.Albrecht@iowa.gov)>, "Vande Hoef, Julie [IGOV]" <[Julie.VandeHoef@iowa.gov](mailto:Julie.VandeHoef@iowa.gov)>, "Hoelscher, Doug [IGOV]" <[Doug.Hoelscher@iowa.gov](mailto:Doug.Hoelscher@iowa.gov)>, "Hough, Margaret [IGOV]" <[Margaret.Hough@iowa.gov](mailto:Margaret.Hough@iowa.gov)>, "Findley, Brenna [IGOV]" <[Brenna.Findley@iowa.gov](mailto:Brenna.Findley@iowa.gov)>, "'Bill Northey ([Agri@IowaAgriculture.gov](mailto:Agri@IowaAgriculture.gov))'" <[Agri@IowaAgriculture.gov](mailto:Agri@IowaAgriculture.gov)>, "'IA-Secretary ([steve.moline@iowaagriculture.gov](mailto:steve.moline@iowaagriculture.gov))'" <[steve.moline@iowaagriculture.gov](mailto:steve.moline@iowaagriculture.gov)>  
**Cc:** "Yezak, Jennifer - OSEC" <[Jennifer.Yezak@osec.usda.gov](mailto:Jennifer.Yezak@osec.usda.gov)>, "Scanlon, Sarah - OSEC\OCR" <[Sarah.Scanlon@osec.usda.gov](mailto:Sarah.Scanlon@osec.usda.gov)>  
**Subject:** Official USDA Travel Notification - Iowa

Good afternoon,

I wanted to notify you that on November 12-13, Foreign Agricultural Service Administrator Phil Karsting will travel to Iowa. On November 12, he'll travel to Des Moines and on November 13, he'll visit Dupont Pioneer's global biotechnology affairs team in Johnston to discuss current issues.

If you have any questions feel free to call Jennifer, Sarah or me.

Regards,

Janice Griffis  
Special Assistant  
Office of External & Intergovernmental Affairs  
(202) 720-6643

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**Navara, Nicole [LEGI]**

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**From:** Hinch, Matt [IGOV]  
**Sent:** Friday, November 08, 2013 4:17 PM  
**To:** Elming, Becky [IGOV]  
**Cc:** Roederer, David [IDOM]; Gregg, Adam [IGOV]  
**Subject:** RE: meeting with Bill Van Orsdel

Becky,

Can you please work with Susan to schedule this meeting?

Thanks,

mh

---

**From:** Susan Fenton [<mailto:sfenton@ls2group.com>]  
**Sent:** Wednesday, November 06, 2013 11:55 AM  
**To:** Roederer, David [IDOM]; Hinch, Matt [IGOV]; Gregg, Adam [IGOV]  
**Subject:** meeting with Bill Van Orsdel

David, Matt and Adam,  
Bill Van Orsdel would like to meet with you regarding the Iowa Great Lakes Association.  
Would you have time in the next week or so? I know how busy you are so any amount of time would be greatly appreciated.

Thank you,  
Susan

 Susan Severino Fenton, Director, Government Affairs

510 East Locust Street, Suite 200 | Des Moines, IA 50309

[o] 515-216-5401 | [m] 515-669-4668 | [LS2group.com](http://LS2group.com)

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**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Thursday, November 07, 2013 10:10 AM  
**To:** Hinch, Matt [IGOV]  
**Subject:** FW: EMS Interim Recap

Matt,  
In follow-up to our conversation earlier. I will send Ken Sharp's summary also.  
Dr. Miller-Meeks

---

**From:** Thompson, Deborah [IDPH]  
**Sent:** Wednesday, November 06, 2013 2:49 PM  
**To:** Curtiss, Rebecca [IDPH]; Sharp, Ken [IDPH]; Mercer, Steve [IDPH]; Ferrell, Joe [IDPH]  
**Cc:** Miller-Meeks, Mariannette [IDPH]; Carver-Kimm, Polly [IDPH]  
**Subject:** EMS Interim Recap

Hi everyone,

Again, I think we did a great job this morning. There were some good questions from the legislative members and here is the information I think we were asked to provide based on my notes:

1. Rep. Watts: A handout that explains the structure of the bureau and the funding streams based on Rebecca's comments.
2. I told Rep. Prichard we would get him the total percentage decrease of all our federal funding streams combined over the course of the years we were commenting on. I think FY 2009-FY 2014?
3. Sen. Wilhelm: Information about whether or not providers have dropped off as a result of the move to national standards. This is a regular question we receive.
4. More information to help Rep. Watts understand our data collection agreements and how we protect patient confidentiality. He wants to know why the department would need information with patient identifiers at all.
5. Sen. Wilhelm: a breakdown of where the volunteers are serving. How many services are all volunteer, etc.?
6. Sen. Chapman and Rep. Prichard have interest in understanding more about the medical director position. What would it look like? What is missing from not having one now? I think we'll just need to keep them informed as we make those decisions.

Let's have a goal of getting as much to them as we can before tomorrow but I understand if we can't get to everything. I think it's ok to send them directly to Nicole Hoffman so she can get the info to the members in a timely manner.

For everyone else on this email. The IDPH staff of Ken Sharp, Rebecca Curtiss, and Joe Ferrell with Steve Mercer working behind the scenes with the team, all did a great job. There were several questions relating to the Bureau's resources. Rep. Staed wanted to know how many more FTEs and funding we were looking for this session. Ken explained that we were still assessing needs. Senator Chapman was very complimentary of the work the bureau does and brought up his usual concerns relating to run sheets and whether they are a burden to service providers. Rep. Watts had several questions about our data collection and whether or not we are taking enough care with regards to patient confidentiality. There were questions about the national standards and how moving to those has affected the EMS workforce. I also clarified to Rep. Watts, why we suggested the task force instead of using EMSAC. There were some media in the room that were gone by the afternoon session. I let Polly know who they were. In his final remarks, Rep. Prichard asked for our plans to hire a permanent bureau chief and a medical director.

There is still a half day of presentations and discussions that we will be involved in tomorrow. I'll try to keep everyone in the loop before I leave for Kansas City.

Please let me know if you have any questions or need additional information.

Thanks!

Deborah

**Deborah H. Thompson, MPA**

Policy Advisor & Healthiest State Initiative Coordinator | Iowa Department of Public Health

321 E. 12th St | Des Moines, IA 50319 | Office: 515-281-8960 Mobile: 515-240-0530 |

[deborah.thompson@idph.iowa.gov](mailto:deborah.thompson@idph.iowa.gov)

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**From:** Findley, Brenna [IGOV]  
**Sent:** Monday, November 04, 2013 9:30 AM  
**To:** catherinehuggins22@gmail.com  
**Cc:** Hinch, Matt [IGOV]; Johnson, Larry [IGOV]  
**Subject:** Ethics Issues

Catherine, This email is the summary of an email conversation between myself and the Executive Director of the Ethics Board. She has approved the following advice.

\*\*\*\*\*

Megan,

Thank you for providing advice earlier today related to a hire in the Office of the Governor and Lt. Governor ("Office"), including questions about this person's consulting business.

The representations made by Catherine Huggins about her ownership interest in Huggins Consulting Group LLC ("HCG") are attached.

In our conversation, you highlighted several key legal provisions. I have tried to list them. If you agree with my characterization of the issues we discussed earlier today, I intend to forward this email to Ms. Huggins.

**Conflict of Interest ( Iowa Code Section 68B.2A):**

**Conflict of Interest Legal Standard:** Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any of the following conduct: outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the performance of the person's duties of office or employment. Iowa Code § 68B.2A(1)(c) (2013). Ms. Huggins will serve as Chief Adviser to the Lt. Governor. In her senior role, it would be important that Ms. Huggins not take any official action or have any contact as part of her official duties with Huggins Consulting Group or its clients.

**Conflict of Interest Compliance:** I am awaiting final confirmation, but it is my understanding that Ms. Huggins will divest herself of her 51% ownership stake in HCG before she begins work in the Office. She will not engage in consulting work for HCG or any other entity while she is employed by our office. In addition, she will not work with HCG or any of HCG's clients in the Office. This includes both active clients and inactive clients listed in the attachment. It also includes any future clients of HCG. If she receives a contact from one of these clients she will refer them to someone else in the office. Contact includes, but is not limited to, scheduling, receiving lobbying requests, or handling other matters with active or inactive clients of HCG due to her husband's ongoing ownership of the firm.

**Sales to State Agencies (Iowa Code Section 68B.3):** Ms. Huggins informed me that HCG does not sell to state agencies. If that changes, HCG will need to follow any applicable laws, including, but not limited to, disclosure and bidding requirements.

**Sales or Leases by Members of the Office of the Governor (Iowa Code 68B.4B):** These provisions apply to the Lt. Governor's staff as well because it is part of the Office of the Governor team.

**Sales or Leases by Members of the Office of the Governor—Legal Standard:** A permanent full-time member of the office of the governor shall not sell or lease, either directly or indirectly, any goods or services to a registered lobbyist before the general assembly or the executive branch or to an individual, association, or corporation which employs a person who is a registered lobbyist before the general assembly or the executive branch, except when the member of the office of the governor has met all of the following conditions:

- (1) The consent of the person responsible for hiring or approving the hiring of the member of the office of the governor is obtained. A copy of the consent shall be filed with the board within twenty days of the consent being granted.
- (2) The duties and functions performed by the member for the office of the governor are not related to the authority of the office of the governor over the individual, association, or corporation, or the selling or leasing of goods or services by the

member of the office of the governor to the individuals, associations, or corporations does not affect the member's duties or functions at the office of the governor.

- (3) The selling or leasing of any goods or services by the member of the office of the governor to an individual, association, or corporation does not include lobbying of the office of the governor.
- (4) The selling or leasing of any goods or services by the member of the office of the governor does not cause the member to sell or lease goods or services to the office of the governor on behalf of the individual, association, or corporation. Iowa Code § 68B.4B(1-4) (2013).

**Sales or Leases by Members of the Office of the Governor—Compliance:** Given that Ms. Huggins has divested herself of HCG ownership prior to employment, such reports would not need to be filed by HCG. In addition, the Office will be her only source of income (with the exception of Aponi Creations LLC which is described below) and she has promised not to engage in consulting.

**Other Issues:**

- Ms. Huggins has informed me that HCG has removed her bio, information and name from HCG's website and materials. Her name and position in the Office will not be used to solicit or retain clients, or in connection with client meetings. She will not be involved with client development in any way for HCG.
- Ms. Huggins has informed me that she understands that HCG must receive fair market value for services. If this is not the case, it would violate the gift law, among other laws.
- Ms. Huggins has informed me that she intends to carefully adhere to all applicable laws, including but not limited to the ethics laws (Chapter 68B). She understands that some of these laws also apply to her spouse, including, but not limited to, the gift prohibition.

**Aponi Creations LLC:** Ms. Huggins owns an entity that specializes in home decorating, particularly permanent flower arrangements. She sells these arrangements to the general public at craft shows. She does not have any employees. In the event that she engages in this business while employed by the Office, she has assured the Office that she will do it outside of work time, not use official resources and not sell to restricted donors without advance consent (including required disclosures).

In addition, Megan, we understand that the issues you mentioned on the phone may not be an exhaustive list of all issues Ms. Huggins may encounter over time. Ms. Huggins has promised to seek ethical advice in advance, should any further questions or issues arise.

Thank you for your advice and assistance with this matter.  
Brenna

S. Brenna Findley  
Legal Counsel  
Office of Governor Terry E. Branstad  
Direct Dial: 515.725.3505  
Main Line: 515.281.5211  
[Brenna.Findley@iowa.gov](mailto:Brenna.Findley@iowa.gov)

**Navara, Nicole [LEGIS]**

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**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Friday, November 01, 2013 12:22 PM  
**To:** Hinch, Matt [IGOV]  
**Subject:** Fwd: Potential EMS Interim Committee Questions

Matt,  
I asked out legislative liaison to put together some of the potential questions that she has heard circulated and I thought this might be helpful to you.

The last question on what the department can do is why we (as a department and staff) thought about integrating EMS and CDOR bureaus. Short of increased funding, this is a way to strengthen both bureaus as detailed in the brief I left. I think this will be brought up at the meeting next week, perhaps even by Sen. Chapman as he inquired about it given that CDOR bureau has 4 paramedics.

This is not specific to a particular director, it is a logical proposal.  
I will send some more info to you and it

is impressive how "on top on things" you are having just started.  
I do apologize that this is coming up so soon into your tenure.

Feel free to call @ 515-802-0845 cell

Thank you,

Mariannette Miller-Meeks MD

Begin forwarded message:

**From:** "Thompson, Deborah [IDPH]" <[Deborah.Thompson@idph.iowa.gov](mailto:Deborah.Thompson@idph.iowa.gov)>  
**Date:** November 1, 2013, 11:34:37 AM CDT  
**To:** "Miller-Meeks, Mariannette [IDPH]" <[Mariannette.Miller-Meeks@idph.iowa.gov](mailto:Mariannette.Miller-Meeks@idph.iowa.gov)>  
**Cc:** "Sharp, Ken [IDPH]" <[Kenneth.Sharp@idph.iowa.gov](mailto:Kenneth.Sharp@idph.iowa.gov)>  
**Subject:** Potential EMS Interim Committee Questions

Greetings Dr. MM,

I would anticipate the following questions from the legislators on the EMS Interim Committee. I've brought them up to Ken and his staff too so there has been some discussion on how to answer them and staff is working on preparing some information to have just in case they are posed but I'm sure it will be helpful for you to weigh in on the responses too. I've also CC'ed Ken on this email in case I'm missing one that we've discussed already.

- What is the criteria for determining whether or not a person is fit to serve as a licensed EMS professional?
- What is the department's stance on background checks?
- What does the Bureau need as far as financial resources and FTEs to improve their service delivery and regulation?
- Why isn't all of the funding spent down in the systems development grant fund?



- What is the department currently doing to improve the EMS system?
- Would EMS be better served under the Department of Public Safety?
- What are some recommendations from the department on what the legislature can do for the EMS system?

I'll send more if I think of any. Please let me know if you have any questions or need additional information.

Thanks!

Deborah

**Deborah H. Thompson, MPA**

Policy Advisor & Healthiest State Initiative Coordinator | Iowa Department of Public Health

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**From:** Roederer, David [IDOM]  
**Sent:** Tuesday, October 29, 2013 10:23 AM  
**To:** Carroll, Mike [DAS]; Wahlert, Teresa [IWD]; Orr, Timothy [IANG]  
**Cc:** Hinch, Matt [IGOV]; Hackbarth, Heather [IDOM]  
**Subject:** RE: Reimbursement Instructions

Approve

---

**From:** Granger, Tera [DAS] **On Behalf Of** Carroll, Mike [DAS]  
**Sent:** Tuesday, October 29, 2013 9:49 AM  
**To:** Wahlert, Teresa [IWD]; Orr, Timothy [IANG]  
**Cc:** Roederer, David [IDOM]; Hinch, Matt [IGOV]  
**Subject:** Reimbursement Instructions

MEMORANDUM

TO: Director Wahlert and General Orr

FR: Mike Carroll, DAS Director

RE: Reimbursement Instructions

In accordance with the Continuing Appropriations Act of 2014, employees of Iowa Workforce Development and the Department of Public Defense who were temporarily laid off during the recent shutdown of the federal government will be reimbursed at their standard rate of compensation. The Iowa Department of Administrative Services State Accounting Enterprise has prepared the attached instructional sheet for administering the reimbursement. Reimbursement payments must be made on or before November 1, 2013. Please call Michelle Wendell at 515-281-3976 or email at [Michelle.Wendel@iowa.gov](mailto:Michelle.Wendel@iowa.gov) for answers to your questions concerning reimbursement.

The employees temporarily laid off also accrued sick leave and annual vacation leave during the temporary layoff. Additionally, their health insurance should not have been affected. Please call your personnel assistant or Sheryl Jensen at 515-281-8866 or email at [sheryl.jensen@iowa.gov](mailto:sheryl.jensen@iowa.gov) for answers to your questions concerning benefits.

Finally, and in accordance with regulations of the Unemployment Insurance Services Division of Iowa Workforce Development, employees who received unemployment benefits during the temporary layoff are required to pay back the benefits to the Unemployment Insurance Services Division. Please call Michael Wilkinson at 515-281-4986 or email at [Michael.Wilkinson@iwd.iowa.gov](mailto:Michael.Wilkinson@iwd.iowa.gov) for answers to your questions concerning unemployment.



**Mike Carroll, Director**

**Iowa Department of Administrative Services**

Office: (515) 281-3273

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FAX: (515) 281-6140

[mike.carroll@iowa.gov](mailto:mike.carroll@iowa.gov)

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**From:** Granger, Tera [DAS] on behalf of Carroll, Mike [DAS]  
**Sent:** Tuesday, October 29, 2013 9:49 AM  
**To:** Wahlert, Teresa [IWD]; Orr, Timothy [IANG]  
**Cc:** Roederer, David [IDOM]; Hinch, Matt [IGOV]  
**Subject:** Reimbursement Instructions  
**Attachments:** Temp Layoff PA Instructions October 2013 Compensation.pdf

MEMORANDUM

TO: Director Wahlert and General Orr

FR: Mike Carroll, DAS Director

RE: Reimbursement Instructions

In accordance with the Continuing Appropriations Act of 2014, employees of Iowa Workforce Development and the Department of Public Defense who were temporarily laid off during the recent shutdown of the federal government will be reimbursed at their standard rate of compensation. The Iowa Department of Administrative Services State Accounting Enterprise has prepared the attached instructional sheet for administering the reimbursement. Reimbursement payments must be made on or before November 1, 2013. Please call Michelle Wendell at 515-281-3976 or email at [Michelle.Wendell@iowa.gov](mailto:Michelle.Wendell@iowa.gov) for answers to your questions concerning reimbursement.

The employees temporarily laid off also accrued sick leave and annual vacation leave during the temporary layoff. Additionally, their health insurance should not have been affected. Please call your personnel assistant or Sheryl Jensen at 515-281-8866 or email at [sheryl.jensen@iowa.gov](mailto:sheryl.jensen@iowa.gov) for answers to your questions concerning benefits.

Finally, and in accordance with regulations of the Unemployment Insurance Services Division of Iowa Workforce Development, employees who received unemployment benefits during the temporary layoff are required to pay back the benefits to the Unemployment Insurance Services Division. Please call Michael Wilkinson at 515-281-4986 or email at [Michael.Wilkinson@iwd.iowa.gov](mailto:Michael.Wilkinson@iwd.iowa.gov) for answers to your questions concerning unemployment.



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**Iowa Department of Administrative Services**  
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## Instructions for Processing Payroll for Employees Impacted by Temporary Layoff Due to Federal Government Shutdown

The following instructions should be used when making HRIS entries for employees who were temporarily laid off due to the federal government shutdown that occurred on October 1, 2013. This document shall not set precedent for any future temporary layoffs. With respect to UE/IUP-covered employees, the State of Iowa is not interpreting the current collective bargaining agreement to require benefits and accruals for its covered employees during a temporary layoff. The State of Iowa has, however, reached a separate agreement with UE/IUP to provide benefits and accruals during this time period in an effort to minimize the impact to employees.

### For Employees still in leave code 59 – Temporary Layoff:

If an employee is still in the temporary layoff leave code of 59, you will need to return the employee from temporary layoff. To return them from leave, complete a P1 type 520 RETURN FROM LEAVE in the 10/11/2013 pay period using the Leave Reason of 56 – Return from Leave. Follow the instructions below.

#### Completing P1 type 520:

- Leave Reason field: Enter code 56 RETURN FROM LEAVE on page 3
- LOA Return Date field: Enter the date the employee returns to work. The return date must be in the current pay period
- Enter in remarks: Return from temporary layoff

----- F R O M -----	D E S C -----	T O -----	PAGE 3 OF 5
10/03/2013	LAST WORK DAY	/ /	
TEMPORARY LAY OFF 59	LEAVE REASON*	56 RETURN FROM LEAVE	
10/03/2013	LOA DATE	/ /	
10/30/2013	LOA RETURN DATE	10/17/2013	

Full instructions for completing P1 type 520 can be found at:

[http://das.hre.iowa.gov/documents/pre\\_audit/520\\_return\\_from\\_leave\\_of\\_absence.pdf](http://das.hre.iowa.gov/documents/pre_audit/520_return_from_leave_of_absence.pdf)

### Recording HRIS time 10/11/13 pay period

1. To pay employees for temporary layoff hours for the current pay period, enter time type 330 Other Regular Time. This time type provides affected employees with their regular pay and accruals for the number of hours entered using that time type.
2. For hours temporarily laid off in the prior pay period, record those hours on the first Friday of the current pay period time sheet under time type 500 – Prior Pay Period Hours. For example, in the 10/11/2013 pay period, an employee that had 40 temporary layoff hours in the 9/27/2013 pay period, the timesheet would look like the example on the following page.

**Instructions for Processing Payroll for Employees Impacted by  
Temporary Layoff Due to Federal Government Shutdown**

**Timesheet Example**

8.00	330	- OTHER REG TIME	FRI	10/11/2013
40.00	500	- PRIOR PAY PERIOD HOURS	FRI	10/11/2013
8.00	330	- OTHER REGULAR TIME	MON	10/14/2013
8.00	330	- OTHER REGULAR TIME	TUE	10/15/2013
8.00	330	- OTHER REGULAR TIME	WED	10/16/2013
8.00	330	- OTHER REGULAR TIME	THU	10/17/2013
		=== > WEEK TWO < ===		
8.00	010	- REGULAR TIME	FRI	10/18/2013
8.00	010	- REGULAR TIME	MON	10/21/2013
8.00	010	- REGULAR TIME	TUE	10/22/2013
8.00	010	- REGULAR TIME	WED	10/23/2013
8.00	010	- REGULAR TIME	THU	10/24/2013

3. Please put the following remarks on the time sheet for each employee affected: *temporarily laid off due to the federal government shutdown that occurred on October 1-17, 2013. Time type 330 is being used to pay the employee for hours they were temporarily laid off in the current pay period and time type 500 is to pay the employee for hours they were temporarily laid off in the 9/27/13 pay period. Employees are to be paid for the hours they were temporarily laid off in accordance with the Continuing Appropriations Act of 2014.*
4. All sick /vacations accruals for the 9/27/2013 pay period should have been credited to the individual employee accrual balances as long as time type 864 Temp Layoff-Accr was used for all temporary layoff hours on the timesheet for the 9/27/2013 pay period. By using time type 330 Other Regular Hours on the current timesheet, the employee will receive the proper accruals for the current pay period. The department Personnel Associate (PA) should review the payroll journals to make sure this occurred.
5. If employees that were temporarily laid off were not paid their full biweekly pay, the PA will want to make sure that all employee deductions were taken. If any deductions were not taken as normal, the PA will want to work with the individual employee on a resolution.

**PAYN reporting agencies:**

1. Enter all hours including temporary layoff hours for the 10/11/13 pay period as normal on PAYN.
2. To pay the hours of temporary layoff in the prior pay period, key a P1 type 846 Cat/Oth/Term/Sick and enter the amount owed for the prior pay period in the 'regular other' pay line. Identify all temporary layoff dates and hours to be retroactively paid to the employee on the remarks page of the P1.
3. If not already done so, key a P1 type 271 leave balance correction to correct vacation/sick accruals for the pay period 09/27/2013, using remarks and showing calculations.
4. If employees that were temporarily laid off were not paid their full biweekly pay, the PA will want to make sure that all employee deductions were taken properly. If any deductions were not taken as normal, the PA will want to work with the individual employee on a resolution.

## **Instructions for Processing Payroll for Employees Impacted by Temporary Layoff Due to Federal Government Shutdown**

### **Insurance Billing**

Insurance deductions for the 9/27/2013 pay period were for the first half employee share of health and dental insurance for the month of November and the October life insurance premiums. If the employees on temporary layoff in the 9/27/2013 received enough wages, those premiums would have been pulled with the normal payroll processing. If any employee had a first half health or dental insurance missed, the system will automatically pull both shares during the 10/11/2013 pay period and no manual adjustment should be needed. If the employee missed their share of the supplemental life insurance deduction, you will need to follow the normal billing adjustment process to make up for the missed deduction. This means the employee must write a check, made payable to Treasurer-State of Iowa, for their portion of the premium. Submit the employee's checks with the appropriate paperwork for the monthly billing adjustments to Sandy Mezera, DAS-SAE. Please review your payroll journals to ensure the proper deductions were made in both the 9/27/2013 and 10/11/2013 pay periods.



~~Nancy Nicole [REDACTED]~~

**From:** Findley, Brenna [IGOV]  
**Sent:** Friday, October 25, 2013 9:06 AM  
**To:** Minnehan, Michelle [DAS]  
**Cc:** Hinch, Matt [IGOV]  
**Subject:** FW: ILEA Staff Psychologist's husband discusses my personnel matters on Register website

Michelle,  
I wanted to bring this email to your attention.  
Thank you, Brenna

**From:** Nancy Brady [<mailto:nancykaybrady@gmail.com>]  
**Sent:** Thursday, October 24, 2013 10:41 PM  
**To:** Ciechanowski, Arlen [ILEA]; Findley, Brenna [IGOV]; Murphy, Patrick [LEGIS]; Forbes, John [LEGIS]; Rep. Deb Berry; Albrecht, Tim [IGOV]; West, Bill [DAS]; VanCompernelle, David [AG]; Pirkel, Stefanie [DAS]; Ernst, Joni [LEGIS]; Feenstra, Randy [LEGIS]; Barrick, Neil [DAS]; Danielson, Jeff [LEGIS]; Engel, Catherine [LEGIS]; Cooperrider, Ruth [LEGIS]; Dalmer, Bert [LEGIS]  
**Subject:** ILEA Staff Psychologist's husband discusses my personnel matters on Register website

To:

Brenna Findley, Governor Branstad's Office  
Tim Albrecht, Governor Branstad's Communication Office  
Arlen Ciechanowksi, ILEA Director  
Dave Van Compernelle, Attorney General Representative for ILEA  
Stefanie Pirkel, Iowa Department of Administrative Services  
Neil Barrick, attorney, Iowa Department of Administrative Services  
Bill West, Iowa Department of Administrative Services  
Members of the Iowa Legislature  
Cathy Engle, Senate Democratic Caucus  
The Iowa Ombudsman (even though they say they are not allowed to do anything for me)

I am writing to all of you because I do not know which state department this complaint needs to go to.

I am writing to complain that on Oct. 22, 2013, Eugene Davis, husband of ILEA staff psychologist Cyndee Davis, posted a statement on the Register website discussing confidential personnel matters about me. He stated that he has "insider information that I was fired for just cause". He removed it from the Register's website but then sent the same statement to at least one person via a Facebook instant message. That person kindly forwarded the message to me. This adds another chapter for my already very long book about how DAS allows people to abuse state employees and Governor Branstad allows it to continue again and again and again and...

The questions I want answered are:

Why is Cyndee Davis discussing personnel matters about me?

Who discussed my personnel matters with Cyndee Davis since she has no authority to be involved in ILEA personnel matters or personnel records?

Cyndee Davis should be fired for defaming my character to her husband, who then defamed my character on the Des Moines Register website. The Register and the AP have both asked me what Eugene Davis meant by his comments on the Register website.

To date, the Governor's office, the AG's office, ILEA, and DAS have all failed to do the right thing every single step of the way through this debacle that started with Mike Quinn asking if penis size matters. So I do not know which of you state departments is the appropriate one for me to complain to about Cyndee Davis, ILEA staff psychologist.

I included Bill West of DAS since he was DAS employee who conspired with Ciechanowski and compromised my whistleblower rights first, by including Mike Quinn's long time buddy and former employee Kim Wadding into the DAS investigation. I included Stefanie Pirkl on this email because even though she has remained behind the scenes in this debacle, she is involved since she has been the DAS rep for ILEA. Michelle Minnehan refuses to accept my emails. Another chapter in my book.

Remember everyone, the media is watching, and if you ignore my question, you know what they will do about my legitimate complaint. And just in time for the governor to start his campaign for office.

