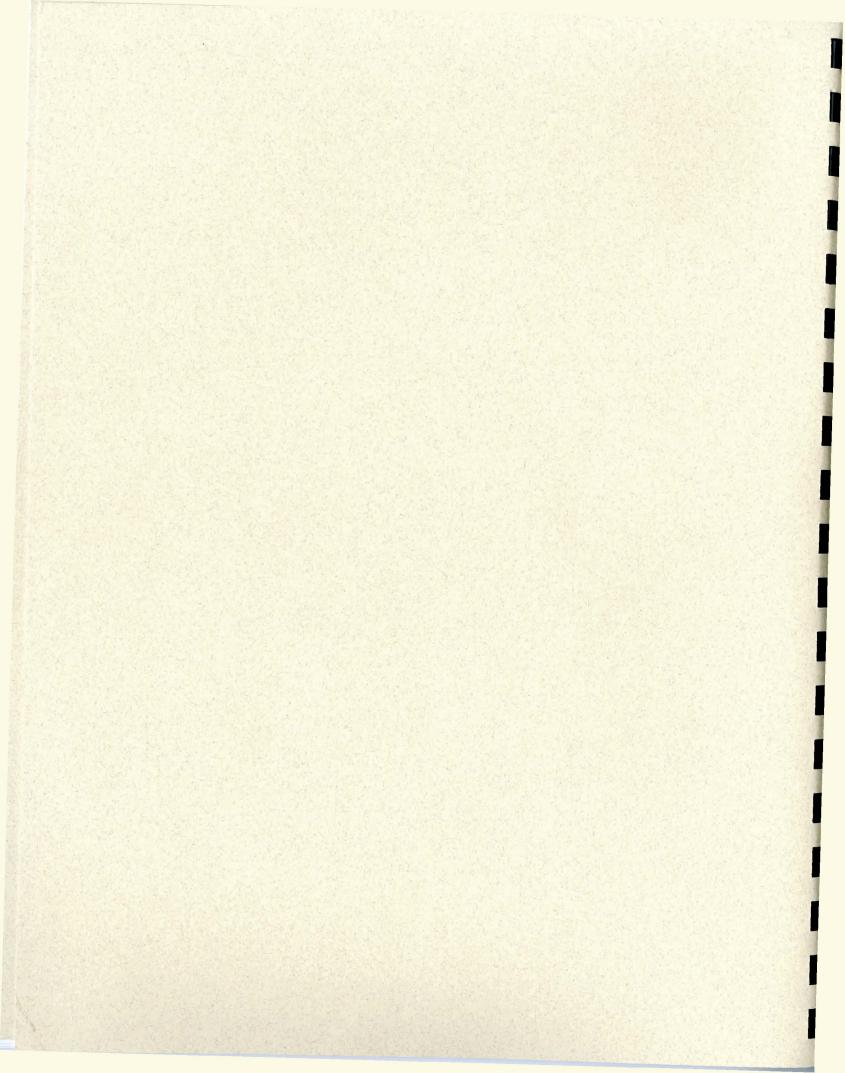
KFI 4440 .B54 2003/04

# REPORT OF THE IOWA ATTORNEY GENERAL 2003-2004



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# C. 15405 KISS

# ATTORNEYS GENERAL OF IOWA

Name	Home	Served
	County	Years
David C. Cloud	Muscatine	1853-1856
Samuel A. Rick	Mahaska	1856-1861
Charles C. Nourse	Polk	1861-1865
Isaac L. Allen	Tama	1865-1866
Frederick E. Bissell	Dubuque	1866-1867
Henry O'Connor	Muscatine	1867-1872
Marsena E. Cutts	Mahaska	1872-1877
John F. McJunkin	Washington	1877-1881
Smith McPherson	Montgomery	1881-1885
A.J. Baker	Appanoose	1885-1889
John Y. Stone	Mills	1889-1895
Milton Remley	Johnson	1895-1901
Charles W. Mullan	Black Hawk	1901-1907
Howard W. Byers	Shelby	1907-1911
George Cosson	Audubon	1911-1917
Horace M. Havner	Iowa	1917-1921
Ben J. Gibson	Adams	1921-1927
John Fletcher	Polk	1927-1933
Edward L. O'Connor	Johnson	1933-1937
John H. Mitchell	Webster	1937-1939
Fred D. Everett	Monroe	1939-1940
John M. Rankin	Lee	1940-1947
Robert L. Larson	Johnson	1947-1953
Leo A. Hoegh	Lucas	1953-1954
Dayton Countryman	Story	1954-1957
Norman A. Erbe	Boone	1957-1961
Evan Hultman	Black Hawk	1961-1965
Lawrence F. Scalise	Warren	1965-1967
Richard C. Turner	Pottawattamie	1967-1979
Thomas J. Miller	Clayton	1979-1991
Bonnie J. Campbell	Polk	1991-1995
Thomas J. Miller	Clayton	1995-

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# PERSONNEL OF THE ATTORNEY GENERAL'S OFFICE

# THE COURT NOT FIRE

# **PERSONNEL 2003-2004**

## **ADMINISTRATIVE SERVICES**

•		
Thomas J. Miller, 1-79-1/91, 1/95	5	Attorney General
JD, Harvard, 1969		
Gordon E. Allen, 8/82		Deputy Attorney General
JD, Iowa, 1972		
Douglas E. Marek, 8/89		Deputy Attorney General
JD, Drake, 1984		
Tam B. Ormiston, 8/89		Deputy Attorney General
JD, Iowa, 1974		
Julie F. Pottorff, 7/79		Deputy Attorney General
JD, Iowa, 1978		
Eric J. Tabor, 9/95		Deputy Attorney General
JD Iowa, 1980	,	
Donald D. Stanley, Jr., 10/00	*********	Assistant Attorney General
JD, Drake, 2000		, same a construction of the construction of t
Kevin M. McCarthy, 11/02-1/03		Assistant Attorney General
JD, Drake, 1998		,
Anne M. Sheeley, 1/98-2/03		Executive Officer
John H. Pederson, 8/91-1/03		
Robert P. Brammer, 11/78		
William C. Roach, 9/95		
Karen A. Redmond, 10/80		
John W. Hugg, 2/99		
John N. Boccella, 2/98		ITS Specialist
Jane Ambrozic, 10/76		
Cathleen M. White, 2/89		
Vivone Abdel-Razeq, 3/00		
Diane Dunn, 10/88		
Pamela R. O'Brien, 11/98		
Jennifer Coolidge, 6/92-9/03		
Jennifer Coolidge, 0/72-7/03		Clerk
	AREA PROSECUTIONS	
	AREA PROSECUTIONS	
Thomas H Miller 10/85		Division Division
Thomas H. Miller, 10/85 JD, Iowa, 1975	• • • • • • • • • • • • • • • • • • • •	Division Director
		Againstant Attamas Cara-1
Virginia D. Barchman, 10/86	• • • • • • • • • • • • • • • • • • • •	Assistant Attorney General
JD, Iowa, 1979		Assistant Automatical
Douglas D. Hammerand, 8/96		Assistant Attorney General
JD, Drake, 1989		

James E. Kivi, 2/80	. Assistant Attorney General
JD, Iowa, 1975	A:
Thomas E. Noonan, 6/89	. Assistant Attorney General
JD, Iowa, 1982	
Charles N. Thoman, 7/84	. Assistant Attorney General
JD, Creighton, 1976	
Robert J. Glaser, 7/86	. Assistant Attorney General
JD, Creighton, 1978	
Denise A. Timmins, 10/99	. Assistant Attorney General
JD, Drake, 1997	
Laura M. Roan, 8/96-6/03	. Assistant Attorney General
JD, Drake, 1991	
Scott D. Brown, 8/97	. Assistant Attorney General
JD, Oklahoma City University, 1991	
Andrew B. Prosser, 8/00	. Assistant Attorney General
JD, Drake, 1985	
A. Patricia Houlihan, 8/03	Assistant Attorney General
JD, Drake, 1982	. Assistant Attorney General
Teresa K. Baumann, 7/02	Assistant Attorney General
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	. Assistant Attorney General
JD, Iowa, 01	Assistant Attaması Cananal
Shawn S. Wehde, 11/99	. Assistant Attorney General
JD, Iowa, 1986	
John S. Courter, 8/99-11/03	. Assistant Attorney General
JD, Drake, 1991	
Jason T. Griess, 3/00-11/03	. Assistant Attorney General
JD, Nebraska, 1993	
John H. Lammers, 12/01-5/04	. Assistant Attorney General
JD, Drake, 1994	
Kelly E. Mahoney, 3/04	. Assistant Attorney General
JD, Washburn, 2002	
Benjamin Stansberry, 4/04	. Assistant Attorney General
JD, Iowa, 2003	
Matthias D. Onderak, 3/04	. Assistant Attorney General
JD, Marquette, 2000	,
Kimberly S. Hughes, 9/01	Investigator
Candis J. Lockard, 10/97	
Michael J. Ferjak, 8/98	
Connie L. Lee, 12/76	
Catherine Schapman, 5/98	
Camerine Schapman, 3/96	Faraiegai

## **CIVIL RIGHTS**

Teresa M. Baustian, 4/81		Assistant Attorney General
JD, Iowa, 1979	. *	200

## **CONSUMER ADVOCATE**

John R. Perkins, 10/01	Consumer Advocate
JD, Iowa, 1968	
Jennifer Easler, 12/94	Utility Attorney
JD, Drake, 1993	0
Jack Dwyer, 1/97	Utility Attorney
JD, Iowa, 1969	
Craig Graziano, 4/99	Utility Attorney
JD, Drake, 1975	A STATE OF THE STA
Donald G. Henry, 4/91-8/03	Utility Attorney
JD, Michigan, 1985	e to recipi 21 \$1
Alice Hyde, 7/78	Utility Attorney
JD, Iowa, 1978	
Ron Polle, 8/79	Utility Attorney
JD, Drake, 1979	
Ben Stead, 8/81	Utility Attorney
JD, Kansas, 1974	
Gary Stewart, 7/74	Utility Attorney
JD, Iowa, 1974	A collection of the second
Mark Condon, 7/82	Utility Specialist
Fasil Kebede, 3/87	
Shelia Parker, 6/88	and the second s
Brian Turner, 7/82	The state of the s
Gregory Vitale, 8/85	
Joyette Henry, 6/76	
Khosrow Khojasteh, 11/87	
Xiaochuan, Shi, 3/90	Utility Reg Engineer
Christine Collister, 5/88	
Charles Fuhrman, 9/81	Utility Administrator
Joe Murphy, 6/77	Utility Administrator
David Habr, 9/81	Utility Administrator
John Hughes, 4/96-4/03	Utility Analyst
Ann, Kreager, 11/84	
Karen Goodrich-Finnegan, 7/76	
Beverly V. Bergen, 5/97	
TOTAL STATE OF THE	