*Ever in awe of Iowa state government, I await your response.*

Nancy Brady

~~Navara, Nicole [IGOV]~~

---

**From:** Roederer, David [IDOM]  
**Sent:** Wednesday, October 23, 2013 11:30 AM  
**To:** Orr, Timothy E MG USARMY NG IAARNG (US) (timothy.e.orr4.mil@mail.mil); Wahlert, Teresa [IWD]  
**Cc:** Minnehan, Michelle [DAS]; Lamb, T. Ryan [DAS]; Carroll, Mike [DAS]; Findley, Brenna [IGOV]; Hinch, Matt [IGOV]  
**Subject:** Federal Pay

General and Teresa,

We are trying to work through the issues regarding payment for those who were on temporarily layoff. We are trying to resolve this as soon as possible. We will be seeking your input shortly.

Thanks,

Dave

~~Nahara, Nicole [IGIS]~~

---

**From:** Roederer, David [IDOM]  
**Sent:** Saturday, October 19, 2013 6:53 AM  
**To:** Wahlert, Teresa [IWD]; Hinch, Matt [IGOV]; Findley, Brenna [IGOV]; Lamb, T. Ryan [DAS]  
**Cc:** Minnehan, Michelle [DAS]  
**Subject:** Re: DOL information

Very good

----- Original Message -----

From: Wahlert, Teresa [IWD]  
Sent: Friday, October 18, 2013 09:09 PM  
To: Hinch, Matt [IGOV]; Roederer, David [IDOM]; Findley, Brenna [IGOV]; Lamb, T. Ryan [DAS]  
Subject: Re: DOL information

It all works out now - what a day!!

- Teresa Wahlert

> On Oct 18, 2013, at 12:43 PM, "Wahlert, Teresa [IWD]" <[Teresa.Wahlert@iwd.iowa.gov](mailto:Teresa.Wahlert@iwd.iowa.gov)> wrote:

>

> Oops - spoke too fast - may not apply to vets reps who worked on something other than vet work. That may impact 6 or 7 people

>

> - Teresa Wahlert

>

>> On Oct 18, 2013, at 12:34 PM, "Wahlert, Teresa [IWD]" <[Teresa.Wahlert@iwd.iowa.gov](mailto:Teresa.Wahlert@iwd.iowa.gov)> wrote:

>>

>> State employees affected by the federal shut down will be paid back to Oct 1.

>>

>> They believe that furlough and temporary layoff means the same in this case. However, they will verify.

>>

>> Sounds like we are good to go.

>>

>> - Teresa Wahlert

**From:** Roederer, David [IDOM]  
**Sent:** Thursday, October 17, 2013 11:53 AM  
**To:** Wahlert, Teresa [IWD]  
**Cc:** Findley, Brenna [IGOV]; Minnehan, Michelle [DAS]; Hinch, Matt [IGOV]; Hackbarth, Heather [IDOM]; Lunde, Joel [IDOM]  
**Subject:** RE: Clarification

Is this the what the Department of Labor has said? If so do we have it in writing. Seems to me we have paid them during the federal shutdown.

---

**From:** Wahlert, Teresa [IWD]  
**Sent:** Thursday, October 17, 2013 11:47 AM  
**To:** Roederer, David [IDOM]  
**Subject:** Fwd: Clarification

Another interpretation

- Teresa Wahlert

Begin forwarded message:

**From:** "Taylor, Kelly [IWD]" <[Kelly.Taylor@iwd.iowa.gov](mailto:Kelly.Taylor@iwd.iowa.gov)>  
**Date:** October 17, 2013 at 10:33:41 AM CDT  
**To:** "Mikkelsen, Paul [IWD]" <[Paul.Mikkelsen@iwd.iowa.gov](mailto:Paul.Mikkelsen@iwd.iowa.gov)>  
**Cc:** "Wahlert, Teresa [IWD]" <[Teresa.Wahlert@iwd.iowa.gov](mailto:Teresa.Wahlert@iwd.iowa.gov)>  
**Subject:** Clarification

We have to have paid those employees during the layoff in order to be reimbursed for their salary and fringe. Laid off without pay Would not mean we can go back and pay them for unpaid time. The state had to continue running the program and paying those people from non federal sources to be reimbursed for time during federal shutdown. Section 10 of the senate bill. All grants are retroactive but you can only get paid back for expenses paid during the shutdown. UI funding will probably be released first. More tomorrow is the word.

Sent from my iPhone

~~Nicola, Nicole [DAS]~~

---

**From:** Findley, Brenna [IGOV]  
**Sent:** Tuesday, October 15, 2013 4:08 PM  
**To:** Hunter, Caleb [DAS]  
**Subject:** RE: Update

Which departments/agencies are left?

---

**From:** Hunter, Caleb [DAS]  
**Sent:** Tuesday, October 15, 2013 4:04 PM  
**To:** Royce, Joseph [LEGIS]  
**Cc:** Findley, Brenna [IGOV]; Pettengill, Dawn [LEGIS]  
**Subject:** Update

Joe,

Attached is the October confidential employee update. No new additions are added to this report.

Thanks,  
Caleb

~~Navara, Nicole [REDACTED]~~

---

**From:** Hunter, Caleb [DAS]  
**Sent:** Tuesday, October 15, 2013 4:04 PM  
**To:** Royce, Joseph [LEGIS]  
**Cc:** Findley, Brenna [IGOV]; Pettengill, Dawn [LEGIS]  
**Subject:** Update  
**Attachments:** Report of Employees Changed from Merit to Non-Merit Jan-October 2013.pdf

Joe,

Attached is the October confidential employee update. No new additions are added to this report.

Thanks,  
Caleb

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-October 2013

Dept #	Department Name	Effective Date	Job Classification
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 3
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 3
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 2
212	Commerce-Alcoholic Beverages Division	1/18/2013	Executive Officer 2
219	Commerce-Utilities	2/1/2013	Utility Administrator 2
671	Iowa Veterans Home	2/1/2013	Food Service Director 3
671	Iowa Veterans Home	2/1/2013	Public Service Executive 3
671	Iowa Veterans Home	2/1/2013	Information Technology Administrator 3
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 1
671	Iowa Veterans Home	2/1/2013	Public Service Supervisor 3
671	Iowa Veterans Home	2/1/2013	Public Service Executive 1
671	Iowa Veterans Home	2/1/2013	Public Service Executive 1
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive



## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-October 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Senior Transportation Engineer
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 6

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-October 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 1
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 3
642	Office of Drug Control Policy	3/1/2013	Public Service Executive 3
297	Aging	3/1/2013	Executive Officer 2
297	Aging	3/1/2013	Executive Officer 2
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
595	Public Safety	3/15/2013	Criminal Intelligence Analyst Supervisor
595	Public Safety	3/15/2013	Information Technology Specialist 4
595	Public Safety	3/15/2013	Crime Laboratory Administrator
595	Public Safety	3/15/2013	Information Technology Administrator 3
595	Public Safety	3/15/2013	Information Specialist 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Electrical Inspector Supervisor
595	Public Safety	3/15/2013	Construction Design Engineer Senior
553	IPERS	4/12/2013	Pension System Attorney
553	IPERS	4/12/2013	Executive Officer 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 5

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-October 2013

Dept #	Department Name	Effective Date	Job Classification
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Administrative Law Judge 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 3
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Fiscal & Policy Analyst Senior
005	Administrative Services	4/26/2013	Executive Officer 4
005	Administrative Services	4/26/2013	Information Technology Administrator 3
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Public Service Executive 1
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Accountant 4
005	Administrative Services	5/10/2013	Public Service Executive 4
005	Administrative Services	5/10/2013	Public Service Executive 4
259	Cultural Affairs	3/1/2013	Public Service Executive 3
259	Cultural Affairs	2/15/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Executive Officer 1
005	Administrative Services	5/24/2013	Public Service Supervisor 3
005	Administrative Services	5/24/2013	Public Service Executive 4
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Program Planner 2
005	Administrative Services	5/24/2013	Public Service Executive 1
005	Administrative Services	5/24/2013	Public Service Executive 1
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 3
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 4

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-October 2013

Dept #	Department Name	Effective Date	Job Classification
216	Commerce-Insurance	6/7/2013	Executive Officer 2
216	Commerce-Insurance	6/7/2013	Executive Officer 3
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
583	Homeland Security	5/24/2013	Executive Officer 3
583	Homeland Security	5/24/2013	Information Specialist 3
583	Homeland Security	5/24/2013	Information Specialist 2
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 3
583	Homeland Security	5/24/2013	Public Service Executive 3
427	Inspections and Appeals-EAB	7/5/2013	Attorney 3
427	Inspections and Appeals-CAB	7/5/2013	Public Service Executive 3
427	Inspections and Appeals	7/5/2013	Public Service Executive 6
427	Inspections and Appeals	7/5/2013	Attorney 3
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Accountant 4
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2



~~Navara, Nicole [IGOV]~~

---

**From:** Roederer, David [IDOM]  
**Sent:** Monday, October 14, 2013 1:23 PM  
**To:** Hoelscher, Doug [IGOV]; Mabie, Kathy [IDOM]; Lunde, Joel [IDOM]  
**Cc:** Hinch, Matt [IGOV]; Bartel, Christine [IGOV]  
**Subject:** RE: NGA CHIEFS OF STAFF SURVEY RE: FEDERAL SHUTDOWN

I responded

-----Original Message-----

**From:** Hoelscher, Doug [IGOV]  
**Sent:** Monday, October 14, 2013 8:42 AM  
**To:** Roederer, David [IDOM]; Mabie, Kathy [IDOM]; Lunde, Joel [IDOM]  
**Cc:** Hinch, Matt [IGOV]; Bartel, Christine [IGOV]  
**Subject:** NGA CHIEFS OF STAFF SURVEY RE: FEDERAL SHUTDOWN  
**Importance:** Low

Hi David, Kathy, and Joel,

Does the IDOM team have the bandwidth to complete the below survey?

Sincerely,  
Doug

---

**From:** Guilford, Nikki [NGuilford@NGA.ORG]  
**Sent:** Friday, October 11, 2013 7:08 PM  
**To:** Hoelscher, Doug [IGOV]  
**Cc:** 'chiefs-assists@talk.nga.org'; 'reps@talk.nga.org'; Amberman, Christie; Quam, David; Crippen, Dan; Anderson, Barry; Omeear, Jodi; 'denise.northrup@gov.ok.gov'; Katie Altshuler ([Katie.Altshuler@gov.ok.gov](mailto:Katie.Altshuler@gov.ok.gov))  
**Subject:** [L2SPAM] PLEASE RESPOND: CHIEFS OF STAFF SURVEY RE: FEDERAL SHUTDOWN

**To:** Chiefs of Staff  
**Cc:** Chiefs' Assistants and Washington D.C./State-Federal Directors.

Chiefs of staff have requested that NGA compile state shutdown data from states and territories. The goal is to compile the information early next week for use with Congress and the Administration.

Please click this link <http://www.surveymonkey.com/s/shutdownimpact> to respond to 9 questions by noon on Tuesday, October 15.

Please contact David Quam if you have any questions or concerns:

David Quam  
Deputy Director, Policy  
National Governors Association  
202/624-5309  
[dquam@nga.org](mailto:dquam@nga.org) <<mailto:dquam@nga.org>>

Thank you in advance for your feedback.

Have a great weekend.

Nikki Guilford

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**From:** Findley, Brenna [IGOV]  
**Sent:** Monday, October 14, 2013 7:26 AM  
**To:** Roederer, David [IDOM]  
**Subject:** FW: PLEASE RESPOND: CHIEFS OF STAFF SURVEY RE: FEDERAL SHUTDOWN

**Importance:** Low

---

**From:** Guilford, Nikki [<mailto:NGuilford@NGA.ORG>]  
**Sent:** Friday, October 11, 2013 6:09 PM  
**To:** Governors Chiefs of Staff  
**Cc:** 'chiefs-assists@talk.nga.org'; 'reps@talk.nga.org'; Amberman, Christie; Quam, David; Crippen, Dan; Anderson, Barry; Omeear, Jodi; 'denise.northrup@gov.ok.gov'; Katie Altshuler ([Katie.Altshuler@gov.ok.gov](mailto:Katie.Altshuler@gov.ok.gov))  
**Subject:** [L2SPAM] PLEASE RESPOND: CHIEFS OF STAFF SURVEY RE: FEDERAL SHUTDOWN  
**Importance:** Low

To: Chiefs of Staff  
Cc: Chiefs' Assistants and Washington D.C./State-Federal Directors.

Chiefs of staff have requested that NGA compile state shutdown data from states and territories. The goal is to compile the information early next week for use with Congress and the Administration.

Please click this link <http://www.surveymonkey.com/s/shutdownimpact> to respond to 9 questions by noon on Tuesday, October 15.

Please contact David Quam if you have any questions or concerns:

David Quam  
Deputy Director, Policy  
National Governors Association  
202/624-5309  
[dquam@nga.org](mailto:dquam@nga.org)

Thank you in advance for your feedback.

Have a great weekend.

Nikki Guilford

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Listserv for Governors' Chiefs of Staff

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Navarro, Nicole [REDACTED]

**From:** Findley, Brenna [IGOV]  
**Sent:** Friday, October 11, 2013 4:55 PM  
**To:** Roederer, David [IDOM]  
**Subject:** FW: Federal Shutdown - Chiefs of Staff Survey

---

**From:** Guilford, Nikki [<mailto:NGuilford@NGA.ORG>]  
**Sent:** Friday, October 11, 2013 4:42 PM  
**To:** Governors Chiefs of Staff  
**Cc:** 'chiefs-assists@talk.nga.org'; 'reps@talk.nga.org'  
**Subject:** Federal Shutdown - Chiefs of Staff Survey

To: Chiefs of Staff  
CC: Chiefs' Assistants and Washington D.C. Directors/State-Federal Directors.

Thanks to those of you who participated in the Chiefs of Staff call this afternoon regarding the federal shutdown.

As a result of the call, NGA will be sending each of you a brief survey to collect and compile data and information about how the federal shutdown is affecting your state – people, programs, the economy. It is our understanding that the data and information we plan to collect is information that you have already been compiling as your state has been facing the realities of the federal shutdown.

In order for NGA's Executive Committee to be able to share this very real information in a timely manner with Congress and the Administration you will receive the survey tonight and we will ask that you respond to the survey by **Noon on Tuesday, October 15.**

Again, thank you for your time and attention. You will receive the survey soon. In the interim, please feel free to contact NGA with any questions or concerns.

Thank you.

Nikki Guilford  
Director, Office of Management Consulting and Training  
National Governors Association  
202-624-5422 (office)  
202-213-0145 (cell)  
[nguiford@nga.org](mailto:nguiford@nga.org)

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**From:** Hunter, Caleb [DAS]  
**Sent:** Friday, October 11, 2013 1:33 PM  
**Subject:** RELEASE: Department of Administrative Services Releases Updated Information Regarding Federal Government Shutdown Iowa Impact

FOR IMMEDIATE RELEASE: Thursday, October 10, 2013  
Contact: Caleb Hunter, 515-725-2017

## Department of Administrative Services Releases Updated Information Regarding Federal Government Shutdown Iowa Impact

Des Moines – Today, Iowa Workforce Development (IWD) and the Department of Public Defense (DPD) announced an update regarding temporary layoffs as a result of the federal government shutdown first announced on Thursday, October 3, 2013.

Layoffs affecting employees covered under the American Federation of State, County and Municipal (AFSCME) contract originally scheduled to be effective as of the close of business October 17, 2013, will now be effective on Friday, October 11, 2013. The new temporary layoff date applies to approximately 49 employees at IWD and, as released yesterday by DPD, approximately 100 employees at that Department.

These changes are the result of discussions between leadership at The Iowa Department of Administrative Services (DAS) and AFSCME in an effort to avoid a permanent reduction in force and minimize the effects of the federal government shutdown.

###

Navara, Nicole [LEGIS]

---

**From:** Findley, Brenna [IGOV]  
**Sent:** Thursday, October 10, 2013 5:10 PM  
**To:** Roederer, David [IDOM]  
**Subject:** FW: Statement of the Department of the Interior on willingness to consider agreements with Governors to fully fund the re-opening of national parks in their states

---

**From:** Quam, David [mailto:DQuam@NGA.ORG]  
**Sent:** Thursday, October 10, 2013 5:01 PM  
**To:** Governors Chiefs of Staff  
**Cc:** Scott Pattison (SPattison@nasbo.org)  
**Subject:** Statement of the Department of the Interior on willingness to consider agreements with Governors to fully fund the re-opening of national parks in their states

To: Washington Reps  
Re: Notice from National Park Service

The following statement was sent to NGA for distribution to all governors' offices regarding the national parks. For those wishing to follow up on the notice, the point of contact is NPS Chief of Staff, Maureen Foster who can be reached at [maureen\\_foster@nps.gov](mailto:maureen_foster@nps.gov).

Statement of Interior Spokesman Blake Androff

As a result of the government shutdown, the Department of the Interior was forced to close all national parks across the country last week and furlough more than 20,000 National Park Service employees who ensure the safety of visitors and the security of the resources.

Responding to the economic impacts that the park closures are having on many communities and local businesses, Secretary Jewell will consider agreements with Governors who indicate an interest and ability to fully fund National Park Service personnel to re-open national parks in their states.

The Interior Department will begin conversations about how to proceed as expeditiously as current limited resources allow. We continue to call on Congress to act swiftly to enact appropriations for the entire government so that we can re-open all 401 national parks for the American people.



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**From:** Roederer, David [IDOM]  
**Sent:** Thursday, October 10, 2013 1:57 PM  
**To:** Findley, Brenna [IGOV]  
**Subject:** FW: Temporary Layoff (UNCLASSIFIED)  
**Attachments:** image001.png; image002.jpg; Notice of Temporary Layoff - AFSCME - Email Notification.docx

**Importance:** High

-----Original Message-----

**From:** Orr, Timothy E MG USARMY NG IAARNG (US) [<mailto:timothy.e.orr4.mil@mail.mil>]  
**Sent:** Thursday, October 10, 2013 1:48 PM  
**To:** Roederer, David [IDOM]  
**Subject:** FW: Temporary Layoff (UNCLASSIFIED)  
**Importance:** High

Dave, Just for your awareness. We have been working through DAS.

-----Original Message-----

**From:** Schlorholtz, Michael J COL USARMY NG IAARNG (US)  
**Sent:** Thursday, October 10, 2013 11:08 AM  
**To:** Orr, Timothy E MG USARMY NG IAARNG (US)  
**Subject:** FW: Temporary Layoff (UNCLASSIFIED)  
**Importance:** High

Classification: UNCLASSIFIED  
Caveats: NONE

Sir-

I just received the execution authority from DAS to initiate the Temporary Layoff for our State employees immediately. All employees affected will be laid off at the end of today for up to 60 consecutive days. We will have to work any additional exceptions on a recall plan if necessary. We did get four of our exceptions: Lillenthal, Zamora, Burrell, and Russo. Colbert was disapproved, which will probably cause the museum to shut down, I don't know if SAD is an option. Burleson is still under consideration.

We will work on starting notification immediately. It will be an email notification to employees and I will get something out to supervisors. Let me know if you have any guidance or further direction.

Thanks

Mike

From: Freese, James [DAS] [<mailto:James.Freese@iowa.gov>]  
Sent: Thursday, October 10, 2013 10:54 AM  
To: Schlorholtz, Michael J COL USARMY NG IAARNG (US)  
Subject: FW: Temporary Layoff  
Importance: High

Picture

<<http://dasintranet.iowa.gov/DAS%20Logos/SIG%20BLOCK-Service%20theme%20logo.gif>>

Jim Freese

Personnel Officer, DAS-HRE

Iowa Department of Administrative Services

Hoover State Office Building

Des Moines, IA 50319

Phone: 515-281-4022

FAX: 515-242-6450

[James.Freese@Iowa.Gov](mailto:James.Freese@Iowa.Gov)

From: Pirkl, Stefanie [DAS]  
Sent: Thursday, October 10, 2013 10:53 AM  
To: Freese, James [DAS]  
Subject: Temporary Layoff  
Importance: High

Jim,



As we discussed, attached is the language to be disseminated via email to all AFSCME-covered employees impacted by the temporary layoff. Please share with Public Defense and let me know if you have any questions.

The following exemptions have been approved: Lillenthal, Zamora, Burrell, Russo

The following exemptions have not been approved: Colbert, Burleson (AFSCME is still considering Burleson)

Please ensure notice is provided to all affected employees, unless an exemption has been approved as outlined above.

Thanks, Stefanie

<cid:image002.png@01CC1479.387546B0> <<http://das.iowa.gov/>>

Stefanie Pirkl

Organizational Performance Bureau Chief

Iowa Department of Administrative Services

Phone: 515.281.4415

Fax: 515.242.6450

[stefanie.pirkl@iowa.gov](mailto:stefanie.pirkl@iowa.gov)

<http://das.iowa.gov>

P BE GREEN - Please consider the environment before printing this e-mail.

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Classification: UNCLASSIFIED

Caveats: NONE

*This notice should be sent via email to all affected AFSCME-covered employees; hard copies should be furnished to affected AFSCME-covered employees who do not have access to email.*

**Subject: Notice of Temporary Layoff**

Due to the lapse of appropriated federal funds as a result of the federal government shutdown, it will be necessary for the [Insert Department Name] to implement a temporary layoff. The temporary layoff is being implemented in accordance with the terms agreed to with AFSCME Iowa Council 61.

Your position is among those affected. Effective close of business today, October 10, 2013 you are being temporarily laid off. This temporary layoff will be in effect for a period of no more than 60 consecutive calendar days. Should the duration of the temporary layoff change, you will be notified as soon as possible.

This notice replaces any prior notice of temporary layoff.

For information regarding benefits, please contact [Insert Personnel Assistant Name] at [Insert Phone Number]. Any questions for AFSCME should be directed to the Council 61 office at 515-246-1517 or (800)-372-6054.

Sincerely,

[Insert Appointing Authority Name]  
[Insert Appointing Authority Title]

c: Personnel File

**From:** Findley, Brenna [IGOV]  
**Sent:** Tuesday, October 08, 2013 10:03 AM  
**To:** Hinch, Matt [IGOV]  
**Cc:** McRoberts, Lynn [IGOV]; Trombino III, Paul [DOT]  
**Subject:** FW: A corrected notice of an opportunity  
**Attachments:** State PPP Retreats RFA Oct 8.pdf

FYI

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**From:** Moore, David [<mailto:DMoore@NGA.ORG>]  
**Sent:** Tuesday, October 08, 2013 10:01 AM  
**To:** Governors Chiefs of Staff  
**Subject:** FW: A corrected notice of an opportunity

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**From:** Moore, David [<mailto:DMoore@NGA.ORG>]  
**Sent:** Tuesday, October 08, 2013 10:55 AM  
**To:** Reps  
**Cc:** Dierkers, Gregory; Bates, Jeffrey  
**Subject:** A corrected notice of an opportunity

All,

Please find attached a corrected version of the announcement of a technical assistance opportunity sent to you earlier today. The original version was missing several pages. Apologies for my error.

David

David H. Moore  
Director  
Center for Best Practices  
National Governors Association  
444 North Capitol Street, Suite 267  
Washington, D.C. 20001-1512  
(202) 624-7881

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NGA Office of Management Consulting & Training (OMCT)  
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To post questions/comments to subscribed members, email: [chiefs@talk.nga.org](mailto:chiefs@talk.nga.org)  
(This listserv is moderated; submitted messages are first received by the NGA moderator and then posted to the full list.)

For more information on OMCT resources: [www.nga.org/omct](http://www.nga.org/omct)

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Mary Fallin  
Governor of Oklahoma  
Chair

John Hickenlooper  
Governor of Colorado  
Vice Chair

Dan Crippen  
Executive Director

October 8, 2013

**TO ALL GOVERNORS:**

On behalf of the National Governors Association Center for Best Practices (NGA Center), I am pleased to invite your state to participate in an in-state policy retreat and technical assistance program to explore the use of public private partnerships (PPPs) as an approach to providing infrastructure.

Many states are exploring new approaches for planning, financing, procuring and managing assets as they seek to address growing infrastructure needs amid fiscal constraints. PPPs are one approach being considered that include various contractual arrangements in which the private sector designs and builds, and potentially, finances, operates, and maintains the asset. Properly devised and implemented, PPPs offer the opportunity to achieve design efficiencies, leverage available resources to better address a state's infrastructure priorities, improve risk allocation, encourage innovation and enhance performance.

Under its new State Resource Center on Innovative Infrastructure Strategies, the NGA Center is offering a technical assistance program to help states better understand the PPP model and when and how it can advance their infrastructure goals. The NGA Center will tailor the assistance to each state with input from a state planning team and an advisory group of public and private sector practitioners from the United States, Canada and the United Kingdom. The effort will encompass a wide range of transportation and other physical assets including office buildings, schools, and water treatment plants.

Five states will be selected to participate in the program. They will receive:

- Two project planning calls;
- A two-day policy retreat;
- A retreat summary memo;
- A half-day state site visit; and,
- A follow-up webinar.

State applications require a cover letter and a two-page narrative providing: 1) a description of the existing PPP authority and capacity; 2) a discussion of barriers in the state; and, 3) an overview of anticipated outcomes. Applications must include a governor-designated team leader, identify a planning team of three to five senior policy makers, and list 15 to 20 state and other stakeholders expected to participate in the retreat. The application process is open to all states and territories in good standing with the National Governors Association. Full application guidelines are attached.

**Please send applications to the NGA Center by 6:00 pm EDT on Monday, October 28th, 2013.** The NGA Center will host bidders' calls for interested participants on October 10<sup>th</sup> and October 14<sup>th</sup> at 2pm EDT. Please contact Greg Dierkers at [gdierkers@nga.org](mailto:gdierkers@nga.org) or 202-624-7789 with any questions.

We hope you will consider applying for this opportunity.

Sincerely,

David Moore

Director, National Governors Association Center for Best Practices

**National Governors Association Center for Best Practices  
State Resource Center on Innovative Infrastructure Strategies**

**REQUEST FOR APPLICATIONS**

**State Policy Retreats on Public Private Partnerships**

*Release Date: October 8, 2013*

**IMPORTANT INFORMATION**

Purpose: Assist states in exploring innovative infrastructure programs and the use of public private partnerships (PPPs) to advance new design and delivery approaches to support their transportation and other physical infrastructure demands.

- Proposals Due: **Monday, October 28th, 2013, 3:00 pm PDT / 6:00 pm EDT**
- Selection Announcement: **Mid-November 2013**
- Project Period: **December 2013 – August 2014**
- Bidders' Conference Call: **Thursday, October 10<sup>th</sup> and Monday, October 14th, 2013, 2:00 pm EDT**  
Call in number: 1-800-322-6099 Passcode: 7479480#
- Policy Retreats: **February 2013 – May 2013**
- Eligibility: **States and US Territories with full NGA membership benefits**
- Support: Selected states will receive technical assistance through the following activities:
- **Two project planning calls** with NGA Center staff and technical experts to discuss key topics to cover at the policy retreat and allow the state to clarify what it hopes to accomplish during the retreat;
  - **An in-state two-day policy retreat**, convened by the NGA Center, with support from experts in the private and public sectors, academia and international entities. States will use the retreat to develop a PPP action plan for their state;
  - **A retreat summary memo** highlighting discussion topics from the retreat along with suggested next steps; and
  - **A half day follow-up state site visit** to further explore issues raised at the policy retreat.
- NGA Contact: **Greg Dierkers, NGA Center for Best Practices**  
[gdierkers@nga.org](mailto:gdierkers@nga.org) **(202) 624-7789**

## Background

As states seek to meet the demand for infrastructure enhancements amid constrained budgets, they are exploring innovative approaches for planning, procuring, financing and managing assets and pursuing new technologies and options for project delivery including the use of public private partnerships (PPPs). To date much of the effort has focused on transportation infrastructure, including roads, bridges, highways, airports and ports. However, there is also growing interest in how to expand innovative project development and delivery methods to other forms of physical infrastructure, which include public facilities like government office buildings, schools, higher education facilities, hospitals and prisons, and water and wastewater plants. States are also interested in how to better utilize technology systems to help support infrastructure and improve operations.

PPPs are contractual agreements between a public agency and private sector partner. PPP models include various arrangements wherein the private sector role is to: design-build-finance (DBF), design-build-finance-maintain (DBFM), and design-build-finance-operate-maintain (DBFOM). Where properly designed and implemented, PPPs offer the opportunity to: achieve efficiencies, better address long term asset management, improve risk allocation, encourage innovation and enhance performance. Currently, 34 states have authorizing legislation that allows the state to partner at some level with the private sector on PPP models for highway, road or bridge projects and some 22 have authorization for transit projects. Around 10 states have similar authorization for other physical infrastructure.

As states explore the use of PPPs, new questions and complexities arise. Innovative financing options, for instance, often involve complex legal and financial arrangements that push the boundaries of existing state expertise. Other areas of need include advice on the use of: procurement models, revenue sources, analytical tools, project delivery approaches, governance models, public outreach strategies and state and local coordination.

## About the State Resource Center

To help states think through new infrastructure delivery approaches, the NGA Center for Best Practices (NGA Center) has created a State Resource Center on Innovative Infrastructure Strategies. The goals are to increase state awareness of best practices and lessons learned in the United States and abroad, to help inform states on the use of new tools and program approaches, and to provide guidance on how to integrate new organizational structures and financing approaches into an existing state program. The State Resource Center on Innovative Infrastructure Strategies first effort is to facilitate in-state policy retreats in five states to develop a PPP action plan. Future technical assistance efforts could include an online information clearinghouse, webinars, workshops, or policies academies.

## The Opportunity

This technical assistance opportunity will help five (5) states explore PPPs options to support their transportation and other physical infrastructure demands. Selected states will receive:

- **Project planning calls.** Two conference calls with NGA Center staff and additional technical experts to discuss key topics for the policy retreat and allow the state to clarify its goals for the retreat;
- **A policy retreat.** A two-day in-state policy retreat, convened by the NGA Center, with support from experts from the private and public sectors, academia, and international entities. States will use the retreat to develop a draft PPP action plan;
- **A retreat summary memo.** A three to five page retreat summary memo highlighting discussion topics and suggesting next steps;
- **A follow-up site visit.** A half-day follow-up state site visit from the NGA Center and additional technical experts as needed. The visit will follow-up on issues raised at the policy retreat and address challenges outlined in the PPP action plan; and
- **A follow-up webinar.** The opportunity to participate in a webinar, open to all states, to share outcomes from policy retreats, discuss lessons learned and identify ongoing efforts on PPPs.

States selected will be announced this fall; project planning calls will take place in December 2013 and January 2014; retreats will be held from February 2014 through May 2014; follow-up site visits will take place from June 2014 through August 2014.

## **Project Approach**

The policy retreats will be a joint effort between the NGA Center and the participating states. The NGA Center will plan and host a state retreat in the state capital or another agreed-upon location. Each selected state's policy retreat agenda and discussion will be informed by the state's application, two scoping conference calls (facilitated by the NGA Center), and the state's ranked ordering of the following seven program modules:

- PPP project delivery models (examine project delivery models, e.g., DBF, DBFM, DBFOM, limited-term private sector asset ownership and integration of technology systems);
- analytical tools (review different analytical tools for procurement options analysis, e.g., value for money, that help evaluate the appropriate use and structure of PPPs within a state's capital program);
- procurement process (examine procurement policy and procedures, e.g., fairness, transparency, collaboration, negotiation, management, oversight);
- revenue sources (evaluate options for new and existing revenue sources, e.g., user fees, bonds, taxes);
- governance models (discuss different institutional structure and governance models that complement PPP programs including market development and expanding efforts to create more comprehensive state efforts);
- outreach and stakeholder management (examine effective public outreach and stakeholder management strategies);
- state and local coordination (explore approaches to enhance existing coordination between state and local governments on PPPs program development or project delivery).

The retreats will focus on the three highest ranked modules for each state, with additional information provided on the other modules based on discussions with each state. Based on the overall rankings from the five selected states, the NGA Center may provide preliminary or follow up webinars on one or more modules. The appendix includes a table describing the seven modules. Please complete the table and include it in the application. Additionally, also on the appendix, please indicate your interest in different forms of infrastructure assets.

The NGA Center will work with selected state teams and leading experts to plan the in-state policy retreat. Each state will be asked to identify a group of 15 to 20 retreat participants including a set of three to five planning team members, led by a representative of the governor's office. All core team members are expected to participate in all technical assistance activities. Each state's governor will be invited to kick-off the retreat with opening remarks.

The NGA Center will cover the cost of food and beverages during the meeting. The NGA Center will also cover any costs associated with outside experts in attendance at the retreat.

### **State Responsibilities**

States will be responsible for (1) transportation costs for the state participants and (2) providing a meeting site along with equipment such as flipcharts, LCD projector and screen.

### **Advisory Group**

The NGA Center will convene an expert advisory group of public and private sector experts to help inform its work. The advisory group will include private sector practitioners with technical and project expertise in transportation and other physical infrastructure as well as representatives from states and international governments with PPP models or related organizations. Members of the advisory group will advise on agenda development, suggest speakers and content for the retreats and may participate in state policy retreats or follow-up state site visits.

Confirmed members of the advisory group include representatives from the following entities: AECOM, American Association of State Highway and Transportation Officials (AASHTO), Partnerships British Columbia, International Bridge,



Tunnel and Turnpike Association (IBTTA), Johnson Controls Inc., McKinsey & Company, Morgan Stanley, United Kingdom Trade & Investment.

## State Selection Process

States will be selected on a competitive basis by the NGA Center, based on a set of criteria outlined below that demonstrates their need and commitment to exploring innovative infrastructure strategies, existing authority and internal capacity. The NGA Center will review each state's application with input from the advisory group.

## State Application Criteria

To be considered, states must submit an application that includes the following information:

- A cover letter from the governor that expresses interest and includes a designated project lead/co-leads. The letter should be addressed to: David Moore, Director, NGA Center for Best Practices.
- A list of up to 15 to 20 proposed retreat participants, their responsibilities and titles. Participants should hold senior positions and may represent the following categories:
  - Governor's office (required)
  - Budget or Finance Authority;
  - Transportation (e.g., DOT or transportation authority);
  - Energy (e.g., State Energy Office)
  - Education (e.g., School or University);
  - Facility Management (e.g., General Service Administration)
  - Procurement and contracting officials; and
  - Other relevant state or local officials (e.g., corrections, water).
- A list of three to five planning team members from the proposed state retreat participant list.
- A set of three or more proposed dates in February, March, April or May 2014 for a two-day retreat. The dates should be ones where the full planning team can attend along with at least one representative from the proposed participating entities (e.g. agency, office). The dates should allow for participation of the governor via a keynote (ideally during the first half of the first day). Dates can be adjusted as needed in consultation with the NGA Center, but the retreat must be completed by May 2014.
- A completed Appendix which ranks program modules and specifies interest in different types of infrastructure.
- A narrative addressing the following areas (2 pages):
  - **Background and Opportunity**-- existing authority for PPPs as well as staff capacity and experience. This section should review the state's current infrastructure assets, noting the status of their authorizing language, as well as specific projects or project areas developed or planned/in the pipeline;
  - **Barriers** -- the two or three existing in-state barriers to advancing solutions to infrastructure financing;
  - **Modules** -- how the top three module preferences (from Appendix) will help advance the state's infrastructure efforts including program design or project implementation; and
  - **Outcomes** -- what the state hopes the retreat will help them accomplish (e.g., development of new programs, enhanced collaboration, expanded pipeline of projects, new legislation).

## Application Deadline

Please send by email the requested information to Greg Dierkers at the NGA Center by **3:00 pm PDT/6:00 pm EDT on Monday, October 28th, 2013**. Greg can also be contacted at [gdierkers@nga.org](mailto:gdierkers@nga.org) or 202-624-7789 with any questions. A bidders' call will be held at 2:00pm EDT on October 10<sup>th</sup> and on October 14<sup>th</sup> to answer state applicant questions. Only one application per state will be accepted. States will be notified of their selection by November 15, 2013, with a public announcement made by NGA the week of November 18<sup>th</sup>, 2013.

**APPENDIX**

**Ranking of Program Modules for PPP State Policy Retreats  
Statement of Preferred Infrastructure Focus**

*\*\*\*Please submit this with application\*\*\**

State: \_\_\_\_\_

**Ranking of Program Modules for PPP State Policy Retreats**

In the table below is a list of seven modules that will be used to help inform state retreats and technical assistance provided by the NGA Center for selected states. Please rank each of the modules in order of preference. Each retreat will focus on the three highest ranked modules for the state, with additional information provided on the other modules based on discussions with each state planning team. Based on the overall rankings for the five selected states, the NGA Center may provide preliminary or follow up webinars on one or more modules.

**State Module Options on PPPs for Transportation and/or Other Physical Infrastructure**

Module	Description	State Ranking 1 (high) to 7
PPP project delivery models	Examine project delivery models (e.g., DBF, DBFM, DBFOM, limited-term private sector asset ownership and integration of technology systems)	
Analytical tools	Review different analytical tools for procurement options analysis, e.g., value for money, that help evaluate the appropriate use and structure of PPPs within a state's capital program	
Procurement process	Examine procurement policy and procedures (e.g., fairness, transparency, collaboration, negotiation, management, oversight)	
Revenue sources	Evaluate options for new and existing revenue sources (e.g., user fees, bonds, taxes)	
Governance models	Discuss different institutional structure and governance models that complement PPP programs including market development and expanding efforts to create more comprehensive state efforts	
Outreach and stakeholder management	Examine effective public outreach and stakeholder management strategies	
State and local coordination	Explore ways to enhance existing coordination between state and local governments on PPPs program development or project delivery	

**Statement of Preferred Infrastructure Focus**

Please indicate which types of infrastructure assets you are most interested in (check all that apply):

- |                                   |                                     |   |
|-----------------------------------|-------------------------------------|---|
| <input type="checkbox"/> Highways | <input type="checkbox"/> Ports      | <input type="checkbox"/> Public office/administrative buildings |
| <input type="checkbox"/> Bridges  | <input type="checkbox"/> Airports   | <input type="checkbox"/> Public universities or schools (K-12)  |
| <input type="checkbox"/> Tunnels  | <input type="checkbox"/> Water      | <input type="checkbox"/> Hospitals                              |
| <input type="checkbox"/> Transit  | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Prisons                                |
|                                   |                                     | <input type="checkbox"/> Other (please list in space below)     |

**Wayne Nicol**

**From:** Findley, Brenna [IGOV]  
**Sent:** Tuesday, October 08, 2013 9:30 AM  
**To:** Trombino III, Paul [DOT]; Hinch, Matt [IGOV]  
**Subject:** FW: A technical assistance opportunity  
**Attachments:** State PPP Retreats RFA Oct 8.pdf

FYI

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**From:** Moore, David [<mailto:DMoore@NGA.ORG>]  
**Sent:** Tuesday, October 08, 2013 9:02 AM  
**To:** Governors Chiefs of Staff  
**Cc:** Dierkers, Gregory; Bates, Jeffrey  
**Subject:** A technical assistance opportunity

Dear State Points of Contacts:

We invite your state to apply for an in-state policy retreat and technical assistance program from the NGA Center for Best Practices (NGA Center). This effort will explore the use of public private partnerships as an approach help states advance their infrastructure goals.

**An invitation letter and RFA with full details are attached.** Please contact Greg Dierkers, NGA Center, at 202-624-7789 or [gdierkers@nga.org](mailto:gdierkers@nga.org) with any questions.

We hope you will consider applying for this opportunity.

Sincerely,

David Moore  
Director  
NGA Center for Best Practices  
444 North Capitol Street, Suite 267  
Washington, DC 20001  
202-624-7881

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Mary Fallin  
Governor of Oklahoma  
Chair

John Hickenlooper  
Governor of Colorado  
Vice Chair

Dan Crippen  
Executive Director

October 8, 2013

**TO ALL GOVERNORS:**

On behalf of the National Governors Association Center for Best Practices (NGA Center), I am pleased to invite your state to participate in an in-state policy retreat and technical assistance program to explore the use of public private partnerships (PPPs) as an approach to providing infrastructure.

Many states are exploring new approaches for planning, financing, procuring and managing assets as they seek to address growing infrastructure needs amid fiscal constraints. PPPs are one approach being considered that include various contractual arrangements in which the private sector designs and builds, and potentially, finances, operates, and maintains the asset. Properly devised and implemented, PPPs offer the opportunity to achieve design efficiencies, leverage available resources to better address a state's infrastructure priorities, improve risk allocation, encourage innovation and enhance performance.

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Five states will be selected to participate in the program. They will receive:

- Two project planning calls;
- A two-day policy retreat;
- A retreat summary memo;
- A half-day state site visit; and,
- A follow-up webinar.

State applications require a cover letter and a two-page narrative providing: 1) a description of the existing PPP authority and capacity; 2) a discussion of barriers in the state; and, 3) an overview of anticipated outcomes. Applications must include a governor-designated team leader, identify a planning team of three to five senior policy makers, and list 15 to 20 state and other stakeholders expected to participate in the retreat. The application process is open to all states and territories in good standing with the National Governors Association. Full application guidelines are attached.

**Please send applications to the NGA Center by 6:00 pm EDT on Monday, October 28th, 2013.** The NGA Center will host bidders' calls for interested participants on October 10<sup>th</sup> and October 14<sup>th</sup> at 2pm EDT. Please contact Greg Dierkers at [gdierkers@nga.org](mailto:gdierkers@nga.org) or 202-624-7789 with any questions.

We hope you will consider applying for this opportunity.

Sincerely,

David Moore

Director, National Governors Association Center for Best Practices

**National Governors Association Center for Best Practices  
State Resource Center on Innovative Infrastructure Strategies**

**REQUEST FOR APPLICATIONS**

**State Policy Retreats on Public Private Partnerships**

*Release Date: October 8, 2013*

**IMPORTANT INFORMATION**

Purpose: Assist states in exploring innovative infrastructure programs and the use of public private partnerships (PPPs) to advance new design and delivery approaches to support their transportation and other physical infrastructure demands.

- Proposals Due: **Monday, October 28th, 2013, 3:00 pm PDT / 6:00 pm EDT**
- Selection Announcement: **Mid-November 2013**
- Project Period: **December 2013 – August 2014**
- Bidders' Conference Call: **Thursday, October 10<sup>th</sup> and Monday, October 14<sup>th</sup>, 2013, 2:00 pm EDT**  
Call in number: 1-800-322-6099 Passcode: 7479480#
- Policy Retreats: **February 2013 – May 2013**
- Eligibility: **States and US Territories with full NGA membership benefits**
- Support: Selected states will receive technical assistance through the following activities:
- **Two project planning calls** with NGA Center staff and technical experts to discuss key topics to cover at the policy retreat and allow the state to clarify what it hopes to accomplish during the retreat;
  - **An in-state two-day policy retreat**, convened by the NGA Center, with support from experts in the private and public sectors, academia and international entities. States will use the retreat to develop a PPP action plan for their state;
  - **A retreat summary memo** highlighting discussion topics from the retreat along with suggested next steps; and
  - A half day **follow-up state site visit** to further explore issues raised at the policy retreat.
- NGA Contact: **Greg Dierkers, NGA Center for Best Practices**  
[gdierkers@nga.org](mailto:gdierkers@nga.org) **(202) 624-7789**

States selected will be announced this fall; project planning calls will take place in December 2013 and January 2014; retreats will be held from February 2014 through May 2014; follow-up site visits will take place from June 2014 through August 2014.

## **Project Approach**

The policy retreats will be a joint effort between the NGA Center and the participating states. The NGA Center will plan and host a state retreat in the state capital or another agreed-upon location. Each selected state's policy retreat agenda and discussion will be informed by the state's application, two scoping conference calls (facilitated by the NGA Center), and the state's ranked ordering of the following seven program modules:

- PPP project delivery models (examine project delivery models, e.g., DBF, DBFM, DBFOM, limited-term private sector asset ownership and integration of technology systems);
- analytical tools (review different analytical tools for procurement options analysis, e.g., value for money, that help evaluate the appropriate use and structure of PPPs within a state's capital program);
- procurement process (examine procurement policy and procedures, e.g., fairness, transparency, collaboration, negotiation, management, oversight);
- revenue sources (evaluate options for new and existing revenue sources, e.g., user fees, bonds, taxes);
- governance models (discuss different institutional structure and governance models that complement PPP programs including market development and expanding efforts to create more comprehensive state efforts);
- outreach and stakeholder management (examine effective public outreach and stakeholder management strategies);
- state and local coordination (explore approaches to enhance existing coordination between state and local governments on PPPs program development or project delivery).

The retreats will focus on the three highest ranked modules for each state, with additional information provided on the other modules based on discussions with each state. Based on the overall rankings from the five selected states, the NGA Center may provide preliminary or follow up webinars on one or more modules. The appendix includes a table describing the seven modules. Please complete the table and include it in the application. Additionally, also on the appendix, please indicate your interest in different forms of infrastructure assets.

The NGA Center will work with selected state teams and leading experts to plan the in-state policy retreat. Each state will be asked to identify a group of 15 to 20 retreat participants including a set of three to five planning team members, led by a representative of the governor's office. All core team members are expected to participate in all technical assistance activities. Each state's governor will be invited to kick-off the retreat with opening remarks.

The NGA Center will cover the cost of food and beverages during the meeting. The NGA Center will also cover any costs associated with outside experts in attendance at the retreat.

### **State Responsibilities**

States will be responsible for (1) transportation costs for the state participants and (2) providing a meeting site along with equipment such as flipcharts, LCD projector and screen.

### **Advisory Group**

The NGA Center will convene an expert advisory group of public and private sector experts to help inform its work. The advisory group will include private sector practitioners with technical and project expertise in transportation and other physical infrastructure as well as representatives from states and international governments with PPP models or related organizations. Members of the advisory group will advise on agenda development, suggest speakers and content for the retreats and may participate in state policy retreats or follow-up state site visits.

Confirmed members of the advisory group include representatives from the following entities: AECOM, American Association of State Highway and Transportation Officials (AASHTO), Partnerships British Columbia, International Bridge,

**APPENDIX**

**Ranking of Program Modules for PPP State Policy Retreats  
Statement of Preferred Infrastructure Focus  
\*\*\*Please submit this with application\*\*\***

State: \_\_\_\_\_

**Ranking of Program Modules for PPP State Policy Retreats**

In the table below is a list of seven modules that will be used to help inform state retreats and technical assistance provided by the NGA Center for selected states. *Please rank each of the modules in order of preference.* Each retreat will focus on the three highest ranked modules for the state, with additional information provided on the other modules based on discussions with each state planning team. Based on the overall rankings for the five selected states, the NGA Center may provide preliminary or follow up webinars on one or more modules.

**State Module Options on PPPs for Transportation and/or Other Physical Infrastructure**

Module	Description	State Ranking 1 (high) to 7
PPP project delivery models	Examine project delivery models (e.g., DBF, DBFM, DBFOM, limited-term private sector asset ownership and integration of technology systems)	
Analytical tools	Review different analytical tools for procurement options analysis, e.g., value for money, that help evaluate the appropriate use and structure of PPPs within a state's capital program	
Procurement process	Examine procurement policy and procedures (e.g., fairness, transparency, collaboration, negotiation, management, oversight)	
Revenue sources	Evaluate options for new and existing revenue sources (e.g., user fees, bonds, taxes)	
Governance models	Discuss different institutional structure and governance models that complement PPP programs including market development and expanding efforts to create more comprehensive state efforts	
Outreach and stakeholder management	Examine effective public outreach and stakeholder management strategies	
State and local coordination	Explore ways to enhance existing coordination between state and local governments on PPPs program development or project delivery	

**Statement of Preferred Infrastructure Focus**

Please indicate which types of infrastructure assets you are most interested in (check all that apply):

- |                                   |                                     |   |
|-----------------------------------|-------------------------------------|---|
| <input type="checkbox"/> Highways | <input type="checkbox"/> Ports      | <input type="checkbox"/> Public office/administrative buildings |
| <input type="checkbox"/> Bridges  | <input type="checkbox"/> Airports   | <input type="checkbox"/> Public universities or schools (K-12)  |
| <input type="checkbox"/> Tunnels  | <input type="checkbox"/> Water      | <input type="checkbox"/> Hospitals                              |
| <input type="checkbox"/> Transit  | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Prisons                                |
|                                   |                                     | <input type="checkbox"/> Other (please list in space below)     |



**From:** Findley, Brenna [IGOV]  
**Sent:** Friday, October 04, 2013 1:07 PM  
**To:** Roederer, David [IDOM]  
**Subject:** FW: DAS Energy Fund Loan  
**Attachments:** RCG.Note.DASEnergy.Loan.Discussion.10.4.13.docx; Memo re DAS loan issue--8 8 2013 (2).pdf

Can you fill me in on this please?

---

**From:** Grimm, Rita [IEDA]  
**Sent:** Friday, October 04, 2013 1:05 PM  
**To:** Findley, Brenna [IGOV]  
**Subject:** FW: DAS Energy Fund Loan

Brenna:  
The email I sent to Mike Carroll. We will continue to work toward resolving the issues.

Rita C. Grimm | COO/General Counsel



**IOWA ECONOMIC DEVELOPMENT AUTHORITY**  
200 East Grand Avenue | Des Moines, Iowa 50309  
**PH: 515.725.3018 | Fax 515-725.3010**  
<mailto:Rita.Grimm@iowa.gov>  
[iowaeconomicdevelopment.com](http://iowaeconomicdevelopment.com)

---

**From:** Grimm, Rita [IEDA]  
**Sent:** Friday, October 04, 2013 12:46 PM  
**To:** Carroll, Mike [DAS]  
**Cc:** Whipple, Tim [IEDA]; Roberson, Terry [IEDA]  
**Subject:** DAS Energy Fund Loan

Mike:  
I am disappointed that you left our meeting so abruptly. I reiterate that it is not IEDA's intent or desire to create or escalate a dispute with DAS. Rather, we wish to resolve the very significant issues raised by the DAS ELP loan. Attached to this e-mail are a summary of the issues and what we believe is the best way to resolve the issues, as well as a copy of Adam Humes' memo regarding the DOE ramifications. Please contact me next week to discuss further.  
Thank you.

Rita C. Grimm | COO/General Counsel



**IOWA ECONOMIC DEVELOPMENT AUTHORITY**

200 East Grand Avenue | Des Moines, Iowa 50309

**PH: 515.725.3018 | Fax 515-725.3010**

**<mailto:Rita.Grimm@iowa.gov>**

**[iowaeconomicdevelopment.com](http://iowaeconomicdevelopment.com)**

10/4/13  
Mike Carroll  
Tim Whipple  
Terry Roberson  
RCG

The DAS loan through the Energy Loan Program (ELP) raised questions because it was a loan to DAS through a DAS administered program.

EDA asked the AG's office to review it, not only for validity, but also for federal ramifications because it is a DOE program.

The AG's office concluded that DAS violated DOE's requirements by making the loan to itself and recommended repayment of the loan, including interest and administrative fees, using **state** funds.

EDA's intent was to work with DAS to unwind the loan and report to DOE.

However, we learned that DAS had "repaid" the loan with SIFIC funds.

That raised additional issues.

1. SIFIC funds were part of the Energy Loan Program (ELP).
2. DAS administered the ELP under the MOU that expired on June 30, 2013.
3. DAS's authority to disburse SIFIC funds expired with the MOU.
4. 7/13/13, DAS transferred funds from the SIFIC account to "repay" the ELP loan, plus the administrative fees and interest - \$277,913.
5. 7/13/13, DAS transferred the remaining SIFIC funds - \$52,383 - to an account controlled solely by DAS.

As of 7/1, DAS had no authority to transfer or otherwise disburse SIFIC funds. At that point, they were funds solely under EDA's control. Furthermore, DAS "repaid" an ELP loan with ELP funds.

Proposed Resolution:

1. DAS immediately must return \$52,383 to an IEDA controlled account;
2. DAS will repay the loan, including the admin fee and interest, using **state** funds;
3. Report to DOE.

## MEMORANDUM

### CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGE

**TO:** Rita Grimm & Tim Whipple, Iowa Economic Development Authority  
**FROM:** Assistant Attorney General Adam Humes, Iowa Department of Justice  
**SUBJECT:** Energy Loan Fund  
**DATE:** August 8, 2013

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### ISSUE PRESENTED

Did the Iowa Department of Administrative Services (DAS) violate U.S. Department of Energy (DOE) requirements when it selected itself as a recipient of a loan that was funded with federal funds?

### SHORT ANSWER

Yes, DAS likely violated DOE's requirements when it selected itself as a recipient of a loan that was funded with federal funds.

### ANALYSIS

#### I. Background.

Prior to 2011, the Iowa Office of Energy Independence (OEI) administered the Energy Loan Fund ("the Fund"). The Fund provides loans to "the state, state agencies, political subdivisions of the state, school districts, area education agencies, community colleges, and nonprofit organizations to implement energy management improvements or energy analyses." Iowa Code §473.19 (2013).

The Fund received a \$12.5 million DOE grant under the 2009 American Recovery and Reinvestment Act. The DOE grant is governed by special terms and conditions as well as DOE Assistance Regulations.

In 2011, Iowa enacted legislative changes that reorganized the Iowa Department of Economic Development into the Iowa Economic Development Authority (IEDA). As part of this reorganization, IEDA assumed OEI's duties related to the Fund. In September 2011, IEDA signed a Memorandum of Understanding (MOU) with DAS, under which DAS would control the Fund.

To date, DAS has made approximately fifteen loans to eligible government and nonprofit entities. One of those loans resulted from DAS—as administrator of the fund financed with federal money—selecting itself as a loan recipient. On June 21, 2012, DAS signed a Loan and Disbursement Agreement. Under the Agreement, DAS was both the borrower and the lender.

## **II. Analysis of DOE Regulations.**

By selecting itself for an award and signing a loan agreement with itself, DAS likely violated DOE standards for the use of the federal money contained in the Fund. The terms and conditions of the DOE award incorporate DOE's administrative rules. The DOE regulations on grants and cooperative agreements with state and local governments contain restrictions on "real or apparent" conflicts of interest. 10 C.F.R. § 600.236(b)(3). The regulations prohibit an individual or entity from participating in the selection, award, or administration of a contract that uses federal funds if the individual or entity is employed by or has another interest in the recipient. 10 C.F.R. § 600.236(b)(3). The

regulations also require compliance with state laws on awarding and administering subgrants. 10 C.F.R. § 600.237(a).

Consistent with these regulations, DOE's informal guidance advises States to create standards, rank applicants, and make selections in accordance with express criteria established by the States. Furthermore, under both Iowa and federal law— for purposes of competitive bidding—a party involved with creating selection criteria or participating in the selection process for a government contract is typically precluded from competing for that government contract. *See, e.g., Medco Behavioral Care Corp. of Iowa v. State, Dep't of Human Servs.*, 553 N.W.2d 556, 564-65 (Iowa 1996).

In this situation, DAS selected itself for an Energy Fund loan using only staff from DAS to initiate and approve the transaction. And the DAS loan agreement contained an origination fee, paid to DAS, as part of the transaction. (The origination fee provision was a standard provision in all the loan agreements). Even though no one involved with the DAS loan received a direct personal payment, the direct benefit to DAS—the employer of those responsible for the selection, awarding, and contracting—is likely sufficient to constitute a violation of DOE's conflict of interest regulations. *See* 10 C.F.R. § 600.142; 10 C.F.R. § 600.236(b)(3); *see also Medco Behavioral Care Corp. of Iowa v. State, Dep't of Human Servs.*, 553 N.W.2d 556, 564-65 (Iowa 1996).

### **RECOMMENDATION**

In order to minimize the impact of the selection and be candid with DOE, I recommend the following actions: (1) repay, with purely State money, any funds withdrawn from the State Energy Revolving Loan Fund as part of the DAS Loan; and

(2) notify DOE about the DAS Loan and about all corrective measures the State has taken or will take.