# **CONSUMER PROTECTION**

William L. Brauch, 7/87 Division Director JD, Iowa, 1987
Kathleen E. Keest, 9/96-8/04
Steven M. St. Clair, 5/87
Benjamin E. Bellus, 3/97
Jessica J. Dvorak, 10/04
Patrick T. Madigan, 4/04
Charles Reynolds, 5/04
Debra A. Moore, 12/84
Sandra J. Kearney, 7/90-7/04
Lise D. Ludwig, 5/85
Holly G. Merz, 10/88 Investigator
Barbara A. Blake, 8/90 Investigator
Stephen E. Switzer, 12/89
Janice M. Bloes, 3/78
Katherine N. M. Gray, 3/84 Legal Secretary
Helen K. Alessio, 9/01    Legal Secretary      Jennifer L. Morrison, 10/02-2/04    Secretary/Receptionist
Charlotte H. Mosher, 6/01-10/01 Secretary/Receptionist
Colleen Baker, 1/92 Legal Secretary
Anna M. Cimino, 9/04 Secretary/Receptionist
Rickie Wickersham, 4/04 Secretary/Receptionist
The first of the same of the s
CRIME VICTIM ASSISTANCE
CRIME VICTIM ASSISTANCE
Martha J. Anderson, 7/89 Program Director
Julie Swanston, 2/00-12/04 Executive Officer
Virginia W. Beane, 6/89 Executive Officer
Rebecca Kinnamon, 6/02
Kristi L. Etzel, 12/97 Accountant
Ruth I. Wright, 1/00-5/03 Program Planner
Alison E. Walding, 7/92 Program Planner
Donna J. Phillips, 6/02 Program Planner

Carole D. Meade, 11/01 Investigato Shonna K. Swain, 5/81 Investigato Kimberly J. Kluxdal, 9/00 Investigato Anne K. Kaercher, 9/00 Investigato Nicole D. Stutzman, 3/01 Investigato Katie K. Kuhr, 6/01-8/03 Investigato Mary K. Bartine, 11/01 Investigato Theodore L. Peso, 5/99-7/04 Investigato Kirstin R. Isenhart, 2/01 Investigato Melissa J. Miller, 1/88-10/04 Investigato Ruth C. Walker, 2/79 Investigato Charles R. Grigsby, 8/03 Investigato Lisa M. Bickelhaupt, 8/03 Investigato Stacey A. Anderson, 9/98 Investigato Grace M. Armstrong, 7/89 Accounting Clerk Michaela S. Rotert, 9/00-4/03 Legal Secretary	or or or or or or or or or or
Sharon K. Hayes, 4/99 Legal Secretary Edith M. Omlie, 6/89 Legal Secretary Natalie L. Kellenberg, 7/96-10/04 Legal Secretary Patricia Washington, 12/04 Legal Secretary	y y
CRIMINAL APPEALS	
Mary E. Tabor, 8/93	
JD, Iowa, 1991 Bridget A. Chambers, 2/90 Assistant Attorney Genera	
JD, Iowa, 1991 Bridget A. Chambers, 2/90	ıl
JD, Iowa, 1991  Bridget A. Chambers, 2/90  JD, Iowa, 1985  Richard J. Bennett, 6/86  Assistant Attorney General JD, Iowa, 1978  Martha E. Boesen, 7/91  Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General Martha E. Boesen, 7/91	ıl ıl
JD, Iowa, 1991 Bridget A. Chambers, 2/90 Assistant Attorney Genera JD, Iowa, 1985 Richard J. Bennett, 6/86 Assistant Attorney Genera JD, Iowa, 1978 Martha E. Boesen, 7/91 Assistant Attorney Genera JD, Notre Dame, 1991 Karen B. Doland, 7/90 Assistant Attorney Genera	.l .l
JD, Iowa, 1991 Bridget A. Chambers, 2/90 Assistant Attorney Genera     JD, Iowa, 1985 Richard J. Bennett, 6/86 Assistant Attorney Genera     JD, Iowa, 1978 Martha E. Boesen, 7/91 Assistant Attorney Genera     JD, Notre Dame, 1991 Karen B. Doland, 7/90 Assistant Attorney Genera     JD, Iowa 1989 Robert P. Ewald, 2/81 Assistant Attorney Genera	d d
JD, Iowa, 1991 Bridget A. Chambers, 2/90 Assistant Attorney General JD, Iowa, 1985 Richard J. Bennett, 6/86 Assistant Attorney General JD, Iowa, 1978 Martha E. Boesen, 7/91 Assistant Attorney General JD, Notre Dame, 1991 Karen B. Doland, 7/90 Assistant Attorney General JD, Iowa 1989 Robert P. Ewald, 2/81 Assistant Attorney General JD, Washburn, 1980 Sharon K. Hall, 7/96 Assistant Attorney General General Assistant Attorney General JD, Washburn, 1980	
JD, Iowa, 1991 Bridget A. Chambers, 2/90 Assistant Attorney Genera JD, Iowa, 1985 Richard J. Bennett, 6/86 Assistant Attorney Genera JD, Iowa, 1978 Martha E. Boesen, 7/91 Assistant Attorney Genera JD, Notre Dame, 1991 Karen B. Doland, 7/90 Assistant Attorney Genera JD, Iowa 1989 Robert P. Ewald, 2/81 Assistant Attorney Genera JD, Washburn, 1980 Sharon K. Hall, 7/96 Assistant Attorney Genera JD, Drake, 1993 Roxanne M. Ryan, 9/80-8/04 Assistant Attorney General Assistant Attorn	
JD, Iowa, 1991 Bridget A. Chambers, 2/90 Assistant Attorney General JD, Iowa, 1985 Richard J. Bennett, 6/86 Assistant Attorney General JD, Iowa, 1978 Martha E. Boesen, 7/91 Assistant Attorney General JD, Notre Dame, 1991 Karen B. Doland, 7/90 Assistant Attorney General JD, Iowa 1989 Robert P. Ewald, 2/81 Assistant Attorney General JD, Washburn, 1980 Sharon K. Hall, 7/96 Assistant Attorney General JD, Drake, 1993	11 11 11 11

Jean C. Pettinger, 10/97	Assistant Attorney General
JD, Iowa, 1994 Kevin R. Cmelik, 10/98	Additions Attorney Comment
JD, Drake, 1986	Assistant Attorney General
Kristin A. Guddall, 8/99	Assistant Attorney General
JD, Drake, 1997	Assistant Attorney General
Thomas W. Andrews, 3/99	Assistant Attorney General
JD, Yale, 1989	The state of the s
Cristen Gale Odell, 7/90	Assistant Attorney General
JD, Gonzaga, 1978	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Darrel L. Mullins, 8/98	Assistant Attorney General
JD, Colorado, 1996	, the second of the second
Linda J. Hines, 10/98	Assistant Attorney General
JD, Wisconsin, 1992	
Christy J. Fisher, 1/67	Administrative Assistant
Mary L. Robertson, 3/92	Legal Secretary
Susan R. Johannsen, 12/99-6/04	
Bonnie L. Kern, 7/04-12/04	
Debora Rhoads, 12/04	Legal Secretary
ENIXIDANIA/ENIZAT TAXX	•
ENVIRONMENTAL LAW	
David R. Sheridan, 5/87	
David R. Sheridan, 5/87	Division Director
David R. Sheridan, 5/87	Division Director
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977	Division Director Assistant Attorney General
David R. Sheridan, 5/87	Division Director Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982	Division Director Assistant Attorney General Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978  Timothy D. Benton, 7/77  JD, Iowa, 1977  David L. Dorff, 4/85	Division Director Assistant Attorney General Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99	Division Director Assistant Attorney General Assistant Attorney General Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994	Division Director Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994 Richard C. Heathcote, 9/89	Division Director Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General Investigator
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994	Division Director Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General Investigator
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994 Richard C. Heathcote, 9/89 Cynthia L. Jacobe, 8/84	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994 Richard C. Heathcote, 9/89	Division Director Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General Investigator
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994 Richard C. Heathcote, 9/89 Cynthia L. Jacobe, 8/84  FARM DIVISION	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994 Richard C. Heathcote, 9/89 Cynthia L. Jacobe, 8/84  FARM DIVISION  Stephen E. Reno, 7/89	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary
David R. Sheridan, 5/87  JD, Iowa, 1978 Timothy D. Benton, 7/77  JD, Iowa, 1977 David L. Dorff, 4/85  JD, Drake, 1982 Michael H. Smith, 9/84  JD, Iowa, 1977 David S. Steward, 7/99  JD, Drake, 1994 Richard C. Heathcote, 9/89 Cynthia L. Jacobe, 8/84  FARM DIVISION  Stephen E. Reno, 7/89  JD, Drake, 1981	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary  Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978  Timothy D. Benton, 7/77  JD, Iowa, 1977  David L. Dorff, 4/85  JD, Drake, 1982  Michael H. Smith, 9/84  JD, Iowa, 1977  David S. Steward, 7/99  JD, Drake, 1994  Richard C. Heathcote, 9/89  Cynthia L. Jacobe, 8/84  FARM DIVISION  Stephen E. Reno, 7/89  JD, Drake, 1981  Stephen M. Moline, 7/90	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary  Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978  Timothy D. Benton, 7/77  JD, Iowa, 1977  David L. Dorff, 4/85  JD, Drake, 1982  Michael H. Smith, 9/84  JD, Iowa, 1977  David S. Steward, 7/99  JD, Drake, 1994  Richard C. Heathcote, 9/89  Cynthia L. Jacobe, 8/84  FARM DIVISION  Stephen E. Reno, 7/89  JD, Drake, 1981  Stephen M. Moline, 7/90  JD, Iowa, 1986	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary  Assistant Attorney General  Assistant Attorney General
David R. Sheridan, 5/87  JD, Iowa, 1978  Timothy D. Benton, 7/77  JD, Iowa, 1977  David L. Dorff, 4/85  JD, Drake, 1982  Michael H. Smith, 9/84  JD, Iowa, 1977  David S. Steward, 7/99  JD, Drake, 1994  Richard C. Heathcote, 9/89  Cynthia L. Jacobe, 8/84  FARM DIVISION  Stephen E. Reno, 7/89  JD, Drake, 1981  Stephen M. Moline, 7/90	Division Director  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Assistant Attorney General  Investigator  Legal Secretary  Assistant Attorney General  Assistant Attorney General