**From:** Roederer, David [IDOM]  
**Sent:** Monday, September 30, 2013 10:23 AM  
**To:** Minnehan, Michelle [DAS]; Findley, Brenna [IGOV]  
**Cc:** Lamb, T. Ryan [DAS]; Churchill, Susan [DAS]  
**Subject:** RE: Federal Funding

2:30 today

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**From:** Minnehan, Michelle [DAS]  
**Sent:** Monday, September 30, 2013 7:52 AM  
**To:** Roederer, David [IDOM]; Findley, Brenna [IGOV]  
**Cc:** Lamb, T. Ryan [DAS]; Churchill, Susan [DAS]  
**Subject:** Federal Funding  
**Importance:** High

Good morning,

I would like to get back together based on the continued activity regarding the shutdown. We need to provide a status update with our intended plans to the Unions today in order to continue our partnership. I have asked for an update regarding Public Defense and am still waiting to receive their layoff plan details.

Please let me know what time works.



Michelle Minnehan  
Chief Operating Officer  
Human Resources Enterprise  
Iowa Department of Administrative Services  
Hoover State Office Building  
Des Moines, IA 50319  
515-281-5064  
[michelle.minnehan@iowa.gov](mailto:michelle.minnehan@iowa.gov)  
<http://das.iowa.gov>



[REDACTED]

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Thursday, September 26, 2013 9:34 AM  
**To:** Durham, Debi [IEDA]  
**Cc:** Hough, Margaret [IGOV]; LG.KKR  
**Subject:** Re: WIC issue

Debi,  
I have already had staff look into changing for this year, and we are in the process of determining what we need to do to change it.  
I hope to have good news for you later today or tomorrow.

Mariannette Miller-Meeks MD

On Sep 26, 2013, at 9:24 AM, "Durham, Debi [IEDA]" <[Debi.Durham@iowa.gov](mailto:Debi.Durham@iowa.gov)> wrote:

Mariannette,  
Below is information the company provided the Governor and me, they are looking at a \$60 million expansion that was scheduled to go before our board on November but is now on hold.

Any progress? Thanks, Debi

The most obvious point is that all but 4 states have been able to control their costs without excluding all branded cereal. Did Iowa fully explore other alternatives that could have allowed them to serve within their budget before restricting choice in one of the most nutrient-dense categories?

A simple review of other states food lists (easily available from USDA at [this site](#)) shows that other states take a variety of actions to control costs, without the severe action of excluding all branded cereal. There are many actions that other states take on their approved food list that Iowa has chosen not to take. And yet, the vast majority of other states (all but 4) understand the important role of branded breakfast cereal and ensure that branded choices are available to participants. We are confused as to why Iowa allows choice and flexibility in other food categories but took this drastic move on one of the most nutrient dense, popular food categories.

- One obvious tool is that most states only allow larger cereal sizes (establishing 12 oz. as the minimum net weight) than Iowa, because ~~you~~ the price per ounce is greater on smaller size cereals. Iowa is one of only a few states that go all the way down to 10 oz.
- Looking outside of cereal, other states also exclude packaging formats that are more costly. For example, California just banned fruit in pouches because the pouch format tends to be more expensive than canned. The same could apply to canned fish which Iowa allows in pouch format.
- Also, it's clear by looking at the current Iowa food list that they have applied brand restriction inconsistently – branded products are allowed in several other categories including tuna and juices.
- Finally, looking at bigger food cost categories (e.g., milk), many states restrict costs by being very clear about organic or enhanced products. The Iowa list is not as clear in this regard.

As to the assertion that it can't be changed until 2015, as I mentioned it is our experience that USDA leaves flexibility to the states to manage their food list, its review and timing. And, while the current Iowa food list is for a three year period, that is not historically consistent. In fact, Iowa has had one-

year, two-year and three-year effective lists. Many, if not most, states have an annual list because there are so many changes to foods and brands that they need to make changes. And, some states even list "brands subject to change" right on their participant brochures. If there is an internal state policy prohibiting changes, we are unaware of that policy and it does not appear to be publicly available. Moreover, if it is a state policy, then it is within the state's power to change that policy.

We are well aware of USDA's communication to states on cost containment, but we also know that since those communications have gone out, only Iowa and another state have removed national cereal brands. The cost containment efforts are largely focused on store issues in larger states, where smaller operators have been unfairly using the WIC program and running up program costs.

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~~CONFIDENTIAL~~

**From:** Carroll, Mike [DAS]  
**Sent:** Monday, September 16, 2013 1:35 PM  
**To:** Woodley, Doug [DAS]; Carr, Brant [DAS]; Roederer, David [IDOM];  
aroberts@ualocal33.org; Chad Kleppe; Weiser, Robert S.  
**Cc:** Gregg, Adam [IGOV]  
**Subject:** Working group to develop 5 year capital expenditures plan  
**Attachments:** 5 Year Capital Expenditures Working Group.docx

Thank you to all for being willing to serve and help DAS establish a well thought out and accurate plan for capital expenditures over the next 5 years.

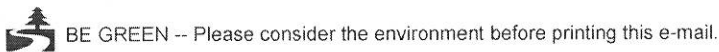
I want to get our first meeting scheduled for the afternoon of either October 2, 3, or 4. Please check your schedules and let me know what might work. Once I have everyone's input, I will get a meeting on the schedule and get back to all of you with an agenda and some information to help prepare for the meeting.

Our group is relatively small by design to expedite decision making, and I anticipate meetings to last no more than an hour. I have attached a document with contact information for the group.

Thanks again for helping out.



**Mike Carroll, Director**  
**Iowa Department of Administrative Services**  
Office: (515) 281-3273  
Cell: (515) 868-2038  
FAX: (515) 281-6140  
[mike.carroll@iowa.gov](mailto:mike.carroll@iowa.gov)



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5 Year Capital Expenditures Working Group:

**DEPARTMENT OF ADMINISTRATIVE SERVICES:**

Mike Carroll, [mike.carroll@iowa.gov](mailto:mike.carroll@iowa.gov), 515-281-3273 (office), 515-868-2038 (cell)

Doug Woodley, [Doug.Woodley@iowa.gov](mailto:Doug.Woodley@iowa.gov), 515-281-8388 (office), 515-954-0648 (cell)

Brant Carr, [Brant.Carr@iowa.gov](mailto:Brant.Carr@iowa.gov), 515-725-2260 (office), 515-318-9217 (cell)

**DEPARTMENT OF MANAGEMENT:**

Dave Roederer, [David.Roederer@iowa.gov](mailto:David.Roederer@iowa.gov), 515-281-8826 (office)

**BUILDING TRADES:**

Andy Roberts, [aroberts@ualocal33.org](mailto:aroberts@ualocal33.org), 515-558-0482 (office), 515-202-2055 (cell)

**MASTER BUILDERS OF IOWA:**

Chad Kleppe, [CKleppe@mbionline.com](mailto:CKleppe@mbionline.com), 515-288-8904 (office), 515-205-2830 (cell)

**CAPITOL PLANNING COMMISSION:**

Scott Weiser, [rscottweiser@gmail.com](mailto:rscottweiser@gmail.com), 515-238-0397 (cell)

[REDACTED]

---

**From:** Hunter, Caleb [DAS]  
**Sent:** Friday, September 13, 2013 11:20 AM  
**To:** Royce, Joseph [LEGIS]  
**Cc:** Findley, Brenna [IGOV]; Pettengill, Dawn [LEGIS]  
**Subject:** Update  
**Attachments:** Report of Employees Changed from Merit to Non-Merit Jan-September 2013.pdf

Joe,

Attached is the September confidential employee update. No new additions are added to this report.

Thanks,  
Caleb

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-September 2013

Dept #	Department Name	Effective Date	Job Classification
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 3
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 3
212	Commerce-Alcoholic Beverages Division	1/18/2013	Public Service Executive 2
212	Commerce-Alcoholic Beverages Division	1/18/2013	Executive Officer 2
219	Commerce-Utilities	2/1/2013	Utility Administrator 2
671	Iowa Veterans Home	2/1/2013	Food Service Director 3
671	Iowa Veterans Home	2/1/2013	Public Service Executive 3
671	Iowa Veterans Home	2/1/2013	Information Technology Administrator 3
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 2
671	Iowa Veterans Home	2/1/2013	Nurse Supervisor 1
671	Iowa Veterans Home	2/1/2013	Public Service Supervisor 3
671	Iowa Veterans Home	2/1/2013	Public Service Executive 1
671	Iowa Veterans Home	2/1/2013	Public Service Executive 1
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-September 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 4
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Information Tech Admin 2
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Senior Transportation Engineer
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Public Service Executive 5
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Transportation Engineer Executive
645	Transportation	2/15/2013	Public Service Executive 6

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-September 2013

Dept #	Department Name	Effective Date	Job Classification
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
645	Transportation	2/15/2013	Public Service Executive 6
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 1
167	Iowa Civil Rights Commission	2/15/2013	Public Service Executive 3
642	Office of Drug Control Policy	3/1/2013	Public Service Executive 3
297	Aging	3/1/2013	Executive Officer 2
297	Aging	3/1/2013	Executive Officer 2
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
336	Iowa Communications Network	3/1/2013	Telecommunications Administrator
595	Public Safety	3/15/2013	Criminal Intelligence Analyst Supervisor
595	Public Safety	3/15/2013	Information Technology Specialist 4
595	Public Safety	3/15/2013	Crime Laboratory Administrator
595	Public Safety	3/15/2013	Information Technology Administrator 3
595	Public Safety	3/15/2013	Information Specialist 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Public Service Executive 3
595	Public Safety	3/15/2013	Electrical Inspector Supervisor
595	Public Safety	3/15/2013	Construction Design Engineer Senior
553	IPERS	4/12/2013	Pension System Attorney
553	IPERS	4/12/2013	Executive Officer 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 5



## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-September 2013

Dept #	Department Name	Effective Date	Job Classification
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Attorney 3
309	Iowa Workforce Development	4/26/2013	Administrative Law Judge 3
309	Iowa Workforce Development	4/26/2013	Public Service Executive 3
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Fiscal & Policy Analyst Senior
005	Administrative Services	4/26/2013	Executive Officer 4
005	Administrative Services	4/26/2013	Information Technology Administrator 3
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Information Technology Administrator 4
005	Administrative Services	4/26/2013	Public Service Executive 1
005	Administrative Services	4/26/2013	Public Service Executive 4
005	Administrative Services	4/26/2013	Accountant 4
005	Administrative Services	5/10/2013	Public Service Executive 4
005	Administrative Services	5/10/2013	Public Service Executive 4
259	Cultural Affairs	3/1/2013	Public Service Executive 3
259	Cultural Affairs	2/15/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Executive Officer 1
005	Administrative Services	5/24/2013	Public Service Supervisor 3
005	Administrative Services	5/24/2013	Public Service Executive 4
005	Administrative Services	5/24/2013	Public Service Executive 2
005	Administrative Services	5/24/2013	Program Planner 2
005	Administrative Services	5/24/2013	Public Service Executive 1
005	Administrative Services	5/24/2013	Public Service Executive 1
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 3
216	Commerce-Insurance	6/7/2013	Public Service Executive 4
216	Commerce-Insurance	6/7/2013	Public Service Executive 4

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-September 2013

Dept #	Department Name	Effective Date	Job Classification
216	Commerce-Insurance	6/7/2013	Executive Officer 2
216	Commerce-Insurance	6/7/2013	Executive Officer 3
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
216	Commerce-Insurance	6/7/2013	Compliance Officer 2
583	Homeland Security	5/24/2013	Executive Officer 3
583	Homeland Security	5/24/2013	Information Specialist 3
583	Homeland Security	5/24/2013	Information Specialist 2
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 4
583	Homeland Security	5/24/2013	Public Service Executive 3
583	Homeland Security	5/24/2013	Public Service Executive 3
427	Inspections and Appeals-EAB	7/5/2013	Attorney 3
427	Inspections and Appeals-CAB	7/5/2013	Public Service Executive 3
427	Inspections and Appeals	7/5/2013	Public Service Executive 6
427	Inspections and Appeals	7/5/2013	Attorney 3
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 5
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Executive Officer 1
427	Inspections and Appeals	7/5/2013	Accountant 4
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2
427	Inspections and Appeals	7/5/2013	Health Facilities Officer 2

## Employees Changed from Merit to Non-Merit Definition of Confidential Employee Rule Change

January-September 2013

Dept #	Department Name	Effective Date	Job Classification
427	Inspections and Appeals	7/5/2013	Public Service Executive 4
427	Inspections and Appeals	7/5/2013	Public Service Executive 3
429	Iowa Racing and Gaming Commission	7/5/2013	Public Service Executive 4
429	Iowa Racing and Gaming Commission	7/5/2013	Public Service Executive 1
284	Iowa College Student Aid Commission	7/5/2013	Executive Officer 3
284	Iowa College Student Aid Commission	7/5/2013	Information Technology Administrator 1
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Executive Officer 4
542	Natural Resources	7/19/2013	Executive Officer 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
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542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4
542	Natural Resources	7/19/2013	Public Service Executive 4

Updated since last report

~~Barbara Nicole [LEGIS]~~

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, September 09, 2013 12:22 PM  
**To:** Palmer, Charles [DHS]; Durham, Debi [IEDA]; Palmer, Charles [DHS]  
**Cc:** Findley, Brenna [IGOV]  
**Subject:** RE: WIC issue

Chuck and Debi,

I will find out if this is a federal requirement of WIC, or if it is a state suggestion. I think it is probably related to cost of product.

Mariannette

-----Original Message-----

**From:** Miller, Linda S. [mailto:lmiller2@dhs.state.ia.us] On Behalf Of Palmer, Charles M  
**Sent:** Monday, September 09, 2013 11:58 AM  
**To:** Durham, Debi [IEDA]; Palmer, Charles [DHS]  
**Cc:** Findley, Brenna [IGOV]; Miller-Meeks, Mariannette [IDPH]  
**Subject:** RE: WIC issue

Debi -- I am forwarding your note to Dr. Miller-Meeks as the Health Department oversees the WIC Program, not DHS.

-----Original Message-----

**From:** Durham, Debi [IEDA] [mailto:Debi.Durham@iowa.gov]  
**Sent:** Sunday, September 08, 2013 4:49 PM  
**To:** Palmer, Charles M  
**Cc:** Findley, Brenna [IGOV]  
**Subject:** Fwd: WIC issue

Chuck,

Hope all is well with you we are now day 3 in our Japan/India mission.

Yesterday I was made aware of-concerns General Mills relayed to Dennis Jordan of Cedar Rapids with our policy of not including national leading branded cereals for example Cheerios on the Iowa WIC allowed food list.

When you combine General Mills and Quacker Oats they have a very significant economic footprint in our State so it is understandable they are concerned.

Chuck I am sure this was implemented as a cost reduction matter but can the decision be revisited and a solution found that would not have a negative impact on the budget?

Respectfully yours,  
Debi

Sent from my iPhone

Begin forwarded message:

From: Dennis Jordan <djordan@cedarrapids.org<mailto:djordan@cedarrapids.org>>  
Date: September 8, 2013, 8:08:16 AM GMT+09:00  
To: "Durham, Debi [IEDA]" <Debi.Durham@iowa.gov<mailto:Debi.Durham@iowa.gov>>  
Cc: Lee Anderson-WHQ <Lee.Anderson@genmills.com<mailto:Lee.Anderson@genmills.com>>, Heather Hull <hhull@cedarrapids.org<mailto:hhull@cedarrapids.org>>, Barbra Solberg <bsolberg@cedarrapids.org<mailto:bsolberg@cedarrapids.org>>  
Subject: FW: WIC issue

Hi Debi,

Please review the e-mail below and let's plan to discuss upon your return from Japan and India. Considering that General Mills employs over 650 people in Cedar Rapids (let alone Quaker Oats another 1,100) we hope there can be some consideration given to allowing national brand's to participate in the WIC program.

Dennis

Dennis E. Jordan, MBA  
Economic Development  
[cid:image001.jpg@01CEABF5.39A56180]  
501 First Street SE  
Cedar Rapids, IA 52401  
319/730.1424 tel  
cedarrapids.org<<http://www.cedarrapids.org/>>

From: Lee Anderson-WHQ [mailto:Lee.Anderson@genmills.com]  
Sent: Wednesday, August 21, 2013 1:27 PM  
To: Dennis Jordan  
Cc: Heather Hull; Dave Engler  
Subject: WIC issue

Dennis and Heather,

Thanks again for meeting with us during your visit. We appreciate the great work of the Cedar Rapids Metro Economic Alliance and our continuing partnership.

Thanks also for your interest in the WIC issue. Here's a little more background on it:

- The Iowa WIC office changed its long-standing practice and now no longer allows national leading cereal brands on the Iowa WIC allowed food list<<http://www.idph.state.ia.us/IDPHChannelsService/file.ashx?file=646EC94C-DE5C-4AE6-96F4-EDB64CC85975>>.
- Iowa is one of only 4 states that doesn't allow any national leading branded cereals, including even Cheerios. 46 other states manage program costs and still provide more variety than Iowa.
- The Iowa food list is approved for 2012-2015, but we believe that they have the flexibility to make changes at any time.

Some key considerations:

- WIC kids skip breakfast at over 2x the rate of non-WIC kids.
- Kids are increasingly consuming other products for breakfast, many of which are more caloric and provide fewer nutrients.
- Iron and folate intakes have declined among kids ages 3-5 and pregnant/breastfeeding women ages 18-34.
- Breakfast cereal is the #1 source of iron and folate for WIC kids ages 1-4.
- Cereal is the leading source of many key vitamins and minerals at breakfast (ages 2+)
- Non-leading cereals are not always equivalent to National cereal brands (General Mills, Quaker, Kellogg's, Post).
- National brands are produced in wide varieties, while non-leading cereals tend to be available for only the top-selling varieties, missing some WIC-eligible cereals and some that appeal particularly to children.
- National brands ensure cereal availability as these brands tend to have national coverage, including independent retailers and rural areas.
- National brands dominate the cereal category driven by consumer preferences.
- 72% of U.S. Households are "branded exclusive/loyal" in their cereal purchases.
- Store brand cereals account for 13% of all cereal volume sales. That declines to 5% when including only WIC-eligible cereals.
- Approving only non-leading cereals may stigmatize WIC participants who may feel self-conscious about participating in government programs.
- Availability of National brands may encourage WIC enrollment, cereal redemption, and retention of participants, and meet the mission of WIC by ensuring that the nutrition is actually consumed.
- 75% of WIC participants also participate in SNAP, which is a far less complex and restrictive program.

As I said, we have no issue with store-brands and other generics also being on the food list. We believe that broad choice for WIC consumers is a good thing.

And some key statistics that you likely already know:

- General Mills has been part of the Cedar Rapids community for decades, making Cheerios, Kix and a variety of other leading products.
- Our team of over 650 dedicated employees is committed to continuous improvement and have developed a company-leading culture and workforce.
- General Mills spends over \$65 million with over 350 suppliers in Iowa each year.
- We are a leader in the Cedar Rapids community, setting the standard in community engagement and philanthropy.

Thanks again for helping to think through this issue. Please let me know your thoughts on next steps.

Best,  
Lee

Lee Anderson

Director, State & Local Government Relations General Mills Office – 763-764-2293 Mobile – 612-865-3925

lee.anderson@genmills.com<mailto:lee.anderson@genmills.com>

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**From:** Findley, Brenna [IGOV]  
**Sent:** Monday, September 09, 2013 12:45 PM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Subject:** RE: Thank you

Thank you!

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Monday, September 09, 2013 11:54 AM  
**To:** Findley, Brenna [IGOV]  
**Subject:** RE: Thank you

Brenna,  
Congratulations on being named interim, and I look forward to working with you also! Sorry, I didn't get to tell you this in person at Jeff's reception.  
Mariannette

---

**From:** Findley, Brenna [IGOV]  
**Sent:** Wednesday, September 04, 2013 12:28 PM  
**To:** IA Dept Directors - Executive Branch  
**Cc:** Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]  
**Subject:** Thank you

I am looking forward to serving the administration as interim chief of staff. Please feel free to call me at any time. I would like to make sure each of you have my phone numbers:  
515-725-3505 direct  
515-802-0985 work cell

I appreciate the opportunity to work with each of you in my new role. Thank you in advance for helping me get up to speed with respect to your areas. I appreciate your understanding during this busy time and am looking forward to working with you.

Thank you.

S. Brenna Findley  
Legal Counsel  
Office of Governor Terry E. Branstad  
Direct Dial: 515.725.3505  
Main Line: 515.281.5211  
[Brenna.Findley@iowa.gov](mailto:Brenna.Findley@iowa.gov)

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**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Friday, August 30, 2013 9:57 AM  
**To:** Boeyink, Jeffrey [IGOV]  
**Subject:** Re: Leaving the Governors office

I feel honored that you would want to stay in contact and continue a relationship. I know I seem like I'm "hard core" but we all know I'm a sentimental sap. :)

Mariannette Miller-Meeks MD

On Aug 30, 2013, at 9:53 AM, "Boeyink, Jeffrey [IGOV]" <[Jeffrey.Boeyink@iowa.gov](mailto:Jeffrey.Boeyink@iowa.gov)> wrote:

Thank you, Mariannette. It has been a real privilege to work with you in this capacity. Looking forward to continuing the relationship long into the future.

---

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Friday, August 30, 2013 9:51 AM  
**To:** Boeyink, Jeffrey [IGOV]  
**Subject:** Re: Leaving the Governors office

Jeff

I cannot even begin to tell you how sad I am by this news. You are a tremendously talented individual and have been an anchor for Governor Branstad and the executive branch. It has been an honor to work for you and with you.

You made it challenging to live up to your expectations and standards, and I never wanted to be a disappointment or embarrassment to Governor Branstad, Lt Gov Reynolds or you, especially.

I will miss your intellect, ability to dissect through issues and political acumen. I will miss lunch with you.

I will miss your willingness to provide constructive criticism so that I can be the best asset to the executive branch and to myself. I will miss the career advice and sage counsel.

I do hope all the best for you and your family. You are most deserving of the best life has to offer!

Respectfully,

Mariannette Miller-Meeks MD

On Aug 30, 2013, at 9:20 AM, "Boeyink, Jeffrey [IGOV]" <[Jeffrey.Boeyink@iowa.gov](mailto:Jeffrey.Boeyink@iowa.gov)> wrote:

Good morning to a truly incredible team of public servants. I write today to let you know that I have made a decision to leave my position as the Governor's Chief of Staff effective Friday, September 6.

Attached is the news release that will be going out within the next half hour making my decision public.

It has been an honor to serve with all of you. In the last nearly three years we have effectively begun a process to truly transform state government into a consumer-driven organization that serves our citizens with integrity and efficiency. I could not be more proud to have helped lead the executive branch in this capacity.

In my role during the transition process and as the Governor's Chief of Staff, I was responsible for helping to identify and recruit many of you into the service of the state. Each of you, in your own way, has made an important difference in our state and in the lives of our citizens. Thank you for all of your tremendous efforts to make Iowa a better place.

I am pleased the Governor and Lt. Governor were both disappointed that I was leaving, but also supportive of my desire to rejoin the private sector at this time. They are both incredible leaders and the decision to leave this office was difficult, to say the least.

Once leaving the office I will be taking some vacation time and then will be announcing my future plans.

Please hold the evening of September 5 on your calendars, if possible. I am planning to organize a small reception at which time I can personally thank each of you for being such a great teammate and colleague. Details from Becky will be coming early next week.

Again, thank you!

**Jeffrey Boeyink**  
Chief of Staff  
Office of the Governor  
State Capitol  
Des Moines, IA 50319  
515.725.3535

<8 30 13 boeyink announcement.docx>

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[REDACTED]

**From:** Miller-Meeks, Mariannette [IDPH]  
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**Subject:** Re: Leaving the Governors office

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Respectfully,

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**Jeffrey Boeyink**  
Chief of Staff  
Office of the Governor  
State Capitol  
Des Moines, IA 50319  
515.725.3535

<8 30 13 boeyink announcement.docx>

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**From:** Boeyink, Jeffrey [IGOV]  
**Sent:** Friday, August 30, 2013 9:54 AM  
**To:** Miller-Meeks, Mariannette [IDPH]  
**Subject:** RE: Leaving the Governors office

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**Subject:** Re: Leaving the Governors office

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Respectfully,

Mariannette Miller-Meeks MD

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Chief of Staff  
Office of the Governor  
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515.725.3535

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~~Javara, Nicole [IGS]~~

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**From:** Roederer, David [IDOM]  
**Sent:** Wednesday, August 28, 2013 1:56 PM  
**To:** Boeyink, Jeffrey [IGOV]  
**Subject:** Accepted: Confidential Plates

**Subject:** Confidential Plates  
**Location:** Jeff's Office

**Start:** Wed 9/4/2013 4:30 PM  
**End:** Wed 9/4/2013 5:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Boeyink, Jeffrey [IGOV]  
**Required Attendees:** Roederer, David [IDOM]

Director Trombino



**From:** Roederer, David [IDOM]  
**Sent:** Tuesday, August 27, 2013 3:29 PM  
**To:** Harvey, Donna [IDA]  
**Cc:** Boeyink, Jeffrey [IGOV]  
**Subject:** RE: IT

If it needs to be clarified we can do that. Thanks

---

**From:** Harvey, Donna [IDA]  
**Sent:** Tuesday, August 27, 2013 3:25 PM  
**To:** Roederer, David [IDOM]  
**Subject:** IT

Hi Dave – Last week when meeting with Jennifer Vermeer, she shared that we should be putting all IT type projects before Bob VonWolfradt before pursuing RFI, etc. I am more than okay with that but I don't believe directors were ever oriented as to what role he plays/will play. I met with Nick Gerhart this a.m. and he was not aware either so maybe some reminder needs to go out or maybe be discussed at the upcoming meetings with teams. Just a suggestion. Thanks!