# LICENSING AND ADMINISTRATIVE LAW

Pamela D. Griebel, 4/91	Division Director
JD, Iowa, 1977	- I,
Heather L. Adams, 7/94	Assistant Attorney General
JD, Iowa, 1994	
Jean M. Davis, 7/96-9/03	Assistant Attorney General
JD, Suffolk, 1990	
Grant K. Dugdale, 5/91	Assistant Attorney General
JD, Iowa, 1987	79.
Jeffrey D. Farrell, 6/91-9/03	Assistant Attorney General
JD, Iowa, 1989	
Scott M. Galenbeck, 1/84	Assistant Attorney General
JD, Iowa, 1974	
Christie J. Scase, 7/85	Assistant Attorney General
JD, Drake, 1985	
Donald G. Senneff, 7/85	Assistant Attorney General
JD, Iowa, 1967	
Theresa O. Weeg, 10/81	Assistant Attorney General
JD, Iowa, 1981	
James S. Wisby, 10/88	Assistant Attorney General
JD, Iowa, 1968	
Chantelle C. Smith, 3/00	Assistant Attorney General
JD, Iowa, 1998	
Jeffrey W. Nelson, 8/00	Assistant Attorney General
JD, Iowa, 1987	
Jeanie K. Vaudt, 10/98	Assistant Attorney General
JD, Drake, 1991	JD. lowa 1985
John R. Lundquist, 4/99	Assistant Attorney General
JD. Iowa, 1997	ID Desley 1982
Mark A. Thompson, 8/99	Assistant Attorney General
JD, Iowa, 1990	J. Lowe 1983
Shauna R. Shields, 11/98	Assistant Attorney General
JD, Iowa, 1994	ID, Columbia, 1982
Richard R. Autry, 9/86	Assistant Attorney General
JD, Drake, 1986	JD Taken 1980
Jeffrey C. Peterzalek, 12/03	Assistant Attorney General
JD, Iowa, 1989	ID. Jama. 1996
Roxanna Dales, 9/89	
Ruth Manning, 9/89	
Valerie S. Naset, 2/98	The state of the s
Junie R. Gookin, 8/01-4/04	
	TOTAL WAY THEFT I I WAS

# PROSECUTING ATTORNEYS TRAINING COUNCIL

	Division Director
JD, Iowa, 1975	
Ann E. Brenden, 3/85	Assistant Attorney General
JD, Drake, 1981	Assistant Attances Comment
Peter J. Grady, 1/95	Assistant Attorney General
Kevin B. Struve, 7/86	Aggistant Attamay Canaral
JD, Iowa, 1979	Assistant Attorney General
Mary Chavez, 6/04	Assistant Attorney General
JD, University of Denver, 1991	Assistant Attorney General
Melissa A. Biederman, 3/00-12/04	Assistant Attorney General
JD, Iowa, 1997	Assistant Attorney General
Peggy L. Baker, 9/94	Administrative Assistant
Susan K. Adkins, 9/96	
Cathy A. Kovacevich, 8/03-9/03	
Carrie McIver-Herndon, 9/23-7/04	
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REGENTS AND HUMAN SE	CRVICES
Diane Stahle,	Division Director
JD, Iowa, 1979	
Ann Marie Brick, 9/00, 10/04	Division Director
JD, Drake, 1980	
George A. Carroll, 2/98	Assistant Attorney General
JD, Iowa, 1985	
Kerry K. Anderson, 6/91	
	Assistant Attorney General
JD, Drake, 1982	ATV 5
JD, Drake, 1982 Daniel W. Hart, 7/85	ATV 5
JD, Drake, 1982 Daniel W. Hart, 7/85	Assistant Attorney General
JD, Drake, 1982  Daniel W. Hart, 7/85  JD, Iowa, 1983  Charles K. Phillips, 8/84	Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85  JD, Iowa, 1983 Charles K. Phillips, 8/84  JD, Columbia, 1982	Assistant Attorney General Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85  JD, Iowa, 1983 Charles K. Phillips, 8/84  JD, Columbia, 1982 Bruce L. Kempkes, 4/94	Assistant Attorney General Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85  JD, Iowa, 1983 Charles K. Phillips, 8/84  JD, Columbia, 1982 Bruce L. Kempkes, 4/94  JD, Iowa, 1980	Assistant Attorney General Assistant Attorney General Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85 JD, Iowa, 1983 Charles K. Phillips, 8/84 JD, Columbia, 1982 Bruce L. Kempkes, 4/94 JD, Iowa, 1980 Mary K. Wickman, 8/89	Assistant Attorney General Assistant Attorney General Assistant Attorney General
JD, Drake, 1982  Daniel W. Hart, 7/85  JD, Iowa, 1983  Charles K. Phillips, 8/84  JD, Columbia, 1982  Bruce L. Kempkes, 4/94  JD, Iowa, 1980  Mary K. Wickman, 8/89  JD, Iowa, 1986	Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85 JD, Iowa, 1983 Charles K. Phillips, 8/84 JD, Columbia, 1982 Bruce L. Kempkes, 4/94 JD, Iowa, 1980 Mary K. Wickman, 8/89 JD, Iowa, 1986 Mary Elise Pippin, 4/94	Assistant Attorney General Assistant Attorney General Assistant Attorney General Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85 JD, Iowa, 1983 Charles K. Phillips, 8/84 JD, Columbia, 1982 Bruce L. Kempkes, 4/94 JD, Iowa, 1980 Mary K. Wickman, 8/89 JD, Iowa, 1986 Mary Elise Pippin, 4/94 JD, Louisville, 1980	Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85 JD, Iowa, 1983 Charles K. Phillips, 8/84 JD, Columbia, 1982 Bruce L. Kempkes, 4/94 JD, Iowa, 1980 Mary K. Wickman, 8/89 JD, Iowa, 1986 Mary Elise Pippin, 4/94 JD, Louisville, 1980 Marne E. Woods, 6/93	Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85 JD, Iowa, 1983 Charles K. Phillips, 8/84 JD, Columbia, 1982 Bruce L. Kempkes, 4/94 JD, Iowa, 1980 Mary K. Wickman, 8/89 JD, Iowa, 1986 Mary Elise Pippin, 4/94 JD, Louisville, 1980 Marne E. Woods, 6/93 JD, Drake, 1991	Assistant Attorney General
JD, Drake, 1982 Daniel W. Hart, 7/85 JD, Iowa, 1983 Charles K. Phillips, 8/84 JD, Columbia, 1982 Bruce L. Kempkes, 4/94 JD, Iowa, 1980 Mary K. Wickman, 8/89 JD, Iowa, 1986 Mary Elise Pippin, 4/94 JD, Louisville, 1980 Marne E. Woods, 6/93	Assistant Attorney General

Kathrine Miller-Todd, 1/85	Assistant Attorney General
JD, Wake Forest, 1974	the state of the s
Tabitha J. Gardner, 6/98	Assistant Attorney General
Janet L. Siegel, 8/94	Assistant Attorney General
JD, Iowa, 1990	Assistant Attorney General
Debora Neumeyer, 12/92	Assistant Attorney General
JD, Drake, 1991	Assistant Attorney General
Patricia R. Hemphill, 2/83	Assistant Attorney General
JD, Drake, 1981	Assistant Attorney General
Kevin E. Kaufman, 4/96	Assistant Attorney General
JD, Creighton, 1986	Assistant Attorney General
Mark A. Haverkamp, 6/78	Assistant Attorney Congral
JD, Creighton, 1976	Assistant Attorney General
Michael J. Parker, 7/91	Assistant Attorney General
JD, Drake, 1989	Assistant Attorney General
Patricia A. McGivern, 9/95	Assistant Attorney General
JD, Iowa, 1977	Assistant Attorney General
Tamara A. Lorenz, 5/96	Assistant Attorney General
JD, Drake, 1991	Assistant Attorney General
Christina F. Hansen, 3/91	Assistant Attorney General
JD, Drake, 1987	Assistant Attorney General
Karla J. Henderson, 2/00-10/04	Assistant Attorney General
JD, Iowa, 1986	to the state of th
William J. Jacobs, 3/01	Assistant Attorney General
JD, New York, 1991	
Emily Kimes-Schwiesow, 5/01	Assistant Attorney General
JD, Drake, 2001	
Wayne J. Bergman, 1/01	Assistant Attorney General
JD, Iowa, 1995	A Comment of the comm
Wendy E. Dishman, 7/98	Assistant Attorney General
JD, Drake, 1995	
Mitchell K. Mahan, 7/98-6/04	Assistant Attorney General
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Melissa L. Gross, 7/98	Assistant Attorney General
JD, Iowa, 1996	Contract Managers
Jennifer L. Bennett, 9/03	Assistant Attorney General
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Jade C. Havermann, 1/04	Assistant Attorney General
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Robert J. Forrest, 6/04	Assistant Attorney General
JD, Arkansas, 1996	100
Gary J. Otting, 6/04	Assistant Attorney General
JD, Minnesota, 1989	

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William A. Pepper, 4/04	Assistant Attorney General
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Richard D. Arnold, 10/04	Assistant Attorney General
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Amy M. Myres, 11/04	Assistant Attorney General
JD, South Dakota, 2003	
Justin D. Walker, 9/04	Assistant Attorney General
JD, Nebraska, 2002	
Rhonda E. Pettit, 11/01	Paralegal
Paul F. Kraus, 8/04	_
Lori E. Kern, 11/91-7/04	
Shannon P. Wineland, 7/94-9/04	_
Betty Christensen, 7/99	
Melissa M. Schipper, 9/04	
Cheryl A. Smith, 10/04	Legal Secretary
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Shirley A. Steffe, 9/79 Assistant Attorney General			
JD, Iowa, 1979			
Charles S. Lavorato, 9/83 Assistant Attorney General			
JD, Drake, 1975			
Deborah M. Stein, 4/00 Assistant Attorney General			
JD, Minnesota, 1993			
Forrest A. Guddall, 7/94 Assistant Attorney General			
JD, Gonzaga, 1994			
Loraine H. Wallace, 7/96			
JD, Iowa, 1983			
Kristin W. Ensign, 10/88 Assistant Attorney General			
JD, Drake, 1983			
Layne M. Lindeback, 7/79			
JD, Iowa, 1979			
William A. Hill, 8/90 Assistant Attorney General			
JD, Drake, 1989			
Marjorie A. Leeper, 7/82 Investigator			
Cathleen L. Rimathe, 8/78			
Connie D. Hadaway, 9/89 Investigator			
David H. Morse, 3/78 Investigator			
Marcia A. Jacobs, 8/82 Legal Secretary			
Kathleen A. Pitts, 5/87 Legal Secretary			
Mary L. Sebben, 4/91 Legal Secretary			
Kristine L. Rogowski, 2/00-8/04 Legal Secretary			
Debra S. Caldbeck, 7/00 Legal Secretary			
Sharon L. Doss, 9/04 Legal Secretary			
Rebecca E. Crawford, 9/04 Legal Secretary			
Rebecca A. Griglione, 12/92-8/04 Legal Secretary			
TRANSPORTATION			
Mark I Calandar (IOA			
Mark J. Schouten, 6/04 Division Director			
JD, Iowa, 1978			
David A. Ferree, 3/84			
JD, Iowa, 1978  John W. Betty 9/72			
John W. Baty, 9/72 Assistant Attorney General			
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Mark Hunacek, 7/82 Assistant Attorney General JD, Drake, 1981			
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Noel C. Hindt, 7/89 Assistant Attorney General JD, Iowa, 1983			
Richard E. Mull, 9/84 Assistant Attorney General			
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Robin Formaker, 4/84	Assistant Attorney General
JD, Iowa, 1979	790
Carolyn J. Olson, 8/87	Assistant Attorney General
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James M. Strohman, 2/88	Executive Officer
Michael J. Raab, 1/85	
Carmen C. Mills, 8/91	
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# ATTORNEY GENERAL'S OFFICE ADMINISTRATIVE DIVISIONS

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#### **CRIMINAL LAW**

#### AREA PROSECUTIONS DIVISION

The primary mission of this division is to supplement local resources in the prosecution of major criminal offenses throughout the state. Prosecutors in this division assist local county attorneys in difficult, technical, or high-profile felony criminal cases that strain the resources of a local prosecutor's office. The division also frequently handles felony cases in which a conflict of interest or the appearance of a conflict precludes the county attorney from acting.

A large share of the division's cases are murder and sex abuse. Members of the division investigate and prosecute most of the serious, felony level public official misconduct and corruption allegations raised throughout the state. The division also represents the Commission on Judicial Qualifications, investigating and prosecuting complaints against Iowa judges and magistrates.

In addition to criminal cases, the division also has responsibility for enforcing Iowa's sexually violent predator (SVP) program. During the period, 105 SVP investigations were opened, and 22 civil commitments made.

To carry out its responsibilities, the division has eleven attorneys, one investigator, one paralegal, two victim-witness coordinators, and one secretary. Two of these attorneys each devote half time to SVP litigation. The SVP program is the primarily responsibility for the investigator and one victim-witness coordinator, and the sole responsibility of the division's paralegal.

Seven of the attorneys are located at the Attorney General's office in Des Moines. Of the others, one is located in western Iowa, two in eastern Iowa, including one at the Iowa State Penitentiary in Fort Madison, and another is assigned full-time to the Medicare Fraud Control Unit at the Department of Inspections and Appeals. The division has at least one attorney with specialized training for each of the following areas: 1) violence against women cases; 2) environmental crimes; 3) obscenity; 4) crimes occurring in penal institutions; 5) tax violations including personal income tax, corporate income tax, sales tax, and motor fuel tax; 6) medicaid fraud, 7) criminal securities fraud, money laundering and other financial crimes, 8) judicial ethics and conduct and 9) sexual violent predator (SVP) commitments.

During the period of this report, 342 major criminal cases, including 32 homicides, were referred from all corners of the state and handled by the division's attorneys.

The division's two crime victim witness coordinators provide services to victims of crime and to persons who must appear as witnesses in criminal or SVP trials.

In addition to the criminal and SVP prosecutors, and in conjunction with the Iowa Division of Narcotics Enforcement and U.S. attorneys, the division has five attorneys who prosecute high profile drug cases under the High Intensity Drug Traffic Area program (HIDTA).

#### CRIMINAL APPEALS DIVISION

The Criminal Appeals Division represents the State of Iowa in all direct appeals from criminal convictions, all appeals from postconviction relief actions, and all federal habeas challenges to Iowa convictions. County attorneys generally prosecute criminal cases in the district court. After they obtain a conviction either by plea or trial, the appeals division works to keep the conviction in place by arguing the State's position before the Iowa Court of Appeals, Iowa Supreme Court, federal district courts, the Eighth Circuit Court of Appeals, and even the United States Supreme Court, if need be.

In 2003, offenders filed 762 notices of appeal in Iowa criminal and postconviction cases; offenders filed another 835 notices of appeal in 2004. The division also received 25 notices of appeals from sexually violent predator (SVP) commitments in the past two years. The criminal appeals division filed a total of 760 briefs in the Iowa Supreme Court during the years 2003 and 2004. Attorneys from the division presented a total of 145 oral arguments before the Iowa Court of Appeals for the years 2003 and 2004. Attorneys from the division argued a total of 55 cases in the Iowa Supreme Court during those two years.

The Criminal Appeals Division also responds to scores of applications for discretionary review filed by defendants seeking to have the Iowa Supreme Court review a case in advance of final judgment. The division likewise files applications for discretionary review, petitions for certiorari and notices of appeal when the State is interested in challenging an adverse district court ruling. The division pursued 41 such affirmative appeals during 2003 and 2004. The Criminal Appeals Division also represents the State when an inmate seeks certiorari to the United States Supreme Court in a state criminal matter.

For the first time in memory, the division sought certiorari to the United States Supreme Court from an unfavorable Iowa Supreme Court decision in 2003. The petition was granted and the United States Supreme Court issued an opinion endorsing the Iowa Attorney General's position in March 2004.

Another function of the division is keeping registered victims informed of the progress and outcome of appeals. At least 571 victims received information from the division in 2003 and 2004.

In its federal practice, the division saw 147 new habeas corpus cases filed in the past two years. The division's federal attorneys appeared before the Eighth Circuit Court of Appeals about 12 times in 2003 and 2004. The division also reviewed 146 extradition files from the governor's office during 2003 and another 100 files during 2004.

The division provides advice to trial-level prosecutors on an informal basis more or less daily and helps train prosecutors, law enforcement officers, prison officials, and victim workers from across the state. Attorneys from the division also offered continuing legal education presentations for audiences of judges, magistrates and criminal defense attorneys during the past two years.

#### CRIME VICTIM ASSISTANCE DIVISION

The Crime Victim Assistance Division administers state and federal funds for state level programs that benefit crime victims including Crime Victim Compensation (CVC), Sexual Abuse Examination Payment (SAE), and Victim Services Grant (VSG) programs.

Funds for these programs and the operational costs of the division come primarily from fines and penalties paid by convicted criminals. No tax dollars are used for the CVC and SAE programs which are supported with state and federal criminal fines and penalties, restitution, and civil suit recoveries from the perpetrator or others responsible for the crime.

Crime Victim Assistance Board. The Crime Victim Assistance Board was created by the 1989 legislature. Members are appointed by the Attorney General to three-year terms. The tenmember multi-disciplinary board has statutory responsibility for adoption of rules relating to CVAD programs. The board also receives and acts on program appeals filed by crime victims and service providers.

Crime Victim Compensation. In FY04, the program awarded a total of \$4,790,795 compensation to 2,918 victims and their families for injury-related expenses resulting from crime. The average compensation awarded to a victim was \$2,150.

The CVC program pays only for expenses not covered by another source such as insurance or other government benefit programs. Victims must report the crime to law enforcement, cooperate with the reasonable requests of investigators and prosecutors, and make application for compensation within two years of the crime. Victims are disqualified if their own actions caused the injury through consent, provocation, or incitement of the crime.

Sexual Abuse Examination. In FY04, a total of \$599,700 was paid for evidentiary sexual abuse examinations for 1,656 victims. The average cost of a sexual abuse examination was \$362. Victims are not required to apply for the programs. Providers submit an invoice and are paid directly for the examinations.

The SAE program pays for evidentiary examinations regardless of whether the victim has decided to report the sexual abuse to law enforcement. If the victim later decides to report the crime, law enforcement officers and prosecutors have the benefit of evidence that was collected in a timely and effective manner.

Victim Services Grant. The CVAD administers five state and federal grant funds that provide partial financial support to community based victim service programs. In FY04, a total of \$8,486,086 was distributed to programs that provide counseling, advocacy and shelter to crime victims. The programs served 28,964 victims.

Programs partially funded include 34 domestic abuse, 34 sexual abuse, 16 prosecutor-based victim service, 2 teen victim, 4 survivors of homicide victims programs, and 1 general violent crime program. Also partially funded were 11 law enforcement positions, 11 prosecutors, and 6 state level specialists.

#### PROSECUTING ATTORNEYS TRAINING COORDINATOR

The Prosecuting Attorneys Training Coordinator provides continuing education, training, and support for Iowa prosecuting attorneys, their assistants, and their victim/witness coordinators in order to promote the uniform and effective administration of criminal justice. Services are provided to all 99 county attorneys, approximately 280 assistant county attorneys, and 40 victim/witness coordinators, as well as to other government attorneys and law enforcement officials. The Coordinator receives advisory assistance from a Council consisting of the Attorney General, the president of the Iowa County Attorneys Association, and three county attorneys elected to staggered three-year terms. The office was created in 1975 and its duties and functions are found in Iowa Code Chapter 13A.

The Prosecuting Attorneys Training Coordinator annually provides approximately 80 to 100 hours of training and 50 or more hours of continuing legal education. Training events normally include annual Spring and Fall County Attorney Conferences, and New Legislation Workshops, as well as specialized training on topics of search and seizure, drug enforcement, OWI law, victim witness assistance issues, asset forfeiture, drug endangered children, and child abuse detection and prosecution.

In addition to continuing education, the Prosecuting Attorneys Training Coordinator provides administrative support services, technical assistance, and educational publications to prosecutors and law enforcement officials. Publications include three newsletters: Annotations, Highway Safety Law Update, and Drug Enforcement Update; Eight legal manuals: Criminal Law Handbook, Iowa Charging Manual, OWI Traffic Offenses Manual, Prosecution of Domestic Violence in Iowa, Iowa Sex Abuse Prosecution Manual, Iowa Search and Seizure Manual, Iowa Civil Desk Reference, and Iowa Acts of Interest to Law Enforcement. The Comprehensive Career Criminal and Drug Prosecution Support Program provides legal research assistance and training to multi-jurisdictional task forces and prosecutors across Iowa. The OWI/Traffic Safety Specialist coordinates efforts of prosecutors of impaired driving and related offenses through specialized publications, newsletters, and instructional programs. The Drug Endangered Children Program assists and initiates, at the local level, DEC programs in order to provide an effective and coordinated response to children exposed to meth production labs. Those programs are

assisted by training and an Iowa DEC website. The Prosecuting Attorneys Training Coordinator assists in administering the Attorney General's asset forfeiture program established by Iowa Code section 809A, which returns 90% of the proceeds of forfeiture cases to governmental agencies to enhance law enforcement within the state.

#### CONSUMER PROTECTION/ECONOMIC COMPETITION

#### CONSUMER PROTECTION DIVISION

The Consumer Protection Division administers and enforces the Iowa Consumer Fraud Act, the Iowa Consumer Credit Code, the Iowa Campground Act, the Iowa Physical Exercise Club Regulation Act, the Charitable Organization Act, and the Iowa Lemon Law.

In addition, the Consumer Protection Division may bring enforcement actions for violations of the Iowa Door to Door Sales Act, the Iowa Drug and Cosmetic Act, the Iowa Motor Vehicle Service Trade Practices Act, the Iowa Car Rental and Collision Damage Waiver Act, the Motor Vehicle Damage Disclosure Law, the Prize Notice Law, and several other state and federal laws and regulations.