*Donna*

Donna K. Harvey, Director



The Link to Resources for Older Iowans

Iowa Dept on Aging | 510 E 12th St, Rm 2 | Des Moines, IA 50319-9025

(515) 725-3301 | (800) 532-3213 | [donna.harvey@iowa.gov](mailto:donna.harvey@iowa.gov) | [www.iowaaging.gov](http://www.iowaaging.gov) | [www.lifelonglinks.org](http://www.lifelonglinks.org)



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~~Navara, Nicole [IGIS]~~

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**From:** Roederer, David [IDOM]  
**Sent:** Tuesday, August 27, 2013 2:34 PM  
**To:** Boeyink, Jeffrey [IGOV]  
**Subject:** FW: Please forward DAS rate comparison  
**Attachments:** FY14 and FY15 DAS Utility-spreadsheet for Dave-8 12 2013 (3).xls

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**From:** Mabie, Kathy [IDOM]  
**Sent:** Tuesday, August 27, 2013 2:30 PM  
**To:** Roederer, David [IDOM]  
**Subject:** RE: Please forward DAS rate comparison

---

**From:** Roederer, David [IDOM]  
**Sent:** Tuesday, August 27, 2013 2:04 PM  
**To:** Mabie, Kathy [IDOM]  
**Subject:** Please forward DAS rate comparison

## FY14 & FY15 DAS Utility Agency Impacts Comparison

Department	FY14	FY15	FY15-FY14	% increase over FY14
ADMINISTRATIVE SERVICES	6,259,428	6,333,324	73,896	1%
AGING, IOWA DEPARTMENT OF	123,779	126,344	2,566	2%
AGRICULTURE & LAND STEWARDSHIP	532,879	541,250	8,371	2%
AUDITOR	127,275	137,282	10,007	8%
BLIND, DEPARTMENT FOR THE	123,748	95,808	(27,940)	-23%
CIVIL RIGHTS	65,073	69,275	4,202	6%
COLLEGE STUDENT AID	170,837	116,884	(53,952)	-32%
COMMERCE - ALCOHOLIC BEVERAGES	131,185	145,627	14,443	11%
COMMERCE - BANKING	64,237	68,002	3,765	6%
COMMERCE - CREDIT UNION	19,745	21,483	1,738	9%
COMMERCE - INSURANCE	72,353	77,147	4,794	7%
COMMERCE - PROF LICENSING	16,108	18,396	2,288	14%
COMMERCE - UTILITIES	229,466	233,005	3,540	2%
CORRECTIONS	2,322,784	2,314,280	(8,504)	0%
CULTURAL AFFAIRS	245,456	261,862	16,405	7%
DMACC (Iowa Building)	65,366	0	(65,366)	-100%
ECONOMIC DEVELOPMENT	194,761	192,963	(1,798)	-1%
EDUCATION	849,763	843,117	(6,646)	-1%
ETHICS AND CAMPAIGN FINANCE DISCLOSURE	19,174	20,846	1,672	9%
EXECUTIVE COUNCIL (TREASURER'S )	4,749	1,946	(2,803)	-59%
FAIR AUTHORITY	20,473	15,939	(4,534)	-22%
FINANCE AUTHORITY	82,586	86,435	3,849	5%
GOVERNOR	69,733	73,282	3,549	5%
GOVERNOR'S OFFICE OF DRUG CONTROL POLICY	22,790	19,460	(3,330)	-15%
HOMELAND SECURITY	0	0	0	0%
HUMAN RIGHTS	173,466	180,739	7,273	4%
HUMAN SERVICES	8,996,028	9,755,079	759,051	8%
INSPECTIONS & APPEALS	614,668	646,743	32,075	5%
INSPECTIONS & APPEALS - APPELATE DEFENDER	119,148	130,009	10,861	9%
INSPECTIONS & APPEALS - RACING COMMISSION	40,017	45,924	5,908	15%
IOWA COMMUNICATIONS NETWORK	230,644	233,079	2,436	1%
IOWA PUBLIC EMPLOYMENT RETIREMENT SYSTEM	448,437	498,416	49,980	11%
IOWA PUBLIC TELEVISION	60,247	69,196	8,949	15%
JUDICIAL BRANCH	582,222	589,447	7,224	1%
JUSTICE	307,248	317,682	10,435	3%
JUSTICE - ADVOCATE OFFICE	47,550	47,976	426	1%
LAW ENFORCEMENT ACADEMY	25,025	26,803	1,778	7%
LEGISLATURE	87,441	94,012	6,571	8%
LOTTERY	128,133	146,166	18,033	14%
MANAGEMENT	137,922	116,605	(21,316)	-15%
MERCY IT	4,571	0	(4,571)	-100%
NATURAL RESOURCES	1,449,335	1,478,854	29,519	2%
PAROLE	48,505	48,989	484	1%
PUBLIC DEFENSE	194,896	200,275	5,379	3%
PUBLIC DEFENSE - EMERGENCY MANAGEMENT	125,920	125,198	(722)	-1%
PUBLIC EMPLOYMENT RELATIONS BOARD	30,137	31,026	889	3%
PUBLIC HEALTH	970,143	1,029,751	59,608	6%
PUBLIC SAFETY	1,619,675	1,686,662	66,987	4%
REGENTS	609,714	677,532	67,818	11%
REVENUE	2,402,716	2,403,556	841	0%
SECRETARY OF STATE	93,651	110,560	16,909	18%
STATE LIBRARY (TREASURER'S )	0	0	0	0%
TRANSPORTATION	1,614,677	1,758,430	143,753	9%
TREASURER (exc. AGRICULTURE DEVELOPMENT)	426,598	410,023	(16,575)	-4%
TREAT AMERICA - CAFETERIAS	27,850	27,850	0	0%
VETERANS' AFFAIRS	10,440	10,825	385	4%
VETERANS' HOME	445,582	525,368	79,786	18%
VOCATIONAL REHABILITATION	498,061	520,645	22,584	5%
WORKFORCE DEVELOPMENT	2,312,818	2,288,800	(24,018)	-1%
<b>TOTAL</b>	<b>36,720,377</b>	<b>38,048,892</b>	<b>1,328,515</b>	<b>4%</b>

~~Navara, Nicole [ID]~~

---

**From:** Roberts, Rod [DIA]  
**Sent:** Tuesday, August 27, 2013 8:45 AM  
**To:** Welsch, Danika [IDA]; Palmer, Charles [DHS]; Tabor, Eric [AG]  
**Cc:** Boussetot, Michael [IGOV]; Throener, Sara [DIA]; Miller, Thomas J [AG]; Ambrozic, Jane [AG]; Harvey, Donna [IDA]  
**Subject:** RE: Follow up to LEAN

That works for me.

Rod

---

**From:** Welsch, Danika [IDA]  
**Sent:** Tuesday, August 27, 2013 8:43 AM  
**To:** Palmer, Charles [DHS]; Roberts, Rod [DIA]; Tabor, Eric [AG]  
**Cc:** Boussetot, Michael [IGOV]; Throener, Sara [DIA]; Miller, Thomas J [AG]; Ambrozic, Jane [AG]; Harvey, Donna [IDA]  
**Subject:** RE: Follow up to LEAN

It looks like 11:00 AM – noon on Wed. (9/4) would work for everyone. Please confirm that 11:00 – to noon would work for you, and if it does not provide times you would be available on September 4.

The meeting will take place at Director Palmer's office.

Thank you!

*Danika*

Danika Welsch, Executive Secretary  
Iowa Dept. on Aging  
(515) 725-3302



---

**From:** Harvey, Donna [IDA]  
**Sent:** Tuesday, August 27, 2013 8:03 AM  
**To:** Palmer, Charles [DHS]; Roberts, Rod [DIA]; Tabor, Eric [AG]  
**Cc:** Welsch, Danika [IDA]; Boussetot, Michael [IGOV]  
**Subject:** Follow up to LEAN

As the LEAN process will be wrapping up later this week, I think it would be beneficial for us to have a "post-LEAN" discussion on next steps as IDA prepares to begin Task Force meetings on September 16. I think we should walk through the "parking lot" issues that would require legislation/rule change BEFORE they are provided to the Task Force so that we (I) am aware of any barriers, "land mines", etc. I hope you agree.

Danika – will you attempt to find an hour meeting time for us some time after this week and before September 16? Thanks!

*Donna*

Donna K. Harvey, Director



The Link to Resources for Older Iowans

Iowa Dept on Aging | 510 E 12th St, Rm 2 | Des Moines, IA 50319-9025

(515) 725-3301 | (800) 532-3213 | [donna.harvey@iowa.gov](mailto:donna.harvey@iowa.gov) | [www.iowaaging.gov](http://www.iowaaging.gov) | [www.lifelonglinks.org](http://www.lifelonglinks.org)



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~~Navara, Nicole [IGOV]~~

---

**From:** Roederer, David [IDOM]  
**Sent:** Saturday, August 24, 2013 8:29 AM  
**To:** Miller-Meeks, Mariannette [IDPH]; Boeyink, Jeffrey [IGOV]; Boussetot, Michael [IGOV]  
**Subject:** Re: Division director

I would hold off until you hear from Jeff.

----- Original Message -----

**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Friday, August 23, 2013 04:42 PM  
**To:** Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]; Boussetot, Michael [IGOV]  
**Subject:** Division director

Good Friday afternoon,

Yesterday, I had my monthly "talk with the doc" session and it was the best attendance ever.

I think the staff attended because they expected to hear an announcement regarding Julie McMahon's replacement. She departs September 20 and is gone on vacation for 2 of the remaining weeks. It leaves little time to orient her replacement.

I would really like to be able to inform the bureau chiefs on Monday or Tuesday, and then the remaining staff at the end of next week.

Unless I hear to the contrary, I will proceed. Otherwise, I need to immediately begin interviewing for her replacement & hire a new DD.

Have a pleasant weekend,

Mariannette Miller-Meeks MD

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Navara, Nicole [LEGIS]

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**From:** Miller-Meeks, Mariannette [IDPH]  
**Sent:** Friday, August 23, 2013 4:43 PM  
**To:** Boeyink, Jeffrey [IGOV]; Roederer, David [IDOM]; Boussetot, Michael [IGOV]  
**Subject:** Division director

Good Friday afternoon,

Yesterday, I had my monthly "talk with the doc" session and it was the best attendance ever.

I think the staff attended because they expected to hear an announcement regarding Julie McMahon's replacement. She departs September 20 and is gone on vacation for 2 of the remaining weeks. It leaves little time to orient her replacement.

I would really like to be able to inform the bureau chiefs on Monday or Tuesday, and then the remaining staff at the end of next week.

Unless I hear to the contrary, I will proceed. Otherwise, I need to immediately begin interviewing for her replacement & hire a new DD.

Have a pleasant weekend,

Mariannette Miller-Meeks MD

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**From:** Roederer, David [IDOM]  
**Sent:** Friday, August 23, 2013 8:28 AM  
**To:** Johnson, Larry [IGOV]; Boeyink, Jeffrey [IGOV]  
**Subject:** FW: Petition For Declaratory Order re FOI Records Request Fees  
**Attachments:** Petition for Declaratory Order and Complaints.pdf

---

**From:** Mabie, Kathy [IDOM]  
**Sent:** Friday, August 23, 2013 7:18 AM  
**To:** Roederer, David [IDOM]  
**Cc:** Hart, Dennis [IDOM]  
**Subject:** FW: Petition For Declaratory Order re FOI Records Request Fees

Just and FYI.....

---

**From:** Luchtel, Keith [IPIB]  
**Sent:** Thursday, August 22, 2013 2:33 PM  
**To:** Amanda Valent ([valenta@ci.ottumwa.ia.us](mailto:valenta@ci.ottumwa.ia.us)); Andrew Chappell; Arndt, Elizabeth [IGOV]; Arthur Bonfield ([arthur-bonfield@uiowa.edu](mailto:arthur-bonfield@uiowa.edu)); Association of School Boards; Brandy Olson; Brian Cooper; Bruce Bergman; Brunson, Marcia [Regents]; Candy Morgan; Chris INA For IPIB; Christensen, Amy [IUB]; Dave Busiek; Dave Vickers; Fawkes-Lee, Stephanie; Gannon, Mary [IASB]; Iowa Broadcasters Assn Toma; Iowa Community College Trustees Dolan; Iowa Hospital Association Association; Jason Clayworth ([jclayworth@dmreg.com](mailto:jclayworth@dmreg.com)); Jeff Patch; Jenison, Jenae [IGOV]; Jessica Harder; Jim Friedrich; Jochum, Pam [LEGIS]; Joe Helfenberger ([helfenberger@ci.ottumwa.ia.us](mailto:helfenberger@ci.ottumwa.ia.us)); Johannsen, Kerri [IUB]; Johnson, Larry [IGOV]; Jon Moeller; Joni Keith ([keithj@ci.ottumwa.ia.us](mailto:keithj@ci.ottumwa.ia.us)); Julie Smith; Kate Carlucci; Mabie, Kathy [IDOM]; Ken O'Brien; Kristi Harshbarger; Kristi Kielhorn; Laird Rox; League of Cities; Lown, Jessica [DPS]; M Dwayne Ferguson; Mark Lambert; Mark Tomb; Marty Ryan; Mary Braun; Maureen Keehnle; Mike Wiser; Petroski, Bill; Pottorff, Julie [AG]; Rachele Hjelmaas; Ritchie, Corwin [AG]; Rod Boshart; Scott Sundstrom; Sgt. Jana Rooker; Shannon Strickler; Sheriff Jerry Dunbar; State Association of Counties of Counties; Steve Jameson; Steve Parrott; Tabor, Eric [AG]; Terry Timmins; Test, SOS [LEGIS]; Theresa Kehoe; von Wolffradt, Robert [IDOM]; Walt Rogers  
**Cc:** Johnson, Margaret [IPIB]; Meyerdirk, Cindy [IPIB]; [rgreen@dmreg.com](mailto:rgreen@dmreg.com); [rbrubake@dmreg.com](mailto:rbrubake@dmreg.com); McKean, Andrew [IPIB]; Gaughan, Anthony [IPIB]; Monroe, Bill [IPIB]; Andeweg, Robert [IPIB]; Mohr, Gary [IPIB]; Martin, Jo [IPIB]; Richardson, Kathleen [IPIB]; Weitel, Peggy [IPIB]; Stewart, Suzan [IPIB]  
**Subject:** Petition For Declaratory Order re FOI Records Request Fees

**MEMORANDUM**

**TO:** IPIB General Distribution List Members  
**FROM:** IOWA PUBLIC INFORMATION BOARD  
**Re:** DES MOINES REGISTER PETITION for DECLARATORY ORDER August 22, 2013

Attached please find a copy of the Des Moines Register's Petition for Declaratory Order filed August 19, 2013.

The Petition seeks an order from the board relating, in essence, to whether overtime may be charged as an "actual" cost in producing records in response to an FOI request.

The Petition names the Department of Public Safety, represented by the Attorney General, as the party in interest and does not provide notice to any other person ("person" is defined to include entities as well as individuals). Rule 497-3.1(7) requires a petition to include the "names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the question presented. . . ."

The IPIB is required to give notice within 15 days to persons not served by the petitioner to whom notice is required to be given by law. Rule 497-3.2 also allows the board to give notice to other persons. You are receiving this notice because you have elected to be included on the board's general distribution list.

**IF YOU OR YOUR ORGANIZATION IS INTERESTED IN THIS ISSUE, PLEASE TAKE THE FOLLOWING ACTIONS:**

1. Acknowledge receipt of this notice in lieu of a written mailed notice.
2. Indicate whether a Petition for Intervention pursuant to Rule 497-3.3(17A) may be filed by you or your organization.
3. Indicate if you wish to monitor Email communications to parties regarding this matter in lieu of participation as an Intervener or until a Petition for Intervention is filed on your or your organization's behalf.

**IOWA PUBLIC INFORMATION BOARD**

Keith Luchtel, JD  
Executive Director  
Iowa Public Information Board  
Wallace Building, Third Floor  
502 East 9th St.  
Des Moines, IA 50319  
515-725-1782  
[keith.luchtel@iowa.gov](mailto:keith.luchtel@iowa.gov)  
Website: [www.ipib.iowa.gov](http://www.ipib.iowa.gov)

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Michael A. Giudicessi  
michael.giudicessi@FaegreBD.com  
Direct +1 515 447 4701

**Faegre Baker Daniels LLP**  
801 Grand Avenue • 33<sup>rd</sup> Floor  
Des Moines • Iowa 50309-8011  
Phone +1 515 248 9000  
Fax +1 515 248 9010

August 7, 2013

Keith Luchtel  
Iowa Public Information Board  
Office of the Governor  
Room G-9, State Capitol  
1007 East Grand Avenue  
Des Moines, IA 50319

Re: Petition for Declaratory Order and Complaints

Dear Mr. Luchtel:

Enclosed please find a Petition for Declaratory Order and two separate Complaints to the Iowa Public Information Board. Please note that Rick Green and Randy Brubaker of The Des Moines Register are the contacts for these matters as follows:

Rick Green, Editor  
[rgreen@dmreg.com](mailto:rgreen@dmreg.com)  
Randy Brubaker, Senior News Director  
[rbrubake@dmreg.com](mailto:rbrubake@dmreg.com)  
The Des Moines Register  
400 Locust Street, 400 Capital Square  
Des Moines, IA 50309  
Telephone: (515) 284-8502

Please file the originals and return the file-stamped copies to me in the self-addressed and stamped envelope provided for your convenience. Thank you for your assistance with this matter.

Sincerely,



Michael A. Giudicessi

MAG/tlr  
Enclosures  
cc: Rick Green

**IOWA PUBLIC INFORMATION BOARD**

---

Petition by The Des Moines Register	)	
For a Declaratory Order	)	
Regarding Impermissibility of Adding	)	
An Overtime Component	)	<b>Petition for Declaratory Order</b>
To Actual Costs Charged	)	
As Inspection and Copying Fees	)	
Pursuant to Iowa Code §22.3 and 22.3A	)	

---

Petitioner The Des Moines Register provides the following information with respect to its request that the Iowa Public Information Board declare that employee overtime cannot be included in the calculation of actual costs chargeable under Iowa Code §22.3 and §22.3A, the provisions of the Iowa Open Records Act limiting the amounts that government may impose as fees for examination and copying of public records.

In support of this Petition for Declaratory Order made pursuant to 497 I.A.C. §3.1, The Des Moines Register states:

1. The Des Moines Register, which formally is incorporated as Des Moines Register and Tribune Company, an Iowa corporation, engages in the gathering and dissemination of news and information on an around-the-clock basis. It disseminates audio, video and printed content on [www.dmregister.com](http://www.dmregister.com), and publishes *The Des Moines Register* and *Des Moines Sunday Register*, Iowa's largest general circulation newspapers.

2. The Des Moines Register made an open records request to the Iowa Department of Public Safety seeking information and data relating to the outcome of reports of missing persons made during 2012. The data sought included information to determine what percentage of cases were cleared for reasons such as the person was located, was not missing, or was found dead.

3. Initially, the agency responded that it could not simply export the raw data and provide it to The Des Moines Register to perform the queries itself. The Iowa Department of Public Safety asserted its database was in a proprietary format involving an outside vendor and contained public as well as private information. It therefore asserted that the agency's Information Technology staff would need to do the data extraction.

4. The Iowa Department of Public Safety then told The Des Moines Register it would take about two hours of staff time to produce and that The Des Moines Register would be charged for that work.

5. That fee was estimated to be \$66, or approximately \$33 per hour.

6. Subsequently, the agency stated it had been instructed by the Iowa Attorney General's office to charge an overtime rate for the staffer who would be doing the work because the information the Register had requested was "not useful" in the public safety department's operations.

7. The agency then estimated, with overtime, the fee would be \$118, or approximately \$59 per hour.

8. The Iowa Department of Public Safety therefore seeks to impose a public records access surcharge of nearly 79 percent on a \$33 per hour rate that itself is suspect.

9. The following represents the most recent email exchange with the attorney for the Iowa Department of Public Safety, who apparently made the determination that assessment of overtime was a permitted and recommended course of action:

---

**From:** Kummer, Jeffrey [mailto:jkummer@desmoine.gannett.com]  
**Sent:** Wednesday, July 24, 2013 2:05 PM  
**To:** Peterzalek, Jeffrey [AG]  
**Cc:** Lown, Jessica [DPS]; Hansen, Robert [DPS]; Noble, Jason  
**Subject:** Following up

Mr. Peterzalek,

Just wanted to follow-up on our question regarding the time-and-a-half issue regarding our data request. Have you had an opportunity to review the matter?

Jeffrey C. Kummer  
The Des Moines Register  
515-284-8294

---

**From:** Peterzalek, Jeffrey [AG] [mailto:Jeffrey.Peterzalek@iowa.gov]  
**Sent:** Wednesday, July 24, 2013 2:49 PM  
**To:** Kummer, Jeffrey  
**Cc:** Lown, Jessica [DPS]; Hansen, Robert [DPS]; Noble, Jason  
**Subject:** RE: Following up

It was confirmed to me that the person from the Technical Services Bureau who would be doing this would be completing this task on an over time basis. Thus, it certainly seems to me that DPS is charging a reasonable fee, being good stewards of the limited resources available to them, and complying with the law. Please let me know if you have any further questions.

Jeff Peterzalek  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, IA 50319  
515-281-4213  
Fax 515 281-7551

---

**From:** Kummer, Jeffrey [mailto:jkummer@desmoine.gannett.com]  
**Sent:** Wednesday, July 24, 2013 3:35 PM  
**To:** Peterzalek, Jeffrey [AG]  
**Cc:** Lown, Jessica [DPS]; Hansen, Robert [DPS]; Noble, Jason  
**Subject:** RE: Following up

Am I to infer from this that all public records requests placed to the Department of Public safety will henceforth incur a fee and for employee time, billed at the overtime rate? If so, is this a policy unique to DPS or is that to be the practice going forward of any state agency facing limited resources. Thank you in advance for your response.

Jeffrey C. Kummer  
The Des Moines Register  
515-284-8294

---

**From:** Peterzalek, Jeffrey [AG] [mailto:Jeffrey.Peterzalek@iowa.gov]  
**Sent:** Wednesday, July 24, 2013 4:26 PM  
**To:** Kummer, Jeffrey  
**Cc:** Lown, Jessica [DPS]; Hansen, Robert [DPS]; Noble, Jason  
**Subject:** RE: Following up

The questions you have presented and responses I have provided are limited to this particular situation. I am not sure what about those questions or responses would lead you or anyone else to any such inferences. The DPS will, I am certain, continue to abide by Iowa's open records laws and be very cooperative, as they have been, with respect to open records requests. However, if you have any questions about specific DPS policies you should direct those to the DPS.

Jeff Peterzalek  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, IA 50319  
515-281-4213  
Fax 515 281-7551

10. Iowa Code §22.3(2) permits a government body to charge for copying or inspection services in connection with providing access to a public record.
11. However, Iowa Code §22.3(2) further imposes reasonableness limitations and authorizes recovery of only actual costs, as it states:

“All expenses of the examination and copying shall be paid by the person desiring to examine or copy. *The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian’s authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian.*”

(Emphasis added).

12. Additionally, under Iowa Code §22.3A(2), special provisions apply to fees charged in connection with providing access to information contained in a database. That section provides:

“If it is necessary to separate a public record from data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software. The electronic public record shall be made available in a format useable with commonly available data processing or database management software. *The cost chargeable to a person receiving a public record separated from data processing software under this subsection shall not be in excess of the charge under this chapter unless the person receiving the public record requests that the public record be specially processed.*”

(Emphasis added).

13. Further, under Iowa Code §22.3A(2)(a), costs that may be charged in connection with providing access to information in a database are further limited. The statute states:

“The amount charged for access to a public record shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under this chapter for the examination and copying of a public record. If a person accesses a public record stored in an electronic format that does not require formatting, editing, or compiling to access the public record,



the charge for providing the accessed public record shall not exceed the reasonable cost of accessing that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This paragraph shall not apply to any publication for which a price has been established pursuant to another section, including section 2A.5.”

14. Petitioner seeks declarations that:

- Overtime pay is not a recoverable cost under the Iowa Open Records Act.
- Overtime surcharges are impermissible under Iowa Code Chapter 22.
- Iowa Code §22.3 and §22.3A prohibit a government body from varying the amount of a reasonable fee chargeable for public records access based on its assessment whether the requested or reformatted information is useful or not useful to the government body.

15. Therefore, this Petition for Declaratory Relief raises the following questions:

- A. May the obligation of a government body to respond to a public records request be relegated to a lesser status so that the duty to identify, locate, copy and produce responsive records is considered secondary to other agency or employee duties with the result being that time worked by an employee responding to an access request under Iowa Code Chapter 22 is deemed “overtime” and other work performed by that government employee during his or her regular workweek is considered “ordinary” time?
- B. Is overtime unlike non-recoverable costs under the Iowa Open Records Act such as employee benefits and ordinary costs and therefore may be charged to a person seeking to exercise access rights under Iowa Code Chapter 22?
- C. May a government body increase access charges to records and information based on whether requested data is useful or not useful to the agency?

16. Petitioner urges the answer to all three questions is “No” and therefore:

- A. First, the Iowa Public Information Board should declare that the time of government employees spent working on responses to public records access requests under Iowa Code Chapter 22 is of equal or greater importance that the other assigned duties of those workers. The practice described above infers that a state agency

believes or is being advised that providing access to public data in this instance is not part of the agency's normal, day-to-day duties performed during normal working hours;

- B. Second, and therefore, the Board should declare that an employee's time worked in a given week on such open records matters cannot be deemed as "overtime" or non-regular work giving rise to charges for time-and-half, double-time or other elevated rates of pay that may be segregated from other duties of the worker;
- C. Third, and in any event, the Board should declare that Iowa Code §§22.3 and 22.3A, by their very provisions, do not permit assessment of overtime costs as a recoverable fee for access requests under the Iowa Open Records Act; and
- D. Finally, the Board should declare that charges for access to public records and information may not be increased or assessed based on the utility of the requested documents and data to the agency that created them or holds them in its possession.

17. The Des Moines Register requests this declaratory relief to end expensive, unjustified charges by governmental bodies to information belonging to the citizens and taxpayers of Iowa and to end the use of impermissible fee prepayment requirements and access overcharges as a means to discourage or deny access, openness and transparency.

18. Further, as a matter of statutory construction, legislative intent, and keeping in mind that full and free access and accountability are important public interests, Petitioner believes the requested declaratory relief should be granted.

19. The Des Moines Register, admittedly, will save the incremental costs government bodies such as the Iowa Department of Public Safety have sought to impose by allocating employee overtime to duties imposed by Iowa Code Chapter 22 and therefore, indeed, has a limited monetary interest in the outcome of this matter.

20. In this specific case, the financial impact to The Des Moines Register is estimated as \$52.

21. More importantly, because the taxation of access in the manner proposed by the government in this case extracts excessive, advance fees for knowledge and information, The Des Moines Register believes it, other news organizations, and the public at large have strong interests in monitoring and reporting on the conduct of government, and therefore have a significant and legally-cognizable stake in the outcome of this Petition.

22. To its knowledge, The Des Moines Register is not currently a party to another court or agency proceeding involving the questions at issue. Further, to its knowledge, the questions about overtime surcharges raised in this Petition have been not decided by, are pending determination by, or are under investigation by any Iowa governmental entity.

23. The issues raised in this Petition do not related to information about identifiable persons and instead relate to fees and costs charged by government for access to public records and information.

24. Therefore, The Des Moines Register lacks the names and addresses of other persons outside of government, if any, or a description of any class of such persons, if any, known by it to be affected by, or interested in, the questions presented in the Petition.

25. The Iowa Department of Public Safety may claim it has a \$52 interest in the immediate matter.

26. The Iowa Department of Public Safety is represented by the below-listed attorney:

Jeff Peterzalek  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50309  
Telephone: 515-281-7551

27. The undersigned serve as Petitioner's corporate representatives in this matter. All communications regarding this matter may be directed to them as follows:

Rick Green, Editor  
Email: [rgreen@dmreg.com](mailto:rgreen@dmreg.com)  
Randy Brubaker, Senior News Director  
Email: [rbrubake@dmreg.com](mailto:rbrubake@dmreg.com)  
The Des Moines Register  
400 Locust Street, 400 Capital Square  
Des Moines, Iowa 50309  
Telephone: 515-284-8502

28. The undersigned serve as corporate representatives only; they are not attorneys and do not appear on behalf of The Des Moines Register in such a capacity.

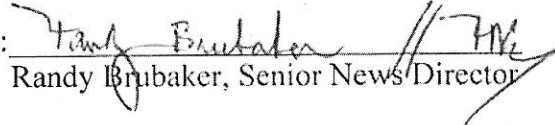
29. Pursuant to 497 I.A.C. §3.7, the Register requests that the Iowa Public Information Board schedule a brief and informal meeting between Petitioner, any intervenor, and the Board, a member of the Board or a member of the staff of the Board to discuss the questions raised in this Petition for Declaratory Order.

Wherefore, Petitioner The Des Moines Register asks that the Iowa Public Information Board engage in a Declaratory Ruling procedure as authorized and permitted by its enabling legislation and agency rules and thereupon issue the Declaratory Order as requested above.

*Dated this 7th day of August, 2013.*

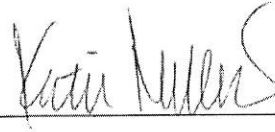
Respectfully submitted,  
**THE DES MOINES REGISTER**

By:   
Rick Green, Editor

By:   
Randy Brubaker, Senior News Director

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing **Petition for Declaratory Order** was served upon the Iowa Department of Public Safety by enclosing the same in an envelope addressed to its attorney at his/her last known address as shown below, and by depositing said envelope in a United States Post Office depository, postage prepaid, on the 7th day of August, 2013.

  
\_\_\_\_\_

Copy to:

Jeff Peterzalek  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50309

## Complaint

Complaint is hereby made to the Iowa Public Information Board by the undersigned that on or about the below stated time and place, Charles M. Palmer, Director, Rich Shults, MHDS Administrator, Eric Tabor, and other persons acting in the capacity of lawful custodian and/or acting on behalf of or while serving in an official capacity for The Iowa Department of Human Services, took action or failed to take action in violation of Iowa Code Chapter 22, specifically as follows:

Within the last 60 days, *The Des Moines Register* requested records and information relating the number of children who were housed in control or quiet rooms at the Iowa Juvenile Home/Girls State Training School, including what length of uninterrupted time each person spent there in 2011 and 2012. Specifically, The Des Moines Register asked the Department for a list of all solitary confinements at the Iowa Juvenile Home—minus the children's names and other identifying information—during 2011 and 2012.

Additionally, the agency was asked to provide information on and documentation of the conditions in which one child was held in isolation at the Toledo facility for a two-month period in late 2012.