The Consumer Protection Division consists of six attorneys, plus six investigators, two legal secretaries, two secretary/receptionists, one administrative assistant, and an Executive Officer who provides management and consumer education services. The Division is fortunate to have the assistance of volunteer investigators. In addition, the Division occasionally receives help from college and law student interns who handle consumer complaints, do research, and perform other important tasks.

During 2003 and 2004, the Division focused on several areas of enforcement, including:

- 1. Real Estate Contract Fraud the Division filed a lawsuit alleging that a Des Moines company and its principal owners engaged in deceptive and unfair practices concerning their solicitations to property owners to sell their properties through the company, and to prospective buyers of the properties. The Division successfully sought a court order putting the company in receivership. The Division devoted substantial resources to working with buyers and sellers, (and with others assisting buyers and sellers) to attempt to minimize their losses.
- 2. <u>Charitable Solicitations Fraud</u> the Division filed several lawsuits and obtained judgments over the two year period alleging various charitable fundraisers engaged in deceptive and unfair practices in connection with their solicitations to Iowans, including misrepresenting that the callers were law enforcement professionals and overstating the percentage of donations that would go to the alleged charitable purposes.

3. Telemarketing and Mail Fraud Targeting Seniors - the Division engaged in groundbreaking work to cut off scams by taking action against companies that facilitate the fraud. One case involved a lawsuit alleging that an Arizona electronic withdrawal company facilitated consumer fraud by enabling deceptive telemarketers to automatically withdraw money from people's bank accounts without their permission or approval. The Division also worked with federal Postal authorities to seize the mail from Iowa-based "mail drops" used by sweepstakes companies to target senior citizens across the country. Seniors who responded to the mailings likely would be placed on lists and then targeted by scam telemarketers. The Division worked with other states to warn the seniors they likely were on lists of individuals targeted for fraudulent calls.

#### 4. Other cases of note, including:

- Actions against companies selling meat products door to door without providing notices
  of consumers' rights to cancel, and misrepresenting the price and quality of the meat.
- A settlement with a national tax return preparation service regarding certain fees consumers may not have understood were included in quoted prices for the service.
- A settlement with an Iowa resident who sold merchandise through Internet auctions, collected consumer payments, but didn't deliver the goods.
- Actions against various home improvement contractors.
- Settlements with various paint manufacturers whereby they agreed to disclose to consumers the risk of lead dust in renovation work.
- A judgment against a telemarketing operation that called owners of timeshares purportedly for the purpose of offering to purchase the timeshares but, instead, requiring the owners to have valuations done by the company for a fee when, in fact, there was no offer to purchase.
- A lawsuit against a Des Moines-based internet service provider seeking an order that it cease business until it provided business records sought in the Division's investigation.
- A settlement with a national sweepstakes company for misleading solicitations to senior citizens providing approximately \$50,000 in refunds to Iowans.
- A judgment against a modeling business for promising to find work for prospective models, pocketing fees paid by the models, and making no effort to find them work.
- Settlements with the nation's biggest cellular telephone service providers regarding misleading advertising practices.
- Settlements with major tobacco manufacturers wherein they agreed to cease advertising in school editions of major weekly news magazines.
- An investigation of a major producer of body armor purchased by law enforcement, based on allegations that the body armor did not protect users as represented by the company.
- A judgment against a California individual and non-profit entity enjoining them from
  doing further business providing alleged "educational" services to non-English speaking
  persons until they respond to the State's subpoena. (The Division alleged the defendants
  falsely represented that completion of their "educational" program would lead directly to
  college admission).

- A settlement with the nation's largest prescription benefit manager resolving allegations that the company encouraged prescribers to switch patients to different prescription drugs, but failed at times to pass on savings to patients or their health care plans.
- A settlement with a major telecommunications service provider regarding a pattern of
  deceptive telemarketing practices. The questionable practices included misrepresenting
  to consumers the actual price of its services, its affiliation with a consumer's current
  provider, and the savings which consumers could realize if they switched to the
  company; and switching consumers' telephone service providers without the consumers'
  consent.
- A settlement with a major national auto lease finance company and various Iowa dealers relating to alleged misrepresentations regarding lease purchase option prices.
- A settlement barring a company from Iowa that promoted a business opportunity supposedly based on grocery coupons, and refunding over \$100,000 to an Iowa consumer.

The Division further engaged in a number of activities enforcing Iowa's antitrust laws. The actions included settlements with several major drug manufacturers based on allegations the companies acted to prevent the availability of less expensive, generic equivalents, resulting in refunds of hundreds of thousands of dollars for Iowa consumers. Another action sought to stop a coal-company merger that allegedly would result in higher prices for consumers.

The Consumer Protection Division engages in many programs of preventive consumer protection designed to deter potential schemes and inform consumers. The Consumer Protection Division's involvement in handling individual consumer complaints, investigating possible deception in advertising and sales practices, and filing lawsuits has a substantial deterrent effect on persons and companies who might be tempted to engage in fraudulent practices either against Iowans or from a base in Iowa.

The Division attempts to inform the public about both specific and common schemes of fraud through a variety of means including press releases, informational brochures, and public speaking engagements. A section of the Attorney General's Internet web site is devoted to the work of the Consumer Protection Division. Citizens may access that section by going to <a href="https://www.lowaAttorneyGeneral.org">www.lowaAttorneyGeneral.org</a>, and clicking on "Protecting Consumers." There, citizens can link to consumer education brochures and advisories, news releases about lawsuits filed and settlements obtained by the Consumer Protection Division, and the laws enforced by the Division. The web site includes an interactive complaint form that allows consumers to file complaints on line. Consumer complaints also may be sent to the Division via e-mail at: consumer@ag.state.ia.us, via fax to: 515-281-6771, or via U.S. mail to: Consumer Protection Division, 1305 E. Walnut Street, Des Moines, IA 50319. The Division also, implemented for the first time, a toll-free number for Iowa residents living outside of the Des Moines local calling area: 1-888-777-4590.

Finally, the Division worked to educate the public in 2003 and 2004 about a number of consumer issues including:

- The Nigerian counterfeit check scam.
- Consumer rights under new federal health privacy laws.
- How Iowa residents can sign up for the new federal Do-Not-Call telephone registry.
- A state-wide teacher training effort on financial literacy for young people.
- A warning about storm-related consumer scams.
- A warning about prescription discount card scams.

#### **FARM DIVISION**

The Farm Division serves as primary legal counsel for all bureaus of the Iowa Department of Agriculture and Land Stewardship, including all thirteen administrative bureaus, four animal health bureaus, five plant management bureaus, and the Iowa Agricultural Development authority.

Major litigation commenced by the Farm Division includes the ongoing enforcement of Iowa's corporate farming statute (Iowa Code chapter 9H) regarding Smithfield Foods and its ownership of confinement livestock operations within the state. The Farm Division has also conducted several actions against perpetrators of fraudulent schemes aimed directly at Iowa's rural residents.

The Farm Division continues to work on issues of concern to Iowa farmers. It is currently involved in negotiations surrounding construction of a transcontinental pipeline that will cross Iowa, in an effort to insure that rights and property of farmers in the path of the pipeline will be protected.

The Farm Division spearheaded a multi-state legislative initiative aimed at creating legislation to provide farmers engaged in production and marketing contracting with tools to enhance their positions in those contracts. The division also presented many educational programs around the state, providing updates to rural Iowans as to legislative and other changes that affect their lives.

Many Farm Advisories were prepared with emphasis on fertilizer and insecticide application, as well as cooperative deferred dividend issues, farm safety and farm implement hour meter concerns, just to name a few.

#### REPRESENTATION OF STATE INTERESTS

#### SPECIAL LITIGATION DIVISION

The Special Litigation Division provides legal representation to the Department of Corrections and defends the state in tort and workers' compensation cases, including defense of the Second Injury Fund. The division's attorneys litigate at all levels of state and federal court, as well as before administrative agencies. The division is charged with the investigation of all administrative claims made to the State Appeal Board under both Iowa Code chapter 25, general claims, and chapter 669, tort claims. Other duties include providing advice to other state agencies concerning risk management, representation of the Civil Reparations Trust Fund with regard to awards of punitive damages, and representation of the State Appeal Board concerning local budget appeals.

Tort litigation involves claims of medical and dental malpractice, premises liability, motor vehicle accidents, social service liability and employment discrimination and wrongful discharge, among others. The state, elected officials, agencies and state employees are represented by division attorneys in these suits. The division appeared on behalf of the state and/or state employees in district court litigation in 458 new cases during the two years, a 10% increase over the prior biennium.

Tort and general claims are investigated and recommendations concerning the claims made to the State Appeal Board. During this two-year period 4,718 general and tort claims were filed and referred to the division. The State Appeal Board considered and determined 4,624 general and tort claims based upon the recommendations of the division.

The division advises and represents the Department of Corrections on various legal concerns, including the impact of policy, the effect of new legislation and case law, and contract matters. This representation involves the DOC central administration, the nine prison facilities around the state, and the eight judicial district departments of correctional services which administer community corrections programs. The attorneys defend the department and its employees in prisoner civil rights litigation and challenges to prison disciplinary action.

Workers' compensation cases brought by state employees and claims against the Second Injury Fund are initiated as administrative actions before the Workers' Compensation Commissioner. During the 2003-2004 biennium the division opened 487 new workers' compensation and SIF contested cases. The division also represents the Commissioner in litigation involving the agency.

#### REPRESENTATION OF STATE AGENCIES

#### **ENVIRONMENTAL LAW DIVISION**

The Environmental Law Division represents the State of Iowa in issues affecting the environment. The majority of the division's work involves representing the Department of Natural Resources, the Department of Agriculture and Land Stewardship, and the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board.

The division prosecutes civil environmental enforcement actions involving water pollution, water supply, solid waste, air pollution, leaking underground storage tanks, hazardous conditions, and flood plains pursuant to Iowa Code chapter 455B, and animal feeding operations pursuant to Iowa Code chapter 459. The division is also responsible for implementing the One Call Education and Enforcement Initiative, including educating excavators and operators of underground facilities of the requirements of Iowa Code chapter 480 and, when appropriate, initiating civil enforcement actions. The division also defends its assigned agencies in citizen suits, civil rights actions, judicial proceedings, and other litigation.

The division routinely advises the Department of Natural Resources concerning statutory and rule interpretations, administrative law questions, and enforcement strategies. The division reviews grants to cities for various environmental construction projects. The division also provides legal assistance to the DNR in matters relating to acquisition and management of state-owned lands and waters and development projects on state-owned lands including National Environmental Policy Act requirements, construction contract disputes, drainage disputes, permits and leases for special uses of public lands and waters, and regulations relating to fishing, hunting, trapping, boating and use of state parks. The division advises the DNR and other state agencies in matters relating to federal management of the Missouri and Mississippi Rivers.

The division serves as general counsel to the Division of Soil Conservation of the Department of Agriculture and Land Stewardship as well as the 100 soil and water conservation districts. General counsel duties include providing legal assistance regarding such matters as contracts, personnel issues, and collections. The division enforces coal and mineral mining laws and assists in collecting administrative penalties, provides title opinions, and reviews contracts in connection with water quality and abandoned mine land reclamation projects. The division also represents the soil and water conservation districts by enforcing administrative orders, soil loss limits, and maintenance agreements and by providing title opinions in connection with watershed projects.

The Pesticide Bureau of the Department of Agriculture and Land Stewardship is also represented by the division. The division assists in collecting administrative penalties regarding pesticide handling violations.

The division serves as general counsel to the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board. General counsel duties include advising the board on issues relating to the UST remedial action program; reviewing and drafting UST legislative proposals; assisting in the rulemaking process; and handling administrative contested cases. General counsel duties also include contract drafting and review, negotiations, and handling personnel issues for the board. In addition, the division handles cost recovery efforts requested by the board pursuant to Iowa Code chapter 455G and assists the DNR and board in evaluating corrective action proposals at contaminated sites.

The division represents the State Archaeologist, and provides legal assistance to the National Guard and the State Historical Society on real estate matters. The division also advises, as needed, the Iowa Commissioner to the Midwest Interstate Low-level Radioactive Waste Commission, the Iowa Nebraska Boundary Commission, and the Energy Fund Disbursement Council.

#### LICENSING AND ADMINISTRATIVE LAW DIVISION

The Licensing and Administrative Law Division is one of the largest and most diverse divisions in the Office. The division provides legal services to all levels of state government from the highest elected officials to the employees of the smallest state agencies. Division attorneys defend state officials and agencies in state and federal court, prosecute administrative hearings, initiate consumer litigation in areas such as securities fraud, issue Attorney General's opinions, review and draft legal documents, and provide day-to-day legal guidance on a wide range of issues. In addition, the division enforces the public interest in charitable trusts, and disseminates information on key issues affecting government operations, such as open meetings, public records, gift law, conflicts of interest, and rulemaking.

The division issues "Sunshine Advisories" on Iowa's Public Records and Open Meetings laws on a monthly bases. The advisories are distributed electronically to governmental bodies, governmental associations, and media organizations to educate Iowa citizens and public officials on their rights and obligations under Iowa's sunshine laws.

Over the past few bienniums, the division experienced significant growth in the volume and complexity of legal services involving contracting, public financing, bonding, commercial transactions, construction contracts, technology contracts, intellectual property, enterprise-wide contracting models, and competitive bidding. Division litigation during this biennium included petitions for judicial review of agency decisions, civil rights proceedings, employment discrimination cases, constitutional challenges to state laws, mortgage foreclosures, and contract disputes.

Counting only those cases initiated between January 1, 2003 and December 31, 2004, division lawyers represented the State in 281 state district court cases, 37 appeals to the Iowa

Supreme Court, 18 federal district court cases, 1 appeal to the Eighth Circuit Court of Appeals, 3 bankruptcy cases, and 1,244 mortgage foreclosures.

The division advises and represents the State Treasurer, Secretary of State, State Auditor, Judicial Branch, Iowa Commerce Department (including the Commissioner of Insurance, Superintendent of Banking, Superintendent of Credit Unions, Alcoholic Beverages Division, and Professional Licensing Division), Iowa State Fair, Emergency Management, National Guard, State Librarian, Iowa College Student Aid Commission, Iowa Finance Authority, Iowa Communications Network, Law Enforcement Academy, Targeted Small Business, Child Advocacy Board, Parole Board, Iowa Public Television, State Lottery, Racing and Gaming Commission, and the Departments of Administrative Services, Management, Education, Cultural Affairs, Elder Affairs, Blind, Inspection and Appeals, Public Safety, Workforce Development, Economic Development, Public Health, and Human Rights.

Division attorneys represent and prosecute disciplinary cases before approximately three dozen professional licensing boards, regulating a wide range of professions, including physicians, pharmacists, dentists, nurses, engineers, land surveyors, real estate brokers and salespersons, real estate appraisers, certified public accountants, accounting practitioners, architects, landscape architects, social workers, physical and occupational therapists, podiatrists, nursing home administrators, psychologists, funeral directors, cosmetologists, optometrists, dieticians, massage therapists, barbers, behavioral scientists, athletic trainers, chiropractors, hearing aid dealers, respiratory care practitioners, speech pathologists, audiologists, physician assistants, law examiners, interpreters, and shorthand reporters.

#### REGENTS AND HUMAN SERVICES DIVISION

Regents & Human Services is the largest division in the Attorney General's office. The 35 attorneys and 2 legal assistants in this division perform legal services for the Department of Human Services, the State Board of Regents and their respective institutions. The Department of Human Services' institutions include the four mental health institutions at Cherokee, Clarinda, Independence and Mount Pleasant; the Iowa Veterans Home; the Civil Commitment Unit for Sexual Offenders (CCUSO); Eldora State Training School, the Toledo Juvenile Home; Glenwood Resource Center and Woodward Resource Center. The Regents' institutions represented by the division are the University of Iowa, University of Northern Iowa and the State University of Iowa; the Iowa School for the Deaf and the Iowa School for the Blind.

The services provided include:

**Department of Human Services**. The Department of Human Services is the largest state agency and the scope of representation provided by the Division is accordingly very broad and also quite specialized. The attorneys in the Division handle most of the non-tort litigation involving the Department and also represent the Department in a variety of administrative

proceedings. Our attorneys also advise the Department on a host of contract related issues, including competitive bidding and contract negotiations.

The attorneys in the Juvenile Law section handle delinquency, child in need of assistance and termination of parental rights appeals before the Iowa Supreme Court and the Iowa Court of Appeals. The division also occasionally prosecutes those cases at the trial court level. In addition, the division represents the Department of Human Services in all contested cases involving the Child Abuse Registry, Daycare Licensing and Registration, and Foster Care Licensing.

Thirteen of the division's attorneys provide representation to the Child Support Recovery Unit of the Department and are located in regional child support recovery offices throughout the state. The attorneys appear in court daily to prosecute child support recovery actions. In addition, 2 attorneys, housed in the Hoover Building, provide legal support for all the attorneys in the unit as well as the Child Support Recovery Bureau.

The division attorneys provide legal advice and appear in administrative hearings involving the areas of Medicaid, Temporary Aid to Needy Families, food stamps, Healthy and Well Kids in Iowa (hawk-i), and other benefits programs. The division attorneys also represent the Department of Human Services and the Department of Inspections & Appeals in actions to establish and collect Medical Assistance debts resulting from a transfer of assets for less than fair market value.

**Board of Regents**. Division attorneys represent the State Board of Regents and the Regents' institutions in all non-tort litigation. Regents' litigation includes actions involving commercial transactions, construction disputes, civil rights and employment discrimination claims. On matters of general legal advice, division attorneys work closely with attorneys in the Board of Regents office as well as the staff counsel of the three state universities.

#### REVENUE DIVISION (The last of the last of

The Revenue Division advises and represents the Department of Revenue and Finance with respect to various taxes which are administered by the department, including income taxes, franchise tax imposed on financial institutions, state sales and use taxes, cigarette and tobacco taxes, drug tax, motor vehicle fuel taxes, inheritance and estate taxes, property taxes, hotel and motel local option taxes, local option sales taxes, real estate transfer tax, and grain-handling tax. In addition, the division drafts responses to tax opinion requests made to the Attorney General.

During the 2003-2004 biennium, the division participated in the resolution of informal proceedings for 184 protests filed by audited taxpayers. The division also litigated or resolved 32 contested case proceedings. In the biennium, 30 contested cases were litigated or resolved at the State Board of Tax Review level.

During the biennium, 12 Iowa district court cases and five federal district court and Eighth Circuit cases were handled by the division.

This division was involved in several cases in the United States Supreme Court during the biennium either as amicus curiae or, in opposition to certiorari.

On the appellate Iowa court level, the division handled six cases in the Iowa Supreme Court and Iowa Court of Appeals.

A total of two responses to requests for opinions of the Attorney General were issued during the biennium. The division also assisted the Department of Revenue and Finance in disposing of 12 petitions for declaratory rulings. In addition, hundreds of proposed rules of the Department were reviewed for content and legality at the department's request.

As a result of the division's activities on behalf of the Revenue Department during the biennium, \$21,214,429 of tax revenue was directly collected or requested refund amounts were not paid. In addition, between \$56 million and \$90 million in requested property tax/replacement tax refunds was saved.

#### TRANSPORTATION DIVISION

The Transportation Division of the Iowa Attorney General Office is composed of a Special Assistant Attorney General and six Assistant Attorneys General. Pursuant to Iowa Code section 307.23 the Special Assistant Attorney General serves as the General Counsel to the Iowa Department of Transportation and the other assistants work with the Special Assistant to carry out the duties assigned by the Code to the office of General Counsel. Three legal assistants and five support staff also work in the Division's Ames, Iowa office.

The division represents the Iowa Department of Transportation at the administrative, trial, and appellate levels in both federal and state courts in cases involving contract disputes, employment discrimination claims, constitutional challenges, environmental issues, tort claims against the state, condemnation matters, and judicial review actions.

During 2002-2003, the Division opened thirteen tort cases and closed twenty-one involving highway accidents or accidents occurring on property owned or controlled by the Department of Transportation and involving personal injury or property damage. During this same period the Division opened 90 judicial review proceedings and closed 123, all actions where parties appealed to the district court level from administrative actions by the Department of Transportation. The division also represented the Department in thirteen new condemnation appeals in district court and closed thirteen condemnation actions.

Three legal assistants supervised by Assistant Attorneys General represent the department in OWI license revocation hearings pending before administrative law judges from the Department of Inspections and Appeals. During 2002-2003, Attorney General paralegals appeared in 1,461 DOT administrative hearings.

The legal staff also provides non-litigation services to the department. Division staff routinely consulted with division personnel through 2002-2003 in matters involving statutes, court decisions, state and federal regulations, and policy matters. Division attorneys also reviewed contracts, easements, and proposed legislation and administrative rules affecting the Iowa Department of Transportation.

### **ADMINISTRATIVE SERVICES**

#### **ADMINISTRATIVE SERVICES DIVISION**

The Administrative Services Division performs four main functions: providing administrative management of the department, communicating with the legislature, communicating with the public through the media, and carrying out projects that advance the especial priorities of the Attorney General.

The administrative functions of the division include managing budget and fiscal matters, determining personnel and staffing, coordinating computer support, and managing office facilities.

The division's legislative liaison staff represents the Attorney General before the General Assembly by advocating the office's many legislative priorities, answering questions posed by lawmakers, providing information on many matters, and coordinating the interaction between lawmakers and other members of the Attorney General's staff.

The division issues news releases, brochures and other material about important matters such as consumer protection warnings or services available to crime victims. It answers wideranging questions posed by the media. The division also maintains a website with information about the Attorney General's office (<a href="www.iowaattorneygeneral.org">www.iowaattorneygeneral.org</a>).