The agency was advised that names and personally identifying information about each child could be redacted.

As Exhibit A, which is attached hereto and incorporated here by this reference, indicates and as communications from Charles M. Palmer have confirmed, the agency has withheld portions of the requested information and responsive records and denied access to those records and information by requiring advance payment of \$31,776 in access fees.

The agency admits it has daily facility logs and individual paper records containing the responsive information for an 18-month period covered by the request but, rather than producing those records in redacted form or otherwise providing for a reasonable copying fee, it has indicated it would require payment for 993 hours of review and/or compilation time at \$32.00 per hour.

In addition, the agency has withheld 189 records based on assertions of attorney-client privilege or secrecy exemptions for purported confidential personal information kept in a personnel record, information security information and information relating to individual youths receiving services where such records, on information and belief, do not qualify for such withholding or could be provided in redacted form.

Finally, the agency, through Eric Tabor of the Iowa Attorney General's Office, has refused to make public the written description of general conditions in which the child was held in extended isolation. He said such seclusion constituted "treatment" and therefore the agency could not disclose the information about isolation "treatment" or "mistreatment" under Iowa law even though (a) the identity of the resident would not be disclosed, and (b) the information requested related only to the physical facility in which the person resided, not the medical, educational or health records relating to treatment.

This "treatment" argument is directly contradicted by the agency's own rules that make clear extended usage of a "quiet room" or a "control room" is impermissible. Under 441 I.A.C. §115.7(4)(g), "The child shall remain in the control room longer than one hour only with consultation and approval from the supervisor. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than 24 hours."

Moreover, the agency's own analysis, in its January 2013 draft policy 12.02, never uses the word "treatment" in its statement of policy, which, instead, states:

POLICY: We believe that seclusion is to be used solely as intervention to protect youth and staff safety. Seclusion should be used in the least restrictive manner necessary and its use should be considered as the last resort when all other interventions have been exhausted. We understand that the use of seclusion creates significant risks for youth and staff, including serious injury or death, re-traumatization of people who have a history of trauma, loss of dignity, and other psychological harm.

Similarly, that policy omits the word "treatment" from its definition of seclusion:

**Seclusion** means the involuntary confinement of an individual alone in a room or area where the individual is physically prevented from leaving or reasonably believes will be prevented from leaving.  
Exclusions: time out and a locked ward or unit where the youth is with others.

Finally, the provisions of Iowa Code §217.30 govern records requests of this nature and the data sought do not fall into those categories where confidentiality is required by §217.30(1), which protects personally identifiable information. More directly, Iowa Code §217.30(3) makes clear, "Nothing in this section shall restrict the disclosure or use of information regarding the cost, purpose, number of persons served or assisted by, and results of any program administered by the department, *and other general and statistical information, so long as the information does not identify particular individuals served or assisted.*" (Emphasis added).

\* \* \*

The following persons are believed to have specific information concerning the above-stated allegations (list by name and contact information and information known):

Charles M. Palmer  
Rich Shults  
Eric Tabor

Further, more information about this request and the underlying matters of public importance and a few of the redactions in information made by the Department may be viewed at The Des Moines Register's web site by following this link:

<http://www.desmoinesregister.com/article/20130721/NEWS/307210045/1001/news/Register-Investigation-Youths-Isolated-forgotten-Iowa-Juvenile-Home>

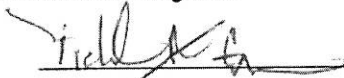
Complainant requests that the following relief be granted:

- A. Full access rights to the requested information and public records be provided to The Des Moines Register without further delay or cost;
- B. Invocation by the Iowa Public Information Board of its full authority to investigate, mediate, and adjudicate that the above-referenced actions are in violation of Iowa Code Chapter 22;
- C. Issuance of a probable cause finding that the Iowa Department of Human Resources and its lawful custodian(s) have violated Iowa Code Chapter 22;
- D. Entry of an Order against each Respondent requiring compliance with Iowa Code §22.2 and §22.3, among others, imposing civil penalties equivalent and to the same extent as provided for in Iowa Code §22.10, providing for protection and vindication of all rights afforded to The Des Moines Register under Iowa Code Chapter 22 and awarding The Des Moines Register and/or imposing against each Respondent every other remedy as is mandated or permitted by Iowa Code Chapters 22 that the Iowa Public Information Board may impose under Iowa Code Chapter 23; and
- E. Assessment of damages against the Iowa Department of Human Resources and/or its lawful custodian(s) and entry of an order requiring it and them to take such remedial actions that the Iowa Public Information Board may deem appropriate.

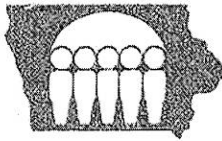
Name: The Des Moines Register, by its editor, Rick Green, and senior news director, Randy Brubaker  
Address: 400 Capital Square, 400 Locust Street  
City: Des Moines State: Iowa Zip code: 50309  
Work phone: 515-284-8052  
Email address: rgreen@dmreg.com; rbrubake@dmreg.com

Dated: August 7, 2013.

**The Des Moines Register**

By:   
Complainant





# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

July 17, 2013

Clark Kauffman, Reporter  
Des Moines Register  
P.O. Box 957  
Des Moines IA 50306-0957

Dear Mr. Kauffman:

The following information is in response to your request for information.

Client Data:

Per your request on the number of children who were housed in the control rooms at the Iowa Juvenile Home/Girls State Training School and for what length of uninterrupted time each youth spent there in 2011 and 2012, we are providing revised data from July 1, 2012 through December 31, 2012. It was necessary for us to generate the data from July 1, 2012 through most of August, 2012 as this information was not included in the electronic file or the information we intended to provide to you. We will not bill you for this additional cost.

This information is on a computer disk and is in a sortable format per your request. The spread sheet is formatted as follows:

- Column A: A random unique identifier for each youth
- Column B: The total number of uninterrupted minutes the youth spent in the Support Unit during the time period covered
- Column C: The day, hour, and minute the youth came to the Support Unit
- Column D: The day, hour, and minute the youth came out of the Support Unit

A couple of caveats as you review the data:

- Youth are placed in the Support Unit because they engage in self-harm or they may harm others.
- During the time period covered by the data, youth were allowed to voluntarily go to the Support Unit when they felt it would be in their own best interests. This practice has since been discontinued.
- The data is for time youth spent in the Support Unit as a whole.

You requested that we provide an estimated cost to provide the same information in a similar format for 2011 and 2012. This is an 18 month time period (all of 2011 and the first six months of 2012). As we have shared, the individual youth data you requested is not available electronically and will need to be manually compiled from daily facility logs and individual paper records.

The estimated cost to provide the same information in the same format is \$31,776. The estimate is based on the time we took to gather and format the data for July, 1, 2012 through most of August, 2012 that was not included in the earlier electronic record information we provided you. The data collection for the 18 month time period is an estimated 993 hours at the administrative rate of \$32 per hour. This estimate is based on the DHS open records policy (<http://www.dhs.state.ia.us/uploads/publicrecordspolicy.pdf>) which applies to this work. If you would like us to proceed, please provide a check made out to the Department of Human Services in care of Nancy Seemann. Please see the policy for information on how we reconcile the charge in the event our estimate is not correct.

Emails:

We are enclosing copies of emails, some with redactions, per your request. Producing this information took additional time from our earlier estimate, however we will not bill for this additional cost. We have redacted information in documents for the following reasons:

- Youth names or initials, or information about the youth (see legal citations below)
- Personal information such as home address, phone number or birth date (see Clymer v. City of Cedar Rapids, 601 N.W.2d 42 (Iowa 1999))
- Attorney client communications or advice
- Personnel information (see legal citations below)

The nature of the information redacted should be apparent from the context of the email. If you are not able to make that determination, please identify the email in question we will provide the reason for the redaction.

We are withholding the following documents in their entirety:

- 15 documents that are attorney client communications or advice
- 83 documents that are personnel records pursuant to Iowa Code Section 22.7(11)
- 90 documents that concern individual youth and are confidential pursuant to Iowa Code § 217.30; Iowa Code § 22.7(1), (2), Iowa Code § 228, 20 USC § 1232g et al., or 45 CFR 164.500 (HIPAA)
- 1 document that concerns information security and is confidential under Iowa Code Section 22.7(50)

Other information:

We are also enclosing information that we believe you may find helpful regarding Toledo.

Sincerely,

  
Rick Shults  
MHDS Administrator

RS/st/ns

Enclosures

**OVERVIEW OF YOUTH SERVED  
BY THE  
IOWA JUVENILE HOME/GIRLS STATE TRAINING SCHOOL IN TOLEDO  
State Fiscal Year 2013 Data  
July 17, 2013**

- Toledo serves youth ages 12-18 including:
  - Girls adjudicated delinquent - average 16 years old
  - Girls and boys adjudicated as children in need of assistance (CINA) - average 15 years old
- Placement History
  - Girls that are delinquent have had an average of 6 prior unsuccessful placements
  - Girls and boys that are CINA have had an average of 9 prior unsuccessful placements
- Challenges of the Youth
  - 81% of youth require psychotropic medication
  - 30% of youth have low intellectual functioning
  - 61% need special education
  - 33% need substance abuse treatment
- 57 beds:
  - 45 for girls
  - 12 for boys
- Census data from state fiscal year 2013
  - Total number of youth served: 151
  - Admissions: 60
  - Discharges: 72
    - CINA Girls: 39
    - CINA Boys: 15
    - Delinquent Girls: 18
  - Court ordered 30 day diagnostic evaluations: 36
  - Average daily census: 51
  - Average length of stay for a delinquent girl – 5 months
  - Average length of stay for CINA girls and boys – 9 months
- Placements After Discharge
  - 24% Home
  - 8% Relative's Home
  - 14% Family Foster Care
  - 23% Group Home
  - 21% Shelter Care
  - 3% Hospital
  - 2% Other Institution
  - 9% Independent

## Complaint

Complaint is hereby made to the Iowa Public Information Board by the undersigned that on or about the below stated time and place, Charles M. Palmer, Director, Rich Shults, MHDS Administrator, Eric Tabor, and other persons acting in the capacity of lawful custodian and/or acting on behalf of or while serving in an official capacity for The Iowa Department of Human Services, took action or failed to take action in violation of Iowa Code Chapter 22, specifically as follows:

Late last year, four employees of the Iowa Juvenile Home/Girls State Training School were fired over allegations that they abused or used excessive force in physically restraining children at the home. One of the fired workers, Robert McFatridge, is currently facing a charge of assault.

Within the last 60 days, The Des Moines Register's request for security-camera footage of the incident has been denied by the Department of Human Services on the grounds that the home's copy of the video is a peace officer's investigative report that need not be disclosed under the Iowa Open Records Law. Officials for the Department nevertheless have confirmed that the tape shows Mr. McFatridge dragging a girl across the floor and slamming her forehead into a concrete wall inside one of the home's control rooms.

The Department has provided similar security video with the face of the child obscured to make him/her unidentifiable, and The Des Moines Register has indicated the same practice here would be acceptable. The video previously obtained under the Iowa Open Records Act may be viewed at The Des Moines Register's web site:

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2013307230072>

Rather than providing the requested security video as it has in the past, the Department refused to provide the requested copy, again saying only that it is part of a criminal investigative file and/or the County Attorney did not agree to its release.

However, The Des Moines Register does not seek the copy of the video the Department provided to the County Attorney and did not request access to it from him. Instead, it requested to inspect and copy the video of and/or belonging to the Iowa Department of Human Services that was in the Department's possession or control at the time of the access request.

Moreover, at least two persons viewed the video for purposes of providing testimony at a contested case hearing. An unofficial transcript of that hearing is attached hereto as Exhibit A and is incorporated herein by this reference. It demonstrates that the Department has used the videotape for purposes unrelated to the treatment of any individual, disclosed its contents as part of an evidentiary hearing, and thereby destroys confidentiality, if any, that existed in this particular recording. (Again, similar recordings were released, much the same as the State of Iowa and government bodies disclose dash-camera videos and other tape recordings of events, including crimes.)

Further, more information about this request and the underlying matters of public importance may be viewed at The Des Moines Register's web site by following this link:

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2013130720026>

The following persons are believed to have specific information concerning the above-stated allegations (list by name and contact information and information known):

Charles M. Palmer  
Karen Connell  
Robert McFatrige  
Karalyn Kuhns  
Deb Hanus  
Mark Day


Complainant requests that the following relief be granted:

- A. Full access rights to the requested information and public records, including the videotape in issue, be provided to The Des Moines Register without further delay or cost;
- B. Invocation by the Iowa Public Information Board of its full authority to investigate, mediate, and adjudicate that the above-referenced actions are in violation of Iowa Code Chapter 22;
- C. Issuance of a probable cause finding that the Iowa Department of Human Resources and its lawful custodian(s) have violated Iowa Code Chapter 22;
- D. Entry of an Order against each Respondent requiring compliance with Iowa Code §22.2 and §22.3, among others, imposing civil penalties equivalent and to the same extent as provided for in Iowa Code §22.10, providing for protection and vindication of all rights afforded to The Des Moines Register under Iowa Code Chapter 22, and awarding The Des Moines Register and/or imposing against each Respondent, every other remedy as is mandated or permitted by Iowa Code Chapters 22 that the Iowa Public Information Board may impose under Iowa Code Chapter 23; and
- E. Assessment of damages against the Iowa Department of Human Resources and/or its lawful custodian(s) and entry of an order requiring it and them to take such remedial actions that the Iowa Public Information Board may deem appropriate.

Name: The Des Moines Register, by its editor, Rick Green, and senior news director, Randy Brubaker  
Address: 400 Capital Square, 400 Locust Street  
City: Des Moines State: Iowa Zip code: 50309  
Work phone: 515-284-8052  
Email address: rgreen@dmreg.com; rbrubake@dmreg.com

Date: August 7, 2013.

**The Des Moines Register**

By:   
Complainant

dms.us.52542660.02

1 [beginning of audio 13A-UI-00546-M-HTE]

2 [dialing phone, ringing]

3 FEMALE: Kaplan, Frese & Nine.

4 ALJ NORMAN: Melissa Nine.

5 FEMALE: May I ask who's calling?

6 ALJ NORMAN: Judge Norman, Iowa Unemployment Appeals.

7 FEMALE: One moment please.

8 MS. NINE: Melissa Nine speaking.

9 ALJ NORMAN: Judge Norman, Unemployment Appeals calling on the  
10 Unemployment Hearing for Robert McFatrige. Are you ready to get started?

11 MS. NINE: Yes.

12 ALJ NORMAN: Now, is Mr. McFatrige there with you?

13 MS. NINE: Yes.

14 ALJ NORMAN: I'll put you on hold to call the employer. Please wait.

15 [dialing phone, ringing]

16 RECORDING: Thank you for calling the Iowa Ju- --

17 [dialing]

18 RECORDING: Please hold while I transfer your call.

19 MS. CONNELL: This is Karen.

20 ALJ NORMAN: Judge Norman, Iowa Unemployment Appeals calling on the  
21 Unemployment Hearing for Robert McFatrige. And it's Karen Connell?

22 MS. CONNELL: This is Karen Connell, yes.

23 ALJ NORMAN: All right. And I need to put you on hold to call Scott Hall. Please  
24 wait.

**Exhibit A**

1 MS. CONNELL: Okay.

2 [dialing, ringing]

3 FEMALE: Carney & Appleby Law Firm.

4 ALJ NORMAN: A conference call for Scott Hall.

5 FEMALE: Hold please.

6 ALJ NORMAN: Thank you.

7 MR. HALL: Hello. This is Scott.

8 ALJ NORMAN: Judge Norman, Iowa Unemployment Appeals calling on the Robert  
9 McFtridge Unemployment Hearing. And it's Scott, S-C-O-T-T, Hall, H-A-L-L?

10 MR. HALL: Correct.

11 ALJ NORMAN: And you're an attorney.

12 MR. HALL: Yes, sir.

13 ALJ NORMAN: I have -- just a second. I have your mailing address. Do you want a  
14 copy of the Decision sent to your address?

15 MR. HALL: Sure, or email, whichever is easiest.

16 ALJ NORMAN: Well, 303 -- we'll have to send it out.

17 MR. HALL: Okay.

18 ALJ NORMAN: 303 Locust.

19 MR. HALL: Yes, Suite 400.

20 ALJ NORMAN: Ste. 400. At Des Moines, Iowa 50309?

21 MR. HALL: Correct.

22 ALJ NORMAN: And 1770 -- all right. We'll get that on the Decision. And then I  
23 have Melissa Nine. Ms. Nine, are you an attorney?

24 MS. NINE: Yes, I am.



1 ALJ NORMAN: And do you want a copy of the Decision sent to your address?

2 MS. NINE: Yes, please.

3 ALJ NORMAN: M-E-L-I-S-S-A?

4 MS. NINE: Yes.

5 ALJ NORMAN: N-Y-E?

6 MS. NINE: Um, no, it's nine like the number.

7 ALJ NORMAN: N-I-N-E?

8 MS. NINE: Correct.

9 ALJ NORMAN: All right. I have that down wrong. All right. And what's your  
10 mailing address?

11 MS. NINE: 111 East Church Street.

12 ALJ NORMAN: All right.

13 MS. NINE: Marshalltown, Iowa 50158.

14 ALJ NORMAN: 50158. All right. Got that. Now, do you have any other witnesses  
15 other than Mr. McFatridge?

16 MS. NINE: No witnesses, Your Honor, but I'd like to fax a few medical reports in the  
17 event you think you need them after hearing --

18 ALJ NORMAN: I don't -- I don't take those training exhibits. We'll try to deal with  
19 it during the hearing --

20 MS. NINE: Okay.

21 ALJ NORMAN: -- and see if we can get testimony of -- Mr. Hall, any other witnesses  
22 other than Karen Connell?

23 MR. HALL: I believe that Deb Hanus will be on the call with her.

24 ALJ NORMAN: Karen, K-A-R-E-N?

1 MR. HALL: Yes.

2 ALJ NORMAN: And C-O-N-N-E-L-L?

3 MR. HALL: Correct.

4 ALJ NORMAN: Ms. Connell, what's your title?

5 MS. CONNELL: Business Manager.

6 ALJ NORMAN: All right. And who else is there?

7 MS. CONNELL: Deb Hanus.

8 ALJ NORMAN: Deb? Is it Deb, D-E-B?

9 MS. HANUS: Yes, D-E-B.

10 ALJ NORMAN: How do you spell the last name?

11 MS. HANUS: H-A-N-U-S.

12 ALJ NORMAN: H-A-N-U-S. Hanus.

13 MS. HANUS: Correct.

14 ALJ NORMAN: What's your title, Ms. Hanus?

15 MS. HANUS: Superintendent.

16 ALJ NORMAN: Superintendent. All right. And -- okay, and Mr. Hall, would you  
17 waive the formal reading of the opening statement; we'll just get straight into this.

18 MR. HALL: Yes, sir.

19 ALJ NORMAN: And Ms. Nine, would you waive the reading?

20 MS. NINE: Yes, Your Honor.

21 ALJ NORMAN: I'll do a short opening too before the record begins. This matter,  
22 Field No. 13A-UI-546-MT, comes on for hearing February 14, 2013. This is where it's at,  
23 Des Moines, Iowa, by telephone conference before Administrative Law Judge Marlon  
24 Norman. Claimant is participating, represented by Melissa Nine, attorney at law. Employer

1 participates, represented by Scott Hall, attorney at law, with witnesses Karen Connell,  
2 Business Manager, and Deb Hanus, Superintendent. Hearing is held pursuant to an appeal  
3 filed by claimant. Former decision January 11, 2013, reference 1.

4 At this point I'm going to please all the witnesses under oath at the same time. Do,  
5 and each of you, solemnly swear or affirm the testimony you're about to give is the truth?

6 Karen Connell?

7 MS. CONNELL: I do.

8 ALJ NORMAN: Deb Hanus.

9 MS. HANUS: I do.

10 ALJ NORMAN: Robert McFatridge.

11 MR. MCFATRIDGE: I do.

12 ALJ NORMAN: Witnesses are duly sworn.

13 Let's talk about exhibits first. I have -- it looks like there's something in my file here  
14 sent in -- I -- first of all -- oh, this is the application to admit documents under seal. These are  
15 notice of child abuse assessment and child abuse assessment founded, and that's all the child  
16 abuse reports. I've had some -- Ms. Nine, I've had some conversations -- not really  
17 conversations, with Mr. Hall about these in advance. I sent him some emails letting him  
18 know that these documents are confidential. We can't take them into evidence. We're  
19 prohibited by law from receiving these documents. So I can't -- they can't be re-disseminated  
20 by Workforce Development. So I can't take any of these documents into evidence. That's  
21 been our procedure for some time in Workforce Development, so I will not and cannot take  
22 any of these documents. And unless there's an objection I'm going to shred these documents.  
23 Any objection, Ms. Nine?

24 MS. NINE: Absolutely not.

1 ALJ NORMAN: And Mr. Hall, any objection?

2 MR. HALL: No, sir.

3 ALJ NORMAN: All right. Then I have -- I don't see anything else. Was there  
4 some -- was there another set that I should be looking for, Mr. Hall?

5 MR. HALL: Yeah, there was some documents that were faxed in before that. Simply  
6 how it was was --

7 ALJ NORMAN: Do you know when you sent those in?

8 MR. HALL: Yeah, that was faxed in January 31<sup>st</sup>. But that was faxed in by  
9 Employers Edge before they retained me.

10 ALJ NORMAN: Oh, brother, 'cause I don't see -- 'cause I noticed you put those as  
11 number, starting with number 5.

12 MR. HALL: Yeah.

13 ALJ NORMAN: And I should have a 1 through 4, and they are not here. Let me take  
14 a quick look, see if I can find them and email -- the email of them to me, but you've sent them  
15 in long enough ago there shouldn't be a problem.

16 MR. HALL: Well, I can tell you, Judge, that it's a two- -- the first two pages are  
17 Exhibit 1 and two are the notice of claim --

18 ALJ NORMAN: Uh-huh.

19 MR. HALL: -- from the -- from you folks. Exhibit 3, 4 -- Exhibits 3 and 4 is just a  
20 two-page letter dated November 27<sup>th</sup> to Robert McFatridge from Deb Hanus. So that's all  
21 you'd be looking for.

22 ALJ NORMAN: Well, I think that we're going to have to just -- oh, here -- here, I  
23 think I found them. Let me take a look further. No, nope, that was -- that's just repeats of our  
24 child abuse assessments.

1 MR. HALL: Okay.

2 ALJ NORMAN: I don't want those. Let me keep going, see if I -- no, now I'm back  
3 to two weeks ago; I don't have them in my email.

4 MR. HALL: Okay.

5 ALJ NORMAN: We're going to have to just work -- to read those into the record,  
6 whatever we need to do on them.

7 MR. HALL: Yeah, I'm sure Deb can handle that as a --

8 ALJ NORMAN: Yeah, who -- who -- Ms. Nine, did you send anything in?

9 MS. NINE: No, Your Honor.

10 ALJ NORMAN: If I do -- there's an appeal letter here. Let me see if that has  
11 anything of substance to it. I do have a one-paragraph appeal letter that was sent in. Did you  
12 get a copy of this appeal letter, Mr. Hall?

13 MR. HALL: I don't believe so, but I'm checking.

14 ALJ NORMAN: Well, it was probably sent to Employer's Edge and then that gets  
15 lost from there 'cause that's usually what happens.

16 MR. HALL: Right [chuckle]. I do not see that, but --

17 ALJ NORMAN: We're not going to --

18 MR. HALL: -- I'm not really concerned with it, Judge.

19 ALJ NORMAN: We're not going to take it into evidence unless it's been exchanged.  
20 We'll just take sworn testimony; it's more credible anyway.

21 MR. HALL: Okay.

22 ALJ NORMAN: Let me start out with Mr. Hall. There's always some basic  
23 employment information: start date, end date, and that.

24 MR. HALL: Right. Would Deb be best for that, Karen, or would you?

1 MS. CONNELL: I think I'll start.

2 MR. HALL: Okay. Let's start with Karen Connell, Judge.

3 ALJ NORMAN: Thank you. And, Karen Connell, are you a Business Manager with  
4 Iowa Department of Human Services Toledo?

5 MS. CONNELL: Yes, correct.

6 ALJ NORMAN: All right. What was the start date for Robert McFatridge?

7 MS. CONNELL: March 19, 1999.

8 ALJ NORMAN: And the last day of work?

9 MS. CONNELL: November 6, 2012.

10 ALJ NORMAN: And the job?

11 MS. CONNELL: Youth Services Worker.

12 ALJ NORMAN: Was that a full- or a part-time job?

13 MS. CONNELL: Full-time.

14 ALJ NORMAN: And the separation: was it a quit, a discharge or a layoff?

15 MS. CONNELL: Discharge.

16 ALJ NORMAN: When was the last incident that brought about the discharge?

17 MS. CONNELL: On November 4, 2012.

18 ALJ NORMAN: All right. And what did he do wrong on November 4<sup>th</sup>?

19 MS. CONNELL: He engaged a child in our care in a restraint, and he used improper,  
20 unsafe and unauthorized restraint techniques.

21 ALJ NORMAN: All right. And so a child -- what age is he working with here?

22 MS. CONNELL: We have boys and girls between the ages of 12 and 18. When they  
23 hit their 18<sup>th</sup> birthday they are discharged if they are still here.

24 ALJ NORMAN: All right. Are these adjudicated as CINA or delinquent?

1 MS. CONNELL: We have both.

2 ALJ NORMAN: All right. Do you have any voluntary or is it all CIN- -- all court-  
3 ordered?

4 MS. CONNELL: Court -- all court-ordered.

5 ALJ NORMAN: All right. Now, so, you know, improper child restraint on  
6 November 4<sup>th</sup>: can you give me the specifics of what happened that day?

7 MS. CONNELL: Yes, Mr. McFatrige was called to execute a backup to -- for a  
8 youth that was having some behavior problems in her living unit. The youth, at the time, was  
9 in the hallway in -- at the cottage and she was arguing with her staff. And the video camera  
10 captured Mr. McFatrige and another employee: first they are dragging the youth into a  
11 seclusion room, and we call that a "quiet room." The youth was lying on her back and they  
12 were dragging her by her legs and arms, and her pants came down below her buttocks, and  
13 that's captured on the video evidence.

14 ALJ NORMAN: Dragging by the legs or by the arms?

15 MS. CONNELL: One employee on each, I believe, and was dragging her by her legs  
16 and her arms 'cause she was laying on her back.

17 ALJ NORMAN: All right. What next?

18 MS. CONNELL: Then it -- the camera shows McFatrige exiting the room for a  
19 period of time during which the child continues doing some self-harm behavior which we  
20 always intervene. She hits her head 95 times on a cement wall. When he does -- McFatrige  
21 does return to the room, he engages the child in a restraint using technique that is a prohibited  
22 practice here. At one --

23 ALJ NORMAN: What was --

24 MS. CONNELL: Okay.

1 ALJ NORMAN: Now, he comes back in. Now, do you have some policy that if a  
2 child was -- is hurting themselves, like in this situation, that you have to do something?

3 MS. CONNELL: We do; we intervene when they're doing behavior --

4 ALJ NORMAN: Well, how do you intervene if you can't do something physically?

5 MS. CONNELL: He's trained in the proper use of physical technique.

6 ALJ NORMAN: All right. So is a -- is there a physical response that is authorized?

7 MS. CONNELL: Yes, there is.

8 ALJ NORMAN: And what is the physical response that is authorized?

9 MS. CONNELL: It depends on the situation. But we use the Mandt System of de-  
10 escalation where we train staff in proper use of restraints. In this instance, he used pain  
11 compliance by hyperextending her arm. At one point, the camera shows he slammed her  
12 forehead into the cement wall. The entire restraint with this child lasted 11 minutes, yet in the  
13 documentation of the incident completed by Mr. McFatrige he indicated it only lasted one  
14 minute. And it didn't match up with the video documentation. He failed to ask for assistance  
15 in managing this situation. He failed to discuss his actions with any supervisor and nursing  
16 staff brought to our attention that the child had suffered injuries.