The administrative services division coordinates and undertakes most of the activity required by special priorities chosen by the Attorney General.

#### **CONSUMER ADVOCATE**

#### OFFICE OF CONSUMER ADVOCATE

The Office of Consumer Advocate (OCA) represents all consumers generally and the public generally in all proceedings before the Iowa Utilities Board (IUB). The IUB administers Iowa's public utility regulation statutes in Iowa Code chapters 476 and 476A. The OCA is also independently authorized to investigate the legality of all rates, charges, rules, regulations and practices of all persons under the jurisdiction of the Board, and may institute proceedings before the Board or court to correct any illegality.

Proceedings before the Board in which OCA participated during the 2003-2004 biennium included annual reviews of electric and natural gas utilities' fuel purchasing and contracting practices, electric transmission line and gas pipeline certificate cases, formal complaints and investigations of specific utility practices, purchased gas adjustment cases, electric utility service area disputes, rulemakings, energy efficiency program proposals, proposed utility reorganizations, acquisitions and rate cases. OCA also reviews the rates, terms, and conditions of negotiated interconnection agreements between competitors and incumbent local exchange telecommunications service providers; notice of inquiry, proceedings to educate the participants on a particular issue or set of issues; and non-exclusive service territories and certificates of public convenience and necessity for competitive telephone carriers.

Investigation of the legality of proposed rate increases filed by investor-owned utilities represents the most significant area of OCA's litigation before the Board. To carry out its investigatory duties in a rate case, the OCA utilizes its technical staff as well as outside consultants to analyze the information presented in the filing by the utility company, and review the utility's books and records to determine the reasonable costs of providing utility service. OCA participates in the case by attending consumer comment hearings held at locations throughout the state, cross-examining utility witnesses at technical hearings, offering evidence through OCA-sponsored expert witnesses and filing briefs with the Board. During 2003-2004, OCA represented ratepayers and the general public in the resolution of 16 proposed rate increases filed by electric, natural gas, telephone and water utilities. OCA also participates annually in inflation-indexed rate increase proceedings for price-regulated telephone utilities.

During the 2003-2004 biennium, OCA was involved in 73 electric transmission line certificate or renewal cases and 10 gas pipeline certificate or renewal cases. OCA was involved in 133 formal complaints (investigations brought against a utility by another utility, a customer, or by the Board) and monitored over 571 informal complaint cases. There were over 110 purchased gas adjustment filings made by utilities, which were reviewed. OCA participated in 58 utility service area boundary disputes. Also, OCA was involved in 30 rulemaking proceedings, 6 formal utility investigations and 7 energy efficiency program plans. During the 2003-2004 biennium, OCA was involved in 14 judicial review proceedings in Iowa's District,

Appellate and Supreme Courts. In addition, OCA prepared and filed earnings reports to the Iowa legislature on price-regulated telephone utilities.

Since April 2002, OCA has filed 135 petitions for proceedings to consider civil monetary penalty with the IUB for alleged violations of an Iowa telecommunications law prohibiting slamming and cramming. All of the petitions are based on consumer complaints. Slamming occurs when a company changes a consumer's telephone carrier without authorization. Cramming occurs when a company bills a consumer for unauthorized services. To date, the proceedings have resulted in the collection of civil monetary penalties in the approximate aggregate amount of \$40,000. By law, the money is used by the IUB for consumer education purposes. The purpose of the penalties is to curtail and eliminate slamming and cramming. Efforts are ongoing.

During 2003 and 2004, a few of the major cases OCA participated in included:

- Iowa Supreme Court No. 161/03-0056, Northern Natural Gas Company v. Iowa Utilities Board OCA filed an application with the IUB for investigation of Northern Natural Gas Company's retention of approximately \$825,000 in ad valorem tax refunds improperly recovered from retail natural gas customers. As a result, the Board ordered Northern to pay Peoples (n/k/a Aquila, Inc.) the retained portion of the refund associated with retail sales to Iowa customers, and directed Aquila to submit a plan for refunding these amounts to customers. Northern Natural Gas challenged the Board's order on jurisdictional grounds in judicial review proceedings. The Board's decision was upheld by the Iowa Supreme Court on May 12, 2004.
- Iowa Utilities Board Docket Nos. E-21621, E-21622, E-21625, E-21645 & E-21646, MidAmerican Energy Company, (345 kV Electric Transmission Line Council Bluffs to Grimes) - In 2003 and 2004, OCA took an active role in securing an appropriate route for a new high-voltage electric transmission line from a new MidAmerican generating plant in Council Bluffs to a substation outside Des Moines in Grimes. The project is the largest electric transmission line construction project in the state in four decades. MidAmerican initially favored constructing a new line along a northerly route through Pottawattamie, Cass, Audubon, Guthrie and Dallas Counties. OCA opposed the northerly route on the basis that the new line could be "double circuited" instead on new common towers with an existing line running along a southerly route through Pottawattamie, Cass, Adair, Madison and Dallas counties. In OCA's opinion, double circuiting along the existing southerly route minimized interference with land use and reduced disruption to land owners. In addition, although higher in current cost, it replaced the aging structures along the existing line and therefore achieved long-term savings for MidAmerican and its customers. Following widespread landowner opposition to the northerly route, MidAmerican sought approval for the southerly route favored by OCA. The proposed southerly route drew little opposition. The Iowa Utilities Board approved it following a one-day hearing in Atlantic on November 10, 2004.

- Iowa Utilities Board Docket No. INU-03-4, Owest Corporation On July 2, 2003, Qwest Corporation filed a petition requesting deregulation of its retail local exchange services in 37 of its 124 Iowa exchanges because the services were subject to effective competition. OCA resisted the petition and requested the IUB to docket a proceeding to investigate the claims that the market in those exchanges was sufficiently competitive to maintain just and reasonable rates for consumer. The Board initially ruled that Qwest's petition did not provide sufficient data to support a prima facie finding of effective competition; after a supplemental filing by Qwest, the Board then docketed a notice and comment proceeding to consider the petition on September 28, 2003. Statements of position were filed by Qwest, OCA and competitive telephone carriers, but before the case went to hearing, Qwest withdrew its petition on December 15, 2003, asserting that it intended to pursue deregulation through legislative action. The Board permitted Qwest to withdraw and announced an intention to initiate a deregulation proceeding on its own motion. (See INU-04-1).
- Iowa Utilities Board Docket No. INU-04-1, Deregulation of Local Exchange Services in Competitive Markets - On May 7, 2004, the IUB initiated a "notice and comment proceeding" to consider deregulation of local exchange services in competitive markets. The Board generally limited its consideration of competition to that provided by competitors who had constructed their own local exchange networks to compete with the incumbent local exchange company. Seventeen participants, including OCA filed statements and counterstatements of position, and participated in a four-day hearing. The Board employed a new procedure for submission of argument: simultaneous initial briefs followed by a three-hour oral argument. OCA supported deregulation of local exchange services in 19 exchanges in which a competitor had installed its own local exchange network, and the Board deregulated local services in those exchanges. OCA opposed deregulation of local exchange services in Council Bluffs, business local exchange services in Sioux City (residential services in Sioux City were not addressed in the proceeding), and additional residential lines throughout Iowa. The Board deregulated the Council Bluffs exchange based on its conclusion that Cox Iowa Telecom, LLC, had constructed its own sufficiently large network in the area to compete with Owest Corporation, the regulated incumbent local exchange company serving Council Bluffs.
- <u>Iowa Utilities Board Docket No. RPU-02-3, Interstate Power and Light Company</u> OCA opposed Interstate's 2002 request to increase its electric rates by \$82 million on an annual basis and urged that Interstate's electric rates were excessive. After hearing, the IUB approved a rate increase of just over \$26 million.
- <u>Iowa Utilities Board Docket No. RPU-02-5, Aquila</u> Aquila requested a \$10.7 million rate increase. OCA opposed Aquila's rebuttal proforma adjustments, but the IUB allowed them into the record. Prior to hearing, OCA settled with Aquila for a \$4.25 million rate increase which was approved by the IUB.

- <u>Iowa Utilities Board Docket No. RPU-04-1, Interstate Power and Light Company</u> OCA litigated Interstate's 2004 request for a \$149.2 million electric rate increase. The parties ultimately negotiated a settlement that would permit rates to increase on an annual basis by \$107 million. The IUB approved the settlement.
  - Iowa Utilities Board Docket No. RPU-04-2, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom Changes adopted to Iowa's price regulation statutes in 2002 permitted Iowa Telecom to seek a rate increase, and on May 24, 2002, it filed a request to increase its residence and business rates by as much as 112 percent to pay for its debt financing costs and to begin installing limited network improvements. OCA litigated the requested increase, and on December 26, 2002, the Board rejected Iowa Telecom's proposed rate increases finding they were unreasonable and Iowa Telecom had not demonstrated tangible benefits to customers, but permitted the company to equalize rates, increased by 3 percent, and permitted pricing flexibility to meet competition in specific exchanges. Iowa Telecom appealed to district court, and the appeal was resolved in April 2004, by permitting Iowa Telecom rate consolidation and an increase which was to be applied to network improvements in Iowa. The Board approved Iowa Telecom's formal network improvement plan on May 11, 2004.
- Iowa Utilities Board Docket No. RPU-04-3, MidAmerican Energy Company The IUB approved a stipulation and agreement between MidAmerican Energy Company and OCA filed on December 21, 2004 concerning the utility's application for determination of ratemaking principles on a proposed 30 MW to 90 MW expansion of a 310 MW wind-powered generation project. The stipulation and agreement would extend the ratemaking principles approved for the original project to the expansion project and continue the revenue freeze and revenue sharing agreement through 2010. Additionally, MidAmerican committed not to file for a general increase in rates that would be effective prior to December 31, 2011, unless its return on equity falls below 10 percent, and after 2010, the customers' portion of the 2011 revenue sharing calculation will be returned to ratepayers. The expansion project will add flexibility to MidAmerican's generation portfolio and promote Governor Vilsack's announced goal of having 1,000 MW of renewable resources in Iowa.
- Light Company and MidAmerican Energy Company On June 13, 2003 the IUB rejected applicants' proposal to transfer ownership and/or management of utility transmission facilities to TRANSLink Transmission Company, L.L.C., a proposed independent transmission company. OCA recommended that the Board not approve the reorganization unless accompanied by certain conditions, including the Board's retention of its statutory jurisdiction over the transmission component of bundled retail utility service, in order to assure that consumers continue to receive adequate transmission service under just and reasonable terms. While rejecting the proposed application, the Board encouraged applicants to reapply and include evidence or conditions to assure that ratepayer interests would not be detrimentally affected by the reorganization. Applicants

did not pursue this reorganization and, instead, are pursuing regional transmission organization membership/affiliation through the Midwest Independent System Operator (MISO). OCA continues to participate in and monitor ongoing MISO developments.