17 ALJ NORMAN: All right. Now, again -- I'm getting -- I'm a bit -- I'm still not quite  
18 understanding. "Used improper restraint." What exactly was improper restraint when you  
19 found the child was -- was hitting their head against the wall?

20 MS. CONNELL: The first thing that we --

21 ALJ NORMAN: Now hold on. I wanna know what he did wrong, what he did that  
22 you felt was improper restraint.

23 MS. CONNELL: Okay.

24 ALJ NORMAN: I'm not quite getting there on that. I need help here.



1 MS. CONNELL: Okay. I would, at this point, ask that Mrs. Honus, our  
2 superintendent, who viewed the video and made the determination to terminate that suffice at  
3 that point.

4 ALJ NORMAN: Well, if you're uncomfortable with it, that's fine; we'll do that.  
5 Now, let's jump to another issue here. Did Mr. McFatrige have any prior warnings on his  
6 record?

7 MS. CONNELL: He had no discipline in the past year.

8 ALJ NORMAN: Okay. Why would this incident be so serious you want to fire him  
9 for it?

10 MS. CONNELL: Because the child suffered injuries.

11 ALJ NORMAN: Okay. Do you have a policy that says that if you are involved in  
12 something that causes injury, you might lose your job?

13 MS. CONNELL: He was told that at the beginning of the investigation we needed to  
14 look into the incident, and he was told that it could lead to discipline up to and including  
15 discharge.

16 ALJ NORMAN: Okay. Well, I'm talking about your policy manual when he got  
17 started to work. How would he know his behavior -- behavior like this could get him fired?  
18 Do you have any policy that said that, you know, you act improperly with these kids you  
19 might lose your job.

20 MS. CONNELL: Yes. He signed the Employee Handbook and the Work Rules. He  
21 reviewed those on January 5<sup>th</sup> of 2011.

22 ALJ NORMAN: Okay. And do the Work Rules say anything about abusing these  
23 kids?

24 MS. CONNELL: Yes. He needs to treat clients with dignity and respect so --

1 ALJ NORMAN: Do you feel that -- that on this particular date, November 4, that he  
2 failed to treat this child with dignity and respect?

3 MS. CONNELL: Yes, I do.

4 ALJ NORMAN: Now, when you fired him, did you specify a certain policy?

5 MS. CONNELL: Yes.

6 ALJ NORMAN: What policy did you specify?

7 MS. CONNELL: There were eight different policies that were specified.

8 ALJ NORMAN: Well, you better go through and read those -- read what those are,  
9 tell me what they are.

10 MS. CONNELL: Okay. Under the Department of Human Services Employee  
11 Handbook, Part D, Code of Conduct Work Rules, Section D-1, paragraph 1, "An employee's  
12 job is important, and employees are expected to cooperate and follow the instructions of  
13 supervisors or other designated members of management. Insubordination or intentional  
14 refusal to follow an authorized supervisor's reasonable orders or instruction is prohibited  
15 unless such instructions are contrary to the Code of Iowa."

16 ALJ NORMAN: Okay. Hold on. Now, the first one you said is insubordination.  
17 Where was the insubordination here?

18 MS. CONNELL: He had been directed by his supervisor to follow the prescribed  
19 techniques in dealing with a child in crisis.

20 ALJ NORMAN: Okay. Follow M-A-N-D-T?

21 MS. CONNELL: M-A-N-D-T.

22 ALJ NORMAN: All right. What was the next issue then?

23 MS. CONNELL: "Poor work is not acceptable." That's paragraph 2.

24 ALJ NORMAN: All right. What was the next one then?

1 MS. CONNELL: "Employees shall not make false, misleading or malicious  
2 statements concerning themselves, other employees, clients or supervisor, or falsify forms or  
3 work documents, or intentionally enter false information into automated systems, or  
4 intentionally give false or misleading information, or omit information significant to the  
5 Department."

6 ALJ NORMAN: Okay. Which one of those -- there's like ten rules in there. Which  
7 one?

8 MS. CONNELL: Paragraph 10.

9 ALJ NORMAN: Which one? What were you talking about, falsifying, or --

10 MS. CONNELL: Yes, falsifying or intentionally entering false information: that  
11 would be in the -- completing the restraint document for this restraint he indicated it lasted  
12 one minute --

13 ALJ NORMAN: Okay.

14 MS. CONNELL: -- and in fact it lasted eleven.

15 ALJ NORMAN: That's where your one minute comes in then.

16 MS. CONNELL: Right.

17 ALJ NORMAN: One minute versus -- was it -- you said eleven?

18 MS. CONNELL: Eleven.

19 ALJ NORMAN: Okay, versus eleven. Okay. And number four then.

20 MS. CONNELL: Paragraph 21. "Employees shall treat other employees, guests,  
21 visitors, and Department clients with dignity and respect."

22 ALJ NORMAN: Isn't that kind of the same as, you know, one and two, or --

23 MS. CONNELL: Well, one is --

24 ALJ NORMAN: Okay, then go ahead. That's fine. Number four, dignity and

1 respect.

2 MS. CONNELL: Okay.

3 ALJ NORMAN: Okay. What else?

4 MS. CONNELL: And in 22, "Employees shall not mistreat, abuse, coerce, neglect or  
5 exploit employees, visitors or clients."

6 ALJ NORMAN: And mistreat clients. Okay. What else?

7 MS. CONNELL: And then the next policies are specific to the Iowa Juvenile Home.  
8 Policy 13.09, Physical Restraints, point a: "when a staff judgment of a youth's behavior is an  
9 imminent risk of injury to staff or others, proper techniques shall be used to restrain said  
10 youth." Point b: "Adequate staff shall be used to restrain a youth in order to assure that they  
11 see and protect the right of the youth and staff involved." And the last one is point d:  
12 "Physical restraint must be conducted in a standing position whenever possible. Prone  
13 restraint is prohibited."

14 ALJ NORMAN: Okay. Well, that helped a lot. I appreciate your help on that. Now,  
15 I need -- I guess I need to know what he should have done. You -- have you reviewed the  
16 video yourself?

17 MS. CONNELL: I have seen it twice, yes.

18 ALJ NORMAN: Okay, and do you know what the M-A-N-D-T procedure should  
19 have been, what he should have done under that procedure?

20 MS. CONNELL: That he went prone. I don't rec- -- I didn't -- oh, I don't know if I  
21 wrote down how many times.

22 ALJ NORMAN: We'll go to the next witness on that issue. Anything else then,  
23 Ms. Connell?

24 MS. CONNELL: No.

1 ALJ NORMAN: Mr. Hall, what questions for Ms. Connell?

2 MR. HALL: Ms. Connell, did Mr. McFatridge sign a statement with you showing that  
3 he had read these policies and procedures at the time of his employment?

4 MS. CONNELL: Yes, he actually did a review of these policies and procedures on  
5 January 5<sup>th</sup>, 2011.

6 MR. HALL: Okay. And -- that's it, Your Honor. That's -- no further questions for  
7 this witness.

8 ALJ NORMAN: Thank you. Ms. Nine, do you have any questions for this witness?

9 MS. NINE: What is the reason that Mr. McFatridge was called in the first place to  
10 restrain the child?

11 MS. CONNELL: He was called to assist in the cottage.

12 MS. NINE: And he was called to assist with restraining this child, is that correct?

13 MS. CONNELL: That's not correct. In the department that he worked is the support  
14 unit, and whenever there is a situation where a child might be escalated and cottage staff need  
15 more assistance with that need or in -- with the other youths, then support is called. We don't  
16 call people and tell them we need them to come and restrain; we call them to come and assess  
17 the situation.

18 MS. NINE: Well, the child was already in restraints, is that correct?

19 MS. CONNELL: I do not have that information. I -- not that I'm aware of.

20 MS. NINE: You weren't there, is that right?

21 MS. CONNELL: Correct.

22 MS. NINE: So your testimony today is what others have told you or what you've  
23 read, is that correct?

24 MS. CONNELL: My testimony is what I saw on the video and what I have written up

1 for this based on the video on the outcome of the official investigation.

2 MS. NINE: Well, how did you prepare for today's hearing?

3 MS. CONNELL: I had -- I reviewed the file materials.

4 MS. NINE: And did you talk with anyone?

5 MS. CONNELL: Our superintendent.

6 MS. NINE: And is that how you prepared for the fact-finding interview as well?

7 MS. CONNELL: Yes.

8 MS. NINE: You did state you had called to assist, correct?

9 ALJ NORMAN: It's been asked and answered. Next question.

10 MS. NINE: What exactly was he called to assist with?

11 MS. CONNELL: He was called for support in Bryant Cottage.

12 MS. NINE: What kind of support, ma'am?

13 MS. CONNELL: That specific report goes out.

14 ALJ NORMAN: Was there any spec- -- type of support asked for or just support?

15 MS. CONNELL: Just support.

16 ALJ NORMAN: Next question.

17 MS. NINE: And who was he called to support?

18 MS. CONNELL: Could you repeat that please?

19 MS. NINE: Who was he called to support?

20 MS. CONNELL: He was just called to -- for support in Bryant Cottage.

21 MS. NINE: Was he over assisting another employee, is that correct?

22 MS. CONNELL: He was -- our -- our radio -- it would have gone out over the radio  
23 system that he was contacted to give support to Bryan Cottage.

24 MS. NINE: And I'm just trying to find out: was he called to give support in Bryant

1 Cottage to another employee?

2 MS. CONNELL: There were several employees on duty at that time.

3 MS. NINE: Okay. Who were those employees?

4 MS. CONNELL: Chrissie Halvorson, Rick Ham, Brenda Johnson, Rhonda Whitman,  
5 who was the Bryant Cottage staff on duty at the time. Support unit staff on duty at that time  
6 would be Juan Wolton, Brian Dietrich, Kate Helms, Sharon Schultz.

7 MS. NINE: And all those people were working at that time, is that right?

8 MS. CONNELL: That's correct.

9 MS. NINE: And so the unit needed this many people to support this child at this time,  
10 is that correct?

11 MS. CONNELL: The Bryant Cottage staff would have been the unit to support 16  
12 girls that live in that unit, and the support unit staff would be to support crisis situations on the  
13 entire campus, not just in Bryant Cottage but in the other two living units.

14 MS. NINE: I'm just interested in Bryant Cottage where Mr. McFatrige was called  
15 for service.

16 MS. CONNELL: Okay.

17 MS. NINE: What employees were needing assistance at that time?

18 MS. CONNELL: According to our documents, the logs from that day, the nurse  
19 requested a walk-through in Bryant Cottage. They were called for support in Bryant Cottage.

20 MS. NINE: You don't deny that this child he was helping to restrain was out of  
21 control behaviorally, do you?

22 MALE: Objection. Speculation.

23 ALJ NORMAN: Overruled. Please answer.

24 MS. CONNELL: Can you repeat the question for me?

1 MS. NINE: You don't deny that the child he was called to assist with was out of  
2 control, do you?

3 MS. CONNELL: I would agree with that.

4 MS. NINE: You would agree she was out of control?

5 MS. CONNELL: I don't know if I'd use the words "out of control," but that it was  
6 often behavior demonstrated by the youths that reside at our facility. They have difficulty  
7 managing their behavior.

8 MS. NINE: And this Rhonda that Mr. McFatridge was assisting, had she already  
9 started to restrain this child?

10 MS. CONNELL: Yes.

11 MS. NINE: And was she present during the entirety of the situation that led to  
12 Mr. McFatridge's termination?

13 MS. CONNELL: No.

14 MS. NINE: At what point was she no longer present?

15 MS. CONNELL: After they drugged the girl into the quiet room.

16 MS. NINE: So she was part of what you allege to be a dragging into the quiet room, is  
17 that right?

18 MS. CONNELL: Yes.

19 MS. NINE: And was she disciplined for this as well?

20 MS. CONNELL: Yes.

21 MS. NINE: And what was her discipline?

22 MS. CONNELL: I did not deliver that, and you can ask Ms. Connors that when she's  
23 questioned.

24 MR. HALL: Your Honor, is that relevant to this proceeding?



1 ALJ NORMAN: It's relevant because they say employees are treated equally. Was  
2 she fired?

3 MS. CONNELL: She was not fired.

4 ALJ NORMAN: Next question.

5 MS. NINE: Isn't it true that children often receive injuries during restraint?

6 ALJ NORMAN: We try to avoid that, but potentially it happens.

7 MS. NINE: Again, the provisions that you have referred to, would you agree with me  
8 that they're quite broad and open to interpretation?

9 MS. CONNELL: I would not agree with that, that Iowa Juvenile Home policies are  
10 very specific.

11 MS. NINE: Well, for example, it states "poor work is not acceptable" in paragraph 2.  
12 "Poor work" could encompass a whole variety of actions, correct?

13 MS. CONNELL: Correct.

14 MS. NINE: And paragraph 21 which states that "employees shall treat others with  
15 dignity and respect," dignity and respect is kind of a term of art, wouldn't you agree?

16 MS. CONNELL: I would not agree.

17 MS. NINE: With regard to the time frame, how are you and other employees trained  
18 as to when the restraint starts for purposes of counting how many minutes it lasts?

19 MS. CONNELL: Other employees are present when the restraints start and they  
20 monitor the time.

21 MS. NINE: My question is when is that restraint deemed to have started?

22 MS. CONNELL: When the employee is prohibiting the child from movement by  
23 specifically holding onto them.

24 MS. NINE: And when is it deemed to be completely finished?

1 MS. CONNELL: When they release the child.

2 MS. NINE: Well, in a particular situation there could be more than one restraint at a  
3 time, is that correct?

4 MS. CONNELL: That's correct.

5 MS. NINE: And in your eleven-minute count, when did you start that time?

6 MS. CONNELL: 12:41.

7 MS. NINE: And that was Mr. McFatridge's view at 12:41?

8 MS. CONNELL: He got left on and moved in, and what's pushing the child against  
9 the wall. Another employee entered the room at that time to witness this and did a minute-by-  
10 minute documentation of the video.

11 MS. NINE: But was the child against the cement wall for eleven minutes then?

12 MS. CONNELL: The child was restrained physically for eleven minutes when they  
13 moved around the room, and up against the wall.

14 MS. NINE: And the child went from a seated position at times to several times went  
15 to a prone position?

16 MS. CONNELL: At least three times. She was also in a supine position.

17 MS. NINE: Were you able to tell from the video what if any assaults the child was  
18 making upon Mr. McFatridge?

19 MS. CONNELL: I did not see any of that. She was kicking her feet and trying to  
20 move away from him.

21 MS. NINE: Was the child calm at this time?

22 MS. CONNELL: That's difficult to say. She was being held onto in a seated position,  
23 and Mr. McFatridge was pushing her against the wall.

24 MS. NINE: Does this video have any audio to it?

1 MS. CONNELL: It does not.

2 MS. NINE: And how clear is this video?

3 MS. CONNELL: Very clear.

4 MS. NINE: And it gets every portion of the room, or just certain angles?

5 MS. CONNELL: It gets every portion of the room with the exception of where the  
6 camera is mounted.

7 MS. NINE: And how many cameras is in there? Or are in there?

8 MS. CONNELL: One.

9 MS. NINE: So actually it would be the angle at which that camera is headed, correct?

10 MS. CONNELL: And then we're returning in the wall opposite the camera diagonally  
11 so it captured the entire event.

12 MS. NINE: Was Mr. McFtridge facing the camera or was he turned away from the  
13 camera?

14 MS. CONNELL: He was turned away from the camera.

15 MS. NINE: And was the child facing the camera then?

16 MS. CONNELL: At times, yes.

17 MS. NINE: Thank you. Nothing else.

18 ALJ NORMAN: All right. Mr. Hall, any other questions for Ms. Connell?

19 MR. HALL: No, Your Honor.

20 ALJ NORMAN: Thank you. And Deb Honus, are you a superintendent?

21 MS. HONUS: Yes.

22 ALJ NORMAN: Did you view this video also, the video of November 4?

23 MS. HONUS: Yes, I did.

24 ALJ NORMAN: Was this an eleven-minute encounter there with Mr. McFtridge?

1 MS. HONUS: The advance lasted for eleven minutes per the account on the video  
2 recording, yes.

3 ALJ NORMAN: Well, did you view it? Do you believe that it was eleven minutes of  
4 restraint?

5 MS. HONUS: I believe it was eleven minutes of restraint in and out in a number of  
6 positions, yes.

7 ALJ NORMAN: Now how often did Mr. McFatrige have his hands on this particular  
8 subject?

9 MS. HONUS: The majority of that time.

10 ALJ NORMAN: Okay. Now, dragging somebody down the MR. HALL: is that a  
11 violation of policy?

12 MS. HONUS: That's not proper technique to move a child.

13 ALJ NORMAN: Is it a policy violation?

14 MS. HONUS: It would be against Mandt, yes.

15 ALJ NORMAN: Okay. And did you believe that that violated the client's dignity and  
16 respect?

17 MS. HONUS: Yes.

18 ALJ NORMAN: Was it mistreatment of a client?

19 MS. HONUS: It was in that it exposed her. Her clothes were up and she was not  
20 treated in a respectful manner.

21 ALJ NORMAN: Well, dragging -- do -- is there a situation where you have to grab  
22 'em by the arms and legs and drag 'em? I mean, is that proper in certain circumstances?

23 MS. HONUS: Normally it would not be.

24 ALJ NORMAN: All right. What should one do? What's the best case, what should

1 you do?

2 MS. HONUS: The client is to be stood up, and if there's movement necessary it needs  
3 to be in a standing position.

4 ALJ NORMAN: Okay. And, well, do you know if they tried to do that?

5 MS. HONUS: I do not know. I don't believe there was any monitoring in the  
6 hallway; there's no video.

7 ALJ NORMAN: Oh. Who were the -- who helped drag this kid down the hall?

8 MS. HONUS: Rhonda.

9 ALJ NORMAN: Okay. Now with Rhonda, was she fired?

10 MS. HONUS: No.

11 ALJ NORMAN: And what happened to Rhonda?

12 MS. HONUS: She was -- there was an investigation, and she was being disciplined as  
13 a response to her earlier involvement in the situation.

14 ALJ NORMAN: Well, was she disciplined because she dragged the kid down the  
15 hall?

16 MS. HONUS: I -- I do not believe it specifically was the dragging down the hall  
17 piece.

18 ALJ NORMAN: Okay, so was that -- well, was Mr. -- if she wasn't disciplined for  
19 being -- or dragging the -- helped drag this kid down the hall, was Mr. McFatridge fired in  
20 part for dragging the kid down the hall?

21 MS. HONUS: The -- getting the kid into the room prior to the eleven-minute restraint  
22 was a piece of this entire event, but the eleven-minute restraint was in the room and Rhonda  
23 was not present at that time. Mr. McFatridge --

24 ALJ NORMAN: Oh, you're not -- you're not answering my question. I'm just trying

1 to get at was the dragging of the kid down the hall part of the reason for the discharge?

2 MS. HONUS: I believe that was a piece of the not-proper Mandt, but I don't believe  
3 that was the primary point of discharge.

4 ALJ NORMAN: If that had been the only thing would he have been fired?

5 MS. HONUS: No.

6 ALJ NORMAN: Okay. Let's go into the room then, and we're gonna talk about  
7 specifics in the room. I want you to help me with that, okay?

8 MS. HONUS: Mm-hmm.

9 ALJ NORMAN: Now, were you there at any time, or are you looking only at video?

10 MS. HONUS: I was looking only at video.

11 ALJ NORMAN: All right. And let's talk about -- what I'm really interested in right  
12 now is the mistreatment, whether this child was mistreated. I want to know what if -- what  
13 that you can point to that Mr. McFatridge did that was mistreatment of this child. What  
14 exactly what physical acts that you felt were mistreatment.

15 MS. HONUS: The physical acts that I believe were mistreatment was number one,  
16 pushing the child against the cement wall. Mandt -- this is prohibited practice in terms of  
17 proper Mandt.

18 ALJ NORMAN: Now, now where in the video -- how far into this eleven-minute  
19 encounter did he push the child into the wall? Do you remember?

20 MS. HONUS: I can't tell you specifically. I believe it was a few minutes in.

21 ALJ NORMAN: Okay. Now when he did this, did he have both hands on the child,  
22 or one, or what?

23 MS. HONUS: I believe that his -- he was over her in restraint and over her back and  
24 head and had -- at one point had his knee in her back pressing her head toward the floor. At

1 that point they were in the corner of the room and that's when we believe the injury occurred.

2 ALJ NORMAN: Well, did he -- did he take the child by the arms, swing her -- swing  
3 the kid into the wall, take both hands in the back of the head by the hair, shove it into the wall:  
4 I'm trying to get what he physically did to this child to push the kid's head into the wall.

5 MS. HONUS: He used his body weight to be across this girl.

6 ALJ NORMAN: All right. So did he take a body block essentially; his body into the  
7 kid's body, kid goes into the wall.

8 MS. HONUS: He was -- the girl was on the floor at the time. He was over her.

9 ALJ NORMAN: Well, did -- was it her head hit the wall or the floor?

10 MS. HONUS: Her head hit the wall, the corner -- in the corner of the wall --

11 ALJ NORMAN: Okay.

12 MS. HONUS: -- two walls.

13 ALJ NORMAN: Well, was there a struggle going on when this happened?

14 MS. HONUS: Yes.

15 ALJ NORMAN: Well, why do you blame it on -- why do you say he intentionally did  
16 it if they're in the middle of a struggle? Why do you think it was an intentional act as  
17 opposed to just part of trying to get control of the situation?

18 MS. HONUS: When we do training with Mandt, we make clear practices that should  
19 not happen in the course of a restraint, and a number of those were what we saw occurring on  
20 that tape. One is using body weight to control a situation when there should be request for  
21 additional assistance if you can't manage the situation yourself. Another is knee in back, and  
22 the sort of hyperextension of limb is a prohibited practice as well because it's pain  
23 compliance.

24 ALJ NORMAN: Okay. So --

1 MS. HONUS: We saw this on the video.

2 ALJ NORMAN: Wait. Okay. So you're getting -- you're finally getting to what  
3 I -- the question I've been asking. You say you don't use body weight, you don't put your  
4 knee in the back, and you don't hyperextend arms.

5 MS. HONUS: Yes. And you also don't restrain in a prone position when it's -- and  
6 sometimes the child will go prone. What you need to do is you have additional assistance if  
7 needed, and it would be step out of the situation, get the kid up off of the floor.

8 ALJ NORMAN: Well, was there anybody else in the room when this was going on?

9 MS. HONUS: There was.

10 ALJ NORMAN: Okay. Well, why do you need additional help when there's two  
11 people there?

12 MS. HONUS: That person did not move in and there was no request that we can tell  
13 from our investigation for that person or any request for additional assistance --

14 ALJ NORMAN: You have somebody --

15 MS. HONUS: -- to come in.

16 ALJ NORMAN: You have to ask the person who's standing right there to help you?  
17 Is that what you're supposed to do, say "hey, come help me, I'm getting overwhelmed here?"  
18 I'm not understanding what you're saying: no request for additional help. You got a number  
19 of employees standing right there. Why did he have to ask for additional help? Isn't it their  
20 job?

21 MS. HONUS: He didn't get the help he needed and he had a responsibility if the other  
22 person did not step in to ask for that or to tell that person to get additional assistance.

23 ALJ NORMAN: All right.

24 MS. HONUS: And that did not -- did not happen.



1 ALJ NORMAN: Okay. Let's talk about this "prone position." With this struggle  
2 going on, what -- why do you think that he could have done some restraint without the prone  
3 position?

4 MS. HONUS: The instructions, if a child does go prone, is that you move them out of  
5 that prone position, either with assistance or by stepping out; in other words, stepping away  
6 from the child so they will move their position.

7 ALJ NORMAN: All right. Now, did he -- did you see any attempt to move out of the  
8 prone position before restraining?

9 MS. HONUS: No.

10 ALJ NORMAN: What was the hyperextension? You said hyper -- was there  
11 hyperextending an arm?

12 MS. HONUS: Yes.

13 ALJ NORMAN: Did he -- did he twist this child's arm behind the back?

14 MS. HONUS: He grabbed her right wrist, twisted it sideways, grabbed elbow behind,  
15 a hand behind the elbow and lift, which hyperextended her arm.

16 ALJ NORMAN: All right. Got it. Okay. Okay. Well, all right. Any other physical  
17 actions you want to tell me about that you felt was lacked appropriate judgment?

18 MS. HONUS: I don't believe so.

19 ALJ NORMAN: Well, let's look at this as a whole globally. Do you think this is an  
20 isolated incident of poor judgment where they just made a huge mistake, or does it rise to the  
21 level of improper treatment and abuse?

22 MS. HONUS: I believe it rose to the level of improper treatment.

23 ALJ NORMAN: And -- and was there any other specifics, any one specific thing that  
24 you felt was just -- just so far -- was just so far out of the box that you just -- it was just too

1 much?

2 MS. HONUS: I believe the -- the primary issues that were of great concern was not  
3 one time but three different times the child was prone. We've done specific training on the  
4 danger of prone restraints, and it can result in death of a child.

5 ALJ NORMAN: Okay. So that creates significant risk of harm or death to the child.

6 MS. HONUS: Yes, it does.

7 ALJ NORMAN: Now, how long have you been in this industry?

8 MS. HONUS: Actually tomorrow is 31 years for me.

9 ALJ NORMAN: Congratulations.

10 MS. HONUS: Thank you.

11 ALJ NORMAN: Okay. Okay, let -- I want to do -- one other thing I want to explore.  
12 You -- somebody said something about 95 times this child was -- had hit her head against the  
13 wall?

14 MS. HONUS: Yes.

15 ALJ NORMAN: Was this child trying to hurt himself?

16 MS. HONUS: Yes.

17 ALJ NORMAN: I mean, he just sat there bumping the wall gently or was this forceful  
18 and damaging to the child by banging the head into a wall?

19 MS. HONUS: This girl does self-harm like this very often. She bumps her head into  
20 the wall sometimes with more force than others. However, our policy is very specific that any  
21 kind of head banging or tapping does not matter, and the reason it doesn't matter is we don't  
22 know at what level that could cause damage to the brain. So we've given specific instruction  
23 and policy that youths may not go unattended if they're hitting their head. They have to be  
24 intervened -- there has to be an intervention. And that intervention starts with getting to the

1 room very quickly, as quickly as you can, after a child has started this behavior. You then  
2 talk with them, you try to engage them, get them off of what they're doing. If they continue  
3 with this behavior you explain that we can't allow you to hurt yourself. We put our hand  
4 behind our head, we attempt to cushion that, and then we look at, as a last resort, physically  
5 managing that child if they continue in that -- that behavior because it is dangerous.

6 ALJ NORMAN: Okay. Well, was physical restraint necessary in this situation?

7 MS. HONUS: In this situation it was in terms of stopping that behavior.

8 ALJ NORMAN: All right. Okay. Thank you. Mr. Hall, any questions for  
9 Ms. Honus?

10 MR. HALL: No questions, Your Honor.

11 ALJ NORMAN: Thank you. And Ms. Nine, any questions for Ms. Honus?

12 MS. NINE: Yes, Your Honor, thank you. What injury did the child receive?

13 MS. HONUS: She had abrasion on her forehead from being pushed into the wall.

14 MS. NINE: So abrasion means she was scraped on the forehead, is that right?

15 MS. HONUS: Yes.

16 MS. NINE: And how was it determined that that scrape came from when  
17 Mr. McFtridge was restraining her as opposed to when she was hitting her own head on the  
18 wall?

19 MS. HONUS: She was hitting the back of her head, and this was on her forehead in  
20 the front. And there's a spot in the video where you can see her head being pushed into the  
21 wall.

22 MS. NINE: Well, was she bleeding?

23 MS. HONUS: I don't know if she was bleeding at that time. We have a policy that  
24 nurses do an initial and a 24-hour check after any restraint, and at the check the injury was

1 noted and a picture was taken.

2 MS. NINE: Was she knocked out?

3 MS. HONUS: She did not lose consciousness, no.

4 MS. NINE: Did she have a concussion?

5 MS. HONUS: I don't believe so.

6 MS. NINE: Well, if she had a concussion you'd know that, right?

7 MS. HONUS: Correct.

8 MS. NINE: You stated that the restraint should take place while the child is in a  
9 standing position. Are the children always cooperative and remain standing for the restraint  
10 to be performed accurately?

11 MS. HONUS: No, they're not. That's why staff were instructed that if they're not in  
12 a standing position you get what help you need or you step out of the situation in order to be  
13 able to have that child move, or get help to get the child up.

14 MS. NINE: Now, had he stepped out of the situation? The problem was that child  
15 was still hitting her head against the wall, correct?

16 MS. HONUS: At the time the injury occurred, is that what you're asking?

17 MS. NINE: The reason for the restraint was because -- was to stop her from hitting  
18 her head against the wall, correct?

19 MS. HONUS: That's -- that's why the restraint was initiated, yes.

20 MS. NINE: And had Mr. McFatrige stepped away from that restraint to go get help,  
21 she kept on hitting her head against the wall which she was supposed to stop, correct?

22 MS. HONUS: When I say "step away," I don't mean leave the room. I mean step  
23 away from your physical management that will cause the child to move so you can get in a  
24 position of either getting her up off her feet or asking or calling for additional help.

1 MS. NINE: And you stated before that she'd had help right behind him, right?

2 MS. HONUS: There was a staff member in the room for part of this.

3 MS. NINE: And that staff member didn't step up and do his job, is that right?

4 MS. HONUS: From the looks of the video, no.

5 MS. NINE: Has the Iowa Juvenile Home changed any of its policies since  
6 November 6, 2012?

7 MS. HONUS: No. Any of its policies with regard to what?

8 MS. NINE: Restraint.

9 MS. HONUS: No.

10 MS. NINE: Is the Juvenile Home looking at changing any policies?

11 MS. HONUS: With regard to restraint?

12 MS. NINE: Yes.

13 MS. HONUS: No, not that I'm aware of, and not at this time.

14 MS. NINE: Does the Juvenile Home use a restraint chair?

15 MS. HONUS: The Juvenile Home cannot use a restraint chair unless we are dealing  
16 with an adjudicated delinquent. This young lady is a CINA, and only physical management is  
17 allowed.

18 MS. NINE: Did the restraint ever last eleven minutes?

19 MS. HONUS: Does a restraint ever last eleven minutes?

20 MS. NINE: Well, should it? Does it?

21 MS. HONUS: Well, ideally, no. Ideally we wouldn't be restraining at all if we're -- if  
22 we're able to be more proactive with youth. There's -- restraints can go from a matter of a  
23 few seconds or a minute to a lengthy period of time.

24 MS. NINE: And I believe you stated earlier that there are actually several smaller

1 restraints as a part of this whole eleven-minute scenario, correct?

2 MS. HONUS: There was movement throughout this event. The video captured the  
3 eleven minutes of restraint, and there was movement around the room.

4 MS. NINE: Mr. McFatridge was properly in the room, is that right?

5 MS. HONUS: Was what in the room? I'm sorry.

6 MS. NINE: He was in the room because he should have been in the room.

7 MS. HONUS: I'm sorry, I don't understand what you're asking. He was -- he was in  
8 the cottage for assistance --

9 MS. NINE: Was he supposed to be the quiet room? At the end, he was.

10 MS. HONUS: I believe that he entered the quiet room --

11 [crosstalk]

12 MS. NINE: And what was the reason that he entered the quiet room?

13 MS. HONUS: -- I mean that --

14 ALJ NORMAN: Now, hold up here; you're both talking at the same time. Ask the  
15 question again, Ms. Nine.

16 MS. NINE: And what was the reason that he entered the quiet room?

17 MS. HONUS: From the video, he entered the quiet room to intervene in head  
18 banging.

19 MS. NINE: And that was proper, correct?

20 MS. HONUS: Yes.

21 MS. NINE: Thank you. Nothing further.

22 ALJ NORMAN: Thank you. Mr. [cough] excuse me, Mr. Hall, any other questions?

23 MR. HALL: No, Your Honor.

24 ALJ NORMAN: Any further evidence or testimony, Mr. Hall?

1 MR. HALL: I don't believe so, Your Honor.

2 ALJ NORMAN: Thank you. Robert McFatridge, am I pronouncing your name right?

3 MR. MCFATRIDGE: Yes.

4 ALJ NORMAN: Thank you. Your start date, sir, was it March 19, 1999?

5 MR. MCFATRIDGE: Yes.

6 ALJ NORMAN: Last day of work, November 6, 2012.

7 MR. MCFATRIDGE: Correct.

8 ALJ NORMAN: Were you youth services worker full time?

9 MR. MCFATRIDGE: Yes.

10 ALJ NORMAN: Were you fired by the employer?

11 MR. MCFATRIDGE: Yes.

12 ALJ NORMAN: Did they tell you it's because of November 4, 2012?

13 MR. MCFATRIDGE: Yes.

14 ALJ NORMAN: On November 4, did you have a child that was out of control?

15 MR. MCFATRIDGE: Yes.

16 ALJ NORMAN: Were you called in -- were you summoned in for assistance?

17 MR. MCFATRIDGE: Yes.

18 ALJ NORMAN: Were you told why you needed to come and assist?

19 MR. MCFATRIDGE: For an aggressive.

20 ALJ NORMAN: All right. And what were you told before you got there?

21 MR. MCFATRIDGE: They needed a walk through at Bryant Cottage.

22 ALJ NORMAN: What does that mean?

23 MR. MCFATRIDGE: It's that I respond and there was a case to check out what's

24 going on.

1 ALJ NORMAN: All right. So this -- is it a general call for help?

2 MR. MCFATRIDGE: Yeah.

3 ALJ NORMAN: All right. Now, when you got there what did you discover?

4 MR. MCFATRIDGE: Ashley was being restrained in the hallway right outside the --

5 ALJ NORMAN: Are you using a name?

6 MR. MCFATRIDGE: Yes.

7 ALJ NORMAN: Don't -- please don't use a name. Let's -- you know, you might  
8 make a mistake and use a last name and then we'll all have trouble here. Let's just call it the  
9 juvenile or child, okay?

10 MR. MCFATRIDGE: Okay.

11 ALJ NORMAN: Do that for me. Thank you. Now, when you -- I think the easiest  
12 way to do this right now is you just walk me through step by step what happened, and the  
13 players, and who did what. And you'll start out with the child, and then whether you drug it  
14 down the hall or what. Go ahead.

15 MR. MCFATRIDGE: Got there, she was already down in the hall. She was in a  
16 restraint.

17 ALJ NORMAN: What do you mean, "in a restraint?" I mean, you know, tied up with  
18 a rope, handcuffs, what?

19 MR. MCFATRIDGE: No, she was being restrained by Rhonda in a standing position.

20 ALJ NORMAN: Co-worker, okay.

21 MR. MCFATRIDGE: And she was walking toward the quiet room which is just a  
22 couple of steps. They fell to the ground in a prone position. The youth was trying to assault  
23 Rhonda.

24 ALJ NORMAN: How -- how was the youth assaulting your co-worker?



1 MR. MCFATRIDGE: She was kicking her, beating her, trying to punch her.

2 ALJ NORMAN: Well, how big is this youth?

3 MR. MCFATRIDGE: She's 200 plus pounds.

4 ALJ NORMAN: Okay, big kid. How tall?

5 MR. MCFATRIDGE: Yes.

6 ALJ NORMAN: How tall is the youth?

7 MR. MCFATRIDGE: Approximately 5'5" I would think.

8 ALJ NORMAN: Okay. And strong?

9 MR. MCFATRIDGE: Uh, yeah.

10 ALJ NORMAN: Okay. Go ahead. What happened then. Assaulting your co-worker,  
11 then what?

12 MR. MCFATRIDGE: She assaulted me, she -- at this time she was laying on the  
13 floor.

14 ALJ NORMAN: How did she assault you, sir?

15 MR. MCFATRIDGE: Well, she was kicking me --

16 ALJ NORMAN: All right.

17 MR. MCFATRIDGE: -- when I was standing and she actually kicked me in the groin  
18 twice. I thought at that time that it was safe -- the safest thing for me to do would be to get  
19 her into the room so she couldn't assault anybody else, so I got ahold of her arm and I took a  
20 couple of steps backwards into the quiet room. Her pants did come down approximately six,  
21 eight inches and then exposed part of her skin. She was laying on her back -- kind of laying  
22 on her side at the time. She brought her right leg back to kick Rhonda in the face. I put my  
23 right knee in the way so -- between Rhonda's face and the youth so she couldn't kick her in  
24 the face, and I backed up and left the room.

1 ALJ NORMAN: How long were you gone?

2 MR. MCFATRIDGE: Approximately one minute I believe.

3 ALJ NORMAN: Why did you step out of the room?

4 MR. MCFATRIDGE: Well, she was in the room when she had -- she was not banging  
5 her head at the time so I exited the room hoping that she would calm down and the situation  
6 would be resolved.

7 ALJ NORMAN: Okay. When you went back in. So what -- did somebody call you  
8 back in?

9 MR. MCFATRIDGE: No, I went out in the hallway and walked -- walked towards the  
10 lounging area, signing area, and I heard tapping on the walls. And dealing -- having dealt  
11 with this youth several times I assumed that it was her head so I put some latex type of gloves  
12 on re-entered the room.

13 ALJ NORMAN: Why do you wear rubber gloves?

14 MR. MCFATRIDGE: For body fluids and --

15 ALJ NORMAN: Okay, I've got -- I get it. Just safety protection.

16 MR. MCFATRIDGE: Right, right.

17 ALJ NORMAN: Okay. Go ahead.

18 MR. MCFATRIDGE: I entered the room, the youth was up against the wall. I talked  
19 to her a little bit. She obviously started banging her head. I put my hand behind her head  
20 between her head and the wall, which we're taught to do. She wouldn't stop. She hit me with  
21 her right arm in the leg several times. I lifted my leg up and down several times to block her  
22 blows, again trying to get my hand behind her head to keep her from hitting her head. She  
23 was grabbing my coat of my left arm, pulling me down towards her. I was able to -- she did  
24 this several times. I was able to get released most of the time. She rolled -- at this point she

1 rolled to the corner of the room -- she was laying down at this time -- and she had ahold of my  
2 coat again, pulling me with her. I was in the corner there for a very, very brief time as I  
3 gained release, got back up, she started to bang her head, still trying to assault me, kicking,  
4 tried to bite my left arm several times -- that's the arm that I was using to try to stop her from  
5 hitting her head. At this point, she grabbed ahold of my left arm up by my shoulder area with  
6 her right arm, pinning me down. I put my right hand on her back and she pulled down farther  
7 and actually it looks like we're going for the wall. That was an absolutely non-issue to her  
8 injury. I got released at that point. After that she came back over to the wall, started banging  
9 her head. At that point I decided to put her in a restraint. I put her in a one-arm upper body  
10 hold and at that point I was trying to pick her up to get to a standing position, which is what  
11 we're supposed to do. At that point she chose to hit at me. It was actually by my left arm.  
12 That's when her head hit my left shoulder, made contact with the wall. That's where she  
13 received the injury. She continued to try to attempt a head butt for a brief time. Said that her  
14 head hurt, was fairly dramatic and very animated about it. I released her from restraint. It  
15 seemed at that time she was focused on directing her anger at me verbally rather than  
16 physically at this point, and that she was not focused on hitting her head as much anymore. I  
17 thought it was a safe time to release her from restraint was then.

18 ALJ NORMAN: Okay. Well, let's back up a second. Employer indicates they have  
19 some kind of a procedure for restraints called Mandt, M-A-N-D-T. Were you trained on that?

20 MR. MCFATRIDGE: Yes.

21 ALJ NORMAN: Okay. And -- now, they indicate a number of things here that they  
22 felt you did during this eleven minutes. Was this an eleven-minute issue?

23 MR. MCFATRIDGE: The incident was eleven minutes, so yes.

24 ALJ NORMAN: Well, did you report it as one.

1 MR. MCFATRIDGE: I did only physical restraint down there and I believe I -- it was  
2 one minute.

3 ALJ NORMAN: Why -- why would -- why, if you were in that room for eleven  
4 minutes did you say it was just one minute?

5 MR. MCFATRIDGE: No, the physical part of the restraining was -- a definition of a  
6 restraint is me restricting her movement. The only time that that happened is when I placed  
7 her in one-arm upper body hold right towards the end of the restraint.

8 ALJ NORMAN: Okay.

9 MR. MCFATRIDGE: The rest of the restraint she basically had ahold of me.

10 ALJ NORMAN: Well, did the altercation over all take eleven minutes?

11 MR. MCFATRIDGE: I -- the incident I believe did take eleven minutes.

12 ALJ NORMAN: Were you trying to deceive the employer when you put down one  
13 minute?

14 MR. MCFATRIDGE: Absolutely not.

15 ALJ NORMAN: Did you know you could get fired if you falsified a document like  
16 that?

17 MR. MCFATRIDGE: Absolutely.

18 ALJ NORMAN: That's -- now, they're saying that -- first of all, that -- is it a  
19 violation of their policy and procedure to use your body weight to force a child or restrain  
20 them in some way?

21 MR. MCFATRIDGE: It's pretty open for interpretation. I mean, if I have to --

22 ALJ NORMAN: Well, did -- did they ever train you don't use your body weight?

23 MR. MCFATRIDGE: No.

24 ALJ NORMAN: Okay. Never had that.

1 MR. MCFATRIDGE: No.

2 ALJ NORMAN: How about knee in the back. Did they ever train you you can't use  
3 knee in the back?

4 MR. MCFATRIDGE: Yes. You're not --

5 ALJ NORMAN: Did they ever train you --

6 MR. MCFATRIDGE: -- supposed to use a knee as pressure.

7 ALJ NORMAN: How about prohibited to hyperextend an arm?

8 MR. MCFATRIDGE: Yes, they did.

9 ALJ NORMAN: How about restraining in a prone position?

10 MR. MCFATRIDGE: When I started there in 1999, that was -- that was our  
11 procedure. We did all of our restraints in a prone position.

12 ALJ NORMAN: Well, at some point did that change, sir?

13 MR. MCFATRIDGE: Yes. Through -- over the years it kind of progressed from --

14 ALJ NORMAN: Well, is it prohibited to use a prone position?

15 MR. MCFATRIDGE: Yes, it is.

16 ALJ NORMAN: Okay. And is that because it's dangerous?

17 MR. MCFATRIDGE: Yes.

18 ALJ NORMAN: Okay. It was dangerous to the child.

19 MR. MCFATRIDGE: Yes.

20 ALJ NORMAN: Dangerous to the employees?

21 MR. MCFATRIDGE: No, not --

22 ALJ NORMAN: Okay.

23 MR. MCFATRIDGE: It was more dangerous for the child.

24 ALJ NORMAN: We're looking out for the best interests of the child.

1 MR. MCFATRIDGE: Right.

2 ALJ NORMAN: All right. Now, here's the -- here's the deal. They are saying that  
3 you used your body weight to force this child, or restrain the child in some way. Did you use  
4 your body weight at any point during this eleven minutes?

5 MR. MCFATRIDGE: It is absolutely not true.

6 ALJ NORMAN: Absolute -- they're saying they have two people watch the video  
7 who seem to be saying you used your body weight. What's your response to that, sir?

8 MR. MCFATRIDGE: It's not true.

9 ALJ NORMAN: Not true. Just didn't happen.

10 MR. MCFATRIDGE: Did not happen.

11 ALJ NORMAN: Anything like that?

12 MR. MCFATRIDGE: Nope.

13 ALJ NORMAN: All right. They're also saying you put a knee in her back. Did you  
14 do that?

15 MR. MCFATRIDGE: Nope.

16 ALJ NORMAN: Nothing? It didn't happen?

17 MR. MCFATRIDGE: Nope.

18 ALJ NORMAN: Not on the video?

19 MR. MCFATRIDGE: It looks like it on the video. I watched the video. It looks like  
20 a lot of things on the video, but that's not what was happening.

21 ALJ NORMAN: Not what was happening. Well, was your knee in the back of the  
22 child?

23 MR. MCFATRIDGE: From the angle of the camera, my knee was behind the child  
24 and you could interpret that as being in -- into the child.

1 ALJ NORMAN: Were you pressing your knee against the child's back?

2 MR. MCFATRIDGE: Absolutely not.

3 ALJ NORMAN: Absolutely not. Okay. All right. And they talk about  
4 hyperextending an arm. You put your -- one arm under an elbow or trying to lift the child up  
5 by hyperextending an arm is kind of what I get from their testimony. What is your response  
6 to that? Did you do that?

7 MR. MCFATRIDGE: No, I did not. That was when I was blocking punches that she  
8 made, throwing her arms back and then trying to hit me, and other than offensive blocking of  
9 the blows from the video, that's -- they went frame by frame with the video and it looks like  
10 that's what's happening. That's not what's happening. I'm just blocking her flailing arms  
11 from offending me.

12 ALJ NORMAN: Well, what about the argument that you were trying to restrain this  
13 child in a prone position?

14 MR. MCFATRIDGE: Absolutely not. I -- that's not gonna happen.

15 ALJ NORMAN: All right.

16 MR. MCFATRIDGE: I think she pulled me down in the corner, and then she had a  
17 hold of my coat, and as soon as I could get release from my coat I got up and let her go. Or  
18 she let me go, actually. I didn't even have a hold of her.

19 ALJ NORMAN: Well, did -- was the child in a prone position three different times?

20 MR. MCFATRIDGE: I can only remember two.

21 ALJ NORMAN: Okay. They're saying you just simply, quite simply, used excessive  
22 force, improper types of force, on this deal. Anything else you want to respond to?

23 MR. MCFATRIDGE: No.

24 ALJ NORMAN: Did you know that you could get fired if you used inappropriate

1 restraints?

2 MR. MCFATRIDGE: Yes, I did.

3 ALJ NORMAN: Or you could get fired if you were excessively forceful?

4 MR. MCFATRIDGE: Yes, I did.

5 ALJ NORMAN: Okay. Do you think you did anything wrong here?

6 MR. MCFATRIDGE: No, I don't believe I did.

7 ALJ NORMAN: All right. Thank you. And Ms. Nine, any questions for

8 Mr. McFatridge?

9 MS. NINE: No questions.

10 ALJ NORMAN: All right. And Mr. Hall, any questions?

11 MR. HALL: Just a couple, Your Honor. Mr. McFatridge, did you believe you had  
12 this youth under control at any time during that eleven minutes?

13 MR. MCFATRIDGE: No.

14 MR. HALL: Okay.

15 MR. MCFATRIDGE: That was my intent, but it wasn't happening.

16 MR. HALL: So how did you calculate that one minute for restraint time?

17 MR. MCFATRIDGE: That's when I physically restrained her. A definition of a  
18 restraint is to limit movement, restrict their movement. That's when I put her in a one-arm  
19 upper body hold. She was in a seated -- sitting position which is actually prohibited also, but  
20 that's where I needed -- where I thought I needed to start to get her to a standing position.

21 MR. HALL: Was there another employee in the room during this eleven minutes?

22 MR. MCFATRIDGE: Yes, there was.

23 MR. HALL: Did you, at any point, ask that employee for help or assistance in  
24 restraining that child?



1 MR. MCFATRIDGE: No, I did not.

2 MR. HALL: Were you trained to do so?

3 MR. MCFATRIDGE: Yes.

4 MR. HALL: Why did you not ask for help?

5 MR. MCFATRIDGE: To be honest with you, on -- at the time I was not sure he was a  
6 good -- I didn't know he was in the room the entire time at the time.

7 MR. HALL: Okay. When did you know the other employee was in the room?

8 MR. MCFATRIDGE: I'm not real sure.

9 MR. HALL: Did you know there was another employee in your room when you first  
10 entered?

11 MR. MCFATRIDGE: Yes.

12 MR. HALL: Okay. You also testified that the child complained about her head  
13 hurting, and I think you even said she was dramatic about it. Is that correct?

14 MR. MCFATRIDGE: Yes.

15 MR. HALL: Did you report any of those injuries to the staff after this incident?

16 MR. MCFATRIDGE: Yes. We report all that to the nursing staff. And actually I  
17 reported it to the acting duty superintendent also.

18 MR. HALL: No further questions, Your Honor.

19 ALJ NORMAN: Thank you. Any other questions, Ms. Nine?

20 MS. NINE: Just one follow-up. Generally, if there's not a staff member in the room  
21 and it's clear that you need assistance, are they supposed to just come to your aid?

22 MR. MCFATRIDGE: Generally, that's what happens, yes.

23 MS. NINE: Well, if that's not happening are you figuring he's just not there  
24 anymore?

1 MR. MCFATRIDGE: Yes.

2 MS. NINE: Nothing further.

3 ALJ NORMAN: Yep. And Mr. McFatridge, did you have any documents that you  
4 needed to read into the record because we don't have any documents from you.

5 MR. MCFATRIDGE: No, I don't.

6 ALJ NORMAN: Anything of -- Ms. Nine, anything you folks need to read into the  
7 record?

8 MS. NINE: No, Your Honor.

9 ALJ NORMAN: All right. And let's go back then to the employer. Let's go back to  
10 Ms. Hahn (sic). Ms. Hahn (sic), I -- a couple of things here that Mr. McFatridge is essentially  
11 denying everything, you know. Let's go with some of these things one more time. First of  
12 all, he says he just didn't use his body weight. Is it the angle of the camera 'cause, you know,  
13 it's just the way it looks and he really wasn't, he was just being thrown around?

14 MS. HANUS: It does not look that way on the video. It looks as if he is using body  
15 weight to manage the child.

16 ALJ NORMAN: All right. Are you certain of that?

17 MS. HANUS: Yes, I am.

18 ALJ NORMAN: How much certain?

19 MS. HANUS: I'm absolutely certain.

20 ALJ NORMAN: One hundred percent?

21 MS. HANUS: Yes.

22 ALJ NORMAN: All right. Let's go on to the knee in the back. And he says it just  
23 looks that way, just the angle of the camera, he really wasn't pressing his knee into the kid's  
24 back. Anything -- an observation that can convince me one way or the other?

1 MS. HANUS: My observation of the video was that his knee was in her back and I  
2 don't see how a camera angle could record that differently than it happened.

3 ALJ NORMAN: Could you see it pressing into the back? Pressing down with weight  
4 on it?

5 MS. HANUS: Yes.

6 ALJ NORMAN: Okay. So are you absolutely certain that he was using the knee to  
7 press into the child's back?

8 MS. HANUS: I believe he was in order to manage her, yes.

9 ALJ NORMAN: And he said the hyperextension was more of a -- it was -- he was  
10 getting pushed around more than he was using some to hyperextend and try to control  
11 somebody. What's your response to that?

12 MS. HANUS: My response again is anything that is pain compliance is prohibited.

13 ALJ NORMAN: Well, there --

14 MS. HANUS: He --

15 ALJ NORMAN: Wait. He's saying it was unintentional, that he didn't do it on  
16 purpose. It was just part of this tussle and it looked like he was hyperextending an arm but he  
17 was just getting whipped around. Was he intentionally -- do you believe, based on what you  
18 saw, that he intentionally tried to hyperextend an arm to try to control this youth?

19 MS. HANUS: I believe that that was an intentional act, yes.

20 ALJ NORMAN: Okay, and not just being thrown around.

21 MS. HANUS: Yes.

22 ALJ NORMAN: All right. Now, the prone positions, was just the child falling down  
23 and then him trying to do something or what?

24 MS. HANUS: The child was prone on the floor, and I did not see any evidence on the

1 video that he attempted to either move the child out of that position or step away so the child  
2 would move out of that position.

3 ALJ NORMAN: So when the child goes prone, should he simply back off?

4 MS. HONUS: Yes.

5 ALJ NORMAN: Did he back off?

6 MS. HONUS: No.

7 ALJ NORMAN: All right. All right. Well, he said he's being held onto by this child  
8 on certain times, could you see that?

9 MS. HONUS: I could not see that. The child was certainly not cooperative but I  
10 could not see that he was being held onto by the child.

11 ALJ NORMAN: All right.

12 MS. HONUS: The child was flailing at times but I couldn't see that he was being held  
13 onto.

14 ALJ NORMAN: Did he put his hand between the child's head and the wall?

15 MS. HONUS: I did not see that.

16 ALJ NORMAN: Okay.

17 MS. HONUS: He pushed toward the wall.

18 ALJ NORMAN: All right. Well, and you look at this globally, how -- after -- with  
19 your 31 years of experience, I mean, how -- is this a close call?

20 MS. HONUS: A close call in terms of --

21 ALJ NORMAN: In calling this abuse versus -- a mistreatment versus just an error in  
22 judgment.

23 MS. HONUS: I would say in this case this is a situation that many prohibited  
24 practices were demonstrated, and that's completely unacceptable, and it resulted in the injury

1 of a child.

2 ALJ NORMAN: Yep. So not a close call.

3 MS. HONUS: Correct.

4 ALJ NORMAN: Okay. All right. Oh yeah, the -- the one minute versus eleven  
5 minutes. He said that he put down one minute 'cause that was the amount of time that he  
6 used when he actually did some active restraint. It was only about a minute. The rest of the  
7 time he was there trying more passive. What's your response to that?

8 MS. HONUS: The eleven minute event shows Mr. McFatrige engaged with the child  
9 during that entire time. There was not -- there was not a specific time that he was restricting  
10 her movement and other times he was not.

11 ALJ NORMAN: All right. So you're -- so do you -- all right, that's fine. I don't need  
12 any more on that. All right. Well, you have heard what he was saying. Anything else you'd  
13 like to say, Ms. Honus?

14 MS. HONUS: No.

15 ALJ NORMAN: Thank you. And Mr. Hall, any questions for Ms. Honus?

16 MR. HALL: No, Your Honor.

17 ALJ NORMAN: Ms. Nine, any questions for Ms. Honus?

18 MS. NINE: Just one, Your Honor. Did the child report an injury to her back?

19 MS. HONUS: That -- the child I don't believe reported. The nurse would do  
20 assessments, and the initial assessment notes that she had a red purple bruise on left side of  
21 forehead, abrasion on left elbow, said Bob hit her head on the wall, complained of soreness of  
22 her right ankle without a sign of injury or swelling on that, and full range of motion. Photos  
23 were taken and she was given an ice pack for her head.

24 MS. NINE: Thank you. Nothing further.

1 ALJ NORMAN: All right. And Mr. Hall, any other questions?

2 MR. HALL: No, Your Honor. Obviously we would have liked to provided you the  
3 video but we weren't able to do that because of -- by law.

4 ALJ NORMAN: All right. Why is the video restricted by law? Is it because of  
5 confidentiality for these kids?

6 MR. HALL: Yes.

7 ALJ NORMAN: All right. Thank you. And Ms. Connell, you heard what  
8 Mr. McFatridge said. Anything you want to comment on?

9 MS. CONNELL: Nothing further, Your Honor.

10 ALJ NORMAN: All right. Thank you. Mr. Hall, any questions for Ms. Connell?

11 MR. HALL: No, Your Honor.

12 ALJ NORMAN: Ms. Nine, any questions for Ms. Connell?

13 MS. NINE: No, Your Honor.

14 ALJ NORMAN: And back to Mr. McFatridge. You heard the comments of  
15 Ms. Honus, and any comments you'd like to make on that?

16 MR. MCFATRIDGE: No.

17 ALJ NORMAN: And Ms. Nine, any other questions?

18 MS. NINE: No.

19 ALJ NORMAN: Mr. Hall, was there anything -- we didn't get the one through five  
20 documents in. Is there anything in there that we haven't talked about that we need to read into  
21 the record?

22 MR. HALL: No, Your Honor.

23 ALJ NORMAN: They -- we've covered everything at this point then?

24 MR. HALL: Yes.

1 ALJ NORMAN: 3:13. I propose we close the record and the hearing. Any objection,  
2 Ms. Nine?

3 MS. NINE: No objection.

4 ALJ NORMAN: Any objection, Mr. Hall?

5 MR. HALL: No objection.

6 ALJ NORMAN: I thank you all for your time and patience. You've all been very,  
7 very effective at presenting this evidence and I appreciate the help. I'll have a decision out in  
8 less than two weeks. Folks, you all have a good day.

9 MR. HALL: You too, thank you.

10 ALJ NORMAN: All right.

11 [end of audio]

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