Iowa Utilities Board Docket No. SPU-04-10, Iowa Telecommunications Services, Inc. d/b/a Iowa Telecom - On April 12, 2004, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom proposed a reorganization involving a recapitalization of the Company through a public offering of Income Deposit Securities (IDS), with each IDS representing one share of Iowa Telecom common stock and a senior subordinated note to be issued by Iowa Telecom. The proposed reorganization included a sale of the controlling capital stock of the Company, subject to review by the IUB. OCA resisted Iowa Telecom's proposed reorganization because the company's capitalization was already very weak and the recapitalization would further weaken that capitalization by the planned payment of excessive dividends and the resulting reduction of equity capital. Though acknowledging the risks, the Board accepted Iowa Telecom's proposal. Capital markets in the United States, however, have not been receptive to income deposit securities. Iowa Telecom dropped its plan to issue IDSs and pursued more conventional financing. On November 18, 2004, Iowa Telecom made an initial public offering of 19.1 million shares of common stock with 8.3 million offered by the company and 10.1 million shares offered by existing stockholders at an initial offering price of \$19.

# **LEGAL SERVICES**

# LEGAL SERVICE GRANTS

Under Iowa Code section 13.34, the Attorney General is directed to contract with eligible nonprofit organizations to provide legal assistance to eligible individuals in poverty. In FY03 and FY04, the Attorney General's office utilized available appropriations and contracted with the Legal Services Corporation of Iowa and the Polk County Legal Aid Society under this section.

# SUMMARIES OF ATTORNEY GENERAL OPINIONS

Note: Iowa Attorney General Opinions issued after 1977 are now available on the Department of Justice's website: <a href="www.lowaAttorneyGeneral.org">www.lowaAttorneyGeneral.org</a>.

For opinions issued prior to 1977, opinions can be obtained by contacting the Attorney General's Office at 515/281-5166.

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#### SUMMARY OF OPINIONS ISSUED 2003-2004

#### **CITIES**

Home Rule; regulation of precursor substances. Iowa Const. art. III, § 38A; Iowa Code ch. 124B; Iowa Code § 364.1 (2003); 2004 Iowa Acts, 80<sup>th</sup> G.A., ch. 127. A city in Iowa may legitimately exercise its home rule power by enacting an ordinance requiring local retail vendors to record the name and address of persons who purchase identified methamphetamine precursor substances. (Scase to Van Haaften, Director, Office of Drug Control Policy, 6-9-04) #04-6-1

#### CITIES; TAXATION

Tax increment financing. Iowa Code §§ 403.19, 428.24-.29, 441.26, and ch. 433, 434, 437, 437A and 438 (2003). Property centrally assessed under the authority of Director of the Department of Revenue, pursuant to Iowa Code sections 428.24 through 428.29, and Iowa Code chapters 433, 434, 437, 437A, and 438, is not listed on the assessment rolls maintained by the county assessor pursuant to Code section 441.26 and, therefore, is not included in determining the tax increment financing available to fund urban renewal projects under Code section 403.19. (Miller to Martin, Cerro Gordo County Attorney, 9-11-03) #-03-9-1

# COUNTY AND COUNTY OFFICERS; INCOMPATIBILITY OF OFFICES; CONFLICT OF INTEREST

County board of supervisors serving on governing board of 28E entity. Iowa Code § 331.216 (2003). The common law doctrine of incompatible offices is not applicable to dual service by county supervisors as self-appointed board directors of a city/county solid waste agency formed pursuant to Iowa Code chapter 28E. Iowa Code section 331.216 authorizes such dual service by county supervisors in self-appointed positions. We cannot determine in an opinion whether an impermissible conflict of interest has been created by participation of supervisors in zoning decisions affecting a city/county solid waste agency which they also serve as board members. (Smith to Lundby, State Senator, and Dandekar, State Representative, 11/24/04) #04-11-1(L)

# **COUNTIES AND COUNTY OFFICERS; COUNTY ATTORNEY**

County compensation board; salary range for county attorney. Iowa Code §§ 331.752, 331.907 (2003). A county compensation board which uses the current salary of a district court judge at the time the board makes its recommendation to determine the allowable range of the

salary for the county attorney is in substantial compliance with Iowa Code section 331.907 (2003). (Grady to Black, State Senator, 9-17-03) #03-9-2(L)

#### **EMINENT DOMAIN**

Notice and hearing to owners of agricultural land. Iowa Const. art. I, § 18; Iowa Code §§ 6B.1A, 6B.2A (2001). An acquiring agency seeking to make a public improvement on agricultural land generally must provide notice and hearing to affected landowners. The acquiring agency may forgo providing notice and hearing if it plans to obtain necessary property or easements from all landowners by dedication or voluntary negotiation and purchase. If the acquiring agency finalizes its plans for the public improvement and then discovers it cannot acquire all necessary property or easements by dedication or voluntary negotiation and purchase, the agency should proceed with notice, public hearing, and condemnation proceedings. (Kempkes and Scase to Lord and Behn, State Senators, 1-8-03) #03-1-1

#### GARNISHMENT

Effect of expiration or return of writ of execution for wage garnishment on levying. Iowa Code §§ 626.16, 626.27, 642.22(1)(b) (2003). Levying under a writ of execution for wage garnishment is possible until the earlier of (1) the writ's return, or (2) the seventy-day time frame prescribed by Iowa Code section 626.16 expires. Return of the writ does not prevent remaining acts or events involved in or attendant to disbursing or releasing the funds collected under that writ from continuing. Assuming the garnishor's underlying judgment is not fully satisfied from the funds collected under an initial writ, wage garnishment may continue by levying under a new writ or new series of writs-upon proper notice-until the judgment is satisfied or expires, whichever occurs first. (Vaudt to Walk, Mitchell County Attorney, 7-12-04) # 04-7-2(L)

# INCOMPATIBILITY OF OFFICES

Mayor and deputy sheriff. Iowa Code §§ 331.652(7); 331.903(4); 372.14 (2003). A deputy sheriff does not hold a "public office" for purposes of the incompatibility doctrine. Accordingly, the mayor of a city could simultaneously serve as a deputy sheriff for the county in which the city is located. To the extent that the 1912 Op. Att'y Gen. 276 and 1978 Op. Att'y Gen. 325 conflict with this opinion by holding that the position of deputy sheriff is an office, they are overruled. (Odell to Whitacre, Mills County Attorney, 3-22-04) #04-3-1

#### **MUNICIPALITIES**

Building Code Requirements; Condominiums. Iowa Code §§103A.3(3), 103A.3(14), 499B.20 (2003). When the state building code is not applicable, Iowa Code section 499B.20 requires compliance with all local building regulations, not merely those regulations labeled as a local "building code," prior to conversion of existing apartments to condominiums. (Sheridan to Greimann, State Representative, 2-17-04) #04-2-1(L)

#### MUNICIPALITIES; WEAPONS; PREEMPTION

Authority of city to impose restrictions upon carrying weapons. Iowa Code §§ 364.1, 724.4 and 724.28 (2003). The Iowa courts would likely construe the preemption provision contained in Iowa Code section 724.28 narrowly and find that the statute does not interfere with the authority of a city to exercise its home rule power to place restrictions upon the possession of weapons which apply only to buildings owned or directly controlled by the city. (Odell to Wise, State Representative, 4-6-03) #03-4-1

#### RETIREMENT FUND FOR PUBLIC EMPLOYEES

Department of Administrative Services: Offsets against state employees' retirement fund. Iowa Code §§ 97B.39, 421.17(29) (2003), repealed and substantively reenacted as § 8A.504 by 2003 Iowa Acts, 80 G.A., ch. 148, § 86. Iowa Code section 8A.504 does not authorize the Iowa Department of Administrative Services to offset any amounts paid or payable from the IPERS fund under Iowa Code chapter 97B, except for purposes of enforcing child, spousal or medical support obligations or marital property orders, and then only to the extent the obligations are liabilities owed to a state agency, support debts enforced by the child support recovery unit pursuant to Iowa Code chapter 252B, or such other qualifying debts, and subject to the limitation regarding the maximum amount of allowable garnishment found in 15 U.S.C. §1673(b). (Hardy to Anderson, Director, Iowa Department of Administrative Services, 10-20-03) #03-10-1

#### **TAXATION: PROPERTY TAX**

Levee and drainage district taxes; administrative fee. Iowa Code §§ 331.553, 446.7, 468.39, 468.50-468.51 (2003). The five dollar administrative fee authorized by Iowa Code section 331.553(4) is applicable to each special assessment for levee or drainage district benefits certified to the county treasurer. The administrative fee is added to the lien of the unpaid assessment on each tract, parcel or lot on which the assessment is levied. If payment in the

amount of the entire outstanding lien, including the administrative fee, is not made in a timely manner, the property is subject to sale at the annual tax sale. (Smith to Matthews, Louisa County Attorney, 7-12-04) #04-7-1

#### WEAPONS

Possession of firearms by a felon following restoration of citizenship rights. Iowa Code §§ 724.26, 724.27 (2003). An executive order restoring citizenship rights to a felon does not authorize the felon to possess a firearm under current Iowa Code sections 724.26 and 724.27, unless the order expressly authorizes the possession of firearms. (Tauber to Arnold, State Representative, 9-17-03) #03-9-3(L)

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#03-9-2(L) County Attorney: County compensation board; salary range for county

attorney

#04-11-1(L) Incompatibility of Offices; Conflict of Interest: County board of

supervisors serving on governing board of 28E entity

**County Attorney** 

#03-9-2(L) Counties and County Officers: County compensation board; salary range

for county attorney

**Eminent Domain** 

#03-1-1 Notice and hearing to owners of agricultural land

**Garnishment** 

#04-7-2(L) Effect of expiration or return of writ of execution for wage garnishment on

levying

#### **Incompatibility of Offices**

#04-11-1(L) County and County Officers; Conflict of Interest: County board of

supervisors serving on governing board of 28E entity

#04-3-1 Mayor and deputy sheriff

#### **Municipalities**

#04-2-1(L) Building Code Requirements; Condominiums

#03-4-1 Weapons; Preemption: Authority of city to impose restrictions upon

carrying weapons

#### **Preemption**

#03-4-1 Municipalities; Weapons: Authority of city to impose restrictions upon

carrying weapons

#### **Property Tax**

#04-7-1 Taxation: Levee and drainage district taxes; administrative fee

### **Retirement Fund for Public Employees**

#03-10-1 Department of Administrative Services; Offsets against state employees'

retirement fund

#### **Taxation**

#03-9-1 Cities: Tax increment financing

#04-7-1 Property Tax: Levee and drainage district taxes; administrative fee

# Weapons

#03-4-1 Municipalities; Preemption: Authority of city to impose restrictions upon carrying weapons

#03-9-3(L) Possession of firearms by a felon following restoration of citizenship rights

